

## ***PLANNING AND ZONING TERMS***

**Access:** The right to cross between public and private property, allowing pedestrians (and/or vehicles) to enter and leave property; the right to use property.

**Accessory Use:** A use customarily incidental and subordinate to a principal use or building and located on the same lot with such principal use or building.

**Access management:** The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity and speed.

**Acre:** 43,560 square feet of area. For example, a residential parcel of land that is 52' x 100' is 5,200 square feet, which is 0.12 acres.

**AdvantageWest:** Western North Carolina's regional economic development commission. Chartered by the North Carolina General Assembly in 1994, AdvantageWest is a non-profit public-private partnership whose primary focus is marketing the North Carolina mountains to corporations seeking to relocate or open a new facility, expand an existing business within our region, and those who might otherwise improve the quality of life for citizens within our region through activities such as filmmaking and tourism.

**Affordable Housing:** A housing unit (owned or rented) that costs the occupants less than 30% of the occupants' income. Numbers vary based on family size.

**Annexation (annex):** the adding of real property to the boundary of an incorporated municipality, where the addition makes the real property in every way, a part of the municipality.

**Area Plan (or small area plan):** A plan that covers specific subareas of the county. These plans provide basic information on the natural features, resources, and physical constraints that affect development of the planning area. They also specify detailed land use designation used to review specific development proposal and to plan services and facilities.

**Best Management Practices (BMPs):** A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

**Bike Path:** A lane or other surface reserved exclusively for bicycles in addition to any lanes for use by motorized vehicles. All thoroughfares that explicitly provide for bicycle travel including facilities existing within street and highway rights-of-way and facilities along separate and independent corridors.

**Buffer:** A strip of land created to separate and protect one type of land use from another; for example, as a screen of planting or fencing to insulate the surroundings from the noise, smoke, or visual aspects of an industrial zone or junkyard.

**Cane Creek Water and Sewer District:** A defined area established under North Carolina General Statutes to provide public water supply and sanitary sewer service in the northern portion of Henderson County. See Appendix I, Map # 11, *Sewer Service Areas and Districts*.

**Canopy:** The upper branches of a stand of trees; the tallest trees in a forested area.

**Capital Improvement Program:** The County's program for future capital project expenditures. This plan spells out the capital facilities that the County plans to finance, including schools, libraries, parks, etc.

**Carrying Capacity:** The level of land use or human activity that can be permanently accommodated without an irreversible change in the quality of air, water, land, or plant and animal habitats. In human settlements, this term also refers to the upper limits beyond which the quality of life, community character, or human health, welfare, and safety, will be impaired. The estimated maximum number of persons that can be served by existing and planned infrastructure systems; the maximum number of vehicles that can be accommodated on a roadway.

**Common Area:** Under Henderson County Code Chapter 170, land or a combination of land and water resources within or related to a development for active and/or passive recreation which is reserved for public or private use for the enjoyment of the residents of the development and their guests and may

include various man-made features that accommodate such activities. (See also "open space.")

**Community Centers:** Concentration of activities, services and land uses that serve, and are focal points for, the immediate neighborhoods.

**Community-Based Planning:** A planning framework based upon democratic ideals that promote community pride and ownership in government, that fosters civic engagement, and which informs the decisions of government by the wisdom of an engaged citizenry. It allows citizens to have the opportunity to participate in and influence the decision-making processes that affect their daily lives and their community.

**Conservation Easement:** A tool for acquiring open space with less than full-fee purchase; the public agency or not-for-profit corporation buys only certain specific rights from the landowner in order to restrict the development, management or use of the land. The landowner may be allowed to continue using the property for agricultural purposes.

**Density:** The number of dwelling units or principal buildings or uses per acre of land.

**Department of Housing and Urban Development (HUD):** A cabinet-level federal agency that promotes housing and urban development in the United States through direct loans, mortgage insurance, and other programs. To contact the Indianapolis HUD office call 226-6303.

**ETJ (extra territorial jurisdiction):** Under NCGS 160-A-360, the area beyond a municipality's corporate limits in which the municipality may enforce land use regulations including zoning, subdivision regulation, and building inspections. NCGS 160-A-360 relates the distance that a municipality can extend its ETJ from its current boundaries to the population size of the municipality.

**Easement:** A grant by a property owner of the use of a strip of land for specified purpose by the public, a corporation or persons.

**Environmental Protection Agency (EPA):** A federal agency with the mission to protect human health and safeguard the natural environment, i.e. air, water, and land, upon which life depends.

**Farm:** All land on which agricultural operations are conducted as the principal use (Henderson County Code Chapter 200).

**Fiscal:** Of or relating to public revenues, public expenditures, and public debt; public financial matters.

**Floodplain:** A relatively flat or lowland area adjoining a river, stream, or watercourse, which is subject to periodic, partial or complete inundation (flooding).

**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 foot.

**GIS – Geographic Information System:** Computer mapping system that produces multiple “layers” (coverages) of graphic information about a community or region. For example, one layer might show the parcels, another layer might show key habitat areas, another layer might show school sites, etc.. It may be considered a “tool” for analysis and decision-making. It may be composed of maps, databases and point information.

**Greenways:** Areas of protected open space that follow natural and manmade linear features for recreation, transportation and conservation purposes and link ecological, cultural and recreational amenities.

**Historic District:** An area or group of areas designated by a local agency as having aesthetic, architectural, historical, cultural, or archaeological significance that is worthy of protection and enhancement.

**Household:** A household includes all the persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

**Improved land:** Raw land that has been improved with basic utilities such as roads, sewers, water lines, and other public infrastructure facilities. The term “developed land” usually means improved land that also has buildings.

**Infrastructure:** A general term describing public and quasi-public utilities and facilities such as roads, bridges, sewers and sewer plants, water lines, power

lines, fire stations, and other sites and facilities necessary to the functioning of an urban area.

**Land Use:** The types of buildings and activities existing in an area or on a specific site. Land use is to be distinguished from zoning, the latter being the regulation of existing and future land uses.

**Land Trust:** A public and/or private, organization with the authority to buy, accept donations, hold and/or sell interest in real property for the purpose of land and/or building preservation.

**Lot Area:** The total square footage of horizontal area included within the property lines. Zoning ordinances typically set a minimum required lot area for building in a particular zoning district.

**Manufactured Home:** A single-family residential dwelling built in accordance with the Federal Manufactured Housing Construction and Safety Standards Act 1974 (which became effective June 15, 1976). For purposes of this Comprehensive Plan, however, the term includes Mobile Homes, but does not include Modular Homes. Manufactured are distinguished from Modular Homes in that Manufactured Homes are built to HUD standards rather than to North Carolina Building Code standards. See the definition of Modular Homes and Mobile Homes below.

**Manufactured Home Park:** Under Section 117-7 of the Henderson County Manufactured Home Park Ordinance, a tract of land designed to accommodate three or more manufactured or mobile home spaces, three or more manufactured or mobile homes or any combination of such for rent or lease.

**Metropolitan Planning Organization (MPO):** The U.S. Department of Transportation requires every area with a population of 50,000 or more, including all contiguous urban areas with a population of 1,000 or more per square mile to form an MPO and to provide comprehensive transportation planning therein.

**Mobile Home:** A transportable, factory-built home designed to be used as a single-family residential dwelling and manufactured prior to the Federal Manufactured Housing Construction and Safety Standards Act of 1974. (Henderson County Code Chapter 114).

**Modular Home:** Under Henderson County Code Chapter 114, a dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code (NCSBC) and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the NCSBC) or may consist of a series of panels or room sections transported on a truck and erected or joined together on the site.

**Mud Creek Water and Sewer District:** -- An area established under North Carolina General Statutes to provide public water supply and sanitary sewer service in the Mud Creek Drainage Basin of Henderson County

**Municipality:** Any incorporated city or town.

**Open Space:** Land that is generally left in its natural state and not developed. Roads and parking lots are not considered open space.

**Overlay Zone:** A set of zoning requirements that is superimposed upon a base zone. Overlay zones are generally used when a particular area requires special protection (as in a historic preservation district) or has a special problem (such as steep slopes, flooding or earthquake faults). Development of land subject to overlay zoning requires compliance with the regulations of both the base and overlay zones.

**Parcelization:** Fragmentation of property (parcels) into smaller tracts of land.

**Physiographic:** Pertaining to physical geography.

**Planned Unit Development (PUD):** Henderson County Code Chapter 200, a permitted use designed to provide for developments incorporating a single type or a variety of residential and accessory uses which are planned and developed as a unit. Such development may consist of individual lots and common building sites. Common land and facilities may be an element of the plan related to affecting the long-term value of the entire development.

**Principal Use:** A primary purpose for which land or a building is arranged, designed, intended or used, including the storage or use of inventory, materials or equipment associated therewith. (Henderson County Code Chapter 170.)

**Protected Mountain Ridge:** Any mountain ridge whose elevation is 500 or more feet above the elevation of the adjacent valley floor. For purposes of this definition, "ridge" shall mean the elongated crest or series of crests at the apex of the mountain(s) including all land having an elevation of 0 to 100 feet less than the apex. (Henderson County Code Chapter 121.)

**Public Facilities:** Public works supplied generally by a government organization. Examples include: public roads, schools, water and sewer facilities, fire stations, and libraries.

**Quality of Life:** Those aspects of the economic, social and physical environment that make a community a desirable place in which to live or do business. Quality of life factors include those such as climate and natural features, access to schools, housing, employment opportunities, medical facilities, cultural and recreational amenities, and public services.

**Region B:** The Regional Council of Government that serves the North Carolina counties of Henderson, Madison, Buncombe, and Transylvania and the municipalities located therein. Also known as the Land-of-Sky Regional Council.

**Rezoning:** Changing the zoning on a particular piece of property.

**Road:** Facilities or pathways that are designed for travel by motorized and non-motorized vehicles and that link destinations. The North Carolina Department of Transportation breaks roads into hierarchical categories:

- *Arterial*-Provide the highest level of mobility, at the highest speed, for long, uninterrupted travel. The Interstate Highway System is an arterial network. Arterials generally have higher design standards than other roads, often with multiple lanes and some degree of access control. Examples include: I-26, US 64, NC 280, US 25, NC191 (Haywood Rd.)

- *Collector*-Provide a lower degree of mobility than arterials. They are designed for travel at lower speeds and for shorter distances. Collectors are typically two-lane roads that collect and distribute traffic from the arterial system. Ex: Kanuga Rd., Crab Creek Rd., US 176, Upward Rd., NC 191(Old Haywood Rd.)

- *Local*-All public road mileage below the collector system is considered

local. Local roads provide basic access between residential and commercial properties, connecting with higher order highways. Examples include: North and South Mills River Rd., Green River Rd., Clear Creek Rd.

**Rural Areas:** generally characterized by agriculture, timberland, open space, and very low-density residential development (e.g., less than one dwelling unit per acre). A rural community is not generally served by community water or sewer services.

**School:** Any elementary or secondary school, whether public or private, established under Chapter 115C of the North Carolina General Statutes, and any community college established under the provisions of Chapter 115D of the North Carolina General Statutes.

**Setback:** A minimum distance required by zoning to be maintained between a structure and property lines or road rights-of-way.

**Sewer:** A pipe or conduit for carrying wastewater.

**Sewage:** A combination of water-carried wastes from residences and industrial users (wastewater).

**Sprawl:** A pattern of land development with several key characteristics: a population that is widely dispersed in low-density development; rigidly separated homes, shops, and workplaces; a network of roads marked by huge blocks and poor access; and a lack of well-defined, thriving activity centers, such as downtowns and town centers. Other features usually associated with sprawl— rising costs of service provision, the lack of transportation choices, relative uniformity of housing options, and the difficulty of walking— are a result of these conditions.

**Strategic Plan for Henderson County:** A strategic plan is an action-oriented set of strategies and action steps developed to accomplish a mission that is responsive to a dynamic, changing environment. The three primary encompassing strategic issues for Henderson County for 2003 were determined to be: growth management, fiscal priorities, and the county economy. These strategic issues are the foundation for the Henderson County Strategic Plan which sets forth action steps to address these issues.



**Stormwater Management:** The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to prevent accelerated channel erosion, increased flood damage, and/or degradation of water quality.

**Stormwater Run-off:** The portion of the total precipitation that does not sink into the soil but instead flows across the ground or other surface (parking lot, roofs) and eventually reaches a watercourse.

**Subdivision:** Pursuant to N.C.G.S. 153A-335 the word "subdivision," as used in the Henderson County Code Chapter 170 means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and includes divisions of land involving the dedication of a new road or a change in existing roads.

**Sustainability:** A strategy by which communities seek economic development approaches that also benefit the local environment and quality of life. For a community to be truly sustainable, it must adopt a three-pronged approach that considers economic, environmental and cultural resources. Communities must consider these needs in the short term as well as the long term.

**Transfer of Development Rights (TDR):** A program that allows landowners to transfer the right to develop one parcel of land to a more suitable parcel of land. TDR programs establish "sending area" and "receiving areas" for development rights

**Unique Natural Area:** Under Henderson County Code Chapter 170, an area that contains features sensitive to development and is listed in the publication titled "Natural Areas of Henderson County, a Preliminary Inventory of the Natural Areas of Henderson County, North Carolina," by L.L. Gaddy, Ph.D., dated January 1994.

**Wastewater Treatment Plant:** The facilities of the county, city or MSD for treating and disposing of wastewater (POTW treatment plant). (Henderson County Code Chapter 152.)

**Zoning:** Local codes regulating the use and development of property. A zoning ordinance often divides the city or county into land use districts or "zones", represented on zoning maps, and specifies the allowable uses within each of those zones. It establishes development standards for each zone, such as

minimum lot size, maximum height of structures, building setbacks, and yard size.

## *Current Land Use Definitions*

The following definitions comprise the general land use definitions of the **Henderson County Planning Department**. They correlate to land use categories depicted upon Map #5 Current General Land Use, and Map #6, the Current General Land Use I-26, within Appendix I of this Comprehensive Plan.

**Agriculture/Horticulture/Forestland:** Parcels primarily used for the production or initial processing of agricultural/horticultural/forestry products.

*Examples include, but are not limited to, the following:*

Pastures, row crops, crop beds, ornamental plantations, orchards, timber and pulp plantations, managed natural forests, small sawmills, barns, apple packing plants, dairy facilities, private stock pens, and greenhouses.

**Commercial:** Parcels containing facilities primarily engaged in the exchange of information, goods or services, generally without the physical transformation of those products.

*Examples include, but are not limited to, the following:*

Offices, banks, realtors' offices, and other non-retail centers of trade and commerce; retail facilities such as gas stations/convenience stores, pay parking decks or lots, restaurants, malls, grocery outlets; and other services such as personal storage facilities, hotels and motels, dentists or doctors offices, barber shops, beauty salons, farmers markets, fish markets, curb markets, miniature courses, batting cages, private gyms and fitness centers.

**Community-Cultural:** This broad classification includes parcels containing features or facilities owned, managed or operated by public, semi-public, or private institutions or other organizations, when those features or facilities serve/provide a community or public service, benefit, and/or function.

*Examples include, but are not limited to, the following:*

Colleges, universities, schools, libraries, churches, synagogues, mosques, and other places of worship, religious campuses and retreat facilities (not intended to include summer camp sites with religious affiliations); community centers, structural properties of neighborhood and property owners' associations, public

parking lots, cemeteries, significant historical structures, museums, artistic, musical, and theatrical facilities; governmental offices, headquarters and service centers (except those defined as Industry), public safety facilities including fire, Emergency Medical Services, and police and sheriff departments, hospitals and medical facilities (not intended to include retail establishments whose primary function is the sales and/or service of medical supplies, equipment, or pharmaceuticals), nursing homes, retirement homes, assisted living care facilities, and domiciliary facilities.

**Industrial:** Parcels containing facilities wherein raw or pre-processed resources, materials, substances, or components are mechanically, physically, chemically, or otherwise transformed into new products; waste materials are collected, treated, or disposed of; subsurface natural resources are extracted and/or processed; Livestock, cargo, merchandise, materials or hazardous substances are transferred, stored or warehoused for wholesale or other distribution; passengers or passenger vehicles are collected or transferred; water, fuel, or electricity is produced, processed, stored, transferred or transmitted.

*Examples include, but are not limited to, the following:*

Quarries, oil and gas drilling/processing facilities, sand dredging operations; factories, plastic molding facilities, furniture manufacturing facilities, asphalt plants; commercial stockyards, warehouses, handling or storage facilities, freight storage facilities; recycling centers, public or private landfills, waste transfer stations; kennels; sawmill and kiln facilities, lumber yards, mulching operations; waste or potable water cleansing/processing facilities; hazardous chemicals processing; power generation facilities; automotive or engine repair establishments, welding shops, tire repair and mounting establishments; trucking terminals, commercial vehicle/contractor equipment parking facilities, service vehicle and equipment staging areas.

**Public/Private Conservation:** Parcels primarily engaged in the conservation or preservation of natural resources or features. Large public natural areas may be classified under this category even when active forest management or extraction is discernable.

*Examples include but are not limited to:*

Public lands such as Federal, State or Local Government-owned forest lands, park lands, water supply watersheds, wildlife management or protection areas, large and generally undeveloped municipal or county parks; private lands to which a conservation easement has been applied, or which has been otherwise

secured in a permanent natural state. Any large public or private parcel, managed or not, for natural resources, which is likely to remain undeveloped in perpetuity.

**Recreation:** Parcels providing space for active recreational activities. Such parcels are generally held by public or non-profit entities, and fees for their use are generally minimal. Federal, State, or Local Government–owned park lands in this category are differentiated from those in Public / Private Conservation by their developed nature. This category also includes parcels owned or operated by organized camp establishments which provide food and lodging to groups of children or adults engaged in organized recreational or educational programs. In addition, country clubs and small-scale, largely outdoor private fitness/recreation areas such as tennis and volleyball clubs may be included in this category.

*Examples include, but are not limited to, the following:*

Public parks such as Jackson or Patton Park and similarly developed public properties, property owners' association recreation areas; golf courses country clubs and small-scale, largely outdoor private fitness/recreation areas such as tennis and volley-ball clubs, soccer, football, tennis, baseball complexes; programs focusing on horseback riding, conservation, music, arts, and sports.

**Residential:** Parcels containing structures used primarily for human habitation, and where human habitation is the primary use of the land.

*Examples include but are not limited to:*

All conventional/site-built homes, manufactured and mobile homes, modular homes; single and multi-family structures, including condominiums, and apartment buildings, cabins, permanently fixed recreational vehicles, and manufactured home parks. In some cases, halfway houses, group homes, retirement facilities and communities, as well as orphanages may be included.

PLEASE NOTE: Any parcel containing residential development where the acreage to dwelling unit ratio is 10:1 or greater has been classified as Undeveloped.

**Surface Water:** Open water bodies, perennial streams.

*Examples include, but are not limited to, the following:*

Creeks, streams, rivers, ponds, and lakes. Does not include swimming pools.

**Transportation-Utility:** This classification applies where the primary use of the land is to facilitate the movement of persons, goods and materials; the provision of water, sewer, electrical data transfer or transmission, and/or communications services; but not including facilities where electricity, fuels, water or waste are produced, processed and/or stored.

*Examples include, but are not limited to, the following:*

This includes roads, railways, canals, sidewalks, bike lanes; runways, airport terminals, bus, rail, boat and trucking terminals; bus stops, rail stops, park and ride facilities, commuter lots, and the Rights-of-Ways of those and similar uses.

**Undeveloped:** Parcels where no discernable development has occurred, where no discernable natural resource management or extraction activity is present, and where the given parcel has not been permanently preserved or conserved in a natural state through ownership or conservation easement. Any parcel containing residential development where the acreage to dwelling unit ratio is 10:1 or greater is classified as Undeveloped.

Note: that many parcels that may appropriately be categorized as Agriculture/Horticulture/Forestland may be categorized as Undeveloped, due to the absence of information regarding natural resource management or extraction activity.

*Examples include, but are not limited to, the following:*

Parcels with residential development where the acreage to dwelling unit ratio is 10:1 or greater, vacant land, and unmanaged or abandoned parcels.