

ARTICLE 2. BASIC DEFINITIONS

Section 2-1. Word Interpretation

For the purposes of this Ordinance, certain words shall be interpreted as follows. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition.

- (A) As used in this Ordinance, words importing the masculine gender include the feminine and neuter.
- (B) Words used in the singular in this Ordinance include the plural and words used in the plural include the singular.
- (C) Words used in the present tense include future tense.
- (D) The word "person" includes a firm, association, organization, corporation, company, trust, and partnership as well as an individual.
- (E) The words "may" and "should" are permissive.
- (F) The words "shall" and "will" are always mandatory and not merely directive.
- (G) The word "used for" shall include the meaning "designed for."
- (H) The words "used" or "occupied" shall mean "intended, designed, and arranged to be used or occupied."
- (I) The word "lot" shall include the words "plot," "parcel," "site," and "premises."
- (J) The word "structure" shall include the word "building."
- (K) The word "street" includes the word "alley," "road," "cul-de-sac," "highway," or "thoroughfare," whether designated as public or private.
- (L) 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.
- (M) The word "Commissioner" shall include "Board of Commissioners" of the Town of Calabash, North Carolina.
- (N) The word "administrator" shall mean the "Town of Calabash Unified Development Ordinance Administrator."
- (O) The words "Zoning Board," "Zoning Commission," or "Planning Commission" shall

mean the "Town of Calabash Planning Board."

- (P) The word "Town" shall mean the "Town of Calabash," a municipal corporation of the State of North Carolina.
- (Q) The words "map," "zoning map," and "Calabash Zoning Map" shall mean the "Official Zoning Map for the Town of Calabash, North Carolina."
- (R) The words "Board of Adjustment" shall mean the "Town of Calabash Board of Adjustment."

Section 2-2. Definitions of Basic Terms

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Ordinance.

- (1) Abutting. Having property of district lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.
- (2) Access. A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.
- (3) Accessory Building or Use. A building or use not including signs; which is:
- Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this Ordinance;
 - Clearly incidental to, subordinate in area and purpose to, and serves the principal use; and
 - Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.
- (4) Administrator. The official appointed by the Board of Commissioners to enforce the Unified Development Ordinance.
- (5) Adult Care Home. An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes.
- (6) Adult or Sexually Oriented Businesses. Any businesses or enterprises that have as one of

their principal business purposes or as a significant portion of their business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in NC General Statutes 14-202.10.

- (7) Advertising Device or Sign. Any advertising sign, billboard, statuary or poster which directs attention to a business, commodity, service, or entertainment.
- (8) Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, forestry, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
- (9) Apartment (Dwelling Unit). A room or suite of rooms intended for use as a residence by a single household or family (i.e., dwelling unit). Such dwelling unit may be located in an apartment house, duplex, or as an accessory use in a single-family home or a commercial building.
- (10) Apartment House. See Dwelling, Multi-Family.
- (11) Appeal. A request for a review of the Administrator's interpretation of any provision of this Ordinance or a request for a variance.
- (12) Approval Authority. The Board of Commissioners of the Town of Calabash, the Board of Adjustment or other board or official designated by Ordinance as authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.
- (13) Assisted Living Residence. 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. The Department may allow nursing service exceptions on a case-by-case basis. 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 NC General Statutes 131E-102. Effective October 1, 1995, there are two types of assisted living residences: adult care homes and group homes for developmentally disabled adults. Effective July 1, 1996, there is a third type, multi-unit assisted housing with services.
- (14) Automobile Off-Street Parking (Commercial Lot). Any building or premises, except a building or premises described as a private garage, used for the storage of motor vehicles for the public or private businesses.

- (15) Automobile Repair Shop. A building or other structure where the following uses and activities are permitted: major mechanics, body work, straightening of body parts, along with all uses and activities of an automotive care center.
- (16) Automobile Sales Dealer. A retail or wholesale enterprise in which the primary purpose or function is the sale of motor vehicles.
- (17) Automobile Sales Lot. A parcel and/or building where the primary use is the wholesale or retail sale of automobiles.
- (18) Automobile Service Station (Gas Station). Any building or land used for the dispensing, sale or offering for sale at retail any automobile fuels along with accessories such as lubricants or tires, except that car washing, mechanical or electrical repairs, and tire repairs shall only be performed incidental to the conduct of the service station and are performed indoors and has no fuel pumps within 15 feet of any property line or street right-of-way. Incidental activities shall not include tire retreading, body work, major mechanical work, or upholstery work.
- (19) Automobile Wash or Automatic Car Wash. A building or structure where chain conveyors, blowers, steam cleaners, and other mechanical devices are employed for the purpose of washing motor vehicles.
- (20) Automotive Care Center. Three or more automotive care uses planned and constructed as a single unit, where the following uses and activities associated with each would be permitted: (a) Auto parts store, (b) Muffler shop, (c) Transmission shop, (d) Tune-up shop, (e) Lubrication shop, (f) Auto trim and detail shop, (g) Tire store with service (including alignment), (h) Brake shop.
- (21) Bar. A bar is a retail establishment that allows the on premises consumption of alcoholic beverages, regardless of whether food is sold as part of the business establishment. ABC permits could include on premises malt beverages, on premises unfortified wine, on premises fortified wine, or on premises mixed beverages.
- (22) Best Management Practices (BMP). As it relates to stormwater plan, a structural or nonstructural management based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.
- (23) Block. A tract of land or a lot or group of lots bounded by streets, public parks, golf course, railroad rights-of-way, water courses, lakes, un-subdivided land, or a boundary line or lines of the county or its towns or any combination of the above.
- (24) Block Frontage. The portion of a block which abuts a single street.
- (25) Board of Adjustment. A local body, created by ordinance, whose responsibility is to hear

appeals from decisions of the Administrator and to consider requests for variances from the terms of the Unified Development Ordinance.

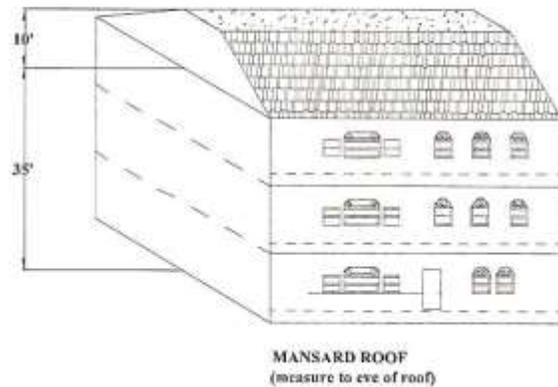
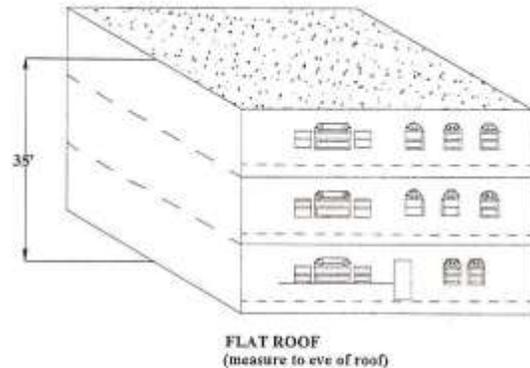
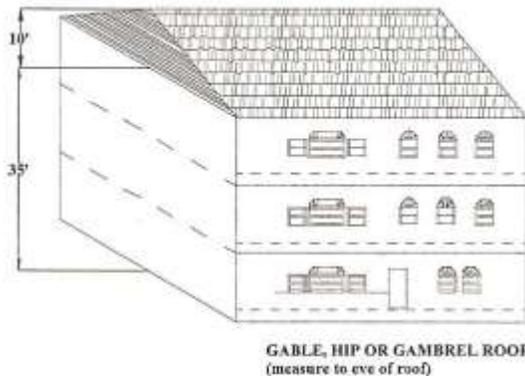
- (26) Board of Commissioners. The governing body of the Town.
- (27) Boarding House. A building other than a hotel or motel where, for compensation, meals are served and lodging is provided.
- (28) Bona Fide Farm. Any tract of land larger than ten acres and otherwise eligible for tax deferral as authorized in NC General Statutes 105-277.1 et. seq. shall be considered a bona fide farm. Any trade of land on which agricultural activities are clearly of an incidental nature may also be considered as a bona fide farm upon determination by the Administrator upon consideration of agricultural productivity and improvements, and any other necessary or available information. Bona fide farms do not include intensive livestock operations.
- (29) Breweries, Wineries (including taproom and tasting room)
- a. Breweries (including micro-breweries and cideries)-An establishment, whether as a principal or accessory use, which manufactures or produces beer regardless of alcohol content.
 - b. Winery (including vineyard)-An establishment, whether as a principal or accessory use, which manufactures or produces wine or sparkling wine.
- (30) Buffer. A fence, wall, hedge, or other planted area or device used to enclose, screen, or separate one use or lot from another.
- (31) Buffer Strip. Shall consist of plant material of such growth characteristics as will provide an obscuring screen of not less than seven feet in height. Buffer strip would reasonably be expected within three years of planting. A planted, growing barrier affording visual privacy and sight relief between properties of dissimilar uses or character of buildings.
- (32) Building. Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, manufactured homes, and attached or unattached carports consisting of a roof and supporting members, and similar structures whether stationary or movable. Includes all structures regardless of similarity to buildings.
- (33) Building Height. Height shall be measured from the average of the finished ground level to the eve of the roof structure. The uninhabitable roof structure may extend ten (10) feet.

The height limitations shall not apply to:

- Bona fide farm buildings other than dwelling units or other residential uses;
- Steeples on places of worship;
- Strictly ornamental features such as belfries, parapets, roof screens, and widows

watches less than four feet, and chimney(s) to a height sufficient to satisfy the NC State Building Code;

- Air conditioning units screened from view;
- Utility poles;
- Mechanical features;
- Lightning rods;
- Antennas (not including WTF facilities); and
- Water tanks



- (34) Building Inspector. The person designated by the Board of Commissioners to enforce the provisions of the Standard Building Code and the North Carolina State Building Code.
- (35) Building, Principal (Main). A building in which is conducted the principal use of the plot on which it is situated.
- (36) Building Setback Line. A line measured parallel to the ~~front~~ property line in front of which no structure shall be erected.
- (37) Caliper. Caliper is a device used to measure the distance between two symmetrically opposing sides. The term "caliper" is commonly used as a nursery stock stem/trunk diameter measurement which is taken six inches above the ground up to and including

four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at 12 inches above the ground. Seldom are tree trunks perfectly round. The most accurate measurement will result from the use of a diameter tape. Caliper measurements taken with manual or electronic “slot” or “pincer” type caliper tools should be the average of the smallest and largest measurements.

- (38) Campground/Recreational Vehicle Park. An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.
- (39) Canopy, Marquee or Awning. Any roof-like structure extended over a sidewalk or walkway.
- (40) Cemetery. Land used or dedicated to the burial of the dead, including crematoriums, mausoleums and maintenance facilities for the upkeep of the cemetery.
- (41) Cemetery, Commercial/ Public. Cemetery where plots are sold for burial.
- (42) Cemetery, Family. Cemetery used exclusively for the burial of family members only at no charge and being no larger than 2 acres.
- (43) Certificate of Occupancy. Official certification that a premises conforms to provisions of the Unified Development Ordinance and Building Code and may be used or occupied.
- (44) Church or Place of Religious Worship. An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.
- (45) Circulation Area. That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- (46) Circumference. The distance around an area, the line that bounds a circle.
- (47) Circumference at Breast Height (CBH). The tree trunk circumference measured in inches, using a tape measure, at a height of 4.5 feet above ground level. If a tree forks into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the fork.
- (48) Club or Lodge (Private, Nonprofit, Civic or Fraternal). A nonprofit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests.
- (49) Cluster Development. A development design technique that concentrates buildings in

specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

- (50) Commercial Vending Unit: Commercial Vending units are defined as free standing equipment or structures not generally associated with another business that do not require a full time person to be on site during normal operational use. This equipment or structure is specifically designed for a customer to purchase a commodity or to conduct business through the use of cash, coin, or money cards while remaining on premises for a brief period of time. Access may be available by car or by pedestrian traffic. This equipment or structure shall be self-contained and either by design, construction, or installation have all necessary provisions for the health, safety, and welfare of the general public; this definition does not limit the location of retail soda and snack vending machines, news paper boxes and other small vending machines normally associated with a business; nor does it permit the use of sweepstake machines in this capacity, which is covered elsewhere in the Ordinance.
- (51) Common Open Space. Land reserved primarily for the leisure and recreational use of all PUD residents and owned and maintained in common for them generally through a homeowner's association.
- (52) Conditional-Use. A use that would not be an appropriate general use with restriction or review in a particular zoning district, but which, if controlled as to number, area, location or relation to surrounding uses, would promote the public health, safety or general welfare.
- (53) Conditional-Use Permit. A permit issued by the Board of Commissioners that authorizes the recipient to make use of property in accordance with the requirements of the Town of Calabash Unified Development Ordinance as well as any additional requirements imposed by the Board of Commissioners.
- (54) Condominium. A dwelling unit in which the ownership of the occupancy rights to the dwelling unit is individually owned or for sale to an individual and such ownership is not inclusive of any land.
- (55) Contractor, General. One who is engaged in one or more aspects of building construction and/or land development through a legal agreement.
- (56) Contractor, Trades. One who accomplishes work or provides facilities under contract with another and specifically engages in a specialized trade, such as plumbing, heating, wiring, sheet metal and roofing work, etc.
- (57) Convenience Store. A one-story, retail store that is designed and stocked to sell primary food, beverages, other household items, and gasoline sales.
- (58) County Commissioners. The Board of Commissioners of Brunswick County, North Carolina.

- (59) Coverage. An area determined in square footage.
- (60) Curb. A structural element at the edge of an existing or proposed 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, to otherwise control drainage, to delineate the edge of existing or future roadways or driveways, to present a more finished appearance to the street, to assist in the orderly development of the roadside, and to contribute to the stability and structural integrity of the pavement.
- (61) Curtain Wall. A continuous, uniform foundation enclosure constructed of brick or concrete blocks and that is unpierced except for required ventilation and access.
- (62) Day Care Facilities. Any child care arrangement which provides day care on a regular basis for more than four hours per day for more than five children, wherever operated and whether or not operated for profit, except that the following are not included:
- Public schools;
 - Nonpublic schools whether or not accredited by the NC State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age;
 - Summer camps having children in full-time residence;
 - Summer day camps; and
 - Bible schools normally conducted during vacation periods.
- (63) Day Care Facility (Adult). The provision of group care and supervision in a place other than their usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled. The following are exempt from this definition: (1) those that care for three people or less; (2) those that care for two or more persons, all of whom are related by blood or marriage to the operator of the facility; and (3) those that are required by other statutes to be licensed by the Department of Health and Human Services.
- (64) Dedication. A gift by the owner, a right to use of land for a specified purpose or purposes, or a mandatory requirement to exercise the right to develop. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.
- (65) Diameter: the length of a straight line passing thru the center of a circle and connecting two points (the thickness or width).
- (66) DBH (Diameter at Breast Height): The tree trunk diameter measured in inches, using a tape measure at a height of 4.5 feet above ground level. If a tree forks into the multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the fork.

Conversion Table
Diameter at Breast Height (DBH) to
Circumference at Breast Height (CBH)

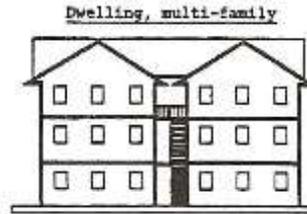
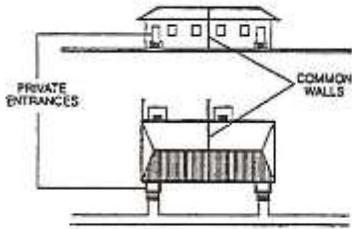
<u>Inches</u> <u>DBH</u>	<u>Inches</u> <u>CBH</u>	<u>Inches</u> <u>DBH</u>	<u>Inches</u> <u>CBH</u>	<u>Inches</u> <u>DBH</u>	<u>Inches</u> <u>CBH</u>
1	3.14	11	34.56	21	65.97
2	6.28	12	37.70	22	69.12
3	9.42	13	40.84	23	72.26
4	12.57	14	43.98	24	75.40
5	15.71	15	47.12	25	78.54
6	18.85	16	50.27	26	81.68
7	21.99	17	53.41	27	84.82
8	25.13	18	56.55	28	87.96
9	28.27	19	59.69	29	91.11
10	31.42	20	62.83	30	94.25

- (67) Development Permit. A required permit issued by the Zoning Administrator prior to generalized pre-construction lot clearing.
- (68) Dimensional Nonconformity. A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
- (69) Dish Antenna or Earth Station. A dish antenna, or earth station, is any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit.
- (70) Dish Antenna or Earth Station Height. The height of the antenna or dish shall be that distance as measured vertically from the highest point of the antenna or dish, when positioned at its lowest angle for operation, to ground level at the bottom of the base which supports the antenna.
- (71) Dish Antenna or Earth Station Setback. The setback of a dish antenna shall be measured from the center mounting post supporting the antenna.
- (72) Drive-in Restaurant. An establishment at which employees provide curbside service or drive-through window service to customers and at which the customer does not customarily leave his vehicle; or accommodations through special equipment or construction from which a person may receive a service or place an order. Self-service gas pumps are excluded from this definition.
- (73) Driveway. That portion of the vehicle accommodation area that consists of a travel lane

bounded on either side by an area that is not part of the vehicle accommodation area.

(74) Dwelling. A building or portion thereof designed, arranged, or used for permanent living quarters. The term "dwelling" shall not be deemed to include a motel, hotel, tourist home, or other structures designed for transient residence.

(75) Dwelling, Duplex. A building containing two dwelling units, other than where a second dwelling unit is permitted as an accessory use.



(76) Dwelling, Multi-Family. A building containing three or more dwelling units, except where permitted as an accessory use.

(77) Dwelling, Single-Family. A building containing one dwelling unit only, but may include one separate unit as an accessory use to be occupied only by employees, guests, or relatives of the household.

(78) Easement. A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

(79) Essential Site Improvements. Any construction or reconstruction of site development feature required by 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, which cannot be accommodated on the site without removal of trees.

(80) Eave. The lowest point of the lowest edge of a roof line projecting beyond the sides of a building.

(81) Existing Construction. For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM (Flood Insurance Rate Map) or before January 1, 1975, for FIRM's effective prior to that date. "Existing construction" may also be referred to as "existing structures."

(82) Existing Manufactured Home Park or Manufactured Home 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) was completed before the original effective date of the floodplain management regulations adopted by the community.

- (83) Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of 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).
- (84) Family. One or more persons related by blood, marriage or adoption living together as a single housekeeping unit and have a recognized head of household. For the purposes of this Ordinance, such persons may include gratuitous guests, contributing roommates, and domestic servants employed on the same premises.
- (85) Family Membership Transfer Exemption. Subdivision activity for transfer to a family member (family member transfer) provided that no more than ten (10) lots are created. The following standards shall apply:

- Connections to public water and/or sewer may be required.
- An access easement at least 30 feet in width shall provide access to lots created on the interior of the site from a public roadway.
- The following Statement shall appear on the plat and be signed by the Grantor(s) and Grantee(s) prior to approval:

The Grantor(s) and Grantee(s) certify that the Grantee(s) is within four (4) degrees of collateral kinship to the Grantor(s), and that the purpose of this waiver is not to circumvent the provisions of the Town of Calabash Unified Development Ordinance, and that none of the lots shall be conveyed to non-family members for a period of not sooner than four (4) years.

Grantor(s)

Grantee(s)

THE PROPOSED STREET(S) WILL NOT BE MAINTAINED BY THE TOWN OF CALABASH AND THE MAINTENANCE SHALL BE THE RESPONSIBILITY OF ALL ADJACENT PROPERTY OWNERS TO SAID STREET(S)

- Failure of any person to comply with the provisions contained herein shall be in violation of this Ordinance, and all of the remedies of this ordinance and applicable State Statutes.

- (86) Family Care Home. An adult care home having two to six residents. The structure of a family care home may be no more than two stories high and none of the aged or physically disabled persons being served there may be housed in the upper story without provision for

two direct exterior ground level accesses to the upper story.

(87) Flood Damage Prevention Ordinance Definitions. For the purposes of Article 19, Flood Damage Prevention, the following items, phrases, and words shall have the meaning herein:

- 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.
- Addition (to an existing building). An extension or increase in the floor area or height of a building or structure.
- 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 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. See Special Flood Hazard Area (SFHA).
- Basement. Any area of the building having its floor subgrade (below ground level) on all sides.
- Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year.
- 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."
- Building. See Structure.
- 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.
- 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.

- Disposal. As defined in NC General Statutes 130A-290(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.
- Elevated Building. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- Encroachment. 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.
- Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) the overflow of inland or tidal waters; and/or
 - (b) the unusual and rapid accumulation of runoff of surface waters from any source.
- Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas 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 Prone Area. See Floodplain.

- Floodplain. Any land area susceptible to being inundated by water from any source.
- 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.
- 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 sanitation 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 one foot.
- 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.
- 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."
- 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.
- Hazardous Waste Facility. As defined in NC General Statutes 130A, Article 9, a

facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

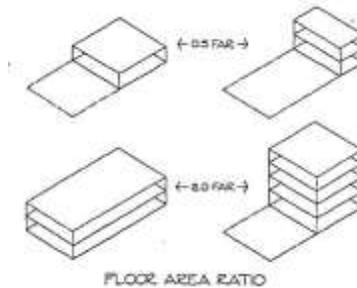
- Highest Adjacent Grade (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.
- Lowest Adjacent Grade (LAG). The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.
- Lowest Floor. Lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- 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.
- Mean Sea Level. For purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, 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.
- 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 foot as designated in the Flood Insurance Study report.
- 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.
- Principally Above Ground. At least 51% of the actual cash value of the structure is above ground.

- 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.
- Reference Level. The bottom of the lowest horizontal structural member of the lowest floor, excluding the foundation system, for structures within all Special Flood Hazard Areas.
- 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 plus two feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.
- 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.
- 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.
- Solid Waste Disposal Facility. As defined in NC General Statutes 130A-290(a)(35), any facility involved in the disposal of solid waste.
- Solid Waste Disposal Site. As defined in NC General Statutes 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
- 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 determined in Section 22-5 of this ordinance.
- Structure. A walled and roofed building, a manufactured home, or a gas, liquid or liquefied gas storage tank that is principally above ground.

- Violation. 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 22 is presumed to be in violation until such time as that documentation is provided.
- Water Surface Elevation (WSE). The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- 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.

(88) Floor Area. For determining off-street parking and loading requirements:

- (a) The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.
- (b) However, "floor area" for the purposes of measurement for off-street parking spaces shall not include:
 - Floor area devoted to primarily storage purposes (except as otherwise noted herein);
 - Floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or
 - Basement floor other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.



(89) Floor Area, Gross. The total floor area enclosed within a building.

(90) FAR (Floor Area Ratio). The maximum square foot amount of total floor area including all stories and all uses permitted for each square foot of land area.

(91) Fence. Any type of freestanding wall or structural enclosure, other than a wall of a building, whether of wood, metal, wire, concrete, or other material.

- (92) Fill. Any material used to raise the elevation of the surface of the land, excluding a grade base and paving.
- (93) Forestry. A woodland area where all of the following occur:
- (a) the growing of trees;
 - (b) the harvesting of timber, leaves, or seeds;
 - (c) the regeneration of either timely replanting of trees or natural generation in accordance with a forest management plan acceptable to the Division of North Carolina Forest Resources;
 - (d) the application of "Best Management Practices," including the NC Department of Environment and Natural Resources, "Forest Practice Guidelines Related to Water Quality," and all successor documents.
- (94) Frontage. All property abutting on one side of a street measured along the street line.
- (95) Garage, Private. A building used as an accessory to or a part of the main building permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.
- (96) Garage, Public. Any building or premises, except those described as a private garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired, or kept for hire or sale.
- (97) Gate. A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier and screen as a part of the fence in which it is attached.
- (98) Gross Site Area. The total square footage of the proposed development as determined by actual on-site survey.
- (99) Ground Cover. Any plant under three (3) feet in height.
- (100) Half Street. One half of a required street right-of-way located adjacent to the perimeter of a subdivision for future combination with a half street in an adjacent existing or future subdivision.
- (101) Hedge. A group of bushes, shrubbery or other plant material so situated as to be similar in function and serve the same ends as a fence; also known as a "living fence".
- (102) Historic Structure means any structure that is:
- 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;
 - 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;

- individually listed on a local inventory of historic landmarks in communities with a Certified Local Government (CLG) Program; or
- certified as contributing to the historical significance of a historic district designated by a community with a Certified Local Government (CLG) Program.
- 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 1966 as amended in 1980.

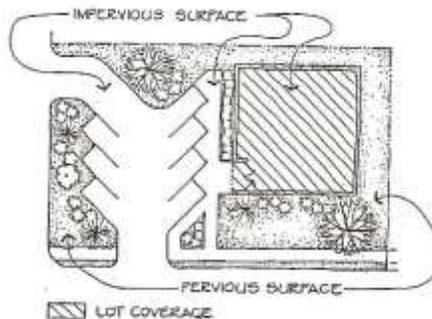
(103) Home Care Unit. A facility meeting all of the requirements of the State of North Carolina for boarding and care of not more than five persons who are not critically ill and do not need professional medical attention.

(104) Home Occupation. A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building or a structural accessory thereto, which use is accessory, incidental and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

(105) Hotel or Motel. A building or other structure kept, used, maintained, advertised as, or held out to the public to be a place where:

- Sleeping accommodations are supplied for compensation to transient or permanent guests or tenants;
- Rooms are furnished for the accommodation of such guests; and
- May have one or more dining rooms, restaurants, or cafes where meals are served.

(106) Impervious Surface. Any material that significantly reduces and prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roof, patios, balconies, decks, streets, parking areas, driveways, sidewalks, and any concrete, stone, brick, asphalt, or compacted gravel surface.



(107) Infiltration. The passage or movement of water into the soil sub-surface.

- (108) 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.
- (109) Improvements. The addition of any building, accessory building, parking area, loading area, fence, wall, hedge, lawn or mass planting (except to prevent soil erosion) to a lot or parcel of property.
- (110) Incompatible Use. A use or service which is unsuitable for direct association and/or contiguity with certain other uses because it is contradictory, incongruous, or discordant.
- (111) Inoperative 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 vehicle which is registered with the North Carolina Department of Motor Vehicles and has a current North Carolina motor vehicle registration license affixed to it shall not be considered inoperative.
- (112) Intensive Livestock Operations. Any enclosure, pen, feedlot, building, or group of buildings intended to be used or actually used to feed, confine, maintain or stable cattle, horses, sheep, goats, turkeys, chickens, swine, or any combination thereof, with at any time a total of 100 animal units or more present, where their dietary needs are met primarily by means other than grazing.
- (113) Jail. A municipal or county operated facility designed for the holding of individuals for trial, contempt, or punishment when the period is not to exceed 180 days.
- (114) Junk. Pre-used or unusable metallic parts and other nonmetallic manufactured products that are worn, deteriorated or obsolete, making them unusable in their existing condition, but are subject to being dismantled and salvaged.
- (115) Junk Yard. Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packaged, disassembled, or handled including but not limited to, scrap iron, and other metals, paper, rags, vehicles, rubber tires, and bottles. A junk yard includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.
- (116) Junked Vehicle. A motor vehicle that (1) is partially dismantled or wrecked; (2) cannot be self-propelled or moved in the manner in which it was originally intended to move; (3) is more than five years old and appears to be worth less than \$100.00; or (4) does not display a current license plate when the motor vehicle is required by laws of this state to have such a license plate to operate on public roads, unless stored within an enclosed structure.
- (117) Kennel. A commercial operation that: (a) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or

associated with a veterinarian), or (b) engages in the breeding of animals for sale.

- (118) Landmark Tree. Any Live Oak with a minimum CBH of 24 inches, or any tree with a 72 inch or more CBH.
- (119) Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles except to be used, and accessible to such vehicles.
- (120) Lot. One or more contiguous properties occupied or intended for occupancy by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as required by this Ordinance. Includes the words "parcels," "plot," and "tract."
- (121) Lot, Depth. The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage and from corner to corner.
- (122) Lot Lines. The lines bounding a lot.
- (123) Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Register of Deeds by the owner or predecessor in title thereto.
- (124) Lot Types.
- Corner Lot. A lot located at the intersection of two or more streets.
 - Double Frontage Lot. A continuous (through) lot which is accessible from both streets upon which it fronts.
 - Interior Lot. A lot other than a corner lot with only one frontage on a street.
 - Single-Tier Lot. A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.
 - 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.
- (125) Lot Width. The straight line distance between the points where the building setback line intersects the two side lot lines.
- (126) Manufactured Home. A dwelling unit that:

- Is not constructed in accordance with the standards set forth in the North Carolina State Building Code; and
- Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and
- Exceeds 40 feet in length and eight feet in width.

(127) Manufactured Home, Class A. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- The manufactured home has a length not exceeding four times its width;
- The manufactured home has a minimum of 700 square feet of enclosed living area;
- The pitch of the roof of the manufactured home has a minimum vertical rise of two and two tenths feet for each 12 feet of horizontal run (2.2' and 12') and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (that does not exceed the reflectivity of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- The home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or curtain wall, unpierced except for required ventilation and access, is installed under the manufactured home;
- The moving hitch, wheels and axles, transporting lights have been removed.
- Manufactured home to meet the requirements for Wind Zone 2.
- All roof structures shall provide an eaves projection of six inch minimum.

(128) Manufactured Home, Class B. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following criteria:

- The manufactured home has a minimum of 576 square feet of enclosed living area.
- The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous masonry, vinyl, aluminum, or wood curtain wall, unpierced except for required ventilation and access is installed under the perimeter of the manufactured home.

- The moving hitch, wheels and axles, transportation lights have been removed.
 - Manufactured home to meet the requirements for Wind Zone 2.
- (129) Manufactured Home Park. Any site or tract of land, of contiguous ownership upon which manufactured home spaces are provided for manufactured home occupancy whether or not a charge is made for such service. This does not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sales.
- (130) Manufactured Home Space. A plot of land within a manufactured home park designed for the accommodation of one mobile home.
- (131) Mobile Office. A structure that has been converted, or originally designed and constructed, for commercial or office use.
- (132) Modular Structure. A structure that is constructed in accordance with the construction standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings and composed of components substantially assembled in a manufacturing plant and transplanted to the building site for final assembly and placement of a permanent foundation.
- (133) 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.
- (134) Multi-unit Assisted Housing with Services. An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency, through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of 24-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multi-unit assisted housing with services programs are required to register with the Division of Facility Services and to provide a disclosure statement. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:
- Emergency response system;
 - Charges for services offered;
 - Limitations of tenancy;

- Limitations of services;
- Resident responsibilities;
- Financial/legal relationship between housing management and home care or hospice agencies;
- A listing of all home care or hospice agencies and other community services in the area;
- An appeals process; and
- Procedures for required initial and annual resident screening and referrals for services.
- Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the General Statutes, are exempt from the regulatory requirements for multi-unit assisted housing with services programs.

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

(136) Net Acreage, Acres, Land Area, Square Footage of Land Area. Land area with streets, right-of-ways, driveways which serve as access to more than two dwelling units or uses, and major transmission line easements not included in its measurement.

(137) Net Buildable Area. The total area within the project property boundary less:

- (a) all easements for storm drain(s) or utilities;
- (b) highway and street rights-of-way;
- (c) sediment basins and water retention ponds;
- (d) wetlands, defined by CAMA and/or US Corps of Engineers;
- (e) water and wastewater treatment facilities;
- (f) local or state designated historic sites;
- (g) water areas including seasonal ponds; and
- (h) 50% of all open space requirements.

(138) New Construction. (a) Any development occurring on property utilized for governmental, commercial, or residential purposes for which a building permit is required. (b) For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of this Ordinance and includes any subsequent improvements to such structures.

(139) New Manufactured Home Park. A manufactured home park 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 slabs) is completed on or after October 21, 1996.

(140) New or Used Car Lot. Any building or land used commercially for the sale of or offering

Article 2. Definitions

for sale of any motor vehicle or vehicles. Motor Vehicle or Vehicles is defined as any machine designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

- (141) Nonconforming Lot. A lot existing at the effective date of this Ordinance or any amendment to it that cannot meet the minimum area or lot width or depth requirements of the district in which the lot is located.
- (142) Nonconforming Use. The use of a building, mobile home, or land which does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated in this Ordinance.
- (143) Nuisance. Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.
- (144) Nursing Home (Convalescent Home). A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.
- (145) Official Maps or Plans. Any maps or plans officially adopted by the Calabash Board of Commissioners.
- (146) Open Space. An area (land and/or water) generally lacking in manmade structures and reserved for the enjoyment of residents of a Planned Unit Development, or other group project. Common open spaces may contain accessory structures, and improvements necessary or desirable for religious, education, non-commercial, recreational, or cultural uses.
- (147) OSR (Open Space Ratio). The total square footage not covered by manmade structures.
- (148) Overhead Canopy. Any structure placed over, around, or near a fuel pump island, drive-up bank teller facility, or similar use, and intended to provide lighting and/or protection from the elements for facility users.
- (149) Overlay Zoning District. An overlay district is a zoning district which applies in addition to any other zoning districts so that any parcel of land lying in an overlay district may also lie in one (1) or more of the zoning districts provided for by this Ordinance. The development of all uses permitted by right or by conditional use permit in the underlying

district shall be subject to the requirements of both the overlay district and the underlying zoning district. If the overlay zoning district requirements conflict with the underlying zoning district requirements, the requirements of the overlay zoning district shall take precedence.

- (150) "Park Model" Recreational Vehicle. A manufactured home typically built in accordance with the construction requirements of HUD National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. but because of their limited size they are not required to be labeled by the HUD manufacturing housing program. Since these park model type units are not under the jurisdiction of the HUD program, they are labeled and sold as recreational vehicles.
- (151) Parking Lot. An area or plot of land used for the parking of vehicles.
- (152) Parking Space. A space intended to accommodate one vehicle, plus the necessary access space.
- (153) Perimeter Landscape Strip. A planted strip of land along the perimeter of a parking facility or commercial development.
- (154) Personal Recreational Watercraft Livery Business. A livery or rental business that engages in renting personal watercraft (jet skis, boats, parasailing and similar vessels which primarily uses a motorized source of power).
- (155) Planned Building Group. A residential project containing three or more attached dwelling units; a residential project with attached dwelling units for individual ownership; a commercial and/or institutional project located in an O/I, CB, HC, RC or PUD zoning district; or a commercial and/or office-institutional project located within an O/I, CB, RC, HC, or PUD zoning district involving the construction of a building greater than 7,000 square feet; a commercial and/or office institutional project within an O/I, CB, or PUD zoning district involving the construction of more than one building; or a manufactured home park.
- (156) Planned Unit Development. A development consisting of multi-family and/or a mixture of dwellings, which may contain limited commercial development, under unified ownership and control to be developed and improved as a single entity under a development plan approved by and completely in accordance with and subject to the requirements of this Ordinance.
- (157) Planning Board. The public agency in a community usually empowered to prepare a comprehensive plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan.
- (158) Planting Strip or Area. A pervious ground surface, aside from walkways, which is required or used for landscaping purposes.

- (159) Plat. A map showing the location, boundaries, and ownership of individual properties.
- (160) Pre-Construction Lot Clearing. The removal of plant material including trees, shrubs, ground cover, stumps, roots and the like.
- (161) Premises. A single piece of property as conveyed in a deed or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit or on which a building or group of buildings are to be constructed.
- (162) Private Driveway. A roadway serving two or fewer lots, building sites, or other division of land and not intended to be public ingress or egress.
- (163) Property Clearing. The removal of trees from undeveloped property for the purpose of timber sales, value enhancement, or other nondevelopmental purposes.
- (164) Public Agency. An agency of the local, state, or federal government.
- (165) Public Sewage Disposal System. A system serving two or more dwelling units and approved by the County Health Department or the State Department of Natural Resources and Community Development.
- (166) Recreation Area or Park. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.
- (167) Recreational Vehicle. A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable.
- (168) Recreational Vehicle Parks. Any single parcel of land upon which two or more recreational vehicles, occupied for sleeping purposes, are located regardless of whether or not a charge is made for such purposes. Recreational Vehicle Parks are referred to in this Ordinance as "RV Park(s)."
- (169) Redevelopment. Renovation of an existing structure or structures which totals at least 60 percent of the original structure.
- (170) Reservation. A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.
- (171) Retaining Wall. A permanent artificial device constructed to change or preserve the finished grade of a given parcel of land, no portion of which is above finished grade on more than one side of the retaining wall.

- (172) Right-of-Way. An area owned or maintained by the Town of Calabash, the State of North Carolina, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.
- (173) Screening. The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, vegetation, or other natural or man-made visual barriers.
- (174) Server-Based Electronic Game Promotion. A system that has all of the following components:
- A database containing a pool of game promotions entries, with each entry associated with a prize value.
 - The participant purchases, or otherwise obtains, a prepaid card, and receives one or more game promotions entries with that purchase.
 - The game promotion entries can be revealed in any of the following ways:
 1. At a point of sale terminal.
 2. At a game terminal with a display that simulates a game ordinarily played on a slot machine or a video gaming machine.
- (175) Setback. The required distance between every structure and the lot lines of the lot on which it is located; the minimum distance between a property line and a regulated activity.
- (176) Sign Definitions. For the purposes of Article 20, Sign Regulations, the following items, phrases, and words shall have the meaning herein:
- Animation. The movement, or optical illusion of movement, of any part of the sign structure, design or pictorial segment, including the movement of any illumination, or the flashing, scintillating or varying of light intensity. The automatic changing of all or any part of the facing of a sign or any sign or part of a sign shall be considered to be animation. Also included in this definition are signs having chasing action, which is the action of a row of lights commonly used to create the appearance of motion, and automatic changeable copy boards.
 - Banner. A sign or outside advertising display having the letters, illustrations or visual representation applied to cloth, paper, vinyl, fabric or similar material.
 - Building Frontage. The linear length of a building face or the building face used as the principle entrance.
 - Commercial Center. Two or more retail stores or service establishments, professional offices, or any other businesses serving a community or neighborhood,

not necessarily owned by one party nor by a single land ownership, which occupy a common and/or adjacent building(s) on premises and utilize common parking area(s).

- Decorative Lighting. A string of outdoor lights suspended between two points.
- Flag. An outside display having illustrations or visual representations of a decorative nature. Governmental flags are considered to be flags.
- Frontage. The length of the property line of any one premises serving as a public street right-of-way line. For lots with multiple frontages, the principal street frontage shall be the same as that to which the building is oriented. Should the owner wish to direct the sign solely to a frontage other than the principal frontage, the linear length of this frontage will be used to calculate the allowable area of the sign. Should the owner wish to direct the sign to both frontages, the frontage having the highest vehicular traffic volume shall be used to calculate the allowable area.
- Group Development. Multi-family development having multi-family units grouped within more than one structure. This does not include townhouse development.
- Public Agency. An agency of the local, state, or federal government.
- Sign. Any letters, pictorial representation, symbol, emblem, flag, banner, illuminated or animated device, displayed in any manner whatsoever, which directs attention of persons to such device, and which is located within the view of the general public from a public way. Customary graphics found on soft drink and newspaper dispensaries and similar machines shall not be considered as signs.
- Sign, Building Identification. A sign bearing only the name, number(s), letter(s), and/or symbol(s) which identifies a particular building.
- Sign, Business Identification. A sign bearing the name, trademark or symbol of the business located on the premises. A business identification sign contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.
- Sign, Directional. An off-premises sign whose content is limited exclusively to the identification or a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy.
- Sign, Double-Faced. A sign with two faces which are usually parallel, but may be V-shaped.
- Sign, Flashing. Any illuminated sign on which the artificial light is not maintained

stationary or constant in intensity and color at all times when such is in use. For the purpose of this Ordinance, any moving, illuminated sign shall be considered a "flashing sign." Such signs shall not be deemed to include time and temperature signs or public messages displays using electronic switching.

- Sign, Freestanding. A sign supported by a sign structure placed in the ground and which is wholly independent of any building, fence, vehicle or object (other than the sign structure) for support or any sign which projects more than five feet from the side of the building to which it is attached. A freestanding sign may contain a sign or signs on one side only, or it may be a V-shaped structure or one containing signs back-to-back. A freestanding sign structure is one sign.
- Sign, Gross Area. The entire area within any two continuous perimeter enclosing the extreme limits of such sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.
- Sign, Height of. The vertical distance measured from the ground to the top of the sign face or sign structure, whichever is greater.
- Sign, Identification. A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization, or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed; or a permanent sign announcing the name of a subdivision, shopping center, tourist home, group housing project, church, school, park, or public or quasi-public structure, facility or development and the name of the owners or developers.
- Sign, Off-Premises. A sign which directs attention to a business, commodity, service, or establishment not exclusively related to the premises where such sign is located or to which it is affixed.
- Sign, On-Premises. A sign which directs attention to a business, commodity, service, or entertainment on the premises upon which the sign is located.
- Sign, Portable. Any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground. The term includes signs on wheels or on portable structures, tent signs, A-frame signs and similar devices, and any sign not secured or securely affixed to the ground or a permanent structure.
- Signs, Projecting. Any sign other than a parallel sign, which projects from a wall or other vertical surface to which it is attached more than six inches.

- Sign, Public Information. A sign erected and maintained by a public agency that provides the public with information including, but not limited to, speed limit signs, stop signs, city limit signs, street name signs, and directional signs. These signs are in no way regulated by this Ordinance.
 - Sign Structure. A supporting structure erected or intended for identifying/advertising purposes, with or without a sign thereon, situated upon or attached to real property, upon which any sign is fastened, affixed, displayed, applied or a part of, provided, however, this term shall not include a building, fence, flat pole, illumination standards or sailboat masts.
 - Sign, Roof. A sign which is displayed above the eaves of a building.
 - Sign, Wall. Any sign attached flat to the exterior surface wall or any other vertical surface of a building. Such sign may also be painted directly onto a vertical surface; does not include inside temporary window signs.
 - Window Sign, Permanent. Any sign which is painted on or attached to the interior side of a window or glass door, or which is mounted inside a window so as to be visible through the window.
 - Window Sign, Temporary. A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including signs for sales, specials, going out of business, grand openings and the like.
- (177) Site Plan. A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, open space, common open space, buildings, major landscape features both natural and manmade and, depending on requirements, the location of proposed utility lines.
- (178) Start of Construction. Includes 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.

- (179) Storage. Any use associated with the primary business whether retail or wholesale, all storage must be directly related materials to the primary structure or business.
- (180) Storage Units. Any and all facilities for the primary use of individual material and private property either for long term or short term rent or lease located within single or multiple buildings.
- (181) Storage Facilities. A business where storage of different characters such as storage units or free storage are located within a contained, open or closed structures.
- (182) Street. A thoroughfare which affords access to abutting property and is recorded as such in the office of the Brunswick County Register of Deeds. The following classifications apply:
- Alley. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
 - Avenue. Short distance, medium speed connectors between neighborhoods and core areas. Avenues may circulate around square or neighborhood parks.
 - Boulevard. A broad often landscaped thoroughfare which provides multi-lane access to commercial and mixed-use buildings, and carries regional traffic.
 - Cul-de-Sac. A short street having but one end open to traffic and other end being permanently terminated and a vehicular turnaround provided.
 - Freeway, Expressway, or Parkway. Divided multi-lane roadway designed to carry large volumes of traffic at relatively high speeds. A *Freeway* is a divided highway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An *Expressway* is a divided highway with full or partial control of access and generally with grade separations at major intersections. A *Parkway* is a highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park-like development. When a parkway enters town, it becomes a boulevard.
 - Frontage Road. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.
 - Half Street. One half of a required street right-of-way located adjacent to the perimeter of a subdivision for future combination with a half street in an adjacent existing or future subdivision.

- Lane. A narrow street providing access to single-family homes.
- Local Residential Street. Cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.
- Main Street. The principal street of a small town providing low-speed access to neighborhood, commercial, and high density residential areas.
- Major Thoroughfares. Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.
- Minor Collector Street. A road which provides services to small local communities and links with locally important traffic generators with their rural hinterland.
- Minor Thoroughfares. Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.
- Local Street. Any link not part of a higher-order urban system which serves primarily to provide direct access to abutting land and access to higher systems.
- Residential Collector Street. A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.
 1. Dead End Roads. These roads are open at one end only without special provisions for turning around and have collector characteristics. Dead end streets may be intended for extension to adjacent properties.
 2. Connecting Roads. The roads which serve as the connection road system between other roads within the subdivision and the thoroughfare system.
 3. Loop Roads. A road that has its beginning and ending points on the same route. It is more than a mile in length and has collector characteristics.
 4. Other Roads. These are other roads having "collector" type function in the thoroughfare system.
 5. Subdivision Access Road. This is a road built through vacant property to provide access to property being developed. This road would not have lots platted along it.
- Trail. A marked or established path or route which provides non-motorized access throughout a neighborhood.

(183) Street Line. The line between the street right-of-way and abutting property.

(184) Street Types.

- a. Public Street. A public right-of-way which affords access to abutting properties and when such rights-of-way are designated as public, it shall be presumed to be an offer of dedication to the public.
- b. Private Street. An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with NC General Statutes 136-102.6.

(185) Street Yard. The area of a parcel immediately adjacent to a street right-of-way and reserved for planting.

(186) Structure. Anything constructed or erected, the use of which requires location in or on the land or attachment to something having a permanent location in or on the land.

(187) Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders except for repair or replacement.

(188) Subdivider. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

(189) Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of these divisions is created for the purpose of sale or building development (whether immediate or future). It shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Part (the Planning and Zoning Board certification of exempt status must be indicated prominently on the approved plat so that it may be recorded with the Register of Deeds):

- 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 municipality as shown in its subdivision regulations. [GS 160A-376 (a)(1)]
- b. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved. [GS 160A-376 (a)(2)]
- c. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors. [GS 160A-376 (a)(3)]
- 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 municipality, as shown in its subdivision regulations. [GS 160A-376 (a)(4)]

- (190) Subdivision, Minor. One involving no new public or private streets or roads, where the entire tract to be subdivided is five acres or less in size, and where four or fewer lots result after the subdivision is completed, or a lot qualifying under the Family Membership Transfer exemption.
- (191) Substantial Damage. Damage 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 value of the structure. before the damage occurred. See definition of substantial improvement. Substantial damage also means 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 25 percent of the market value of the structure before the damage occurred.
- (192) Substantial Improvement. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the current 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 correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
 - any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (193) Substantially Improved Existing Manufactured Home Park. Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads which equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, construction, or improvement commenced.
- (194) Survey. A drawing showing metes and bounds property boundaries, and other measurable physical characteristics of a parcel of land, prepared and sealed by a registered surveyor.
- (195) Taproom or Tasting Room-An area maintained predominately for the purpose of tasting, selling and consumption of the alcohol beverages manufactured on the premises or at a production facility of an associated use, including the sale of take home containers such as kegs, bottles and cans as may be allowed under Federal, State and County law.
- (196) Telecommunication Tower. A tower facility, including, but not limited to, radio and television transmission towers or similar utilities, microwave towers, and mobile

telephone or radio towers. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes that are under 100 feet in height and that, at a height of fifty feet above the base, have a maximum horizontal measurement of eighteen inches nor shall it include any tower erected by a public authority for public safety or emergency service communication purposes.

(197) Telecommunications Facility. A communications tower or antenna and any associated accessory structures and equipment.

(198) Telephone Communication Facility, Unattended. A windowless structure containing electronic telephone equipment that does not require regular employee attendance for operating.

(199) Telephone Promotional Sweepstakes:

- (a) Each retail outlet shall have no more than four sweepstake machines in the retail outlet
- (b) Each retail outlet shall prominently post the rules of the sweepstakes promotion
- (c) Each retail outlet shall have available and prominently displayed “free play” applications
- (d) Establishments shall be in accordance with all North Carolina State requirements (reference Sandhill Amusements Preliminary Injunction from Wake County File NO. 09 CVS 5719)

(200) Tourist Home/Bed & Breakfast. Any dwelling occupied by the owner or operator in which rooms are rented to guests, for lodging of transients and travelers for compensation, and where food may be served.

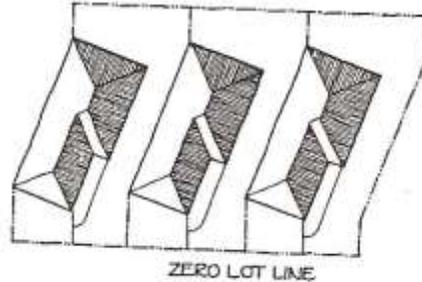
(201) Trailer. Any vehicle or structure originally designed to transport something or intended for human occupancy for short periods of time. Trailers shall include the following:

- (a) Travel Trailer. A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes, having a body width ten feet or less or body length 32 feet or less when equipped for road travel.
- (b) Recreational Vehicle. A self-propelled vehicle or portable structure mounted on such a vehicle designed as a temporary dwelling for travel, recreation, and vacation.
- (c) Camping Trailer. A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use.
- (d) Tow Trailer. A structure designed to be hauled by another vehicle and to transport vehicles, boats, or freight.

- (202) Tree. A woody plant, with one main stem, at least 12 feet tall, and having a distinct head in most cases.
- (203) Tree Removal. The cutting or removing of a tree.
- (204) Use. Any continuing or repetitive occupation or activity taking place upon a parcel of land or within a building including, but not limited to, residential, manufacturing, retailing, offices, public services, recreation, and educational.
- (205) Use, Principal. The purpose for which land or structures thereon are designed, arranged, or intended to be occupied or used; or for which it is occupied, maintained, rented, or leased.
- (206) Variance. A variance is a relaxation of the terms of the Unified Development Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant a literal enforcement of the code would result in unnecessary and undue hardship.
- (207) Vegetation. Trees, shrubs, and other ground cover.
- (208) Vegetation Plan. A required informational drawing, which accurately identifies size, location, and species of all landmark trees on a property and describing proposed land disturbing development activity.
- (209) Video Gaming Machine. A slot machine as defined in NC General Statutes 14-306.1(e).
- (210) Violation of Unified Development Ordinance. Failure of a structure, use, lot, situation, or other development to be fully compliant with the requirements of this Ordinance.
- (211) Visible. Capable of being seen without visual aid by a person of normal visual acuity.
- (212) Warehouse. A building where goods are stored before distribution to retailers or kept in reserve.
- (213) Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.
- (214) Yard, Front. A yard across the full width of the lot, extending from the front lot line of the building to the front line of the lot, including the area of steps, eaves, and uncovered porches, but not including the areas of covered porches.
- (215) Yard, Side. An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard or, where no rear yard is required, to the rear line of the lot.

(216) Yard, Rear. A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

(217) Zero Lot Line. The absence of any yard requirements.



(218) Zoning Compliance. A certification by the Administrator or his authorized agents that a course of action to use or occupy a tract of land or a building, or to erect, install or alter a structure, building or sign situated ~~in the~~ within the municipal limits or extraterritorial jurisdiction of the Town, fully meets the requirements of this Ordinance.

(219) Zoning Vested Right. A right pursuant to NC General Statutes 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.