

## 2.3 Definitions and Terms

### Adult Entertainment Establishment

Retail or service establishments which are characterized by an emphasis on specified sexual activity and/or specified anatomical areas *as defined in N.C.G.S. 14-202.10*, including, but not limited to:

- A. Any bookstore, video store, or other establishment in which a substantial portion of its stock in trade is devoted to printed matter or visual representation of specified sexual activities or specified anatomical areas;
- B. Any movie theater offering movies or other displays, or any establishments offering coin-operated devices, which emphasize specified sexual activities or specified anatomical areas;
- C. Any cabaret, club, tavern, theater, or other establishment which offers any entertainment emphasizing specified sexual activities or specified anatomical areas;
- D. Any establishment offering massage or similar manipulation of the human body, unless such manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional licensed by the State. This definition does not include massages or similar manipulation offered at an athletic club, health club, school, gymnasium, spa, or similar establishments.
- E. *Any establishment, agency, entity, or private club other than a hotel, motel, or similar lodging establishment offering public accommodations, that provides for any form of consideration, gratuity, or membership fee a place and/or equipment where two or more persons may congregate, associate, or consort for the purposes of specified sexual activities or the exposure of specified anatomical areas.*

### Hospital

An institution receiving inpatients and rendering medical care on a 24-hours-per-day basis. The term includes general hospitals, sanitariums, sanatoriums, and institutions in which service is limited to special fields, such as cardiac; eye, ear, nose, and throat; pediatric; orthopedic; skin; cancer; mental; tuberculosis; chronic disease; and obstetrics. The facilities may also include outpatient care, ambulatory care, offices of medical practitioners, adult day care, respite care, medical day care and day care for sick children, gift shops, restaurants, *heliports*, and other customary accessory uses. The term shall not include “adult day care center,” “assisted living facility,” or “nursing home facility.”

### *Motor Vehicle*

*A road vehicle powered by an internal combustion engine or electric motor that is clearly intended for operation on a paved, level surface with a posted speed limit of 25 miles per hour or greater. This does not include vehicles such as mopeds, golf carts, all-terrain vehicles (ATVs), dirt bikes, or electric assisted bicycles, skateboards, or scooters.*

### *Shrub*

*A woody evergreen or deciduous plant that produces multiple stems from its base. Common examples of native shrub species are identified in the New Hanover County “Tree and Plant Materials for Landscaping” technical manual.*

**Temporary Family Healthcare Structure**

*A transportable residential structure accessory to a principal dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b).*

A transportable residential structure accessory to a principal dwelling, not on a permanent foundation, for occupancy by a caregiver providing care for a mentally or physically impaired person, that is primarily assembled at a location other than its site of installation and complies with applicable provisions of the State Building Code and GS 143-139.1(b).

**Tree, Canopy**

*Any tree with a minimum spread of 30 feet or greater at maturity. Also referred to in this ordinance as “shade trees”. Common examples of native canopy tree species are identified in the New Hanover County “Tree and Plant Materials for Landscaping” technical manual.*

**Tree, Specimen**

Any Live Oak, *Bald Cypress, or Pond Cypress* tree that is 36” diameter at breast height (DBH) or larger.

**Tree, Understory**

Any tree *no more than* 40 feet *in height* at maturity capable of thriving in the lower light intensities found under the canopy of shade/canopy trees. *Common examples of native understory tree species are identified in the New Hanover County “Tree and Plant Materials for Landscaping” technical manual.*

**Vehicle Sales**

A facility used primarily for the sale of consumer-oriented motor vehicles, *as defined herein* such as automobiles, pickup trucks, and motorcycles.

**3.2.7. Residential 20 (R-20) District**

D. District Dimensional Standards		
Standard	Single Family Detached	Duplex
Lot area, minimum (square feet)*	20,000	<del>20,000</del> 35,000
<b>1</b> Lot width, minimum (feet)*	90	90
<b>2</b> Front setback (feet)*	30	30
<b>3</b> Side setback, street (feet)*	22.5	22.5
<b>4</b> Side setback, interior (feet)*	15	15
<b>5</b> Rear setback (feet)*	25	25
Density, maximum (dwelling units/acre)**	1.9	
Building height, maximum (feet)***	40	

\* Does not apply to Performance Residential Developments (see Section 3.1.3.D).

\*\* Applies only to Performance Residential Developments (see Section 3.1.3.D).

\*\*\* Structures elevated on open foundations consisting of piers, posts, columns or piles shall have a maximum height of 44 feet.

### 3.3.6. Exceptional Design (EDZD) Planned Development District

#### B. Applicability

*1. As of [EFFECTIVE DATE], no new EDZD district shall be added to the Official Zoning Map, nor may any boundary of an existing EDZD district be modified. Any property zoned EDZD prior to [EFFECTIVE DATE] exists as part of the Official Zoning Map and shall conform to the standards of this ordinance.*

Table 3.3.6.E.2: Exceptional Design Additional Requirements	
<b>Certified Green Building (2 points)</b>	A minimum of one whole residential or non-residential building is designed, constructed, or retrofitted and certified through LEED, NAHB Green Building Standards, <i>RESNET, WELL, or any other third party verified Home Energy Rating Program</i> <del>North Carolina Healthy Built Homes, or Green Globes.</del>
<b>Minimum Building Energy Efficiency (2 points)</b>	<ul style="list-style-type: none"> <li>• New multi-family residential (4+ stories), non-residential, and mixed use buildings meet at least three of the additional requirements listed in the N.C. Energy Conservation Code for Commercial buildings; and</li> <li>• Ninety percent of new multifamily residential (3 stories or less) and single-family residential buildings meet the HERO option listed within the Energy Conservation Code of the N.C. State Building Code.</li> </ul>

#### 4.2.1 Principal Use Permissions

Table 4.2.1: Principal Use																									
Table Key: P = Permitted by Right S = Special Use Permit Required * = Specific Use Standards Apply in District blank cell = not allowed																									
Use	RA	AR	R-20S	R-20	R-15	R-10	R-7	R-5	RMF-L	RMF-M	RMF-MH	RMF-H	PD	UMXZ	B-1	CB	B-2	O&I	SC	CS	AC	I-1	I-2	Use Standards	
Dwelling, Multi-Family				P*	P*	P*	P*		P*	P*	P*	P*	P*	P*	S*		S*	P*							4.3.2

#### 4.3.2. Residential Uses

##### A. Household Living

##### 2. Dwelling, Multi-Family

*c. Multi-family dwellings in all districts shall be reviewed in accordance with the same standards as established in this ordinance for subdivisions even if the project does not involve the subdivision of land. A Site Plan shall be submitted in accordance with Section 10.3.6, Site Plan.*

#### 4.3.4. Commercial Uses

##### A. Amusement & Entertainment Uses

##### 1. Adult Entertainment Establishment

Adult entertainment establishments in the I-1 District shall comply with the following standards:

b. Each adult entertainment establishment shall be located a minimum of 1,000 feet from any residentially zoned area, *Child Care Center, Family Child Care Home, Religious Assembly, Elementary and Secondary Schools, and Park and Recreation Area* ~~church, school, or park~~. Such measurement shall be the horizontal distance between the property line of the proposed adult

entertainment establishment and the nearest residential zoning line or property line of any church, school, or park.

### C. Commercial Services

#### 2. Mini-Warehouse/Self-Storage

When located in the B-2 District or UMXZ District or when established on a lot having frontage on Market Street, Carolina Beach Road, College Road, or Castle Hayne Road, mini-warehouse/self-storage facilities shall comply with the following standards:

- d. The use of metal, *other than architectural insulated metal panels (IMPs)*, as a primary material is prohibited on perimeter or exterior walls that are visible from an arterial street or from a residential district or existing residential development.

#### 4.5.4. Standards for Specified Temporary Uses

##### G. Temporary Family Healthcare Structure

*A temporary family healthcare structures shall not be placed on a permanent foundation.*

#### 5.4.2. General Standards

- A. All plant materials and their spacing requirements, which are to be planted to meet the opacity and height requirements of this section, shall be either selected from the manual “Tree and Plant Materials for Landscaping” manual prepared by the County Planning and Land Use Department and incorporated herein by reference (it is available in the County Planning and Land Use Department), or approved by the New Hanover County Agricultural Extension Service. Unless otherwise specified, any *canopy* tree planted to meet the requirements of this section shall be a minimum of ~~22.5~~ inch caliper in size at the time of planting *and any understory tree planted to meet the requirements of this section shall be a minimum of 8 feet in height at time of planting.*

#### 5.8.2 Open Space Set-Aside Standards

*C. Multi-family Developments: 20 percent*

#### 6.3.3. Required Improvements

##### J. Sidewalks, Trails and Bikeways

1. Sidewalks shall be required to be constructed in the following circumstances:

- a. On both sides of the right-of-way of all local streets and on at least one side of all driveways or private drive aisles adjacent to parking areas or buildings in the RMF-L, RMF-M, RMF-MH, and RMF-H districts.*

#### 9.8.2. Specific Standards

##### E. Fill/Grading

*In zones A, AE, AH, AO, and A99 the following provisions shall apply:*

1. Minor grading and the placement of minor quantities of ~~nonstructural~~ fill may be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios, and walkways.
2. The fill material must be similar and consistent with the natural soils in the area.
3. The placement of site-compatible, ~~nonstructural~~, fill under or around an elevated building is limited to two feet. Fill greater than two feet must include an analysis prepared by a qualified

registered design professional demonstrating no harmful diversion of floodwaters or wave run-up, and wave reflection that would increase damage to adjacent elevated buildings and structures.

4. ~~Nonstructural~~ fill with finished slopes that are steeper than five-units horizontal to one-unit vertical shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent elevated buildings and structures.