

Attachment Two: Updating Standards in the Pender County Unified Development Ordinance

Section 4.14 Zoning District Dimensional Requirements

Dimensional Requirements Table

Dimensional Standards ⁽⁹⁾	RA	RP	RM	MH	GB	OI	IT	GI	PD	EC
Lot Size	1 Acre ⁽⁸⁾	15,000 ⁽⁵⁾ Sq. Ft.	(1)	(7)	15,000 Sq. Ft. ⁽⁸⁾	15,000 Sq. Ft.	1 Acre	1 Acre	(1)	1 Acre
Lot Size Duplex	60,000 Sq. Ft.	22,000 Sq. Ft.	(1)						(1)	
Min. Area Rezoning ⁽³⁾	NA	5 Acres	10 Acres	5 Acres	1 Acre	1 Acre	5 Acres	5 Acres	100 acres	NA
Min. Lot Width-Ft	100 ⁽⁸⁾	80 ⁽⁶⁾	(1)	(7)	80 ⁽⁸⁾	80	100	100	(1)	100
Min. Chord Length at ROW line for "cul de sac's"	45	30	(1)	20	30	30	45	45	(1)	45
Min. Front Yd.-Ft.	30 ⁽⁸⁾	30	(1)	(7)	25 ⁽⁸⁾	25	40	50	(1)	50
Min. Side Yard-Ft	15 ⁽⁸⁾	10	(1)	(7)	10 ⁽⁸⁾	10	25	25	(1)	25
Min. Corner Yard Ft (10)	15	15	(1)	(7)	12	12	20	25	(1)	25
Min. Rear Yard-Ft	30 ⁽⁸⁾	25	(1)	(7)	10 ⁽⁸⁾	10	25	25	(1)	25
Max. Height-Ft	35 ⁽²⁾	35 ⁽²⁾	45	35	40	40	50	50	(1)	40
Min. Req. Structure Separation	40 ⁽⁸⁾	30	(1)		50 ⁽⁸⁾	50	50	100	(1)	30

- (1) Dimensional standards in the Planned Development (PD) and Residential Mixed (RM) Districts are required to be specified on a Master Development Plan.
- (2) Maximum Height requirements in the RA, RP, RM and PD Zoning Districts shall be allowed an additional **ten (10)** feet if located within any Special Flood Hazard Area (SFHA) at the calculation of 5 additional feet in building height per every **two (2)** feet built above the ~~prescribed Base Flood Elevation (BFE)~~ **the regulatory flood prevention protection elevation, as defined in the Pender County Flood Damage Prevention Ordinance with building height at up to a maximum of forty-five (45) feet.**
- (3) Any parcel of property meeting the guidelines set forth in Sections 3.3 or 3.4 that adjoins an established zoning district that is identical to the district that is applying for a rezoning shall not have to meet the minimum area requirements for rezoning for that district.
- (4) The minimum required separation standards are for principal or primary structures, accessory structures must follow separation and setback requirements as outlined in Sections 4.6.3 and 5.3.3.A.
- (5) Minimum lot sizes in the RP zoning district may be reduced to **twelve thousand (12,000)** square feet with the evidence of public utilities (water and sewer) availability and connection is demonstrated.
- (6) Minimum lot width in the RP zoning district may be reduced to sixty (60) feet with the evidence of public utilities (water and sewer) availability and connection is demonstrated.
- (7) Dimensional requirements for a Manufactured Home District may be found in Section 5.3.2.D, Manufactured Home Community.

- (8) Dimensional requirements for a Recreational Vehicle Park may be found in Section 5.3.9.B, Recreational Vehicle Park.
- (9) Variations to Dimensional Standards are allowed for projects meeting LID Project Criteria, as overviewed in Section 7.14, Low Impact Development.
- (10) See Figure 4.1.

APPENDIX A DEFINITIONS

Words and terms set forth below shall have the meanings ascribed to them. Any word, term(s) or phrase used in this Unified Development Ordinance not defined below shall have the meaning ascribed to such word, term or phrase in the most recent editions of Merriam-Webster's Dictionary, Black's Law Dictionary or American Planning Association Planner's Advisory Service, Dictionary of Terms unless, in the opinion of the Administrator, established customs or practices in Pender County justify a different or additional meaning. Furthermore, for the purpose of this Unified Development Ordinance, certain words, terms and phrases are herein defined as follows:

- A. Words used in the present tense shall include the future tense.
- B. Words used in the singular number shall include the plural number and the plural singular.
- C. The word "shall" and "will" are mandatory and not discretionary.
- D. The word "may" is permissive.
- E. The word "lot" shall include the words "parcel", "plot" and "tract".
- F. The word "building" and "structures" are synonymous.
- G. The phrase "used for" shall include the terms "intended to be used", or "intended for" and "designed for" and "occupied for".
- H. Words used here in the masculine gender shall be interpreted to include the feminine gender.
- I. References to Section numbers herein refer to the Pender County Unified Development Ordinance unless specifically stated otherwise.

60-YEAR Setback means a distance equal to sixty (60) times the average annual long-term recession rate at a site, measured from the reference feature.

ACCESS EASEMENT: An easement that is at least forty five (45') feet wide and is recorded by map or other instrument in the Registry that specifically transfers rights to the adjacent property owners or specific property owners and their assigns, invitees, licensors and permittees for ingress, egress and utilities and for the construction and maintenance of ingress, egress and utility facilities. An access easement by designation on a recorded plat also transfers the right to construct and maintain water, sewer, electric and communication lines within the easement by any public entity or public utility.

ACCESS: A way or means of vehicular or pedestrian approach to provide physical entrance to a property.

ACCESSORY OR SECONDARY USE: A use of land or of a building or portion thereof customarily associated with and incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A secondary use shall be a use not already permitted by right in a zoning district but may be permitted in conjunction with a permitted use. In no instances shall an accessory or secondary use be permitted without the presence of a primary use.

ACCESSORY STRUCTURE (Appurtenant Structure): a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. 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.

ACTIVE BUFFER: A distance buffer which contains no building or principal structure of activity but which may contain an accessory use or activity.

ACTIVE OPEN SPACE: Consists of areas such as park land chosen without regard to natural features for the explicit purposes of enhancing design, such as village commons, or providing space for outdoor recreation activities which may include, but not be limited to, tennis courts, ball fields, swimming pools, and tot lots with play equipment

ADDITION: A structure added to the original structure at some time after the completion of the original.

ADJACENT OR ADJOINING LOT OR LAND: A lot or parcel of land which shares all or part of a common lot line with another lot or parcel or land or which is immediately across a street or road from said parcel or lot.

ADULT CARE RESIDENCES: A public or private establishment operated or maintained for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting. Adult care residences do not include facilities or portions of a facility licensed by the State Board of Health and the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; and a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21.

ADULT RETAIL: A retail establishment for which 25% or more of its stock in trade, as determined by floor area, is in videos, magazines, books, publications, tapes, films or other periodicals and paraphernalia which are distinguished or characterized by an emphasis on depicting or describing specified sexual conduct or specified anatomical areas.

ADULT OR SEXUALLY ORIENTED BUSINESS:

1. **Adult Arcade:** An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined hereinafter).
2. **Adult Bookstore:** An establishment that has as substantial portion (over 25% of total retail space) of its stock-in-trade and offer for rent or sale, for any consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
3. **Adult Business:** An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.
4. **Adult Motion Picture Theater:** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which 25% or more of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
5. **Adult Theater:** A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical area or by specified sexual activities.

6. **Massage:** Any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.
7. **Massage Business:** Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Excluded from this definition are legitimate massage therapists, bodywork therapists, or contact manipulation therapists, working under the direct supervision of a licensed Physician, or who in the regular course of their respective businesses, have been licensed or certified by any governmental subdivision in North Carolina, or licensed or certified by a recognized association or organization on file with the North Carolina Secretary of State, the North Carolina Board of Chiropractic Examiners, North Carolina Board of Medical Examiners, N.C. Board of Occupational Therapy, NC Board of Physical Therapy Examiners, or Board of Podiatry Examiners, or have been certified or licensed by a national organization and similarly registered.
8. **Sexually Oriented Business:** A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to: adult arcades, adult bookstores, adult motion picture theaters, adult theaters, massage businesses, as defined by this Ordinance.
9. **Specified Anatomical Areas:** Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.
10. **Specified Sexual Activities:** Specified sexual activities shall be defined as:
 - a. Human genitals in a state of stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse, sodomy; or
 - c. Fondling of other erotic genitals, pubic regions, buttocks or female breasts.
11. **Total Retail Space:** Any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.

ADULT TREATMENT HOME: A residential facility for persons recovering from alcohol abuse where supervision, rehabilitation and counseling are provided to the residents.

AISLE: The traveled way by which vehicles enter and depart parking spaces.

ALL WEATHERED ROAD: An unpaved road that is constructed of a material that does not create mud, or sedimentation runoff during rainfall, which allows emergency and typical passenger vehicles to pass at all times.

ALTERATION: Any change in the total floor area, use or external appearance of an existing structure.

AMBULANCE SERVICE: A state-licensed business for operating owned motor vehicles that are designed and used to provide immediate care or to transport any persons who are sick, injured or otherwise incapacitated or helpless.

APPROVED ARCHITECTUAL MATERIAL: The structural or applied surface component of a façade including brick, rock, tinted or textured concrete masonry units, wood plank, fiber cement siding, precast concrete, tilt up concrete, shakes, split faced block, marble or simulated substitute. All materials shall be of a high quality. Vinyl and metal siding may be used as a minor material of the building façade.

ARCHITECTUAL ELEMENT: A façade module feature that is applied, inserted, incorporated or constructed into or upon the primary or secondary façade including real or faux windows, real or faux doors, awnings, gables, parapets, porticos, porte cocheres, arcades, arches, cupolas, columns, roof lines, material projections, recesses, cornices, etc.

AREA OF SHALLOW FLOODING: a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) 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: see "Special Flood Hazard Area (SFHA)".

ARTERIAL HIGHWAY: A street so classified by the North Carolina Division of Highways or by the standards of Pender County which collects and distributes traffic to and from collector streets.

ASSISTED-LIVING FACILITY: A building or series of buildings containing residential living facilities for older, disabled or infirm persons and which provides personal and health care services, twenty-four-hour supervision, and various types of assistance (scheduled and unscheduled) in daily living and meeting the requirements of the North Carolina State Legislative Code, as amended.

AUCTION HOUSE: A building in which the commissioned public sales of goods to the highest bidder, conducted by a licensed auctioneer for persons or groups other than community nonprofit organizations, occur more than once a year.

AUTOMOBILE GRAVEYARD: Any lot or parcel, upon which more than five inoperable motor vehicles which are exposed to the weather are placed, located or found.

AUTOMOBILE PARKING STRUCTURE: A building or structure consisting of more than one level designed and used for public or private parking of motor vehicles.

BASE FLOOD ELEVATION (BFE): a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

~~**BASE FLOOD ELEVATION (BFE):** The Federal Emergency Management Agency designated one-hundred-year flood hazard surface water elevation.~~

BASE FLOOD: The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT: any area of the building having its floor subgrade (below ground level) on all sides.

BOARD OF ADJUSTMENT: A Board whose members are appointed by the Circuit Court for the express purpose of considering and acting on variances and zoning appeals.

BOARDING- OR ROOMING HOUSE: A dwelling or part thereof where, for compensation, lodging and meals are provided to boarders.

BOAT: A vessel or watercraft of any type or size specifically designed to be self-propelled, whether by engine, sail, oar, or paddle or other means, which is used to travel from place to place by 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.

BUFFER: An open area used to separate one use from another.

BUILDING LINE: Building lines are tangent to the exterior surface of a building or structure, parallel to front, side and rear lot lines. These are referred to as front, side and rear building lines, respectively.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any persons, animals, processes, equipment, goods or materials of any kind.

BUSINESS PARK: A development which includes multiple buildings and uses. Shopping Centers, Industrial Parks, and Office Parks are types of Business Parks.

CALIPER: The diameter of a tree as defined by the American Association of Nurserymen.

CAMA – North Carolina’s Coastal Area Management Act. This act, along with the Dredge and Fill Law and the federal Coastal Zone Management Act, is managed through North Carolina Department of Environment and Natural Resources’ (NCDENR’s) Division of Coastal Management (DCM).

CAMPGROUND: A lot or parcel, upon which two or more campsites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation, education or vacation purposes.

CAPITAL IMPROVEMENTS PLAN OR PROGRAM: A plan or program adopted by the Pender County Board of Commissioners according to the provisions of the North Carolina Code, which recommends capital outlays by the County for a specific time period.

CBRS means Coastal Barrier Resources System.

CERTIFICATE OF OCCUPANCY: A required permit allowing occupancy of a building, structure or use after it has been determined that the building, structure or use meets all the requirements of the Pender County Code.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1866 as amended in 1880.

CHEMICAL STORAGE FACILITY: a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

CHILD CARE CENTER : An arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care, regardless of the time of day, wherever operated, and whether or not operated for profit, unless excluded by NC G.S. 110-82(2)

CLEAR ZONE: A designated area void of buildings, structures, fences, berms and vegetation.

Coastal Barrier Resources System (CBRS) consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1980, and subsequent revisions, and includes areas owned by federal or state governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

Coastal High Hazard Area means 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. The area is designated on a FIRM, or other adopted flood map as determined in Section 9.3.2 of this Ordinance, as Zone VE.

COMMERCIAL INDOOR RECREATION: Private, fee-supported, indoor facilities used for athletic, training or recreational purposes.

COMMERCIAL OUTDOOR RECREATION: Private, fee-supported, outdoor facilities used for athletic, training, recreational or park purposes that utilizes supervised athletic or recreational activities.

COMMERCIAL SPORT AND RECREATION CLUBS: A public or private fee-supported recreational facility located indoors or outdoors that may include swimming pools, court games and other similar activities.

COMMERCIAL TELECOMMUNICATION FACILITY: A structure, including the tower, antennas, panels, microwave dishes, receiving dishes, equipment building, other transmitting and receiving components and other accessory structures, used for the wireless electromagnetic transmission of information, excluding structures utilized as satellite earth stations and structures utilized for amateur or recreational purposes such as ham radio or citizen band radio.

COMMERCIAL VEHICLE: Any vehicle or trailer (1) with a gross vehicle weight registered with the North Carolina Department of Motor Vehicles or any other state or government agency as 12,000 pounds and greater and used for commercial purposes, or (2) any vehicle or trailer, regardless of weight, including vehicles used for a business use or licensed as a "for hire" vehicle, or any limousine or bus used as a common or contract carrier vehicle. For purposes of this chapter, a commercial vehicle shall not be deemed to include any of the following: police vehicle, emergency vehicle, commuter van, motor home, camping trailer, boat trailer or similar recreational equipment used as a personal property and not for hire or used as a school van or bus.

COMMON AREA/OPEN SPACE: Land that is used for recreational purposes, environmental resource protection, buffer areas, stormwater management areas and passive areas that are

dedicated to the residents of a development for use and maintenance, and is protected to ensure that it remains in such uses, unless utilized under the provisions of this chapter.

COMMUNITY BOATING FACILITY: A private, nonprofit boating facility with navigable water frontage which includes a dock, pier, and/or launching ramp which is intended to serve five (5) or more residential units. Must be owned/controlled by a Homeowners Association (HOA) or any type of development association or collective owners group where more than one family has privileges to use facility. Commercial activities of any kind, including commercial letting of slips to parties that are not residents of the association or development, shall be prohibited.

COMMUNITY WASTEWATER SYSTEM: A sanitary wastewater facility which is publically or privately owned and established to serve more than one single residential dwelling, commercial, and/or industrial development and is approved through a state agency or utilities commission.

COMMUNITY WATER SYSTEM: A public water supply system established to serve all or a portion of a residential, commercial, and/or industrial development year round and is approved through a state agency or utilities commission.

COMPATIBLE: Capable of existing together in harmony; congruous.

COMPREHENSIVE LAND USE PLAN: A general plan for the future development of Pender County, adopted by the Pender County Board of Commissioners according to the provisions of the North Carolina Code.

CONFERENCE/EVENT CENTER: A structure or facility designed to accommodate meetings and other events with or without food service developed to be either stand-alone or within a hotel or motel.

CONFINED/CONCENTRATED ANIMAL FEEDING OPERATION: A lot or facility (other than an aquatic animal production facility) where at least one of the following conditions are met: 1) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; 2) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility; OR- Any animal feeding operation that requires a National Pollution Discharge Elimination System (NPDES) permit.

CONGREGATE-CARE FACILITY: A building containing residential living facilities intended as housing for older persons and which offers the residents of such facility the opportunity to receive their meals in a central dining facility, to receive housekeeping services and to participate in activities, health services, and other services offered through a central management structure/service.

CONSTRUCTION EQUIPMENT: Heavy equipment or vehicles of a type used primarily by the construction industries. Such equipment may include, but is not limited to, bulldozers, backhoes, cement trucks, concrete mixers, construction tractors, cranes, derricks, dredging machinery, dump trucks, excavators, graders, hoists, pavers, power shovels, road construction and maintenance machinery, scaffolds, tank trucks, trenching machines, and water well drilling machinery.

CONVALESCENT AND NURSING HOMES: An extended- or intermediate-care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

COTTAGE OCCUPATION: A use conducted for the generation of revenue in an accessory structure located on the same lot or tract as a dwelling. The use must: be clearly incidental and secondary to the use of the property for residential purposes; not change the character of the structure or area; or have any exterior evidence of the occupation. Cottage Occupations are intended to be limited to low intensity uses that produce or repair a product, but can be operated in such a way that they do not adversely affect adjacent properties.

COUNTRY GENERAL STORE: A retail business allowed where specified in the rural zoning districts which sells groceries along with a variety of other retail goods.

CROSS ACCESS: A service drive between two or more contiguous sites providing direct access to properties and limiting travel on the public street system.

DEDICATE: The transfer or reservation for future conveyance of property by the owner to another party.

DEVELOPER: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

DEVELOPMENT: 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.

DISPLAY AREA: A specific area used for the purpose of displaying products and services offered by a business or organization located on the same property or a contiguous property which is appropriately zoned and with an approved site plan.

DISPOSAL: as defined in NCGS 130A-280(a)(6), 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.

DISTANCE BUFFER: A buffer based upon a required distance between the use to be buffered and the lot line of adjoining lots or parcels, within which a buffer is to be provided.

DISTRICT: A zoning district established by this Ordinance.

DISTURBANCE: The act of stripping vegetation, disturbing the soil, regrading or development of the land.

DRAINAGE EASEMENT: An easement established to maintain and protect a drainageway.

DRAINAGEWAY: Any natural or artificial watercourse, trench, ditch, swale or similar depression through which surface water flows.

DRIVE-IN LANE: Any driveway, aisle or travel lane which allows customers to receive goods or services while they remain in their vehicles.

DRIVEWAY: A private travel way for vehicles which provides access to a public street or road from a parking space, garage, dwelling, structure or use.

DRUG TREATMENT HOME: A residential facility for persons recovering from drug or controlled substance abuse where supervision, rehabilitation and counseling are provided to the residents.

DWELLING: A residential structure or portion thereof which is used exclusively for human habitation.

1. **DWELLING, MULTIFAMILY:** A single structure arranged or designed to be occupied by two or more households, when the fee simple ownership of the underlying land is owned and maintained by an organization other than the occupants. This definition includes but is not limited to condominiums, apartments and single story structures.
2. **DWELLING, SINGLE-FAMILY:** A structure, not including manufactured homes, arranged or designed to be occupied by one household.
3. **DWELLING, DETACHED:** A dwelling that is not attached to any other dwelling by any means.
4. **DWELLING, SEMI-DETACHED:** A dwelling attached to one or more dwellings by a common vertical wall, with each dwelling located on a separate lot.
5. **DWELLING, ATTACHED:** A dwelling with two or more single-family dwelling units which are generally joined together by an above-grade common party wall extending from the lowest floor to the roof or by a common floor-ceiling. A common floor-ceiling shall be the floor of one unit that is shared with the ceiling of another unit in vertically stacked dwelling units. Townhouse units may be attached by a garage or a connecting permanent architecturally unified structure such as a breezeway, carport, or wall, where structures continue the design, pattern and/or materials of the facade from one dwelling unit to another.

EASEMENT: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

ELEVATED BUILDING: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

ENCROACHMENT: With respect to a floodplain, an encroachment shall be the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

ENVIRONMENTAL EASEMENT: An easement established to protect and maintain particular environmental features according to the environmental protection requirements of this chapter.

ENVIRONMENTAL FEATURES: Land features that are classified as natural or environmentally sensitive areas including Special Flood Hazard Areas (SFHA), lakes, ponds, wetlands, natural stormwater retention areas, steep slopes, woodlands, stream buffers, water ways, riparian areas, and all other natural features.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

FAÇADE: The visible exterior portion of a building wall which extends from the ground to the top of the wall or roof line.

1. **FAÇADE, PRIMARY:** The façade containing the highest number of customer's entrances.
2. **FAÇADE, SECONDARY:** A façade which is designed to be viewed from a public street but is not the primary façade.
3. **FAÇADE, OTHER:** Any façade which is not considered a primary or secondary façade.
4. **FAÇADE, MODULE:** A sixty foot or shorter horizontal section of façade containing a minimum of five unique architectural elements.

FAMILY CARE HOME: A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities as defined in NCGS § 168, Article 3.

FAMILY CHILD CARE HOME: A child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care, regardless of the time of day, wherever operated, and whether or not operated for profit, unless excluded by NC G.S. 110-82(2)

FAST-FOOD RESTAURANT: Any establishment whose principal business is the sale of food or beverages in a ready-to-consume state with a rapid turnover of customers. Food is provided for consumption on or off the premises. Such establishments usually involve customer self-service and the serving of food in disposable or edible containers.

FLEET MAINTENANCE FACILITY, MEDICAL AND ALLIED HEALTH: A structure or facility designed to maintain vehicles, aircraft and equipment associated with medical and allied health services.

FLEX-TECH: A development concept that accommodates aspects of retail, manufacturing, wholesale and warehousing by an individual user within a single structure. Such development is designed to accommodate users that require flexibility in their square footage allocation. A typical flex-tech user would be a small business that initially requires a relatively small square footage but may increase the business' square footage as the strength of the business improves.

FLOOD or FLOODING:

1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters; or
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection A(1) of this definition.
3. Mudflows which are proximately caused by flooding as defined in Subsections A and B of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): an official map of a community, 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 (FIRM).

FLOOD HAZARD BOUNDARY MAP (FIRM) (FHBM): an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the area 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 a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS): an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

~~**FLOOD INSURANCE STUDY (FIS):** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.~~

FLOOD PRONE AREA: see "Floodplain"

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.

FLOODPLAIN ADMINISTRATOR: the individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT: any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT: the operation of an overall program of corrective and preventive 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 REGULATIONS: this Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPLAIN or FLOOD-PRONE AREA: Any land area 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 flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FLOOR AREA, RATIO: The gross floor area of all buildings divided by the lot area.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls or from the center line of a wall separating two buildings.

FREEBOARD: the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

~~**FREEBOARD:** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.~~

FULL SCREEN: Elements of landscape screen plus a six-foot in height opaque fence, hedge, wall, mound or berm.

FUNCTIONALLY DEPENDENT FACILITY: A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

GARAGE, BODY REPAIR: A building or portion thereof, other than a private garage or public garage, designed or used for body or fender repair or spray painting.

GARAGE, PRIVATE: A deck, building or structure or part thereof used or intended to be used for the parking and storage of vehicles.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing or equipping motor vehicles, but not including spray painting, body or fender repair, service stations or vehicle sales.

GOLF COURSE: A tract of land used for playing golf, improved with tees, greens, fairways and other features, including accessory uses and structures.

GOLF DRIVING RANGE: An area in which individuals drive golf balls from a central tee.

GOVERNMENT SERVICES OFFICE: Offices or facilities owned, leased or operated by government agencies for government services. See "school" for school use.

GROSS AREA: The total area of the land contained within the boundaries of the lot or tract or within the perimeter boundaries of a development.

GROSS DENSITY: The total number of dwellings divided by the total gross area within the perimeter boundaries of a development. The "gross density" within a section of a development shall be the number of dwellings in the section divided by the total area of residential lots, common yard areas, common open space required in the section and right-of-way areas of roads and easements that are interior to the section.

GROUP HOME: For the purposes of this Ordinance, see "Family Care Home".

HABITABLE FLOOR: Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof, except for a floor used only for storage purposes.

HAZARDOUS WASTE FACILITY: as defined in NCGS 130, Article 8, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

HEIGHT: The vertical distance from the average street grade (at access) or finished grade at the building line, whichever is the highest, to the highest point of the building or roof structure.

HIGHEST ADJACENT GRADE (HAG): The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of 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;
- 3) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- 4) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program"

HOME OWNERS' ASSOCIATION: A private, nonprofit organization or corporation of property owners, established to own, operate and maintain various common facilities or properties.

HOME OCCUPATION: An occupation or profession customarily carried on in a dwelling unit, which:

1. Actually is carried on wholly within the principal building or structure;
2. Is carried on by members of the household residing on the premises;
3. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes with no exterior display, no exterior storage of materials and no exterior indication of the home occupation or variation from the residential character of the principal building and neighborhood;
4. Produces no offensive noise, vibrations, smoke, dust, heat, odor, glare, traffic hazard or congestion and does not adversely affect the surrounding properties; and
5. Requires no internal or external alterations or construction features or equipment or machinery not customary in residential areas.

HORIZONTAL SURFACE: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOSPITAL: An institution rendering medical, surgical or convalescent care, including nursing homes, homes for the aged and sanatoriums and treatment centers that serve patients at least partially on an inpatient basis.

HUMANITARIAN AID ORGANIZATIONAL OFFICE: A charitable organization established to provide relief assistance to an identified distressed, underprivileged group. Relief would be provided in such forms as clothing, medical supplies or educational contributions. The organization must provide a public beneficial interest to the community.

IMMEDIATE FAMILY: Any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent of the property owner.

IMPACT ANALYSIS: A written statement describing the potential impacts of an application or development plan or proposal, including maps, plans, diagrams and other materials, and meeting all requirements set forth by the Pender County Division of Planning.

IMPERVIOUS AREA: Any area, generally paved or graveled, with a surface that prevents, or significantly reduces, absorption of stormwater into the ground.

INACTIVE DISTANCE BUFFER: A distance buffer which contains no structures, buildings, roads, driveways, accessory uses or activities.

INOPERABLE VEHICLE: Any vehicle, designed to be self-propelled, which by virtue of broken or missing component parts, is no longer capable of self-propulsion. For the purpose of this Ordinance, any motor vehicle or boat/boat trailer not having a current valid, applicable license registration affixed to the vehicle in the location and manner prescribed by law and in plain view, shall be considered an inoperable vehicle. This definition does not apply to farm exempt vehicles/machines including vehicles used exclusively for on-farm related activities, motor vehicles, boats/boat trailer displayed for sale or undergoing repair on an approved vehicle sales or repair business site.

INSTITUTIONAL USE: A nonprofit or quasi-public use or institution, such as a church, library, public or private school, hospital or municipally owned or operated building, structure or land used for public purposes.

INSTITUTIONS OF HIGHER EDUCATION: An educational institution whose primary purpose is to provide a collegiate or graduate education.

INTERMITTENT: Stopping and starting or alternating messages at two minute or less intervals.

INTER-PARCEL CONNECTOR: An at-grade entrance between adjoining properties that is designed to facilitate vehicular access between land uses without use of the street system.

JUNKYARD OR SALVAGE YARD: Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packaged, disassembled, or handled, including, however not limited to: scrap iron and other metals, scrap building/construction materials, plastic pipe, paper, rags, vehicles, vehicle parts and components, rubber tires, bottles, cans and household goods. The term includes junkyards and auto wrecking yards but does not include uses established entirely within enclosed buildings.

KENNEL: A place prepared to house, board, breed, handle or otherwise keep or care for dogs, cats or other domesticated animals for sale or in return for compensation.

LAKES AND PONDS: Natural or artificial bodies of water which retain water year round. Such bodies shall be considered to extend from the maximum water level plus an additional 10 feet.

LANDFILL: A sanitary landfill site used for the disposal of solid wastes beneath layers of soil and other materials.

LANDSCAPE SCREEN: A landscaped easement containing plants or other features approved by this chapter which provide a complete visual screen.

LEGALLY NONCONFORMING SIGN: Any sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

LEGALLY NONCONFORMING STRUCTURE: A structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

LEGALLY NONCONFORMING USE: A use or activity that was lawful prior to the adoption, revision or amendment of the Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

LIGHTING FIXTURE: A complete lighting unit consisting of the lamp, lens, optical reflector, housing and any electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control.

LIGHTING FIXTURE, DIRECTIONALLY SHIELDED: A lighting fixture which emits a light distribution where some light is emitted at or above a horizontal plane located at the bottom of a fixture. Such fixtures may contain visors, louvers, or other types of shields or lenses which are designed to direct light onto a target area and to minimize stray light.

LOADING AREA: An off-street area containing loading spaces and maneuvering areas, as well as their associated driveways.

LOADING SPACE: An off-street space used for loading or unloading by commercial, industrial, public, or semipublic vehicles.

LOT: A designated parcel, tract or area of land established or to be established by plat or subdivision or previously established as a recorded lot.

- 1. LOT AREA:** The total area within the lot lines of a lot.
- 2. LOT, CORNER:** A lot abutting two or more streets at their intersection. (See Figure 4.1)
- 3. LOT COVERAGE:** The total built upon area, including all non-pervious surface materials.

4. **LOT, INTERIOR:** A lot other than a corner lot. (See Figure 4.1)
5. **LOT LENGTH:** The distance between the front lot line and the rear lot line measured at the maximum distance.
6. **LOT LINE, FRONT:** The front of a lot shall be considered to be that side of the lot which fronts on a street. In the case of a corner lot, either side abutting a street may be considered to be the front, provided the structure to be located on the lot is situated to meet the required front, side and rear yards for the zoning district in which the lot is located. (See Figure 4.1)
7. **LOT LINE, REAR:** The lot line opposite and parallel to the front lot line or within 45° of being parallel to the front lot line. (See Figure 4.1)
8. **LOT LINE, SIDE:** Any lot line other than front or rear lot lines. (See Figure 4.1)
9. **LOT OF RECORD:** A lot for which a plat or survey description has been legally recorded with the Pender County Register of Deeds.
10. **LOT, PIPESTEM:** A residential lot fronting on a public or a private street in which access is provided by a narrow strip of land, referred to as the "pipestem driveway yard," which is less than the minimum required front yard width, and located between adjoining residential lots fronting on the same street.
11. **LOT, THROUGH:** A lot, other than a corner lot, with frontage on more than one street. These lots may also be called "double frontage lots". (See Figure 4.1)
12. **LOT WIDTH:** The horizontal distance between side lot lines measured at the front yard setback line.

LOWEST FLOOR: 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 building's 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 Federal Code 44 CFR 60.3.

LOWEST ADJACENT GRADE (LAG) means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

MAINTAINED LIGHTING LEVEL: A level of illumination which results when the initial output of the lamp is reduced by certain light loss factors. Such light loss factors typically include lamp depreciation and dirt accumulation on lenses and other light fixture components. For the purpose of this chapter, the maintained lighting level shall represent an average foot-candle level measured over a specified area.

MANEUVERING AREA, PARKING LOT: A traveled way, including driveways and aisles, by which vehicles enter and depart parking spaces.

MANEUVERING AREA: A traveled way by which commercial, industrial, public, or semipublic vehicles enter and depart loading spaces.

MANUFACTURED HOME COMMUNITY: A parcel (or contiguous parcels) of land where manufactured homes are parked for living and sleeping purposes. May also be known as; a mobile home community, mobile home park, or manufactured home park.

MANUFACTURED HOME: A structure, transportable in one or more sections, which in travel mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built in a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

MANUFACTURED OR MOBILE HOME LOT: Any parcel or ground within a manufactured home park designated for the exclusive use of one manufactured home and permitted accessory structure.

MANUFACTURING: The mechanical or chemical transformation of materials and substances into new products, including the assembly of component parts and the blending of materials.

MARINA: Any publicly or privately owned dock, pier, launching pad, basin, dry or wet storage facility constructed to accommodate ten (10) or more boats and providing any of the following commercial/retail services: permanent, temporary, or transient docking spaces, dry or wet storage, fueling facilities, haul out facilities, repair services, or retail sales for fuel, repair, convenient food items, boats, engines, and accessory equipment. Excluded from this definition are boat ramp facilities allowing access only, temporary docking that includes none of the previous listed services, and community boating facilities with five (5) or fewer slips (No commercial activities of any kind shall be allowed within the confines of the facility).

MARKET VALUE: the building value, not including the land value and 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.

MASTER DEVELOPMENT PLAN: A general plan of development approved by the Pender County Planning Board for new developments in certain zoning districts before subdivision or site plan approval, according to the requirements of this chapter.

MEAN SEA LEVEL: means, for purposes of this Ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1828, the North American Vertical Datum (NAVD) as corrected in 1888, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

MEDICAL AND ALLIED HEALTH: Medical related facilities, activities, and personnel, including administrative, clinical support, and general support services and personnel.

MINIMUM LANDSCAPED AREA: The minimum area or portion of a lot or parcel that must be landscaped with grass, vegetation or other landscaping materials, not including pavement or structures.

MINING: The breaking or disturbing of the surface soil or rock in order to remove minerals to make them suitable for commercial, industrial or construction use, but not including excavation or grading when conducted in aid of on-site farming or construction.

MINOR MATERIAL: An architectural material that is described as being lesser, as in size, extent, or importance. A minor material may not exceed fifteen percent of a façade module.

MOTOR VEHICLE SERVICE: Businesses engaged in the maintenance, service or repair of motor vehicles.

NATURAL STORMWATER RETENTION AREA: Areas of poorly drained soils which are subject to periodic flooding and act as areas to temporarily store stormwater. In some cases, "natural stormwater retention areas" will contain floodplain and wetland areas.

NATURAL WATERWAY: Creeks, streams, runs, or other annual or perennial waterways identified on United States Geological Survey, State of North Carolina or Pender County maps.

NET DENSITY: The total net acreage divided by the total number of units within a proposed development.

NEW CONSTRUCTION: For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NON-ENCROACHMENT AREA: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

NUISANCE: An activity which annoys, vexes or creates a health hazard or that which, by its existence, created annoyance, injury or damage to persons or property.

NURSERY, RETAIL: Uses which raise plant materials or sell plant materials and related products.

OFFICE PARK: A development primarily devoted to office uses, containing two or more uses within a single master development or site plan.

OFFICE: A room or building used for conducting the affairs of a business, professional, service, industry, government or other enterprise.

OFF-STREET PARKING SPACE: A temporary storage space for a motor vehicle with access to an aisle and driveway which is not located within a street or road right-of-way.

ON-SITE UTILITY SYSTEMS: On-site heating and cooling plants, pump stations, electro-magnetic systems, distribution transformers, pipes and meters, water and sewer lines, booster or relay stations, transformer substations, and water supply stations either located within a structure or freestanding.

OPA: Otherwise Protected Area.

OPAQUE FENCE: A fence that is constructed to visually obscure structures, outdoor storage areas, and other uses. A chain-link fence with slats shall not constitute an opaque fence.

OPAQUE: Not transparent or translucent.

OUTDOOR SHOOTING RANGE: An area devoted to organized shooting and target shooting.

OUTDOOR STORAGE AND PROCESSING: The keeping or processing of goods, junk, material, merchandise or vehicles outside of an enclosed building and in the same place.

OWNER: An individual, firm, association, syndication, partnership or corporation having sufficient proprietary interest to seek development of land.

PARCEL: A lot or tract of land.

PARK: A tract of land designated and used for active and passive recreation.

PARKING AISLE: A vehicle access aisle used to provide direct access to a parking space in a parking lot.

PARKING LOT: An off-street, paved parking area containing parking spaces, aisles and other improvements.

PASSABLE TRAVEL WAY: Conditions which allow a passenger or emergency vehicle to negotiate the travel path using reasonable care. A passable travel way must be free of obstacles or obstructions.

PASSIVE OPEN SPACE: Areas consisting of undisturbed, unique and sensitive natural features that may include streams, floodplains, wetlands (excluding tidal marsh) conservation resources, and natural heritage areas if identified. These natural spaces will be characterized by undisturbed soils and natural vegetative cover for wildlife habitat.

PEDESTRIAN ACCESS: Means by which individuals can travel on foot outside of private lots and street travel ways.

PERIMETER BOUNDARY: The exterior boundary of a development contained within a single site plan or Master Development Plan.

PLAYGROUND: A recreational area, including a play apparatus, designed to offer recreation to the public.

PORTABLE STORAGE CONTAINERS: A container designed to store personal property which are typically rented and intended to be delivered, temporarily used, and removed by truck. Portable storage containers shall not be used as an accessory structure or dwelling and shall not impede public vehicular or pedestrian access or create a public safety hazard. This definition includes shipping containers and other portable self-storage units.

POST-FIRM: construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

PRE-FIRM: construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map for the area.

PRIMARY FRONTAL DUNE: means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and over-topping from high tides and waves during major coastal storms. The

inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the "primary surface" extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface or planned hard surface, the "primary surface" ends at each end of that width prescribed in Part 77 of the Federal Aviation Administration regulations for the most precise approach existing or planned for either end of that runway. The elevation of any point on the "primary surface" is the same as the elevation of the nearest point on the runway center line.

PRINCIPALLY ABOVE GROUND: at least 51% of the actual cash value of the structure is above ground.

PRIVATE CEMETERY: A place used for the interment of human remains, including a burial park for earth interments, a vault or crypt interments, a mausoleum, a columbarium for cinerary interments, or a combination thereof, and not subject to the provisions of the North Carolina Cemetery Act.

PRIVATE RESIDENTIAL BOATING FACILITY: A private, nonprofit boating facility with navigable water frontage which includes a dock, pier, or launching ramp intended to serve one residential unit. Commercial activities of any kind shall be prohibited.

PROTECTED POPULATION HOME: A residential facility for persons protected pursuant to the provisions of the Federal Fair Housing Act.

PUBLIC PARK: Any area that is created, established, designated, maintained, provided or set aside by a local, state, federal agency or charitable organization for the purposes of public rest, play, access to reserved land or other resource, recreation, enjoyment or assembly, and all buildings, facilities and structures located thereon or therein ancillary to the recreational use of the property.

PUBLIC SAFETY AND/OR NUISANCE: anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

PUBLIC WASTEWATER SYSTEM: A single system of wastewater collection, treatment, and disposal owned and operated by a sanitary district, water and sewer authority, county, municipality, or a public utility.

PUBLIC WATER SYSTEM: A water system owned and operated by a public entity, including municipal and sanitary district water systems, approved by a public entity or water and sewer district.

RAISED ISLAND: A built-up structure containing curbing or curb and gutter, placed within or at the end of parking rows and within property entrances to guide traffic and/or provide space for landscaping, signage, or lighting.

RECREATIONAL FACILITIES: A place or facility designed, equipped and used for the conduct of sports, leisure-time activities and other recreational activities.

RECREATIONAL VEHICLE: A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

RECREATIONAL VEHICLE PARK: Any site or tract of land upon which fifteen (15) or more recreational vehicle spaces are provided for temporary occupancy. A recreational vehicle parks shall also be known as a campground or travel trailer park.

RECREATIONAL VEHICLE SPACE: A plot of land within a recreational vehicle park designated for the accommodation of one recreational vehicle and one motor vehicle.

RECREATIONAL VEHICLE STORAGE: An area provided within a residential recreational community for its residents to store recreational vehicles such as boats, campers, RV's and travel trailers.

REFERENCE LEVEL: the top of the lowest floor or the bottom of the lowest attendant utility, whichever is lower, for structures within Special Flood Hazard Areas designated as Zone A1-30, AE, A, A88 or AO. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as zone VE.

REGULATORY FLOOD PROTECTION ELEVATION: the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

Regulatory Flood Protection Elevation means the elevation above mean sea level to which the reference level of all structures and other development located within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas must be protected.

- In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard.
- In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.
- In Future Conditions Flood Hazard Areas this elevation shall be the Future Conditions Flood Elevation plus two (2) feet of freeboard.

RELATED RESIDENTIAL LAND USE: A dwelling, structure or facility that has a specific affiliation with or whose residents receive a direct benefit from hospitals, medical centers, medical offices, clinics, and schools of medicine.

RELIGIOUS ORGANIZATIONS: Churches, mosques, synagogues, temples or other place of religious worship, including any accessory use or structure, such as an office or dwelling located on the same lot.

REMEDY A VIOLATION: 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 structure 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 damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damage occurred.

RESORT: A facility for transient guests where the primary attraction is recreational features or activities.

RESTAURANT: A facility, in which food and drinks are prepared, served and consumed.

RETAIL PETROLEUM PUMP CANOPY: A roof-like structure designed to cover a retail petroleum pump island.

RETAIL USES: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. "Retail uses" shall not include coal, wood and lumber yards.

REZONE: To change the zoning district classification of a particular lot, parcel or area.

RIGHT-OF-WAY: Land dedicated or reserved for or occupied by a road, railroad, utility or other similar use.

RIPARIAN BUFFER: An area of trees, shrubs, or other vegetation that permits inundation by water and is at least 35 feet in width, measured outward from both sides of a natural waterway beginning along the slope of the ground from the channel scar line. A riparian buffer is managed to maintain the integrity of stream channels and reduce the effect of upland sources of pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals.

RIVERINE: relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SALVAGE YARD: any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

SCENIC AREA: An open area, the natural features of which are visually significant or geologically or botanically unique.

SCHOOL: Without residential component: any building used for organized education or instruction in any branch of knowledge. This school does not contain rooms where overnight lodging and meals are provided to students. B. With residential component: any building used for organized education or instruction in any branch of knowledge. This school does contain rooms where overnight lodging and meals are provided to students.

SCREENING: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

SEARCH AREA: A geographic area in which a commercial telecommunication facility site may be located that would satisfactorily cover a targeted area and/or hand-off with its neighboring sites.

SEASONAL USE: Any use which ceases operation for at least three months in a year.

SELF-SERVICE STORAGE FACILITY: A structure containing separate storage spaces of varying sizes leased or rented as individual leases for the purpose of storing personal property and household goods.

SEMITRAILER: Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

SERVICE STATION: Any premises primarily used for supplying gasoline, oil, tires, accessories and services for automobiles at retail directly to the motorist or consumer. Repair uses are accessory to the other retail services provided.

SETBACK: The required distance between a building or structure and a lot line.

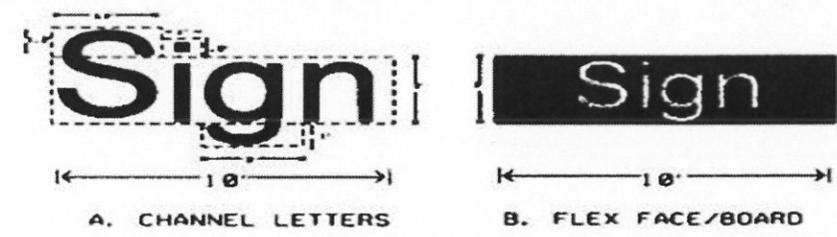
1. **SETBACK, FRONT YARD:** The required distance between a street right-of-way line and the front line of a building or structure.
2. **SETBACK, REAR YARD:** The required distance between a building or structure and the rear lot line of the lot containing the building or structure.
3. **SETBACK, SIDE YARD:** The required distance between a building or structure and the side lot line of the lot containing the building or structure.

SEWAGE TREATMENT FACILITY: Any device or system used in the storage, treatment, disposal or reclamation of sewage and industrial wastes generated by more than two uses or dwellings.

SHOPPING CENTER: Any development containing two or more uses within a single approved Master Development Plan or site plan.

SIGN: Any object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

1. **SIGN AREA:** The sign area shall be measured as the area of a sign face with the smallest square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the letters, figures, designs, devices, pictures, projected images, symbols, fixtures, logos, emblems or insignias, or any part or combination thereof together with any materials or colors forming an integral part of the background of the sign face or used to differentiate the sign from the backdrop or structure against which it is placed. In the case of a double-faced sign where the interior angle formed by the faces is 45° or less or where the sign face is parallel, only one display face shall be used in calculating the area.



2. **SIGN, ANIMATED:** Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.
3. **SIGN, BANNER:** A sign having characters, letters or illustrations applied to cloth, paper, flexible plastic, or fabric of any other kind, with only such material for backing.
4. **SIGN, BUILDING ENTRANCE:** A sign designating the location to the outside entrance to a particular use.
5. **SIGN, BUSINESS:** A sign which directs attention to a business or profession conducted or to a commodity or service sold, offered or manufactured or to a service, activity or entertainment offered.
6. **SIGN, COTTAGE OCCUPATION:** A sign advertising an approved cottage occupation.
7. **SIGN, DIRECTIONAL:** A sign that is designed or erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.
8. **SIGN, ELECTRONIC MESSAGE:** A sign with a fixed or changing message and/or display composed of a series of lights that may be changed through electronic means. LED (light emitted diodes) is a type of electronic message sign. Such electronic sign messages shall be displayed for a minimum of two minutes, and shall not be animated by scrolling, flashing or other similar non-static displays. In no case shall an electronic message sign occupy more than 50% of the area of a permitted sign size.
9. **SIGN, FLASHING:** Any sign directly or indirectly illuminated that exhibits changing natural or artificial light or color effects by any means whatsoever.
10. **SIGN, ILLUMINATED:** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
11. **SIGN, INFLATABLE:** Any display capable of being expanded or powered by air or other gas and used to advertise a business, service, product or event.
12. **SIGN, INFORMATIONAL:** A sign commonly associated with, and not limited to, information necessary for the convenience of visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pick-up and delivery areas.
13. **SIGN, MONUMENT:** A freestanding sign placed directly on the ground by means other than a support pole or brace in which the message portion is either on top of, or affixed to, the support structure. The width of the support structure for the monument sign must be a minimum of 50% of the width of the sign face area.
14. **SIGN, MULTI-TENANT COMPLEX:** A sign that identifies the name of the development and the users in a shopping center or multi-tenant development.
15. **SIGN, OFF-PREMISES:** A sign which directs attention to a business, commodity, service, activity or entertainment conducted, sold or offered on a parcel of land other than the one on which the sign is located.
16. **SIGN, ON-PREMISES:** A sign which directs attention to a business, commodity, service, activity or entertainment conducted, sold or offered on the parcel of land on which the sign is located.
17. **SIGN, PORTABLE:** A sign designed or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure.
18. **SIGN, RESIDENTIAL SUBDIVISION IDENTIFICATION:** A sign which denotes the name of a residential subdivision, condominium or apartment complex.
19. **SIGN, ROOF:** A sign that is mounted on the roof of a building or a sign that projects above the top wall or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.
20. **SIGN, TEMPORARY:** A sign intended to display either commercial or noncommercial messages of a transitory, nonpermanent, or temporary nature, and which may include, as a permitted sign pursuant to this chapter, a sign that is portable.

21. SIGN, WALL-MOUNTED: A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for the sign.

SITE PLAN: A specific and detailed plan of development meeting the requirements of this Ordinance.

SOLID WASTE DISPOSAL FACILITY: as defined in NCGS 130A-280(a)(35), any facility involved in the disposal of solid waste.

SOLID WASTE DISPOSAL SITE: as defined in NCGS 130A-280(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Flood Hazard Area (SFHA) means the land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year, as determined in Section 9.3.2 of this Article.

SPECIAL FLOOD HAZARD AREA: Areas subject to inundation by the one (1) percent Annual Chance Flood.

START OF CONSTRUCTION: substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the 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 buildings, 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 or not that alteration affects the external dimensions of the building.

STREET ENTRANCE: The location where at-grade access from a street to a parcel is provided.

STREET INTERSECTION: The location where two or more streets cross at grade without a bridge.

STREET, LOCAL: A street, so classified by the North Carolina Department of Transportation or by the standards of Pender County, designed to provide access to adjoining or abutting properties.

STREET, PRIVATE: A street that has not been or not intended to be accepted for permanent maintenance by NCDOT for use by the public.

STRUCTURE:

1. Any man-made object having an ascertainable stationary location on or in land or water, whether or not it is affixed to the ground. All buildings are "structures."
2. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance rating purposes, means a walled and roofed building, other than a gas or liquid storage tank, which is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose,

the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or any alteration of an historic structure, provided that the alteration will not preclude the structures continued designation as an historic structure.

SUPPORT SERVICE: A commercial, industrial, or institutional use providing a specific service for employees and patrons of hospitals, medical centers, medical offices, clinics, and schools of medicine.

SWEEPSTAKES CENTER: A business enterprise, whether principal or accessory, where persons may play games on on-site machines/terminals/computers that reveal the results of sweepstakes or similar contests associated with the on-site purchase of internet time, phone time, office supply or other retail good; and where redeemable cash sweepstakes awards (government issued coins and bills in hand) in amounts of \$10.00 or more may be received. This definition does not apply to any game or process prohibited by N.C.G.S. §§ 14-304 through 14-309 or to any game regulated by the North Carolina Education Lottery Commission.

SWINE FARM: Means a tract of land devoted to raising 250 or more animals of the porcine species

TELECOMMUNICATIONS TOWERS: A structure, including the tower, antennas, panels, microwave dishes, receiving dishes, equipment building, other transmitting and receiving components and other accessory structures, used for the wireless electromagnetic transmission of information, excluding structures utilized as satellite earth stations and structures utilized for amateur or recreational purposes such as ham radio or citizen band radio.

TEMPORARY TRAILER: A mobile home or trailer to be removed after a designated time period.

TEMPORARY USE: A use established for a designated fixed period of time with the intent to discontinue such use upon the expiration of the time period.

TOURIST HOME: An establishment in a dwelling which supplies temporary accommodation to up to 14 overnight guests for a fee.

TRACTOR-TRAILER TRUCK: A motor vehicle with a short chassis and a swivel (fifth wheel), with a trailer pulled by the tractor designed to be used to haul freight.

TRACTOR TRUCK: Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

TRACTOR TRUCK TRAILER: The portion of a tractor truck without motive power, designed for carrying property or passengers wholly on its own structure.

TRANSITIONAL SURFACE: Surface which extends outward perpendicular to the runway center line extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

TRASH HEAP: An area where trash, garbage or other solid wastes are deposited without being covered by a sanitary fill.

TREE, DECIDUOUS: Trees which drop their foliage annually before becoming dormant.

TREE, EVERGREEN: Trees with foliage which remain green year-round.

TRIP ENDS: The total trips entering and leaving a specific land use or parcel over a designated period of time.

TRUCK: Every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.
USE: Any purpose for which a lot or structure may be designed, arranged, intended, maintained or occupied or any activity, occupation, business or operation carried on a parcel of land.

VARIANCE: A reasonable deviation from those provisions regulating the size or area of a lot or parcel of land or the size, area, bulk or location of a building or structure when the strict application of this Ordinance would result in unnecessary or unreasonable hardship to the property owners and such need for a variance would not be shared generally by other properties, and provided that such variance is not contrary to the intended spirit and purpose of this Ordinance and would result in substantial justice being done.

Variance is a grant of relief from the requirements of this Ordinance.

VIOLATION: For floodplain management purposes, "violation" includes the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Article VII, Part 702, of this chapter is presumed to be in violation until such time as that documentation is provided.

WAREHOUSING, MEDICAL AND ALLIED HEALTH: A structure or facility designed for the storage of medical supplies, equipment, furniture and fixtures associated with medical and allied health services.

WASTE RECOVERY AND RECYCLING FACILITY: A facility primarily engaged in (1) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage) and/or (2) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals are sorted into distinct categories.

WATERCOURSE: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. "Watercourse" includes specifically designated areas in which substantial flood damage may occur.

WAYSIDE STAND, ROADSIDE STAND OR WAYSIDE MARKET: Any structure or land used for the sale of agricultural or horticultural produce, livestock or merchandise produced by the owner or his family on their farm.

WELLNESS CENTER: A structure or facility designed to provide recreational, educational, and medicinal benefits to the public.

WETLANDS: Areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and that is subject to a perpetual easement permitting inundation by water