

Article 7: Definitions and Measurement

7.1 RULES OF MEASUREMENT

Building Setback Lines

A line establishing the minimum allowable distance between the nearest portion of any building, including any uncovered porches, steps, eaves, gutters, as well as canopies, marquees, or awnings when measured perpendicularly to the property line.

Irregular Shapes

In cases where an irregular shape complicates the application of these standards, the UDO Administrator shall determine the applicable dimensional, setback, or bulk standards.

Lot

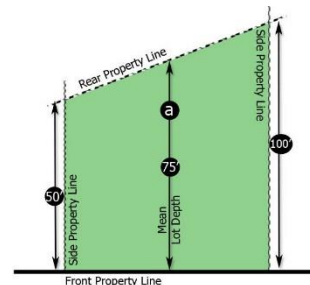
A parcel of land occupied or intended for occupancy by a principal building together with its accessory buildings; including the open space required under this ordinance. For the purpose of this chapter, the word lot shall be taken to mean any number of contiguous lots or portions thereof.

Lot, Corner

A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than 45 degrees and less than 135 degrees with each other.

Lot Depth

The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the rear lot line.



Lot Frontage

The length of that part of a zoned lot that fronts a public or private street.

Lot, Irregular Configuration

A lot which meets the required square footage but does not have a recognizable front yard, rear yard, or side yard, such as a triangular lot. The owner shall be required to specify same when requesting a building permit. The UDO Administrator will make a determination of which setback requirements will apply.

Lot Lines

The property lines established by survey defining a lot.

Lot, Ocean Front

For building setback and yard designation purposes, the front of the lot is that which faces the ocean; the back being that abutting Main Street.

Lot of Record

A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of the County or a lot described by metes and bounds, the description of which has been so recorded.

Lot Width

The width of a lot is the greater mean measured at right angles to its depth over as much of the lot depth as is needed to achieve the minimum required lot areas.

Rounding

All calculations that result in part of a whole number shall be rounded up to the next highest whole number, unless otherwise provided in this section or elsewhere in this ordinance.

Setback

The required distance between every structure and the lot lines of the lot on which it is located.

Setback, Front (A)

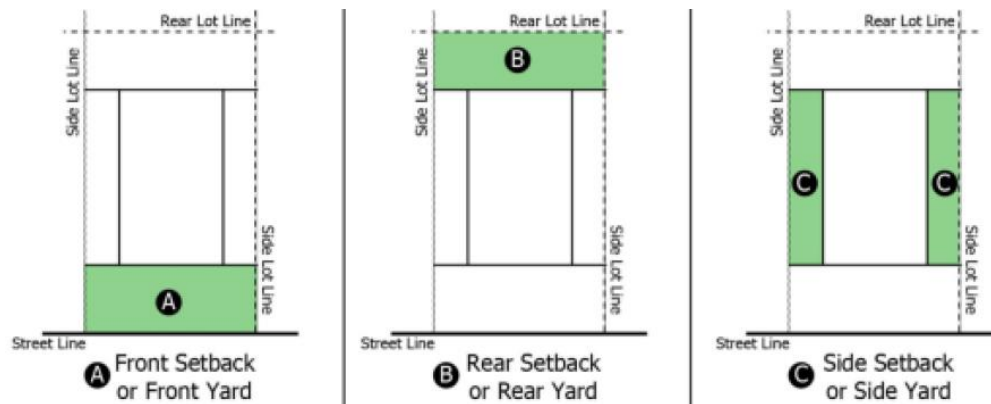
A setback across the full front width of the lot, extending from the front line of the footprint of the principal building to the lot line abutting the street right-of-way upon which the lot fronts. (Exception, see Lot, Ocean Front.)

Setback, Rear (B)

A setback extending across the full rear width of the lot between the rear line of the footprint of the principal building and the rear lot line.

Setback, Side (C)

- (1) An open unoccupied space on the same lot with a principal building situated between the side line of the footprint of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear setback.
- (2) If no front setback is required, the front boundary of the side setback shall be the front line of the lot; and if no rear setback is required, the rear boundary of the side setback shall be the rear line of the lot.



Straight Lines

Unless otherwise stated in this ordinance, distances specified in this ordinance are to be measured as the length of an imaginary straight line joining two points.

Through Lot

A lot other than a corner lot with frontage on more than one (1) street.

Yard

An open space on the same lot with a principal building as established by any required setback, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, front

A yard across the full front width of the lot, extending from the front line of the footprint of the principal building to the lot line abutting the street right-of-way upon which the lot fronts. (Exception, see Lot, Ocean Front.)

7.2 WORD INTERPRETATION

For the purposes of this ordinance, certain words, concepts, and ideas are defined herein. If a term used in this ordinance is not defined herein, the UDO Administrator is to interpret the term in accordance with professionally accepted sources.

- 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 words 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 words 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 "Council" shall include Town Council of Sunset Beach, North Carolina.
- N. The word "Administrator" shall mean the UDO Administrator or his/her designee.
- O. The words "Board" or "Planning Board" shall mean the Sunset Beach Planning Board.
- P. The word "town" shall mean the Town of Sunset Beach, a municipality of the State of North Carolina.
- Q. The words map, zoning map, and Sunset Beach Zoning Map shall mean the Official Zoning Map for the Town of Sunset Beach, North Carolina.

R. The words “Board of Adjustment” shall mean the Sunset Beach Board of Adjustment.

7.3 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. Specific definitions relating to floodplain development and wireless communication are included in Articles 5 and 6 of this ordinance, respectively.

Abutting

Having property or district lines in common. In accordance with NCGS 160D-602, for the purposes of notification, properties are abutting even if separated by a street, railroad, or other transportation corridor.

Access

A way of approaching and entering a property. Access also includes ingress, the right to enter and egress, the right to leave.

Accessory Dwelling Unit

A single-family housekeeping unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Accessory Structure

A subordinate building or structure detached from the principal building, but located on the same lot or parcel as the principal building, the use of which is incidental and accessory to that of the principal building. Any structure that is attached to the principal building by a conventionally framed and covered roof system and fully enclosed, with a minimum width of 5 feet, shall be considered part of the principal building and shall be required to comply with the dimensional requirements therefor.

Accessory Use

A use customarily incidental and subordinate to the principal use of building and located on the same lot with the principal use of building.

Adjacent/adjoining

A. The condition of two parcels of land having a common property line or boundary, including cases where two or more parcels of land adjoin at a corner, but not including cases where parcels of land are separated by a street or alley..

Administrative decision

Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this UDO. These are sometimes referred to as ministerial decisions or administrative determinations.

Adult establishment

Retail or service establishments as defined per NCGS 14-202.10 and/or those which are

characterized by an emphasis on sexual activity and/or specified anatomical areas, including, but not limited to:

- A. Any bookstore, video store or other establishment in which a substantial portion of its stock in trade is devoted to printed matter or visual representation of specified sexual activities or specified anatomical areas;
- B. Any movie theater offering movies or other displays or any establishments offering coin-operated devices, which emphasize specified sexual activities or specified anatomical areas;
- C. Any cabaret, club, tavern, theater or other establishment which offers entertainment emphasizing specified sexual activities or specified anatomical areas; or
- D. Any establishment offering massage or similar manipulation of the human body, unless such manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional licensed by the state.
- E. The term "adult entertainment" does not include massages or similar manipulation offered at an athletic club, health club, school, gymnasium, spa or similar establishments.

Air-Supported Structure

Any structure that derives its structural integrity from the use of internal pressurized air to inflate a pliable material (i.e. structural fabric) envelope, so that air is the main support of the structure, and where access is via airlocks.

Alley

A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

Apartment House

See Dwelling, Multi-family.

Appeal

A request for a review of the UDO Administrator's official determination of any provision of this ordinance.

Applicant

Individual or entity seeking an approval from the terms of this ordinance. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement..

Area, Net

The total area of a residential subdivision, excluding street right-of-ways and other publicly dedicated improvements such as stormwater detention and retention facilities.

Assisted living, nursing, and personal care facility

A facility, however named, which is advertised, announced, or maintained for the express or

implied purpose of providing nursing or convalescent care for three (3) or more persons unrelated to the licensee. A nursing facility 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 facility 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. The term nursing and personal care facility includes an assisted living residence and multiunit assisted housing with services as defined in NCGS 131D-2.1.

Automotive and marine establishments

Establishments engaged in vehicle sales (including motorcycles, RVs, boats, and other consumer motor vehicles), automotive rental, storage, towing, and major repair such as transmission, engine repair, bodywork, and repainting. Additional services or principal uses of such establishments may include car washes, fuel sales, EV charging, tire sales, lubricating, wheel alignment, glass and upholstery work, and inspections. Accessory retail use and EV charging is also permissible for these uses. Rental of maritime vessels shall not be included in this use. See maritime rental.

Awning

Any material that is supported by or stretched over a frame that is attached to an exterior wall.

Bedroom

In a dwelling, every room with a built-in closet shall be considered a bedroom, except bathrooms, kitchen, dining room, library/study, and great room or any combination of rooms, including the kitchen, dining room, and great room.

Best Management Practices (BMPs)

Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the storm drain system and waters of the United States. Best Management Practices (BMPs) include but are not limited to: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage, or leaks of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the County determines appropriate for the control of pollutants. Please refer to the Brunswick County's Stormwater Management Manual for further information and for specific BMP requirements.

Bona Fide Farm

A property that is located in the Town's extraterritorial jurisdiction that is used for bona fide farm purposes in accordance with NCGS 160D-903(a) and is exempt from zoning regulation to the same extent bona fide farming activities are exempt from county zoning pursuant to NCGS 160D-903.

Bottle shop or wine bar

An establishment primarily devoted to the sale of alcoholic beverages for on-site or off-site consumption, where the sale of food is incidental or does not take place. Sale of spirituous liquor or alcohol of 42 or higher proof shall not be permitted.

Buffer

A strip of land together with the landscaping and screening required thereon separating and partially or completely obstructing the view of two (2) adjacent land uses or properties from one another. Buffers are meant to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; to reduce the amount of impervious surfaces; to reduce storm water runoff; to provide shade; and to establish a sense of privacy.

Building

See “Building, Principal” and “Structure”.

Building Footprint

- (1) The greatest exterior dimension of the structure, including porches, decks, stairways, eaves, gutters and similar fixtures, when extended to ground level.
- (2) Any subsequent alteration to the footprint of a structure may be made providing it does not encroach into any required setback.
- (3) In a residential district, temporary ramping to an existing structure needed for handicapped access may be excluded from the footprint with the approval of the Building Inspector.

Building, Principal

A building in which the principal use of the lot on which the building is situated is conducted. The term principal structure may also apply.

Canopy

A structure, enclosure, or shelter constructed of fabric or pliable materials supported by any manner, except by air or the content it protects, and is open without sidewalls or drops on seventy-five percent (75%) or more of the perimeter.

Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbariums, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of such cemetery. No crematorium shall be permitted.

Clean Water Act

The Federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.

Crematorium

A location containing properly installed, certified apparatus intended for use in the act of cremation.

Commercial Recreation, indoor

A commercial use that is typically indoors and that provides recreational, amusement, and entertainment opportunities. Examples include billiards, bowling, dinner theaters, fortune tellers, skating rinks, and coin-operated games. No amusement device shall contain any

automatic payoff device for the return of money, trade, token, or slug and no provisions whatever shall be made for the return of money to the player. However, this shall not be construed as to prohibit the awarding of free play of the game or device.

Commercial Recreation, outdoor

A commercial facility that is typically outdoors and that provides entertainment, recreational, and amusement opportunities. Examples include water parks, mazes, and miniature golf.

Community center, private

To include but not be limited to beach clubs, cabana clubs, property owners association facilities, and similar type uses. A building or facility owned or operated by an incorporated, unincorporated, chartered association, or an individual or individuals nominated by such entities for the purpose of engaging in social, civic, educational, recreational, cultural, or similar activities; but not for profit or to render a service that is customarily carried on as a business for the benefit of its members.

Community center, public

A building for the town's educational and recreational activities.

Congregate

Providing or being group services or facilities designed for elderly persons or those with hardships requiring supportive services and housing.

Congregate Care Facility

A licensed multi-unit facility which provides housing, part-time medical care, shared food preparation and dining areas, and recreational facilities, as well as significant social facilities to meet the needs of the elderly and handicapped.

Continuing Care Community

An area of land including one (1) or more buildings under unified management planned and developed as a unit to provide for the traditional residency and care of the elderly or handicapped in a full range of living and care arrangements which includes at least two (2) of the following: independent living and care, congregate care, and/or nursing care institutions.

Copy

The characters, letters, or illustrations displayed on a sign face.

County

Brunswick County, North Carolina.

Critical Root Zone

The critical root zone is defined as the ground area around a tree trunk with a radius (in feet) that is twice the diameter of the tree (in inches) measured at breast height.

Day Care Facilities (child and adult)

Any child care arrangement which provides day care on a regular basis for more than four (4) hours per day for more than five (5) 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 State Department of Public Instruction, which regularly and exclusively provides 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. Adult day care facilities includes group care and supervision 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 (3) people or less; (2) those that care for two (2) 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.

Design Storm

The specific frequency and, if necessary, duration of the rainfall event to be used in design to meet the criteria established in the Storm Water Management Manual.

Determination

A written, final, and binding order, requirement, or determination regarding an administrative decision of the UDO Administrator. Such determinations shall be provided to interested parties in accordance with NCGS 160D-403(b).

Development

Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil. This also involves any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Approval

An administrative or quasi-judicial approval made pursuant to this UDO that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, and variances. The term also includes all other regulatory approvals required by regulations adopted pursuant to this UDO, including plat approvals, permits issued, development agreements entered into, and building permits issued. Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to this UDO attach to and run with the land. Town-issued development approval permits expire one (1) year after issuance unless work authorized by the permit has substantially commenced.

Development Regulation

A unified development ordinance, zoning regulation, subdivision regulation, floodplain or flood damage prevention regulation, stormwater control regulation, wireless telecommunication facility regulation, building code regulation, or any other regulation adopted pursuant to this UDO.

Diameter at Breast Height (DBH)

The diameter or width of the main stem of a tree as measured 4.5 feet above the natural

grade at its base. Whenever a branch, limb, defect or abnormal swelling of the trunk occurs at this height, the DBH shall be measured at the nearest point above or below 4.5 feet at which a normal diameter occurs. Trees consisting of two (2) or more stems in which the fork is below DBH are considered as separate trees and the diameter is measured for each stem separately. If a fork occurs exactly at DBH, the diameter measurement is taken immediately below the enlargement caused by the fork.

Dock

A structure that extends along shore or outwards from the shore into a body of water that allows access or views to the water or to moored boats or watercraft.

Drainage Structures

Shall include swales, channels, storm sewers, curb inlets, yard inlets, culverts, and other structures designed to convey stormwater.

Dry cleaning and laundry

An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and cleaned by and for nonresidential establishments.

Dune Walkover

An accessway constructed to CAMA standards and must be for public access to an ocean beach.

Duplex

See Dwelling, Two-Family.

Dwelling

A building or portion thereof designed, arranged, or used for permanent living quarters for one (1) or more families. The term dwelling shall not be deemed to include a motel, hotel, tourist home or other such structures designed for transient residence.

Dwelling, Condominium

An individual ownership of a unit in a multi-unit structure (as an apartment building) or on land owned in common.

Dwelling, Multi-family

Three (3) or more attached units on a single parcel which may share means of egress and ingress and other facilities.

Dwelling, Single-family

A detached building consisting of one (1) dwelling unit, with the following characteristics:

- (1) One (1) water connection and one (1) power connection;
- (2) Served by one (1) sanitary sewer connection; and
- (3) One (1) cooking facility.

Dwelling, Townhouse (townhome)

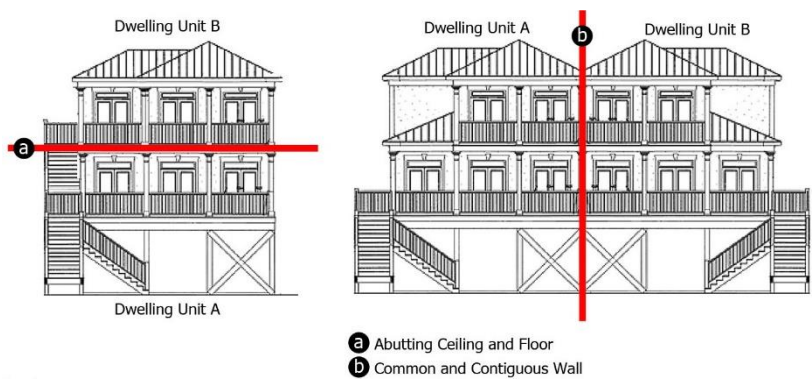
A principal structure containing three (3) or more single-family attached dwelling units with each unit on its own individual lot. No individual unit shall be required to meet the yard and setback provisions of this UDO. Townhouse dwellings may be subject to subdivision for the creation of a zero lot line structure. Townhouse units shall only be divided vertically.

Dwelling, Triplex

A detached building, designed for three (3) single-family dwelling units, divided horizontally or vertically and designed for or occupied by three (3) single-family housekeeping units, contained entirely under one roof and having one (1) dividing partition common to each unit or having the ceiling structure of the lower units the floor structure of the unit above.

Dwelling, Two-Family or Duplex

A detached building, designed for two (2) single-family dwelling units, divided horizontally or vertically and designed for or occupied by two (2) single-family housekeeping units, contained entirely under one (1) roof and having one (1) dividing partition common to each unit



or having the ceiling structure of the lower unit the floor structure of the unit above. Duplex dwellings may be subject to subdivision for the creation of a zero lot line structure.

Easement

Authorization by a property owner for the use of land by another for a specific purpose. No transfer of ownership is involved. Although land located within an easement is generally consumed into the property of an individual lot owner, the easement shall remain free of structures or any above ground level improvements in order to allow personnel from the appropriate agencies unobstructed access in order to maintain the easement for its specified purpose.

Eating establishment

Use types that prepare and sell food and beverages for immediate or direct on- or off-premise consumption. Examples include restaurants with indoor and outdoor seating, restaurants with drive-through service, bars, and specialty eating establishments (ice cream parlors, bakery shops, dessert shops, juice or coffee shops). Accessory uses may include a bar or cocktail lounge associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.

Electronic Gaming Operation

A business enterprise, whether principal or accessory, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not value of such distribution is determined by electronic games played or by predetermined odds (as allowed by State law). Such businesses or enterprises have as a part of its operation the running of one or more games or processes with any of the following characteristics: (1) payment, directly or as an intended addition to the purchase of a product, whereby the customer receives one or more electronic sweepstakes tickets, cards, tokens or similar items entitling or empowering the customer to enter a sweepstakes, and without which item the customer would be unable to enter the sweepstakes; or, (2) payment, directly or an intended addition to the purchase of a product, whereby the customer can request a no purchase necessary free entry of one or more sweepstakes tickets or other item entitling the customer to enter a sweepstakes. The term electronic gaming operations includes, but is not limited to, cyber-gaming establishments, internet cafes, internet sweepstakes, beach sweepstakes, video sweepstakes or cyber-cafes, who have a finite pool of winners. This does not include any lottery endorsed or permitted by the State of North Carolina.

Essential site improvements

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

EV charging

A charging station, also known as a charge point or electric vehicle (EV) supply equipment, is a power supply device that supplies electrical power for recharging plug-in electric vehicles.

Evidentiary Hearing

A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this UDO.

Family

One (1) or more persons related by blood, marriage, or adoption living together as a single housekeeping unit or domestic partnership and having a recognized head of household. For the purpose of this ordinance, such persons may include gratuitous guests, contributing roommates, and domestic servants employed on the same premises.

Family care home

A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six (6) resident persons with disabilities as defined in NCGS 160D-907.

Fence

Any constructed barrier erected along a property line or erected within any setback requirement.

Festoon

Adorn (a place) with ribbons, garlands, or other decorations.

Festoon Lighting

Lighting by festoons of electric lamps wired to a flexible cable.

Feather Flag

A vertical portable sign that contains a harpoon-style single pole or staff driven into the ground for support or supported by means of an individual stand. (See Example.)



Finished Ground Level

Considered to be the average finished elevation of the lot measured at the front of the building, or at the rear of the building on ocean front lots, before landscaping and fill.

Floor Area, Gross

The total floor area enclosed within a building.

Floor Area (for determining off-street parking)

The term "floor area" means the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including outdoor seating or retail areas. Where multiple uses occupy a structure each applicable parking ratio shall apply. However, the term "floor area," for the purposes of measurement for off-street parking spaces, shall not include floor area devoted to primarily storage purposes (except for those uses principally involved in the storage of goods).

Food Truck

A motorized or trailered vehicle with power available, refrigeration, food preparation facilities, and usually room for two (2) to four (4) employees. Food trucks shall be permitted in accord with special event permits issued by the town.

Golf Course

An outdoor recreation facility, public or private, which may consist of different course types and has a minimum of nine (9) holes consisting of a minimum of 2,000 yards of play. A golf course may provide additional services customarily furnished such as a driving range, swimming pool, outdoor recreation, and related retail sales that may include a restaurant and clubhouse. Miniature golf courses shall not be considered golf courses for the purposes of this ordinance .

Golf, driving range

An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and proshop, but excludes miniature golf courses.

Ground Level

The mean elevation at the front of the building or at the rear of the building on ocean front lots.

Greensward

An open space that will run parallel to the front property setback line abutting any street right-of-way.

Handicapped Person

A person with a physical or mental impairment which substantially limits one (1) or more of such person's life activities; a record of having such impairment; or being regarded as having such an impairment. This definition does not include current illegal use of or addiction to a controlled substance. This definition includes children, but does not include persons who are dangerous to others as defined by NCGS 122C-3.11 (b).

Hazardous Materials

Any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Health Services

This use type provides medical or surgical care and treatment to patients as well as laboratory services. Accessory uses may include offices, laboratories, laundry facilities, teaching facilities, and meeting areas. Hospitals are not included.

Height, Building/Structure

As applied to a building, means the vertical distance from finished ground level to the highest part of the building or any structure attached to the building excluding chimneys, flag poles, antennas, church spires, and necessary mechanical devices.

Highest Adjacent Grade (HAG)

The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Home Occupation

Any occupation or profession carried on entirely within a dwelling by one (1) or more occupants thereof, providing that such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that not more than twenty-five percent (25%) of the total floor area as depicted on the tax record is used for such purposes, that there is no outside or window display, that no merchandise or commodity is sold on the premises, that no mechanical or electrical equipment is installed or used other than is normally used for domestic, professional, or hobby purposes, or for infrequent consultation or emergency treatment and providing that no person not a resident of the dwelling is employed in connection with the home occupation.

Hot Tub

A structure intended for recreational bathing with the capacity for using aerated water, in which all controls, water-heating and water circulating equipment an integral part of the structure or product (also called "Jacuzzi").

Hotel or motel

Any building or establishment operated or intended as a place where sleeping accommodations are provided for pay for the use of transient guests or tenants. Dining rooms and club rooms, principally used for the accommodation of the house guests, may be operated in connection with any hotel if located within the hotel premises. Motels may include one (1) or more buildings containing sleeping units with individual access to the outside.

Illegal Discharge

Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, or other discharge of any substance other than stormwater into a stormwater conveyance system, the waters of the State, or upon the land such that the substance is likely to reach a stormwater conveyance system or waters of the State constitutes an illegal discharge, except as exempted in this ordinance.

Illicit Connections

An illicit connection is defined as either of the following:

- A. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the County.

Impervious Surface

Any surface which in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but not be limited to compacted earth (such as marl and coquina), gravel, concrete, concrete pavers, asphalt, or other paving material, and all areas covered by the footprint of buildings or structures. The following are considered pervious surfaces: uncovered wooden slatted decks; the water area of a swimming pool; a surface of number 57 stone, as designated by ASTM International, laid at least four inches thick over a geotextile fabric (needle punched, non-woven, high survivability, with a puncture strength of 250 newtons); or a trail as defined in GS 143B-135.94B that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour). Alternative materials, not subject to the definition of impervious surface, may be proposed subject to certification of a licensed and certified North Carolina professional engineer of compliance with the hydraulic conductivity standard of 1.41 inches per hour or greater. Such certification shall be in the form of a letter under seal.

Intermittent Streams

A natural drainage way which shows up as a blue line on the USGS 7.5-minute quadrangle maps and has a contributing drainage area of three hundred (300) acres or less shall be considered an intermittent stream for the purposes of this ordinance.

Joint Access Driveways

The use of joint access points/driveways to serve adjacent parcels abutting thoroughfares.

Land Disturbing Activities

The use of land by any person that results in a change in the natural cover or topography that may contribute to or alter the quantity and/or quality of stormwater runoff.

Landscaping

Includes trees, shrubbery, grass, ground covers, and privacy fencing which may be considered to buffer utility areas.

Large-scale rezoning

A zoning map amendment that proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners.

Laundromat

A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

Legislative Decision

The adoption, amendment, or repeal of a regulation under this UDO, which shall include any text or map amendment (rezoning). The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of NCGS.

Livestock

Mules, cattle, swine, goats, sheep, poultry, and like-kind animals.

Loading Space, Off-street

Space logically and conveniently located for bulk pickups and deliveries. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lowest Adjacent Grade (LAG)

The lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Mail services

A commercial business which conducts the retail sale of stationery, shipping materials, provides packaging and mail services (both U.S. Postal and private service), and/or provides mailboxes for lease.

Manufacturing, artisan

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

Manufactured Home

- A. A residential dwelling unit that:
 - 1. is not constructed in accordance with the standards set forth in State Building Code;
 - 2. is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the lot on its own chassis; and
 - 3. Exceeds forty (40) feet in length and eight (8) feet in width.
- B. A manufactured home may also be referred to as a Mobile Home.
- C. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

Manufacturing, limited

Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: printing and related support activities; machinery manufacturing; computer and electronic product manufacturing; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments.

Marina

Any waterfront structure or development commercially providing permanent or temporary harboring or storing for two (2) or more boats (pleasure and/or commercial) and/or providing marina sales including but not limited to retail sales for fuel, minor repairs, convenient foodstuffs, boats, engines, and accessories. Marina includes dry stack boat storage facilities with vertical storage of boats in a rack system, to be accessed by a high-capacity forklift and stashed on a rack, ready for quick retrieval.

Maritime rental

Uses involved in the rental, service, and repair of watercraft and maritime trailering devices.

Marquee

A permanent structure other than roof attached to, supported by, and projecting from a building and providing protection from natural elements.

Master development plan

A plan prepared to depict the uses, development density, generalized site characteristics, and character of a proposed conditional zoning district.

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.

Microbrewery

A microbrewery as permitted by NCGS 18B-1104 is an enterprise which engages in one or

more of the following: (1) Manufacture, purchase, import, possess and transport ingredients and equipment used in the manufacturing of malt beverages; (2) Sell, deliver and ship malt beverages in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at wholesale or retail to private or public agencies or establishments of other states or nations; (3) Provides its products to its employees and guests for consumption on its premises.

Microdistillery

A distillery as permitted by NCGS 18B-1105 is an enterprise which engages in one or more of the following: (1) Manufacture, purchase, import, possess and transport ingredients and equipment used in the distillation of spirituous liquor; (2) Sell, deliver and ship spirituous liquor in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at wholesale or retail to private or public agencies or establishments of other states or nations; (3) Transport into or out of the distillery the maximum amount of liquor allowed under federal law, if the transportation is related to the distilling process.

Modular Homes

A manufactured building designed to be used as a single-family, duplex, townhouse, or multi-family dwelling or dwellings. For the purposes of this ordinance, modular homes shall be considered as a residential dwelling and subject to the appropriate North Carolina Building Code for the number of dwelling units within the structure in addition to the permitted uses allowed for such building.

Monopole

A tower supported by a single pole structure whose principal function is to support an antenna.

Natural ground level

The existing grade or elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, filling, or excavating.

Nonconforming building

Any building or structure which does not conform to the dimensional requirements of this ordinance for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments which may be incorporated into this ordinance.

Nonconforming Lot

A lot existing at the effective date of this ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this ordinance) that cannot meet the minimum area or lot width or depth requirements of the district in which the lot is located.

Nonconforming Use

The use of a building 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 into this ordinance.

Nonresidential use or district

When referring to a use, it shall be those uses in the “nonresidential” section of the Table of uses. When referring to a zoning district or “district,” it shall be the following zoning districts: MB-1, MB-2, BB-1, RI-1, and MUD.

Office, General

Use types that provide for activities that are conducted in an office setting and generally focus on business, professional, or financial services. Examples include offices for conducting the affairs of a general business establishment, financial services or sales of real estate or other personal property, stock brokerage, investment services, offices for lawyers, accountants, engineers, and similar professions. Accessory uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, or other amenities primarily for the use of employees in the office.

Open Space

An area (land and/or water) generally lacking in manmade structures, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources, or (2) protect streams or water supplies, or (3) promote conservation of soils, wetlands, beaches or tidal marshes, or (4) enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, or sanctuaries, or (5) enhance recreational opportunities.

Outdoor Display

The placement of products or materials for sale or rent outside the entrance of a retail establishment.

Outdoor Storage

The keeping, in an unroofed area, of any goods, junk, material, or merchandise in the same place for more than 24 hours.

Outparcel Establishments

Any establishment located on the premises of a shopping center that is not physically attached to the main shopping center structure.

Parks and recreation facilities

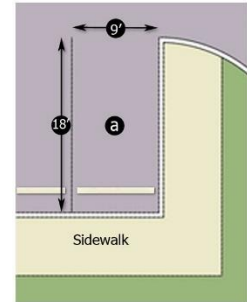
A facility used for recreation or exercise, or a land area intended to enhance enjoyment of natural features, specifically excluding commercially recreation, golf courses, and other defined recreational uses. Parks and recreation facilities are largely devoted to natural areas or outdoor recreation and that tend to have few structures. Example use types include botanical gardens, parks, community gardens, and public recreational facilities. Accessory uses may include club houses, recreational structures, statuary, fountains, maintenance facilities, concessions, parking, and boardwalks.

Parking Lot

An area or plot of land used for the temporary parking of vehicles. Parking lots used as a principal use shall be subject to the use standards provided in Section 3.8.

Parking Space

The storage space for one (1) automobile, plus the necessary access space. Off-street parking spaces shall always be located outside the dedicated street right-of-way. Each parking space shall have the minimum dimensions of nine (9) by eighteen (18) feet.



Personal service establishment

Use types related to the provision of services or product repair for consumers. Personal services use types meet frequent or recurrent service needs of a personal nature, including the repair of small personal items such as shoes, watches, jewelry, and clothing. Examples include banks, credit unions, print shops, massage therapy and day spas, gymnasiums, fitness centers, photography studios, photocopy services, barber/beauty shops, and tanning and nail salons.

Pier, Private

A pier or dock used for the purposes of crabbing, fishing, boating and observation. Private piers are not to be utilized for the general public and are typically associated with a residential dwelling or POA/HOA

Pier, public

A pier, dock, or wharf used by the general public, for fishing, visitation, and similar activities, but not for boating. Customary accessory uses may include food services, alcohol sales, restrooms, and other similar activities which support coastal tourism and fishing.

Planning Board

The public advisory committee in a community usually empowered to prepare a Comprehensive Plan and to evaluate proposed changes in land use, modifications to the text and map of this ordinance, and other duties as determined by the Town Council.

Plat

A map showing the location, boundaries, and ownership of individual properties.

Plat, Final

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

Plat, Preliminary

A plat prepared in accordance with the requirements of this ordinance, drawn to scale, which delineates the proposed subdivision in sufficient detail including but not limited to, street right-of-ways and lot layout. The preliminary plat precedes the final plat preparation.

Premises

Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Primary Dune

The first dune located landward of the ocean beaches having an elevation equal to the mean flood level for the area plus six (6) feet. The primary dune extends landward to the lowest elevation in the depression behind the same mound of sand which is commonly referred to as the dune trough.

Primary Frontal Dune

A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and over-topping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Quasi-judicial decision

A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, and appeals of administrative determinations.

Recreational Vehicle (RV)

A vehicle, which is:

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

Register of Deeds

The words "register of deeds" shall mean the Register of Deeds for Brunswick County, North Carolina.

Regulations

The word "regulations" shall mean the regulations of the Town of Sunset Beach Unified Development Ordinance, and shall include the word "Ordinance."

Religious institution

A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Residential use or district

When referring to a use, it shall be those uses in the "residential" section of the Table of uses. When referring to a zoning district or "district," it shall be the following zoning districts: MR-1, MR-2, MR-2A, MR-3, MH-1, MH-2, CR-1, CR-2, BR-1, BR-2, and AF-1.

Retail sales

Use types involved in the sale or lease of new or used products to the general public. Accessory uses may include offices, display of goods, limited assembly, processing, or repackaging of goods for on-site sale. Retail sales does not include the following:

- A. Repair and service establishments, including automotive related uses.
- B. Bars, nightclubs, restaurants, and similar eating establishments.
- C. An establishment that provides financial, professional, or business services in an office setting.
- D. An establishment that involves the sale, distribution, or presentation of materials or activities emphasizing sexually explicit content.

Retail Sales, Major

A retail sales establishment that has more than 5,000 square feet of gross floor area.

Retail Sales, Minor

A retail sales establishment that is not greater than 5,000 square feet in gross floor area or bulk.

Riparian Buffer

An area of trees, shrubs, or other vegetation that is adjacent to a natural drainage way. Riparian buffers reduce the impact of upland sources by trapping, filtering, and converting nutrients, sediments, and other chemicals, and maintain the integrity of the natural drainage way. For the purposes of this Ordinance, surface water shall be present if the feature is approximately shown on the most recent version of the 1:24,000 (7.5 min.) quadrangle topographic maps prepared by the United States Geological Survey (UGSG) or on the latest version of the Brunswick County Soil Map as prepared by the U.S. Department of Agriculture Natural Resource Conservation Service (NRCS).

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.

Sand Dunes

Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Self-service Ice Vending Machine

A stand-alone ice production machine that may operate without full time service personnel. These units are activated by the insertion of money, credit cards, check cards, token, or similar means; ice is bagged automatically or dispensed in bulk outside to the consumer. Such vending machines and similar detached accessory uses are larger in scale and footprint than an outdoor vending machine, which is typically accessible to a pedestrian rather than a vehicle.

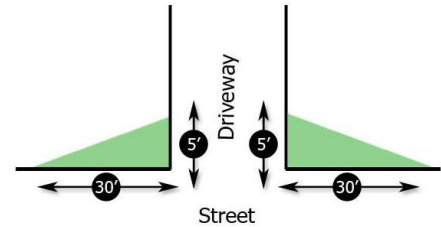
Shopping Center

A commercial development consisting of retail and public commercial uses which consists three (3) or more establishments planned as an integrated development.

Sight Visibility Triangle

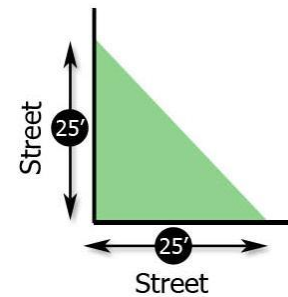
(1) The land adjoining a street intersection or egress to a street from off-street parking areas that is kept clear of obstructions to protect the visibility and safety of motorists and pedestrians.

(2) At all points of egress from off-street parking areas to a road, unobstructed visibility shall be maintained at an elevation of between three (3) and seven (7) feet of the center line pavement level, within the two (2) areas formed by two (2) right angle triangles, on the sides of the driveway. Each triangle shall have a base measuring five (5) feet along the edge of the driveway and a length measuring 30 feet along the edge of the road right-of-way.



(3) At the corners of road intersections, unobstructed visibility shall be maintained at an elevation between three (3) and seven (7) feet of the center line pavement level within an area required by the regulations adopted by the Department of Transportation of North Carolina in Subdivision Roads: Minimum Construction Standards, May 1, 1983, and any subsequent amendments thereto.

(4) Only applicable to town streets.



Sign

Any words, lettering, figures, numerals, emblems, devices, trademarks or trade names, or combination thereof, by which anything is made known as the designation of an individual firm, corporation, profession, business, commodity or product, and which is designed to attract attention or convey a message.

Sign, Abandoned

A permitted sign which was erected on property in conjunction with a particular use which use has been discontinued for a period of 180 days or more or a permitted temporary sign for which the permit has expired.

Sign, Awning

A sign placed directly on the surface of an awning.

Sign, Banner

A sign that is mounted on or attached to a nonrigid surface such as cloth, fabric, or paper.

Sign, blade

A small, pedestrian-oriented sign that projects perpendicular from a structure (blade sign) or is hung beneath a canopy .

Sign, Business

A sign which directs attention to a business, profession, commodity, service, or entertainment sold or offered upon the premises where the sign is located or to which it is attached.

Sign, Canopy

A sign attached to a canopy.

Sign, Changeable Copy

A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Sign, Dilapidated

Any sign which is structurally unsound, has defective parts, or is in need of painting or maintenance.

Sign, Directional

A sign that provides directional assistance for the convenience of the public such as location of exits, entrances, and parking lots for on-site directional signs and also the location of public services, major attractions, and privately-owned outdoor recreational areas that are nationally or regionally known and of outstanding interest to the traveling public for off-site directional signs.

Sign, Directory

A sign which displays the names and/or addresses of the establishments or uses of a building or group of buildings.

Sign, Electronic Message Center

A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

Sign, Free-standing

The general term for any sign which is supported from the ground and not attached to a building.

Sign, Illegal

Any sign erected or maintained in violation of this ordinance or erected, altered, removed, or replaced in violation of this Ordinance.

Sign, Illuminated

A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

Sign, Inflatable Advertising Billboards

An inflatable device designed for advertising an activity, business, product, or service whether attached directly to the floating device or flying overhead, i.e., banner.

Sign, Inflatable Floating Advertising Billboard

Advertising displayed on billboards that float, travel atop a vessel, or are towed on any body of water within the town jurisdiction for the purpose of advertising an activity, business, product, or service whether attached directly to the device or flying overhead, i.e., banner.

Sign, Legal Nonconforming

A sign that met all legal requirements when constructed, but that is not in compliance with this Ordinance. An illegal sign is not a legal nonconforming sign.

Sign, Marquee

A sign attached to and made part of a marquee or any other similar projection from a building.

Sign, Mobile

A sign attached to, mounted, pasted, painted, or drawn on any vehicle, whether motorized or drawn, that is placed, parked, or maintained at one particular location for the express purpose and intent of promotion or conveying an advertising message.

Sign, Monument

A freestanding sign with a base affixed to the ground.

Sign, Multi-Face

A sign that has three (3) or more sides.

Sign, Nonconforming

See Legal Nonconforming Sign.

Sign, Off-Premises or Off-Premises Advertising

Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the Federal, State, County, or Town government or their public agencies. (Excepted also from this definition are certain other private directional signs described elsewhere in this Ordinance.)

Sign, On-Premises

Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is located on the premises upon which the sign is located.

Sign, Pole

A freestanding sign which is supported from the ground by a pole or poles or which has a base less than two-thirds (2/3) the horizontal length of the sign. Such signs shall be prohibited as the primary signage for any non-residential use.

Sign, Political

Any sign that advocates for political action and is installed in accordance with an election cycle. The term does not include a commercial sign.

Sign, Portable

Any sign that is not permanently affixed to a building, structure or the ground or designed to be permanently affixed to a building, structure, or the ground.

Sign, Projecting

A sign which is supported by an exterior wall of a building and which is displayed perpendicular to the face of the building.

Sign, real estate

A temporary sign that relates to the sale, lease, or rental of property or buildings, or to construction activities on a site.

Sign, Sidewalk or Sandwich

A movable sign not secured or attached to the ground or any building or structure. Such signs may be referred to as "A-Frame" signs.

Sign, Snipe

An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

Sign, Swinging

A sign installed on an arm, mast, or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

Sign, Temporary

A sign that is displayed only for a specified period of time not to exceed six (6) months.

Sign, Wall

A sign painted on or attached to a wall of a building and parallel to the wall.

Sign, Window/Display

Any sign and/or display which is painted on, applied to, or projected upon or within the exterior or interior of a building glass area, including doors.

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, reserved open space, buildings,

major landscape features, both natural and man-made and, depending on requirements, the location of proposed utility lines.

Site Plan, Major

A plan for nonresidential development whereby 10,000 square feet or more of impervious surfaces are proposed; or all other development not subject to minor site plan approval.

Site Plan, Minor

A plan prepared for single-family residential uses and duplexes consisting of two (2) or fewer dwelling units or for renovation/rehabilitation projects that will modify an existing structure's footprint. A minor site plan is not required for changes of use whereby no increase in impervious square footage or an enlargement in an existing structure's footprint is proposed. Nonresidential development projects whereby less than 10,000 square feet of impervious surfaces are proposed and accessory structures, construction/installation of fences/walls, piers, docks, decks, stairs, signs, and driveways must prepare a minor site plan.

Site Specific Vesting Plan

A site-specific vesting plan consists of a plan submitted to the Town in which the applicant requests vesting pursuant to this UDO and in accordance with the required procedure for approval, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property.

Special event

Circuses, fairs, carnivals, festivals, or other types of special events that: may run in accord with the terms of this ordinance; are intended to or likely to attract substantial crowds; and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Sign District

Areas of the Town requiring special sign approval through the Planning Board due to unique circumstances.

Special Use Permit

A permit issued by the Board of Adjustment authorizing the development of a special use of a parcel, site, or lot for the purpose of this ordinance.

Specified Anatomical Areas

Less than completely and opaquely covered human genitals; pubic regions, buttocks, and female breasts below a point immediately above the top of the aureole.

Specified Sexual Activities

- A. Human genitals in a state of stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse, sodomy; or
- C. Fondling of other erotic genitals, pubic regions, buttocks, or female breasts.

Storage facility, Self-Service

A building or group of buildings consisting of individual, self-contained units leased to

individuals, organizations, or businesses for self-service storage of personal property.

Structure, Principal

See building, principal.

Structure, Accessory

See accessory structure.

Stormwater discharge permits

General, group, and individual stormwater discharge permits that regulate facilities defined in Federal NPDES regulations pursuant to the Clean Water Act.

Storm Drain System

Publicly- and privately-owned facilities operated by the County by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the County and are not part of a publicly-owned treatment works as defined in 40 CFR Section 122.2.

Stormwater

Any surface flow, runoff, and drainage consisting entirely of water from rainstorm events.

Stormwater Administrator

The person designated by the County Manager of Brunswick County to have authority to review and approve Stormwater Permits and stormwater management plans. The Stormwater Administrator shall also be responsible for inspecting development and making sure the provisions of the stormwater ordinance are being followed.

Stormwater Facilities

Shall include devices designed specifically to detain or retain stormwater for water quantity or water quality control. These devices shall not include those drainage structures that provide incidental water quantity or water quality control. These devices include but are not limited to wet ponds, dry ponds, bioretention areas, filter strips, or infiltration trenches.

Stormwater Management Manual

The manual of design, performance, and review criteria adopted by Brunswick County Board of Commissioners for the administration of the Stormwater Program.

Street

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

- A. Private Street: A right-of-way for vehicular traffic which is constructed to acceptable public street standards and dedicated to a select portion of the public. This responsibility for the maintenance of a private street shall be borne by an established owners' association or other owner through recorded legal agreements.
- B. Public Street: A right-of-way for vehicular traffic dedicated and accepted for maintenance for public use.

- C. Frontage road: A local street auxiliary to and located on the side of an arterial to provide:
 - 1. Service to the abutting property and adjacent areas; and
 - 2. Control of access.
- D. Cul-de-sac: A local street or section of local street closed at one end with a turnaround area provided.
- E. Alley: A local street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Structural Alterations

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

Structure

Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

Structure, Accessory

See accessory structure.

Structure, Principal

See building, principal.

Subdivision

All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale, or building development (whether immediate or future) and 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 of this Ordinance. However, any document or plat to be recorded pursuant to such exclusions shall have the notation of "no approval required" and the signature of the UDO Administrator before filing with the office of the Register of Deeds:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this chapter and the applicable zoning regulations.
- (2) The division of land into parcels greater than ten (10) acres where no street right-of-ways dedication is involved
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets.
- (4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance and the applicable zoning regulations.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

Subdivision, Major

The division of a tract of land into 20 or more lots.

Subdivision, Minor

The division of a tract of land into 19 or fewer lots, regardless of right-of-way dedication or utility extension.

Subdivision, Minor Expedited

The division of one existing parcel of land under single ownership that is not exempt per G.S. 160D-802(a); (1) where no part of the tract or parcel to be divided has been divided in the 10 years prior to the proposed division; (2) the entire area of the tract or parcel to be divided is greater than 5 acres; (3) after division, no more than three lots result from the division and all resultant lots comply with all lot dimension size requirements of the applicable zoning district and the use of the lots is in conformity with the applicable zoning district; and (4) a permanent means of ingress and egress is recorded for each.

Swimming Pools

Any tank or pool created by artificial means and designed for the purpose of containing a body of water offering the possibility of use for swimming, bathing, or total body immersion and any portion of which exceeds 24 inches in depth and which pool or tank is not readily portable in design or construction.

Telecommunication Tower

A structure designed to support antennas used to provide commercial mobile radio services or other personal wireless service (such as cellular telephone communications, personal communication service (PCS), paging, specialized mobile radio (SMR), and marine radio), excluding satellite dish antennas, amateur, ham radio antennas, or public safety service antennas.

Temporary housing

Nonpermanent facilities for displaced as a result of a natural or man-made disaster or a publicly sponsored redevelopment or rehabilitation project in a neighborhood or area.

Temporary real estate office

A dwelling unit temporarily used for display purposes as an example of the dwelling units available or to be available for sale within subdivision or other residential development.

Temporary Uses

Temporary uses shall be limited to a use or uses of land, buildings, or structures not intended to be of a permanent duration. Such uses may include festivals, special sales, conventions, open lot sales, temporary housing, and other similar uses subject to the use standards provided in Article 3 of this ordinance.

Tent

A collapsible shelter used for camping outdoors or as a temporary building.

Tiny home, manufactured

A form of manufactured single family detached dwelling that meets all applicable State and federal requirements for manufactured housing. For the purposes of this ordinance, a manufactured tiny home shall also be subject to the standards applicable to a manufactured homes – including any size requirements – and permitted as such.

Tiny home, movable

A form of single-family detached dwelling that is built on a frame with wheels and a towing apparatus that is built in accordance with all applicable Department of Transportation requirements. For the purposes of this ordinance, a movable tiny home shall also be subject to the standards applicable to a recreational vehicle or travel trailer.

Tiny home, site-built

A form of single-family detached dwelling meeting the applicable requirements for residential uses in the State Building Code that is built on site and placed on a permanent foundation. Tiny homes typically include less floor area than a traditional single-family detached dwelling. For the purposes of this ordinance, a site-built tiny home shall also be subject to the standards applicable to a detached single-family dwelling.

Total Retail Space

Any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.

Tower

Any structure whose principal function is to support an antenna.

Town Council

The governing body of the Town of Sunset Beach.

Townhouse or townhome

See dwelling, townhouse.

Trailer

A nonautomotive equipment designed to be hauled by road to serve wherever parked as a temporary dwelling or place of business.

Transient

Passing through with only a short and brief stay.

Tree

A perennial woody plant with a main stem or trunk growing to a minimum height of 12 feet, with branching structure and canopy.

Tree, canopy

At the time of planting, the tree shall have a minimum two (2) inch DBH. At maturity, canopy trees shall be of a species having an average minimum height of 15 feet and a minimum mature crown spread of 20 feet.

Tree, understory

At the time of planting, the tree shall have a minimum two (2) inch DBH. At maturity, understory trees shall be of a species having an average minimum height of eight feet and a minimum mature crown spread of 12 feet.

Tree, Regulated

The critical root zone and trunk of any self-supporting woody perennial plant such as a large shade or pine tree, which usually has one main stem or trunk, and has a minimum measured DBH as follows:

1. Live oaks, southern red oaks, dogwoods, magnolias, cedars, eastern redbud, other ornamental flowering trees, and American hollies – four (4) inches.
2. Pine trees (except long leaf) – 30 inches.
3. Any other tree species – 18 inches.

Tree, heritage

Any live oak, pond cypress, bald cypress, or long leaf pine tree that is 32 inches diameter at breast height or larger.

UDO Administrator

The official charged with the enforcement of this UDO.

Utility services, large

Services of a regional nature that normally entail the construction of new buildings or structures such as generating plants and sources, electrical switching facilities, and stations or substations, community wastewater treatment plants, and similar facilities. Included in this definition are also electric, gas, and other utility transmission lines of a regional nature that are not otherwise reviewed and approved by the state. Wireless telecommunication services are not included in this definition.

Utility services, small

Services that are necessary to support development within the immediate vicinity and that involve only minor structures of 250 square feet or less. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water, and wastewater pump stations. Wireless telecommunication services are not included in this definition.

Vegetative Buffer

An area that has a dense ground cover of herbaceous or woody species, which provides for diffusion and infiltration of runoff and filtering of pollutants.

Vested Rights

Vested right shall be based upon the following criteria:

- A. Having an outstanding valid building permit in compliance with NCGS 160D-108; 108.1, or
- B. Having an approved site specific vesting plan or multi phased development plan in compliance with NCGS 160D-108; 108.1.
- C. Projects that require a State permit, such as landfills, NPDES wastewater discharges, land application or residuals, and road construction activities, shall be considered to

have vested rights if a State permit was issued prior to the effective date of the adoption of the Stormwater Ordinance.

Video Gaming Machines

As defined in NCGS 14-306.1.

Water Dependent Structures

Those structures which require the access or proximity to, or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not considered water-dependent structures.

Waters of the United States

Surface watercourses and water bodies as defined in 40 CFR ' 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

Wetland

Those areas regulated under Section 404 of the Clean Water Act as identified under guidelines employed by the United States Army Corps of Engineers in evaluating permit applications under 33 U.S.C. 1344 and applicable Federal regulations.

Wild Animal

Any animal that:

- A. Typically is found in a non-domesticated state and that, because of its size or vicious propensity, because it is poisonous or for any other substantial reason poses a potential danger to persons, other animals, or property; or
- B. Is classified as a wild animal by the State Wildlife Resources Commission.

Yard Sale

The sporadic and infrequent sale of used personal items within residential areas. Such sales shall be temporary and limited to not more than twice per calendar year per property.

Zero Lot Line

A concept commonly used in planned developments where individual commercial buildings or dwellings, such as townhouses (row houses) and duplexes, are to be sold along with the ground underneath and, perhaps, a small yard or patio area. The commercial or residential units are grouped in buildings with two (2) or more units per building, usually including common walls. With zero lot line, the minimum requirements for lot area and yards are not met and construction takes place right up to the lot line.

Zoning

- A. A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established, as are regulations governing lot size, building bulk, placement, and other development standards.
- B. Requirements vary from district to district, but they must be uniform within districts.

- C. The zoning ordinance consists of two (2) parts: a text and a map.