
Article 2: Measurements and Definitions

Section 2.1. Measurements

BUILDABLE AREA

The portion of a lot remaining after required setbacks and yards are provided.

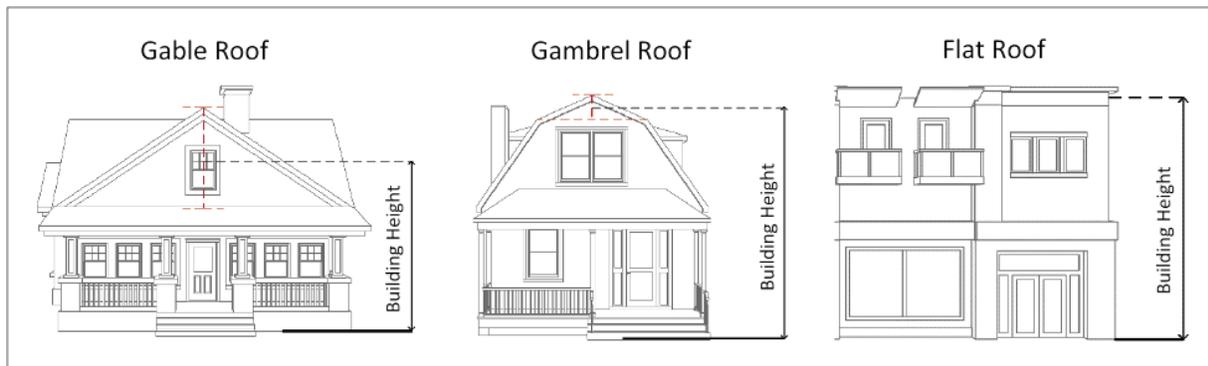
BUILDING HEIGHT

The vertical distance measured from the average elevation of the proposed finished grade at the front of the structure to one of the following (see Figure 2.1: Building Height Measurement):

1. The midpoint between eave and ridgeline on a simple sloped roof (e.g., gable or hip roof) or curved roof (e.g., barrel roof);
2. Where there are multiple roof planes (e.g., gambrel or mansard roof), the highest midpoint on a sloped or curved roof surface or the highest flat roof plane, whichever is highest; or
3. The highest roof plane on a flat roof (not including any parapet wall).

Appurtenances usually required to be placed above the roof level and not intended for human occupancy (e.g., antennas, chimneys, solar panels) shall not count toward the building height (see Section 3.1.3.B, Structural Appurtenances). [09-08-2020]

Figure 2.1: Building Height Measurement



DIAMETER AT BREAST HEIGHT (DBH)

The diameter or width of the main stem of a tree as measured 4.5 feet above the natural grade at its base. Whenever a branch, limb, defect, or abnormal swelling of the trunk occurs at this height, the diameter at breast height (DBH) shall be measured at the nearest point above or below 4.5 feet at which a normal diameter occurs.

DENSITY FACTOR

An intensity measure expressed as the number of units per "net buildable site acre" (as calculated pursuant to 3.1.3.E.1, Site Capacity). The density factor establishes the permitted density on the buildable portion of a site with an Additional Dwelling Allowance.

FLOOR AREA RATIO (FAR)

The total floor area of all structures located on lot divided by the gross lot area.

$$\text{FAR} = \frac{\text{TOTAL FLOOR AREA OF ALL STRUCTURES ON A LOT}}{\text{GROSS LOT AREA}}$$

In the B-2 district, parking deck area calculations shall be excluded from the total building area calculations when computing the FAR.

SETBACK

The minimum distance a building or structure must be separated from the lot lines. Setbacks are specified as front, side, and rear; are located within the corresponding front, side, and rear yards; and establish the minimum required front, side, and rear yards.

Setbacks shall be measured from the structure. If a roof overhang extends more than two feet from the structure, the setback shall be measured from the drip line of the roof.

Setbacks shall not be occupied or obstructed by a structure or portion of a structure, unless otherwise allowed by another provision of this Ordinance.

Fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility.

Private driveways or easements serving three or fewer lots in accordance with Section 5.2.2.B.3 may also be permitted in any setback.

Minimum setback distances for overhead canopies shall be determined by measuring a straight line distance from the nearest point of the required reference boundary (i.e., street right-of-way, zoning district line, or property line) to the point on the ground surface which is perpendicular to the closest edge of the canopy overhang. Setback distances from street rights-of-way may be reduced by one half.

SETBACK, FRONT

The depth of a front setback shall be measured at right angles to a straight line joining the foremost points of the side lot lines, and in such a manner that the front yard established shall provide minimum depth parallel to the front lot line.

SETBACK, SIDE

The width of a side setback shall be measured in such a manner that the side yard established is a strip of the minimum width required by the district regulations with its inner edge parallel with the side lot line.

SETBACK, REAR

The depth of a rear setback shall be measured in such a manner that the rear yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

SETBACK LINE

The line on the front, rear, and sides of a lot, which delineates the area upon which a structure may be built and maintained.

SIGN, HEIGHT

As applied to a sign, height shall be measured as the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and a level plane going through the nearest point of the improved public right-of-way at the ground-level curb line.

SIGN, SURFACE AREA OF

The surface area of a sign, which is computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

SPACING BETWEEN BUILDINGS

The minimum distance, measured horizontally, from the closest point on one building to the closest point of an adjacent building. The closest point shall include projections such as bump-outs, bay windows, or similar projections, and eaves or roof overhangs that extend more than two feet from the building. *[11-16-2020]*

YARD

An open space on the same lot with a structure, lying between the structure and nearest lot line, that is unoccupied and unobstructed by the structure or any portion of the structure.

YARD, FRONT

A yard extending between side lot lines across the front of a lot adjoining a public or private street. Through lots shall be considered to have two front yards.

YARD, SIDE

A yard extending from the front setback line to the rear lot line.

YARD, REAR

A yard extending across the rear of the lot between inner side setback lines. In the case of through lots and corner lots, there shall be no rear yards, but only front and side yards.

Section 2.2. Rules of Construction

The rules in this section shall apply for construing or interpreting the terms and provisions of this Ordinance.

2.2.1. MEANINGS AND INTENT

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.3, General Purpose and Intent, and the specific purpose statements set forth throughout the UDO. When a specific section of the UDO gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term shall control.

2.2.2. HEADINGS, ILLUSTRATIONS, AND TEXT

In the event of a conflict or inconsistency between the text of this UDO and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

2.2.3. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

2.2.4. COMPUTATION OF TIME

- A.** In computing any period of time prescribed or allowed, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.
- B.** The term "day" means a business day, unless a calendar day is indicated.
- C.** The term "month" means a calendar month.
- D.** The term "year" means a calendar year unless otherwise indicated.
- E.** Whenever a person has the right or is required to do some act within a prescribed period of time following the service of a notice or other document through mailed delivery:
 - 1.** Three days shall be added to the prescribed period; and
 - 2.** The time period shall be counted starting from and including the post-marked date.

2.2.5. REFERENCES TO OTHER REGULATIONS/PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall mean a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

2.2.6. DELEGATION OF AUTHORITY

- A.** Any act authorized by this UDO to be carried out by the Planning Director may be delegated by the Planning Director to a County employee under the Planning Director's authority or control.
- B.** Any act authorized by this UDO to be carried out by the County Engineer may be delegated by the County Engineer to a County employee under the County Engineer's authority or control.

2.2.7. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the New Hanover County, North Carolina, unless otherwise indicated.

2.2.8. MANDATORY AND DISCRETIONARY TERMS

The words "shall," "must," "should" and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The word "may" is permissive.

2.2.9. CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items, conditions, provisions or events apply; and
- B. "Or" indicates that one or more of the connected items, conditions, provisions,

2.2.10. TENSES AND PLURALS

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

2.2.11. TERM NOT DEFINED

If a term used in this UDO is not defined in this UDO, the Planning Director is authorized to interpret its meaning in accordance with Section 10.3.15, Interpretation. Such interpreted meaning shall be based upon the definitions used in accepted sources—including, but not limited to, *A Planners Dictionary*, *A Glossary of Zoning, Development, and Planning Terms*, and *A Survey of Zoning Definitions* (all published by the American Planning Association), as well as general dictionaries such as Merriam-Webster, American Heritage, Webster's New World, and New Oxford American dictionaries.

2.2.12. USE AND OCCUPATION

The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

Section 2.3. Definitions and Terms

ACCESSORY DWELLING UNIT

An ancillary or secondary dwelling unit that is clearly subordinate to the principal dwelling, which has a separate egress/ingress independent from the principal dwelling, and which provides complete independent living facilities for one or more persons and which includes provisions for living, sleeping, eating, cooking, and sanitation. It is located on the same parcel as the principal dwelling unit and may be either attached to or detached from the principal dwelling.

ACCESSORY STRUCTURE

A structure subordinate to a principal structure and use, the use of which is customarily found in association with and is clearly incidental to the use of the principal structure of the land and which is not attached by any part of a common wall or roof to the principal structure. (When a specific structure is identified in this Ordinance as accessory to another use or structure, the structure need not be customarily incidental to, or ordinarily found in association with, the principal use to qualify as an accessory structure.) This definition does not apply to the provisions of Article 9: Flood Damage Prevention; for that meaning, see Section 9.5: Definitions.

ACCESSORY USE, CUSTOMARY

A use of a structure or land that is subordinate and customarily incidental to, and ordinarily found in association with, a principal use, which it serves; is subordinate in purpose, area, floor area, intensity, and extent to the principal use, and; does not change the character of the principal use.

ADDITIONAL DWELLING ALLOWANCE

A permit to exceed the residential density limit established in an applicable zoning district in accordance with an additional density factor established by this ordinance.

ADDITIONAL HEIGHT ALLOWANCE

A permit to exceed the maximum height for a particular zoning district by a specified number of feet and/or stories.

ADMINISTRATIVE DECISION

Decisions made in the implementation, administration, or enforcement of development regulations that involve the application of objective standards set forth in this Ordinance. [05-03-2021]

ADMINISTRATIVE DETERMINATION

A written, final, and binding order, requirement, or determination regarding an administrative decision. [05-03-2021]

ADULT DAY CARE

An establishment licensed pursuant to NCGS §131D and engaged in the provision of group care and supervision of more than 5 adults in a place other than their permanent residence.

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. [05-03-2021]

AGRICULTURAL AND FORESTRY USES, GENERAL

Uses characterized by general active and ongoing agricultural activities, including agronomy, animal husbandry, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, apiculture, and similar uses. For the purposes of this UDO, this definition shall include any property used for bona fide farm purposes as defined in N.C.G.S. 160D-903. *[11-16-2020] [05-03-2021]*

AIRPORT

For purposes of Section 5.10, Airport Height Restriction, the Wilmington International Airport.

AIRPORT AND TERMINAL

Establishments providing air traffic control to regulate the flow of air traffic; establishments that operate international, national, or civil airports or public flying fields; or that support airport operations (such as rental of hangar spaces, cargo handling services, and passenger parking lots); and establishments providing specialty air transportation or flying services.

AIRPORT AUTHORITY

For purposes of Section 5.10, Airport Height Restriction, the New Hanover County Airport Authority and its agents, who are charged with administering the operations of the Wilmington International Airport.

AIRPORT ELEVATION

The highest point of an airport's usable landing area measured in feet from sea level

ALLEY STREET

See "Street, Alley".

AMATEUR RADIO ANTENNA

Amateur radio antennas as prescribed in North Carolina General Statutes §160D-905. *[09-08-2020]*

ANIMAL GROOMING SERVICE

A commercial establishment where a pet may be bathed, brushed, clipped, trimmed, and/or styled for the purposes of enhancing its appearance and/or health. This use typically includes an accessory retail component that is subordinate to the grooming service. This use does not include the breeding, boarding, training, raising, or selling of any animals; for those activities, see "Kennel". *[11-16-2020]*

ANIMAL SHELTER

A non-residential facility that is used to house or contain animals, and is owned, operated, and maintained for the purpose of providing temporary kenneling and care for the animals and finding permanent adoptive homes for them.

ANIMATED SIGN

See "Sign, Animated".

ANTENNA

Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services. *[09-08-2020]*

APPLICANT

A person who submits an application for a text amendment, zoning map amendment, conditional zoning map amendment, planned development, subdivision, or other development approval or permit under this UDO. *[05-03-2021]*

APPLICATION

A formal application form submitted by an applicant for a text amendment, zoning map amendment, conditional zoning map amendment, planned development, subdivision, or other development approval or permit under this UDO. *[05-03-2021]*

APPROACH SURFACE

A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope set forth in Section 5.10 of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES

See Section 5.10.6, Airport Zones.

ARTERIAL STREET

See "Street, Arterial".

ARTISAN MANUFACTURING

On-site production of goods by hand manufacturing involving the use of hand tools and small-scale light mechanical equipment. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have very limited, if any, negative external impacts on surrounding properties, water resources, air quality, and/or public health.

AUCTION HOUSE

An establishment where the real or personal property or others is sold by a broker or auctioneer to persons who attend scheduled sales or events. *[11-16-2020]*

BANK AND/OR FINANCIAL INSTITUTION

A facility that has as its primary purpose the custody, loan, exchange, or issue of money, the extension of credit, and transmission of funds. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through services.

BANNER SIGN

See "Sign, Banner".

BAR/NIGHTCLUB

A non-restaurant establishment that generates more than 49 percent of its quarterly gross receipts from the sale of alcoholic beverages for on-premises consumption. Bars and nightclubs may provide live music (bands) and other music, dancing, and games of skill such as pool or darts for use by the patrons of the establishment.

BARRIER ISLANDS

Any land formation composed of unconsolidated materials lying on the ocean side of the mainland. Estuaries or wetlands separate the islands from the mainland.

BASE STATION

For the purposes of the Communications and Information Facilities standards of Subsection 4.3.3., "base station" shall mean a station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics. *[09-08-2020]*

BED AND BREAKFAST INN

A place of lodging that located in a single family detached dwelling unit with a resident manager that provides 5 or fewer guest rooms and breakfast for transient occupants.

BEDROOM

A room designated as sleeping or bedroom on the plans and permit application. [05-03-2021]

BLOCK

A parcel of land, which is entirely surrounded by streets, highways, railroad rights-of-way, parks or green strips, rural land or drainage channels, or a combination thereof.

BOARD OF ADJUSTMENT

The New Hanover County Board of Adjustment charged with the responsibility of hearing and deciding appeals and requests for variance from the requirements of this UDO.

BOAT

A vessel or watercraft of any type or size specifically designed to be self-propelled, whether by engine or sail, including yachts, pontoon boats, sail boats, personal watercraft such as Jet-Skis®, and motorized inflatable boats such as Zodiacs®. For the purposes of this ordinance, this definition does not include small watercraft, as herein defined. [09-08-2020]

BOAT DEALER

Uses engaged primarily in the sale of personal, consumer-oriented boats.

BOATING FACILITY, COMMUNITY

A private, non-profit boating facility including a dock, pier and/or launching ramp on property having water frontage; the use of which is intended to serve five or more residential lots or residential units. The use of such a facility is limited to the residence owners or tenants and their invited guests and does not include commercial activities of any kind.

BOATING FACILITY, PRIVATE RESIDENTIAL

A private, nonprofit boating facility including a dock, pier, and/or launching ramp on property having water frontage, the use of which is to service fewer than five residential lots or units. The use of such facility is limited to the residence owners or tenants and their invited guests and does not include commercial activities of any kind.

BONA FIDE FARM PURPOSES

Agricultural activities as set forth in N.C.G.S. 160D-903. [05-03-2021]

BROADCASTING AND PRODUCTION STUDIO

Facilities for the filming, recording, and/or broadcasting of radio, television, film, music, and/or internet media content.

BUILDING

Any structure used or intended for supporting or sheltering any use or occupancy. [05-03-2021]

BUILDING BASE

The lower levels of a building that do not exceed 4 stories or 50 feet, whichever is less, and are distinguished architecturally from the upper floors of the building.

BUS AND TAXI TERMINAL

A facility that includes a lot and related building(s) utilized for the operations, maintenance, and/or storage of bus, coach, taxi, or similar transportation services. A terminal shall not include a location where the bus stops to drop off or take on passengers when there are not operational facilities.

BUSINESS SERVICE CENTER

An establishment engaged in providing mailbox rental and other postal and mailing services; copy centers or shops engaged in providing photocopying, duplicating, blueprinting, and other document copying services without also providing print services; and businesses providing a range of office support services, such as mailing services, document copying services, facsimile services, word processing services, on-site computer rental services, and accessory office product sales.

CAMPGROUND/RECREATIONAL VEHICLE (RV) PARK

Any parcel or tract of land upon which campsites are occupied or intended to be occupied by tents for overnight camping or upon which recreational vehicles are occupied for sleeping purposes, regardless of whether or not a charge is made for such purposes.

CAR WASH

A facility for washing or steam cleaning passenger automobiles (including self-service operations), operating either as a separate facility or when installed and operating in conjunction with another use, and which installation includes equipment customarily associated with a car wash and which is installed solely for the purpose of washing and cleaning automobiles.

CEMETERY

Land or facilities used for the permanent interment of humans or animals or their cremated remains, such as a mausoleum, columbarium, memorial park, and pet cemetery.

CERTIFICATE OF OCCUPANCY

The certificate from the County Inspections Department allowing the occupancy of a building.

CHILD CARE CENTER

An arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care, unless excluded by NCGS §110-86(2).

CIRCUSES, CARNIVALS, AND FAIRS

Itinerant enterprises consisting of amusements such as games, mechanical rides, acrobatic or magic shows, animal shows, and the exhibition of agricultural or other products.

COASTAL AREA MANAGEMENT ACT (CAMA)

North Carolina's Coastal Area Management Act, this act, along with the Dredge and Fill Law and the Federal Coastal Zone Management Act, is managed through North Carolina Department of Environmental Quality (NCDEQ's) Division of Coastal Management (DCM). This definition does not apply to the provisions of Article 9: Flood Damage Prevention; for that meaning, see Section 9.5: Definitions

COASTAL BARRIER RESOURCES SYSTEM (CBRS)

Consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by Federal or state governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

COLLECTOR STREET

See "Street, Collector".

COLLEGES, UNIVERSITIES, AND PROFESSIONAL SCHOOLS

A public or private, non-profit institution for post-secondary education offering courses in general or technical education that operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, and other facilities that further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted in such institutions.

COLLOCATION

The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term does not include the installation of new utility poles, or wireless support structures. *[09-08-2020]*

COMMERCIAL KITCHEN, CATERING

An establishment whose principal business is to prepare food on-site, then to transport and deliver or serve off-site. No business consumption of food or beverages is conducted on the premises. *[11-16-2020]*

COMMERCIAL PARKING LOT OR FACILITY

An off-street, hard-surfaced, ground level area—or a structure composed of one or more levels or floors—that is used as a commercial enterprise for the parking of personal automobiles, is not accessory to any other use on the same lot, and contains parking spaces rented to the general public or reserved for individuals by the hour, day, week, or month. This definition shall not include storage of vehicles awaiting repair, pending insurance or legal action, awaiting demolition, or vehicles stored for the stripping of parts.

COMMERCIAL RECYCLING FACILITY, LARGE COLLECTION

A facility greater than 500 square feet in size that buys or accepts recyclable materials for the purpose of storage until enough has accumulated for shipment.

COMMERCIAL RECYCLING FACILITY, PROCESSING

A facility that uses power-driven machinery to prepare recyclable materials for shipment. Machinery used in the processing of the materials includes shredders, balers, brickers, and can compactors.

COMMERCIAL RECYCLING FACILITY, PROCESSING AND COLLECTION

A facility that both collects and processes recyclable materials.

COMMERCIAL RECYCLING FACILITY, SMALL COLLECTION

A facility no greater than 500 square feet in size that is used as a drop point for temporary storage of recyclable materials, such as metal, glass, plastics, and/or newspapers, as the principal use of a parcel.

COMMUNITY CENTER

A meeting, recreational, and/or social facility provided by the government or a nonprofit institution for public use.

COMMUNITY GARDEN

An area managed and maintained by a group of individuals to grow and harvest fruits, flowers, vegetables, or ornamental plants for personal or group consumption, for donation, or for incidental sale. *[11-16-2020]*

CONDITIONAL ZONING

A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment. [05-03-2021]

CONICAL SURFACE

A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

CONSTRUCTION OFFICE

Modular units or other structures used solely as field offices for contractors during the duration of a specific construction project.

CONSTRUCTION PLANS

See "Subdivision Construction Plans".

CONTRACTOR OFFICE

An establishment primarily engaged in the day-to-day administrative and clerical services for businesses providing contracted services, such as building contractors, heating and air conditioning (HVAC) repair, landscaping and janitorial services, etc., that require outside and/or fleet storage. The use may include some on-site repair and material preparation work.

CONVENIENCE STORE

A small retail self-service store selling a limited line of fast-moving food and nonfood items, usually with extended hours of operation and usually with a high volume of customer traffic comprised of quick transactions of a small number of items. Includes fuel sales as an accessory use.

COUNTY

New Hanover County, North Carolina, a political subdivision of the State of North Carolina.

COUNTY ENGINEER

A Professional Engineer, registered in the State of North Carolina, employed by the County Board of Commissioners to provide engineering services to New Hanover County.

CRITICAL AREA

The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from remaining areas of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the surface water in which the intake is located or to the ridge line of the watershed, whichever comes first; or, one-half mile upstream from the intake located directly in the stream or run-of-the-river or the ridge line of the watershed, whichever comes first.

CUL-DE-SAC STREET

See "Street, Cul-de-sac".

DATA CENTER

An establishment primarily engaged in providing infrastructure (e.g., computer systems and associated components such as telecommunications and storage systems) for data processing and storage, web hosting, application hosting, streaming services, and related services. [11-16-2020]

DEBRIS SITE

A site for the temporary storage of trees, branches, shrubs, and logs and other similar vegetative debris resulting from a natural disaster.

DECISION-MAKING BODY OR DECISION-MAKING BOARD

The authorized body or person assigned to make decisions under this ordinance. [05-03-2021]

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. [05-03-2021]

DEVELOPMENT

Any of the following:

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

This definition does not alter the scope of regulatory authority granted by this Ordinance. [05-03-2021]

DEVELOPMENT APPROVAL

An administrative or quasi-judicial approval made pursuant to this Ordinance 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 compliance, site plan approvals, special use permits, and variances. The term also includes all other regulatory approvals required by regulations adopted pursuant to N.C.G.S. Chapter 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued. [05-03-2021]

DEVELOPMENT REGULATION

A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, stormwater control regulation, wireless telecommunication facility regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to this ordinance and/or N.C.G.S. Chapter 160D, or a local act or charter that regulates land use or development. [05-03-2021]

DIRECTIONAL SIGN (ON PREMISES)

See "Sign, Directional (on premises)".

DISABLED PERSON

Individuals with disabilities, including individuals recovering from alcoholism and/or drug addiction, who are protected by either the provisions of the Americans with Disabilities Act of 1990, 42 USC 12101, the Fair Housing Act, 42 USC 3601 *et. seq.*, or Chapter 168, Article 3, N.C.G.S.

DOMESTIC ANIMAL

Dogs, cats, rodents, birds, reptiles, fish, pot-bellied pigs weighing less than 70 pounds, and any other species of animal that is commonly kept as a household pet in the County. This term does not include skunks, nonhuman primates, and other species of wild or exotic animals.

DOWN-ZONING

A text or map amendment that affects an area of land in one of the following ways: (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage. (2) By reducing the permitted uses of the land that are specified in this ordinance to fewer uses than were allowed under its previous usage. *[05-03-2021]*

DRY CLEANING/LAUNDRY PLANT

An establishment engaged in providing dry cleaning or laundering services on-site or specialty cleaning services for specific types of garments and other textile items, such as fur or leather, on-site. This does not include drop-off dry cleaning and/or laundering shops.

DRY STACK BOAT STORAGE FACILITY

A facility with vertical storage of boats in a rack system, providing for storage of at least two layers of boats.

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. *[05-03-2021]*

DWELLING UNIT

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. *[05-03-2021]*

DWELLING, DUAL-UNIT ATTACHED

A dwelling containing two dwelling units sharing a common wall that is part of a performance residential, mixed use, or master planned development. Each dwelling unit is occupied exclusively by one family.

DWELLING, MULTI-FAMILY

A residential development other than a townhouse dwelling containing five or more dwelling units. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Multifamily dwellings include what are commonly called apartments or condominium units.

DWELLING, QUADRAPLEX

A residential building containing four dwelling units, which are either located side-by-side (four in a row), or two units on the first floor with two units located above.

DWELLING, ROW-STYLE

A residential development containing five or more dwelling units that are attached horizontally through common walls, occupying space from the ground to the roof of the building.

DWELLING, SINGLE-FAMILY DETACHED

A single detached dwelling unit on a lot, other than a mobile home dwelling and excluding any accessory dwelling unit.

DWELLING, TRIPLEX

A residential building containing three dwelling units, where the units are attached by common walls.

DWELLING, TWO-FAMILY (DUPLEX)

A dwelling containing two dwelling units sharing a common wall that is not part of a performance residential subdivision or is on an individual lot. Each dwelling unit is occupied exclusively by one family. A two-family or duplex dwelling may include two-story units where a floor/ceiling have the function of a common wall.

EASEMENT

A grant by the property owner for use, by the public, a corporation or person of a strip of land for specific purposes.

ELECTRIC SUBSTATION

A subsidiary station of an electricity generation, transmission, and distribution system where voltage is transformed from high to low or the reverse using transformers.

ELECTRIC VEHICLE CHARGING STATION

A vehicle parking space served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy. [11-16-2020]

ELECTRICITY GENERATING FACILITIES

A standalone plant not ancillary to another land use which generates electricity to be distributed to customers, including but not limited to fossil fuel burning facilities and wind power farms. This definition shall not include electricity produced at or on an agricultural farm, residence, business, or other facility where use of the electricity so produced is limited primarily to on-site consumption. Solar energy collection facilities are a type of electricity generating facility; however, for the purposes of this ordinance, they are considered a separate use in the Table of Permitted Uses.

ELECTRONIC GAMING OPERATION

A business enterprise, whether principal or accessory, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of odds or chance, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic Gaming Operations do not include any lottery approved by the State of North Carolina.

ELEMENTARY AND SECONDARY SCHOOLS

An educational institution that offers a program of high school, technical high school, middle school (or junior high school), and/or elementary school (including kindergarten, pre-k, pre-k-8, or nursery school) instruction meeting State requirements for a school. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution. [11-16-2020]

ELIGIBLE FACILITIES REQUEST

A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification. [09-08-2020]

EMERGENCY SERVICES FACILITY

An establishment for the provision of emergency services, such as fire, rescue and emergency medical service, and associated emergency preparedness, emergency management, or disaster management activities. [11-16-2020]

EQUESTRIAN FACILITY

A facility for keeping equines not associated with an agricultural or residential use and which includes the boarding, breeding, training, riding, or showing of the domestic animals.

EQUIPMENT COMPOUND

An area surrounding or near the base of a wireless support structure within which a wireless facility is located. [09-08-2020]

EQUIPMENT RENTAL AND LEASING

Facilities for the sale, rental, or lease of commercial vehicles and heavy equipment.

EVENT CENTER

A commercial establishment, either indoors or outdoors, with the primary purpose of providing space for meetings, gatherings, reunions, weddings, conventions, private parties, and other similar gatherings. Includes convention centers, wedding and event venues, and other uses not included as part of community centers; lodges, fraternal, or social organizations; or religious assemblies. [11-16-2020]

FAMILY

One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over three persons, but further provided that:

- (A) Domestic servants employed on the premises may be housed on the premises without being counted as part of the family residing on the premises; and
- (B) A foster home as designated by the North Carolina Department of Social Services for the care of not more than five children less than 18 years of age be considered as family.
- (C) Any child less than eighteen years of age living with parent(s) or a legal guardian is not to be counted as a person in the calculations.

FAMILY CARE HOME

A home with support and supervisory personnel that provides room and board, personal care, and rehabilitation services in a family environment for not more than six resident handicapped persons.

FAMILY CHILD CARE HOME

An arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care, unless excluded by NCGS §110-86(2).

FARM IMPLEMENT SALES

An establishment engaged in the on-premises lease, rental, or retail sales of new or used machinery, tools, supplies, and small appliances designed and used for agricultural or horticultural use. This use includes the sale of farm-specific vehicles such as tractors, tillers, and farm trailers, but does not include the sale of industrial equipment used in the processing of farm products at locations removed from the farm where such products are grown.

FARM STAND

An area for the temporary or seasonal sales and promotion of agricultural products, generally located on the farms where products are grown.

FARMERS' MARKET

A collective enterprise selling directly to the public and operated under a unified set of management guidelines and restrictions, concentrated in a single location, and leasing or otherwise assigning spaces to growers/producers who personally sell fresh produce and related farm products.

FENESTRATION

The arrangement and design of openings, such as windows, within a building.

FINAL PLAT

See "Plat, Final".

FLAG SIGN

See "Sign, Flag".

FLASHING SIGN

See "Sign, Flashing".

FLOATING STRUCTURE

Any structure or vessel in fact used, designed, and occupied as a permanent dwelling unit, business or source of any occupation, or any private or social club, which floating structure or vessel is primarily immobile and out of navigation or which functions substantially as a land structure while the same is moored or docked on waters within County jurisdiction, whether such floating structure is self-propelled or not.

FLOODWAY

See Article 9: Flood Damage Prevention, Section 9.5 for definition.

FOREST MANAGEMENT PLAN

A document that defines a landowner's forest management objectives and describes specific measures to be taken to achieve those objectives. The plan shall be prepared by a licensed forester and shall include silviculture practices that both ensure optimal forest productivity and environmental protection of land. (NC Division of Forest Resources and NC Cooperative Extension Service can provide educational materials and lists of licensed foresters.)

FOOD MARKET

An establishment that offers specialty food products at retail, such as meat, seafood, produce, artisanal goods, baked goods, pasta, cheese, confections, coffee, and other specialty food products, and may also offer additional food and non-food commodities related or complementary to the specialty food products.

FOOD PANTRY

A facility where stocks of food and personal care items, typically basic provisions and nonperishable items, are supplied free of charge to people in need. This use does not include food pantry as an accessory use to a Religious Assembly principal use, nor does it include incidental structures commonly referred to as Little Free Pantries. [11-16-2020]

FOUNDATION PLANTINGS

A required planting area between the curb line or edge of a parking facility or drive isle and the building's facade. See Section 5.4.7, Foundation Plantings.

FRATERNITY/SORORITY RESIDENCE

A building or structure occupied and maintained for residential uses exclusively for college or university students who are members of a social, honorary, or professional organization chartered by a national, fraternal, or sororal order.

FREEBOARD

See Article 9: Flood Damage Prevention, Section 9.5 for definition.

FUEL BULK STORAGE FACILITIES

A facility whose primary purpose is the storage, distribution, mixing, or transfer of flammable or combustible liquids, gases, or solids, received or transferred by truck, train, tank vessel, pipelines, tank car, piping, portable tank or containers, or other method, including propane, methane, ethanol, gasoline, kerosene, oil, coal, and other fuels. This definition shall not include fueling stations; retail oil or gas dealers; or fuel stored at or on an agricultural farm, residence, business, or other facility where fuel usage is limited primarily to on-site consumption.

FUEL PUMP ISLAND

Any device or group of devices used for dispensing motor fuel or similar petroleum products to the general public.

FUEL SALES

A facility engaged in the storage, distribution, and retail sales of vehicle fuels for personal vehicles, fleet vehicles, and/or trucks.

FUNERAL SERVICES

Establishments engaged in preparing the dead for burial or interment and conducting funerals. Funeral Services includes crematories as an accessory use.

GENERAL USE ZONING

A legislative zoning map amendment to a conventional zoning district, as defined in N.C.G.S. 160D-703, without site-specific conditions incorporated into the zoning map amendment. A general use zoning map amendment may be referred to as a “straight rezoning”. [05-03-2021]

GOLF COURSE

A tract or tracts of land laid out for at least nine holes for playing the game of golf, and which may include a clubhouse, golf schools, driving ranges, and accessory uses such as restaurants/bars, pro shops, and related facilities.

GOVERNMENT OFFICES AND BUILDINGS

An office of a governmental unit or agency that provides administrative and/or direct services to the public such as, but not limited to: employment offices, public assistance offices, motor vehicle licensing, and registration services.

GROCERY STORE

An establishment that offers a diverse variety of unrelated, non-complementary food and non-food commodities such as beverages, dairy, dry goods, fresh produce, and other perishable items, frozen foods, household products, and paper goods; may include a prescription pharmacy, coffee shop, and/or delicatessen and prepare minor amounts of food on-site for immediate consumption.

GROUP DEVELOPMENT

A group of two or more principal structures built on a single lot, tract, or parcel of land and designed for occupancy by separate families, firms, businesses, or other enterprises.

GROUP HOME

A home in which more than three unrelated persons with a disability, as defined in the U.S. Fair Housing Act, 42 U.S.C. 3601 et seq., live together as a self-supporting and self-sufficient household unit.

HAZARD TO AIR NAVIGATION

An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of navigable airspace.

HAZARDOUS MATERIAL

Any substance listed as such in the Superfund Amendments Reauthorization Act (SARA), Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

HEIGHT

For the purpose of determining the height limits in all zones set forth in Section 5.10, Airport Height Restriction, the datum shall be mean sea level elevation unless otherwise specified.

HELIPORT

A facility designed to accommodate all phases of helicopter operations, with space for a terminal and the loading, unloading, service, and storage of helicopters, including accessory uses commonly associated with an airport terminal.

HIGH DENSITY DEVELOPMENT

A development with an Additional Dwelling Allowance permit.

HOME OCCUPATION

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, and is incidental and secondary to the residential use of the lot.

HORIZONTAL SURFACE

For purposes of Section 5.10, Airport Height Restriction, the horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOSPICE

A licensed hospice facility which provides palliative care and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting. [11-16-2020]

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." [05-03-2021]

HOTEL OR MOTEL

A building or a group of buildings in which six or more sleeping units are offered to the public and intended primarily for use by transient persons or tourists on an overnight or short-term lodging basis. Such uses may include kitchenettes, microwaves, and refrigerators within the guest units.

INCIDENTAL SIGN

See "Sign, Incidental".

INDOOR RECREATION ESTABLISHMENT

A commercial establishment that provides indoor facilities for recreation, entertainment (except adult entertainment), or amusement, including but not limited to: bowling alleys, pool rooms, indoor sports gymnasiums, movie theaters and live theaters, indoor skating rinks, video arcades, and indoor shooting ranges.

INOPERATIVE MOTOR VEHICLE

A motor vehicle which meets only one of the following criteria:

- (A) Is presently unable to satisfy the vehicle inspection standards of the State of North Carolina, regardless of whether the vehicle possesses a currently valid inspection certificate. Motor vehicles which lack such an inspection certificate, or which display an expired certificate, shall be presumed to be inoperative; or
- (B) Is partially dismantled or wrecked; or
- (C) Cannot be self-propelled or moved in the manner in which it originally was intended to move.

INSTRUCTIONAL SERVICES AND STUDIOS

Establishments primarily engaged in teaching skills within a group setting pertaining to specialized recreational or artistic pursuits, including but not limited to, dance studios, yoga studios, fitness classes, martial arts, painting, sculpting, and singing. *[11-16-2020]*

INTEGRAL SIGN

See “Sign, Integral”.

INTENSIVE INDUSTRY

Uses listed under the heading “intensive industry” in the Table of Permitted Uses shall be considered intensive industry uses.

INTERIOR LOT

See “Lot, Interior”.

INVASIVE SPECIES

A species of tree or other plant listed as a nonnative invasive plant by the US Department of Agriculture, Forest Service. *[11-16-2020]*

JUNK YARDS, SCRAP PROCESSING

An establishment or place of business maintained, operated, or used for storing, keeping, buying, or selling of junk materials such as old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, or other old or scrap ferrous or non-ferrous metal.

KENNEL

An establishment, including doggy day cares, that engages in the business, for a fee, or boarding, breeding, grooming, or training of more than three domesticated animals at any one time; or an establishment in the business, for a fee, of selling more than one litter of domesticated animals at any one time or the selling of any three individual domesticated animals (not defined as litter herein) at any one time. The following shall not constitute the operation of a kennel:

- (A) The ownership of domesticated animals as household pets;
- (B) The ownership of domesticated animals for hunting or tracking purposes;

- (C) The ownership of domesticated animals for the purpose of exhibiting at shows, obedience or field trials; and
- (D) The ownership of domesticated animals for the purpose of protection of guarding of residences or commercial establishments.

KINETIC SIGN

A sign that depicts motion either illusory or real.

LABOR ORGANIZATION

An office or other establishment used by an organization, agency, committee, or group for the purpose of undertaking activities on the behalf of employees of an industry or industries in regard to collective contracts or general conditions of employment.

LAKES AND PONDS

Natural or artificial bodies of water which retain water year round. Artificial ponds may be created by dams or may result from excavation.

LANDFILL, DEMOLITION

A sanitary landfill that receives, stores, and/or processes concrete, brick, wood, or other construction and development debris materials.

LANDFILL, LANDSCAPE

A sanitary landfill that is limited to receiving, storing, and/or processing of stumps, limbs, leaves, uncontaminated earth or other vegetative debris or earth materials.

LANDOWNER OR OWNER

The holder of the title in fee simple. Absent evidence to the contrary, the County 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. [05-03-2021]

LARGER THAN UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

LIBRARY

A public and/or nonprofit facility in which literary, musical, artistic, or reference material such as, but not limited to, books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

LIVE/WORK OR CARETAKER UNIT

A structure or portion of a structure that combines a nonresidential use that is allowed in the zoning district with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household and where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed.

LIVESTOCK SALES

An establishment primarily engaged in the sale and distribution of livestock and may include livestock auction sales.

LOCAL STREET

See "Street, Local".

LODGES, FRATERNAL, & SOCIAL ORGANIZATIONS

An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational or like activities, operated on a nonprofit basis for the benefits of its members, and certified as a non-profit organization by the Secretary of State of the State of North Carolina.

LOT

One or more contiguous properties or portions thereof, not separated by a public right-of-way. Such "lots" shall be of sufficient size to meet minimum zoning district requirements for use, coverage, and area, and provide such yards and open space as are required for the location of a principal building or use and its accessory buildings and uses. The word lot also includes the words "plot" and "parcel".

LOT DEPTH

The mean horizontal distance between front and rear lot lines.

LOT FRONTAGE

That portion of a lot abutting on a street, including the side dimension of a corner lot.

LOT OF RECORD

A lot which is part of a subdivision recorded in the Office of the Register of Deeds, or a lot or parcel described by metes and bounds, the description of which is recorded.

LOT TYPES

Lot types include corner, interior, and through lots.

LOT, CORNER

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

LOT, INTERIOR

A lot other than a corner lot with only one frontage on a street.

LOT, THROUGH

A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

MARINA, COMMERCIAL

Any dock or basin and associated structures commercially providing permanent or temporary harboring or storing of two or more boats (pleasure and/or commercial), and providing marine services, including but not limited to retail sales for fuel, repair, convenience food and rental goods, boats, engines, and accessory boat and equipment rental.

MEDICAL AND DENTAL OFFICE AND CLINIC

Small-scale facilities or offices where patients are admitted for examination, diagnostic testing, and treatment by one or more physicians, dentists, or other health practitioners on a short-term basis. The use includes the offices of physicians, dentists, chiropractors, optometrists, podiatrists, audiologists, speech pathologists, and other health practitioners. It also includes facilities providing short-term outpatient care and treatment (which may or may not be overnight), such as kidney dialysis centers, outpatient pain therapy clinics, biofeedback centers, sleep disorder clinics, family planning clinics, community health clinics, and health maintenance organization (HMO) medical clinics. Such facilities that provide overnight care and treatment may include sleeping rooms for care workers and members of patients' families. This use does not include hospitals or massage therapy establishments.

MICROBREWERY/MICRODISTILLERY

An establishment where beer, malt beverages, wine, distilled alcohol, or mead is made on the premises primarily for on-site consumption and/or retail sales, and may be packaged for distribution off-site. Typical accessory uses may include a restaurant, tasting room, retail, food truck, and/or live entertainment, as otherwise permitted in the zoning district. For the purposes of this definition, the following shall constitute a microbrewery/microdistillery:

- (A) In the case of Microbreweries, breweries that produce no more than 15,000 barrels of beer per year AND where the total brewery size, as measured by the sum of the gross floor area, does not exceed 25,000 square feet.
- (B) In the case of Microdistilleries, distilleries that produce no more than 50,000 US gallons per year AND where the total distillery size, as measured by the sum of the gross floor area, does not exceed 25,000 square feet.

For breweries and distilleries that exceed the square footage and production limits, see “Beverage Manufacturing” in the Principal Use Table. *[11-16-2020]*

MINING

- (A) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of mineral, ores, or other solid matter.
- (B) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location.
- (C) The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial or construction use.

The definition applies regardless of whether the mining activity is for a commercial or noncommercial purpose, and regardless of size of the affected area. Activities such as vibracoring, box coring, surface grab sampling, and other drilling and sampling for geotechnical testing, mineral resource investigations, or geological research are not considered mining. Excavation of mineral resources associated with the construction or maintenance of an approved navigation project in accordance with 15A N.C.A.C. 7B .0200 is not considered mining. Environmental remediation or reclamation projects or the removal of material incidental to excavation and carried out pursuant to an approved site plan (as specified in Section 74-49 (7)(d) of the Mining Act of 1971) are exempt from this definition and shall be allowed in any zoning district provided applicable state and local permits are acquired.

MINING & QUARRYING, HIGH INTENSITY

Mining operations with on-site processing, use of explosives, and/or that are more than 20 acres in size.

MINING & QUARRYING, LOW INTENSITY

Mining operations no more than 20 acres in size with no on-site processing or use of explosives.

MINI-WAREHOUSE/SELF-STORAGE

A facility in which storage space such as rooms, lockers, and/or containers (storage units) are rented to tenants, usually on a short-term basis (month-to-month), for profit. The facility may include outdoor storage areas for boats and recreational vehicles (RVs) that are licensed and in operable condition. *[09-08-2020]*

MINOR SUBDIVISION

See “Subdivision, Minor”.

MIXED-USE RESIDENTIAL

A structure that combines a commercial unit or unit(s) with a separate residential dwelling unit or units located on any floor except the ground floor.

MANUFACTURED HOME OR MOBILE HOME

A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

This definition does not apply to the provisions of Article 9: Flood Damage Prevention for "manufactured home"; for that meaning, see Section 9.5: Definitions. [05-03-2021]

MOBILE HOME AND PREFAB BUILDING SALES

A fixed location engaged in the display and sale of mobile homes or pre-fabricated buildings.

MOBILE HOME PARK

Any site or tract of land of contiguous ownership upon which manufactured home or travel trailer spaces are provided in accordance with the requirements set forth in Section 4.3, Standards for Specified Principal Uses. This definition does not apply to the provisions of Article 9: Flood Damage Prevention for "manufactured home park"; for that meaning, see Section 9.5: Definitions.

MOBILE HOME SPACE

A plot of land, the minimum size of which shall not be less than 5,000 square feet, designed to accommodate a single mobile home within a mobile home park.

MOBILE HOME SUBDIVISION

Any new development consisting of three or more contiguous lots for the purpose of locating mobile homes and that is designed and approved pursuant to Article 6: Subdivision Design and Improvements, and Article 10: Administrative Procedures. This definition does not apply to the provisions of Article 9: Flood Damage Prevention for "manufactured home subdivision"; for that meaning, see Section 9.5: Definitions.

MOBILE HOME, DOUBLEWIDE

A mobile home designed to be joined into one integral unit that measures at least 24 feet by 40 feet.

MOTOR FREIGHT TRANSPORTATION WAREHOUSING

A business, service, or industry involving the use of commercial vehicles in the loading, unloading, and transportation of cargo. It may also include the fueling, maintenance, servicing, storage, or repair of commercial vehicles, or the storage of cargo.

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. [05-03-2021]

MULTI-MODAL TRANSPORTATION OPPORTUNITIES

Public transit, walking, bicycling, and/or water-oriented transit and the facilities necessary for such uses.

MULTI-UNIT SIGN

See "Sign, Multi-Unit".

MUSEUM

A facility for exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects.

N.C.G.S

The North Carolina General Statutes.

NATIVE SPECIES

A species of tree or other plant that evolved naturally in Southeastern North Carolina without human intervention as identified by the North Carolina Extension Service or US Department of Agriculture. [11-16-2020]

NONCONFORMING BUILDING OR STRUCTURE (DIMENSIONAL NON-CONFORMITY)

A nonconforming situation which lawfully existed before the effective date of any provision of this ordinance or subsequent amendment thereto, when the height, size, or minimum floor space of a building or the relationship between an existing building and setbacks does not conform to the regulations applicable to the district in which the property is located.

NONCONFORMING LOT

A lot which complied with the requirements of the regulations in existence at the time of its creation, that does not currently comply with the minimum lot area requirements of the district in which the lot is located.

NONCONFORMING PROJECT

Any structure, development, or undertaking that is incomplete on the effective date of a provision of this ordinance and would be inconsistent with any regulations applicable to the district in which it is located if completed as proposed or planned.

NONCONFORMING SIGN

Any sign or sign structure which was lawfully erected and maintained in accordance with all standards and provisions in effect at the time which fails to comply with the standards of Section 5.6, Signs, and any amendments thereto, and which fails to conform to any other applicable provisions of this Ordinance.

NONCONFORMING SITUATION

A situation that occurs when an existing lot, structure, or use was lawfully created, but does not conform to one or more of the regulations applicable to the district in which the lot or structure is located.

NONCONFORMING USE

A nonconforming situation which lawfully existed before the effective date of any provision of this ordinance or subsequent amendment thereto, which occurs when property is used for a purpose or in a manner made unlawful by the permitted use regulations applicable to the district in which the property is located or by other use regulations in this Ordinance.

NON-PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

NON-SUBSTANTIAL MODIFICATION

See "Eligible Facilities Request." [09-08-2020]

NORMAL HIGH WATER (NHW)

The ordinary extent of high tide based on site conditions such as presence and location of vegetation, which has its distribution influenced by tidal action, and the location of the apparent high tide line.

NURSING AND REHABILITATION CENTER

A home for chronic or convalescent patients, who, on admission, are not as a rule acutely ill and who do not usually require special facilities such as an operating room, x-ray facilities, laboratory facilities, and obstetrical facilities. A Nursing and Rehabilitation Center provides care for persons who have remedial ailments or other ailments for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. This term includes nursing homes.

OBSTRUCTION

For purposes of Section 5.10, Airport Height Restriction, any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 5.10, Airport Height Restriction.

OFFICES FOR PRIVATE BUSINESS AND PROFESSIONAL ACTIVITIES

Establishments primarily engaged in the day-to-day administrative or clerical services for businesses or other organizations that provide professional or other services to the general public on a walk-in or appointment basis in an office setting.

OFFICIAL MAP OR PLANS

Any maps, plans, charts, or texts officially adopted by the County Board of Commissioners for the development of New Hanover County. This definition shall include the most recent version of all maps officially adopted or promulgated by State and federal agencies. [05-03-2021]

OFF-PREMISES ADVERTISING

Any sign either free standing or attached to a structure that directs attention to a business, commodity, service, entertainment or other activity conducted, sold, or offered elsewhere than on the premises on which said sign is located.

OFF-STREET PARKING SPACE

See "Parking Space, Off-Street".

OIL AND GAS DEALER, RETAIL

An establishment primarily engaged in the retail sale of heating oil, liquefied petroleum (LP) gas, and other fuels. [11-16-2020]

OUTDOOR ADVERTISING SIGN

See “Sign, Outdoor Advertising”.

OUTDOOR RECREATION ESTABLISHMENT

Uses that provide commercial recreation or amusement outdoors (except adult entertainment), including but not limited to: drive-in movie theater, amusement park or theme park, fairgrounds, miniature golf establishments, golf driving ranges, water slides, and batting cages.

OUTDOOR SHOOTING RANGE

An area of land reserved or specifically designed for the discharging of firearms (excluding paintball guns) for the purposes of exhibition, training, educational, recreational, therapeutic, or competition activities. Excluded from this use type shall be general hunting and the discharging of firearms conducted solely by an individual property owner and/or their guest(s), provided no fee is assessed for the activity.

OVERHEAD CANOPY

Any structure placed over, around, or near a fuel pump island or bank drive-thru and intended to provide lighting and/or protection from the elements for island users shall be considered an overhead canopy.

PARK AND RECREATION AREA

An area of land set aside for public use and enjoyment and consisting of facilities for passive and/or active recreation, specifically excluding commercially operated recreational facilities. This use does not include passive or active open spaces developed to be ancillary to residential neighborhoods and developments.

PARKING SPACE, OFF-STREET

A space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

PENNANT SIGN

See “Sign, Pennant”.

PERFORMANCE BOND

A performance bond from a surety financial guarantee company authorized to do business in North Carolina, made issued or made payable to New Hanover County. The performance bond shall be in a form reasonably acceptable to the County.

PERFORMANCE RESIDENTIAL DEVELOPMENT

A residential development varying from the dimensional requirements of conventional residential development but not exceeding the density limit established in the applicable zoning district.

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. [05-03-2021]

PERSONAL SERVICES, GENERAL

Establishments primarily engaged in providing non-medical services to individuals involving the care of a person or his or her personal goods or apparel, including barber shops, beauty salons, nail care salons, tanning services, shoe and clothing repair, and drop off laundry services.

PHARMACY

A retail store with the primary function of selling or dispersing medicines and related medical products that may offer other retail goods in addition to prescription pharmaceuticals.

PIER-HEAD LINE

A line established to limit the extension of piers into public waters in order to preserve the citizens' use of those waters for commercial and recreational purposes. Piers may not be constructed that extend into the channel portion of the water body and shall not extend more than one-third the width of a natural water body or man-made canal or basin. However, piers constructed along the Atlantic Intracoastal Waterway (AIWW) that are intended for public use or for research or scientific studies affiliated with public or private universities and colleges may extend to the minus 4.0-foot mean low water depth (-04.0' mlw) provided such extension is no closer than 85 feet from and parallel to the edge closest to the pier of the official navigation channel of said waterway as established by the United States Corps of Engineers. It shall be the responsibility of the owner/petitioner to locate the setback line based upon accurate channel surveys maintained by the Corps. Such piers shall conform with all other criteria established by the North Carolina Coastal Resources Commission.

PLANNING BOARD

The New Hanover County Planning Board. [05-03-2021]

PLANNING DEPARTMENT

The New Hanover County Planning and Land Use Department.

PLANNING DIRECTOR

The New Hanover County Planning and Land Use Director, who is responsible for administering and enforcing this Ordinance (see Section 10.1.6, Planning Director).

PLAT

Includes the map, plan, plat, replat, replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided.

PLAT, FINAL

A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land required by this UDO.

PLAZA AREA

An area adjacent to the roadway which serves as a physical barrier to direct the flow of traffic and to separate highway traffic from the activity on private property.

PORTABLE OR MOVEABLE SIGN

See "Sign, Portable or Moveable".

POST OFFICE

An office or station of a government postal system at which mail is received and sorted, from which it is dispatched and distributed, and at which stamps are sold or other services rendered.

PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRELIMINARY FORUM

A public meeting conducted by the New Hanover County Planning Board in association with a special use permit application in which the Planning Board, prior to the quasi-judicial public hearing conducted by the New Hanover County Board of Commissioners, receives public comment and conducts an advisory review for the applicant and public in order to identify potential relevant and material evidence, findings of fact, and issues or areas that the Board of Commissioners may need more information on in order to reach a required conclusion. [05-03-2021]

PRELIMINARY PLAN

A map of proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

PRIMARY SURFACE

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPAL BUILDING

A building in which is conducted the principal use of the lot on which it is located.

PRINCIPAL SIGN

See "Sign, Principal".

PRODUCE STAND

A single-vendor enterprise established to sell a variety of farm products directly to the public in a single location for one or several off-site growers.

PROFESSIONAL ARCHEOLOGIST

A person who has a graduate degree in archaeology, anthropology, or a closely related field, plus:

- (A) At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration and management.
- (B) At least four months of supervised field and analytic experience in general North American Archeology; and
- (C) Demonstrated ability to carry research to completion.

PROFESSIONAL HISTORIAN

A person who has a graduate degree in history or a closely related field, plus one of the following:

- (A) At least two years of full-time experience in research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
- (B) Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

PROJECTING SIGN

See "Sign, Projecting".

PROPERTY

All real property subject to land-use regulation by New Hanover County. The term includes any improvements or structures customarily regarded as a part of real property. [05-03-2021]

RAILROAD FREIGHT DEPOT

A facility where freight is collected and transferred by rail.

RAILROAD PASSENGER TERMINAL

A facility that receives and discharges railroad passengers.

RECREATIONAL VEHICLE

See Travel Trailer.

RECREATIONAL VEHICLE AND BOAT TRAILER STORAGE LOT

A ground level parking area on which recreational vehicles and boat trailers, with or without boats, can be stored for a fee when not in use.

RECREATIONAL VEHICLE PARK

See Travel Trailer Park.

REGULATED TREE

See "Tree, Regulated".

RELIGIOUS ASSEMBLY

A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structure(s), including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in and ancillary to a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions. Schools and other childcare services are not accessory uses and shall require approval as separate principal uses.

REPAIR SHOP

Establishments engaged in repairing and maintaining consumer electronics, computer and office machines, household appliances, home and garden equipment, furniture, and related equipment.

RESEARCH AND DEVELOPMENT FACILITY

An establishment that engages in research, or research and development, of innovative ideas in medical, biological, technology-intensive, or similar fields. This use may include laboratories and facilities for the construction of prototypes.

RESIDENTIAL PRIVATE PIER

A dock, pier, launching ramp, and/or supportive boating activity extending from a residential lot into water adjacent thereto; the use of which is limited to members of the family of the lot owner or his tenant and/or their invited guests.

RESTAURANT

Establishments where food and beverages are prepared and sold on a retail basis for consumption on or off premises as its principal business.

RETAIL NURSERY

A facility or area for the displaying and sale of plant stock, seeds, or other horticultural items. The growing of plant stock is not included in this definition.

RETAIL SALES, BUILDING AND CONSTRUCTION SUPPLIES

Commercial enterprises providing building and construction supplies for sale directly to the consumer. This use may include outdoor storage areas and ancillary leasing or renting of equipment.

RETAIL SALES, GENERAL

Commercial enterprises that provide goods and/or services for sale, lease, or rental directly to the consumer. Examples include stores selling, leasing, or renting consumer, home, and business goods such as art, clothing, dry goods, electronic equipment, furniture, garden supplies, hardware, jewelry, pet food, and printed material.

REVOLVING SIGN

See "Sign, Revolving".

RIVER'S EDGE

The Normal High Water (NHW) level, as established by a field representative from the Division of Coastal Management or by the New Hanover County Local Permit Officer when an application for a CAMA permit has been submitted, measured from the water's edge to the proposed building elevation closest to and facing the river.

ROADS/STREETS

For the purposes of Article 6: Subdivision Design and Improvements, a right-of-way with infrastructure for vehicular movement which is designed, dedicated, and constructed for public or private use to a standard commensurate with its function. The functional classifications of roads/streets are as follows:

STREET, ARTERIAL

Arterial road systems provide a higher speed, high volume network for travel between two points of interest. The design covers a broader range of roadways, from two lane to multi-lane, and is oriented more toward efficient mobility rather than property access. Example: Market Street, College Road.

STREET, COLLECTOR

Collectors serve a dual purpose, collecting traffic for movement between arterial and local streets and providing limited access to abutting properties. These streets not only serve traffic movements between arterials and local streets, but through traffic within local areas. Collector streets shall intersect with existing or planned collector or arterial streets.

STREET, CUL-DE-SAC

A street open at one end that is planned, constructed, and operated for the sole purpose of property access. Cul-de-sacs shall include a turnaround at the closed end of the street to permit reverse direction. In the interest of public service delivery response, the total length of a cul-de-sac shall be minimized. Example: Amelia Court.

STREET, ALLEY

Alleys provide side or rear access to individual parcels that front on a higher order street. They are characterized by narrow right-of-way and travelway widths to accommodate passenger vehicles and residential services at slow speeds. Alleys generally connect at both ends to local or collector streets. In some instances, dead end alleys are permissible with a vehicle turnaround at the terminus of the travelway. No permanent parking is allowed. Alley example: Loring Alley.

STREET, LOCAL

Local streets provide access to parcels and may be planned, constructed, and operated for the function of property access and limited through traffic. Traffic volumes are largely short trips or a relatively small part of longer trips where local streets connect with major streets or highways of higher classifications. Street example: Mallow Road.

STREET STUBS

A dedicated right-of-way that abuts undeveloped property for the purpose of allowing future access, connectivity, or to logically extend the street system into the surrounding area. All street stubs designated as public or private shall be paved to the property line in order to be counted toward the road connectivity requirements. Temporary access bulbs to facilitate adequate turnaround consisting of an all-weathered surface may be required. Wings of bulb shall be removed when adjoining land is developed. No gates or obstructions will be permitted. However, adequate signage installed by the developer to warn motorists of dead end shall be required.

ROOF SIGN (INTEGRAL)

See "Sign, Roof (integral)".

RUNWAY

A defined area on an airport prepared for landing and take-off of aircraft along its length.

RV OR TRAVEL TRAILER DWELLING

A dwelling unit that meets the definition of a Recreational Vehicle (RV) or Travel Trailer, as defined herein, but that does not include Temporary Relocation Housing as defined by this ordinance. [09-08-2020]

SEASONAL SALES

The sale of merchandise outdoors for a definite time period and not associated with a principal retail use. Seasonal sales can include the sale of such items as Christmas trees, pumpkins, and similar seasonal or holiday-related products.

SENIOR LIVING: ASSISTED LIVING FACILITY

Any group housing and services program for two or more unrelated adults that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies, in accordance with NCGS §131D-2.1.

SENIOR LIVING: CONTINUING CARE RETIREMENT COMMUNITY

A residential community that accommodates changing lifestyle preferences and health care needs and offers several levels of assistance, including all of the following: independent living, assisted living, and nursing home care. It provides a written agreement or long-term contract between the resident and the provider community that offers assurance of a continuum of housing, services, and health care, most commonly all on one campus, and frequently last for the resident's lifetime.

SENIOR LIVING: INDEPENDENT LIVING RETIREMENT COMMUNITY

A housing development that may contain a variety of housing types designed for and restricted to occupancy by households having at least one member who is 55 years of age or older, living independently. Facilities and services typically include features such as: security; lawn and building maintenance; wellness, fitness, or spa services and facilities; central meeting areas; programmed recreation or social facilities and activities; communal garden spots; AARP Universal design or other similar characteristics. Minimal supportive services may also be offered to residents in senior apartment facilities.

SEPTAGE, SLUDGE DISPOSAL

A site for the disposal of septage and/or sludge.

SHOPPING CENTER

Two or more commercial establishments planned and constructed as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area which the unit serves.

SIGHT DISTANCE

Area at intersecting street that establishes a clear line of sight for a waiting vehicle to see oncoming traffic and make turning movements into or out of street or driveway safely or for traffic to see entering or waiting vehicles.

SIGN

Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

SIGN, ANIMATED

Any sign which uses movement or change of lighting to depict action or to create a special effect or scene (compare "flashing sign").

SIGN, BANNER

A suspended sign made of a flexible material such as canvas, sailcloth, plastic, or waterproof paper.

SIGN, DIRECTIONAL (ON-PREMISES)

A sign or guide to direct pedestrian or vehicular traffic on the premises on which it is displayed. Examples include "in," "out," "entrance," and "exit."

SIGN, FLAG

Refers to devices generally made of flexible materials such as cloth, paper or plastic, and displayed on a flagpole.

SIGN, FLASHING

An illuminated sign of direct or indirect lighting on which the artificial light flashes on and off in regular or irregular sequences.

SIGN, FLOATING

Any sign painted on or attached to any boat or structure which floats or is designed to float, whether such boat or structure is self-propelled or not.

SIGN, INCIDENTAL

A single face or double face non-illuminated professional or announcement sign attached wholly to a building, window, or door containing information relative to emergencies, store hours, credit cards honored, and other similar accessory information.

SIGN, INTEGRAL

Names of buildings, dates of erection, monumental citations, tablets, and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the building.

SIGN, MULTI-UNIT

A freestanding sign which contains three or more identification signs for multi-occupancy premises, such as a shopping center.

SIGN, OUTDOOR ADVERTISING

Any sign either free standing or attached to a structure which directs attention to a business, commodity, service, entertainment, or other activity, conducted, sold, or offered elsewhere than on the premises on which said sign is located.

SIGN, PENNANT

A tapered or dovetailed banner or flag.

SIGN, PORTABLE OR MOVEABLE

A sign that is not permanently attached to the ground, a structure, or a building, and that can easily be moved from one location to another and used for a temporary purpose.

SIGN, PRINCIPAL

A sign which directs attention to a business, commodity, service, entertainment, or other activity, conducted, sold, or offered exclusively on the premises upon which the sign is located.

SIGN, PROJECTING

A sign end-mounted or otherwise attached to an exterior wall of a building or structure, and which projects out from the wall.

SIGN, REVOLVING

A sign which revolves 360 degrees.

SIGN, ROOF (INTEGRAL)

Any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches. Chimneys or other similar features are not an integral part of a normal roof structure. An integral roof sign shall be considered to be a wall sign and shall be subject to the regulations pertaining to wall signage.

SIGN, SPECIAL PURPOSE

A temporary sign to announce sales, new products, openings, or closeouts, and other special events.

SIGN, TEMPORARY

Sign permitted for a period not exceeding 12 months, including for sale, for rent, construction company's name, subcontractor's names, architect's, and planner's names.

SIGN, TIME AND/OR TEMPERATURE

A sign containing numerals which may be alternately displayed to show the time and/or temperature. A time and/or temperature sign shall not be considered a flashing or animated sign; time and temperature signs shall not change or alternate messages more frequently than once every three seconds.

SIGN, WALL

A sign which is attached flat to a wall or facade facing of a building and which projects not more than eighteen inches from the wall.

SIGN, WINDOW

A sign attached directly onto the inside or outside of the window of a building, or placed inside the window so that it is visible from the outside.

SITE PLAN

A scaled drawing and supporting text that is submitted as part of a Major or Minor Site Plan application showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot, as well as 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. For the purposes of this ordinance, this definition does not include subdivision construction plans or plats. For definitions related to subdivision plans or plats, see “Preliminary Plan”, “Subdivision Construction Plans”, and “Plat, Final”. [05-03-2021]

SITE SPECIFIC DEVELOPMENT PLAN

A conceptual plan that describes with reasonable certainty the type and intensity of land use for a specific parcel or parcels that is submitted as part of a conditional zoning map amendment, special use permit, or master planned development. This definition shall include “conceptual development plan” as used in this ordinance and “site-specific vesting plan” as defined and used in N.C.G.S. 160D-108.1. [05-03-2021]

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. [05-03-2021]

SOLAR ENERGY COLLECTION FACILITY

A facility designed to meet energy demands for a large area and consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects energy and converts it into electricity.

SOLAR ENERGY COLLECTION FACILITY, ACCESSORY

A facility designed to meet energy demands for the principal use of the property on which the collection facility is located, and consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects energy and converts it into electricity. A solar energy collection facility intended to serve the energy needs of a use or uses beyond the property on which the collection facility is located shall constitute a “Solar Energy Collection Facility” principal use. [11-16-2020]

SPECIAL FUNDRAISING FOR NON-PROFIT ORGANIZATIONS

A temporary fundraising activity and/or sale conducted by a non-profit organization to support its defined mission.

SPECIAL HIGHWAY

Any highway, such as but not limited to interstate corridors, freeways, arterials, and collectors, designated by the County Commissioners for its scenic qualities and its ability to provide safe and efficient traffic flow.

SPECIAL PURPOSE SIGN

See “Sign, Special Purpose”.

SPECIAL USE

A use that would not be appropriate generally as a right without restriction throughout a zoning district, but which, if controlled as to number, area, location, or relation to neighborhood, would promote the public health, safety, morals, or the general welfare.

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. *[05-03-2021]*

SPECIFIED ANATOMICAL AREAS

1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

1) Human genitals in a state of sexual stimulation or arousal; 2) acts of human masturbation, sexual intercourse, or sodomy; 3) fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

SPECIMEN TREE

See “Tree, Specimen.”

STABLE

A facility for the keeping of horses for the private use of the residents or owners of the lot. This use includes accessory boarding of horses.

STREET

In general, a dedicated and accepted public or private right-of-way for vehicular traffic which affords the principal means of access to abutting properties. For the purposes of Article 6: Subdivision Design and Improvements, see the definition for Roads/Streets.

STREET LINE

The right-of-way boundary of a street.

STRUCTURE

Anything constructed or erected within a fixed location on the ground, or attached to something having a fixed location on the ground. The term structure shall be construed to include buildings, porches, decks, carports, garages, sheds, roof extensions, overhangs extending more than two inches, and any other projections directly attached to the structure. For purposes of Section 5.10, Airport Height Restriction, a structure is any object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines. This definition does not apply to the provisions of Article 9: Flood Damage Prevention; for that meaning, see Section 9.5: Definitions. *[05-03-2021]*

STRUCTURAL ADDITION TO A MOBILE HOME

Any roofed, canopied, enclosed porch and/or room or structure that is used in connection with a mobile home. A concrete slab porch or open deck with no roof shall not be considered a structural addition.

SUBDIVIDER

Any person, firm or corporation who subdivides any land.

SUBDIVISION

A "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this UDO:

- (1) the combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in Article 6: Subdivision Design and Improvements;
- (2) the division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (3) the public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors; or
- (4) the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County as shown in Article 6: Subdivision Design and Improvements.
- (5) the division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes. [05-03-2021]

SUBDIVISION CONSTRUCTION PLANS

Plan, profile, and detail drawings sufficient to indicate the construction of all improvements associated with the property to be subdivided, prepared by a professional, legally recognized by a State of North Carolina licensing board as being licensed to perform such activities or undertakings.

SUBDIVISION, MINOR

A minor subdivision is a subdivision

- (1) involving not more than five lots, all of which front on an existing approved street; and
- (2) not involving any new streets or prospectively requiring any new street for access to interior property; and
- (3) not requiring drainage improvements or easements to serve the applicant's property or interior properties.

SUBSTANTIAL MODIFICATION

The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria:

- A. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.

- B. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
- C. Increasing the square footage of the existing equipment compound by more than 2,500 square feet. *[09-08-2020]*

SUBSTANTIALLY COMMENCED

For the purposes of this ordinance a development is determined by the Planning Director to have substantially commenced if evidence is provided that one or more of the following applies:

- A. The development has received and maintained a valid erosion and sedimentation control permit and conducted grading activity on a continuous basis and not discontinued it for more than thirty (30) days; or
- B. The development has installed substantial on-site infrastructure; or
- C. The development has received and maintained a valid building permit for the construction and approval of a building foundation; or
- D. Ten percent (10%) or more of the total cost of design- and construction-related activities authorized by such approvals or permits has been completed on the site. *[05-03-2021]*

SUNSHINE LIST

A list of email addresses on file with the Clerk to the Planning Board of persons or organizations with a standing written request or subscription to receive public meeting notices.

SURFACE DRAINAGE

A drainage system consisting of culverts and open ditches.

TECHNICAL REVIEW COMMITTEE

A committee formed by the County Commissioners for the purpose site plan and subdivision review as prescribed by this UDO (see Section 10.1.5, Technical Review Committee (TRC)). Abbreviated as “TRC” in this Ordinance.

TEMPORARY EMERGENCY SERVICES FACILITY

A temporary establishment for the provision of emergency services, such as fire, rescue and emergency medical services, and associated emergency preparedness, emergency management, or disaster management activities. *[11-16-2020]*

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). *[05-03-2021]*

TEMPORARY REAL ESTATE OFFICE/MODEL

A dwelling, dwelling unit, or other marketable unit of a new development that is used for real estate sales or leasing activities associated with the development.

TEMPORARY RELOCATION HOUSING

Temporary housing utilizing nonpermanent facilities for the displaced as a result of a natural or other disaster.

TEMPORARY SIGN

See “Sign, Temporary”.

THROUGH LOT

See “Lot, Through”.

TIMBER HARVEST

The felling, loading, and transportation of forest products, round wood or logs (Source: North Carolina Division of Forest Resources)

TIME AND/OR TEMPERATURE SIGN

See “Sign, Time and/or Temperature”.

TOWER (AS APPLIES TO TELECOMMUNICATIONS)

For the purposes of the Communications and Information Facilities standards of Subsection 4.3.3, “tower” shall be used interchangeable with “wireless support structure.” See “Wireless Support Structure.” [09-08-2020]

TRANSITIONAL SURFACES

These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TRANSPORTATION VEHICLE SERVICE AND STORAGE FACILITY

A garage or yard facility where public transportation or freight vehicle fleets are stored, maintained, and dispatched into service. These facilities do not involve the storage of personal vehicles, equipment, or other items used by the general public. [11-16-2020]

TRAVEL TRAILER

A wheeled vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel and/or recreational purposes, including, but not limited to structures mounted on auto or truck bodies that are commonly referred to as campers. Also referred to as Recreational Vehicles, RVs, except for the purposes of Article 9: Flood Damage Prevention.

TRAVEL TRAILER PARK

Any site or tract of land upon which are located the minimum number of travel trailer spaces or land area required by this ordinance regardless of whether or not a charge is made for such service.

TRAVEL TRAILER SPACE

A plot of land within a travel trailer park designed for the accommodation of one travel trailer.

TRC

See “Technical Review Committee.”

TREE

For purposes of Section 5.10, Airport Height Restriction, any object of natural growth.

TREE, CANOPY

Any tree or other woody plant with an average spread of 25 feet or greater at maturity that when fully grown will provide shade and/or shelter for the land beneath while allowing passage of people, animals and/or vehicles upon the land beneath. [05-03-2021]

TREE, SPECIMEN

Any Live Oak, Bald Cypress, or Pond Cypress tree that is 36" diameter at breast height (DBH) or larger. [05-03-2021]

TREE, UNDERSTORY

Any tree no more than 35 feet in height at maturity located between the forest canopy and the ground cover. [05-03-2021]

UNDERSTORY TREE

See "Tree, Understory".

URGENT CARE FACILITY

A facility that provides emergency medical services with no provision for continuing care on an inpatient basis. Such establishments generally have a wider range of business hours than medical and/or dental offices and/or clinics, serve primarily drop-in patients, and may include accessory uses such as heliports. [11-16-2020]

USE VALUE

The North Carolina General Assembly enacted the "Land Use Program," which allows reduced tax values for individually owned property used for certain purposes, including forestry. Basic eligibility requirements are forestland consisting of one or more tracts, one of which consists of at least 20 acres that is in actual production and are not included in a farm unit. A forestry management plan is required. (Contact NHC Tax Administration for more information.)

UTILITY LINES, STRUCTURES, AND/OR FACILITIES; GENERAL

Lines, facilities, or structures engaged in the treatment, transmission, and/or distribution of electricity, gas, steam, water, sewer, cable, or other utility not otherwise specified by this ordinance.

UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

VARIANCE

A relaxation of the terms of this Ordinance which permits development or construction in a manner otherwise prohibited by this Ordinance where, owing to conditions peculiar to the property and not the result of the action of the application, a literal enforcement of the ordinance would result in unnecessary and undue hardship, issued in conformity with the provisions of Section 10.3.11, Variance – Zoning and Subdivision. Such variances shall not authorize the establishment or expansion of a use otherwise prohibited, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. This definition does not apply to the provisions of Article 9: Flood Damage Prevention; for that meaning, see Section 9.5: Definitions.

VEGETATED BUFFER

For purposes of Section 5.7.5, Vegetated Buffer Controls for Conservation, an existing natural area, or an area planted as recommended in the "Reference Lists and Publications for Guidance in the Selection of Vegetated Buffer Plants", set forth in the County's Standards for Tree and Plant Materials for Landscaping, which preserves, protects, and restores water quality and estuarine resources. These buffers are an effort to provide the following functions: filter suspended solids, nutrients, bacteria, and other pollutants before entering surface waters; provide soil stabilization; provide shading to assist in temperature regulation of estuarine waters; provide wildlife habitat and aesthetic beauty.

VEHICLE SALES

A facility used primarily for the sale of consumer-oriented motor vehicles, as defined herein. [05-03-2021]

VEHICLE SERVICE STATION, LARGE VEHICLES

Repair of large vehicles such as commercial tractor trailer trucks, buses, etc., including assembly or disassembly of engine parts, body parts, transmission, etc. and recapping of tires.

VEHICLE SERVICE STATION, MAJOR

Repair of small and/or personal vehicles consisting of assembly or disassembly of engine parts, body parts, transmissions, chassis, axles, etc. and/or the process of painting or upholstering.

VEHICLE SERVICE STATION, MINOR

Repairs of small and/or personal vehicles consisting of a minor nature, such as tune ups, oil changes, chassis lubrication, tire change or repair, wheel alignment, and muffler repair or installation.

VEHICLE TOWING SERVICE AND STORAGE YARD

Any lot, structure, or the use of any portion of such lot or structure for the temporary outdoor storage of towed vehicles that are to be claimed by the titleholders or their agents.

VESTED RIGHT

The right to undertake and complete the development of property pursuant to N.C.G.S. 160D-108 and 160D-108.1. [05-03-2021]

VETERINARY SERVICE

A facility for the diagnosis and treatment of domestic and other animals including, but not limited to, dogs, cats, birds, and horses; and the incidental grooming, boarding, or breeding of animals may also be provided.

VISUAL RUNWAY

A runway intended solely for the operation of aircraft using visual approach procedures.

VOCATION OR TRADE SCHOOL

A public or private school offering vocational or trade instruction—such as teaching of trade or industrial skills, clerical or data processing, barbering or hair dressing, computer or electronic technology, or artistic skills—to students and that operates in buildings or structures or on premises of land leased or owned by the educational institution for administrative purposes and meets the State requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, and other facilities that further the educational mission of the institution.

WALL SIGN

See “Sign, Wall”.

WALKING DISTANCE

A distance within which a pedestrian is able to travel between an origin and destination without obstruction, in a safe and comfortable environment on a continuous network of sidewalks, all-weather-surface footpaths, crosswalks, or equivalent pedestrian facilities and not be required to cross a street with speed limits greater than 35 mph without signals or stop signs at crosswalks.

WAREHOUSING

The storing of goods, wares, and merchandise within an enclosed building, whether for the owners or others. There is little on-site sales activity with the customer present. Uses include: cold storage facilities (including frozen food lockers); distribution warehouses (used primarily for temporary storage pending distribution in response to customer orders); storage warehouses (used for storage by retail stores such as furniture and appliance stores); warehouse storerooms; or similar uses.

WATERCRAFT, SMALL

A vessel or watercraft, generally smaller than boats as herein defined, that floats on or operates on the water, regardless of the means of propulsion, which is usually stored at a residence rather than a marina, is not permanently stored in the water, and is not generally launched from a trailer. Examples are canoes, kayaks, rowboats, paddleboards, rowing sculls, and sailboats shorter than 14 ft. in length, such as Sunfish®. Excluded from this definition are rafts, surfboards, boogie boards, towable tubes, and the like, which are not regulated by this ordinance. [09-08-2020]

WATER ORIENTED PARKING

A designated docking space provided by a commercial establishment for the express use of its customers. Water-oriented parking shall only be allowed in conjunction with commercial establishments that are located on navigable waters.

WATER SUPPLY WATERSHED

The entire land area that contributes to surface drainage and other runoff into a surface water supply.

WATER TRANSPORTATION FACILITIES

A facility for passengers to enter or exit a ship, ferry, cruise ship, or boat that is utilized for the movement of passengers through or across a body of water.

WAYFINDING SIGN

A sign of which the message is exclusively limited to guiding the circulation of and providing direction for motorists or pedestrians within the site.

WHOLESALE NURSERY

A facility or area for the growing, displaying, and sale of plant stock, seeds, or other horticulture items. This may include raising plants outdoors or in greenhouses for sale either as food or for use in landscaping and retail sales.

WHOLESALE

Uses engaged in the wholesale sales, bulk storage, and distribution of goods. Such uses may also include incidental retail sales. Wholesale showrooms are also included in this use category.

WHOLESALE SEAFOOD WITH WATER FRONTAGE

Uses fronting a water way and engaging in the wholesale sales, bulk storage, and distribution of seafood.

WIND DEVICE

Any flag, banner, balloon, pennant, streamer, or similar device that moves freely in the wind. All wind devices are considered to be signs and are regulated and classified as attached or detached by the same regulations as other signs.

WIND ENERGY COLLECTION FACILITY, ACCESSORY

An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy to serve the energy needs of the principal use of the property on which the collection facility is located. A wind generator may also be deemed a windmill. A wind energy collection facility intended to serve the energy needs of a use or uses beyond the property on which the collection facility is located shall constitute an "Electricity Generating Facilities" principal use. *[11-16-2020]*

WINDOW SIGN

See "Sign, Window".

WIRELESS FACILITY

Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include any of the following: a. The structure or improvements on, under, within, or adjacent to which the equipment is collocated. b. Wireline backhaul facilities. c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna. *[09-08-2020]*

WIRELESS SUPPORT STRUCTURE

A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure. *[09-08-2020]*

ZONING MAP AMENDMENT OR REZONING

An amendment to the Official Zoning Map for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes the application of an overlay zoning district or a conditional zoning district. The term 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. *[05-03-2021]*