ARTICLE 8. MEASUREMENTS AND DEFINITIONS

ARTICLE 8. DIVISION 1. MEASUREMENTS

Section 18-661: Fractions and computation of time

A. Fractions

1. Except as provided by law, when any requirement of this chapter results in a fraction of a unit, a fraction of one-half or more shall be considered a whole and a fraction of less than one-half shall be disregarded.

2. Rounding of numbers shall be done after computations are made. For example, in density computations, a three-acre site with an allowable density of 4.4 units per acre nets 13 units (3x4.4 - 13.2) rather than 12 units (3x4 = 12) by rounding the fractions after the computation is made.

B. Computation of time

1. Unless otherwise specifically provided, the time within which an act shall be done is computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.

2. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.

3. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him, and the notice of paper is served by mail, three days shall be added to the prescribed notice period.

Section 18-662: Footprint, height, and lot type measurements and regulations

A. Building footprint

The percentage of the lot area occupied by the foundation of a building and certain accessory structures. The following are counted as enclosed areas for the purposes of determining building footprint (see figures 18-662.1: Building footprint and 18-662.2: Enclosed structure):

1. Areas covered by swimming pools and hot tubs;

2. Decks, stoops, patios, porches, and associated stairs that are 30 inches or more above grade;

3. Structures covered by a roof; and

4. Structures that are more than six feet tall and enclosed on three or more sides with walls that are less than 25 percent open.

B. Building height

Building height shall be measured as the vertical distance from the average undisturbed grade at the foundation of the building to the highest finished roof surface in the case of a flat roof, or in the case of a pitched roof, to a point halfway between the highest peak and the highest eave. Up to one steeple, chimney, cupola, or other roof projection under 70 square feet in area may be excluded from this calculation.

C. Grade

1. The elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.
2. Grade may be prescribed to be measured as the highest, lowest, or average elevation (see Figure 18-662.3 Building height).
3. For floodplain management zones A and AO, the natural grade elevation prior to construction is used.

D. Lot types

See Figure 18-662.4: Lot types

1. Corner lot

   A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

2. Through lot

   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.

3. Flag lot

   A lot shaped like a flag, with only a narrow strip providing access to the street, with the bulk of the property having no frontage. Because they do not meet the minimum lot requirements, newly created flag lots are not permitted.

4. Interior lot

   Any lot that is not a corner lot with only one frontage on a street.

Figure 18-662.3: Building Height

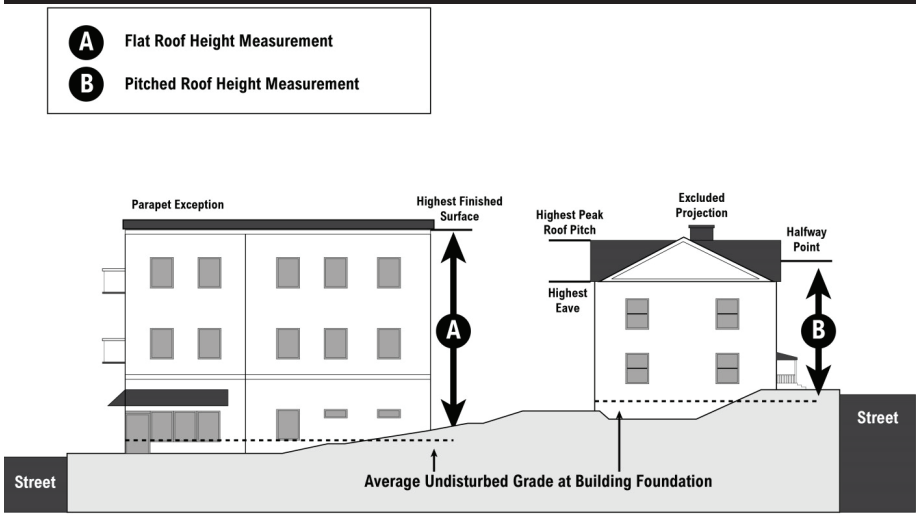
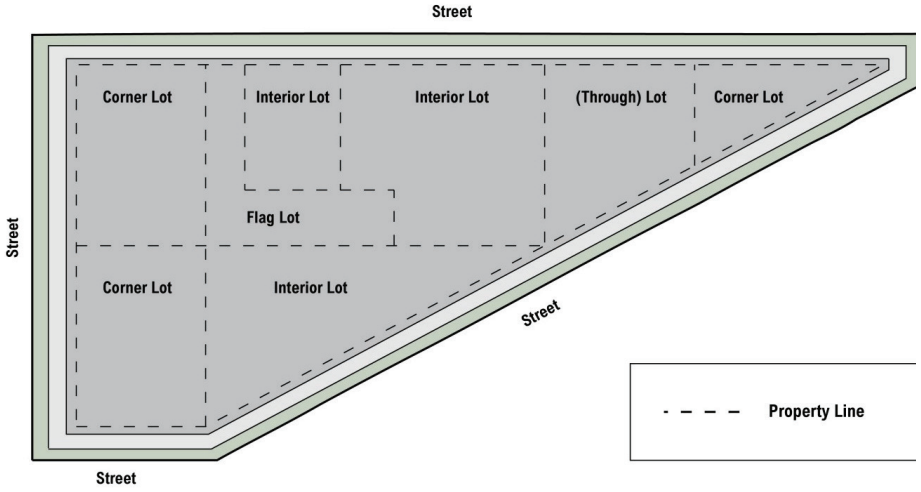


Figure 18-662.4: Lot Types



E. Story and floor

1. Floor is a division between one story or level of a building and another (see Figure 18-662.5: Story and floor).

2. Story is that portion of a building between the surface of any floor and the floor or roof above it. The following are considered stories:

   a. Mezzanine, if it exceeds one third of the total floor area of the story immediately below it;

   b. Penthouse; and

   c. Basement.

3. Story height is the vertical distance from the finish floor on one level to the finish floor on the level above.

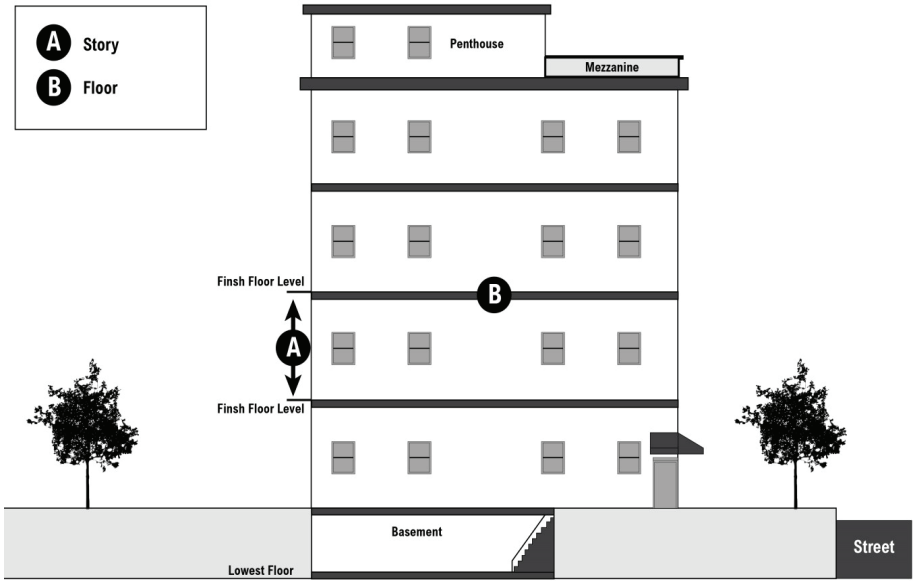
4. Lowest floor

   a. The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a lowest floor.

   b. For the purposes of floodplain management, the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the floodplain management regulations.

   c. The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a lowest floor.

Figure 18-662.5: Story and Floor



   d. For the purposes of floodplain management, the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the floodplain management regulations.

Section 18-663: Lot measurement instructions and regulations

A. Lots

1. Lot

   a. Any single legally-described piece of land, created by partition, subdivision, metes and bounds, deed, or other instrument recorded with the New Hanover County Register of Deeds. Rights-of-way shall not be considered part of a lot.

   b. Every building and accessory structure erected or structurally altered shall be located along a street or other city approved access which conforms to the requirements of this chapter.

2. Lot line

   A line dividing one lot from another, or from a street or other public space.

B. Lot measurements

See Figure 18-663.1: Lot measurements.

1. Lot area

   The amount of land area, measured horizontally, included within the lot lines. Lands located within any private easements is not included with the lot area. When determining the lot area of residential lots adjacent to a private access easement, the paved portion of the private access easement shall not be counted towards the lot area.

2. Lot depth

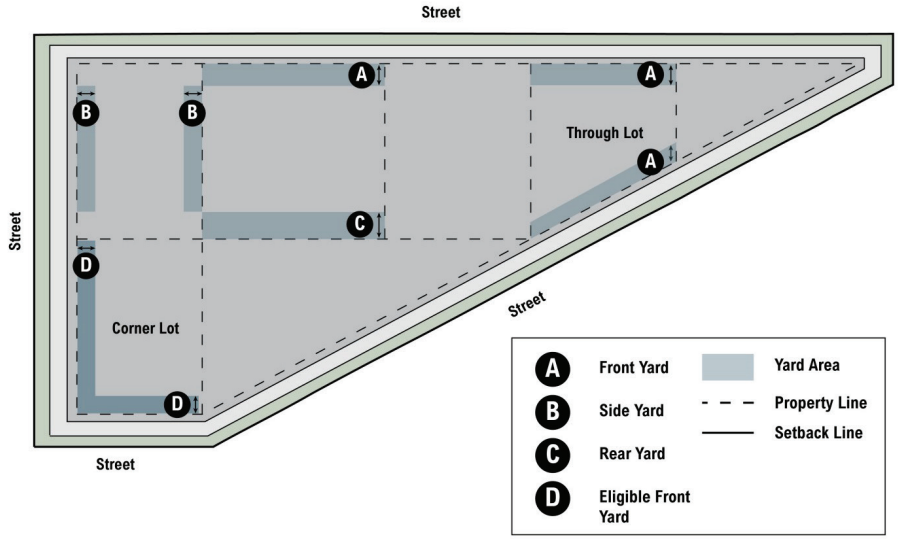
   The dimension of a lot measured from the front of the lot to the extreme rear line of the lot. In the case of an irregularly shaped lot, the mean depth shall be used.

3. Lot frontage

   a. To determine setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and required setbacks as prescribed in the applicable zoning district. Residentially-zoned double frontage lots shall not be required to maintain a front setback except along the primary street.

   b. No lot shall front on an alley except for lots within the 1945 Corporate Limits, existing at the time of the adoption of this ordinance, that do not have access from a street of a higher classification.

Figure 18-663.1: Lot measurements



c. Each new lot shall individually abut or be adjacent to an approved street or private access easement. Conservation subdivisions may be exempted from this requirement by the design adjustment committee.

d. Commercial lots shall have frontage on a public or private street.

e. No more than four residential units shall use a private access easement as a sole mean of access.

f. One end lot of a subdivision using a private access easement as access may be exempt from the lot frontage requirements if the lot is used for detached single dwelling purposes.

4. Lot width

The width of a lot as measured from each side property line, measured at right angles to its depth at the edge of the street setback or at a proposed building setback line, whichever is farther from the street right-of-way.

5. Lots in condominium form of ownership

Per NCGS 47C-1-103, condominium means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Where dwelling units are permitted on a single parent lot, rather than an individual lot, they may be under a condominium form of ownership, where unit owners may own a limited portion of the land around the individual unit or just the air rights, while the parent tract is held in common ownership. In the case of condominium forms of ownership, minimum lot dimensions shall be measured from the parent lot lines.

C. Lot line designations

1. Interior lots

a. The front lot line shall be the lot line abutting a named or numbered street or private access easement.

b. The rear lot line shall be the lot line opposite the front lot line.

c. All other lot lines shall be side interior lot lines.

2. Corner lots on oblong blocks

a. The lot line abutting the short side of the oblong block shall be the front lot line (see Figure 18-663.2 Lot line designations - interior lots, oblong blocks).

b. The lot line abutting the long side of the oblong block shall be the side street lot line.

c. The rear lot line shall be the lot line opposite the front lot line.

d. All other lot lines shall be side interior lot lines.

e. Exception: the lot line abutting the long side of the oblong block shall be the front lot line if there are three or more existing lots along the long side of the oblong block.

3. Corner lots on square blocks

a. The front line shall be the lot line abutting the street frontage along which the greater number of primary structures face. If each street frontage has an equal number of primary structures, then the property owner shall designate the front lot line at the time of the issuance of the first building permit (see Figure 18-663.3: Lot line designations - square blocks).

b. The rear lot line shall be the lot line opposite the front lot line.

c. All other lot lines shall be side interior lot lines.

4. Through lots, curvilinear lots, and frontage on three or more streets:

a. For lot with frontage along multiple streets, the required primary

street frontage shall be that as prescribed in the applicable zoning district. If there is no prescription in the zoning district, the primary frontage shall be along the street with the predominant primary frontage treatment on adjacent properties. One frontage may be designated as a secondary frontage.

b. Primary and secondary frontages

i. Primary frontage is the right-of-way along which the front facade of a building is oriented. For lots with two or more street frontages, there may be more than one primary frontage (see Figures 18-663.4: Lots with multiple primary frontages and 18-663.5: Lot with primary and secondary frontages).

ii. Secondary frontage is a right-of-way along which the side or rear of a building are oriented, rather than the front facade of the building. A secondary frontage occurs only when a lot fronts on two or more streets.

D. Setbacks

Setback is the area clear of buildings and structures, except any permitted encroachments, measured perpendicular from a lot line (see Figure 18-663.6: Lot setbacks). There may be a maximum (build to) or minimum setback. The area of setback may be the minimum required or the maximum allowed, or it may exceed a minimum requirement. Rights-of-way shall not be considered part of a lot nor used to meet any setback requirement.

1. Front setback

a. The front setback shall extend across the full width of the lot, the depth of which is the least distance between the front lot line and the front of the building.

b. Depth of a required front setback shall be measured at right angles to a straight line joining the foremost points of the side lot lines to the required front setback. The foremost point

Figure 18-663.2: Lot line designations - interior lots, oblong block

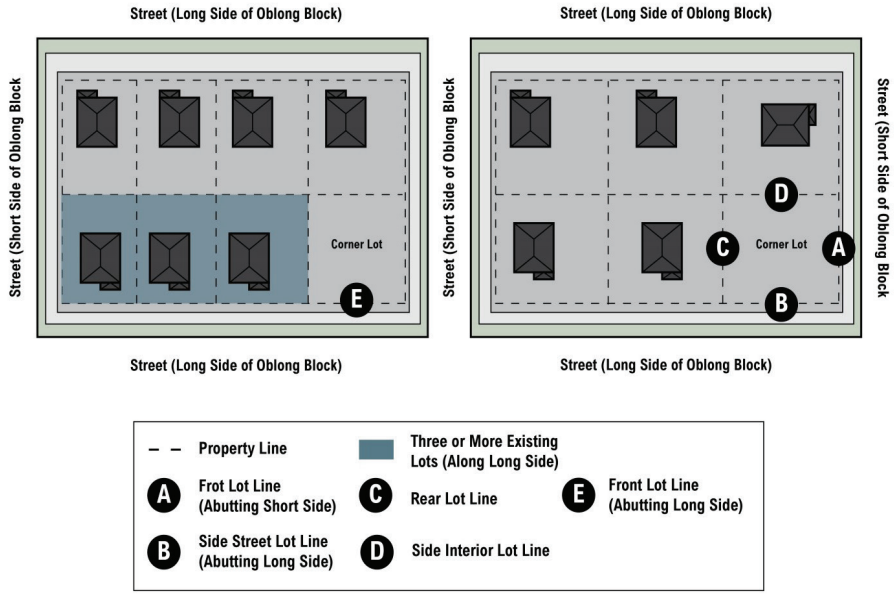
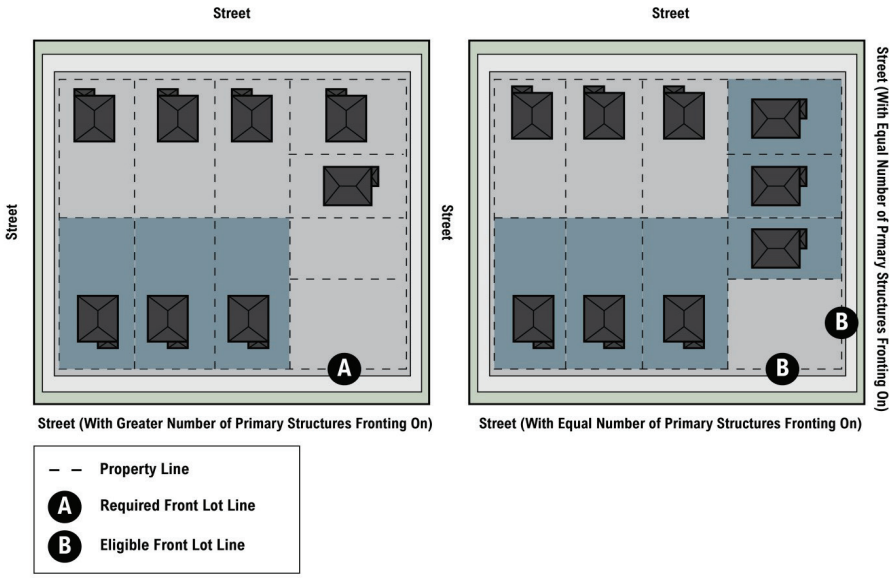


Figure 18-663.3: Lot line designations - square blocks



of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

c. Through lots: Front setbacks shall be provided on both frontages.

d. Corner lots: A front setback shall be provided in accordance with the district requirements for one frontage designated by the property owner at the time of the building permit issuance and the second setback shall conform to the side yard requirements as defined herein. In the case of corner lots with more than two frontages, the third or more setbacks shall conform to the side setback requirements as defined herein.

2. Rear setback

a. A rear setback extends across the full width of the lot, the depth of which is the least distance between the rear lot line

Figure 18-663.4: Lots with multiple primary frontages

The building is oriented towards multiple primary frontages with entrances, fenestration, and other architectural treatment along the front facade.

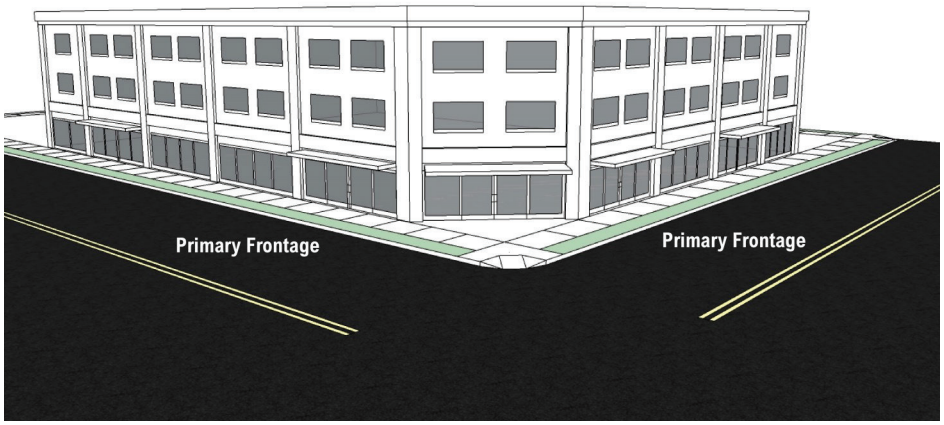
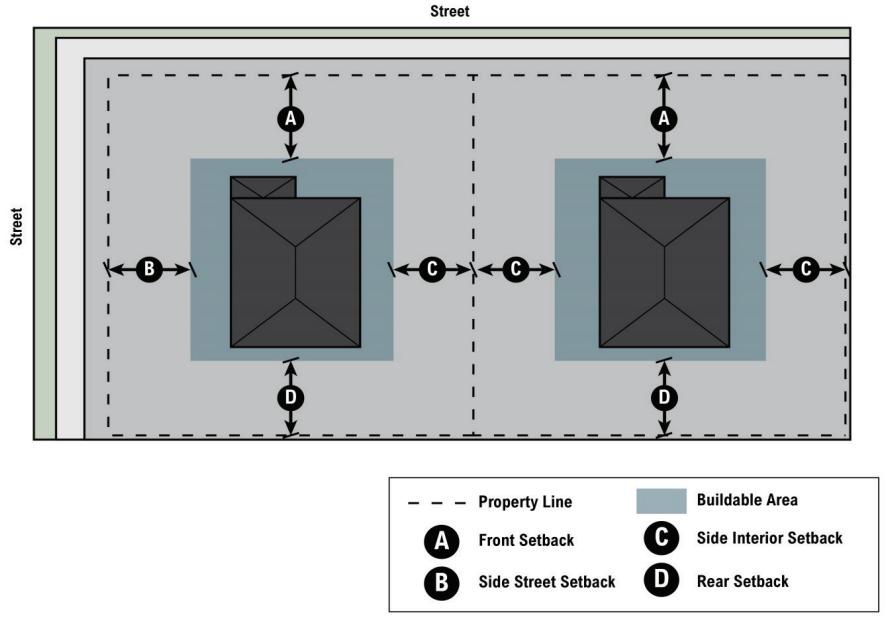


Figure 18-663.5: Lots with primary and secondary frontages

The building is oriented towards the primary frontage with entrances, fenestration, and other architectural treatment along the front facade.



Figure 18-663.6: Lot setback



and the rear setback line.

b. Through lots have no rear setback, only front and side setbacks. Where an alley runs behind a lot and such alley serves only as an access alley and no lots have primary frontage on the alley, the lot shall not be considered a through lot.

3. Side setback

A side setback extends between the front setback line and the rear setback line, the width of which is the least distance between the side lot line and the side setback. In absence of a clearly defined rear setback, as in the case of a through lot, any portion of the lot not designated as a front setback shall be a side setback.

(Ord. No. O-2022-41, §§32, 33, 6-7-2022)

Section 18-664: Open space set-aside standards

A. Developments subject to open space set aside standards shall provide the minimum amount of open space required for the zoning district, which shall be measured as a percentage of the total lot area.

B. Land designated for an open space set-aside shall have a minimum unobstructed horizontal dimension of 10 feet.

C. Areas identified as natural open space on an approved plan shall be left undisturbed in their natural vegetated condition.

D. The following areas shall not be credited towards any open space requirements:

1. Private yards;

2. Street rights-of-way, including verge or plaza areas;

3. Private access easements;

4. Parking areas and driveways for dwellings or other uses;

5. Stormwater management features not configured as a site amenity;

a. Required stormwater detention/retention facilities that are designed, landscaped, and maintained as natural areas may fulfill the requirements for open space set aside.

b. Actual space devoted towards amenities, including walking paths, piers, picnic areas, and other passive recreation spaces that are associated with stormwater managements facilities (e.g., wet ponds), shall receive credit towards the calculation of open space if such amenities are designed according to the standards specified within the Technical Standards and Specifications Manual.

6. Designated outdoor storage areas;

7. Swimming pools, splash pads, fountains, or other similar water features;

8. Parking lot islands or required landscaping;

9. Paved plazas or courtyards;

10. Buildings, structures, or other impervious surface areas; and

11. Areas obstructed by heating, ventilation, air conditioning (HVAC) equipment, electrical boxes, and other similar equipment.

E. Up to half of an open space set-aside may be active or recreation space or neighborhood recreation facilities and may contain objects such as play equipment, benches, boardwalks, picnic tables, and trails.

F. Usability

1. At least one-half of the total land dedicated must be outside of wetland areas under the jurisdiction of the federal and state regulatory agencies and usable for active recreation.

2. Areas set aside to meet the requirements of the conservation resource regulations can only be credited for one-half of the area required for passive recreation.

3. Tidal marshes may not be counted to satisfy the recreational space requirements.

(Ord. No. O-2022-41, §34, 6-7-2022)

Section 18-665: Separation distance

Where a standard includes a separation or distance requirement, it shall be measured as follows:

A. Between buildings or structures

The horizontal distance between the two closest portions of each building's (or structure's) exterior walls.

B. Between uses

The horizontal distance shall be measured from the nearest of the lot line of the proposed use to the nearest point of the lot line of the lot on which the existing permitted use is located.

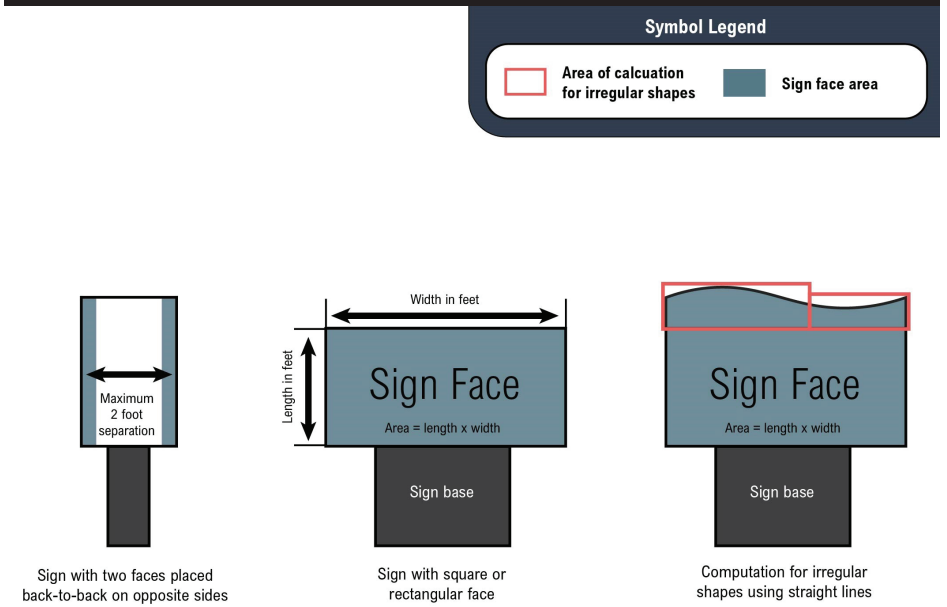
Section 18-666: Sign standards

A. Area computation

1. Sign area shall be the total dimension of a sign surface used to display information, message, advertising, logos, or symbols.

2. The area, in square feet, of any sign shall be computed by the smallest square, triangle, rectangle, circle, or combination thereof that would-encompass the entire sign. In computing the sign area in square feet, standard mathematical formulas for known or common shapes shall be closest to the extremities of the shape shall be used (see Figure 18-666.1: Computation of sign area - general).

Figure 18-666.1: Computation of sign area - general

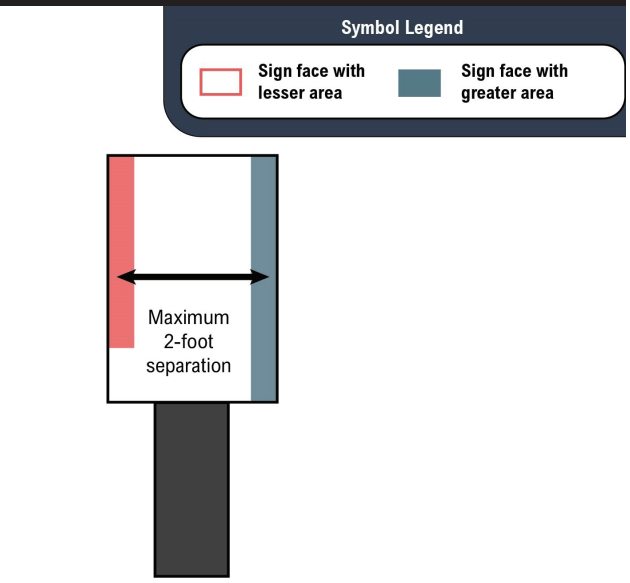


3. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back-to-back and are at no point more than two feet from one another. The area of the sign shall be taken as the area of the larger face if the two faces are of unequal area. If the areas of the two faces are equal, then the area of one of the faces shall be taken as the area of the sign (see figure 18-666.2: Computation of sign area - multi-faced signs).

4. The area of a freestanding or projecting sign shall be calculated using the largest face. Embellishments such as framing and decorative roofing that do not exceed 10 percent of the total allowable sign area shall not be counted towards the sign area.

   a. Signs consisting of one or two cabinets shall be measured by adding the area around and enclosing the perimeter of each cabinet or module.

Figure 18-666.2: Computation of sign area - multi-faced signs



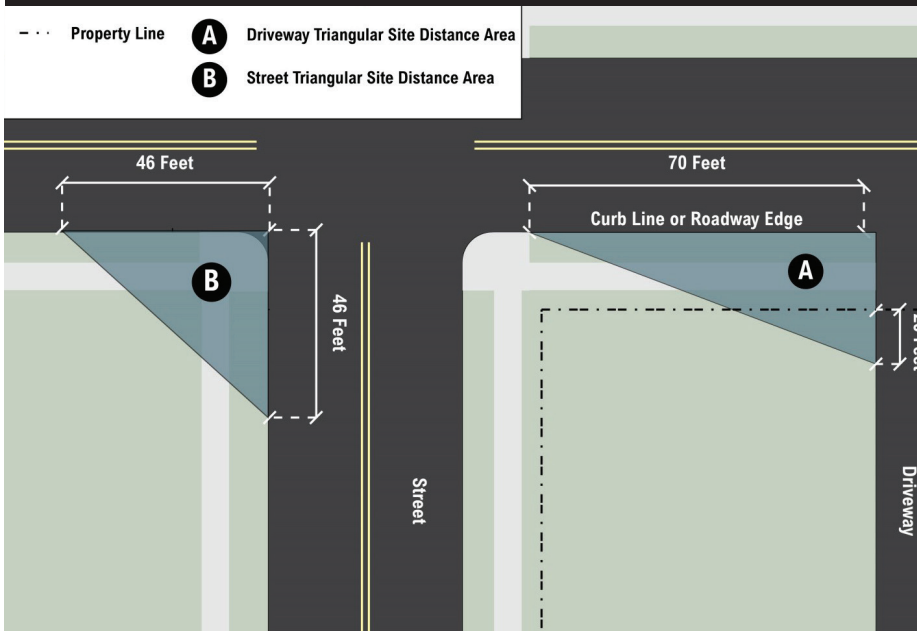
b. Signs with more than two sign cabinets or modules shall be measured by calculating the area enclosing the entire perimeter of all cabinets within a single geometric figure.

B. Sign dimensions

1. Sign clearance shall be the shortest vertical distance between the grade of the adjacent street, sidewalk, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade. This can also be the horizontal distance between two signs.

2. Sign height shall be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average undisturbed grade adjacent to the sign. Where the elevation of a sign location is more than five feet below the surface of a roadway, the maximum sign height shall be measured from the elevation of the roadway closest to the sign.

Figure 18-667: Vision clearance



Section 18-667: Vision clearance

A. To maintain an acceptable and safe line of sign for motor vehicle drivers, cyclists, and pedestrians, no parking spaces, fences, walls, posts, lights, shrubs, trees, or other type of obstructions not specifically exempted shall be permitted in the space between 30 inches and above ground and 10 feet above ground level within a triangular sign distance (see Figure 18-667: Vision clearance).

1. All elevation measurements shall be taken from the street surface at the centerline of the applicable street.

2. The required triangular sign distance for any private or public street intersection with a roadway designated as a major thoroughfare in the *Technical Standards and Specifications Manual* shall be provided in compliance with the American Association of State Highway and Transportation Officials sight distance standards for roadways of similar classifications and design/posted speeds.

3. The required triangular sight distance for any private or public street not listed as a major thoroughfare list the *Technical Standards and Specifications Manual* shall be designated in that manual.
4. The required triangular sight distance for any non-single-dwelling residential driveway shall be as listed in the *Technical Standards and Specific Manual*.
5. Where a multiuse path parallels the roadway being entered from either a roadway or driveway, appropriate sight distance triangles shall be provided to allow cyclists on the trail to be seen by vehicles stopped at the stop bar prior to crossing the trail.
6. Triangular sight distance requirements for driveways may be reduced or waived by the city manager on the downstream end of one-way roadways and at one-way driveways entering site.

B. Except along major thoroughfares, the requirements of this section shall not apply to approved traffic control devices, approved utility structures, existing trees, or principal structures erected within the 1945 Corporate Limits.

Section 18-668: Stormwater fee formula

A. When a payment in lieu of installation of stormwater facilities is permitted, the following formula shall be used to calculate the payment amount:

Fee = [(0.12) (land value) + (construction cost) (site acreage)] (percent impervious)

B. Land value shall be the most recently assessed tax value for the tract of land being developed or the most recent purchase price, whichever is greatest.

C. Construction cost shall mean the dollar amount per acre of construction on-site stormwater management facilities based on historical data. On the date of adoption of this chapter, such amount shall be $5,047.00. Such amount may be adjusted annually on July 1, based on the construction cost index for the prior year.

D. Site acreage shall be the total area of the tract of land being developed and requiring stormwater management facilities in acres, rounded to the nearest tenth of an acre. If partial control of runoff is controlled on site, the acreage will be adjusted on a pro rata basis.

E. Percent impervious shall be the site area (acreage) requiring stormwater management facilities that is impenetrable by water divided by the total site acreage.

Section 18-669: Fence height standard

The height of a fence, wall, or non-vegetative screen shall be the vertical distance between the highest part of the fence, wall, non-vegetative screen, or its supporting structure, whichever is higher, and the average undisturbed grade adjacent to the fence.

Sections 18-670 - 18-679: Reserved.

ARTICLE 8. DIVISION 2.

INTERPRETATION

Section 18-680: Rules of interpretation

Except as specifically defined herein, all words used in this chapter shall have their customary dictionary definitions. Certain words or terms used herein are defined as follows:

A. Words used in the present tense include the future tense and the future tense includes the present tense. Words used in the singular number include the plural number and the plural number includes a singular number.

B. The words “shall” and “will” are mandatory and not discretionary.

C. The words “may” and “should” are permissive.

D. The word “lot” includes the words “plot” and “tract.” The word “parcel” is not interchangeable with these terms.

E. The word “used” or “occupied” as applied to any land or building shall be construed to imply that said land or building is inn actual use or occupancy and shall be construed to include the words “intended,” “arranged,” or “designed” to be used or occupied.

F. The word “map” or “zoning map” shall mean the official zoning map of the city of Wilmington, North Carolina.

G. The word “ordinance” or “regulation” shall mean this chapter, including any amendment. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

H. The term “residential districts” shall include any R-20, R-15, R-10, R-7, R-5, R-3, MH, MD-10, or MD-17 zoned lots. The term “single-dwelling residential districts” shall include any R-20, R-15, R-10, R-7, R-5, R-3, and MH-zoned lots. The term “mixed-use districts” shall include any MX, UMX, CBD, and RO-zoned lots.

I. The term “historic districts” shall include any HD, HDR, and HDMU-zoned lots and locally-designated landmarks, unless specified otherwise. The HDR shall also be considered a single-dwelling residential district. The term “historic overlay” shall include any lot included within a designed historic district overlay, regardless of the base zoning district.

J. The term “right-of-way” includes the words “street,” “road,” “cul-e-sac,” “highway,” or “thoroughfare,” whether designated as public or private. “Alley” is not included unless specifically indicated.

K. The word “includes” shall not limit the term to specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.

L. And, or: Where a regulation involves two or more items, conditions, provisions, or events connected by “and” or “or,” the conjunction shall be interpreted as follows:

M. “And” indicates that all the connected items, conditions, provisions, or events shall apply.

N. “Or” indicates that the items, conditions, provisions, or events are alternatives, and one shall apply.

Sections 18-681 - 18-686: Reserved.

ARTICLE 8. DIVISION 3.

DEFINITIONS

Section 18-687: A/B/C definitions

Accessory structure
Structures which are located on the same parcel of property as the principal building and the use of which is incidental to the use of the principal building. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building. Secondary buildings on commercially zoned properties and piers and docks on privately-owned single-dwelling properties shall not be considered accessory buildings.

Accessory uses
A use of land or building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Adaptive-reuse
A renovation process that adapts buildings for new users while retaining their overall massing, scale, and character, including significant portions of the exterior architectural elements.

Addition (to an existing building)
An extension or increase in the floor area or height of a building. For floodplain management regulation purposes, additions to existing buildings shall comply with the requirements for new construction, unless the addition, renovation or reconstruction is to any building that was constructed prior to the initial flood insurance study for that area, and the addition, renovation or reconstruction does not equal 50 percent of the present market value of the structure. Where a fire wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

Agricultural land
Any land used for purposes of agriculture, as defined in NCGS 106-581.1, including cultivation of soil for production and harvesting of crops, planting and production of trees and timer, dairying and raising and carrying for livestock, aquaculture, and grain warehousing.

Airport
A facility or area for the takeoff and landing of fixed or rotary wing aircraft.

Alley
A narrow service way, often through the middle of a block, providing rear access to a property.

Alter or alteration
Any change or modification in construction or occupancy. For purposes related to sign regulations, alteration refers to any change or modification to an existing sign, but shall not include routine maintenance, painting, or change of copy of an existing sign.

Alteration of a watercourse
A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Alternative financial services
Provision of non-bank financial services, such as check cashing, payday advance or loan, money transfer, motor vehicle title loan, North Carolina licensed pawnbroker, or credit access businesses. An alternative financial services establishment does not include state or federally chartered banks, savings and loans, or credit unions.

American National Standards Institute (ANSI) A300 standards
The performance parameters established by industry consensus as a rule for the measure of extent, quality, quantity, value, or weight used to write specifications for woody plant management.

Animal hospital, veterinary clinic
A place where domesticated animals are given medical or surgical treatment and are cared for during and following the time of such treatment. Such facility shall have the principal use dedicated to the out-patient treatment of small animals.

Appeal
A request for review of any decision that enforces or interprets this code.

Applicant
A person who makes formal application for approvals pursuant to this chapter.

Archaeological resources
Any material remains of past human life or activities that are of archaeological interest and are typically at least 50 years old and the physical site, location, or context in which they are found.

Architectural detail
The relatively small elements of design and finish of a building. This may include, but it not limited to, relief, projection, and changes in materials, textures, or colors.

Area of shallow flooding
A designated AO Zone on the flood insurance rate map with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard
Land in the city subject to one percent or greater chance of flooding in any given year, also known as the 100-year floodplain, as determined pursuant to the floodplain regulations of this chapter.

Art gallery
An establishment for the display, buying, and selling of visual art. Unlike a museum or cultural arts facility, the primary purpose of an art gallery is the sale of art on display.

Artificial obstruction
Any obstruction to flow of water in a stream that is not a natural obstruction, including any that, while not a significant obstruction in itself, is capable of accumulating debris and thereby reducing the flood-carrying capacity of the stream.

The term "artificial obstruction" does not include any of the following:

A. An electric generation, distribution, or transmission facility.

B. A gas pipeline or gas transmission or distribution facility, including a compressor station or related facility.

C. A water treatment or distribution facility, including a pump station.

D. A wastewater collection or treatment facility, including a lift station.

E. Processing equipment used in connection with a mining operation.

Artisan food and beverage production
The on-site making or manufacture of small-batch, boutique, artisan, or craft food or drink products only. This use includes uses such as micro-breweries, micro-distilleries, small-batch bakeries, small-batch candy shops, and local cheese makers, not exceeding 10,000 square feet of gross floor area.

Assembly
Places of assembly are intended to be gathering spaces where groups of people come together at a fixed time. Where separate uses are defined, the more specific shall apply.

A. Club or lodge, private

Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or guests. This use type includes union halls, social clubs, youth centers, fraternal, and veterans' organizations.

B. Community center

An establishment where members gather for group activities, social support, public information, and other purposes. They may sometimes be open for the whole community or for a specialized group within the greater community.

C. Entertainment and trade

An establishment used for groups of people to gather for an event or regularly scheduled program, including arenas, auditoriums, banquet facilities, conference and reception centers, concert halls, museums, cultural arts centers, and performance theaters. This shall not include establishments otherwise defined as restaurants or nightclubs.

D. Religious

An establishment for people to gather for worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other building, together with its accessory buildings and structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions.

Assisted living residence
Pursuant to NCGS 131D-2.1, any group housing and services program for two or more unrelated adults, by whatever name it is called, 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. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS 131E-102. There are three types of assisted living residences: adult care homes, adult care homes that serve only elderly persons, and multiunit assisted housing with services. As used in this section, an "elderly person" means any person at least 55 years or older who requires assistance with daily living, housing, and services or any adult who has a primary diagnosis of Alzheimer's disease or other form of dementia who requires assistance with activities of daily living, house, and services provided by a licensed Alzheimer's and dementia care.

Auction house
An establishment where the real or personal property of others is sold by a broker or auctioneer to persons who attend scheduled sales or events.

Authorized registered professional
A professional engineer, professional land surveyor, landscape architect, or other professional registered, licensed, or certified pursuant to the North Carolina General Statutes and authorized by law to prepare the plans and specifications and provide the certifications required by the various provisions of this chapter.

Awning

Figure 18-687.1: Awning



A separate rigid or flexible structure stretched over a frame, which projects from the wall of a building, often adjustable, over a window or door, and which is wholly supported by the building to which it is attached (see Figure 18-687.1: Awning).

Bank, financial institution
Establishments licensed to receive deposits and make loans including retail, investment, and commercial banks, credit unions, and savings and loan associations established for routine transactions such as deposits and withdrawals of money, check writing, and bill payment.

Base flood
The flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

Base flood elevation (BFE)
A determination as published in the flood insurance study of the water surface elevations of the base flood. This elevation, when combined with the freeboard, establishes the regulatory flood protection elevation.

Basement
The lowest story of a building either partially or entirely below grade.

Bay
Of a building facade: the division of a building or structure between vertical lines or planes, especially the entire space included between two adjacent supports, such as the space between two adjacent supports, such as the space between two columns, pilaster, or piers (see Figure 18-687.2: Bay).

Bay window
A window that protrudes from the face of a wall, but which does not project from the foundation of the building or structure, typically one story in height (see Figure 18-687.3: Bay window).

Figure 18-687.2: Bay



Figure 18-687.3: Bay window



Bedroom

A room within a dwelling unit that is designated for sleeping and which meets the minimum floor area, ceiling height, and ingress and egress requirements of the building code adopted by the state of North Carolina. See also: sleeping room.

Bed and breakfast

Pursuant to NCGS 130A-247, a business within a dwelling unit, where the principal resident resides on-site and is present overnight when lodgers are present, offering overnight stays of 29 days or less, and serving of meals to guests; food and drink are not served to the general public for pay, and the price of breakfast is included in the room rate.

Best management practice (BMP) or structural BMP

A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the predevelopment hydrology on a developed site; or to achieve any combination of these goals. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. Structural BMP is used interchangeably with structural practice, stormwater control facility, stormwater control practice, stormwater treatment practice, stormwater management practice, stormwater control measures, structural stormwater treatment systems, and similar terms.

Bikeway

A right-of-way restricted for the exclusive use by bicycles, except for areas designated for motorized vehicles and pedestrian cross flow.

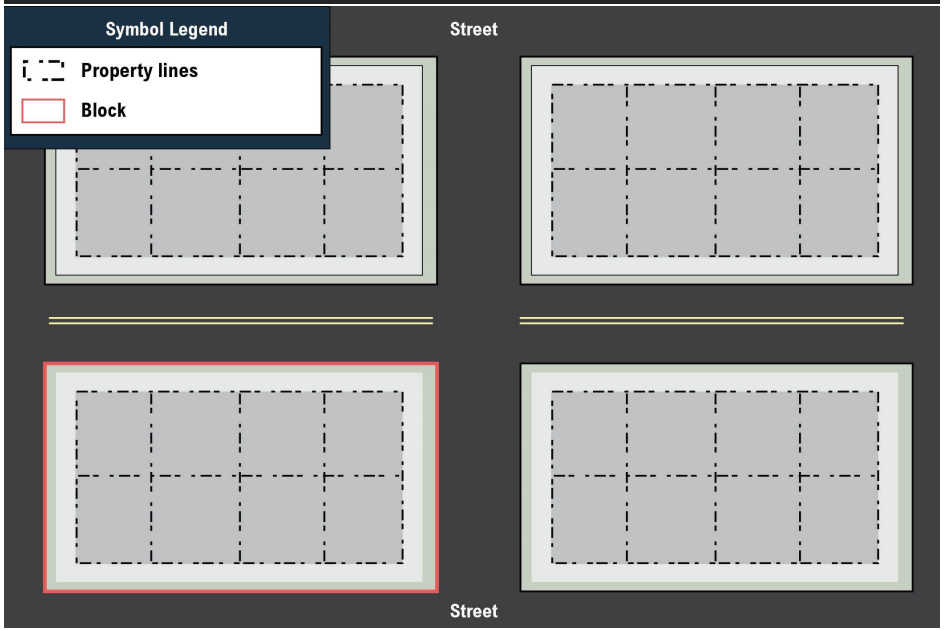
Block (street)

The area of land bounded by neighboring and intersecting streets. A numerical block or block face is all lots on both sides of the same street between the two intersecting streets (see Figure 18-687.4: Block(street)).

Boat building and repair

Establishments primarily engaged in operating shipyards or boat yards (i.e., ship or boat manufacturing facilities). Shipyards are fixed facilities with drydocks and fabrication equipment capable of building a ship, defined as watercraft typically suitable or intended for other than personal or recreational use. Activities of shipyards include the construction of ships, their repair, conversion and alteration, production of prefabricated ship and barge sections, and specialized services, such as ship scaling.

Figure 18-687.4: Block



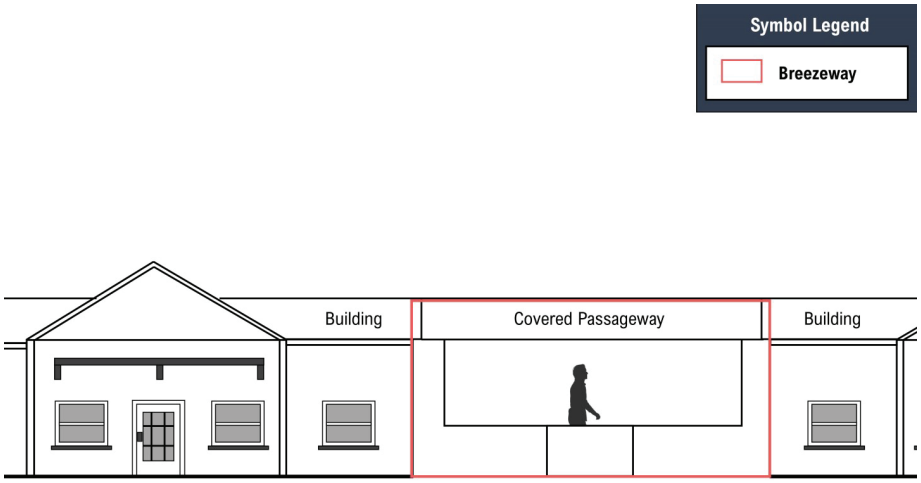
Boat ramp

A slipway or launch, consisting of ramp from the shore by which boats or ships can be moved into and out of the water.

Breakaway wall

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system and has a design-safe loading resistance of not less than 10 and not more than 20 pounds per

Figure 18-687.5: Breezeway



square foot or more than 20 pounds per square foot and is certified by a licensed architect or registered professional engineer.

Breezeway
A covered passageway, open to the outdoors, connecting two buildings or structures, also called a dogtrot (see Figure 18-687.5: Breezeway).

Brewery
An establishment primarily engaged in the production and distribution of beer and other fermented malt beverages, and may include accessory uses such as a tasting room, restaurant, retail, demonstration areas, education and training facilities, or other uses incidental to the brewing business and open and accessible to the public. Breweries are classified by their size, per Table 18-687: Brewery size thresholds.

Building
A structure used or intended for supporting or sheltering any use or occupancy. For the purposes of this chapter, the term building typically is used specifically for those structures intended to house human activity.

Table 18-687: Brewery size thresholds

Brewery type	Size limit (square feet)	Adaptive reuse size limit
Artisan	10,000	25,000
Micro	10,001 - 25,000	N/A
Small/regional	25,001 - 75,000	N/A
Manufacturing	75,001 or more	N/A

Building base
The lowest and often widest visible part of a building, often distinctively treated, that do not collectively exceed four stories or 50 feet. A base is distinguishable from a foundation or footing in being visible rather than buried.

Building materials or product sales
An establishment engaged in the wholesaling of building supplies or equipment, and that typically includes lumber yards and tool and equipment sales or rental establishments, but excludes establishments exclusively devoted to retail sales and activities classified under vehicle or equipment sales and services, including vehicle towing services.

Bus and taxi services
A facility utilized for the operations, maintenance, and storage of bus, coach, taxi, or similar transportation services. This does not include a location where the bus stops to drop off or take on passengers where there are no operational facilities.

Business services
An establishment engaged in the support of conducting the activities of various commercial enterprises, including information technology support, mailing services, photocopy services, and other intangible services.

Caliper
Diameter of a tree, measured at a point 6 inches above the ground line if the resulting measurement is no more than 4 inches. If the resulting measurement is more than 4 inches, the measurement is made at a point 12 inches above the ground line.

Campground
An establishment designed for occupancy by tents, travel trailers, or recreational vehicles for lodging.

Canopy
A permanent structure of rigid construction, at least partially supported by posts, with a covering that may be structurally independent from a building. This includes any structure placed over, around, or near fuel pumps and drive-through facilities (see Figure 18-687.6: Canopy).

Caretaker dwelling
A dwelling unit accessory to a principal use and intended for occupancy by a person(s) owning, employed in, or dealing with and responsible for the security and maintenance of the principal use.

Cemetery
Any place, including a mausoleum, niche, columbarium, or crypt, in which there is provided space either below or above the surface of the ground for the interment of human remains.

Certificate of appropriateness
A permit issued by the historic preservation commission attesting that, from and after the designation of a landmark or a historic district, for any exterior portion of any building or other structure, including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features, and any type of outdoor advertising sign, the erection, alteration, restoration, relocation, or demolition, has been approved by the preservation commission.

Chemical dependency treatment facility
Consistent with the NCGS, a public or private facility, or unit in a facility, which is engaged in providing 24-hour a day treatment for chemical dependency or a substance use disorder. This treatment may include

Figure 18-687.6: Canopy



detoxification, administration of a therapeutic regimen for the treatment of individuals with chemical dependence or substance use disorders, and related services. The facility or unit may be any of the following:

A. A unit within a general hospital or an attached or freestanding unit of a general hospital licensed under article 5 of this chapter.

B. A unit within a psychiatric hospital or an attached or freestanding unit of a psychiatric hospital licensed under NCGS.

C. A freestanding facility specializing in treatment of individuals with chemical dependence or substance use disorders that is licensed under NCGS. The facility may be identified as chemical dependency, substance abuse, alcoholism, or drug abuse treatment units, residential chemical dependency, substance use disorder, alcoholism, or drug abuse facilities, or by other names if the purpose is to

provide treatment of individuals with chemical dependence or substance use disorders. The term does not include social setting detoxification facilities, medical detoxification facilities, halfway houses, or recovery farms.

City attorney
The city attorney or any assistant city attorney for the city of Wilmington.

City manager
The city manager of the city of Wilmington or the city manager's designee.

Clearcutting
Large scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for nonagricultural purposes.

Clearing
Any activity that removes vegetative groundcover.

Cluster development
A form of subdivision development for single dwelling units that permits flexibility in dimensional requirements, such as reducing lot size and setbacks, to allow more flexible design than is permissible under the conventional subdivision process.

Coastal A zone
A special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones. In a coastal A zone, the principal source of flooding is astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to one and one-half feet. Coastal A zones are not normally designated on flood insurance rate maps (see limit of moderate wave action).

Coastal Area Management Act (CAMA)
The North Carolina state law that was first enacted in 1974 and any of its subsequent amendments.

Coastal barrier resources system
Undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act of 1982, the Coastal Barrier Improvement Act of 1990, and any subsequent revisions, and includes areas owned by federal or state governments or private conservation organizations identified as otherwise protected areas.

Coastal high hazard area
A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources, as designated on a flood insurance rate map.

Code enforcement officer
The city-appointed official responsible for the enforcement of certain city codes to ensure compliance with the provisions of this chapter and any other assigned codes or local laws.

Cohesive development project
A master-planned project of mixed development types or uses within a defined boundary consisting of building(s) with a common design theme and pedestrian and vehicular connections and under the management and supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this ordinance.

Commercial parking
Surface or structured storage of motor vehicles that is not accessory to another use, but does not include the storage of vehicles awaiting demolition, repair, or pending insurance or legal action. This also includes park and ride facilities.

Commercial recreation, indoor
An establishment providing completely enclosed recreation activities. Accessory uses may include the preparation and serving of food or the sale of equipment related to the enclosed uses. Representative uses include movie theaters, bowling alleys, ice arenas, shooting ranges, aquariums, and similar uses.

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

Commercial vehicle
A vehicle owned or used by a business, corporation, association, partnership, or the sole proprietorship of any entity conducting business for a commercial purpose.

Common plan of development or sale
Any area where multiple, separate, and distinct construction or land disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including, but not limited to, a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including, but not limited to, boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

Community boating facility
A private boating facility including docks, piers, and boat ramps on property that has water frontage, the use of which is intended to serve five or more residential lots or units in a waterfront community of at least five waterfront lots.

Community garden
A lot for the cultivation of food crops by a membership group. Such gardens are managed and controlled by the membership group, not open to the general public, and do not include retail or wholesale sales of crops.

Construction trailer
A temporary accommodation for offices and building material storage on a construction site. Construction trailers shall not include dumpsters, portable storage containers, or shipping containers.

Contiguous property
All lots or tracts of land under single ownership that continuously abut or adjoin each other.

Continuum of care community
A mix of residential, assisted living, congregate care, and nursing home facilities on the same lot or adjacent lots, designed to provide progressively increasing levels of care to residents as their needs for such care increase.

Contractor
Any establishment engaged in furnishing equipment, machinery, components, materials, or services customarily related to building trades (plumbing, HVAC) or craft, land development, construction, and other special trades.

Contractor's storage yard
Any land used primarily for the outdoor storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components for the conduct of any building trades, building craft, land development, construction, or other general or special trades.

Correctional facilities
An establishment for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision. If the use otherwise complies with this definition, a correctional facility may include, for example, prison, jail, or probation facility.

Crematory
An establishment for disposing of the remains of the dead by burning to ashes.

Critical root zone (CRZ)
A radius around a tree equal to one foot for every 1.25 inches of tree trunk measured in diameter at breast height.

Crown
Upper part of a tree, measured from the lowest branch, including all the

branches and foliage.

Cupola
A domed structure, often set on a circular or polygonal base, on a roof set on pillars; often glazed to provide light in the space below, or louvered to provide ventilation in that space.

Curb
A structural element at the edge of a street or other way, generally at a higher elevation than the adjacent edge of roadway, installed to deter vehicles and water from leaving the roadway, otherwise control drainage, delineate the edge of existing or future roadways or driveways, present a more finished appearance to the street, assist in the orderly development of the roadside, and contribute to the stability and structural integrity of the pavement.
(Ord. No. O-2022-41, §35, 6-7-2022; Ord. No. O-2023-41, §23, 6-6-2023; Ord. No. O-2024-13, §15, 3-19-2024)

Section 18-688: D/E/F Definitions

Daycare, adult
An establishment licensed pursuant to NCGS CH. 131D, Art.1, and engaged in the provision of group care and supervision of adults who may be physically or mentally disabled in a place other than their permanent residence on a less than 24-hour basis.

Daycare, child
A facility licensed pursuant to NCGS Ch. 110, Art. 7 where three or more children less than 13 years of age, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include recreational care operate for less than four month per year, drop-in or short term care, public or nonpublic schools, bible schools conducted during vacation periods, track-out type programs, specialized activities or instruction, cooperative arrangements among parents to provide care for their own children as a convenience rather than employment, any child care program consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component, arrangements in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care, or care provided by facilities licensed under NCGS Ch. 122C, Art. 2.

Design storms

A. One-year, 24-hour storm: The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 12 months and with a duration of 24 hours.

B. Two-year frequency storm: A storm of an intensity expected to occur on the average, once in two years, and of a duration equal to the time of concentration for the watershed of interest.

C. 10-year frequency storm: The storm of an intensity expected to occur on the average, once in ten years, and of a duration equal to the time of concentration for the watershed of interest.

D. 25-year frequency storm: The storm of an intensity expected to occur on the average, once 25 years, and of a duration equal to the time of concentration for the watershed of interest.

Developer
A person or agency, including a governmental agency or redevelopment authority, undertaking any development, who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development
Unless the context clearly indicates otherwise, the term means 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. 3.. The subdivision of land as defined in NCGS 160D-802.

C. The initiation or substantial change in the use of land or the intensity of use of land.

D. For floodplain management purposes: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development activity
For floodplain management purposes, any activity defined as development which will necessitate a floodplain development permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

Development, major
Development consisting of:

A. Any building and structure or combination of buildings and structures on a tract of two acres or more; or

B. Buildings having a total gross aggregate floor area of 10,000 square feet or more. This definition does not include detached single-dwelling and duplex housing units and customary accessory structures.

Development, minor
Development consisting of a building or structure or combination of buildings and structures constructed on tracts less than two acres in size and having a total gross aggregate floor area between 500 square feet and 10,000 square feet.

Diameter at breast height
A measurement of the diameter of a tree trunk taken four and one-half feet above the ground level. If the tree branches are below four and one-half feet, the measurement is taken at the narrowest part of the trunk below the lowest branch. Multi-stem trees will be calculated by measuring the largest stem four and one-half feet above the ground level.

Digital flood insurance rate map
An official digital map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the special flood hazard areas and the risk premium zones applicable to the community area delineated.

Dish antenna
A dish-shaped, usually concave parabolic, reflector used to send and receive electromagnetic signals such as radio waves or microwaves to focus incoming radiation onto one reception point used for satellite communication and broadcast reception, space communications, radio astronomy, and radar. Sometimes called a parabolic antenna.

Disposal
The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Distillery
An establishment engaged in the production and packaging of liquors for distribution, retail, or wholesale both on and off-premises. Accessory uses may include a taproom, seating areas, ancillary sales of related merchandise, event space, and warehouse space for stored product.

Distribution facility
An establishment used as a relay station for the transfer of a load from one vehicle to another or one party to another. The facility may include storage areas for trucks and areas for the temporary storage of loads in the process of being transferred.

Domestic violence shelter
A facility meeting the criteria of NCGS 50B-9 and funded through the domestic violence center fund, which provided temporary shelter to victims of domestic violence, non-consensual sexual conduct, or stalking.

Dormitory
A type of accommodation characterized by association with a particular educational, religious, or corporate institution that provides sleeping accommodations unrelated persons in one room or a series of closely associated rooms under joint occupancy and single management, with or without meals, but without individual cooking facilities. Accommodations are provided on a temporary rather than permanent basis, often for a school term, and are not considered dwelling units.

Downzone
Pursuant to NCGS 160D-601, downzoning means a zoning ordinance that affects an area of land by either decreasing the development density of the land to be less dense than was allowed up its previous usage or by reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under the previous usage.

Drive-through facility
All features associated with access to services by persons from automobiles, including order boxes, windows, and stations; payment windows; pickup windows; drive-in service stalls; and all similar points of interaction.

Driveway
The area outside a street intended to serve as ingress and egress for vehicles between the street property line and an off-street parking area.

Drop-in childcare
As defined by NCGS 110-86(2)(d)(d1), a child care arrangements where care is provided while parents/custodians participate in activities that are not employment related and where the parents/custodians are on the premises or otherwise easily accessible. These arrangements are available in health spas/clubs, bowling alleys, shopping malls, resort hotels, religious assembly, or other similar locations, for parents/custodians to occasionally run errands or participate in leisure activities. The child is provided care not to exceed two and one-half hours during that day.

Dry cleaner
The cleaning of garments, textiles, and fabrics without the use of water and with chemical solvents. This does not include laundry services, nor industrial laundries. For the purposes of use classification, dry cleaners shall be light industrial rather than commercial uses.

Dwelling
Per NCGS 160D-102, any building, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used. This includes any outhouses and appurtenances belong thereto or usually enjoyed therewith.

Dwelling unit
Per the North Carolina Residential Code, a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

A. Accessory

A residential unit located on the same lot as a single dwelling unit, either internal or attached to the principal dwelling unit or in a detached structure. The accessory dwelling unit is a complete housekeeping unit with a kitchen, sleeping area, closet space, and bathroom facilities separate from the principal dwelling unit, but without its own utility meter(s). An accessory dwelling unit is clearly subordinate to the principal dwelling unit on a lot, particularly in terms of size and location on the lot, and cannot be situated on its own lot.

B. Attached

Duplex

A single building containing two single housing units, neither of which is subordinate to the other, and both of which have separate utility meters, independent means of ingress and egress, and separate parking requirements. The two attached units never have internal doors between units. The two units may be stacked one atop another or adjacent, and both units are on the same parent lot.

Multiple

A single building with five or more attached dwelling units, which may be side by side or stacked one atop another. All dwelling units are on a single parent lot, though each individual unit may be condominiumized. Individual units never have internal doors between units, though they may have doors opening into a common hall, entry, or breezeway.

Quadraplex

A single building containing four housing units, either stacked on atop another or adjacent. The four units never have internal doors between units, and all four of which are on the same parent lot.

Townhouse

A dwelling unit constructed in a group of at least three but not more than 10 attached units on the same parent lot in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.

Triplex

A single building containing three dwelling units, either stacked one atop another or adjacent. The three attached units never have internal doors between units and all three units are on the same parent lot.

C. Courtyard

A type of detached housing providing small residences for smaller households, with homes oriented around a central open space (courtyard).

D. Detached, single

A building designed to house a single housekeeping group.

See also: manufactured home

Electric Vehicle Charging Station
Electric vehicle charging stations are defined as follows:

A. EV-Capable: Reservation of space in the electrical room for a panel to serve the future EV chargers and continuous raceway from the reserved panel space to the future EV parking space.

B. EVSE-Installed: EV charging stations capable of providing a minimum of 12 amp 1.4 kW.

Electric Vehicle Supply Equipment (EVSE)
Equipment that supplies electricity to an electric vehicle for the purpose of recharging the vehicle's batteries. EVSE systems include the electrical conductors, related equipment, software, and communications protocols that deliver energy safely and efficiently to the vehicle. EVSE equipment is classified as Level 1 (120 volts AC), Level 2 (240 volts AC), and DC Fast Charger (480 volts DC and higher). (From the National Electrical Manufacturers Association)

Electronic gaming establishment
A type of commercial recreation, either as a principal or an accessory use, where persons utilize electronic machines, including, but not limited to, computers and gaming terminals, to conduct games (including chance and sweepstakes), and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether the distribution is determined by games played or are predetermined. This term includes, but is not limited to, internet cafes, internet sweepstakes, video

sweepstakes, or cybercafes. This does not include any lottery approved by the State of North Carolina or any game or process prohibited by NCGS 14-304—14-309.

Elementary school
See: school, primary or secondary.

Elevated building
A non-basement building that has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment
An obstruction or intrusion in or onto a delineated city right-of-way, easement, or property. For floodplain management purposes, the advance or infringement of uses, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Encroachment, de minimis
An encroachment determined to have of minimal or negligible impact to city right-of-way, easement or property including gutters, awnings, architectural elements less than 12 inches in depth, signs, mailboxes, subgrade structural elements, or drainage and utility service connections perpendicular to the right-of-way or as defined by the city engineer.

Encroachment, major
An encroachment that:

A. Interferes with, disturbs, or blocks any city facility or facilities; or significantly affects the public's use of the street or utility right-of-way;

B. Interferes with any planned city project or improvement;

C. Increases the city's cost of maintenance, repair, or construction of facilities; or

D. Is determined by the city manager or city engineer that the encroachment requires approval by the city council.

Encroachment, minor
Fences or utility installations not considered as a de minimis encroachment.

Encroachment, setback
Building and site elements that project into or are located on the non-buildable side of a setback line, typically in a required yard area.

Engaged garage
A garage that is integral to and part of the of the building it serves (see Figure 18-688: Engaged garage).

Equipment repair
Establishments primarily engaged in repairing and maintaining consumer electronic equipment, computers, office machines, cellular telephones, and similar electronic and precision equipment and instruments, without retailing these products as new.

Erosion
The process by which the ground surface is worn by the action of wind, water, ice or gravity.

Erosion and sediment control measures
A system of structural and vegetative measures that minimize soil erosion and off-site sedimentation. The term, where appropriate, shall include stormwater management measures.

Essential site improvements
Any construction or reconstruction of the site development features required by any local, state, or federal regulations, ordinances, or laws, such as underground drainage, off-street parking, driveways, retention areas, or similar improvements required for the intended use of the site.

Evidentiary hearing
Per NCGS 160D-102, a hearing to gather competent, material, and substantial evidence to make findings for a quasi-judicial decision required by a development regulation adopted under this chapter. The use of evidentiary hearing in this chapter refers to the process of quasi-judicial decision making.

Excavation
Any act, or the conditions resulting there from, by which soil, earth, sand, gravel, rock or similar material is cut into, dug, quarried, uncovered, removed, displaced or relocated.

Existing building or structure
For floodplain purposes, any building or structure for which the start of construction commenced before April 17, 1978, the effective date of the initial flood insurance rate maps.

Expansion of site
The addition of new building(s), structure(s), parking lot(s), or any other new impervious surface to a site. Construction of any new impervious surface on an area previously impervious that does not meet the definition of redevelopment as defined in this section shall be considered as expansion.

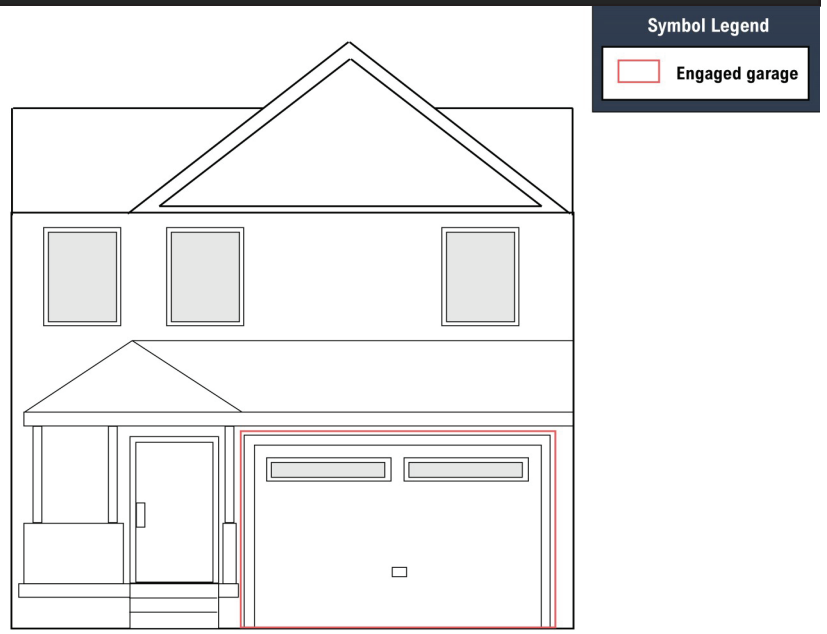
Expansion to an existing manufactured home park or subdivision
The preparation of the additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

Express and parcel delivery services
Establishments engaged primarily in providing air, surface, or combined mode courier and express delivery services of parcels, but not operating under a universal service obligation.

Exterior architectural feature
The architectural style, general design, and general arrangements of the exterior of a building or other structure including the kind, texture, and color of the building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant features.

Exterminating services
Establishments primarily engaged in eliminating and controlling birds, mosquitoes, rodents, termites, and other insects and pests (except for crop production and forestry production). Establishments providing fumigation services are included in this use.

Figure 18-688: Engaged garage



Facade
The face or faces of a building oriented in a common direction, or within a 45-degree angle of the same direction, including wall, roof, and parapet faces.

Family care home
Per NCGS 160D-907, a family care home is a home with support and supervisory personnel that provided room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities.

Family childcare home
A home occupation within a residence, licensed pursuant to NCGS Ch. 110, Art. 7, wherein, at any one time, more than two but fewer than nine children less than 13 years old receive care away from their own home by persons other than their own parents, legal guardians, or relatives within the fourth degree of kinship, on a regular basis more than once

per week for more than four hours but less than 24 hours per day.

Family healthcare unit
Per NCGS 160D-915, a transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that is primarily assembled at a location other than its site of installation, limited to one occupant who shall be the mentally or physically impaired person, has no more than 300 gross square feet, and complies with applicable provisions of the North Carolina building code and NCGS 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

For the purposes of family health care units, the following definitions are also applicable:

A. Activities of daily living: bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.

B. First or second degree relative: a spouse, lineal ascendant or descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.

C. Mentally or physically impaired person: a person who is a resident of this state and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this state.

D. Caregiver: An individual 18 years of age or older who provides care for a mentally or physically impaired person, and is a first or second degree relative of said impaired person.

Farmers' market
An establishment primarily engaged in the retail sale of fresh fruits and fresh vegetables, handmade crafts, and limited artisanal provisions. Such a market may be a principal use or a temporary use.

Federal Emergency Management Agency (FEMA)
The federal agency by that name.

Fenestration
The arrangement, proportioning, and design of openings, mainly windows and doors, on a building facade.

Fill
Any act, or the conditions resulting therefrom, by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, pulled or transported.

Financial institution
See: Bank

Flesh cut
A measurement of the diameter of a tree trunk taken four and one-half feet above the ground level. If the tree branches are below four and one-half feet, the measurement is taken at the narrowest part of the trunk below the lowest branch.

Flood
A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood boundary and floodway map
The official map issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the flood insurance rate map.

Flood hazard boundary map
An official map of the city, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as zone A.

Flood insurance
The insurance coverage provided under the National Flood Insurance Program.

Flood insurance rate map (FIRM)
An official map of the city on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. (see also digital flood insurance rate map)

Flood insurance study
An examination, evaluation, and determination of flood hazard, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data issued by the Federal Emergency Management Agency. The flood insurance study report includes flood insurance rate maps and flood boundary and floodway maps, if published.

Flood resistant material
Any building product (material, component, or system) capable of withstanding direct and prolonged contact (72 hours minimum) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood resistant. Class 4 and 5 materials as referenced in FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements are acceptable flood-resistant materials.

Flood zone
A geographical area shown on a flood hazard boundary map or flood insurance rate map that reflects the severity or type of flooding in the area.

Floodlight
For the purposes of the lighting standards, a floodlight is a form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

Floodplain administrator
The city officer designated by the city manager to be responsible for administering and implementing floodplain management regulations.

Floodplain development permit
Any type of permit that is required in conformance with the provisions of this chapter, prior to the commencement of any development activity.

Floodplain management
The operation of an overall program of corrective and preventative measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including (but not limited to), emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management violation
Failure of a structure or other development to be fully compliant with the city's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

Floodplain or flood prone area
Any land susceptible to being inundated by water from any source.

Floodproofing
Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

Floodway
The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway encroachment analysis
An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

Floor
Any top surface of an enclosed area in a building, including basement, such as the top of a slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Food catering service
A facility or area for the preparation and storage of food and food utensils for off-premises consumption and service.

Food truck
See: mobile food unit.

Foot-candle
A unit of incident light on a surface state in lumens per square foot and measurable with an illuminance meter. One foot-candle equals one lumen per square foot.

Forest
Any area on a site with at least 100 trees per acre.

Foundation plantings
A group of plants and vegetation around the base of a building, indented to blend the building with its setting and to obscure features of the foundation.

Fraternity or sorority house
A type of accommodation occupied by and maintained exclusively for students of an institution of higher education who are affiliated with a social, honorary, or professional organization, recognized by the institution of higher education, that provides sleeping accommodations for persons in one room or a series of closely associated rooms under joint occupancy and single management, with or without meals, but without individual cooking facilities. Accommodations are provided on a temporary rather than permanent basis, often for a school term, and are not considered housing units.

Freeboard
For floodplain management purposes the height added to the base flood elevation to account for watershed development as well as limitations of the engineering methodologies for the determination of flood elevations. The freeboard plus the base flood elevation establishes the regulatory flood protection elevation.

Freight and intermodal terminals
A facility used by a motor freight company as a carrier of goods, that is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.

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

Fuel storage facility
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 filling stations.

Funeral home and mortuary
An establishment when the human dead are prepared for burial or cremation. Such a facility may contain space and facilities for embalming and the performance of other services used in the preparation of the dead; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles.

Future conditions flood
The flood having one percent chance of being equaled or exceeded in any given year based on future conditions hydrology.

Future conditions flood elevation
A determination of the water surface elevations of the one percent annual chance flood based on future conditions hydrology as published in the flood insurance study. This elevation, when combined with the freeboard, establishes the regulatory flood protection elevation in future conditions flood hazard areas.

Future conditions flood hazard area
The land area that would be inundated by the one percent annual chance flood based on future conditions hydrology.

Future conditions hydrology
The flood discharges associated with projected land use conditions based on zoning regulations and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway such as bridge and culvert construction, fill, and excavation. Future conditions flood discharges are published in the flood insurance study.

(Ord. No. O-2022-41, §36, 6-7-2022; Ord. No. O-2023-41, §24, 6-6-2023; Ord. No. O-2024-13, §16, 3-19-2024; Ord. No. O-2024-22, §12, 5-21-2024)

Section 18-689: G/H/I Definitions

General business services
Establishments engaged in the sale, rental, or provision of office equipment, supplies, and materials, or the provision of services used by office, professional, and service establishments. Typical uses include office equipment and supply, convenience printing and copying services, and temporary labor services.

General personal services
Establishment or places of business engaged in the provision of personal grooming services including barber shops, beauty salons, licensed massage therapy establishments, and tanning salons.

Glare
The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

Glaze
To install glass in windows, doors, storefronts, curtain walls, and other various segments of building construction.

Golf course
A tract of land laid out with a course having nine or more holes for the playing of golf, including any accessory clubhouse, driving range, offices, restaurant, concession stand, picnic tables, pro shop, maintenance facilities, or similar accessory uses or structures.

Golf driving range
A limited area on which golfers drive golf balls from a central driving tee, such area to include the driving tee, driving range and other incidental activities pertaining to this activity.

Government facilities excluding rights-of-way
Buildings, structures, and property owned or substantially controlled by local, state, or federal government and the services of any civilian and military personnel of the government, including fire and police stations, courthouses, and similar facilities. This shall not include public schools of any level.

Grading
Any act causing disturbance of the earth. This shall include but not be limited to any excavating, filling, stockpiling of earth materials, grubbing, root mat or topsoil disturbance, or any combination of such.

Greenfield development
Build out of a lot or combination of lots totaling 12 acres or more in area and having five percent or less existing building footprint at the time of the adoption of this ordinance.

Gross floor area
Gross floor area means the sum of gross horizontal areas of all the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including any portion of the building designed for parking or the movement of vehicles unless specifically required by the zoning district.

Gross vehicle weight rating
The maximum allowable weight of a fully loaded vehicle, as determined by the vehicle's manufacturer.

Ground cover
Low-growing vegetation used to cover open areas. Traditional lawn grasses are not included.

Group home

A. Residential

Establishments primarily engaged in the provision of care or supervision of persons that includes overnight accommodations. This definition does not include dormitories; fraternity and sorority houses; associations or organizations, civic, social, and fraternal; hospitals; motels and hotels; nursing homes; schools; guest lodging; group home supportive small; group home supportive medium; group home supportive large; and any other similar uses that provide overnight accommodations.

B. Supportive, large

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

C. Supportive, medium

A dwelling unit in which up to eight special needs persons as defined in this section reside.

D. Supportive, small

A dwelling unit in which up to three special needs persons as defined in this section reside with a housekeeping unit.

Gun sales, including repair
Any premises or portion thereof used for the retail sale, vending, dealing, repair, exchange, or transfer, within a 12-month period of two or more guns.

Hardscaped areas
Areas paved or constructed with high-traffic tolerant paver units, including, but not limited to, brick, decorative concrete, or stone.

Hazardous waste facility
A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS 130A, Article 9.

Heavy equipment sales and service
An establishment primarily engaged in furnishing equipment for sale or rent, materials, and services regularly used in the conduct of building trades or craft, land development, and construction,

Heavy manufacturing
A facility or area for generally mass-producing goods usually for sale to wholesalers or other industrial or manufacturing uses.

Heliports and helipads
An area designed to be used for the landing or takeoff of helicopters including operating facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

High school
See: school, primary or secondary.

Historic landmark
A property deemed and found by the historic preservation commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association, and which has been designated in compliance with NCGS 160D-946.

Historic resources
Any building, site, structure, or object that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district; or

C. Individually listed on a state inventory of historic places; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of the Interior.

Home maintenance service
An establishment engaged in the provision of services for the care of homes, including maid and home cleaning services, light-duty handyman services, and other housekeeping-related services. This shall not include contractors or retail sales of any sort.

Home occupation
An occupation for gain or support customarily conducted on premises by a person or family occupying a principal residence. This does not include a customary home office, where there are no customers, outside employees, or noncustomary residential materials or equipment.

Homeowners' association
An incorporated, nonprofit organization established by a developer or an association of property owners whose membership shall consist of individual property owners within a subdivision and operating under recorded legal agreements.

Homestay host
A permanent, full-time resident of a property who rents bedrooms in the form of homestay lodging, is present during the homestay term for the time lodgers are staying on the property.

Homestay lodging
A business engaged in the rental of individual bedrooms within a dwelling unit that serves as a host's principal residence, that provides lodging for pay, for a maximum continuous period of 29 days, that does not serve food.

Hospital
A public or private institution that is primarily engaged in providing inpatients, by or under supervision of physicians, diagnostic services, therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the

rehabilitation of injured, disable, or sick persons. The term includes all facilities licensed pursuant to NCGS 131E-77, except long-term care hospitals. For the purposes of use classification, this shall also include ambulatory surgical centers and stand-alone emergency facilities.

Hotel/motel
An establishment providing lodging for pay, available on a daily basis, to transient guests and travelers.

Household income
Income as defined and used by the U.S. Census long form.

Housing, elderly
Housing provided solely for the residential use of persons who are 62 years of age or older.

Housing, workforce
Housing units provided solely for the residential use of a household unit with income at or below 80 percent of the WIlmington area median income (AMI) as determined annually by the U.S. Department of Housing and Urban Development, adjusted for household size. For the purpose of increasing density in certain districts with the provision of workforce housing, HUD's high HOME rents at 65% AMI shall be used.

Housekeeping group
Any group, whose members are non-transient, jointly living and cooking together as a single household in a dwelling unit as the functional equivalent of a family. All members of a housekeeping unit have joint access to and use of all common areas, including living, kitchen and eating area, and share household activities and responsibilities, such as meals, chores, expenses, and maintenance. All members of a housekeeping unit also meet the definition of principal resident, as described in this chapter. This shall not include groups occupying dwelling units on a temporary or transient basis (e.g., a school semester), nor shall it include those guests in a dwelling unit as homestay or whole-house lodging.

Impervious surface
Any surface which, in whole or in part, restricts or prevents the natural absorption of water into the ground. Impervious surface areas shall include, but are not limited to, concrete, asphalt, compacted crushed stone and gravel surfaces or other paving material, unless specifically engineered to allow penetration of water through the paved medium and infiltrate into the ground, and all areas covered by the footprint of buildings or structures including roofs, unslatted decks, driveways, patios, retaining walls, sidewalks, parking areas, tennis courts, and streets. Impervious does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.

Impervious surface, newly constructed
The amount of impervious surface placed or constructed by development activity, irrespective of the condition of the existing surface upon which the surface is place. Maintenance of existing impervious surfaces is not considered newly constructed. Examples of maintenance include, but are not limited to, mill and overlay of existing asphalt, reconstruction of existing sidewalk (within the same or similar footprint) to comply with ADA requirements, roof replacement or repair, and addition additional gravel to existing graveled areas.

Imperviousness
The degree to which a site is impervious.

Improved landscape
Gardens, parks, parking lots or any other proposed outside improvements including any planned vegetation, public street furniture, masonry walls, fences, light fixtures, steps and pavements or other appurtenant features.

Infill development
Building out of a lot or combination of lots that meets at least one of the following criteria:

A. Has a total lot area is less than 12 acres;

B. Has no improvements, the land has never been built upon, or was previously built upon but has been void of any impervious surface area, including buildings and pavement for 10 years or longer; and

C. Is served by transportation, water, sewer, and electrical infrastructure.

Internal services facilities
Accessory uses such as cafeteria, snack bar, and childcare, incidental to the principal use on site that are conducted solely for the convenience of users of the principal use and occasional visitor, for which there is no exterior evidence of the internal service such as signage or marked parking.

(Ord. No. O-2022-88, §18(Att. A), 11-1-2022)

Section 18-690: J/K/L Definitions

Junk yard
An establishment for storing, keeping, buying, or selling of junk. Junk shall be defined as old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, or discarded, dismantled, or wrecked automobiles, or parts thereof, iron steel, and other old or scrap materials.

Kennel, commercial
A facility established to house, board on a long- or short-term basis, breed, handle, train, or otherwise keep or care for cats and dogs. This includes doggy daycare and other drop-in type facilities.

Kennel, private
A home occupation for boarding and breeding of five or more dogs or cats.

Laboratory
A facility or area for conducting medical or scientific research, investigation, testing, or experimentation, or investigating natural, physical, or social sciences, engineering, and/or development as an extension of investigation with the objective of creating end products. This definition also includes labs for the manufacture of dentures and prostheses.

Land disturbing activity
Any earth movement and land use changes which may result in soil erosion or the movement of sediments into waters or onto other lands, including, but not limited to, tilling, clearing, grading, excavating, stripping, filling and related activities, and the covering of land surfaces with any structure or impermeable material.

Landmarks
Buildings, features, or structures that have special significance in terms of historical, prehistorical, architectural, or cultural importance, and possesses integrity of design, setting, workmanship, materials, feeling or association.

Laundry, industrial
Cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only. This shall not include commercial laundry services, nor dry cleaners.

Laundry services
Any commercial self-service or full-service laundromat or dry-cleaning drop-off. This shall not include any dry-cleaning facility.

Legislative decision
The adoption, amendment, or repeal of a regulation under this Chapter or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions.

Legislative hearing
A hearing to solicit public comment on a proposed legislative decision.

Letter of map change
An official determination issued by the Federal Emergency Management Agency that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

A. Letter of map amendment: An official amendment to an effective National Flood Insurance Program map. It is based is based on technical data showing that a property had been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Such a letter amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area

B. Letter of map revision: A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

C. Letter of map revision based on fill: A determination that a building, structure, or lot of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the city's floodplain management regulations.

D. Conditional letter of map revision: A formal review and comment as to whether a proposed project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. Such letter does not revise the effective flood insurance rate maps or flood insurance study. Upon submission and approval of certified as-built documentation, a letter of map revision may be issued by the Federal Emergency Management Agency to revise the effective flood insurance rate map.

Levee
A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water to provide protection from temporary flooding.

Library
An establishment for the loan or display of books and other media materials, which is sponsored by a public or quasi-public agency, and which institution is open and available to the general public.

Light duty truck
For the purposes of floodplain management, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less that has a vehicular curb weight of 6,000 pounds or less and a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

A. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

B. Designed primarily for transportation of persons and has a capacity of no more than 12 persons; or

C. Available with special features enabling off-street or off-highway operation and use.

D. Light fixture

A complete lighting unit consisting of a light source(s) and ballast(s) or driver(s), together with the parts designed to distribute the light, to position and protect the light source(s), and to connect the light source(s) to the power supply. Also known as a luminaire.

Light manufacturing
A facility or area for producing goods without the use of chemical processing of materials. Light manufacturing activities include but are not limited to the following activities:

A. Assembly, finishing, and/or packaging of small items from component parts made at another location. Examples include but are not limited to cabinetmaking or the assembly of clocks, electrical appliances, or medical equipment.

B. Production of items made from materials derived from plants or animals, including but not limited to leather, pre-milled wood, rubber, paper, wool, or cork; or from textiles or plastics.

C. Electrical component manufacturing.

D. Reproduction, cutting, printing or binding of written materials, drawings, or newspapers on a bulk basis using lithography, offset printing, blue printing and other similar methods.

E. Machine or welding shop where material is processed by machining, cutting, grinding, welding or similar processes.

F. Spray painting or motor vehicle conversion.

G. Prohibited uses: boiler shops; chemical; creosote; fats and oils; machinery; meat products (slaughterhouses); metal stamping; ordnance; paper; petroleum; primary metals; steel, wire, pipe structural metal products; stone and cement products; and tires.

Light trespass
Light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited. This has adverse effects on residents, vehicle operators and pedestrians, the natural environment.

Limit of moderate wave action
The boundary line given by Federal Emergency Management Agency (FEMA) coastal map studies marking the extents of coastal A zones.

Loading space, off-street
Space for bulk pickups and deliveries, scaled to delivery vehicles, and accessible to such vehicles at all times even when required off-street parking spaces are filled.

Loadout tower
The structure, hoppers, scales, equipment, and appurtenances used to provide legal weighing and conveyance of bulk products into railcars or trucks.

Low-impact development
Defined by the United States Environmental Protection Agency (EPA) as systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater to protect water quality and associated aquatic habitat.

Lumens
A quantitative unit used to identify the amount of light emitted by a light source. A lamp is generally rated in lumens.

Section 18-691: M/N/O Definitions

Maintained foot candle
Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high-pressure sodium and 0.64 for metal halide and mercury vapor.

Manufactured home
Consistent with NCGS 143-145, a housing unit, transportable in one or sections, that:

A. In the traveling mode is eight body feet or more in width, or 40 body feet or more in length; or

B. When erected on site, is 320 or more square feet; and

C. That is built on a permanent chassis, with or without permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

Also included is any unit that meets all these requirements except the size requirements and to which the manufacturer voluntarily files a certification required by the Secretary of the US Department of Housing and Urban Development (HUD) and complies with the standards established under the National Mobile Home Construction and Safety Act of 1974.

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 semi-permanent 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 semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

Manufactured home park
Any tract of land under single ownership, that provides utilities, and upon which two or more manufactured homes are placed on designated spaces.

Manufactured homes sales
A business primarily engaged in the display and sale of manufactured housing, as defined in this chapter. This use does not include sales offices for manufactured homes with no display of inventory on site.

Marina
Any dock, basin, or wet storage facility constructed to accommodate boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haul out facilities, or repair services. Excluded from this definition are public boat ramp facilities allowing water access only, temporary docking that includes none of the previous listed services, and community boating facilities.

Market value
The value of a building, not including the land value or that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values.

Marquee
A permanent roofed structure projecting over an entrance to and fully supported by the building to which it is attached (see Figure 18-691: Marquee).

Figure 18-691: Marquee



Maturing tree

A. Small-maturing tree

Tree species maturing at 25 inches or less in height.

B. Medium-maturing tree

Tree species maturing from 26 inches to 40 inches in height.

C. Large-maturing tree

Tree species maturing at 41 inches or more in height.

Metal coating, engraving, and allied services
Establishments in this industry coat, engrave, and heat treat metals and metal formed products fabricated elsewhere.

Mixed-use development
Development that provides two or more distinct significant uses, such as retail, office, residential, hotel, and civic uses; fosters integration, density, and compatibility of land uses; and creates a walkable community with pedestrian and bicycle connections. A mixed-use development may be vertical, horizontal, or a combination of vertical and horizontal.

Vertical mixed-use combines different uses within the same building and provides more public/active uses on the lower floor(s), such as retail and restaurants and more private uses on the upper floors, such as hotel rooms, residential units, and office space.

Horizontal mises-use development combines single-use buildings within one development, which allows for a range of land uses within the overall development project; this use type provides a variety of complementary and integrated uses that are walkable within a given neighborhood or development project.

Mobile food unit
A self-contained vehicle that serves prepared food in various locations, sometimes known as a food truck.

More intensive use
A use that will have a greater impact on the surrounding area than the previous use, including activities which generate more traffic, require more employees or service deliveries, or utilize more square footage than the previous use existing on the site.

Motel
See hotel/motel.

Motion picture production and distribution
Establishments primarily engaged in the production and/or distribution of motion pictures, videos, television programs, or commercials; in the exhibition of motion pictures; or in the provision of post-production and related services.

Moving companies
A business primarily engaged in the rental of truck, trailer, or cargo vans and furnishing boxes, hitches and moving supplies with or without on-site storage facilities. This definition does not include warehousing or mini-warehousing uses.

Multiphase development
For purposes of vested rights, a multiphase development means a development containing 100 acres or more that

A. Is submitted for site plan approval for construction to occur in more than one phase; and

B. Is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

Multi-tenant building
A building containing two or more tenants occupying separate spaces within the building.

National Geodetic Vertical Datum (NGVD)
As corrected in 1929, a NGVD is a vertical control used as a reference for establishing varying elevations within the floodplains.

National Register Historic District
The areas shown on maps maintained by the State Historic Preservation Office, as approved by the National Park Service, US Department of the Interior, of the National Register of Historic Places.

Natural feature
Any outside landscape feature on the site such as trees, shrubs, or rock formations.

Natural or naturalized pond
Any pond, whether formed by natural forces or anthropogenic that has been declared by a federal or state agency to be jurisdictional waters or waters of the state.

Natural obstruction
Any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located in an area of special flood hazard by a nonhuman cause.

New construction
Any building, site, or structure for which a building permit or construction permit is issued or upon which construction begins on or after the effective date of this chapter.

For floodplain management regulations purposes, new construction means structures for which the "start of construction" commenced on or after April 4, 1978, the effective date of the initial floodplain management regulations and includes any subsequent improvements to such buildings and structures.

Nightclub
An establishment primarily engaged in the sale of alcoholic beverages for consumption on the premises including bars, pubs, or taverns, that does not qualify as a restaurant or eating establishment pursuant to NCGS Ch. 18B.

Non-encroachment area
For floodplain management purposes the channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the flood insurance study report.

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.

Nursery and greenhouse
A facility or area for the growing and displaying, of plant stock, seeds, trees, and other horticulture items to marketable size for wholesale or retail buyers.

Nursing home
Establishments licensed pursuant to NCGS Ch. 131E, Art. 6 primarily engaged in providing some nursing and health related personal care, but not continuing nursing services. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care, but not general hospital care, are indicated. These establishments have at least one shift with a licensed or registered nurse to provide routine health care and observation. Included are rest homes, convalescent homes, and other institutions where health care is a major element.

Office
Buildings used primarily for conducting the affairs of a business profession, service, industry, government, or like activity. This includes medical, dental, and similar professions for the outpatient treatment of patients. This does not include floor area used for manufacture, production of goods, or retail or recreational activity.

Official governmental flag
Per NCGS 144-7, an official governmental flag shall mean any of the following:

A. The flag of the United States of America.

B. The flag of nations recognized by the United States of America.

C. The flag of the State of North Carolina.

D. The flag of any state or territory of the United States.

E. The flag of a political subdivision of any state or territory of the United States.

Open space
Land set aside to remain undeveloped without buildings or structures.

Otherwise protected area
See: coastal barrier resources system

Outdoor sales and display
The placement of merchandise and inventory, available for purchase, outside of the building. This does not include temporary outdoor sales lots.

Outdoor seating
An accessory use of an adjacent, outside area by a food or beverage establishment for the same eating and drinking activities that occur within the establishment. This includes patios, decks, and similar areas, whether chairs, benches, tables, or other seating spaces are provided.

Outdoor seating/activity area
An unenclosed area without a roof or other overhead covering and no more than three walls or side coverings of any kind exceeding eight feet in height, regardless of openings for ingress/egress, including patios and decks, for use by patrons of a restaurant, nightclub, brewery, hotel, and other similar establishments whereby patrons may consume food, beverages, or entertainment on the premises.

Outdoor storage
The holding of materials, machinery, or equipment outside of an enclosed building or structure, whether such materials, machinery, or equipment are to be repaired or stored. This definition excludes the display or parking of motor vehicles, boats, recreational vehicle, travel trailers, and the like for sale or rent.

(Ord. No. O-2022-41, §37, 6-7-2022)

Section 18-692: P/Q/R Definitions

Parcel
A division of land developed for the purpose of accurate taxation. The words “lot” and “parcel” are not interchangeable.

Parallel conditional zoning district
A conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions on the district, of the same character or type as the use or uses in a general district having a parallel designation or name.

Parapet
A low, guarding wall at any point of sudden drop, such as at the edge of a terrace, roof, battlement, or balcony. In an exterior wall, fire wall, or party wall, the part entirely above the roof (see Figure 18-692.1: Parapet).

Figure 18-692.1: Parapet

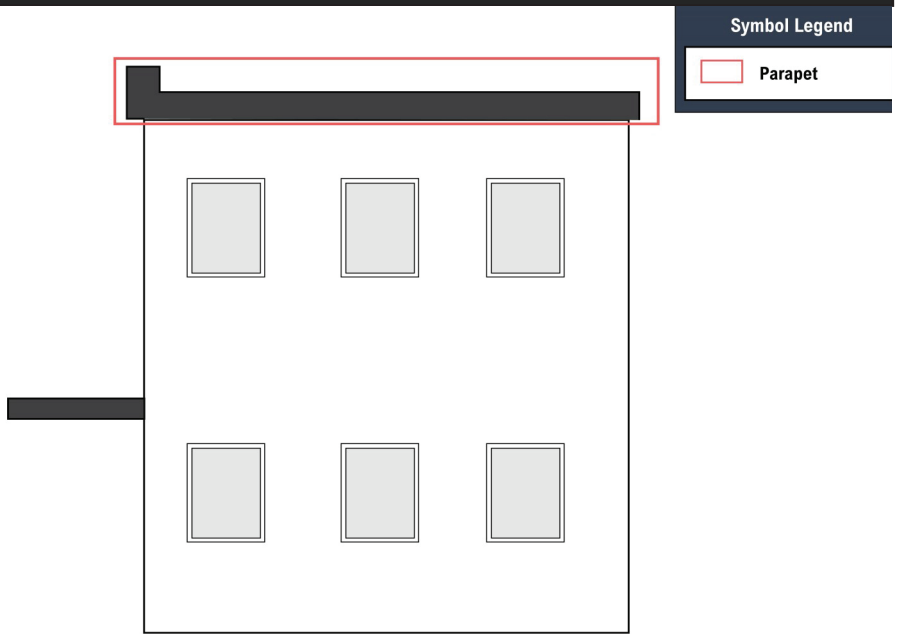
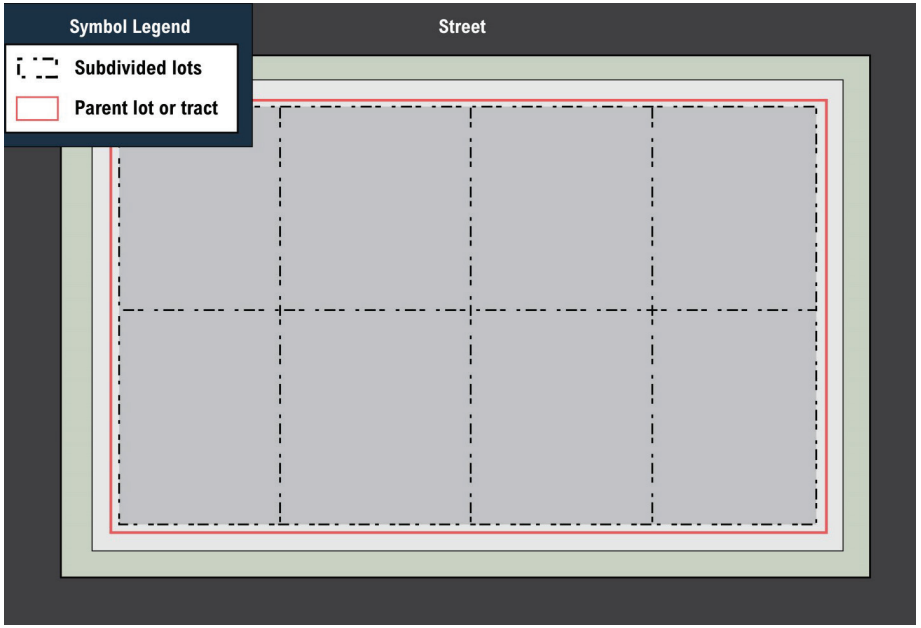


Figure 18-692.2: Parent lot or tract



Parent lot or parent tract
A lot or tract of land from which smaller lots or tracts have been subdivided (see Figure 18-692.2: Parent lot or parent tract).

Parking facility
Any area, open or enclosed, structural, or natural, for the storage of a vehicle or vehicles. All components of a parking area are included in this definition, including drive isles, parking spaces, loading, and landscaping islands.

Parking lot
An at-grade, open area, outside of the right-of-way, for the storage of vehicles.

Parking space, off-street
An area meeting the city of Wilmington *Technical Standards and Specifications Manual* for size, access, and maneuverability and designed to accommodate the temporary storage of a vehicle.

Pawn shop
An establishment subject to NCGS 66, Article 45, in which a pawnbroker conducts business, including the lending of money using personal property to secure a debt, and the purchase of merchandise for resale from dealers and traders. Within the use table, pawn shops are considered alternative financial services.

Performance Guarantee
Per 160D-804, any of the following forms of guarantee:

A. Surety bond issued by any company authorized to do business in North Carolina;

B. Letter of credit issued by any financial institution licensed to do business in North Carolina; and

C. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

Pergola
An accessory structure with an open wooden-framed roof, often latticed, supported by regularly spaced posts or columns. The structure often shades a walkway and is typically covered by climbing plants. It may also be a colonnade that includes such a structure.

Permit
Either a stormwater discharge, building, sign, erosion and sedimentation control, or subdivision development construction or other development approval, as may be appropriate within the context of the specific provision of this chapter.

Person with disabilities
A person with a temporary or permanent physical, emotional or mental disability including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and light impairments, emotional disturbances and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in NCGS122(C)-3(11)b.

Personal services
Establishment or places of business engaged in the provision of personal grooming services including barber shops, beauty salons, and tanning salons.

Petroleum and natural gas related industries
An establishment primarily engaged in the distribution of petroleum and natural gas products, including the wholesale distribution of crude petroleum and petroleum products such as liquified natural gas.

Petroleum storage
The aboveground storage of petroleum for fuel as an accessory to other uses. This does not include petroleum and related industries, nor retail sales of gasoline and diesel fuel.

Plans, construction
Plans and profile sheets in sufficient detail to indicate the construction of all the improvements associated with the property to be developed or subdivided prepared by a professional engineer or land surveyor licensed to practice within North Carolina.

Plat
A map or plan that delineates:

A. A tract or lot of land which is to be, or which has been, subdivided;

B. A tract or lot of land to be officially dedicated for public or private use;

C. A right-of-way for street or utility purposes to be dedicated for public or private use; or

D. Any combination thereof.

The word plat shall include the terms map, plan, replat, or replot.

Plat, final
A plat prepared in accordance with the requirements of this chapter and NCGS 47-30, in a form suitable for recording, with necessary affidavits, dedications and with complete bearings and dimensions of all lines defining lots, streets, public and private areas, and other dimensions of land required by this chapter.

Plat, preliminary
A plat prepared in accordance with the requirements of this chapter, drawn to scale, which delineates a proposed subdivision in sufficient detail.

Portable storage unit or container
A weatherproof box, capable of being left outdoors for long periods of time, often used for moving a household or business, no larger in dimension than 10 feet by 10 feet by 16 feet. Such containers are sometimes known as MODS or PODS (mobile or portable on-demand storage). This does not include shipping containers.

Post-flood insurance rate map
Construction or other development for which the "start of construction" occurred on or after April 17, 1978, the effective date of the initial flood insurance rate map for the area.

Power generating plants
A stand-alone plant not ancillary to another land use, that generates electricity to be distributed to consumers, including but not limited to fossil fuel burning facilities. 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, nor shall this definition include wind energy conversion systems as permitted in this chapter.

Predevelopment state
A site in its natural condition prior to any development activity.

Pre-flood insurance rate map
Construction or other development for which the start of construction occurred before April 17, 1978, the effective date of the initial flood insurance rate map for the area.

Premises
Any lot or combination of adjacent lots held under single ownership together with the buildings, improvements, and other appurtenances thereon.

Primary entrance
The main or principal public entrance of a building used by most pedestrians accessing a building from a sidewalk or other pedestrian way. Buildings may have more than one primary entrance if it has multiple street frontages or multiple parking lot frontages. A primary entrance is the widest entrance of those provided for use by pedestrians. Entrances located at the side or rear of building providing controlled or secured access into a building from a sidewalk, parking, or service area are typically considered secondary, rather than primary, entrances.

Primary nursery areas
Areas defined as primary nursery areas (PNAs) by the North Carolina Department of Environment and Natural Resources Division of Marine Fisheries.

Principal building
A building containing the principal use of a lot.

Principal residence
The domicile where an individual has a true, fixed, permanent home and principal establishment, and to which place, whenever absent, the individual has the intention of returning. A principal residence is the one a person:

A. Uses as their voting address; and

B. Uses as the address on one of the following: federal and state tax returns, military purposes, passport, vehicle registration, insurance policy, driver's license, bank account, or any other bill or item that requires a response; and

C. Occupies for at least 183 days during a calendar year.

Principal use
The main use of land or a building, excluding accessory uses.

Principally above ground
For floodplain management purposes, at least 51 percent of the building or structure is above ground.

Private access easement
A private easement providing access to residential units and constructed to meet the minimum standards of design established in the city of Wilmington Technical Standards and Specifications Manual.

Public parks/playgrounds
A facility or area for recreational, cultural, or aesthetic use owned or operated by a public agency and available to the public. This definition includes, but is not limited to, multi-use paths, decorative plantings, the Riverwalk, active and passive recreation areas, playgrounds, fountains, swimming pools, pavilions, wooded areas, boat ramps, and water courses.

Public space
Any place designed for public gathering, interaction, or relaxation that may include grassy lawns, parks, playgrounds, plazas, courtyards, squares, or gardens that are aesthetically and functionally integrated into the design of surrounding development. These spaces may include appurtenances such as benches, fountains, sculptures, or other type of artwork as focal points. Public space may be within private property but is permanently open to and legally accessible by the public without physical or perceived barriers.

Public transportation system
A planned transportation service provided to the public on a regular and continuing basis which is comprised of planned routing, designated transfer points and passenger loading/unloading areas.

Quasi-judicial decision
A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative decisions. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making body to approve or deny the application based not only upon whether the application complies with the specific requirements set for in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making body. Such decisions are made at an evidentiary hearing.

Railroad facilities including passenger and freight stations
Terminal or transfer facility related to a freight railway; or a railway yard, maintenance, boarding station or platform, transitway, or fueling facility related to a passenger or freight railway.

Real estate sales office
An office established for the purpose of selling, renting, leasing, or otherwise marketing residential property only within a specific residential subdivision or development in which it is located.

Recreation facility, neighborhood
A facility intended solely for use by residents and invited guests of the community or neighborhood in which it is located and that is maintained by a homeowners' association or similar group. This includes neighborhood swimming pools, tennis courts, club houses, and playgrounds, but does not include country clubs or other organizations

that permit memberships to persons living outside the community or neighborhood.

Recreation facility, private
A facility that is restricted to use by members and their invited guests, including country, golf, and tennis clubs. This also includes athletic fields and stadiums not classified as public park.

Recreation space
Land dedicated for infrastructure for leisure purposes as part of a required open space set aside. Such land may be dedicated to active recreation, such as tennis courts, swimming pools, and playgrounds, or passive recreation, such as walking paths, where there is minimal disturbance of vegetation. Uses otherwise specifically defined (e.g., golf courses) are not typically considered recreation space.

Recreational vehicles
Any vehicle or equipment designed or equipped to be used for living or sleeping and/or recreational purposes including motorized homes, boats and other watercraft, camping trailers, and travel trailers (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). For floodplain regulations purposes, a recreational vehicle is any vehicle that is:

A. Built on a single chassis;

B. Four hundred square feet or less when measured at the largest horizontal plane;

C. Designed to be self-propelled or permanently towable by a light-duty truck;

D. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; and

E. Fully licensed and ready for highway use.

Redevelopment
Clearance, re-planning, or new construction, including the conservation or rehabilitation of any buildings and the development of parking lots or other underutilized areas, of a site not meeting the definition of infill or greenfield, that has pre-existing uses for the repurposing of existing improvements already on the lot.

Reference level
The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance. For structures within special flood hazard areas designated as zone A1-A30, AE, A, A99 or AO, the reference level is the top of the lowest floor or bottom of lowest attendant utility including ductwork, whichever is lower. For structures within special flood hazard areas designated as zones VE or V1-V30, the reference level is the bottom of the lowest horizontal structural member of the lowest floor or bottom of lowest attendant utility including ductwork, whichever is lower.

Refrigeration, heating, and air conditioning machinery
Establishments primarily engaged in manufacturing ventilating, heating, air-conditioning, and commercial and industrial refrigeration and freezer equipment (NAICS 2017, 33341).

Register of Deeds
The register of deeds for New Hanover County, North Carolina.

Regulatory flood protection elevation
The elevation in relation to mean sea level, to which the reference level of all structures and other development located within special flood hazard areas must be protected. Where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of

freeboard. Where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

Rehabilitation facility
Per NCGS, a public or private inpatient facility that is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other services, which are provided under competent, professional supervision. This shall not include chemical dependency treatment facilities, detoxification facilities, halfway houses, group homes, or recovery farms.

Religious assembly
See: assembly, religious

Remedy a violation
For floodplain management purposes, to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the building or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Repetitive loss
Flood-related damages sustained by a structure on two separate occasions during any 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Replat
A final plat drawn for the purpose of lot consolidations and rearrangements that conforms with the definition of a “subdivision” in this section.

Restaurant
An establishment primarily engaged in the sale of foods, desserts, or beverages to a customer in a ready-to-consume state.

Retail, general
Establishments engaged in the sale with incidental service of commonly used goods and merchandise for personal or household use but excludes those uses specifically listed in this article.

Riverine
Relating to a river including tributaries, stream, or brook.

Roof line
The top of the main roof structure silhouette but not to include cupolas under 70 square feet in area, parapets, pylons, projections, or other minor raised portions of the roof.

Root barrier
A device designed to direct root growth.

Section 18-693: S/T/U Definitions

SA waters
Surface waters that are used for shell fishing or marketing purposes, waters considered high quality waters where stormwater controls are required under CAMA and no domestic discharges are permitted.

Salvage yard
Any property used for the storage, collection, or recycling of any type of disused equipment including, but not limited to, vehicles, appliances, and related machinery, are broken up and the parts saved and processed for recycling or resale.

Sawmills and planing mills
Establishments primarily engaged in one or more of the following: sawing dimension lumber, boards, beams, timber, poles, ties, shingles,

shakes, siding, and wood chips from logs or bolts; sawing round wood poles, pilings, and posts and treating them with preservatives; and treating wood sawed, planed, or shaped in other establishments with creosote or other preservatives to prevent decay and to protect against fire and insects. Sawmills may plane the rough lumber that they make with a planing machine to achieve smoothness and uniformity of size (NAICS 2017, 32111).

School, college and university
A post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.

School, primary or secondary
An institution of learning for minors, whether public or private, which satisfies compulsory education laws of the state, or that is maintained pursuant to standards set by the North Carolina Board of Education.

School, trade, business, technical, and vocational
A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).

Sediment
Soils transported or deposited by the action of erosion or artificial means.

Sediment control permit
The sediment control permit issued by New Hanover County or the State of North Carolina authorizing land disturbing activities in accordance with applicable ordinances, laws, and regulations.

Self-storage facility
A facility in which storage space such as rooms, lockers, and containers (storage units), either fully contained within a building or individually accessible from the outdoors, are rented to tenants, usually on a short-term basis, often month-to-month.

Setback
A setback is the horizontal distance from a lot line to a building, structure, sign, or other improvement on a lot.

Set-to line
A line running parallel to the lot line that abuts a street along which the exterior wall of a building is required to coincide.

Sewage treatment plants
Establishments that primarily engage in operating sewer systems or sewage treatment facilities that collect, treat, and dispose of waste.

Sexually-oriented business
Any business or enterprise that has as one of its principal business purposes or as a significant portion of its business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in NCGS 14-202.10

Shear wall
Any wall used for structural support but not structurally joined or enclosed at the end except by breakaway walls. Shear walls are parallel or nearly parallel to the flow of water.

Shipping container
A standardized, reusable transport container used in the transportation of freight and capable of being mounted and moved on a rail car or mounted on a chassis for movement by truck trailer or loaded on a ship. This does not include portable storage containers.

Shipping container storage and sales
Establishments primarily engaged in the storage or sale of shipping containers. This does not include the use of shipping containers as accessory storage to other uses.

Sign
Any structure, part of a structure, or device attached to or painted or presented on, any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, trademark, or other representation place by a charitable, residential, institutional, commercial, or industrial activity. A sign may include, but is not limited to, sources of illumination, unmarked pennant or banners, streamers, murals, and other devices or materials displayed to draw attention.

A. Sign skirt is a decorative covering of the post(s) or pole(s) that support a freestanding sign.

B. Sign support includes any pole, post, strut, cable, or other structural fixture or framework used to hold and secure a sign.

Sign types

Animated sign

A sign depicting action, motion, symbols, scenes, or light or color changes through electrical or mechanical means that changes more frequently than once every 60 seconds. Animated signs may also be characterized by displays moving across or within the message board or panel or around the perimeter. Signs that change less frequently than every 60 seconds shall be considered changeable copy signs.

Art

A type of noncommercial sign created through the expression or application of human creative skill and imagination that conveys a general message or sentiment, intended to express an idea, feeling, desire, or evoke a reaction from viewers, through visual and graphic description that predominates over any numeral, letter, word, emblem, insignia, or trademark that may be included as part of the sign.

Attached sign

A category of sign types attached to, applied on, or supported by any part of a building including, but not limited to, a wall, roof,window, overhang, canopy, awning, arcade, or marquee. This inclusive of building signs such as wall, projecting, window, integral, and mural signs.

Awning sign

A type of attached sign that is applied directly to an awning.

Banner

Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any building, structure, staff, pole, rope, wire, or framing, that is anchored on two or more edges or corners. Banners to not include flags.

Canopy sign

A sign attached directly to a canopy.

Changeable copy sign

Any sign on which words, symbols, figures, or images can be electronically or manually changed, without regard to the method of attachment. An electronic changeable copy sign alternating displays more frequently than once per 60 seconds shall be considered an animated or flashing sign.

Detached sign

See freestanding sign.

Double-faced sign

A sign with two or more faces that are not more than two feet apart.

Feather flag

A temporary sign made of cloth, bunting, plastic, paper, or similar non-rigid materials attached to a removable pole.

Flag

A device made of flexible materials such as cloth, paper, or plastic and displayed on a flagpole permanently mounted to the ground or a building. This does not include feather flags, banners, or pennants.

Flashing sign

An artificially illuminated sign on which the illumination is not kept at a constant intensity at all time that the sign is in use. Such signs exhibit changes in light, color, direction, or animation. This does not include animated or changeable copy signs.

Freestanding sign

Freestanding sign: A detached sign that is not attached to any building, supported by structures or supports that are placed on, or anchored in, the ground. This does not include signs that are freely movable and not mounted to a fixed point. Types of freestanding signs include monument, pole, portable, and sandwich board sign.

Illumination

A source of any artificial or reflected light, either directly from a source of light incorporated in or directly from an artificial source. For the purposes of signs, internal illumination means that the light source is concealed or contained within the sign and becomes visible in darkness through a translucent surface. This does not include neon signs. External illumination means artificial light, located away from the sign, that lights the sign, the sources of which may be visible.

Integral sign

A sign that is permanently incorporated into the architecture of a building by carving into the building exterior, incorporating a monument or tablet into the building design, or permanently affixing a plaque to the building facade. Examples include but are not limited to inscriptions on cornerstones, signature stones, carved pediments, and other inscribed building elements.

Kinetic sign

A type of animated or flashing wall sign that with a programmable lighting system that displays changing and moving colors.

Marquee sign

A sign attached to a marquee. This shall not be considered a roof sign.

Monument sign

A type of freestanding sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building (also known as a ground-mounted sign).Multi-unit sign

Multi-unit sign

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

Mural

A type of wall sign consisting of painted graphics or any other images that are painted directly on the surface of a wall. Murals do not project, suspend, or mount above or to a wall surface.

Off-premises sign

A sign erected on behalf of a business, commodity, service, establishment, or other activity conducted, sold or offered at a location other than the premises on which the sign is erected.

Official traffic sign

A type of sign, including, but not limited to, official highway route number signs, street name signs, directional signs, and other traffic signs erected and maintained on public rights-of-way, in the interest of public safety, and for the regulation of vehicular traffic.

On-premises sign

A sign erected on behalf of a business, commodity, service, establishment, or other activity conducted, sold, or offered on the premises on which the sign is erected.

Outdoor advertising sign

A poster panel, digital panel, or painted bulletin off-premises sign, commonly referred to as a billboard.

Pole sign

A type of freestanding sign permanently supported in a fixed location by a structure of one or more poles, uprights, or braces from the ground and not supported by a building or base structure.

Portable sign

A type of temporary sign that is not permanently attached to the ground, a structure, or a building and that can be moved from one location to another. Types of portable signs include sandwich board and message board signs. Projecting sign

Projecting sign

A building-mounted, double-faced sign attached directly to a supporting building and intersecting the building facade at an angle between 60 and 120 degrees. This does not include canopy, awning, or marquee signs.

Qualified sign

A nonconforming outdoor advertising sign registered with the city prior to 2009.

Roof sign

A sign erected or maintained in whole or in part upon or over the roof of a building. For the purposes of determining whether a sign is a roof sign in the instance of several roof levels, the line of the roof belonging to the portion of the building on which the sign is located shall be the determining roof line.

Sandwich board sign

A temporary, portable sign, usually an A-frame or easel, consisting of two faces connected and hinged at the top.

Single-face sign

A sign with only one visible face.

Temporary sign

A banner, portable, or sandwich board sign designed for temporary placement. Such signs, if not on-premises, shall not contain commercial copy.

Wall sign

A building-mounted sign that is attached to, displayed on, or painted on an exterior wall in a manner generally parallel with the wall surface.

Wind device

Any balloon, pennant, streamer, or similar device that moves freely in the wind. All wind devices are considered signs.

Window sign

A sign applied, painted, or affixed to a window, or placed inside a window, within 12 inches of the of the window, easily seen from the outside. Customary displays of merchandise are not considered signs.

Site
The spatial location of an actual or planned building, set of buildings, or structures. A site may be a single lot or combination of contiguous lots of land.

Site plan
A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

Site-specific vesting plan
A plan submitted an owner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as may be used by the city. At a minimum, such plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. Included with this definition are plans submitted pursuant to the following specific provisions, and meeting the following requirements, pursuant to article 7 of this chapter:

A. Site plan review;

B. Preliminary subdivision plan;

C. Special use permit; and

D. Conditional zoning district.

Sleeping room
A room designated as sleeping or bedroom on plans and permit applications (for a residential use), per the building code adopted by the state of North Carolina.

Soil
Any earth, sand, gravel, rock, or other similar material.

Solar energy system, commercial
A free-standing, ground-mounted solar collection system consisting of a linked series of photovoltaic modules, the primary purpose of which

is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating.

Solid waste disposal site
Any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method and as defined in NCGS 130A-290(a)(36).

Solid waste transfer facility
The use of land or a facility, regardless of name or title, to unload waste of any kind or type from vehicles, and, with or without intermediate processing such as compaction, sorting, or shredding, subsequently re-load the waste onto other vehicles for delivery to another transfer site, storage site, or disposal site. The phrase "waste transfer station" includes a facility for drop-off of recyclable materials (e.g., wastepaper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded shoes, cardboard, and other discarded household materials), where the materials are sorted, temporarily stored, and then shipped in bulk to other locations for processing. The phrase "waste transfer station" does not include a wastewater treatment facility.

Spas and health clubs
For-profit business engaged in providing recreation or exercise facilities to patrons. This does not include nonprofit establishments providing recreation facilities in addition to other programs such as the YMCA or YWCA.

Special flood hazard area (SFHA)
The land in the floodplain subject to a one percent or greater chance of being flooded in any given year, as specified in this chapter.

Special needs persons
Battered individuals, abused children, foster children, pregnant women and their children, runaway children, temporarily or permanently disabled mentally, emotionally, or physically, individuals recovering from drug or alcohol abuse, and all other persons who possess a disability that is protected by either the provisions of the Americans with Disabilities Act of 1990, 42 USC 12101, the Fair Housing Act as amended, 42 USC 3601 et seq. or NCGS Ch. 168, Art. 3, as they may be amended, but does not include any persons who currently use illegal drugs, persons who have been convicted of the manufacture or sale of illegal drugs or persons with or without disabilities who present a direct threat to the health, safety, or property of others.

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.

Standards and specifications
Standards and specifications set forth in this chapter, the city's Technical Standards and Specifications Manual or any other applicable ordinance, law, or regulation.

Start of construction
For floodplain management regulations purposes, (for other than new construction or substantial improvements under the Coastal Barrier Resources Act, P.L. 97-348) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory building, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start

of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether that alteration affects the external dimensions of the building.

Step-out zone
An area along a sidewalk or other area adjacent to a street with parallel parking, which allows for the safe, unobstructed opening of vehicle doors and/or pedestrian access.

Stepped-back construction
Construction of a multi-storied building where the upper floors have a footprint beginning from a point recessed from the front facade of the level(s) below.

Stormwater
Any flow resulting from, and occurring during or following, any form of natural precipitation.

Stormwater control measure (SCM)
Also known as a stormwater best management practice (BMP), a permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration, to minimize flooding or control peak discharge rate, or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.

Stormwater drainage facility
A man-made structure or natural feature that serves to provide for conveyance of runoff water resulting from natural storm events. Such facilities include, but are not limited to, swales, ditches, pipes, channels, creeks, culverts, manholes, inlet structures, and tidal gates.

Stormwater facility
A stormwater management or drainage facility, including all land, materials, and appurtenances used in construction and operation of said facility.

Stormwater management:
For quantitative control, a system of vegetative and structural measures which control the increased volume and rate of surface runoff caused by man-made changes to the land and have the effect of maintaining the predevelopment patterns of flood magnitude and frequency,

For qualitative control, a system of vegetative, structural, and other measures which control or treat pollutants carried by surface runoff.

Stormwater management facility
For quantitative control, a vegetative, structural, or other measure that controls increased volume and rate of surface water runoff caused by man-made changes to the land and that have the effect of maintaining the predevelopment patterns of flood magnitude and frequency. For qualitative control, a vegetative, structural, or other measure that is designed to control or treat pollutants carried by surface water runoff.

A. Off-site

   A stormwater management facility serving a property that is not located on said property.

B. On-site

   A stormwater management facility serving the subject property and located thereon.

C. Private

   Any stormwater management facility not owned and operated by the city or State of North Carolina.

D. Public

   Any stormwater management facility owned and operated by the city or State of North Carolina.

Stormwater management permit
Also known as stormwater permit and stormwater discharge permit; a permit issued by the city authorizing stormwater discharge activities and associated development activities in accordance with article 4, division 1, and applicable ordinances and regulations.

Stormwater management plan
A plan designed to minimize flooding, water quality impacts and erosion, prevent off-site sedimentation, and manage stormwater runoff, submitted as a prerequisite to obtaining a stormwater management permit, prepared and designed in accordance with the comprehensive stormwater ordinance and applicable state and federal laws and regulations.

Stormwater system
A collection of all stormwater management and stormwater drainage facilities within a development. A system may apply to stormwater management facilities, stormwater drainage facilities, or both. A stormwater management system includes all stormwater management facilities within a development and a stormwater drainage system includes all stormwater drainage facilities within a development.

Stream
Water course that collects surface runoff from an area of one square mile or greater.

Street
The word "street" includes the words, road, cul-de-sac, highway, and thoroughfare.

A. Street classifications

1. Private street

   A right-of-way for vehicular traffic that is constructed to acceptable public street standards, as set forth in the Technical Standards and Specifications Manual. The responsibility for the maintenance of a private street shall be by an established owners' association or other private property owner legal agreements. For commercial properties, this includes driveways connecting rights-of-way to private property. Public street

   A right-of-way for vehicular traffic dedicated and accepted by the North Carolina Department of Transportation or the city of Wilmington for public use.

2. Major thoroughfare (arterial):

   Major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.

3. Minor thoroughfares (collectors):

   Perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. They may supplement the major thoroughfare system by facilitating minor through traffic movement and may also serve abutting property.

B. Street types

1. Arterials

   a. Freeway

      A divided highway for high volumes of through traffic, at relatively high speed, with full control of access and grade separations at intersections.

   b. Expressway

      A divided street for high volumes of through traffic, with little

or no access and at-grade intersections.

c. Other arterial streets

Any street intended for or used by large volumes of through traffic.

2. Collector and local streets

a. Collector street

A street which collects traffic from local streets and carries it to the arterial system. Collectors may supplement the arterial system by facilitating some through traffic volumes and may also serve abutting property. Local street

A street that serves primarily to provide direct access to abutting property. It offers the lowest level of mobility and through traffic is usually deliberately discouraged.

c. Frontage road

Streets that are parallel to and adjacent to major streets and highways and provide service to the abutting property and adjacent areas and control of access.

3. Stub street

A street that is designed to be extended when an adjacent property is developed.

4. Cul-de-sac

A street designed to have one end permanently closed with the closed end terminated by a vehicular turnaround.

Streetscape landscaping
The area of a lot immediately adjacent to a street right-of-way and reserved for planting.

Structure
Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground that is not created for human shelter. Structures include bridges, windmills, water treatment or distribution facility, gazebos, billboards, freestanding signs, and other similar type uses.

For purposes of the floodplain management regulations, a structure means a walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other man-made facilities or infrastructures that are principally above ground, and does not include any of the following:

A. An electric generation, distribution, or transmission facility.

B. A gas pipeline or gas transmission or distribution facility, including a compressor station or related facility.

C. A water treatment or distribution facility, including pump station.

D. A wastewater collection or treatment facility, including a lift station.

E. Processing equipment used in connection with a mining operation.

Subdivision
All divisions of a tract or lot of land into two or more lots, building sites or other divisions when any one or more of those divisions is created for the purpose, whether immediate or future, of sale or building development of any type, including both residential and nonresidential multiple building site and multi-site projects, and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition nor be subject to the requirements of this chapter:

A. 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 city as prescribed by this chapter;

B. The division of land into lots greater than 10 acres where no street right-of-way dedication is involved;

C. The public acquisition by purchase of strips of land for the widening or opening of streets;

D. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the city as provided by this chapter; and

E. The division of a tract into lots in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.

Subdivision, conservation
A tract of land more than four acres and less than eight acres that abuts a conservation area on the Land Classification Map for the Wilmington-New Hanover CAMA Plan and is limited to a minimum lot size of two acres with all such lots abutting a conservation area.

Substantial damage
Damage or deterioration of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. See also: substantial improvement.

Substantial improvement
Any repair, reconstruction, rehabilitation, addition, or other improvement to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction. The cost of substantial improvement is determined by adding the cost of all repairs and reconstruction carried out in the five-year period immediately preceding the proposed repairs and reconstruction to the cost of the proposed repairs and reconstruction. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not include any project of improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by a local code enforcement official and are the minimum necessary to assure safe living conditions; nor any alteration of an historic building or structure, provided that the alteration will not preclude the continued designation as historic.

Substantial progress
For the purposes of determining whether sufficient progress has been made on the site of an approved site plan, one or more of the following construction activities shall occur:

A. Obtaining and maintaining a valid erosion and sedimentation control permit and conducting grading activity on a continuous basis and not discontinued for more than 30 days;

B. Installation and approval of on-site infrastructure or footing and/or floor slab; or

C. Obtaining and maintaining a valid building permit for the construction and approval of a building foundation.

Substantially improved existing manufactured home park or subdivision
Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value

of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

Swimming pool
An inground or aboveground tank, usually of concrete, fiberglass, or plastic, for swimming.

Technical Standards and Specifications Manual
A set of minimum required standards setting forth the details, specifications, and instructions to be followed in planning, design and construction of public and private improvements in the city of Wilmington. The words "technical standards and specifications" may include the words "design standards," "improvement standards" and "construction standards."

Telecommunication facility, unattended
A windowless structure containing electronic telephone equipment that does not require regular employee attendance for operating.

Temperature controlled
Any building or structure or area therein having the degree of hotness or coldness regulated by a heating/cooling system, built-in or appliance.

Temporary family health care structure
A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that complies with applicable provisions of the North Carolina State Building Code and NCGS 143-139.1(b).

Temporary uses
A limited use or uses of land, buildings or structures not intended to be of a permanent duration.

Ten-year frequency storm
The storm of an intensity expected to occur on the average, once in ten (10) years, and of a duration which will produce the peak rate of runoff for the watershed of interest.

Trailer
A wheeled vehicular portable structure designed to be used for business or personal purposes to carry equipment or cargo: including, but not limited to, horse trailers, motor vehicle trailers, and utility trailers (a container on wheels that is intended to be towed or hauled by a motorized vehicle used for the transport of products or equipment).

Travel Trailer
A trailer drawn by an automobile and equipped for use as while traveling for sleeping accommodations.

Tree
A perennial woody plant with a main stem or trunk growing to a minimum height of 12 feet, with branching structure and canopy. To meet the planting requirements of this article, trees are limited to those that are listed as acceptable within the Technical Standards and Specifications Manual or other commonly acceptable species as determined by the city manager.

A. Canopy

Any tree identified in the Technical Standards and Specifications Manual approved plant list with a minimum spread of 30 feet or greater.

B. Cluster

Three or more trees of minimum size of two and one-half inches (diameter at breast height) with overlapping drip line and their associated understory; however, native oaks need not have an overlapping drip line.

C. Regulated

The subsurface roots, crown, and trunk of any self-supporting woody perennial plant such as a large shade or pine tree, which usually has one main stem or trunk, and has a measured caliper as follows:

1. A hardwood tree—Eight inches, such as oak, maple, etc.
2. A pine tree—12 inches, such as long leaf pine
3. Any small flowering tree, such as dogwood, with a measured caliper of at least four inches.
4. Any tree having several stems or trunks, such as crepe myrtle, and at least one defined stem or trunk with a measured caliper of at least two inches.

D. Significant

Hardwood, long leaf pine, pocosin (pond) pine, black pine, and nonpine conifer trees at least 18 inches (diameter at breast height), all other pines at least 24 inches (diameter at breast height), and dogwoods, magnolias, American hollies, and other ornamental flowering trees at least eight inches (diameter at breast height).

E. Significant cluster

A tree cluster wherein one or more of the trees is a significant tree, or a cluster with at least three trees greater than six inches (diameter at breast height) and their associated understory. Additionally, a cluster determined to be significant by virtue of the size of the cluster, type of tree, location, health, or numbers.

F. Specimen

Any live oak, pond cypress, bald cypress, or long leaf pine tree that is 24 inches diameter at breast height or larger.

G. Understory

Tree less capable of thriving in the lower light intensities found under the canopy of shade/canopy trees.

Tree removal
The cutting down of any live or dead tree and all other acts which cause the death or destruction of any trees.

Triangular sight distance
The visually unobstructed triangular area of a street corner included in a triangle created by connecting the point formed by the intersection of curb lines or roadway edges if no curbs were present and the points 46 feet from said intersection measured along each curb line or roadway edge on any public or private street or on any such streets and railroads. Also a triangular area at the intersection of a street with a driveway determined by measuring a distance of 20 feet along the side of said driveway at the property line and 70 feet along the curb line of the street, or roadway edge if no curb is present (see Figure 18-693: Triangular sight distance).

Truck stop
An establishment that provides for the servicing of tractor-trailers with incidental operations like those permitted for vehicle services.

Urban farm
An establishment for the growing, processing, and distribution, including on-premises sales, of food and plant products, including the growing of plants cultivation and growing of non-food crops such as herbs and ornamental plants. This use does not include the consumption or sale of produce grown on residential property strictly for the use and consumption of the occupants of the property, nor does it include community gardens.

Utility and public facility

A. Major

Infrastructure services that have substantial land use impacts on surrounding areas. Typical uses include, but are not limited to, water and wastewater treatment facilities, major water storage facilities, and electric generation plants.

B. Minor

Sewage lift stations, pump stations, and similar uses that do not create excessive noise, odor, smoke, dust, and do not possess

other objectionable characteristics that might be detrimental to surrounding neighbors or to other uses permitted in the district.

C. Service yard

A building, lot, or premises used for offices and warehousing, storage, servicing and maintenance of vehicles and equipment, testing and development of materials and equipment, and including microwave and communications facilities and associated equipment in the conduct of public utility servicing and business.

Utility machine or vehicle
Stationary or self-propelled equipment generally used for wood chipping, towing, loading, lifting, moving, or hauling landscaping, maintenance, or construction materials including, but not limited to, loaders, compact excavators, woodchippers, utility vehicles, and trackhoes.

(Ord. No. O-2024-13, §17, 3-19-2024)

Section 18-694: V/W/X/Y/Z Definitions

Unipole
A type of monopole design where all antennae and related equipment are housed inside the pole tower rather than attached to the exterior of the pole; also called a slick stick.

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

Vehicle renting
A facility used primarily for the rental or short-term lease of consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorboats, and motorcycles.

Vehicle repair and service, major
An establishment primarily engaged in major vehicle mechanical and body work, including but not limited to body or frame repair, painting and undercoating, welding and metal cutting, and engine, transmission, radiator, starter, alternator.

Vehicle repair and service, minor
An establishment primarily engaged in minor vehicle mechanical and body work, including but not limited to diagnostic centers, inspection services, minor replacement pieces, etc.

Vehicle sales
A facility, commonly referred to as a dealership, used primarily for the sale of new or used consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorboats, jet skis, trailers, sailboats, recreational vehicles, and motorcycles.

Vehicle towing
A commercial enterprise, business, or company established to tow or remove motor vehicles from one location to another for the temporary storage of motor vehicles on site that are to be claimed by titleholders or their agents.

Vehicle towing, incidental
Towing for the sole purpose of providing the towed vehicle with automotive services permitted on site. Such towing includes the temporary storage of vehicles on site provided they are screened in accordance with the screening requirements of this chapter.

Vehicle wash
An area of land and structure, whether an accessory or principal use, with machine- or hand operated facilities used primarily for the cleaning, washing, polishing, and waxing of vehicles.

Vehicular use area
Any area designated for motor vehicle use including, but not limited to, storage, drop-off, parking lot, etc.

Vending machine
An unmanned, automatic, freestanding mechanical device that dispenses food, drinks, or sundries by coin, currency, token, ticket, or credit card operation. This includes refrigerated machines such as soda

machines, ice kiosks, and snack machines, as well as non-refrigerated machines, such as lottery ticket sales, newspaper sales, and photo booths.

Vested right
The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in NCGS 160D-108 or under common law.

Veterinary services
An establishment for the care and treatment of animals that are admitted for daytime and/or overnight stay in order to obtain veterinary treatment for routine checkups, illnesses, diseases, or injuries. Such facilities may be indoor only, or may have both indoor and outdoor facilities, depending on the zoning district in which they are located.

Wall
The exterior of the vertical face or facade of a building.

Wall pack
A type of light luminaire/fixture typically flush-mounted on a vertical wall surface.

Warehouse and distribution centers
A warehouse or a complex of warehouses primarily engaged in the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. This use does not include heavy manufacturing, resource extraction, bulk storage of hazardous materials, or scrap, or salvage operations.

Water course or drainage way
Any natural or artificial water course, including, but not limited to: streams, rivers, creeks, ponds, lakes, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines, or washes in which waters flow in a definite direction or course, either continuously or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow or flood water.

Water dependent facility
A facility which cannot be used for its intended purpose unless it is in close proximity to water, such as a docking or port facility necessary for the loading or unloading of cargo or passengers, ship building, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

Water surface elevation
The height, in relation to North American vertical datum of 1988 (NAVD 88), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water transportation
Waterborne transportation for the purposes of commuting, sightseeing, dining, gambling, and other entertainment purpose

Whole-house lodging
A business engaged in the rental of an entire dwelling unit that provides lodging for pay, for a maximum continuous period of 29 days and does not include the include serving of food.

Wholesale businesses
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.

Wind energy conversion systems (commercial)
A wind energy conversion system consisting of more than one wind turbine and tower that will be used primarily for off-site consumption of power, or a wind energy system that has a rated capacity in excess of 100 kW.

Wind energy conversion systems (single accessory)
A wind energy conversion system consisting of one wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more than 100 kW, and that is intended to primarily reduce on-site consumption of utility power.

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.

Wireless support structure, stealth
A tower or monopole designed to camouflage or conceal the presence of telecommunication antennas, where the structure is outfitted with material to give the appearance of a tree, such as a monopine or monopalm.

Wireless telecommunication facilities
Pursuant to NCGS 160D-931, equipment at a fixed location that enables wireless communications between user equipment and a communications network, including equipment associated with wireless communications. Also included are radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. This term does not include the structure or improvements on, under, within, or adjacent to which the equipment is collocated; wireline backhaul facilities; or 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.

A. Antenna

Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

B. Antenna, amateur radio

An antenna used for non-commercial purposes of exchanging messages, wireless experimentation, self-training, private recreation, radiosport, contesting and emergency communication.

C. Antenna, stealth

An antenna that is effectively camouflaged or concealed from view.

D. Antenna, telecommunications

An antenna used to provide a telecommunication service, including TV, radio, cellular and personal communication system (PCS). This excludes lightning rods, private mobile radio systems, amateur radio antennas and whip antennas.

E. 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, city 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, city utility poles, or wireless support structures.

F. Communications facility

The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

G. Equipment compound

An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

H. Fall zone

The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

I. Micro wireless facility

A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has no exterior antenna longer than 11 inches.

J. Small wireless facility

A wireless facility that meets the following qualifications:

1. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.

2. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. The following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

K. Unipole

A type of monopole design where all antennae and related equipment are housed inside the pole tower rather than attached to the exterior of the pole; also called a slick stick.

L. 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 or a city utility pole is not a wireless support structure.

M. Wireless support structure, stealth

A tower or monopole designed to camouflage or conceal the presence of telecommunication antennas, such monopine or monopalm.

Xeriscape
A landscaping method that utilizes water-conserving techniques, including drought-tolerant plants, mulch, and efficient irrigation.

Yard
The area between a lot line and a building, whether required or by design.

Yard sale
All general sales open to the public, conducted from or on a residential premises in any residential district for the purpose of disposing of personal property. The term “yard sale” shall include all such herein described sales, whether or not they are garage, lawn, attic, porch, room, backyard, patio, or rummage sale.

(Ord. No. O-2021-75, §10, 11-3-2021; Ord. No. O-2022-88, §19(Att. A), 11-1-2022; Ord. No. O-2022-90, §14(Att. A), 11-15-2022; Ord. No. O-2023-41, §§3--6, 6-6-2023; Ord. No. O-2024-13, §§5--17, 3-19-2024)

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