

## Chapter 6: - DEVELOPMENT STANDARDS

### 6.1 - DESIGN STANDARDS

#### 6.1.1 - Subdivisions of Land

All proposed subdivisions shall be in conformity with a plan for the most advantageous development of the entire neighboring area and shall bear a sensible relationship to the existing or amended plans of the Town.

(1) Use of Public and Private Streets

The use of private streets is specifically authorized in residential subdivisions, group housing developments and other special developments, and planned unit developments that are authorized in accordance with this Ordinance. All other subdivisions authorized in accordance with this Ordinance shall utilize public streets for access to subdivided lots.

(2) Relations of Proposed Streets to Adjoining Street Systems

The proposed street system shall extend existing and projected streets at not less than the required minimum width. Where in the opinion of the Planning Board or Board of Commissioners it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. The Planning Board or Board of Commissioners may require that a subdivision locate proposed streets, public or private, to intersect with other streets or roadways in a place and manner that will minimize traffic congestion and risk to the public safety. The Board of Commissioners may limit the number of and control the traffic from all outlets of subdivisions onto other streets for the purpose of protecting the public safety while providing for reasonably convenient subdivision access to the street system.

(3) Street Names

Proposed streets that are obviously in alignment with others already existing shall bear the names of existing streets. In no case shall the name of proposed streets duplicate or be phonetically similar to existing street names, irrespective of the addition of a prefix, suffix, or word such as Street, Avenue, Boulevard, Drive, Place, or Court. In no case shall the total number of letters, including the spaces, exceed fifteen (15).

(4) Street Construction

All dedicated public streets and approved private streets shall be constructed to the specifications of the Town as specified in Chapter 6, section 6.1.5 of this Development Ordinance.

(5) Intersections

Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than seventy-five (75) degrees. No more than two (2) streets shall intersect at any one (1) point.

(6) Drainage

All watercourses not located within a street right-of-way shall have an adequate easement to allow for maintenance.

(A) An easement over a drainage pipe shall be a minimum width of fifteen (15) feet.

(B) An easement for an open ditch shall be a minimum width of twenty (20) feet, plus the width of the ditch.

(7) Fire Hydrants

Fire hydrants shall be within five hundred (500) feet of each proposed lot as measured along a paved street. All hydrants shall be three-outlet-base-valve type located on a six-inch or larger water main. The fire hydrant plan shall be reviewed by the fire chief.

(8) Access

Within all proposed subdivisions, group housing and special developments, and all other developments subject to the terms of special plat approvals, a minimum public access width of ten (10) feet shall be provided from each street right-of-way to the high-water mark of both the Atlantic Ocean and Bogue Sound at both the east and west boundaries and center in each of the Town's fifty-four (54) blocks starting at the western limits of the Indian Beach and proceeding in a westerly direction to Bogue Inlet. Provided, the Board of Commissioners may eliminate, vary or change the location or width of any of the public accesses within a block following consideration by the Planning Board based upon topography, good land use planning, or similar consideration.

(9) Minimum Lot Width

All lots within the proposed subdivision shall meet the required minimum lot width at the front building line. Additionally, every portion of a sawtooth or finger lot shall have a minimum width of at least thirty (30) feet. No portion of any subdivision lot shall have a minimum width of less than thirty (30) feet.

(10) Installation of Improvements

No local improvements or utilities, including water, sewer, storm drains, paving, curb and gutter, shall be constructed until the preliminary plat and completed detailed plans for such improvements have been examined, analyzed, and approved by the Board of Commissioners. Detailed plans of proposed improvements shall be submitted with the preliminary plat and shall include plan views, profiles, typical sections, cross sections, standard specifications, and construction details. Design of streets and utilities shall be combined into one (1) plan set when possible.

### 6.1.2 - Business and Mixed Use Districts

(1) Buffers

A buffer shall be required if commercial, mixed use or governmental development abuts a residential or multi-family residential lot. The buffer shall consist of one (1) of the following: (1) a vegetative opaque screen six (6) feet in height; or, (2) an opaque fence six (6) feet in height. The buffer must be located along the perimeter of the project where it abuts the residential or multi-family residential lot and the methods and materials of construction must be approved as part of the commercial development review process. The buffer must be maintained as constructed and replaced or repaired if destroyed or damaged by any means.

(2) Paved Roads

For all projects containing more than two (2) units, all parking lots, drives, streets and roads within the project shall be paved and constructed in accordance with the construction standards for paved subdivision streets within the Town.

(3) Lighting

Any lighting provided within the project shall be so located or shielded so that no offensive glare will be visible from an adjoining street or property.

(4) Swimming Pools

Swimming pools shall conform to the building setback lines. All swimming pools shall be reasonably accessible to emergency equipment and vehicles. Any lighting in the pool area shall be shielded in such a manner that no offensive glare will be visible from an adjoining street or property.

(5) Garbage Areas

Adequate space shall be provided within the project area for the collection of garbage and other refuse, and all dumpsters and equipment used for garbage collection shall be screened from public view, in accordance with Chapter 15, Section 15-3 of the Town Code.

(6) Provision for Fire

Each building within a project shall be located within two hundred forty (240) feet of a fire hydrant. All hydrants shall be located adjacent to a paved street, road or parking lot suitable for the transportation of firefighting vehicles and equipment.

6.1.3 - Commercial Structures

(1) Direct exterior lighting is prohibited.

Strip lighting, including neon, LED, or fluorescent lighting, is prohibited on either the exterior or interior of any commercial building or commercial property, unless:

- a) It is an informational sign (such as "OPEN") that does not exceed two (2) square feet; or
- b) The interior strip lighting is located no closer than ten (10) feet to any exterior window or door containing glass so that the strip lighting may not be directly seen or viewed from the exterior of the property.

In addition, strip lighting, including neon, LED, or fluorescent lighting, is prohibited as a part of decorative displays, non-signage, or other building features.

The Board of Commissioners is authorized to vary the terms of this subsection (1) or allow lighting otherwise in violation if it finds that the proposed lighting is aesthetically consistent architecturally or for the commercial structure, or is necessary, or desirable for public health or safety reasons.

(2) Permitted Exterior Colors

The proposed exterior structure colors for facades and walls shall be of low reflectance, subtle, neutral, or earth tone colors. Building trim and accent areas may feature brighter colors as approved by the Planning Director. Colors for new construction will be approved by the Board of Commissioners as part of the commercial review process. For existing buildings, exterior commercial colors must be approved by the Town prior to the painting or repainting of any commercial structure. The colors to be used for the repainting of existing structures may be approved by the Planning Director based on the criteria and intent stated in this section 6.1.3. The Planning Director may request review of the colors by the Planning Board and approval by the Board of Commissioners if doing so is in the interest of maintaining a family beach image.

- (a) A request can be made for an exterior color that is not of low reflectance, subtle, neutral or earth tone. A request should meet one of the following two criteria: the business in that structure is a national chain or franchise that requires a certain color, or the name, product or service of the business denotes something other than low reflectance, subtle, neutral or earth tone color. Applicant shall have the burden of proving to the reasonable satisfaction of the Town that the exterior color falls under or meets one of the two criteria, and that granting approval is necessary or furthers a legitimate business interest of the applicant. A

request for a color other than a one of low reflectance, subtle, neutral or earth tone, without meeting one of the two criteria shall result in denial.

- (b) The applicant may be requested to create a panel of desired color or colors for the Planning Director, Planning Board, and Board of Commissioners to better visualize the ordinance compatibility.

(3) Decorative Construction Prohibited

The construction, installation, painting, and finishing of the exterior walls, roof lines, awnings and similar architectural features of a commercial building that contain painted or raised designs such as waves, sea creatures, animals, murals, lettering or images other than the business or logo of the commercial establishments in the structure are prohibited.

(4) Outside Wall Facings

(A) The total area of glass, windows, and any similar transparent or translucent devices for any side of a commercial structure shall not exceed thirty-five (35) percent of the surface area for that side of the building, and must be positioned uniformly along the face of the structure except that this percentage may be increased by the local fire marshal to bring the structure into conformity with state fire code.

(B) Each exterior wall of a building that is viewable from any street, road, or the water, including Bogue Sound, its tributaries, the Atlantic Ocean, and the beach strand shall incorporate architectural design features to create a visual break at least every twenty (20) feet along the exterior wall in order to avoid a box-like appearance. A building offset, projecting porch, gable, or other similar structure may be utilized to meet this requirement. This requirement may also be met by the use of the following: variation in rooflines, balconies, building fenestrations, building recesses, variation of building materials and colors and other ornamental building features. All plans for exterior walls will be approved by the Board of Commissioners as part of the commercial review process.

(C) The placement of towers, spires, and other structurally non-functional additions to any commercial structure must be placed so that no portion extends above any existing or proposed roof line, except that a structure which is intended as a building offset, which is proportional to such structure, may extend no more than four (4) feet above the existing or proposed structure.

(5) Dry Stack Boat Storage Roofs

(A) Roofs for dry stack boat storage facilities with a roof pitch of less than four (4) units vertical in twelve (12) units horizontal (4:12) shall incorporate architectural features and building finishes along all sides of the structure in order to make the roof line appear less like a flat roofed structure. This requirement may be met by the use of mansard-style roofs, decorative peaks and gables, a variation in roof lines and pitches, and other similar roof and building fenestrations. All plans for roofs with a pitch of less than 4:12 will be approved by the Board of Commissioners as part of the commercial review process.

(Ord. of 5-12-09, § 1; Ord. of 11-10-09(1), § 1; Ord. of 11-10-09(2), § 1; [Ord. of 5-12-15\(2\), § 1](#); [Ord. of 10-13-15\(1\)](#))

#### 6.1.4 - Planned Unit Developments

(1) Design and Construction Requirements

The design, construction and development of planned developments shall comply with the design and construction requirements of section 4.2.1, and other applicable ordinances of the Town, except as may be modified in this section 6.1.4.

(2) Minimum Area

Subject to the provisions in this Ordinance, all planned unit developments shall contain a minimum of five (5) contiguous acres. Any addition must be at least two (2) acres, contiguous and adjacent to the existing planned unit development, and subject to design standards.

(3) Project Density

The overall density of each planned development shall be in conformance to the requirements of this Unified Development Ordinance that would limit the number of residential dwellings to no more than eight (8) units per acre regardless of the minimum lot area required per dwelling or unit herein. Specific density requirements for single-family and multifamily dwellings are as follows:

- (A) Single-family dwellings such as cluster homes, patio homes, etc.—Minimum lot area of six thousand two hundred fifty (6,250) square feet for each lot.
- (B) Multifamily dwellings—The minimum lot area for the first two (2) units or the first two-family dwelling shall be fifteen thousand (15,000) square feet. Each additional unit above two (2) shall require a minimum lot area of four thousand seven hundred sixty (4,760) square feet per unit.

(4) Open Space

- (A) Each planned development shall contain open space in the following percentages of the overall area of the planned residential development that shall be computed based upon the number of dwellings per gross acre of planned development shown in Table 2.4.3.

TABLE 6.1.4: REQUIRED OPEN SPACE IN PLANNED UNIT DEVELOPMENTS

| NUMBER OF DWELLING UNITS<br>PER GROSS ACRE | MINIMUM PERCENTAGE<br>OF OPEN SPACE |
|--|-------------------------------------|
| 3 units or less                            | 10                                  |
| 4 to 6 units                               | 20                                  |
| 7 to 8 units                               | 30                                  |

- (B) Open space is defined as that land designated on the plat as being for the use, benefit and enjoyment of the residents of the planned unit development. The open space shall be set aside for the use, benefit and enjoyment of all residents of the planned unit development, and shall either be dedicated to the private use of residents of the planned unit development or conveyed to the owner's association or similar resident's association for ownership, use and management. Land that is restricted in any way so as to be for the use, benefit or enjoyment of a select group within the planned unit development shall not qualify as open space.
- (C) To qualify as open space, land shall have a minimum width of twenty-four (24) feet excluding street rights-of-way, drives, parking areas or structures other than recreational

structures. Street rights-of-way, drives, parking areas, and central water and sewer systems may qualify as open space and be counted towards the percentage of open space required for each development. Provided, that street rights-of-way, drives, parking areas, and water and central sewage systems shall not comprise more than thirty-three and one-third (33 1/3) percent of the required open spaces for each development unless the percentage is varied or waived by the Board of Commissioners upon recommendation by the Planning Board.

(5) Required Natural Area

Nothing in this section 6.1.3 shall change, modify or repeal the requirements of sections 2.4.11 or 6.4 related to Dunes and Vegetation Protection with regard to the percentage of each tract or lot that must be retained in its natural state.

(6) Dimension Requirements

- (A) Each detached single-family structure shall contain a minimum of seven hundred fifty (750) square feet of heated living space.
- (B) The minimum lot width for detached single-family dwellings at setback shall be sixty (60) feet.
- (C) A 15-foot setback shall be required along all peripheral boundaries of a planned residential development. A building, whether it is a principal or accessory building, shall not encroach upon this required setback distance.
- (D) Side or rear setbacks for single-family detached dwellings. A zero side or rear yard setback, where the side or rear building line is on the side or rear lot line, may be permitted on one (1) side or rear of each lot subject to the following provisions:
  - (i) Any wall constructed on the side or rear lot lines shall be a solid, windowless, doorless wall if the wall is located less than three (3) feet from any side or rear lot line with a zero (0) side or rear yard setback.
  - (ii) The minimum building separation for the side or rear yard opposite the zero rear lot line shall be either a minimum building separation of fifteen (15) feet from the side of the adjacent dwelling if then constructed, or a minimum 15-foot building setback line from the adjoining side or rear lot line, whichever is greater. This 15-foot area shall be subject to all the requirements and conditions of the Unified Development Ordinance normally applied to side or rear yards for buildings within the zoning district in which the property is located.
  - (iii) A five-foot maintenance easement with a maximum eave encroachment easement of two (2) feet within the maintenance easement shall be established in the deed restrictions and covenants of the adjoining lot and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance.
  - (iv) Preliminary and final site development plans shall indicate the proposed location and configuration of dwellings, driveways and parking arrangements for each lot. In addition, a draft of proposed encroachment and maintenance easement shall be submitted for review and approval.
  - (v) All remaining yards shall have a minimum 15-foot building setback.

(7) Water Supply and Sewage Service

Central water supply and central sewer service connection shall be required for all units, and the same shall be approved, constructed, completed and maintained in accordance with the requirements of the county health department and the state. The use of individual septic systems may be allowed under this section provided the lot served is a minimum of twelve thousand five hundred (12,500) square feet and the county health department has issued the appropriate permits for each lot to be served by an individual septic system.

(8) Primary Vehicular Access

Primary vehicular access to the planned residential development shall be from a public street.

(9) Building Height

Maximum height of all buildings shall not exceed the limitations for the district in which the planned residential development is located.

(Ord. of 6-8-10(2), §§ 1, 2; Ord. of 11-9-10, § 1)

6.1.5 - Streets

(1) General Standards

All streets within the Town shall be dedicated to public use unless otherwise allowed by applicable provisions of this Unified Development Ordinance. The use of private streets is specifically authorized only in residential subdivisions, group housing developments, other special developments and planned unit developments that are authorized in accordance with this development ordinance. The procedures for dedication are specified in the applicable sections of this development ordinance pertaining to the subdivision of land. All public streets shall be warranted by the developer/owner for a period of one (1) year from the date of acceptance by the Board of Commissioners.

(2) Erosion and Sedimentation

All streets shall have an acceptable permanent vegetation cover and erosion control measures to prevent erosion of the street right-of-way or private properties.

(3) Storm Drainage

All streets shall be inspected for proper drainage to the installation of the base course and final grading by the Director of Public Works or his designee. The specific design standards for stormwater control within this development ordinance shall apply to all streets within the town.

(4) Public Street Design Standards

Minimum public street design standards are as follows:

(A) Right-of-way width—Fifty-five (55) feet.

(B) Pavement width—Twenty (20) feet for streets utilizing ditches; a total of twenty-seven (27) feet of pavement (asphalt and concrete sections) from the back of the curb to the opposite back of the curb for streets utilizing curb and gutter (valley curbs required).

(C) Base width—Twenty-six (26) feet for streets utilizing ditches and/or curb and gutter

(D) Shoulder width—Six (6) feet each side for streets utilizing ditches.

(E) Ditch width, V-type—3:1 side slopes, for streets utilizing ditches.

(F) Fill slope—3:1 side slopes minimum.

(G) Curb and gutter—Two (2) feet valley gutter as specified by the N.C. Department of Transportation.

(H) Intersection/turning radius—Thirty (30) feet.

(I) Cul-de-sac right-of-way—Fifty-five (55) feet radius.

(J) Cul-de-sac pavement width—Thirty-five (35) feet radius, for streets utilizing ditches and/or curb and gutter.

- (K) Side ditches—Minimum depth shall be two (2) feet below center line grade.
- (L) Minimum base course—Minimum base course shall be six (6) inches aggregate stone base course as required by the NCDOT compaction standards with regard to the type of road being constructed.
- (M) Materials—All materials used in street construction within the town shall conform to the material standards of NCDOT.

(5) Private Street Design Standards

Minimum private street design standards are as follows:

- (A) Right-of-way width—Forty (40) feet, plus a five-foot utility easement on each side of the street.
- (B) Pavement width—Twenty (20) feet for streets utilizing ditches; a total of twenty-seven (27) feet of pavement (asphalt and concrete sections) from the back of the curb to the opposite back of the curb for streets utilizing curb and gutter (valley curbs required).
- (C) Base width—Twenty-three (23) feet for streets utilizing ditches and/or curb and gutter
- (D) Shoulder width—Three (3) feet each side for streets utilizing ditches.
- (E) Ditch width, V-type—3:1 side slopes, for streets utilizing ditches.
- (F) Fill slope—3:1 side slopes minimum.
- (G) Curb and gutter—Two (2) feet valley gutter as specified by the N.C. Department of Transportation.
- (H) Intersection/turning radius—Thirty (30) feet.
- (I) Cul-de-sac right-of-way—Forty (40) feet radius.
- (J) Cul-de-sac pavement width—Thirty-five (35) feet radius, for streets utilizing ditches and/or curb and gutter.
- (K) Side ditches—Minimum depth shall be two (2) feet below center line grade.
- (L) Minimum base course—Minimum base course shall be six (6) inches aggregate stone base course as required by the NCDOT compaction standards with regard to the type of road being constructed.
- (M) Materials—All materials used in street construction within the town shall conform to the material standards of NCDOT.

(6) Utility Cuts

All cuts of existing streets for utility service shall be backfilled in six (6) inches compacted layers. The base course of six (6) inches compacted stone shall be reinstalled and one and one-half (1½) inches of pavement shall be provided. Such utility cuts shall be warranted against failure for a period of one (1) year.

(7) Other Street Design Standards

Transverse slopes in pavement and shoulders, sight distance, grade, horizontal and vertical curves and superelevation shall be in accordance with the minimum construction standards as established by the North Carolina Department of Transportation.

6.1.6 - Sidewalks and Driveways

(1) Sidewalk Standard

No sidewalk shall be without a written permit from the Town.

(2) Driveway Standard

All persons engaging in driveway construction, reconstruction, repair, and alteration must secure a permit and must meet the following specifications:

- (A) The plans for the proposed operation must be approved by the building official.
- (B) The work shall be done according to the standard specifications of the Town. All driveways shall be constructed to prevent stormwater from running off from the driveway to the pavement of the existing public or private street. All driveways shall have a minimum width of ten (10) feet at the intersection with the public or private street.
- (C) The operation will not reasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of egress to and from the property affected and adjacent properties, and
- (D) The health, welfare, and safety of the public will not be unreasonably impaired.

(3) In the R2, RMF, and MH District

In addition to the standards in subsections (1) and (2) above, single-family, duplex and mobile home structures in the R2, RMF and MH districts shall be limited to two (2) driveways on the Town right-of-way, not to exceed a width of sixteen (16) feet each.

6.1.7 - In the VE, VW, MV, VE-C, VW-C and MV-C Districts

- (1) Lots are encouraged to have vehicle access from the rear of the lot, rather than from the front of the lot.
- (2) The required vegetated area shown in Table 5.1 may be utilized to support on-site septic disposal systems. Site specific landscaping plans are required that include the location of any existing natural areas, proposed plans for the preservation of natural areas and the proposed location and extent of all new vegetated and landscaped areas.
- (3) For all projects containing more than two (2) dwelling (2) units, all parking lots, drives, streets and roads within the project shall be paved and constructed in accordance with the construction standards for paved public subdivision streets within the Town unless specifically otherwise authorized by a condition of approval of a Conditional Zoning Overlay District.
- (4) Any lighting provided within the project shall be so located or shielded so that no offensive glare will be visible from an adjoining street or property.
- (5) Adequate space shall be provided within the project area for the collection of garbage and other refuse, and all dumpsters and equipment used for garbage collection shall be screened from public view, in accordance with Chapter 15, section 15-3 of the Town Code.
- (6) Each building within a project shall be located within two hundred forty (240) feet of a fire hydrant. All hydrants shall be located adjacent to a paved street, road or parking lot suitable for the transportation of firefighting vehicles and equipment. A suitable and readily accessible drive or passage shall be provided so that firefighting vehicles will have the capability of getting adequate access to all structures within the district.
- (7) Public streets, constructed in accordance with Chapter 6, Design Standards of this Unified Development Ordinance, are required for all proposed developments in order to promote and preserve public access.

6.2 - FLOOD DAMAGE PREVENTION

6.2.1 - Findings, Purpose, and Objectives

- (1) Findings of Fact

The flood prone areas within the jurisdiction of the Town are subject to periodic inundation that results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood prone areas by uses vulnerable to floods or hazardous to other lands that are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(2) Statement of Purpose

It is the purpose of this section 6.2 to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (A) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion, flood heights or velocities;
- (B) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (C) Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;
- (D) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (E) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards to other lands.

(3) Objectives

The objectives of this section 6.2 are:

- (A) To protect human life and health;
- (B) To minimize expenditure of public money for costly flood control projects;
- (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) To minimize prolonged business losses and interruptions;
- (E) To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (F) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (G) To insure that potential homebuyers are notified that property is in a special flood hazard area.

### 6.2.2 - Applicability and Legal Status

(1) Lands to Which This Article Applies

These regulations shall apply to all special flood hazard areas within the jurisdiction of the Town.

(2) Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Ordinance

This section 6.2 and related sections of this Unified Development Ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted July 1, 1977, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued under the earlier regulations are reserved and may be enforced. The enactment of this section 6.2 and related sections in Chapters 2 and 9 shall not affect any action, suit or proceeding instituted or pending.

(3) Effect Upon Outstanding Building Permits

Nothing in this section 6.2 or related sections of this Unified Development Ordinance shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his authorized agents before the effective date of this Ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to passage of this Ordinance or any revision to this Ordinance, construction or use shall be in conformity with the provisions of this Ordinance.

6.2.3 - General Provisions

(1) Compliance

No structure or land shall be located, extended, converted, altered, or developed in any way without full compliance with the terms of this section 6.2 and other applicable regulations.

(2) Basis for Establishing the Special Flood Hazard Areas

The special flood hazard areas are those identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for the Town dated April 1, 1977 that with accompanying supporting data, and any revision thereto, including letters of map amendment or revision, are adopted by reference and declared to be a part of this Ordinance. The special flood hazard areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but that have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data:

- (A) Generated as a requirement of section 2.2.4(5)(B)(xi) and 2.2.4(5)(B)(xii);
- (B) Preliminary FIRMs where more stringent than the effective FIRM; or
- (C) Post-disaster flood recovery maps.

(3) Floodplain Development Permit Required

A floodplain development permit shall be required in conformance with the provisions of section 2.4.9, Floodplain Development Permit, prior to the commencement of any development activities within special flood hazard areas as determined in section 6.2.3(2).

(4) Variance Procedure

The Board of Adjustment may grant a variance from the provisions of this section 6.2 pursuant to the provisions of section 2.4.17, Variances.

(5) Abrogation and Greater Restrictions

This section 6.2 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation

In the interpretation and application of this section 6.2, all provisions shall be considered as minimum requirements, shall be liberally construed in favor of the governing body; and shall be deemed neither to limit nor repeal any other powers granted under state statutes.

(7) Warning and Disclaimer of Liability

The degree of flood protection required by this section 6.2 is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Actual flood heights may be increased by manmade or natural causes. This section does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the Town or by any officer or employee of the Town for any flood damages that result from reliance on this section or any administrative decision lawfully made under this section.

6.2.4 - Provisions for Flood Hazard Prevention

(1) General Standards

In all special flood hazard areas the following provisions are required:

- (A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (C) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (D) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.), hot water heaters, electric outlets/switches.
- (E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (H) Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of this section 6.2, shall meet the requirements of "new construction" in Chapter 10.
- (I) Non-conforming structures or other development may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this section 6.2. Provided, however, nothing in this section 6.2 shall prevent the repair, reconstruction, or replacement of a building or structure existing on July 1, 1977 and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not

increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of the flood damage prevention regulations.

- (J) New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in special flood hazard areas. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to section 2.4.9(3).

(2) Specific Standards

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in section 6.2.3(2) or subsections 2.2.4(5)(B)(xi) and 2.2.4(5)(B)(xii), the following provisions are required:

(A) Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

(B) Non-residential Construction

New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. Structures located in AE 1 through AE 12 zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in subsection 2.4.9(3).

(C) Manufactured Homes

- (i) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation.
- (ii) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to NCGS Section 143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- (iii) All foundation enclosures or skirting shall be in accordance with subsection 6.2.4(2)(D).
- (iv) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local emergency management coordinator.

(D) Elevated Buildings

New construction or substantial improvements of elevated buildings that include fully enclosed areas that are below the regulatory flood protection elevation shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises, be constructed entirely of flood resistant materials below the regulatory flood protection level and meet the following design criteria:

(i) Equalizing Flood Forces in AE 1 through AE 12 Zones

In AE 1 through AE 12 zones, measures for complying with this requirement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum design criteria:

- (a) Provide a minimum of two (2) openings on different sides of each enclosed area subject to flooding.
- (b) The total net area of all openings must be at least one (1) square inch for each square foot of each enclosed area subject to flooding.
- (c) If a building has more than one (1) enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter;
- (d) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade; and
- (e) Openings may be equipped with screens, louvers, or other opening coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (f) Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore such skirting does not require hydrostatic openings as outlined above.
- (g) Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this section 6.2.

(ii) Access to Enclosures in AE 1 through AE 12 Areas

Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

(iii) Coastal High Hazard Areas (VE 1 through VE 18 Zones)

Breakaway walls, lattice work or decorative screening shall be allowed below the regulatory flood protection elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:

- (a) Material shall consist of open wood lattice or mesh insect screening; or
- (b) Breakaway walls shall be designed such that the safe loading resistance of each wall shall be not less than ten (10) nor more than twenty (20) pounds per square foot; or
- (c) Breakaway walls more than twenty (20) pounds per square foot, shall be certified by a registered professional engineer or architect that the design wall collapse

would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.

(E) Additions/Improvements

- (i) Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure.
  - (a) Are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
  - (b) Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (ii) Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.
- (iii) Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure.
  - (a) Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
  - (b) Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (iv) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(F) Recreational Vehicles

Recreational vehicles placed on sites within a special flood hazard area shall either:

- (i) Be on site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions); or
- (ii) Meet all the requirements for new construction, including anchoring and elevation requirements of sections 2.4.9, 6.2.4(1), and subsection (2)6.2.4(C).

(G) Temporary Structures

Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:

(i) Removal Plan

Applicants must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:

- (a) A specified time period for which the temporary use will be permitted;
- (b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

- (c) The time frame prior to the event at which a structure will be removed (i.e. minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);
- (d) A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
- (e) Designation, accompanied by documentation, of a location outside the special flood hazard area to which the temporary structure will be moved.

(ii) Submitted in Writing

The above information shall be submitted in writing to the floodplain administrator for review and written approval.

(H) Accessory Structures

When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:

- (i) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);
- (ii) Accessory structures shall be designed to have low flood damage potential;
- (iii) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (iv) Accessory structures shall be firmly anchored in accordance with subsection 6.2.4(1)(A).
- (v) All service facilities such as electrical and heating equipment shall be installed in accordance with subsection 6.2.4(1)(D); and
- (vi) Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with subsection 6.2.4(2)(D)(i).
- (vii) An accessory structure with a footprint less than one hundred fifty (150) square feet does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with subsection 2.4.9(3).

(3) Subdivisions, Manufactured Home Parks and Major Developments

All subdivision, manufactured home park and major development proposals located within special flood hazard areas shall:

- (A) Be consistent with the need to minimize flood damage;
- (B) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and
- (C) Have adequate drainage provided to reduce exposure to flood hazards;

(4) Standards for Floodplains without Established Base Flood Elevations

Within the special flood hazard areas established in section 6.2.3(2) where no base flood elevation (BFE) data has been provided, the following provisions shall apply:

(A) Encroachments

No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five (5) times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating

that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) Elevation and Floodproofing

If subsection 6.2.4(3)(A) is satisfied and base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this section 6.2 and shall be elevated or floodproofed in accordance with elevations established in accordance with subsections 2.2.4(5)(B)(xi) and 2.2.4(5)(B)(xii). When base flood elevation (BFE) data is not available from a federal, state, or other source, the reference level, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

(5) Coastal High Hazard Areas (VE 1 through VE 18).

Coastal high hazard areas are special flood hazard areas established in section 6.2.3(2) and designated as Zones VE 1 through VE 18. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this section 6.2, the following provisions shall apply to all new construction, substantial improvements and all other development:

(A) Location

All development shall:

- (i) Be located landward of the reach of mean high tide;
- (ii) Be located landward of the first line of stable natural vegetation; and
- (iii) Comply with all applicable CAMA setback requirements.

(B) Required Elevation

All development shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the regulatory flood protection elevation. Floodproofing may not be utilized on any structures in coastal high hazard areas to satisfy the regulatory flood protection elevation requirements.

(C) Open Construction

All space below the regulatory flood protection elevation shall be open so as not to impede the flow of water.

(D) Allowable Screening

Open wood lattice work or mesh insect screening may be permitted below the regulatory flood protection elevation for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with section 6.2.4(2)(2)(D)(2)(D)(iii) Design plans shall be submitted in accordance with all applicable requirements of this Unified Development Ordinance.

(E) Anchoring

All development shall be securely anchored on pilings or columns.

(F) Anchoring of Pilings and Columns

All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

(G) Certification

A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in section 2.4.9 and subsections 6.2.4(2)(2)(D), 6.2.4(2)(2)(F), and 6.2.4(2)(H).

(H) No Fill for Structural Support

There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/ aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Design plans shall be submitted in accordance with all applicable requirements of this Unified Development Ordinance. The floodplain administrator may approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist that demonstrates that the following factors have been fully considered:

- (i) Particle composition of fill material does not have a tendency for excessive natural compaction;
- (ii) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
- (iii) Slope of fill will not cause wave run-up or ramping.

(I) No Alternation of Sand Dunes

There shall be no alteration of sand dunes that would increase potential flood damage.

(J) No Manufactured Homes

No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards are in compliance with this section of the Ordinance.

(K) Recreation Vehicles Allowed

Recreational vehicles shall be permitted in coastal high hazard areas provided that they meet the recreational vehicle criteria of subsection 6.2.4(2)(F)(i) and the temporary structure provisions of subsection 6.2.4(2)(2)(G).

## 6.3 - STORMWATER MANAGEMENT

### 6.3.1 - Findings, Goals, Objectives and Authority

(1) Findings of Fact

The Board of Commissioners finds that development without control of drainage has a significant adverse impact upon the health, safety and welfare of the community. More specifically:

- (A) Uncontrolled stormwater runoff can carry pollutants into receiving water bodies, degrade water quality and result in closures of shellfishing waters;
- (B) Uncontrolled stormwater runoff can increase nutrients such as phosphorus and nitrogen, thereby accelerating eutrophication of receiving waters, adversely affecting flora and fauna;
- (C) Improperly channeling water increases the velocity of runoff, thereby increasing erosion and sedimentation;

- (D) Construction requiring the alteration of natural topography and removal of vegetation tends to cause a loss of natural recharge areas and increase erosion;
- (E) Siltation of water bodies resulting from increased erosion decreases their capacity to hold and transport water, interferes with navigation, and harms flora and fauna;
- (F) Impervious surfaces increase the volume and rate of stormwater runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge;
- (G) Improperly managed stormwater runoff can increase the incidence of flooding and the level of floods that occur, endangering property and human life;
- (H) Improperly managed stormwater runoff can interfere with the maintenance of optimum salinity in estuarine areas, thereby disrupting biological productivity;
- (I) The economy of the Town, as well as the health and welfare of its citizens, is dependent upon the preservation of pristine beaches, clean navigable waterways, abundant fishing and shellfishing resources, and a healthy ecosystem that attracts visitors to the Town.
- (J) Many future problems can be avoided or substantially mitigated if land is developed in accordance with sound stormwater runoff management practices.

(2) Goals and Purposes

The preservation of water quality and protection against flooding are central environmental goals of the Town. In order to meet these important goals, the Town adopts this stormwater management ordinance for the following purposes:

- (A) To regulate new development, redevelopment, and other construction activities within the jurisdiction of the Town, consistent with federal, state and local requirements, and the Town's environmental goals.
- (B) To provide the structure within which the authority of the Town to administer and enforce stormwater quantity and quality regulations will be exercised.

(3) Objectives

In order to protect, maintain, and enhance both the immediate and the long-term health, safety and general welfare of the citizens of the Town, this section 6.3 has the following objectives:

- (A) Promote productive and enjoyable harmony between human activities and nature;
- (B) Protect, restore and maintain the chemical, physical and biological integrity of the waters of Bogue Sound, Archer's Creek and the Atlantic Ocean;
- (C) Prevent individuals and business organizations from causing harm to the community by activities that adversely affect water resources;
- (D) Encourage the construction of drainage systems that aesthetically and functionally approximate natural systems;
- (E) Encourage the protection of natural systems and the use of them in ways that do not impair their beneficial functioning;
- (F) Encourage the use of drainage systems that minimize the consumption of electrical energy or petroleum fuels to move water, remove pollutants, or maintain the systems;
- (G) Minimize the transport of pollutants to area surface waters;
- (H) Protect and maintain natural salinity levels in estuarine areas;
- (I) Minimize erosion and sedimentation;
- (J) Prevent damage to wetlands;

- (K) Prevent damage from flooding, while recognizing that natural fluctuations in water levels are beneficial;
- (L) Protect, restore, and maintain the habitat of fish and wildlife;
- (M) Ensure the attainment of these objectives by requiring the approval and implementation of stormwater management plans for all activities that may have a significant adverse impact upon community waters and nearby properties.
- (N) Prevent or reverse salt water intrusion.

(4) Authority

The Town of Emerald Isle is authorized to adopt this ordinance pursuant to North Carolina law, including but limited to Article 14, Section 5 of the Constitution of North Carolina; G.S. 143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2006-246; G.S. 160A-174, 160A-185.

- (A) To regulate new development, redevelopment, and other construction activities within the jurisdiction of the Town, consistent with federal, state and local requirements, and the Town's environmental goals.
- (B) To provide the structure within which the authority of the Town to administer and enforce stormwater quantity and quality regulations will be exercised.

6.3.2 - Applicability, Permits, and Variances

(1) Applicability

All development and redevelopment, including, but not limited to, all single-family and duplex residential dwellings, constructed within the Town after the effective date of this section 6.3 must comply with the minimum stormwater control standards outlined in sections 6.3.2(2)(C) and 6.3.3.

(2) Stormwater Management Plan Required

(A) Unless exempted by subsection (B) below, all development and redevelopment, including, but not limited to, single-family or duplex residential dwellings, constructed within the Town after the effective date of this ordinance must submit a storm water management plan to the Stormwater Administrator that complies with the minimum stormwater control standards outlined in this section 6.3 and related standards of this Unified Development Ordinance, and all other applicable regulations of the Town. The burden of proving compliance with the stormwater management standards and the cost associated with producing such proof shall be borne by the applicant. The stormwater management plan must submitted and approved before:

- (i) A preliminary plat is approved;
- (ii) An existing drainage system is altered, rerouted, or deepened; or
- (iii) A building permit is issued.

(B) Exemptions

The following development activities are exempt from the stormwater management plan requirement:

- (i) Additions or modifications to existing single family detached residential structures, if the development does not increase impervious surface by more than one thousand (1,000) square feet.
- (ii) Any maintenance, alteration, use or improvement to an existing structure not changing or affecting quality, rate, volume or location of surface water discharge.

- (iii) New subdivisions that involve only the preparation of plats that delineate lot boundary lines within the subdivision, and do not involve the construction of infrastructure to serve the subdivision.

(C) Stormwater Management Plan Standards

Stormwater management plans, when required, shall comply with all applicable provisions of this Ordinance and all other applicable regulations of the Town. It is the responsibility of an applicant to provide sufficient information in the plan so that the Town or its agents may reasonably evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on area surface waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The applicant shall provide maps, charts, graphs, tables, photographs, narrative descriptions and explanations, as appropriate, to demonstrate compliance with the Town's stormwater management standards.

(i) Small Residential Projects

Proposed single family and duplex residential projects with less than ten thousand (10,000) square feet of disturbed area shall adhere to the stormwater management plan requirements outlined below:

(a) Applicant Submittal Requirements

It is the responsibility of an applicant to provide sufficient information in the plan so that the Town or its agents may reasonably evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on area surface waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The applicant shall provide maps, charts, graphs, tables, photographs, narrative descriptions and explanations, as appropriate, to demonstrate compliance with the town's stormwater management standards.

(b) Owner and Developer Information

The applicant shall submit the name, address and telephone number of the owner and the developer.

(c) Conditions

The conditions of the site shall be described in general, including the following:

1. The direction of flow of stormwater runoff under existing conditions;
2. The location of areas on the site where stormwater collects or percolates into the ground; and
3. A survey of the site, including topography. The survey shall be prepared by a licensed surveyor showing contours every two (2) feet. It must also show the cross-section, and location of drainage ditches within the area surveyed, and the location of wetlands, and ponds.
4. At the discretion of the town or its agent, the elevation of the seasonal high water table may be required.

(d) Proposed Alterations

Proposed alterations of the site shall be described, including:

1. Change(s) in topography. The proposed final elevations shall be shown in a manner that can be distinguished from the existing elevations. If there are

abrupt changes in elevations, these should be clearly identified in the plans. These should be plotted on a scale that is easy to read and in a form that conveys the nature of changes that are proposed.

2. The proposed area to be reserved as natural area on the property as required by the Dunes and Vegetation Protection provisions of this Unified Development Ordinance.
3. Identification and quantification of the area(s) that will be covered with impervious surface(s) and a description of the surfacing material(s).
4. The size and location of any buildings or other structures.

(e) Impacts on Existing Conditions

Predicted impacts of the proposed development on existing conditions shall be described in general, including:

1. Impacts on wetlands, if any;
2. Impacts on vegetation.

(f) Stormwater Runoff Features

All features intended to receive stormwater runoff from the proposed impervious surfaces on site shall be described and their location identified on the survey. The applicant is required to demonstrate that sufficient area is reserved to provide sixteen and sixty-seven hundredths (16.67) cubic feet of storage capacity for every one hundred (100) sq. ft. of impervious surface proposed.

(g) Erosion and Sediment Control Measures

A description of the measures that will be put in place for the control of erosion and sedimentation shall be provided.

(h) Other Information

The applicant shall provide other information which the town or its designated agent deems necessary for an evaluation of the development proposal for compliance with this chapter.

(ii) Large Residential Projects

A professionally designed stormwater management plan, designed and sealed by a registered design professional, and meeting all applicable requirements of this Unified Development Ordinance shall be required for all single-family and duplex residential projects which disturb ten thousand (10,000) square feet or more of land and for all multi-family residential, commercial and industrial projects.

(a) Professionally Drafted Plans

The stormwater management plan for required under this subsection 6.3.2(2)(C)(ii) shall be designed and sealed by a registered design professional as described in section 6.3.2(2)(C)(iv).

(b) Applicant Submittal Requirements

It is the responsibility of an applicant to include in the stormwater management plan sufficient information for the town or its agents to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on area surface waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The

stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions and explanations and citations supporting references, as appropriate, to communicate the information required by this section and applicable sections of this Unified Development Ordinance.

(c) Owner and Development Information

The stormwater management plan shall contain the name, address and telephone number of the owner and the developer.

(d) Deed Restrictions and Covenants

The approval of the stormwater management plan requires submission of enforceable restrictions on property usage that run with the land, including deed restrictions and protective covenants, for recordation, to ensure that future development and redevelopment maintains the site consistent with the approved project stormwater plans.

(e) Site Conditions

The existing environmental and hydrologic conditions of the site and of receiving waters and wetlands shall be described in detail, as follows:

1. The location(s) of runoff leaving the development site along with the direction of the runoff as it exits the site;
2. The location of areas on the site where stormwater collects or percolates into the ground shall be denoted;
3. A description of all watercourses, water bodies and wetlands on or adjacent to the site or into which stormwater flows shall be provided. Information regarding their water quality and the current water quality classification, if any, given them by the state Department of Environment and Natural Resources (DENR) shall be included;
4. The depth(s) to the seasonal high groundwater table shall be provided;
5. Location of floodplains shall be denoted on the survey plan of the site;
6. A survey of the site, including topography. The survey shall be prepared by a licensed surveyor showing contours every two (2) feet. It must also show the cross section, and location of drainage ditches within the area surveyed, and the location of wetlands, and ponds. Elevation of the seasonal high water level in the ponds and wetlands shall also be shown. The geographic coordinates of the proposed stormwater treatment system shall also be provided to include within the Town's GIS system; and
7. Soils, as delineated and described in the Soil Conservation Service Publications, Soil Survey of Carteret County, NC or Soil Survey of the NC Outer Banks. The town or its agent, at their sole discretion, may also require the developer to conduct an evaluation of the soil profile at the development site. If such an investigation is required, it shall be conducted by a registered soil scientist for the developer.

(f) Proposed Alterations

Proposed alterations of the site shall be described in detail, including:

1. Changes in Topography. The proposed final elevations shall be shown in a manner that can be distinguished from the existing elevations. If there are abrupt changes in elevations, these should be clearly identified in the plans.

These should be plotted on a scale that is easy to read and in a form that conveys the nature of changes that are proposed.

2. Natural Area Reserve. The proposed area to be reserved as natural area on the property as required by the Dunes and Vegetation Protection provisions of this Unified Development Ordinance.
3. Impervious Surfaces. Areas that will be covered with an impervious surface and a description of the surfacing material.
4. Buildings. The size and location of any buildings or other structures.

(g) Impacts on Existing Conditions

Predicted impacts of the proposed development on existing conditions shall be described in detail, including:

1. Changes in the incidence and duration of flooding on the site and adjoining property;
2. Impacts on wetlands, if any;
3. Impacts on vegetation;
4. Certification by the owner/developer that all stormwater management construction and maintenance will be done according to plan; and
5. An as-built certification signature block to be executed after completion, to be signed by the owner and the qualified stormwater design professional.

(h) Stormwater Runoff Features

All components of the drainage system and any measures for the detention, retention, or infiltration of water or for the protection of water quality shall be described in detail, including:

1. Stormwater Quantity. The quantity of stormwater, based on a two-inch rainfall design, that will be collected on the site;
2. Detention and Retention Areas. Detention and retention areas, including plans for the discharge of contained waters;
3. Percolation Areas. Areas of the site to be used or reserved for percolation;
4. Erosion and Sediment Control Plan. A plan for the control of erosion and sedimentation which describes in detail the type and location of control measures.
5. Other Information. Any other information which the developer or the town or its designated agents believes is reasonably necessary for an evaluation of the development proposal for compliance with this chapter.

(iii) New Subdivisions

The stormwater management plan for new subdivisions, regardless of proposed land use, shall be designed and sealed by a registered design professional as described in section 6.3.2(2)(C)(iv) and shall include calculations of, and incorporate design features to control, the total volume of storm water runoff projected after full build-out of the subdivision.

(a) Catchment Area

The catchment area shall be the entire development and any adjoining areas that drain into the development site.

(b) New Subdivision Stormwater Management Plan

Stormwater management plans for new subdivisions shall adhere to the requirements outlined in section 6.3.2(2)(C)(ii)(a).

(c) Individual Lot Stormwater Management Plans

The development of a subdivision stormwater management plan in accordance with this subsection may relieve individual lot owners of the requirement to provide the required on-site infiltration required in section 6.3.3(2)(N). As individual lots within a subdivision are developed, a stormwater management plan shall be required for each lot, in accordance with section 6.3.2(2)(A) and (B). The stormwater management plan for individual lots may refer to the original subdivision stormwater management plan to meet the requirements of this chapter, however, the town or its agent may require additional on-site retention if runoff from the proposed development is not adequately controlled through the original subdivision stormwater management plan.

(iv) Checklist for Plans

A check list will be made available by the office of the Stormwater Administrator to facilitate the stormwater management plan approval application. A professionally designed stormwater management plan, designed and sealed by a registered design professional, shall be required for all single-family and duplex residential projects which disturb ten thousand (10,000) square feet or more of land and for all multi-family residential, commercial and industrial projects.).

(v) Registered Design Professional

Where stormwater management plans are required to be prepared by a registered design professional, the plan must be completed by a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as: professional engineers; landscape architects, to the extent that G.S. ch. 89A, allow; and registered land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in G.S. 89C-3(7).

(3) Variance Procedure

The Board of Adjustment may grant a variance from the provisions of this section 6.3 pursuant to the provisions of section 2.4.17, Variances.

### 6.3.3 - Stormwater Management Standards

(1) Performance Standards

The proposed development, development activity, or redevelopment shall be planned, designed, constructed, and maintained to:

- (A) Ensure that, after development or redevelopment, runoff leaving the development or redevelopment site approximates the rate of flow and timing of runoff that would have occurred following the two-inch rainfall under existing conditions and to the extent practicable, the predevelopment conditions, unless runoff is discharged into an off-site drainage facility as provided in section 6.3.3(3);
- (B) Protect the quality of surface waters;
- (C) Ensure that erosion during and after development or redevelopment is minimized;

- (D) Protect the beneficial functioning of wetlands as areas for the natural storage of surface waters and the chemical reduction and assimilation of pollutants;
- (E) Prevent the potential for increased flooding and damage to structures already located in areas known to be subject to potential flooding;
- (F) Protect the natural fluctuating levels of salinity in estuarine areas;
- (G) Minimize injury to flora and fauna and adverse impacts to fish and wildlife habitat that can be directly attributed to transport of sediment or contaminants by stormwater runoff or to recurrent flooding of natural habitats; and
- (H) Otherwise further the objectives of this section 6.3 and related provisions in this Unified Development Ordinance.

(2) Design Standards

To ensure attainment of the objectives of this section 6.3 and related provisions in Chapters 2 and 9, and to ensure that performance standards will be met, the design, construction and maintenance of drainage systems shall be consistent with the following standards:

(A) Prevent Channeling

Channeling runoff directly into water bodies shall be strictly prohibited. Instead, runoff shall be routed through swales and other systems designed to increase time of concentration, decrease velocity, increase infiltration, allow suspended solids to settle, and remove pollutants.

(B) Minimize Land Disturbance

The area of land disturbed by development shall be as small as practicable. Those areas that are not to be disturbed shall be protected by an adequate barrier from construction activity. Whenever possible, indigenous vegetation shall be retained and protected. Where this is not possible, suitable nature species shall be planted.

(C) Erosion and Sediment Control Devices

(i) No grading, cutting or filling shall be commenced until erosion and sedimentation control devices have been installed between the disturbed area and water bodies, watercourses and wetlands. Following initial soil disturbance or redistribution, permanent or temporary stabilization shall be completed on all perimeter dikes, swales, ditches, perimeter slopes, all slopes greater than three (3) horizontal to one (1) vertical (3:1), and embankments of ponds. Requirements for permanent stabilization shall not apply to those areas being used for material storage or for those areas where construction activities are currently being performed.

(ii) Clean sand shall be used for fill. The fines in the sand should be limited so that seepage and migration through it will facilitate normal drainage. The fill shall be placed so as not to cause water to be diverted to adjacent property, including streets and roadways. Pipe culverts shall be installed under driveways to allow passage of water if consistent with good design practices.

(iii) Incidental filling on previously developed residential lots may be allowed provided the incidental filling does not cause water to be diverted to adjacent property, including streets and roadways.

(D) Re-vegetation of Cleared Land

Land that has been cleared for development and upon which construction has not commenced shall be protected from erosion by appropriate techniques designed to re-vegetate the area within thirty (30) days (seeding, etc.).

- (E) Retain Sediment  
Sediment shall be retained on the site of the development.
- (F) Protection of Wetlands and Waterbodies  
Wetlands and other waterbodies shall not be used as sediment traps.
- (G) Maintenance of Erosion and Sedimentation Facilities  
Erosion and sedimentation facilities shall be maintained to insure that they continue to function properly.
- (H) Artificial Watercourse Design  
Artificial watercourses shall be designed, considering soil type, so that the velocity of flow is low enough to prevent, or minimize to the maximum extent practicable, erosion.
- (I) Vegetation Buffer Strips Design  
Vegetated buffer strips shall be created or, where practicable, retained in their natural state along the banks of all watercourses, water bodies or wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland runoff, provide access to the water body and allow for periodic flooding without damage to structures. For projects that disturb more than ten thousand (10,000) square feet of land, no impervious surface shall be constructed within thirty (30) feet of any perennial or intermittent surface waters, except for roads, paths, and water dependent structures. Redevelopment activities which have no net increase in impervious surface and which provides equal or greater stormwater controls than the previous development shall not be subject to the 30-foot setback limitation contained in this paragraph.
- (J) Intermittent and Ephemeral Watercourse Design  
Intermittent and ephemeral watercourses will be vegetated.
- (K) Usage of Detention Ponds  
Detention ponds may be used to detain increased and accelerated runoff caused by development or redevelopment if the runoff is discharged to a water body, watercourse or wetland. Water shall be released from detention ponds into water bodies, watercourses or wetlands at a rate and in a manner approximating the natural flow that would have occurred before development. The drawdown rate for these ponds shall also be designed so that the water quality volume is drained no faster than forty-eight (48) hours but no slower than one hundred twenty (120) hours.
- (L) Removal of Suspended Solids  
For projects that disturb more than ten thousand (10,000) square feet of land, all stormwater management systems shall be designed in accordance with the state standards meeting the eighty-five (85) percent total suspended solids removal rate.
- (M) Usage of Wetlands  
Although the use of wetlands for storing and purifying water is encouraged, care must be taken not to overload their capacity, thereby harming the wetlands and transitional vegetation. Wetlands should not be damaged by the construction of detention ponds.
- (N) Infiltration Method Design  
All development must provide appropriate infiltration to control runoff of rainfall from all impervious surfaces on site as specified in section 6.3.2. The design of the infiltration

method must take into account the runoff from any pervious surface drainage that is directed to the infiltration site. Flow from gutters and downspouts shall be diverted to the infiltration site, as necessary.

(O) Underground Storage of Runoff

All underground storage of runoff shall be accomplished so that there is a minimum of two (2) feet vertical separation between the highest seasonal water table and the bottom of the feature(s) used for storage.

(P) Treatment of Runoff from Parking Lots

Runoff from parking lots shall be treated to remove oil and sediment before it enters receiving waterbodies.

(Q) Detention and Retention Area Design

Detention and retention areas shall be designed so that shorelines are sinuous rather than straight and so that length of shoreline is maximized, thus offering more space for the growth of littoral vegetation.

(R) Detention and Retention Area Slopes

With the exception of bulkheaded ponds, the banks of detention and retention areas shall slope at a grade no steeper than 3 to 1 (horizontal run to vertical rise) into an area of water as a safeguard against drowning, personal injury or other accidents, to encourage the growth of vegetation and to allow the alternate flooding and exposure of areas along the shore as water levels periodically rise and fall.

(S) Usage of Drainage Facilities

The multiple use of drainage facilities and vegetated buffer zones as open space, recreation and conservation areas is encouraged.

(T) Filling of Wetlands or Ponds

Lot owners or contractors shall not fill more than one thousand (1,000) sq. ft. of any part of a pond or wetland unless that pond or wetland is expanded or a new retention area is built as replacement. This expansion or new retention area shall be constructed within the Town limits of Emerald Isle, and be capable of holding a volume of storm water at least equal to the one lost as a result of the fill. If this should preclude any reasonable development of the lot, the applicant may apply to the Board of Adjustment for a variance.

(U) Discharge of Stormwater

New discharges to SA or SB waters and/or expansion of existing conveyance systems which discharge directly to SA or SB waters shall be prohibited.

For projects that disturb more than ten thousand (10,000) square feet of land, diffuse flow of stormwater at a nonerosive velocity to a vegetated buffer or other natural area capable of providing effective infiltration of the runoff from the one-year, 24-hour storm prior to reaching any potential off-site discharge shall no be considered a direct point of stormwater discharge. Consideration shall be given to soil type, slope, vegetation, and existing hydrology when making a qualitative determination of infiltration effectiveness.

(V) AEC Development

Development within the area of environmental concern (AEC) adjacent to outstanding resource waters (ORW), as defined by the North Carolina Division of Coastal Management, shall not exceed thirty-six (36) percent impervious coverage and shall

adhere to the storm water management standards of the North Carolina Division of Coastal Management, or any successor agency (which may limit coverage to twenty-five (25) percent). The standards of the North Carolina Division of Coastal Management shall take precedence over the standards included in this section 6.3, provided, however, that the developer shall also be required to adhere to the specific standards included in this section 6.3 that are not in conflict with the standards of the North Carolina Division of Coastal Management. Redevelopment activities which have no net increase in impervious surface and which provides equal or greater stormwater controls than the previous development shall not be subject to the impervious area limitations contained in this paragraph.

(W) Prohibited Artificial Recharge

Because this practice reduces stormwater runoff storage capacity, the artificial recharge of natural ponds and/or man-made detention and retention ponds with groundwater or other water supplies is prohibited. This provision shall not apply to groundwater recharge systems installed and in regular use prior to the effective date of this section 6.3. However, the Town strongly encourages compliance with this prohibition by existing users of groundwater recharge systems.

(X) Best Stormwater Practices

For projects that disturb more than ten thousand (10,000) square feet of land that are located within one-half-mile of and that drain in whole or part to class SA waters shall design and implement the best stormwater practices that ensure reduction of fecal coliform loading. The best practices are ones that result in the highest degree of fecal die-off and control sources of fecal coliform to the maximum extent practical while still meeting the other requirements of this development ordinance.

(Y) Engineered Design Criteria

For projects that disturb more than ten thousand (10,000) square feet of land, all stormwater management systems shall meet the General Engineering Design Guidelines set forth in 15A NCAC 02H.1008(c).

(Z) Universal Stormwater Management Program

15A NCAC 02H.1020 UNIVERSAL STORMWATER MANAGEMENT PROGRAM, including future amendments, provides the foundation for this ordinance.

(3) Off-site Drainage Facilities

(A) Conditions for Allowance of Off-site Drainage Facilities

The Town may allow stormwater runoff that is associated with subdivisions that have an approved subdivision stormwater management plan in accordance with section 6.3.2(2)(C)(iii), or that is otherwise of unacceptable quality or that would be discharged in volumes or at rates in excess of those otherwise allowed by this section 6.3, to be discharged into drainage facilities off the site of development if each of the following conditions are met:

- (i) It is not practicable to completely manage runoff on the site in a manner that meets the performance standards and design standards of this section 6.3, or if the initial subdivision stormwater management plan was designed to accommodate the runoff from the site;
- (ii) The off-site drainage facilities and channels leading to them are designed, constructed and maintained in accordance with the requirements of this section 6.3;
- (iii) Adverse environmental impacts on the site of development will be minimized.

(B) Requesting Use of Off-site Drainage Facilities

A request to use off-site drainage facilities and all information related to the proposed off-site facilities should be made a part of the developer's stormwater management plan. Guidance documents to be used when designing or operating off-site drainage systems are listed in section 6.3.4.

(C) Approval for Use of Off-site Drainage Facilities

The use of off-site drainage facilities shall be permitted only if easements or deed restrictions to insure continued use of the drainage facility site(s) have been approved by the Town and recorded in the office of the Carteret County Register of Deeds. A copy of such recorded provisions shall be provided to the Town and shall be considered a condition of any approval granted under this section 6.3.

[\(Ord. of 5-13-14, § 1\)](#)

6.3.4 - Manual of Stormwater Management Practices

(1) Adopted Manuals of Stormwater Management Practices

The Town adopts by reference the following published manuals of stormwater management practices for the guidance of persons preparing stormwater management plans, and designing or operating drainage systems:

(A) NCDENR Stormwater Best Management Practices (July 2007, as amended) as published by the NC Department of Environment and Natural Resources, Division of Water Quality, Water Quality Section, 512 N. Salisbury Street, Raleigh, NC 27699.

(2) Manuals May be Updated

This manual may be updated periodically to reflect the most current and effective practices and shall be made available to the public at the Town hall during normal business hours.

(3) Stormwater Administrator as Custodian of Practices

The Stormwater Administrator will be the official custodian of these manuals and shall present subsequent revisions of it to the Board of Commissioners and Planning Board for review and approval before same shall be incorporated into the manuals.

6.3.5 - Maintenance

(1) Dedication of Drainage Facilities

Drainage facilities shall be dedicated to the Town where they are determined by the Board of Commissioners to be appropriately a part of the Town's maintained system.

(2) Adequate Easements

Any private drainage or stormwater management systems designed to serve projects which disturb more than ten thousand (10,000) square feet of land and all multi-family residential, commercial and industrial projects shall have adequate recorded easements to permit the Town to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. A copy of such recorded provisions shall be provided to the Town and shall be considered a condition of any approval granted under this section 6.3. The Stormwater Administrator or a designated Stormwater Inspector shall inspect all properties and systems annually for any deficiencies. Drainage and stormwater treatment systems must be performing properly to remain in compliance with this ordinance.

(3) Operations and Maintenance Plan

Any private drainage or stormwater management systems designed to serve projects which disturb more than ten thousand (10,000) square feet of land and all multi-family residential, commercial and industrial projects shall have an adequate Operations and Maintenance Plan (O&MP). A copy of the recorded O&MP shall be provided to the Town and shall be considered a condition of any approval granted under this chapter.

(4) Property Owner Responsibilities

The owner of the property on which work has been done for private storm water management facilities pursuant to this section 6.3 or related regulations in this Unified Development Ordinance or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, drains, structures, and other protective devices. This includes regular removal of dead trees, leaves, debris that accumulate in ponds. Such repairs or restoration and maintenance shall be in accordance with approved plans.

## 6.4 - DUNES AND VEGETATION PROTECTION

### 6.4.1 - Intent

This section 6.4 has been created to regulate development and redevelopment within the Town to ensure compatibility with the environmentally sensitive nature of the unique coastal landforms contained within the community. Development and redevelopment of property shall be regulated by the underlying zoning designation already in place as well as the regulations contained herein in order to achieve the following:

(1) Natural Features and Attractiveness

Preserve the natural features and visual attractiveness of the area. Such features include ocean frontal dunes, naturally vegetated areas, interior dune topography, maritime forest areas, and estuarine buffer areas.

(2) Soil Stabilization

Preserve vegetation acting as soil stabilizers, and that provide wind or salt mist intrusion protection value, including the dune ridge plants and naturally vegetated forested areas, and that absorb storm water runoff and reduce flooding concerns.

(3) Natural Topography

Preserve to the greatest extent possible the existing and natural topography of the Town.

(4) Rights of Property Owners

Preserve the rights of property owners to develop their property while understanding the impact of development on the natural environment.

### 6.4.2 - Applicability

These regulations shall apply to all lots of record within the Town, including but not limited to all previously developed lots of record within the Town. Unless exempted by section 6.4.3, a dunes and vegetation permit shall be obtained pursuant to section 2.4.11 for all new development, redevelopment, or disturbance of previously developed lots within the Town. Such permit must be obtained prior to any land disturbing activity and/or tree removal. All proposed new development and redevelopment applications, as well as all proposed disturbance of previously developed lots shall be reviewed by the dunes and vegetation protection inspector (DVPI). The issuance of a permit by the DVPI allowing any site disturbance on a parcel of land does not confer onto the property owner or their agent(s) the legal authority to begin any construction project. The property owner or their

agent(s) are required to obtain all other necessary permits, including but not limited to a zoning permit and a building permit, prior to the commencement of any construction project.

#### 6.4.3 - Exemptions

The following activities are considered exempt from this section 6.4:

- (1) Removal of sand, seashells, or similar small materials in such amounts as may be carried easily upon the person;
- (2) The normal maintenance of any lot or parcel including, but not limited to, lawn maintenance, the relocation, removal, and/or replacement of shrubs, and the cutting and/or removal of nuisance vegetation;
- (3) The removal of trees with a caliper less than three (3) inches at a height of thirty-six (36) inches;
- (4) Pruning of vegetation with a caliper greater than three (3) inches at a height of thirty-six (36) inches, provided that such pruning shall not be designed to result in the eventual death of the tree or other vegetation;
- (5) The cutting of brush or vegetation by a registered land surveyor or engineer for the purpose of completing survey work on a parcel of property;
- (6) The cutting of brush or vegetation to allow for the evaluation of a parcel for wastewater system purposes;
- (7) The clearing of no more than five hundred (500) square feet of property to allow for the incidental use of an undeveloped property by the owner;
- (8) The removal of trees under the following circumstances:
  - (A) The tree poses a safety hazard to pedestrians or vehicular traffic or threatens to cause disruption of public service;
  - (B) Poses a safety hazard to a building;
  - (C) Is diseased or weakened by age, so as to pose a safety hazard;
  - (D) Is necessary to foster productive growth of adjacent trees and vegetation;
  - (E) Will be replaced with another tree of at least a three-inch caliper as measured at a height of thirty-six (36) inches;
- (9) Nothing in this section 6.4 shall be construed to allow the willful destruction of any identified frontal or interior dune or allow alteration of the natural topography of a lot without first applying for a permit as prescribed in this Ordinance. Such actions shall constitute a violation of this Ordinance.

#### 6.4.4 - Design Standards

The following design standards shall be adhered to in order to protect the unique natural features and vegetation of the Town:

##### (1) New Development and Redevelopment

###### (A) Site Selection

In designing the location of a proposed development on a parcel of property, the Town in coordination with the property owner will consider the most suitable building sites on a given parcel of land to be those areas that will require the minimum alterations of the natural vegetation and topography to accommodate the proposed development project.

###### (B) Least Disturbance

Where vegetation must be removed for the building site(s), the most suitable site(s) shall be those that disturb the minimum number of healthy trees.

(C) Residential Area Natural Area Designation

For residential properties, there shall be a minimum of thirty-five (35) percent of the total lot area designated as natural area established in the following manner:

- (i) The applicant must demonstrate for the DVPI where the mandatory thirty-five (35) percent natural area shall be designated on the property. This area, marked on the submitted site plan, shall be staked off on the property for verification by the DVPI before the commencement of construction. During construction this area shall be left in its natural state. Appropriate actions shall be taken by the applicant to protect this area from disturbance.
- (ii) Where practical, the Town encourages property owners/developers to maintain a natural area buffer ten (10) feet in width from the front and rear property lines, excluding the driveway cut allowing vehicular access to the lot, and a five-foot buffer from the side property lines. This area shall count towards the mandatory thirty-five (35) percent natural vegetative area. Pruning or removal of vegetation in this area shall be permitted in accordance with the regulations contained within this section 6.4. The applicant shall be required to demonstrate to the DVPI where the remaining percentage of natural area shall be designated on the property. If the fringe buffer area, as defined above, satisfies the thirty-five (35) percent requirement then the applicant is not responsible for preserving any additional natural vegetation on the property.

(D) Commercial Area Natural Area Designation

For commercial properties, the area left in a natural vegetative state shall be designated as follows:

- (i) The percentages of site area shown in Table 5.1 shall be maintained.
- (ii) In cases where a commercial property abuts Emerald Drive (Hwy 58) a minimum of five-foot buffer of green or natural area, consisting of grass, flowers and shrubs not exceeding three (3) feet height, shall either be left bordering the street or planted in order to provide the required buffer. Branches of trees retained or established in the five-foot buffer area may be trimmed or cut up to a maximum of ten (10) feet as authorized by the DVPI. Additionally, the DVPI may require that trees be retained or established every fifteen (15) feet in this area.
- (iii) For all commercial property, natural area can be utilized to support on-site septic systems.

(E) Topography

The finished topography of any lot altered shall be aligned with and graded with existing neighboring elevation in such a manner as to minimize erosion. In any case where two (2) feet of fill are added to a lot, the lot owner shall be required to obtain an engineered storm water plan indicating that the use of fill shall in no way create a burden on adjacent property;

(F) Stable Slopes

Areas where land-disturbing activities have created slopes in excess of three (3) to one (1) shall require a retaining wall to stabilize the slope and preserve vegetation on, above, and below the slope;

(G) Shared Driveways

The use of shared driveways is encouraged. Driveways shall follow the natural contour lines of the land insofar as possible. Driveway construction and connection with local rights-of-way shall be in accordance with this Ordinance;

(H) Interior Dunes

Designs that minimize the degree of alteration to interior dunes to the maximum extent practical are encouraged.

(2) Disturbance of Previously Developed Lots where Additional Development is Planned

(A) Site Selection

In designing the location of additional development on a previously developed lot, the Town considers the most suitable building sites on a given parcel of land to be those areas that will require the minimum alterations of the existing natural vegetation and topography of the parcel to accommodate the additional development after considering the practical limitations created by the existing development.

(B) Least Disturbance

Where vegetation must be removed for the building site(s), the most suitable site(s) shall be those that disturb the minimum number of healthy trees after considering the practical limitations created by the existing development.

(C) Percentage of Natural Area

The minimum percentages of natural areas, as described within this Ordinance for properties within all zoning districts shall conform to the standards set for in this Unified Development Ordinance.

(D) Topography

The finished topography of any lot altered shall be aligned with and graded with existing neighboring elevation in such a manner as to minimize erosion. In any case where two (2) feet of fill are added to a previously developed lot, the lot owner shall be required to obtain an engineered storm water plan indicating that the use of fill shall in no way create a burden on adjacent property.

(E) Stable Slopes

Areas where land-disturbing activities have created slopes in excess of three (3) to one (1) shall require a retaining wall to stabilize the slope and preserve vegetation on, above, and below the slope.

(F) Interior Dunes

Designs that minimize the degree of alteration to interior dunes to the maximum extent practical are encouraged.

6.4.5 - Natural Area Restrictions

(1) Topography

The topography of the designated natural area shall not be altered. No land disturbing activity is permitted in the designated natural area.

(2) Natural Vegetation

(A) Permitted Removal

The removal of natural vegetation in the natural area that has a caliper less than three (3) inches at a height of thirty-six (36) inches is permitted without authorization from the DVPI. The removal of natural vegetation in the natural area that has a caliper greater than three (3) inches at a height of thirty-six (36) inches shall not be removed unless authorized by the DVPI, and meets the following criteria:

- (i) Poses a safety hazard to pedestrians or vehicular traffic or threatens to cause disruption of public service;
- (ii) Poses a safety hazard to a building; or
- (iii) Is diseased or weakened by age, so as to pose a safety hazard;
- (iv) Is necessary to foster productive growth of adjacent trees and vegetation;
- (v) Will be replaced with another tree with at least a three-inch caliper.

(B) Nuisance Vegetation

The removal of nuisance vegetation is permitted in the natural area without authorization from the DVPI.

(C) Planting of Additional Foliage

Nothing in this section 6.4 shall be deemed to restrict the planting of additional foliage within the designated natural area.

#### 6.4.6 - Special Restrictions on Oceanfront and Estuary Lots

(1) Oceanfront Lots

The removal of any and all vegetation within the ocean-erodible setback area, as defined by the North Carolina Division of Coastal Management, is hereby prohibited, except for the construction of walkways and other structures designed to provide ocean access.

(2) Estuary Lots

The removal of any and all vegetation within the estuarine setback area shall be in accordance the regulations of the North Carolina Division of Coastal Management.

(3) Special Restrictions

The special restrictions included in this section 6.4.6 supersede other restrictions contained in this section 6.4.

#### 6.4.7 - Variances

The Board of Adjustment shall have the authority to vary the percentage of the lot or parcel that shall be left in its natural state where, owing to special conditions, a literal enforcement of the provisions of this section 6.4 will, in an individual case, result in practical difficulty or unnecessary hardship so that the spirit of this section 6.4 shall be observed, public safety and welfare secured, and substantial justice done. Variances shall be granted in accordance with the procedures and criteria outlined section 2.4.17, Variances.

### 6.5 - PROTECTION OF FRONTAL DUNES

#### 6.5.1 - Statement of Purpose

It is the intent of the Town to establish regulations to preserve and protect the existing frontal dunes and to promote the growth and recovery of frontal dunes that are damaged during natural disasters.

It is desirable to the Town to maintain a continuous frontal dune along the oceanfront of the Town, extending from Bogue Inlet to the Indian Beach Town line, in order to provide a natural structure to mitigate the damaging effects of ocean water storm surge, flooding, and wave action associated with ocean storms; to preserve wildlife habitat in the frontal dunes; and to preserve the aesthetics of the oceanfront area of Emerald Isle.

#### 6.5.2 - Permitted Activities

(1) Narrow Pathway for Access

Oceanfront property owners may traverse the frontal dune in a narrow pathway only for purposes of accessing the beach strand. Such pathway shall not exceed six (6) feet in width. Oceanfront property owners are encouraged to construct a permanent walkway, ramp, and/or stairs to provide pedestrian access to the beach strand in order to better preserve the frontal dunes.

(2) Constructed Walkway for Pedestrian Access

Oceanfront property owners may construct a walkway, ramp, and/or stairs to provide pedestrian access to the beach strand. The walkway, ramp, and/or stairs must meet the following specifications:

(A) The walkway, ramp, and/or stairs shall be constructed to meet standards established in the North Carolina State Building Code.

(B) The construction of the walkway, ramp, and/or stairs shall be in accordance with the North Carolina Division of Coastal Management's enforcement of the Coastal Area Management Act (CAMA) so that it shall be conclusively presumed to entail negligible alteration of the frontal dune. In no case shall the walkway, ramp, and/or stairs be permitted if it will, in the opinion of the CAMA officer, diminish the dune's capacity as a protective barrier against flooding and erosion.

(3) Maintenance and Minor Repairs

Oceanfront property owners or their agents may traverse on the specific portion of the frontal dune within the limits of their property to make minor dune repairs, plant vegetation, install sand fencing, and otherwise maintain the frontal dune.

(4) Vegetation

Oceanfront property owners are encouraged to plant compatible vegetation and install sand fence in a manner that will allow for the nesting of sea turtles on the portion of the frontal dune on their property.

(5) Narrow Pathway at Public Access Points

The general public may traverse the frontal dune in a narrow pathway established at public access points only for purposes of accessing the beach strand. The public shall not deviate from the established pathway onto adjacent frontal dunes intended to be protected by this section 6.5.

(6) Official Regulatory and Research Activities

Federal, state, and local officials engaged in official regulatory activities are authorized to traverse the frontal dunes. Persons engaged in official research and wildlife preservation groups are also authorized to traverse the frontal dunes in support of their research and preservation activities.

(7) Storage of Small Boats

Oceanfront property owners or their agents may traverse on the specific portion of the frontal dune within the limits of their property in order to store small sailboats (i.e., Hobie Cats, Sunfish, and other similar small sailboats) out of the ocean tidal zone. Such sailboats shall be stored in such a manner that does not compromise the integrity of the frontal dune. If, in the judgment of the Town the sailboat storage does compromise the integrity of the frontal dune, the owner shall be directed to remove the sailboat or be subject to a civil violation as outlined in Chapter 9.

### 6.5.3 - Prohibited Activities

It shall be unlawful for any person or vehicle to cross any portion of the frontal dune except for official Town business or for emergency access purposes unless such crossing is over a designated pathway, ramp, and/or stairs, or for any other activity permitted in this section 6.5. Examples of specifically prohibited activities include, but are not limited to playing on frontal dunes, climbing on frontal dunes, removing dune vegetation, allowing pets to traverse frontal dunes, and other activities that reduce the stability of the frontal dune and potentially decrease its storm protection value, wildlife habitat value, and aesthetic value.

## 6.6 - SIGNS

### 6.6.1 - Intent

It is the intent of these regulations to preserve the aesthetic qualities of the unique natural environment that distinguishes the Town. The preservation of such environment from excessive and obtrusive signs is a matter of critical importance to the residents and to the Town, due to its economic reliance on the tourism industry. These regulations are also intended to promote the business community by conveying information to the public using legible and effective signage through the control of their number, location, size, height, appearance, illumination, animation and method or type of construction. Furthermore, the Town seeks to promote the safety of persons and property by providing that signs do not create traffic hazards due to collapse, fire, collision, decay, abandonment or undue distraction of motorists.

### 6.6.2 - Administration

#### (1) Generally

No sign of any type, or any part thereof, shall be erected, painted, posted, placed, replaced or hung in any zoning district except in compliance with this section 6.6.

#### (2) Application

Each application for a sign permit shall be made in writing upon forms furnished by the building inspector, and shall contain or have attached thereto the following information:

(A) A drawing approximately to scale showing the design of the sign, including dimensions, method of attachment, or support, source of illumination and showing the relationship to any building or structure to which it is, or is proposed to be, installed or affixed.

(B) A plot plan, approximately to scale, indicating the location of the sign relative to property lines, easements, streets, sidewalks, and other signs.

#### (3) Review

Sign plans shall be submitted to and approved by the building inspector prior to a permit being issued. A record of such application, plans, and the actions taken thereon shall be kept in the office of the building inspector.

#### (4) Fees

Before being granted a sign permit, each applicant shall pay to the town a fee for each sign permit. The Board of Commissioners shall set the fee. Prior to additional signs being permitted, for a single lot, all existing signs must be brought into compliance (grandfathering will not apply).

(5) Standards

In addition to the detailed regulations set forth in other provisions of this section 6.6, all signs displayed within the jurisdiction of this section 6.6 (including those exempted from the permit process shall comply with the following standards):

(A) Obstruction to Exits

No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.

(B) Obstruction to Ventilation or Light

No signs shall be erected that interfere with any opening required for ventilation and/or light to a structure.

(C) Clearance from Electrical Power Lines, and Communications Lines

Signs shall maintain all clearance from electrical conductors in accordance with the Town electrical code and shall not interfere with or impede any other utility equipment and/or lines.

(D) Clearance from Surface and Underground Facilities

Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. Furthermore, placement shall not interfere with natural or artificial drainage, or surface or underground water.

(E) Drainage

The roofs of canopies, awnings, or similar sign structures exceeding twenty-five (25) square feet shall be drained to prevent dripping or flowing onto public sidewalks or streets; and shall be connected to an approved disposal source by adequate conductors.

(F) Obstruction to Corner Visibility

No sign or sign structure shall impair the visibility of intersecting streets and drives. Specifically there shall be no obstruction to vision between a height of three (3) feet and ten (10) feet at the intersection of any connecting streets.

(6) Exemptions

The following types of signs are exempt from all regulations of this section 6.6 with the exception of those defined in section 6.6.2(4).

(A) Residential signs not exceeding four (4) square feet in area and bearing only property numbers, post box numbers, names of occupants on premises, or other identification of premises not having commercial connotations.

(B) Non-advertising flags, and single pennants with not less than eight-foot separation; and, insignia of any legal government displayed in a legal manner.

(C) Legal notices, identification, informational, or directional signs erected or required by governmental bodies or public utilities. Such signs may be placed in a street right-of-way; provided that the sign is placed in such a manner as to not obstruct driver vision of any vehicle entering a roadway from any street, alley, driveway, or parking lot.

- (D) Integral decorative or architectural features of buildings, except letter trademarks, moving parts, or moving lights.
- (E) Signs with a display surface not exceeding four (4) square feet directing and guiding traffic and parking on private property, but bearing no advertising matter.
- (F) Real estate signs advertising the sale, rental, or lease of the premises on which the signs are located, provided such signs:
  - (i) "FOR SALE" sign: May not exceed one (1) sign per lot, or two (2) signs if the property for sale is a duplex with each unit offered by separate real estate agencies.
  - (ii) "FOR LEASE - ANNUAL" or "FOR RENT - ANNUAL" sign: May not exceed one (1) sign per lot, or two (2) signs if the property for lease or rent is a duplex with each unit offered by separate real estate agencies.
  - (iii) "VACATION RENTAL" or "VACATION LEASE" sign: May not exceed one (1) sign per lot, or two (2) signs if the property for rent is a duplex. Such sign must be placed on the principal building it advertises.
  - (iv) Are not located on the beach side of any oceanfront property.
  - (v) Do not exceed four (4) square feet in area per display surface for property zoned residential or sixteen (16) square feet per display surface for property zoned nonresidential.
  - (vi) The signs are removed within thirty (30) days after the sale or lease of the premises.
  - (vii) Open house signs for the sale of real estate are permitted under the following restrictions and conditions:
    - (a) Open houses may be conducted at any time; however, the use of off-premise directional signs shall be limited to one (1) open house per premise per week and no such signs are permitted unless the owner or real estate agent is present on site during the open house.
    - (b) A maximum of four (4) signs may be erected, one (1) on the property at which the open house is being conducted and the remaining three (3) may be placed at appropriate intersections to provide direction to the premises on which the open house is being conducted.
    - (c) Do not exceed four (4) square feet in area and must be of similar construction as a typical real estate sign. No banners are permitted
    - (d) Signs may be installed no more that one (1) hour before the commencement of the open house and must be removed within one (1) hour following the end of the open house, with a maximum duration of six (6) hours.
    - (e) No balloons, streamers, banners or other wind activated devices may be attached to the signs.
    - (f) Signs may not be located on the beach side of any oceanfront property.
  - (viii) Auction signs for the sale of real estate and/or the contents of real property are permitted under the following restrictions and conditions:
    - (a) A maximum of four (4) signs may be erected, one (1) on the property at which the auction is being conducted and the remaining three (3) may be placed at appropriate intersections to provide direction to the premises on which the auction is being conducted.
    - (b) Do not exceed four (4) square feet in area and must be of similar construction as a typical real estate sign. No banners are permitted.

- (c) Signs located on the premises in which the auction will be conducted may be installed no more than one (1) week prior to the day of the auction. All directional signs for the auction may be installed no more than one (1) hour before the commencement of the auction. All signs must be removed within one (1) hour following the end of the auction.
  - (d) No balloons, streamers, banners or other wind activated devices may be attached to the signs.
  - (e) Signs may not be located on the beach side of any oceanfront property.
- (G) Construction site identification signs whose message is limited to identification of architects, engineers, contractors, and other individuals or firms involved with the construction, the name of the building, the intended purpose of the building, and the expected completion date. Such signs shall not exceed one (1) sign per provider and shall be:
  - (i) Eight (8) square feet in area per display surface for single-family or duplex construction;
  - (ii) Thirty-two (32) square feet in area per display surface for multifamily or nonresidential construction,
  - (iii) In any case, not erected prior to issuance of a building permit, and are removed within ten (10) days of issuance of a certificate of occupancy.
- (H) Temporary political signs advertising candidates or issues subject to the following conditions:
  1. Signs may be placed within the NC 58 right-of-way and within the right-of-way of all Town streets, but permission of the adjacent private property owner is required.
  2. Signs must be placed at least three (3) feet from the edge of the street pavement, and shall not be more than forty-two (42) inches higher than the asphalt roadway surface.
  3. Signs shall not be displayed earlier than thirty (30) days prior to the start of "one-stop" voting and shall be removed no more than ten (10) days after the election.
  4. Signs shall not obstruct a driver's sight distance at an intersection or create an unsafe condition for motorists, pedestrians, or bicyclists.
  5. Signs shall not be larger than six (6) square feet.
  6. Signs shall not obscure or replace other signs.
  7. No banners are permitted.
  8. No campaign signs are permitted on or in front of Town-owned property, with the exception of Election Day and only in accordance with the guidelines established by the Town.
  9. There is no limit on the number of campaign signs, provided that all other regulations are followed.
- (I) Gasoline islands and pumps to display only company name and price of product being pumped.
- (J) Temporary sign or banner as defined in Chapter 10.
- (K) On-site temporary signs:
  - (i) One (1) menu-board/specials board (e.g. chalkboard) may be utilized per business site and shall be considered as a portion of the allowed temporary signs. These signs shall not exceed seven (7) square feet and must be affixed to the exterior wall of the business.

- (ii) One (1) A-frame sign may be utilized per business site and shall be considered as a portion of the allowed temporary signs. These signs shall be brought in at the close of business daily, and when in use outside of the business they shall be placed not more than five (5) feet from the entrance and shall not exceed four (4) feet in height and thirty (30) inches in width.
- (iii) Movie theaters are limited to fifteen (15) square feet per board for each screening room.
- (L) Permanent subdivision signs, or other structures constructed so as not to interfere with the free flow of traffic, may be located within the Town right-of-way, as approved by the Board of Commissioners.

(Ord. of 7-14-09, § 1; [Ord. of 1-14-14, § 1](#))

### 6.6.3 - Prohibited Signs

The following signs are prohibited in the Town:

- (1) Signs that imitate, or in any way approximate, official highway signs, or that are erected in a way that obscures a sign displayed by a public authority.
- (2) Signs that display flashing, blinking or intermittent lights, or lights of changing intensity. No moving signs or moving parts of signs will be allowed. No sign shall purposefully emit sound, odor, or vapor and every sign must incorporate the latest technology to eliminate the same.
- (3) Except where otherwise allowed by this subsection, all portable signs shall include signs on wheels, affixed to a trailer or vehicle, A-frames or any other devices designed to, or capable of being moved from one (1) location to another. Signs as herein described must be covered, otherwise obscured, or properly situated upon the sign owner's premises, including common areas, in such a way that it may not be seen from any street, road, or other public vehicular right-of-way. A portable sign, vehicle, or trailer may not be parked, placed or otherwise located at any other location within the Town's jurisdiction where it may be seen from any street, road, or other public vehicular right-of-way unless the sign is attached to a vehicle or trailer being actively used by it's owner for non-advertising purposes that are specifically related to the owner's regular business activities and then only for such period of time as is reasonably necessary to perform such service. This section shall take effect upon adoption.
- (4) Commercial banners, balloons, advertising flags, streamers, spinners, placards, line pennants and other wind activated devices.
- (5) Displays of letters, logos, trademarks, emblems, pictures, etc., on such items as facsimiles of buckets, human or animal figures, tin cans, and other such objects.
- (6) Signs that are erected in a street right-of-way, or placed in a street right-of-way, or placed in such a manner as to obstruct driver vision of any vehicle entering a roadway from any street, alley, driveway, or parking lot.
- (7) Commercial identification or advertising signs on public utility poles, telephone poles, trees, parking meter poles, benches, and refuse containers, except the latter two (2) may display a logotype.
- (8) Street pavement of any kind, other than those placed by the Town or state.
- (9) Signs that contain obscene, suggestive, or offensive words, or words and pictures, which would be inconsistent with a family oriented beach community.
- (10) Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.

- (11) Signs that advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than ten (10) days after the business's permanent operations cease.
- (12) No floodlights or signs shall be erected or placed in such a manner as to cause glare that impairs driver vision on a roadway or causes a nuisance to adjacent property.
- (13) Holiday decorations/signs shall be removed within ten (10) days following the recognized holiday.
- (14) The subject matter of all advertising signs shall be limited to advertising businesses or services located in the Town.
- (15) Political signs on state or Town rights-of-way.
- (16) Billboards.

#### 6.6.4 - Signs in General

- (1) All freestanding signs must be at least ten (10) feet from any street and off the right-of-way of Highway 58 (Emerald Drive). The required distance shall be measured from the side of the street or right-of-way to the edge of the sign, whether overhanging or supported.
- (2) Signs shall be placed on the premises of the business being advertised and the sign copy shall be used primarily to identify the on-premises business. Use of the sign copy for the general advertising of products, such as "Coke," "7-Up," etc., shall not be permitted in residential zones.
- (3) The area of a sign shall be measured according to the following rules, as applicable:
  - (A) In the case of freestanding, and projecting signs, area consists of the entire surface area on which copy could be placed. The supporting structure or bracing of a sign shall not be counted as part of the sign area, unless such structure or bracing is made part of the sign's message. Where a sign has two (2) display faces back-to-back, the area of only one (1) face shall be considered as the sign area. When a sign has more than one (1) display face, all areas, which can be viewed simultaneously, shall be considered the sign area.
  - (B) In the case of a sign (other than freestanding and projecting), whose message is fabricated assembled/printed together with the background that borders or frames that message, the sign area shall be the total area of the entire background.
  - (C) In the case of a sign (other than a freestanding, projecting, or marquee), whose message is applied to a background that provides no border or frame, sign area shall be the area of the sign where words, letters, figures, emblems, or other elements of the sign message are or could be placed.
- (4) Strip lighting, including neon, LED, or fluorescent lighting, is prohibited on either the exterior or interior of any commercial building or commercial property, unless:
  - a) It is an informational sign (such as "OPEN") that does not exceed two (2) square feet; or
  - b) The interior strip lighting is located no closer than ten (10) feet to any exterior window or door containing glass so that the strip lighting may not be directly seen or viewed from the exterior of the property.

In addition, strip lighting, including neon, LED, or fluorescent lighting, is prohibited as a part of decorative displays, non-signage, or other building features.

[\(Ord. of 5-12-15\(2\), § 1\)](#)

#### 6.6.5 - Signs Permitted in the R2, RMF and MH Districts

- (1) Development identification signs containing only the name of a subdivision, multifamily development, or planned development, provided such signs are indirectly illuminated and are limited to one (1) freestanding sign at each principal point of access to the development, sixty-four (64) square feet in area per display surface, and a maximum height of six (6) feet, or two (2) signs per point of access not to exceed thirty-two (32) square feet each and six (6) feet in height to a subdivision.
- (2) Home occupation signs identifying a home occupation, provided such signs are not illuminated and limited to one (1) sign per zoning lot and a maximum display area of four (4) square feet.
- (3) Churches and other places of worship are limited to one (1) freestanding sign, not to exceed fifty (50) square feet in area, and a maximum height of six (6) feet above the nearest street grade. All signs freestanding signs must be at least ten (10) feet from any street and off the right-of-way of Highway 58 (Emerald Drive).

[\(Ord. of 10-11-11, § 1\)](#)

#### 6.6.6 - Signs in Commercial, Government and Mixed Use Districts

- (1) One (1) permanent, freestanding advertising sign (on-premises) permitted per lot, provided no such sign shall exceed the height of:
  - (A) Fifteen (15) feet in B, C, G, VE, VW and MV zoning districts from the grade level of the nearest street.
- (2) In each commercial and mixed use district the sign face for an advertising sign will be limited to:
  - (A) Fifty (50) square feet for one (1) business;
  - (B) Fifty (50) square feet total for any number of remaining businesses, on a gang sign.
- (3) Business operations fronting on more than one (1) street shall be permitted one (1) freestanding advertising sign each frontage; provided, however, the combined area of all such signs shall not exceed one hundred (100) square feet.
- (4) Business identification signs may be suspended from, or attached to a canopy, wall, or roof, provided that the sum total of the signs does not exceed thirty-two (32) square feet and the bottom of each sign may not extend more than two (2) feet above the lowest point of roof soffit. Business operations that physically front on two (2) or more streets may have two (2) identification signs but only one (1) per frontage; provided, however, the combined area of all such signs shall not exceed forty-eight (48) square feet and no individual sign may exceed thirty-two (32) square feet.
- (5) Those businesses at Emerald Plantation Shopping Center, in which entry is more than thirty (30) feet from the entrance of the roofed canopy, are permitted to install signage on the interior rear portion of the roof structure.
- (6) Temporary "grand opening" and other such similar banners. Such devices may only be placed after the issuance of temporary zoning permit by the Planning Director. The temporary permit may have a maximum duration of twenty-one (21) days. Signs may be no larger than twenty-four (24) square feet and must be placed on the structure housing the business it is advertising in a manner so as to keep a neat and clean appearance.
- ~~(7) One (1) permanent, freestanding off-premises directional sign permitted, in accordance with the following:
 
  - ~~(A) The business is located in a commercial or mixed use zoning district and is not a residential or residentially related use.~~
  - ~~(B) The off-premises sign will be located in a commercial or mixed use zoning district.~~~~

- ~~(C) The business is located more than one thousand (1,000) feet from Emerald Drive.~~
- ~~(D) Only one such sign allowed per business.~~
- ~~(E) Owner of the property where the off-premises sign is to be located shall provide written permission as part of the sign application.~~
- ~~(F) The sign shall be no larger than thirty-two (32) square feet.~~
- ~~(G) The sign shall not exceed five (5) feet in height.~~

[\(Ord. of 5-12-15\(2\), § 1; Ord. of 7-14-15\(1\)\)](#)

#### 6.6.7 - Maintenance; Inspections

##### (1) Unsafe Signs

Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the building official, the owner thereof, or the person or firm maintaining the same, shall, upon written notice from the building official, forthwith, in the case of immediate danger, and in any case, within ten (10) days, secure the same in a manner to be approved by the building official, in conformity with the provisions of these sign regulations or remove such sign. If such order is not complied with within ten (10) days, the building official shall remove such sign at the expense of the owner or lessee, thereof.

##### (2) Maintenance

All signs, together with all their supports, braces, guides, and anchors shall be kept in good repair.

#### 6.6.8 - Design Standards

All signs shall be constructed and designed according to generally accepted engineering practices, to withstand wind pressures and load distribution, as specified in the NC State Building Code.

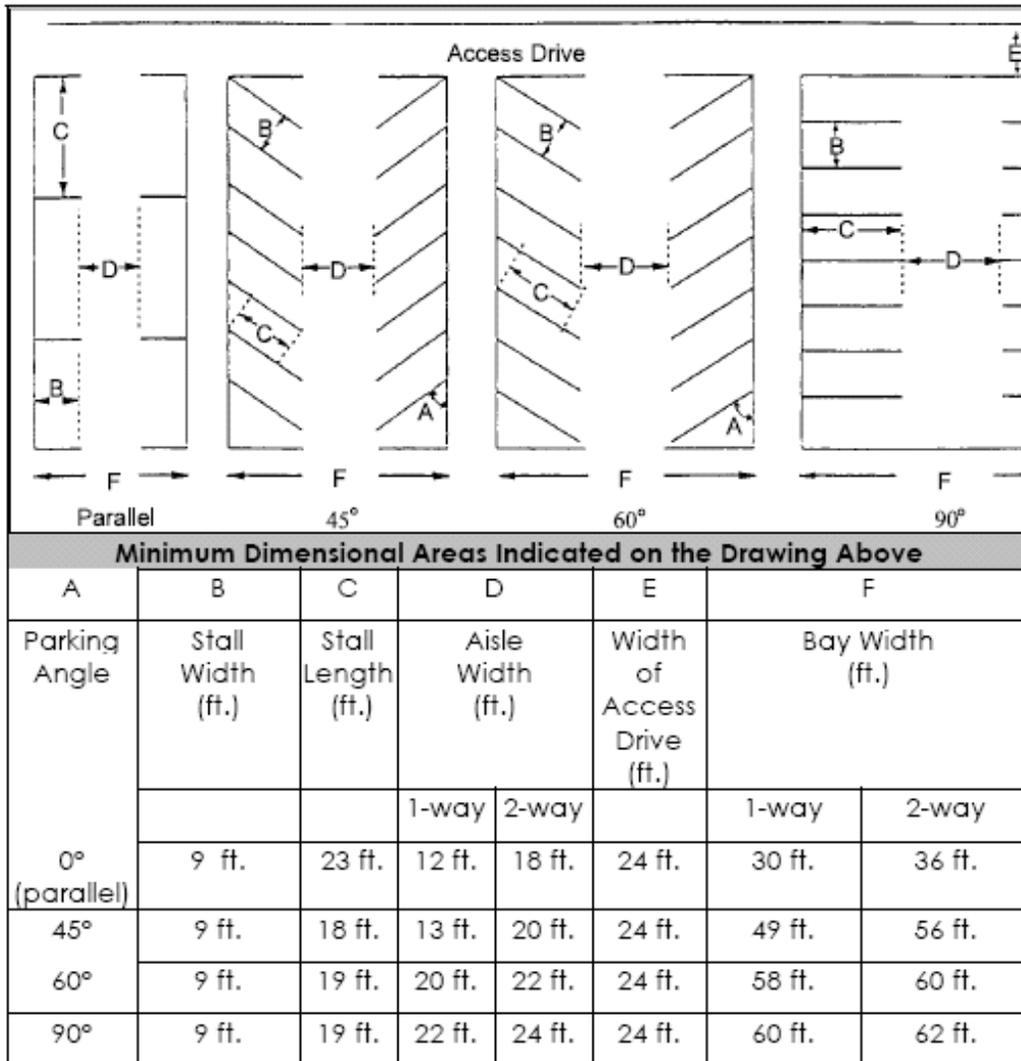
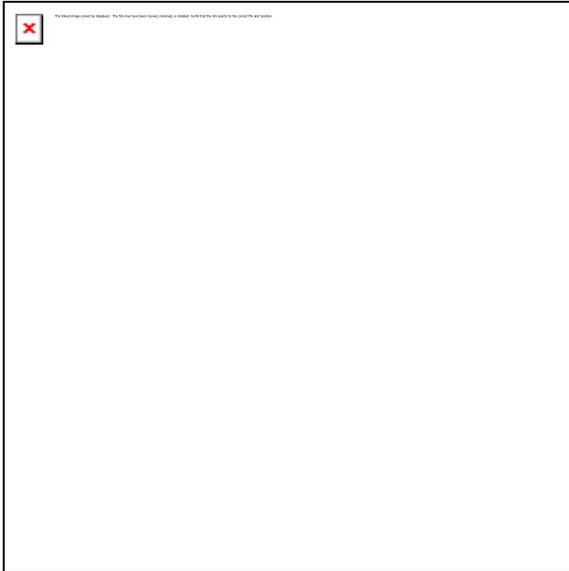
### 6.7 - OFF-STREET PARKING AND LOADING REQUIREMENTS

#### 6.7.1 - Detailed Specifications

##### (1) Generally

All off-street parking spaces shall comply with the dimension shown in Table 6.7.1 below.

Table 6.7.1: Minimum Parking Space Dimensions



(2) Submission of Plans

Before the construction of any building in any of the various zones, in addition to the building plan to be submitted to the building official for approval, there shall also be submitted a detailed plan of the off-street parking arrangements to be utilized for such structure, including the number of spaces, size, and type of construction of the off-street parking area. Submission of a satisfactory parking plan shall be a condition precedent to the issuance of any building permit.

(3) Remote Parking Space

If the off-street parking space required by this section cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, upon review by the Planning Board and approval by the Board of Commissioners.

(4) Width of Commercial Driveway

The width of a commercial driveway shall be no less than twelve (12) feet.

(5) Width and Length of Residential Driveway

The width of a residential driveway shall be not less than ten (10) feet nor greater than sixteen (16) feet and, if used as part of the parking area, shall be of sufficient length to keep two (2) cars off the street right-of-way. Each residentially zoned lot is limited to not more than two (2) driveways.

(6) Parking for Non-Residential Uses

Parking areas required by commercial and institutional uses are permitted only in districts that allow commercial and institutional activities.

(7) Materials for Commercial Parking Lots

No commercial parking lot shall be made of materials other than asphalt, concrete, permeable construction blocks, or structural wood or a wood substitute.

The use of wood or a wood substitute shall be limited to the required standing space for vehicles and may not be used for travel lanes or accessways. Any person desiring to use structural wood or a wood substitute construction shall submit scale drawings and specifications designed and sealed by a North Carolina licensed engineer depicting the parking areas, materials to be used and construction design. Only pressure treated wood or a wood substitute may be used and the parking area shall be at-grade. The design load for the wood or wood substitute parking area shall be based on intended use and shall conform to the requirements of the North Carolina Building Code. All wood and wood substitute parking surfaces shall be kept free of debris and sand in order to insure that they continue to function effectively as a pervious surface.

No types of temporary materials, such as landing mats shall be used for the construction of commercial or residential parking facilities.

(8) Off-street Parking for Special Uses

Off-street parking for special uses shall meet the requirements of this section unless specific requirements for off-street parking for a designated special use is set forth in section 4.2, in which event the special use shall meet the off-street parking requirements in section 4.2 .

(9) Access

All required off-street parking facilities shall have adequate ingress and egress from the public right-of-way.

(10) Handicap Parking Spaces

The number, size, dimension and location for all required handicap parking spaces shall be determined by the applicable sections of the North Carolina Accessibility Code.

(Ord. of 1-13-09, § 1)

6.7.2 - Measurement of Requirements

The required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. Accessory buildings shall be included with principle buildings in measurement of gross floor area for determining parking requirements. Gross floor area shall be measured from the outside walls of all structures. Where computation of the required parking based upon gross floor area results in a fraction of a space being required, the next whole number shall be used. In addition, the developer shall evaluate his own needs to determine if parking needs are greater than the required minimum specified by this Ordinance.

6.7.3 - Specific Use Standards

Each development shall provide at least the minimum number of parking spaces shown in Table 6.7.3 below. Planned Unit Developments shall be required to provide the amount of off-street parking stated in the PUD approval.

TABLE 6.7.3: REQUIRED PARKING SPACES

| Use   | Number of Required Spaces                     |
|---|---|
| <b>RESIDENTIAL AND RELATED USES</b>   |   |
| <ul style="list-style-type: none"> <li>• Dwelling, single-family;</li> </ul>  | <p>2 space<br/>per individual living unit</p> |
| <ul style="list-style-type: none"> <li>• Dwelling, single-family, to be used exclusively as manager's quarters</li> </ul> |   |
| <ul style="list-style-type: none"> <li>• Dwelling, two-family;</li> </ul>   |   |
| <ul style="list-style-type: none"> <li>• Dwelling, multifamily;</li> </ul>  |   |
| <ul style="list-style-type: none"> <li>• Dwellings, townhouses and condominiums;</li> </ul>                               |   |
| <ul style="list-style-type: none"> <li>• Group housing projects</li> </ul>  |   |
| <ul style="list-style-type: none"> <li>• Mobile homes, on individual lots or in subdivisions;</li> </ul>                  |   |
| <ul style="list-style-type: none"> <li>• Mobile home park</li> </ul>  |   |

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|---|--|
| <ul style="list-style-type: none"> <li>Hotels and inns;</li> </ul>  | 1 space for each rental room, plus 1 additional space for every 3 employees on largest shift           |
| <ul style="list-style-type: none"> <li>Motels and motor courts</li> </ul>   |  |
| PUBLIC AND INSTITUTIONAL  |  |
| <ul style="list-style-type: none"> <li>Assembly halls, coliseums, gymnasiums and similar structures</li> </ul>                                    | 1 space for each 4 seats in the assembly room, chapel, or main parlor                                  |
| <ul style="list-style-type: none"> <li>Churches</li> </ul>  |  |
| <ul style="list-style-type: none"> <li>Funeral Homes</li> </ul>   |  |
| <ul style="list-style-type: none"> <li>Theaters (Auditorium)</li> </ul>   |  |
| Bus passenger stations  | 5 spaces per each bus parking stall  |
| Convalescent or nursing home (Nursing home)   | 1 space for each 3 beds  |
| Country clubs, golf clubs; exclusive use of the property owners of the platted subdivision and their invited guests, nonprofit (Clubs and lodges) | 1 space for every 4 seats  |
| Government uses, not listed separately  | 1 space per employee, plus 5 spaces for customer service functions                                     |
| Grounds and facilities for open air games and sports, community sports, community centers, and other similar properties, nonprofit                | 5 spaces, plus 1 space for each 500 sq. ft. principal use ground area.                                 |
| Health clinic (Clinic)  | 10 spaces minimum; or 5 spaces for each practitioner assigned, plus 1 parking space for each employee. |
| Hospital  | 1 space for each 4 patient beds, plus 1 space per each 2 employees                                     |
| Libraries, museums, and art galleries   | 1 space for each 1,000 sq. ft. of gross floor  |

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|   | area.  |
| Offices, licensed health care professionals<br>(Doctor/dentist office)  | 3 spaces for each doctor; plus 1 space per additional employee.  |
| Police and fire stations  | 5 spaces plus 1 space per employee on largest shift  |
| Post office   | 1 space for each 200 sq. ft. of gross floor space plus 1 space for each employee   |
| Wastewater treatment facilities and package plants  | 1 space per employee   |
| Yacht basins, nonprofit   | 1 and ½ spaces for each boat slip or rental unit plus 1 space for each employee on largest shift   |
| RETAIL AND OFFICE USES  |  |
| <ul style="list-style-type: none"> <li>Agencies and offices rendering specialized services in the professions, finance, real estate and brokerage</li> </ul>    | 1 space for each 300 sq. ft. of gross floor space  |
| <ul style="list-style-type: none"> <li>Banks, finance and loan (General offices, real estate)</li> </ul>  | For banks, add 1 space for each 2 employees  |
| <ul style="list-style-type: none"> <li>Bars and lounges, indoor</li> </ul>  | <p>If no drive-in service: 1 space for each 4 customer seats plus one space for each 3 employees</p> <p>If drive-in service: 1 space for each 50 sq. ft. of gross floor area</p> |
| <ul style="list-style-type: none"> <li>Bars and lounges, partly or totally outdoors</li> </ul>  |  |
| <ul style="list-style-type: none"> <li>Restaurants (Restaurant, café, public eating spaces, lounges, bars), (Drive-in restaurant)</li> </ul>                    |  |
| <ul style="list-style-type: none"> <li>Amusement enterprises, indoor, similar to billiards, pool, bowling, shooting gallery, roller rink, dance hall</li> </ul> | 1 space for each 200 sq. ft. of principal use gross floor area, plus 1 space for each 3 employees  |
| <ul style="list-style-type: none"> <li>Arcade and/or amusement machine facilities</li> </ul>  |  |
| <ul style="list-style-type: none"> <li>Musical, dance, dramatic and other artistic programs or events, indoor only</li> </ul>                                   |  |

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| (Indoor entertainment facilities including dance halls, skating rinks, amusement arcades and similar facilities)   |   |
| <ul style="list-style-type: none"> <li>Athletic clubs and facilities</li> </ul>  | 2 spaces per court, plus 1 space per 300 sq. ft. of exercise room gross floor area, plus 1 space per employee |
| <ul style="list-style-type: none"> <li>Racquetball or tennis clubs and facilities</li> </ul>   |   |
| Furniture, retail sales  | 1 space for each 1,000 sq. ft. of gross floor area  |
| Miniature Golf Courses   | One parking space per hole, plus four spaces for each 18 holes and one for each two employees.                |
| <ul style="list-style-type: none"> <li>Mobile home sales</li> </ul>  | 5 spaces, plus 1 space for each 500 sq. ft. principal use ground area   |
| <ul style="list-style-type: none"> <li>Musical, dance, dramatic, and other artistic programs or events, outdoor<br/>(Roadside stands, plant nurseries, outdoor concessions, sightseeing rides, automobile sales lots and similar activities involving outdoor display of merchandise or services) and (Outdoor activities or amusements, where operated as a commercial activity)</li> </ul> |   |
| <ul style="list-style-type: none"> <li>Campgrounds and travel trailer parks</li> </ul>   | 1 space for each campsite or trailer/vehicle space  |
| <ul style="list-style-type: none"> <li>Recreational vehicle park<br/>(Campgrounds and camp sites)</li> </ul>   |   |
| <ul style="list-style-type: none"> <li>Alcohol beverage commission stores and sales operated by governmental units</li> </ul>  | 1 space for each 300 sq. ft. of gross retail area, plus 1 space for each employee                             |
| <ul style="list-style-type: none"> <li>Alcohol beverage packaged retail sales</li> </ul>   |   |
| <ul style="list-style-type: none"> <li>Antiques, art supply, and gift retail sales</li> </ul>  |   |
| <ul style="list-style-type: none"> <li>Book and stationery stores</li> </ul>   |   |
| <ul style="list-style-type: none"> <li>Clothing sales</li> </ul>   |   |

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Convenience store</li> </ul>                                     |  |
| <ul style="list-style-type: none"> <li>• Feed, seed and fertilizer retail sales</li> </ul>                |  |
| <ul style="list-style-type: none"> <li>• Food stores; grocery</li> </ul>                                  |  |
| <ul style="list-style-type: none"> <li>• Pet shops, bird stores, taxidermists</li> </ul>                  |  |
| <ul style="list-style-type: none"> <li>• Retail sales, indoor, not otherwise listed</li> </ul>            |  |
| <ul style="list-style-type: none"> <li>• Retail uses not otherwise listed</li> </ul>                      |  |
| <b>PERSONAL AND COMMERCIAL SERVICES</b>   |  |
| <ul style="list-style-type: none"> <li>• Automobile repair garages</li> </ul>                             | 4 per 1,000 sq. ft. of gross floor area                                |
| <ul style="list-style-type: none"> <li>• Automobile service stations</li> </ul>                           |  |
| Barber, beauty and other similar personal services  | 2 spaces for each chair, plus 1 space for each employee                |
| Carwash   | If full service: 1 space per 1,000 sq. ft. of gross floor area         |
| Contractor or plumbing shop and/or outdoor storage  | 5 spaces, plus 1 space for each 500 sq. ft. principal use ground area. |
| Day care center<br>(Day care)   | 5 spaces, plus 1 space for each employee                               |
| Dog grooming operations   | 2 spaces per 1,000 sq. ft. gross floor area                            |
| <ul style="list-style-type: none"> <li>• Dry cleaning</li> </ul>  | 2 spaces per 1,000 sq. ft. gross floor area                            |
| <ul style="list-style-type: none"> <li>• Laundries and laundrette service</li> </ul>                      |  |
| <ul style="list-style-type: none"> <li>• Lock and gunsmiths</li> </ul>                                    |  |
| <ul style="list-style-type: none"> <li>• Printing, publishing, and reproduction establishments</li> </ul> |  |

|  |   |
|--|---|
| Dry cleaning drop off/pick up site   | 1 space per employee  |
| Fishing piers, commercial and public   | One space for each 10 feet of length plus one space for each 200 sq. ft. of gross floor area. Restaurant, bars and lounges shall require additional parking spaces as per each use located on site. |
| Marina and other watercraft-related facilities (Marinas and boat rentals)                                  | 1 space for each 2 wet boat slips, 1 space for each 3 dry slips, 1 space for each employee, plus the required space for other uses on site.   |
| Taxicab, transportation for hire stations  | 1 space per employee on largest shift   |
| Veterinarians - no outside kennel, no boarding   | 4 spaces per 1,000 sq. ft. of gross floor area  |
| <b>WHOLESALE, WAREHOUSE, AND INDUSTRIAL USES</b>   |   |
| Bakery shop and confectioneries operating both wholesale and retail businesses                             | 1 space for each 300 sq. ft. of gross retail area, plus 1 space for each employee   |
| Building supplies, wholesale and retail  | 5 spaces and plus 1 space for each 500 sq. ft. principal use ground area.   |
| Florist, greenhouses, cultivations, facilities and warehousing for wholesale and retail trade              | 5 spaces and plus 1 space for each 500 sq. ft. principal use ground area.   |
| <ul style="list-style-type: none"> <li>• Storage facilities for rent (Wholesale and warehouses)</li> </ul> | 1 space per employee on largest shift, but not less than 5 spaces   |
| Ice manufacture, storage and sales (Industrial uses)   | 2 spaces for each 3 employees on the largest shift, but not less than 5 spaces  |
| <b>ACCESSORY USES</b>  |   |
| Bed and breakfast lodging  | 1 space for each owner's vehicle plus 1 space for each guest room plus 1 space for every 3 employees on the largest shift.  |

|  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Grills, when used as an accessory to fishing piers</li> </ul>                         | 1 space for each 6 customer seats plus 1 space per each 3 employees on largest shift. |
| <ul style="list-style-type: none"> <li>• Restaurants when accessory to a motel, hotel, camping area or fishing pier</li> </ul> |   |

#### 6.7.4 - Off-street Loading

One (1) or more loading berths or other shall be provided for standing, loading and unloading operations either inside or outside a building and on the same or adjoining premises in accordance with the following table. A loading berth shall have minimum plan dimensions of twelve (12) feet by sixty (60) feet and a 14-foot overhead clearance. A loading space need not be necessarily a full berth but shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served thereby. The Planning Director shall determine the sufficiency of loading space but in no case shall the use of such space hinder the free movement of vehicles and pedestrians over a street, sidewalk, or alley.

**TABLE 6.7.4: REQUIRED OFF-STREET LOADING**

| USE   | SPACES REQUIRED                            |
|---|--|
| Retail uses with over 20,000 sq. ft. gross floor area | 1 space per 20,000 sq. ft gross floor area |
| Restaurants with over 20,000 sq. ft. gross floor area |  |