

## **ARTICLE 2 - DEFINITIONS**

### **2.1 Generally**

For the purpose of interpreting this Ordinance, certain words or terms are defined in this article. Except as defined herein or in other sections of this Ordinance, all words used in this Ordinance shall have their customary dictionary definition. Unless the context clearly indicates otherwise, the terms defined in this Ordinance shall have the meanings indicated below.

### **2.2 Interpretation of Commonly Used Terms and Words**

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular number include the plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine gender.
- (3) "Person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- (4) "Lot" includes the words "plot", "parcel", and "tract".
- (5) The word "structure" includes the word "building".
- (6) The word "shall" is always mandatory and not merely directory.
- (7) "Use", as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used."
- (8) "Map", "zoning map" or "Navassa Zoning Map" shall mean the official zoning map of the Town of Navassa, North Carolina.
- (9) The words "Town Council", "Council", and "governing body" shall refer to the Town Council of the Town of Navassa, North Carolina.
- (10) The words "Planning Board" shall refer to the Planning Board of the Town of Navassa, North Carolina.
- (11) The words "Board of Adjustment" shall refer to the Board of Adjustment of the Town of Navassa, North Carolina, established by this Ordinance.
- (12) The word "Ordinance" refers to this "Zoning Ordinance" document.
- (13) The word "Town" refers to the "Town of Navassa".
- (14) The words "North Carolina General Statutes" is the same as "NCGS".

### **2.3 Definition of Commonly Used Terms and Words**

**A**

**ABUTTING**

The property either directly touches another piece of property or is separated by a street or utility right-of-way.

**ACCESSORY BUILDING, STRUCTURE, OR USE**

A building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure.

**ACCESSORY BUILDING, MINOR**

An accessory building not larger than one-hundred twenty (120) square feet in gross floor area.

**ACCESSORY BUILDING, MAJOR**

An accessory building larger than one-hundred twenty (120) square feet in gross floor area.

**ADULT ESTABLISHMENT**

Any principal or accessory structure or use of land, which meets the definition of adult establishment as set forth in NC General Statute 14-202.10, but excluding "Massage and Bodywork Therapy".

**AMATEUR WIRELESS FACILITY**

Non-commercial, amateur, ham radio or citizen's band antenna supporting structures, antennas or antenna arrays with an overall height of ninety (90) feet or less, as measured from grade to the highest point on the tower.

**APARTMENT COMPLEX**

Two (2) or more buildings, each consisting of two dwelling units or more, under common ownership and located on the same or directly abutting pieces of property.

**ALLEY**

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

**B**

**BOARDING AND ROOMING HOUSE**

An owner-occupied dwelling, or part thereof, in which lodging is provided for not more than six (6) paying guests on a daily or longer basis and where the rooms rented do not constitute separate dwelling units.

**BUILDING**

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

**BUILDING, HEIGHT OF**

The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the height level between the eaves and ridge of a gable, hip, or gambrel roof.

**C**

**CAMPGROUND, RECREATIONAL VEHICLE PARK**

An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents and recreational vehicles, and which is primarily used for recreational purposes and retains an open air or natural character.

**CAMPGROUND – YOUTH OR ORGANIZED GROUPS**

An establishment in an open air or natural setting either publicly or privately owned, complete with buildings, structures, and sanitary facilities and services designed for recreation and/or education for: (a) youth groups; or (b) organized secular or religious organizations for their members and not open to the general public.

**CANOPY TREES**

Canopy trees shall be of a species having an average minimum height of fifteen (15) feet and a minimum mature crown spread of twenty (20) feet. At the time of planting, the tree shall have a minimum caliper of two (2) inches measured at four (4) feet above ground.

**CONDOMINIUM**

A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (N.C.G.S. § 47A) and/or the North Carolina Condominium Act (N.C.G.S. § 47C).

**D**

**DAY CARE CENTER**

Any facility, other than a private dwelling, operated for the purpose of providing care, protection and guidance to children or adults during only part of a twenty four (24) hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses, but excludes public and private educational facilities or any facility offering care to individuals for a full twenty four (24) hour period.

**DAY CARE, HOME**

An operation in which day care is provided for up to five (5) preschool-age children, or up to eight (8) other children and/or adults.

**DRIP LINE**

The area located directly under the outer circumference of a tree's branches.

**DWELLING, SINGLE-FAMILY, DETACHED**

A detached building designed to be occupied by one (1) family, but excluding manufactured homes.

**DWELLING, TWO-FAMILY (DUPLEX)**

A building containing two (2) dwelling units and designed to be occupied by two (2) families, but excluding manufactured homes, and townhouses.

**DWELLING, MULTIFAMILY**

A building containing more than two (2) individual dwellings with separate cooking and toilet facilities for each dwelling. This definition includes apartments and condominiums.

**DWELLING, TOWNHOUSE**

A single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

**DWELLING UNIT**

A building or portion thereof designed, arranged and/or used for the living quarters for one (1) or more persons living as a single family, with cooking facilities, excluding units in rooming, boarding, and tourist houses, family or group care homes, or hotels or motels or other buildings designed for transient residence.

**E**

**EASEMENT**

Authorization by a property owner for the use of another party, for a specified purpose, of any designated part of said property without conferring exclusive possession.

**EQUIPMENT REPAIR – HEAVY**

Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include but are not limited to, automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.

**ESSENTIAL SITE IMPROVEMENTS**

Any construction or reconstruction of the site development features required by any local, state or federal regulations, ordinances or laws, such as underground drainage, off-street parking (not to exceed the minimum standards), driveways, retention areas or similar improvements required for the intended use of the site, which cannot be accommodated on the site without removal of monumental trees.

**F**

**FAMILY**

- (1) An individual; or
- (2) Two (2) or more persons related by blood, marriage, or adoption living together in a single housekeeping dwelling unit (unless the dwelling contains an accessory dwelling unit), which may also include not more than two (2) unrelated persons; or
- (3) A number of persons not exceeding two (2) separate from and in addition to the persons related by blood, adoption or marriage in a single housekeeping dwelling unit; or
- (4) In addition to two (2) or more persons related by blood, marriage, or adoption living together in a single housekeeping dwelling unit, a family may include five (5) or fewer foster children placed in a family foster home licensed by the state.

**FAMILY CARE HOME**

## Town of Navassa Zoning Ordinance

A family care home (NCGS 168-20 to 168-23) with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six (6) residents with disabilities persons as regulated by NCGS 168.

Person with disabilities (NCGS 168-21) means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in NCGS 122C-3(11)b.

### **FLOOR AREA, GROSS**

Gross floor area shall be defined as the number of square feet of total floor area bounded by the exterior faces of a structure, plus the number of square feet of unenclosed space devoted to the conduct of the use, excluding basements and unenclosed porches, balconies and terraces, unless used in conjunction with the use, such as for outdoor eating, merchandising storage, assembly, or similar uses, and excluding off-street parking and loading areas.

## **G**

### **GREENHOUSE, COMMERCIAL**

A retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing or display.

### **GROUP HOME**

#### **(1) GROUP HOME, SPECIAL NEEDS PERSONS**

**(A)** Group home special needs persons for the purposes of this ordinance are:

1. Battered individuals,
2. Abused children,
3. Pregnant woman and their children,
4. Runaway children,
5. Temporarily or permanently disabled mentally, emotionally or physically, individuals recovering from drug or alcohol abuse; and

**(B)** All other persons who possess a disability which is protected by either:

1. The provisions of the Americans with Disabilities Act of 1990, 42 USC 12101,
2. The Fair Housing Act as amended, 42 USC 3601 et seq., or
3. G.S. Chapter 168, Article 3, as they may be amended;

## Town of Navassa Zoning Ordinance

**(C)** But does not include:

1. Any persons who currently use illegal drugs,
2. Persons who have been convicted of the manufacture or sale of illegal drugs, or
3. Persons with or without disabilities who present a direct threat to the health, safety or property of others.

**(D)** Note: Foster children are allowed as part of a family provided the family foster home is licensed by the state (see family definition in Article 2 – Definitions). There are no separation requirements for family homes with foster children.

**(2) GROUP HOME, SMALL**

A dwelling unit in which up to three (3) special needs persons as defined reside with a family.

**(3) GROUP HOME, MEDIUM**

A dwelling unit in which up to eight (8) special needs persons as defined reside. However when a resident supervisor is provided, then the number of special needs persons permitted to reside therein is reduced by the number of resident supervisors residing therein.

**(4) GROUP HOME, LARGE**

A dwelling unit in which up to twelve (12) special needs persons as defined in this section reside. However when a resident supervisor is provided, then the number of special needs persons permitted to reside therein is reduced by the number of resident supervisors residing therein.

### H

#### **HOME OCCUPATION**

The incidental use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services in conformance with Section 8.2(3).

### I

#### **IMPERVIOUS SURFACE**

Any surface which in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but not be limited to compacted earth (such as marl and coquina), gravel, concrete, asphalt, or other paving material, and all area covered by the footprint of buildings or structures. Porous pavement, uncovered wooden slatted decks, the water area of a swimming pool, and LEED (Leadership in Energy and Environmental Design) “green” roofs shall not be considered impervious.

### J K

**KENNEL**

A place or facility established to house, board on a long or short term basis, breed, handle, train, or otherwise keep or care for dogs belonging to the owner or occupant of the property, customers, patrons, or others, or lost or strayed animals, for compensation or as a humanitarian gesture.

**KENNEL, PRIVATE**

A place or facility as accessory use where five (5) or more dogs over four (4) months of age are maintained by the owner or occupant of the property for the personal enjoyment, hobby or sport, whether or not for compensation.

**L**

**LABORATORY FOR RESEARCH AND TESTING**

An establishment for providing offices and other related facilities for basic and applied research or experimental study, testing, or analysis of natural sciences, high technology products or services, including but not limited to pharmaceuticals, fertilizers, cosmetics, chemicals, biological agents or similar products, but not including a medical, dental, optical, or veterinary clinic, or a research facility located on the principal site of a health institution or university.

**LOT**

A single lot of record, or more than one contiguous lot of record in the same ownership, not divided by any street or public alley, that meets the dimensional requirements of this ordinance.

**LOT AREA**

The computed area contained within the lot lines exclusive of any portion lying within a street or road right-of-way.

**LOT, CORNER**

A lot located at the intersection of two (2) or more streets.

**LOT COVERAGE, MAXIMUM IN PERCENT**

The maximum percent of the lot which may be covered with structures. All yard requirements must be met in addition to lot coverage requirements.

**LOT DEPTH**

The distance between the midpoints of straight lines connecting the foremost point of the side lot lines in front and the rearmost points of side lot lines in the rear.

**LOT OF RECORD**

A parcel of land which has been recorded in the office of the Register of Deeds of Brunswick County and which was recorded prior to the date of this ordinance or which was created under the provisions of this ordinance and the Town Subdivision Ordinance.

**LOT WIDTH**

The distance between the side lot lines measured along a setback line or build-to line, or the distance measured between the side lot lines along the street right-of-way if no setback has been established.

**M**

**MANUFACTURED HOME**

A dwelling unit that is not constructed in accordance with the standards of the State Uniform Residential Code for one (1) family and two (2) family dwellings, is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site in its own chassis, and exceeds forty (40) feet in length and eight (8) feet in width. A manufactured home shall not be manufactured more than twelve (12) years old, measured from January 1 of the present year. Typically Class "A" manufactured home is considered a "double-wide" and Class "B" is a "single-wide".

**MANUFACTURED HOME, MODULAR**

A dwelling unit that: (1) Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the site on its own chassis; and (2) Is constructed in accordance with the North Carolina Uniform Residential Building Code.

**MANUFACTURED HOME PARK**

A residential use in which more than three (3) Class A or B manufactured homes are located on a single lot or tract. See Section 9.2(27) for specific provisions related to manufactured home parks.

**MANUFACTURED HOME SUBDIVISION**

Divisions of a tract or parcel of land into two (2) or more lots, building site, or other divisions for the purpose of sale or manufacturing home sitting (whether immediate or future).

**MIGRANT LABOR HOUSING**

A building, structure, barracks, or dormitory, and the land appertaining thereto, that is rented or reserved for occupancy by five (5) or more migrant farm workers, except any housing owned or operated by a public housing authority, unless such housing is specifically provided for persons whose principal income is derived from agriculture.

**N**

**NONCONFORMING LOT**

A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING SIGN**

Any sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

**NONCONFORMING STRUCTURE OR BUILDING**

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING USES**

Any actual and active use lawfully being made of any land, building, sign or structure not otherwise abandoned, which exists on the effective date of this Ordinance or on the effective date of any amendment thereto, and renders such existing use illegal within a district, or which does not comply in any fashion with any of the regulations of this Ordinance or any amendments thereto. If the property or structure is vacant or unused on the effective date of this Ordinance or any amendment thereto, it shall be conclusively presumed that the property or structure is subject to the provisions of this Ordinance or any amendments thereto. A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**NONCONFORMITY**

A nonconforming use, structure, lot of record, or sign.

**O**

**OPEN SPACE**

Land areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

**P**

**PERSONAL SERVICES**

Establishments not of an adult nature, defined elsewhere in this section, or listed as a separate use, which provide non-medically related services to individuals. Such uses include, but are not limited to: barber shops, beauty salons and spas, clothing rental, coin-operated laundromats, marriage counseling, massage therapy business, personal laundry and dry cleaning establishments, photographic studios, tattoo parlors and travel agencies. These uses may also include accessory retail sales of products related to the services provided.

**PLANNED UNIT DEVELOPMENT (PUD)**

An area of land under unified ownership and control to be developed and improved as a single entity pursuant to Article 6 of this Ordinance.

**PLANNING DIRECTOR**

The Town employee serving as a department planning head of the Town.

**PRINCIPAL BUILDING, USE, OR STRUCTURE**

The main use of a lot or the building or structure in or on which the main use of the lot takes place.

**Q**

**R**

**RECREATION FACILITY, PRIVATE**

## Town of Navassa Zoning Ordinance

An establishment that provides recreation services or facilities, such as swimming pools, racket courts, and health and exercise equipment, primarily to residents of a subdivision or other residential development on a fee or membership basis and that is generally not open to the public. Private recreation facilities may include any accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

### **RECREATION FACILITY, COMMERCIAL**

An establishment that provides recreation services or facilities, such as health or exercise gyms, batting cages, mini-golf, racket clubs and martial arts studios, primarily to members of the general public, typically on a fee or membership basis. Commercial recreation facilities may include any accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

### **RESTAURANT**

An establishment whose primary purpose is serving meals to patrons.

### **RESTAURANT (WITH DRIVE THROUGH SERVICE)**

Any restaurant which makes provision for drive-in-window curbside service.

### **RIGHT-OF-WAY, STREET**

A strip of land, owned publicly or privately which affords the principal means of access to and which is held exclusive from abutting property.

### **ROOF LINE**

The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including penthouses or equipment structures.

## **S**

### **SHOPPING CENTER**

Any building or group of buildings on the same site containing more than two (2) retail or wholesale trade establishments.

### **SIGN**

Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

### **SIGNS – TYPES:**

#### **(1) ELECTRONIC MESSAGE AND CHANGEABLE COPY**

An animated message sign using flashing or intermittent lights, sound, color changes or other mechanical or electric means to give motion, the impression of

## Town of Navassa Zoning Ordinance

motion/movement or the optical illusion of motion to the sign; or any sign with visible moving, revolving, or relocating parts.

**(2) CAMPAIGN (OR ELECTION)**

A sign that advertises a candidate for political office, or issue to be voted on, on a definite election day.

**(3) CANOPY (OR AWNING)**

A sign attached to or painted on a canopy or awning.

**(4) DIRECTIONAL**

A sign used to guide vehicular and/or pedestrian traffic by using such words as "entrance," "exit," "parking," "one-way," or similar directional instructions, but not including any advertising message except logos.

**(5) DIRECTORY**

A ground or building sign that lists tenants or occupants of a building or development project, with unit numbers, arrows, or other directional information.

**(6) FREESTANDING**

A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.

**(7) GROUND**

A sign erected on a freestanding frame, mast and/or pole and not attached to any building, fence or wall.

**(8) HANGING**

A sign suspended from under a canopy covering a sidewalk or pedestrian arcade.

**(9) IDENTIFICATION**

A sign which contains any or all of the following, but containing no logo or commercial message: the name of the occupant, owner, or establishment, the type of establishment, the name of the franchise, the hours of operation and street address when located on the site of the establishment.

**(10) INCIDENTAL**

An informational sign that has a purpose secondary to the use of the site on which it is located, such as an "entrance" or "no parking" sign. Such signs do not contain a commercial message that is legible from off-site areas.

**(11) INFLATABLE**

An inflatable sign, including inflated balloons with a diameter of greater than two (2) feet, except as allowed by a part of a temporary display as a part of a holiday or civic event.

**(12) MENU BOARD**

An accessory sign providing menu items and prices associated with a drive-through window or walk-up service window.

**(13) MONUMENT**

A ground-mounted sign in which the area between the bottom edge of the sign and the ground is substantially filled with a solid architectural material. Solid architectural materials include wood, brick, stone, masonry, or hard-coat stucco but do not include aluminum or similar materials. Substantially filled shall be defined as at least two-thirds (2/3) of the area between the edges of the sign and the ground.

**(14) OFFSITE ADVERTISING**

A sign or structure, pictorial or otherwise, that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided at a location other than on the premises where the sign or structure is located.

**(15) ONSITE ADVERTISING**

A sign which contains information about an establishment or the products or services that it offers, other than that contained in a identification sign, when located on the same site as the establishment to which it refers.

**(16) PORTABLE**

A sign that is not secured to the ground and is designed to be easily moved, including a marquee sign with the wheels and axles removed and placed on a permanent foundation.

**(17) PROJECTING**

A sign which extends beyond and is attached to a wall or face of a structure and may extend over a public right-of-way and does not project more than eighteen (18) inches from the wall or structure, including an arcade/marquee sign.

**(18) PUBLIC INTEREST**

A sign including noncommercial information of interest that may or may not be associated with a particular location.

**(19) REAL ESTATE**

A sign advertising real property for sale or lease.

**(20) REGULATORY**

A sign indicating federal, state, or municipal regulations for automobiles, trucks, bicycles, pedestrian movement, loading, or parking.

**(21) ROOF**

An attached sign erected, constructed or maintained on, upon or over the roof of any structure and which is wholly or partially dependent upon the roof for support or which extends above the soffit of a pitched roof or above the highest point of a mansard roof or parapet wall.

**(22) SANDWICH BOARD**

A portable A-frame sign with two (2) sides, at least one (1) of which is designed to be seen by pedestrians walking along a sidewalk.

**(23) TEMPORARY**

A sign or advertising display designed to be displayed for a short period of time (thirty (30) consecutive days, maximum; six (6) months between occurrences). Included in this category are banners and retailers' signs temporarily displayed for the purpose of informing the public of a sale or "special" offer.

**(24) SNIPE**

A temporary off-premises (non-real estate) commercial sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

**(25) VEHICULAR**

A sign placed or parked in such a manner to advertise a business or product from any street right-of-way. This also includes billboards or outdoor advertising signs mounted to vehicles.

**(26) WALL**

A sign mounted parallel to or painted on a building facade or other vertical building surface or fence that does not project more than eighteen (18) inches from the wall surface.

**SIGN FACE**

The advertising display surface area of a sign that includes the copy or message. In the case of freestanding signs, consists of the entire surface area of the sign on which copy could be placed. Where a sign has two (2) display faces back to back, the area of only one face shall be considered the sign face area. Where a sign has more than one display face, all areas that can be viewed simultaneously shall be considered the sign face area. In the case of a sign whose message is fabricated together with the background that borders or frames that message, sign face area shall be the total area of the entire background. In the case of a sign whose message is applied to a background that provides no border or frame, sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems, and other elements of the sign message.

**SIGN HEIGHT**

The vertical distance as measured at the highest point of the sign to the elevation of the principal grade of the road or street to which the sign is oriented.

**SIGN LIGHTING, BACK LIT**

Illumination of a sign face where the letters are raised beyond the sign's background and lighting sources that illuminate the background. The lighting sources are covered so that they are not visible and only the sign's background is illuminated.

**SIGN SUPPORT STRUCTURE**

For freestanding signs, the poles or bracing to which the sign is attached or mounted.

**SITE SPECIFIC DEVELOPMENT PLAN**

A plan that has been submitted to the Town describing with reasonable specificity the type and intensity of use for a specific parcel or parcels of property. Site specific development plans shall include the following:

## Town of Navassa Zoning Ordinance

- (1) Site plans submitted pursuant to Section 16.2(2);
- (2) Site plans for Special Use Districts submitted pursuant to Section 5.4(1)(D);
- (3) Final plans for Planned Unit Developments submitted pursuant to Section 6.8; and
- (4) Preliminary and final plats pursuant to Article 3 of the Town Subdivision Ordinance.
- (5) Any document, including a variance and a sketch plan, which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall not constitute a site specific development plan.

### **SOLAR SYSTEMS:**

- (1) **BUILDING-INTEGRATED SOLAR SYSTEM-** An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water systems that are contained within roofing materials, windows, skylights, and awnings.
- (2) **SOLAR ENERGY SYSTEM-** A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating. Solar Energy Systems may include, but not be limited to, solar farms and any of several devices that absorb and collect solar radiation for use as a source of energy as an accessory use.
- (3) **SOLAR FARM-** An area of land designated for the sole purpose of deploying photovoltaic power and generating electric energy.
- (4) **ACCESSORY SOLAR COLLECTOR/ENERGY SYSTEM-** A solar energy system that is of a nature customarily incidental or subordinate to the primary use or structure on the same lot.
- (5) **GRID-TIED SOLAR SYSTEM-** A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

### **STRUCTURE**

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, fences, signs and swimming pools.

## **T**

### **TEMPORARY EVENT**

A use permitted for a short duration of time on an irregular basis. Temporary events include such uses as carnivals or fairs, religious tent revivals, farm stands, sale of seasonal decorations, etc.

### **TEMPORARY USE**

## Town of Navassa Zoning Ordinance

A use established for a fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations. Examples include but are not limited to temporary manufactured homes, construction office trailers, etc.

### U V

#### **UNDERSTORY TREES**

Understory trees shall be of a species having an average minimum height of eight (8) feet and a minimum mature crown spread of twelve (12) feet. At the time of planting, the tree shall have a minimum caliper of two (2) inches measured at four (4) feet above ground.

#### **VARIANCE**

A relaxation of the terms of this Ordinance under specific conditions set forth in Section 16.1(3).

### W X Y

#### **YARD**

An open space on the same lot with a principal structure or use unobstructed and unoccupied by any structure or portion thereof or parking or loading area, except as provided in this ordinance.

#### **YARD, FRONT**

A yard extending the full width of the lot and situated between the right-of-way line and the front line of the principal structure or use projected to the side lines of the lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel.

#### **YARD, REAR**

A yard extending the full width of the lot and situated between the rear line of the lot and the principal structure or use projected to the side lines of the lot.

#### **YARD, SIDE**

A yard extending along either side of a lot measured from front yard line to rear yard line and lying between the side lot line and the principal structure or use on the lot.

### Z

#### **ZONING ADMINISTRATOR**

The official charged with the enforcement of this Ordinance, who shall be the Chair of the Planning Board or their "appointee."