

Chapter 5: - DENSITY, INTENSITY, AND DIMENSIONAL STANDARDS

5.1 - DENSITY-INTENSITY-DIMENSIONAL TABLE

Regulations related to permitted density and intensity of development, lot size and dimensions, and other regulations related to the permitted dimensions of development and land parcels are contained in Table 5.1. All development within the Town shall comply with all of the requirements in Table 5.1 and in section 5.2, Additional Dimensional Standards. Within the zoning district designated as "Village-East" and the "Village-East Conditional Zoning Overlay"; Village-West" and the "Village-West Conditional Zoning Overlay"; and within "Marina Village" and "Marina Village Conditional Zoning Overlay", as shown on the Official Zoning District Map, the requirements in Table 5.1 and section 5.2 shall apply unless those requirements have been modified by a condition of approval of the Village-East Conditional Zoning Overlay District, Village-West Conditional Zoning Overlay District, or Marina Village Conditional Zoning Overlay, in which case the latter shall supersede any inconsistent provisions in Table 5.1 and section 5.2.

TABLE 5.1: TABLE OF DIMENSIONAL STANDARDS

Old Lot = Lot recorded on or before June 11, 1977

New Lot = Lot recorded after June 11, 1977

CAMA = Coastal Area Management Act of 1974, as amended

Use Type	Zoning Districts										
	Residential			Business/Government and Camp			Mixed Use	Overlays			Additional Requirements
	R2	RMF	MH	G	B	C	VE, VW and MV	VE-C, VW-C and MV-C	Bogue Field AIC UZ	Eastern End Oceanfront	Reed Drive
Minimum lot area (square feet)											

Single-family—Old lot	7,000		6,000				6,250			7,000		
Single-family—New lot	12,500	12,500	12,500							12,500		
Minimum lot area for multifamily residential use (square feet)												
First 2 units or duplex—Old lot	11,250	11,250								11,250		
First 2 units or duplex—New lot	15,000	15,000				2,550				15,000		
Each additional unit—Old lot	5,385	5,385								5,385		
Each additional unit—New lot	4,760	4,760								4,760		
Minimum lot area for a hotel/motel					1 acre		1 acre					(Note 10)
Minimum area per camping						1,000						(Note 1)

space (square feet)												
Minimum lot width at front building line (feet)	75'	75'	75 ft. (60 ft. for lots record ed prior to 12/11/ 84)				60 ft. for single family detach ed			75'		
Minimum lot depth (feet)												
Ocean front lot	200'	200'								200'		
Mobile home lot			100'									
Minimum front building setback (feet)												
Front street ROW	30'	30'	30'	30' (No	10' (Note 4)	30'	10' (Note 11)	10' (No		20' (Note 12)		

				te 4)				te 11)				
Side street ROW	20'	20'	20'	30' (No te 4)	10' (Note 4)	30'	10' (Note4)	10' (No te 4)		20'		
Through/dou ble frontage lots (each frontage)	30'	30'	30'	40' (No te 4)	10' (Note 4)	30'	10'	10'		30' (Note 12)	30'/ 15' (Not e 14)	
Minimum side yard setback (ft)												
Old lot	10'	10'	10'	0 (No te 5)	0 (Note 5)					10'		
New lot	15'	15'	10'							15'		
Minimum rear yard setback (feet)	15'	15'	10'	0 (No te 5)	0 (Note 5)	15'	10'			15'		Per CAMA
Maximum building height (feet)												
Flat/low slope roofs (<4:12)	35'	35'	35'	40' (No te 8)	40'	40'	40' (Note 8) (Note 9)			35'		(Note 6)

High slope roofs (>4:12)	40'	40'	40'	40' (Note 13)	40' (Note 13)	40' (Note 13)	40' (Note 13)	(Note 8) (Note 9) (Note 13)		40'		(Note 7)
All roofs				40'	40' (Note 8) (Note 9)	40'	40 ft. for residential, mixed use commercial and non-residential structure (Note 8) (Note 9)	40' (Note 8) (Note 9) (Note 13)				
Maximum allowable density (dwelling units per acre)		8					6 in VE and VW 4 in MV (Note 2)	Up to 10 in VE-C, VW-C and				(Note 2) (Note 3)

							(Note 3)	MV-C				
								(Note 2)				
								(Note 3)				
Maximum structure height for antenna, communication towers, water tanks and similar utility equipment (feet)	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'		
Minimum distance between multifamily residential buildings (feet)		30'										For each story over two an additional 10 ft is required
Minimum natural/vegetated area (% of site)												
Natural area	35%	35%	35%	15%	15%							
Vegetated area							15%					

Minimum dwelling unit size (heated square feet)												
Single family dwellings	1000	1000										
Duplex dwellings	750	750										
Mobile home requirements												
Minimum size (square feet)			560									
Minimum width (feet)			12'									

Notes:

1. In the Camp district, the minimum parcel size per park shall be ten (10) acres. The Board of Commissioners may allow an addition to an existing park containing not less than two (2) acres if the proposed addition is contiguous to an existing park.
2. Residential density in VE, VE-C, VW and VW-C districts shall not exceed six (6) dwelling units per acre, unless specifically otherwise authorized by a condition of approval of a Conditional Zoning Overlay District. Residential density shall be calculated on the basis of the entire development site subject to an application, without removal of acreage dedicated to non-residential uses, including public uses and areas designated for public use. In no case shall the allowable density exceed ten (10) dwelling units per acre.
3. Residential density in the MV and MV-C districts shall not exceed four (4) dwelling units per acre, unless specifically authorized by a condition of approval of a Conditional Zoning Overlay District. Residential density shall be calculated on the basis of the entire development site subject to an application, without removal of acreage dedicated to non-residential uses, including public uses and areas designated for public use. In no case shall allowable density exceed ten (10) dwelling units per acre.

4. In the B, G, C, VE, VW, VE-C, VW-C, MV and MV-C zoning districts, every building or property in these districts that has NC 58 (Emerald Drive) as an adjoining street shall also be set back an additional ten (10) feet from NC 58 (Emerald Drive) for each additional story over two (2) stories.
5. In the Business and Government zoning districts, when a side or rear lot line abuts a residentially zoned lot, there shall be a minimum yard of fifteen (15) feet for the first and second story of commercial building and ten (10) feet yard width for each additional story.
6. The height of a flat roof is to be measured from the grade plane to the mean roof height. The height of a building with a low slope roof in the R2, RMF, MH and Eastern End Oceanfront Overlay Zoning Districts is to be measured from the grade plane to the mean roof height. Buildings with flat roofs and buildings with low slope roofs in the R2, RMF, MH and Eastern End Oceanfront Overlay Zoning Districts may have a roof parapet not exceeding 3 feet in height. Buildings with flat roofs and buildings with low slope roofs in the B, C, G, VE, VW and MV Zoning Districts may have a roof parapet not exceeding 5 feet in height exclusive of elevator shafts, air conditioning and other necessary mechanical equipment, none of which shall exceed 10 additional feet in height, for a total of fifteen (15) feet. The additional 15 feet cannot be used for habitation.
7. Height shall be measured from the grade plane to the mean roof height. One- and two-family dwellings are limited to three (3) stories plus an attic story. The attic story is defined as per the NC Building Code, as amended.
8. Commercial buildings or mixed use structures with a roof pitch of 3/12 or less shall have a maximum wall height of 40 feet measured from the lowest finish grade level immediately adjacent to the building or pilings to the exterior wall load-bearing top plate, with a maximum of 5 foot roof top parapet exclusive of elevator shafts, air conditioning and other necessary mechanical equipment, none of which shall exceed 10 additional feet in height, for a total of fifteen (15) feet. The additional 15 feet cannot be used for habitation. Commercial buildings and mixed use structures with larger roof pitch shall have a maximum mean height of 40 feet and the mean roof height is determined from the lowest finish grade level immediately adjacent to the building foundation or pilings, to the mean roof height of the highest roof ridge.
9. Maximum mean roof height is forty (40) feet for residential mixed use, commercial and non-residential structures. The mean roof height for residential, commercial and mixed use structures in the VE, VW, MV, VE-C, VW-C, and MV-C may not be increased by a condition of approval of a Conditional Zoning Overlay District. The roof pitch for dry stack boat storage structures in the MV and MV-C districts may be as low as five-tenths (.5) units vertical in twelve (12) units horizontal (.5:12), or greater. The roof height for dry stack boat storage structures with a roof pitch of .5:12 will be measured to eave height as if the structure were a low-slope roof building and the maximum allowable building height shall be fifty (50) feet. The facade and roof design for any dry stack structure shall also be required to meet the design criteria set forth in section 6.1.3 of the UDO.
10. For each motel/hotel, every bedroom constitutes an individual unit. Provided that, irrespective of the number of square feet per unit, no more than thirty-two (32) units per acre shall be permitted. In addition, a minimum of seventy-five (75) percent of the total number of allowable units shall be designated and constructed as one-bedroom "rooming units or lodging." This seventy-five (75) percent limitation shall apply to any existing motel/hotel being converted to a condominium hotel or condotel.
11. Buildings may be set back further than the minimum setback requirement; however, in no case shall the deviation in the setback from an adjacent structure, or from the minimum setback requirement, exceed five (5) feet.
12. All properties in the Eastern End Oceanfront Overlay District have a front yard setback of twenty (20) feet. All other setbacks and dimensional requirements are as per the underlying R2 Zoning District.

13. The mean roof height for commercial and mixed use structures in the B, G, VE, VW, MV, VE-C, VW-C and MV-C Zoning Districts may be increased to a height of fifty (50) feet after the issuance of a special use permit from the Board of Commissioners and pursuant to the requirements set forth in Table 4.1.2 and section 4.2.11 of this chapter. All roofs must be high slope roofs with a pitch of four (4) units vertical in twelve (12) units horizontal (4:12) or greater and the mean roof height is determined from the lowest finished grade immediately adjacent to the building foundation or pilings, to the mean roof height of the highest roof ridge.

14. All properties in the Reed Drive Overlay District have a 30 feet setback from the Reed Drive property line, however, the setback the NC 58 property line may be 15 feet. All other setbacks and dimensional requirements are as per the underlying zoning district.

(Ord. of 11-10-09(1), § 1; Ord. of 4-13-10(2), § 1; Ord. of 8-10-10(2), § 4; [Ord. of 7-8-14](#), § 3; [Ord. of 9-9-14\(2\)](#), § 2; [Ord. No. 5-12-15\(1\), § 1](#); Ord. of [11-8-16\(1\)](#), §§ 1, 2)

5.2 - ADDITIONAL DIMENSIONAL STANDARDS

5.2.1 - Accessory Building/Swimming Pool Location

(1) In all Zoning Districts

(A) No accessory building shall be erected in any setback or required yards.

No swimming pool shall be erected in any setback or required yards. No masonry swimming pool shall be placed or constructed within the Coastal Area Management Act Ocean Erodible Setback area. Pools consisting of fiberglass construction shall be exempt from this prohibition.

5.2.2 - Motels and Hotels

(1) In the B and VW Districts

Minimum lot area for motel/hotel use shall be one (1) acre. For each motel/hotel, each bedroom constitutes an individual unit. Provided that, irrespective of the number of square feet per unit, no more than thirty-two (32) units per acre shall be permitted. In addition, a minimum of seventy-five (75) percent of the total number of allowable units shall be designated and constructed as one-bedroom "rooming units or lodging". This seventy-five (75) percent limitation shall apply to any existing motel/hotel being converted to a condominium hotel or condotel.

Condominium hotels or condotels shall also be required to submit legal and other condominium documents which address the following: 1) allows the Town to inspect the business records associated with the operation of the condotel as a transient hotel, 2) requires the owners' association to bear the Town's expenses associated with legal action to enforce the zoning ordinance, 3) states that the units are not to be used as permanent or secondary residences, and 4) requires participation in the rental management program established for the hotel. Provided, nothing therein shall require in any manner the pooling or sharing or rents.