

**TOWN OF SILER CITY
ORDINANCE 09-20-2021 UDO**

AN ORDINANCE AMENDING ARTICLE II (BASIC DEFINITION AND INTERPRETATIONS) AND ARTICLE VIII (NONCONFORMING SITUATIOIONS) OF THE TOWN OF SILER CITY UNIFIED DEVELOPMENT ORDINANCE (UDO)

NOW THEREFORE, be it ordained by the Board of Commissioners of the Town of Siler City, in the State of North Carolina, as follows:

SECTION 1: **AMENDMENT** “18 Definitions” of the Town of Siler City Unified Development Ordinance (UDO) is hereby *amended* as follows:

AMENDMENT

18 Definitions

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Ordinance.

- (a) **Abandonment.** To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.
- (b) **Abutting.** Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.
- (c) **Accessory Structure.** A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.
- (d) **Accessory Use.** A use incidental to, and on the same lot as, a principal use.
- (e) **Administrative decision.** Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in Chapter 160D or Town development regulations. These are sometimes referred to as “ministerial” decisions or “administrative determinations.
- (f) **Administrative hearing.** A proceeding to gather facts needed to make an administrative decision.
- (g) **Alley.** A public or private way permanently reserved as a secondary means of access to abutting property
- (h) **Alteration.** Any change, addition, or modification in construction or occupancy of an existing structure.
- (i) **Applicant.** See “Developer”.

- (j) **Arbor.** A garden feature forming a shaded walkway, passageway or sitting area of vertical posts or pillars that usually support cross-beams and a sturdy open lattice.
- (k) **Aviation Lighted Beacon.**
 - (1) Lighted beacons are used to locate and identify civil airports, military airports, seaplane bases, and heliports.
 - (2) Beacons must appear, at any point throughout 360 degrees in azimuth, as a light source emitting flashes of white and/or colored light at specified rates, colors, and intensities per the latest version of the FAA Advisory Circular 150/5345-12.
 - (3) In order to minimize impact to airspace (Part 77 Transitional Surface, in most cases), it is desirable from a safety standpoint to site beacons as far away from the runway as is practical.
- (l) **Bufferyard.** Open Space setbacks which separate site improvements from adjacent property lines and street right-of-way. These may contain natural materials including but not limited to vegetation, ground cover, much, etc. Fencing, paving, gravel, buildings, dumpsters, storage, curb and gutter, etc. are all prohibited within the bufferyard.
- (m) **Building.**
 - (1) Any structure used or intended for supporting or sheltering any use or occupancy.
 - (2) See "Structure"
- (n) **Building, Principal.** The primary building on a lot or a building that houses a principal use.
- (o) **Building Line.** The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line.
- (p) **Built Upon Area.**
 - (1) For purposes of implementing stormwater programs:
 - a. "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil.
 - b. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour) and in accordance with the provisions of G.S. 143-214.7(b2) (S.L. 2015-149)
 - (2) For purposes of implementing watershed protection ordinance:
 - a. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc.
 - b. Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.

- (q) **Bus Shelter.** A roofed structure for people to wait under at a bus stop.
- (r) **Bus Stop.** A designated place where buses stop for passengers to board or alight from a bus.
- (s) **Cease.** Bring or come to an end.
- (t) **Certify.** Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the town, the town may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the town may accept certification by telephone from some agency when the circumstances warrant it, or the town may require that the certification be in the form of a letter or other document.
- (u) **Circulation Area.** That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- (v) **Close familial relationship.** A spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.
- (w) **Comprehensive plan.** A comprehensive plan that has been officially adopted by the Town board pursuant to G.S. 160D-501.
- (x) **Conditional zoning.** A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.
- (y) **Debris.** The worthless remains that result from the destruction or breaking down of anything, including automobiles.
- (z) **Decision-making board.** A board assigned to make quasi-judicial decisions under Chapter 160D.
- (aa) **Deck (building).** An outdoor floor structure open to the weather, attached/detached to a building, extending horizontal, and made of wood or wood like material.
- (ab) **Determination.** A written, final and binding order, requirement, or determination regarding an administrative decision.
- (ac) **Developer.** 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.
- (ad) **Development.**
 - (1) Any of the following:
 - a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;
 - b. Excavation, grading, filling, clearing, or alteration of land;
 - c. The subdivision of land as defined in G.S. 160D-802;
 - d. The initiation of substantial change in the use of land or the intensity of the use of land.
 - (2) This definition does not alter the scope of regulatory authority granted by the Articles of Chapter 160D.
- (ae) **Development approval.** An administrative or quasi-judicial approval made pursuant to Chapter 160D that is written and that is required prior to commencing development

or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to Chapter 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

- (af) **Development regulation.** A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to Chapter 160D, or a local act or charter that regulates land use or development.
- (ag) **DBH (diameter at breast height of a tree).** Measured at 4.5 feet above ground surface level.
- (ah) **Dimensional Nonconformity.** A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
- (ai) **Discontinue.**
 - (1) To bring (as an action or operation) to an immediate end.
 - (2) To break the continuity of: cease to operate, administer, use, produce, or take.
 - (3) To abandon or terminate by a legal discontinuance
- (aj) **Driveway.** That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
- (ak) **Due Diligence.** Research, analysis, and investigation done in preparation for a business transaction, signing of a contract, or an act with a certain standard of care.
- (al) **Dwelling.** Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of Chapter 160D Article 12 (Minimum Housing Codes) it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.
- (am) **Dwelling Unit.** A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (an) **Easement.** The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.
- (ao) **Eave.**
 - (1) The edges of a roof which overhang the face of building walls.
 - (2) Primary function of an eave is to keep rain water off the walls and to prevent the ingress of water at the junction where the roof meets the wall.
 - (3) Eaves may also protect the pathway around the building from the rain, prevent erosion of the footings, and reduce splatter on the wall from rains as it hits the

ground.

- (ap) **Evidentiary hearing.** A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under Chapter 160D.
- (aq) **Expenditure.** A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.
- (ar) **Extraterritorial Planning Area.** That portion of the town's planning jurisdiction that lies outside the corporate limits of the town.
- (as) **Facade.** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.
- (at) **Family.** One (1) or more persons living together as a single housekeeping unit.
- (au) **Fence.** Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- (av) **Floor Area, gross.** The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term gross floor area shall include basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six feet six inches or more; penthouses; attic space, whether or to a floor has actually been laid, providing structural headroom of six feet, six inches or more; interior balconies; and mezzanines.
- (aw) **Frontage.** The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.
- (ax) **Garage, private.** A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.
- (ay) **Good Faith.**
 - (1) As defined in the NCGS, Honesty in fact and the observation/observance of reasonable commercial standards of fair dealing.
 - (2) A sincere intention to deal fairly with others.
 - (3) In accordance with standards of trust.
- (az) **Governing board.** The city council. The term is interchangeable with the terms "board of aldermen" and "boards of commissioners" and means any governing board without regard to the terminology employed in charters, local acts, other portions of the General Statutes, or local customary usage.
- (ba) **Grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.
- (bb) **Guardhouse.** A building accommodating a guard who controls entrance to the grounds of a house, housing development, school, or other facility. Also known as a watch house, guard building, guard booth, guard shack, security booth, security building, kiosk.

- (bc) **Gutter (rain).** A narrow, shallow trough or duct fixed beneath the edge of a roof for collecting, carrying, and diverting rainwater away from the structure.
- (bd) **Habitable Floor.** Any floor useable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.
- (be) **Handicapped.** As used herein, the term "handicapped" shall mean having:
 - (1) a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
 - (2) a record of having such an impairment; or
 - (3) being regarded as having such an impairment.
 However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals.
- (bf) **Handicap Ramp.** An inclined plane installed in addition to or instead of stairs. Ramps permit wheelchair users, as well as people pushing strollers, carts, or other wheeled objects, to more easily access a building.
- (bg) **Hazardous substances.** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.
- (bh) **Height, building.** The vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.
- (bi) **Homeowners Association.** A formally constituted nonprofit association or corporation made up of the property owners and/or residents of a fixed area; may take permanent responsibility for costs and up keep of semiprivate community facilities.
- (bj) **HUD Label.** The form of certification required by the United States Department of Housing and Urban Development (HUD) to be permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States to indicate that the manufactured home conforms to all applicable federal construction and safety standards.
- (bk) **Industry, heavy.** A use engaged in the basic processing and industrial of materials or products predominately from extracted or raw materials, or use engaged in storage of, or industrial processes using flammable or explosive materials, or storage or industrial processes that potentially involve hazardous or commonly recognized offensive conditions.
- (bl) **Industry, light.** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- (bm) **Junk.** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.
- (bn) **Junked Motor Vehicle.** A vehicle that does not display a current license plate lawfully upon that vehicle and that:

- (1) Is partially dismantled or wrecked; or
 - (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move.
- (bo) **Land development regulation.** Any State statute, rule, or regulation, or local ordinance affecting the development or use of real property, including any of the following:
- (1) Unified development ordinance.
 - (2) Zoning regulation, including zoning maps.
 - (3) Subdivision regulation.
 - (4) Erosion and sedimentation control regulation.
 - (5) Floodplain or flood damage prevention regulation.
 - (6) Mountain ridge protection regulation.
 - (7) Stormwater control regulation.
 - (8) Wireless telecommunication facility regulation.
 - (9) Historic preservation or landmark regulation.
 - (10) Housing code.
- (bp) **Landowner or owner.** The holder of the title in fee simple. Absent evidence to the contrary, the Town may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.
- (bq) **Legislative decision.** The adoption, amendment, or repeal of a regulation under Chapter 160D or an applicable local act. It also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of Chapter 160D.
- (br) **Legislative hearing.** A hearing to solicit public comment on a proposed legislative decision.
- (bs) **Litter.** Rubbish or refuse scattered about any development.
- (bt) **Loading and Unloading Area.** That portion of the vehicle accommodation area used to satisfy the requirements of §288.
- (bu) **Local act.** As defined in G.S. 160A-1(5).
- (bv) **Lot.** A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.
- (bw) **Lot Area.** The total area circumscribed by the boundaries of a lot, except that:
- (1) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street, and
 - (2) in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.
- (bx) **Lot, corner.** A lot abutting on and at the intersection of two or more streets.

- (by) **Lot depth.** The average horizontal distance between the front and rear lot lines.
- (bz) **Lot, flag.** Lots or parcels that the town has approved with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage.
- (ca) **Lot line.** A line dividing one lot from another lot or from a street or alley.
- (cb) **Lot substandard.** A lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provide that such lot or parcel was of record as a legally created lot on the effective date of this ordinance.
- (cc) **Manager.** See “Operator”
- (cd) **Manufactured Home Skirting.** The enclosure of the perimeter of a manufactured home.
- (ce) **Manufactured Home Space.** A plot of land within a manufactured home park rental community designed for the accommodation of a single manufactured home.
- (cf) **Manufactured Home Stand.** That portion of the manufactured home space designed for and used as the area occupied by the manufactured home.
- (cg) **Masonry.** The building of structures from individual units, which are often laid in and bound together by mortar; the term masonry can also refer to the units themselves. The common materials of masonry construction are brick, building stone such as marble, granite, travertine, and limestone, cast stone, concrete block, glass block, and adobe. Masonry is generally a highly durable form of construction. However, the materials used, the quality of the mortar and workmanship, and the pattern in which the units are assembled can substantially affect the durability of the overall masonry construction. A person who constructs masonry is called a mason or bricklayer.
- (ch) **Mobile Home Skirting.** The enclosure of the perimeter of a mobile home.
- (ci) **Mobile Home Space.** A plot of land within a mobile home park rental community designed for the accommodation of a single mobile home.
- (cj) **Mobile Home Stand.** That portion of the mobile home space designed for and used as the area occupied by the mobile home.
- (ck) **Motor Vehicle or Vehicle.** All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle. This term includes but is not limited to: automobiles, motorcycles, scooters, trucks, tractor trailers, dump trucks, farm tractor, utility trailers, boat trailers, and recreational vehicles.
- (cl) **Multi-phased development.** A development containing twenty-five (25) acres or more that is both of the following:
 - (1) Submitted for development permit approval to occur in more than one (1) phase.
 - (2) Subject to a master development plan with committed elements showing the type and intensity of use of each phase.
- (cm) **Operator/Manager.** The individual that is responsible for the daily operations of a use.
- (cn) **Parcel.** A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.
- (co) **Parking Area Aisles.** A Portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
- (cp) **Parking Space.** A portion of the vehicle accommodation area set aside for the parking

- of one vehicle.
- (cq) **Perennial waterbody.** A natural or man-made basin that stores surface water permanently at depths sufficient to preclude growth of rooted plants, including lakes, ponds, sounds, non-stream estuaries and ocean. For the purpose of the States riparian buffer protection program, the waterbody must be part of a natural drainageway (i.e., connected by surface flow to a stream).
 - (cr) **Pergola.** A garden feature forming a shaded walkway, passageway or sitting area of vertical posts or pillars that usually support cross-beams and a sturdy open lattice. Also give climbing plants a structure on which to grow or woody vines are trained.
 - (cs) **Person.** An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.
 - (ct) **Planning and development regulation jurisdiction.** The geographic area defined in Chapter 160D within which the Town may undertake planning and apply the development regulations authorized by Chapter 160D.
 - (cu) **Principal building.** A building in which the primary use of the lot on which the building is located is conducted.
 - (cv) **Principle use.** The main use of land or structures, as distinguished from a secondary or accessory use.
 - (cw) **Property.** All real property subject to land-use regulation by the Town and includes any improvements or structures customarily regarded as a part of real property.
 - (cx) **Public Water Supply System.** Any water supply system furnishing portable water to ten (10) or more dwelling units or businesses or any combination thereof.
 - (cy) **Quasi-judicial decision.** A decision involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.
 - (cz) **Residence.** A person's home. The place where someone lives.
 - (da) **Residential.** Designed for people to live in.
 - (db) **Road, public.** All public property reserved or dedicated for street traffic.
 - (dc) **Road, private.** All private ways used to provide motor vehicle access to:
 - (1) two or more lots; or
 - (2) two or more distinct areas or buildings in unsubdivided developments.
 - (dd) **Roof.** The structure forming the upper covering of a building or shelter which provides protection from animals and weather.
 - (de) **Short Term.** Occuring over or involving a relatively short period of time [less than

one hundred eighty (180) days].

(df) Sign. Any device that:

- (1) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision (2) of this definition; and
- (2) is designed to attract the attention of such persons or to communicate information to them.

(dg) Site plan. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include, but is not limited to, site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

(dh) Sleeping Unit. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

(di) Special use permit. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. This definition includes permits previously referred to as “conditional use permits” or “special exceptions.”

(dj) Stairs. A construction designed to bridge a large vertical distance by dividing it into smaller vertical distances, called steps.

(dk) Stoop. A small staircase ending in a platform and leading to the entrance of a house or other building. Also known as a small porch with steps.

(dl) Stream. A body of concentrated flowing water in a natural low area or natural channel on the land surface.

(dm) Stream, Ephemeral. A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.

(dn) Stream, Intermittent. A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the perched or seasonal high-water table. The flow may be supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics

- commonly associated with the continuous conveyance of water.
- (do) **Stream, Perennial.** A well-defined channel that contains water year-round during a year of normal rainfall with the aquatic bed located below the perched or seasonal high-water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.
- (dp) **Streets.** The roadway or roadways that provide access to vehicles and pedestrians.
- (dq) **Structure.**
- (1) Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.
 - (2) A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
- (dr) **Structure, Completely/Fully Enclosed.** A building or structure that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors.
- (ds) **Structure, Substantially Enclosed.** A structure that has a ceiling or roof but there is an opening or aggregate area of openings in the walls which is less than half of the total area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of the premise. When determining the area of an opening, no account can be taken of openings in which doors, windows or other fittings can be open or shut. A roof includes any fixed or moveable structure or device, such as a retractable canvas awning, capable of covering all or part of the premises. The definition includes temporary structures such as tents and marquees.
- (dt) **Subdivision.** The division of land for the purpose of sale or development as specified in G.S. 160D802.
- (du) **Subdivision regulation.** A subdivision regulation authorized by Article 8 of Chapter 160D.
- (dv) **Substantial Clearing, Grading, or Excavation.** One (1) contiguous acre or more of land:
- (1) Cleared and/or grubbed of timber, brush, roots, stumps, trees, and/or other vegetation;
 - (2) Graded, made level, and/or sloped; and/or
 - (3) Excavated, dug out, and/or removed.
- (dw) **Substantially Opaque.** Seventy-five percent (75%) or more not able to be seen through; Seventy-five percent (75%) or more not transparent.
- (dx) **Surface Water.** All waters of the state as defined in G.S. 143-212 except underground waters.
- (dy) **Temporary.** Lasting only a limited period of time; not permanent.
- (dz) **Tract.** A lot. The term tract is used interchangeably with the term lot. Particularly in the context of subdivisions, where one "tract" is subdivided into several "lots".
- (ea) **Trash.** Any accumulation of waste materials no longer in use, including but not

- limited to paper, bottles, grass and shrubbery cuttings, leaf raking and the like.
- (eb) **Trellis.** An architectural structure usually made from interwoven pieces of wood, bamboo or metal that is often made to support climbing plants.
- (ec) **Vacant.**
- (1) (of premises) having no occupant, or inhabitants; empty; void; unoccupied.
 - (2) Not in use.
 - (3) Free from work, business, activity, etc.
- (ed) **Variance.** A grant of permission by the board of adjustment that authorizes the recipient to do that which, according to the strict letter of this ordinance, he could not otherwise legally do.
- (ee) **Vegetative Buffer.** A vegetated area that is undisturbed, not to be developed, and left in its natural state.
- (1) For intermittent and perennial streams, shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward on all sides of the surface water, measured horizontally on a line perpendicular to the surface water.
 - (2) For ponds, lakes and reservoirs located within a natural drainage way, shall begin at the most landward limit of the normal water level or the rooted herbaceous vegetation and extend landward, measured horizontally on a line perpendicular to the surface water.
- (ef) **Vehicle.** See “Motor Vehicle”
- (eg) **Vehicle Accommodation Area.** That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.
- (eh) **Vehicle Storage.** Trucks, trailers, cars, etc. that:
- (1) are stored on site for more than seven (7) consecutive days ;
 - (2) are stored in an unorderly fashion;
 - (3) do not display a current license plate;
 - (4) are not operable;
 - (5) cannot be self-propelled or moved in the manner in which it was intended to move;
 - (6) under repair;
 - (7) missing parts;
 - (8) partially dismantled;
 - (9) junked; and/or
 - (10) wrecked.
- (ei) **Water Meter Building.** A building that contains required utility appurtenances such as large water meters, reduced pressure zone (RPZ) devices, sprinkler system RPZ, sprinkler system fire department connection (FDC), and double check valve assembly. The building may have lights and heat.
- (ej) **Wooded Area.** An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.
- (ek) **Yard.** An area within a lot that lies between the principal structure(s) on the lot and the nearest lot lines. Yards are further classified as front yard, side yards, and rear yards.

- (el) **Yard, Front.** The yard between the front façade of the principal structure(s) on a lot and the front lot line and extending the full width of the lot.
- (em) **Yard, Rear.** The yard between the rear façade of the principal structure(s) on a lot and the rear lot line and extending the full width of the lot.
- (en) **Yard, Side.** The yard between the side façade of the principal structure(s) on a lot and the nearest side lot line and extending between the front yard and rear yard of the lot.
- (eo) **Zoning map amendment or rezoning.** An amendment to a zoning regulation to change the zoning district that is applied to a specified property or properties. It does not include the initial adoption of a zoning map by the Town or the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction. It does not include updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district. It does include the initial application of zoning when land is added to the territorial jurisdiction of the Town that has previously adopted zoning regulations. It does include the application of an overlay zoning district or a conditional zoning district.
- (ep) **Zoning Permit.** A permit issued by the land-use administrator that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.
- (eq) **Zoning regulation.** A zoning regulation authorized by Article 7 of Chapter 160D.

Amended March 21, 2016, June 19, 2017, August 21, 2017, December 4, 2017, April 16, 2018, May 21, 2018, October 15, 2018, March 18, 2019, January 21, 2020, January 21, 2021

SECTION 2:**AMENDMENT** “117 Abandonment And Discontinuance Of Nonconforming Situations” of the Town of Siler City Unified Development Ordinance (UDO) is hereby *amended* as follows:

AMENDMENT

117 Abandonment And Discontinuance Of Nonconforming Situations

- (a) When a nonconforming use is:
 - (1) ~~(i) vacant, abandoned, or discontinued~~ for a consecutive period of one hundred eighty (180) days, or
 - (2) ~~(ii) vacant, abandoned, or discontinued~~ for any period of time without a present intention to reinstate the nonconforming use, the property involved

- may thereafter be used only for conforming purposes.
- (b) If the principal activity on property where a nonconforming situation other than a nonconforming use exists is,
- (1) vacant, abandoned, or discontinued for a consecutive period of one hundred eighty (180) days, or
 - (2) vacant, abandoned, or discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be used only in conformity with all of the regulations applicable to the preexisting use unless the entity with authority to issue a permit for the intended use issues a permit to allow the property to be used for this purpose without correcting the nonconforming situations. This permit may be issued if the permit-issuing authority finds that eliminating a particular nonconformity is not reasonably possible (i.e. , cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation). The permit shall specify which nonconformity's need not be corrected.
- (c) For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for one hundred eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, vacate, abandonment, or discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.
- (d) When a structure or operation made nonconforming by this ordinance is vacant or discontinued at the effective date of this ordinance, the one hundred eighty (180)-day period for purposes of his section begins to run on the effective date of this ordinance.
- (e) Notwithstanding §117(a), any nonconforming single wide manufactured home existing at the time of this amendment (9/20/2021) that is located within the R-10 zoning district may be replaced with a double wide manufactured home (with zoning permit approval) that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and affixed with a HUD label.

REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED BY THE TOWN OF SILER CITY BOARD OF COMMISSIONERS 9/25/2021.

Presiding Officer

Cindy B. Bray

Cindy B. Bray, Mayor Pro Tempore,
Town of Siler City

Attest

Jennifer K. Johnson

Jennifer K. Johnson, Town Clerk Town
of Siler City

