

Chapter 4: - USE REGULATIONS

4.1 - USE TABLE

4.1.1 - Definition of Permitted Uses and Special Uses

(1) **Permitted Use**

A use permitted in one (1) or more zoning districts as a matter of right provided and the land and structures and the use itself otherwise meet the remaining requirements of this Ordinance. Uses permitted in the various districts are indicated by a "P" mark in the appropriate column(s) of Table 4.1. Permitted uses are required to comply with all applicable requirements of section 4.2, Use-Specific Standards, and all other applicable standards of this Ordinance.

(2) **Special Use**

A use within one (1) or more zoning districts that is not a use by right, but that is required to meet the terms, conditions, and requirements for special uses and for which a special use permit is required to have been issued by the Board of Commissioners. Special uses that may be allowed in the various districts are indicated by an "S" mark in the appropriate column(s) of Table 4.1. Permitted uses are required to comply with all applicable requirements of section 4.2, Use-Specific Standards, and Chapter 5, Density, Intensity, and Dimensional Standards, unless any such requirement is modified or waived by the Board of Commissioners in the special use permit, as well as with all other applicable standards of this Ordinance.

(3) **Prohibited Use**

Any use that is not indicated by a "P" or an "S" for a specific zoning district in Table 4.1 is a prohibited use in that district, and is indicated by an empty cell in the table.

(4) **Overlay Districts**

Permitted and Special Uses in each overlay zoning district are the same as those available in that portion of the base district(s) in which the overlay applies, unless the terms of the overlay zoning district specifically prohibit the use. In addition, because of site-specific conditions or other factors, the terms and provisions of overlay districts may restrict or prohibit the availability or practicability of a use listed as a permitted or special use on or more base districts in Table 4.1. Applicants are urged to review all applicable overlay district provisions in conjunction with the provisions of this Chapter.

(5) **Accessory Uses**

Accessory Uses are defined in Chapter 10. Such uses may only exist so long as the principal use of the property is in existence and not in violation of this Ordinance. Accessory uses may not be established before a principal use is in operation, and may not continue after the principal use has ceased operation.

4.1.2 - Table of Permitted and Special Uses

Permitted and special uses for each of the zoning districts, and cross-references to use-specific standards applicable to some uses, are shown in Table 4.1.

TABLE 4.1.2: PERMITTED AND SPECIAL USES

PERMITTED USES (P) AND SPECIAL USES (S) WITHIN ZONING DISTRICTS

Zoning District →	R 2	R M F	M H	G	B	C	V E	V W	M V	Use-Specific Standards
↓ Use Type										
Residential and Related Uses										
Dwelling, single-family	P	P	P				P	P	P	
Dwelling, single-family to be used exclusively for managers quarters						P	P	P	P	
Dwelling, two-family	P	P	P				P	P	P	
Dwelling, multifamily		P					P	P	P	
Dwellings, townhouses, and condominiums		P					P	P	P	
Dwellings and condominiums					P					
Group housing projects		P					P	P	P	4.2.1
Hotels and inns					P		S	P		4.2.7
Mobile homes, on individual lots, or in subdivisions			P							4.2.6
Mobile home parks			S				S		S	4.2.2
Mobile home, to be used exclusively for manager quarters						P	S			
Motels and motor courts					P		S	P		4.2.7
Planned unit developments	P	P	P				P		P	
Public and Institutional Uses										
Assembly halls, coliseums, gymnasiums and similar structures				P	P		P	P		
Bus passenger stations					P					
Churches	P	P	P		P	P	P	P		

Agencies and offices rendering specialized services in the professions, finance, real estate and brokerage					P		P	P		
Alcohol beverage commission stores and sales operated by governmental units and packaged retail sales					P		P	P		
Amusement enterprises, indoor, similar to billiards, pool, bowling, shooting gallery, roller rink, dance hall, not including electronic gaming operation as defined in chapter 10					P		P	P		
Antiques, art supply, and gift retail sales					P		P	P		
Athletic clubs and facilities	S	S	S	P	P	P	P	P		
Banks, finance and loan					P		P	P		
Bars and lounges, indoor					P		P	P	P	
Bars and lounges, partially or totally outdoor					S		S	S	S	
Bicycle sales and repair					P	P	P		P	
Book and stationery stores					P		P	P		
Campers					S	P	S	S	S	
Campgrounds and travel trailer parks					S	P	S	P	S	
Clothing sales					P		P	P	P	
Convenience store					P	P	P	P	P	
Electronic gaming operation					P					4.2.8
Feed, seed and fertilizer retail sales					P		P	P		
Food or grocery stores					P	P	P	P	P	
Furniture, retail sales					P		P	P		

General retail sales not otherwise listed				P	P	P		
Golf cart sales and rentals				P	P	P	P	
Incidental outdoor entertainment				P	P	P	P	
Mixed use and commercial structures with high slope roof and 50 foot mean roof height				S	S	S	S	4.2.11
Mixed use structures				P	P	P	P	
Mobile home sales				P				
Musical, dance, dramatic and other artistic programs or events, indoor only				P	P	P	P	
Musical, dance, dramatic, and other artistic programs or events, outdoor				P	S	S	S	4.2.3
Offices - general				P	P	P		
Outdoor activities and amusements - commercial				P		P		
Pet shops, bird stores, taxidermists				P	P	P		
Racquetball or tennis clubs and facilities	S	S	S	P	P	P	P	
Radio, television retail sales and service				P	P	P		
Restaurants				P	P	P	P	
Retail sales, indoor, not listed separately				P	P	P		
Seafood market - retail				P	P	P	P	
Stone and granite sales				S		S		
Personal and Commercial Services								
Automobile repair garages				P	P			

Wholesale, Warehouse, and Industrial Uses										
Bakery shops operating both wholesale and retail businesses				P		P	P			
Florist, greenhouses, facilities and warehousing for retail trade				P		P	P			
Ice manufacture, storage and sales				P		P	P			
Storage facilities for rent				P		P	P			
Accessory and Other Uses										
Accessory buildings	P	P	P	P	P	P	P	P	P	
Accessory uses and structures incidental to any permitted use, such as servants' quarters, garages, greenhouses, swimming pools, workshops, temporary rv's and/or travel trailers	P	P	P	P	P	P	P	P	P	4.2.14
Accessory uses and structures—Solar panels	P	P	P	P	P	P	P	P	P	4.2.9
Accessory uses and structures—Wind energy systems	P	P	P				P	P	P	4.2.10
Automobile parking operated in conjunction with permitted uses	P	P	P	P	P	P	P	P	P	
Bed and breakfast lodging	P						P	P	P	
Electronic gaming operation					P					4.2.8
Incidental home occupations	P	P	P				P	P	P	
Nonconforming uses and buildings	P	P	P	P	P	P	P	P	P	

(Ord. of 1-12-10(2), § 1; [Ord. of 6-12-12\(1\), § 1](#); [Ord. of 6-12-12\(2\), § 2](#); [Ord. of 7-10-12\(1\), § 1](#); [Ord. of 7-10-12\(2\), § 1](#); [Ord. of 2-12-13, § 1](#); [Ord. of 3-12-13, § 1](#); [Ord. of 7-8-14](#), § 1; Ord. of [12-8-15\(1\)](#), § 1; Ord. of [12-8-15\(2\)](#), § 1; Ord. of [4-12-16\(1\)](#), § 1; Ord. of [6-14-16\(1\)](#), § 1; Ord. of [11-14-17\(2\)](#), § 1)

4.2 - USE SPECIFIC STANDARDS

The numbered paragraphs in this section 4.2 contain use-specific standards for certain designated permitted and special uses listed in Table 4.1. Each subsection relates to a notation in the right hand column of Table 4.1, and applies to the use(s) on the same line as the notation. Each subsection contains application requirements, conditions, procedures and/or requirements for the permitted or special use to which this subsection applies to that are in addition to other requirements and conditions contained in this Ordinance, and apply regardless of whether the use is a Permitted or a Special Use.

4.2.1 - Group Housing Projects

In addition to complying with all other applicable provisions of this Ordinance, all group housing projects shall be developed according to the following specifications and standards and those requirements contained in section 2.4.6, Special Plat Approvals, as applicable.

- (1) All group development projects of more than three (3) units shall be designed by a professional engineer or architect.
- (2) The minimum lot width that may be subdivided for each individual townhouse shall be sixteen (16) feet, provided that in no case shall the width increase the maximum density allowed in this Unified Development Ordinance.
- (3) Each townhouse shall front on a public street or commonly owned street or area.
- (4) The minimum width for each townhouse or condominium unit shall be sixteen (16) feet.
- (5) The maximum length of group development buildings shall be two hundred fifty-six (256) feet.
- (6) Each building on the periphery of a group housing development shall comply with the minimum yard requirements of the zoning district in which the project is located. A screen of dense plant material that will grow at least three (3) feet in width by six (6) feet in height within three (3) years shall be required and constructed in a manner that will be compatible with the design of the project. The screen shall be provided along the perimeter of the project.
- (7) For all projects containing more than eight (8) units, all parking lots, drives, streets and roads within the group housing development shall be paved and constructed in accordance with the construction standards for paved subdivision public streets within the Town.
- (8) Any lighting provided within the group housing project shall be so located or shielded so that no offensive glare will be visible from an adjoining street or property.
- (9) Group housing projects containing more than fifty (50) units and utilizing a single access shall have a minimum street or drive width of twenty-eight (28) feet.
- (10) All group housing developments containing more than one hundred (100) units may be required to have a minimum of two (2) accesses, each having a minimum width of twenty (20) feet if deemed necessary by the Board of Commissioners due to access, traffic, fire, or safety considerations or similar factors.
- (11) Parking shall be prohibited within the access streets or roads.
- (12) Each space shall contain a minimum of two hundred (200) square feet and be permanently marked by painting or other designation on a paved parking lot. All spaces shall be shown on the site plan. Enclosed garages and carports within the group housing development shall be counted as a part of the parking requirements. If developed in phases, each phase shall contain the required number of parking spaces, and shall be shown on final plats.
- (13) Recreational areas shall be provided for all group housing projects containing more than eight (8) dwelling units. A minimum recreation area of two thousand (2,000) square feet, having a minimum width of twenty-four (24) feet shall be provided for the first nine (9) to twenty-five (25) dwelling units within the project. For each dwelling unit over twenty-five (25) units in number, an additional sixty (60) feet per dwelling unit shall be provided.

- (14) Swimming pools and their accessory areas shall not be counted as a part of the recreational area requirement. No part of the required recreation area shall be used for any other purpose.
- (15) Swimming pools, if provided, 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.
- (16) Signs identifying the group housing development or located within the group housing development shall be constructed and installed in a manner compatible with the design of the project. Any lighting used in conjunction with signs shall be shielded in such a manner that no offensive glare will be visible from the adjoining street or property.
- (17) 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.
- (18) Each building within a group housing development 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 within fifty (50) feet of all dwelling units within the group housing development.
- (19) If buildings within the group housing development have standpipes or sprinkler systems, one (1) fire hydrant shall be located within seventy-five (75) feet of each standpipe or sprinkler system.
- (20) All hydrants shall be connected to a six-inch, or larger, water main. Easements shall be provided from the hydrant to the street connection along the water main so that the line and hydrant can be maintained by a public agency. A loop system may be required.
- (21) In the event a dead-end street, road, drive or parking lot exceeds two hundred (200) feet in length, a paved turnaround for firefighting equipment and vehicles, emergency vehicles, and service vehicles shall be provided having a minimum interior turning radius of twenty-eight (28) feet. This provision may be omitted where such a turnaround is determined by the Board of Commissioners to be neither desirable nor necessary.
- (22) A screen of dense plant material that will grow to a width of at least three (3) feet and a height of at least six (6) feet within three (3) years from the date of planting shall be provided, or in lieu thereof, a screen fence six (6) feet in height constructed in a manner that is compatible with the design of the project shall be provided along the perimeter of each project.

4.2.2 - Mobile Home Parks and Recreational Vehicle Parks

All special use applications and special use permits for mobile home parks within an MH zone shall be accompanied by a detailed site plan which shall show and locate all structures, buildings, spaces, sites, utilities and other particulars as required in the mobile home park and travel trailer park ordinance.

All special use applications and special use permits for mobile home parks within the MH, VE, VW, MV, VE-C, VW-C, or MV-C districts, and for recreational vehicle parks shall meet the requirements of this section 4.2.2. In addition, all special use applications and special use permits for mobile home parks shall meet the applicable section of this Development Ordinance. The provisions of this section and other related sections of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. These standards shall also apply to all mobile home and recreational vehicle parks existing on the effective date of this Ordinance.

(1) **Reenactment of Existing Mobile Home Park and Travel/Recreational Vehicle Park Ordinances and Regulations**

This section in part carries forward by reenactment some of the provisions of the mobile home park and recreation vehicle park ordinances, originally adopted on March 3, 1976, and it is not the intention to repeal but to reenact and continue in force such existing provisions so that all rights and liabilities that have occurred those ordinances as to existing parks and individual lots are preserved and may be enforced. This section shall be applicable to all mobile home and recreation vehicle parks, lots, and uses arising, proposed or created on and after the date of enactment of the ordinance from that this section 4.2.3 derives, and all prior regulations in conflict herewith are superseded.

(2) **Mobile Home Park Permit or Recreational Vehicle Park Permit Required**

No person shall construct a mobile home park or a recreational vehicle park, or make any addition to a mobile home park or recreational vehicle park that either alters the number of sites for mobile homes or recreational vehicles within the park or affects the facilities required in such park until he first secures a mobile home park permit or recreational vehicle permit, as applicable, pursuant to section 2.4.7, Mobile Home Park or Recreational Vehicle Park Permit. The construction, or addition, shall be in accordance with plans and specifications submitted with the application, as such plans and specifications may be modified by the Board of Commissioners at the time of approval or conditional approval.

(3) **Mobile Home Park Site Development and Management**

(A) **Minimum Size**

Every mobile home park shall contain at least ten (10) acres, unless adjacent to and contiguous with an existing park.

(B) **Compliance with Dimensional Requirements**

The dimensions of each mobile home space shall be in accordance with the dimensional requirements of Chapter 5, Density, Intensity, and Dimensional Standards.

(C) **Parking Space**

Parking space sufficient to accommodate at least two (2) automobiles shall be located in each mobile home space.

(D) **Grading**

The mobile home park shall be graded so as to prevent any water from ponding or accumulating on the premises. All ditch banks shall be sloped and seeded.

(E) **Width and Setbacks**

Each mobile home space shall be at least seventy-five (75) feet wide and clearly defined. The front setback shall be a minimum of thirty (30) feet, and the side and rear setback shall be a minimum of ten (10) feet. No mobile home shall be located closer than ten (10) feet to any building within the park.

(F) **Interior Drives**

All mobile home spaces shall abut upon an interior drive of not less than thirty (30) feet of right-of-way, which shall have unobstructed access to a public street or highway. It is the intent of this section that mobile home spaces shall not have access to public streets or highways except through the interior drive. All interior drives shall have a paved width of not less than twenty (20) feet. All interior drives shall be constructed in accordance with applicable Town street specifications and shall be maintained by the park owner.

(G) **Culs-de-sac**

Culs-de-sac shall not exceed six hundred (600) feet in length, measured from the entrance to the center of the turnaround. Any interior street designed to be permanently closed shall have a turnaround at the closed end with a minimum right-of-way diameter of one hundred (100) feet. The entire right-of-way of such turnaround shall be graded and usable for the turning around of motor vehicles.

(H) **Intersections**

Streets shall intersect as nearly as possible, at right angles and no street shall intersect at less than seventy-five (75) degrees. Where a street intersects a highway, the design standards of the state highway commission shall apply. Street jogs of less than one hundred twenty-five (125) feet shall not be allowed.

(I) **Access**

The Town may require that each developer of a mobile home park set aside for the use and benefit of the public one (1) or more accesses for use by the public from a street right-of-way for ingress, egress, and regress to the Atlantic Ocean and Bogue Sound. Ordinarily, the public accesses shall have a minimum width of ten (10) feet and shall be provided at the east and west boundaries and center of each of the Town's fifty-four (54) blocks. A minimum of one (1) access shall be required for each three hundred fifty (350) feet of frontage on each street and both the Atlantic Ocean and Bogue Sound, and the access shall run in a north and south direction so as to afford access by the public from a street to both the Atlantic Ocean and Bogue Sound. Provided, there shall be a minimum of one (1) access for every mobile home park having a minimum frontage of one hundred fifty (150) feet on each street and both the Atlantic Ocean and Bogue Sound. Following consideration by the Planning Board, the Board of Commissioners is authorized to vary, eliminate or modify the location, design or width of the access, where conditions, good land use planning, topography or project design, in the opinion of the Board of Commissioners, would justify the variance or other modification.

(J) **Refuse Collection Facilities**

The park owner is responsible for refuse collection facilities. All refuse shall be connected at least twice weekly or more if the need is indicated. Two (2) Town-approved garbage cans with tight-fitting covers and a capacity of at least thirty (30) gallons shall be provided for each mobile home space. The garbage cans shall be located no further than one hundred (100) feet from any mobile home space. Racks or concrete platforms shall be provided on that to store containers for refuse. Such container racks or platforms shall be so designed to prevent tipping and to minimize spillage.

(K) **Accessory Structures**

Within a mobile home park, one (1) mobile home may be used as an administrative office. Other administrative and service buildings housing sanitation and laundry facilities or any other such facilities shall comply with all applicable ordinances, codes and statutes regarding buildings, electrical installations, plumbing and sanitation systems.

(L) **Maintenance of Accessory Structures**

All service buildings, commercial structures, and the grounds of the park shall be maintained in a clean condition and kept free from any condition that will menace the health of any occupant or the public, or constitute a nuisance.

(M) **Management**

In each mobile home park, the permittee or duly authorized attendant or caretaker shall be responsible at all times to keep the mobile home park, its facilities, and equipment in a clean, orderly, safe and sanitary condition.

(N) Registration

It shall be the duty of the operator of the mobile home park to keep an accurate register containing a record of all occupants of the park. The operator shall keep the register available at all times for inspection by law enforcement officials, public health officials, tax officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register shall contain the following information:

- (i) Name and address of the occupants of each space;
- (ii) Date entering and leaving the park;
- (iii) The serial number of each mobile home with state of issuance, make and type of equipment, and date of manufacturing.

(4) Recreational Vehicle Park Site Development and Management

(A) Minimum Size

Every recreational vehicle park shall contain a minimum of ten (10) acres. Provided, the Town may approve an addition to an existing park containing a minimum of two (2) acres if the addition is contiguous to the existing park.

(B) Compliance with Dimensional Requirements

Every space shall consist of a minimum of one thousand (1,000) square feet with a 25-foot frontage. Each space shall be designated on the ground by permanent markers or monuments.

(C) Recreational Vehicle Parking Space

Parking spaces sufficient to accommodate at least one (1) motor and recreation vehicle shall be constructed within each space. Not more than one (1) recreation vehicle may be parked on any space.

(D) Setbacks

All spaces developed adjacent to a public street shall be set back a minimum of thirty (30) feet from the street right-of-way.

(E) Elevation; Grading

All spaces shall be located on sites with elevations that are not susceptible to flooding. The spaces shall be graded to prevent any water from ponding or accumulating within the park. Each space shall be properly graded to obtain a reasonably flat site and to provide adequate drainage away from the space.

(F) Interior Roads

The park shall have all-weather roads that directly abut each space. All road rights-of-way shall have a minimum width of twenty (20) feet. In areas of heavy vehicle use wider rights-of-way shall be required.

(G) Drainage

The park shall be developed with proper drainage ditches. All banks shall be sloped and seeded.

(H) Culs-de-sac

Culs-de-sac or dead-end roads shall not exceed six hundred (600) feet in length measured from the entrance to the center of the turnaround. Any road designed to be permanently closed shall have a turnaround that provides adequate access for emergency vehicles as approved by the Town's fire department.

(I) **Access**

No space shall have direct vehicular access to a public road. When the park has more than one (1) direct access to a public road they shall be less than three hundred (300) feet apart or closer than three hundred (300) feet to a public road intersection unless unusual site conditions demand otherwise.

(J) **Restroom Facilities**

Each park shall have a central structure, or structures, that will provide separate toilet and bath or shower facilities for both sexes. This structure may also contain a retail sales counter and/or coin-operated machines for the park residents use only, provided there is no exterior advertising. Vending machines also may be permitted in a sheltered area.

(K) **Swimming Pools; Bathing Areas**

No swimming pool or bathing area shall be installed, altered, improved, or used without compliance with applicable regulations. No bathing area shall be used without the written permission of the county health department.

(L) **Signage**

Not more than two (2) signs with a total area of not more than sixty-four (64) square feet for each sign may be permitted. Signs shall be located on park property, but no closer than ten (10) feet to any property line and road right-of-way. Only indirect nonflashing lighting may be used for illumination and the sign must be constructed in such a manner as to prevent a direct view of the light source from any public right-of-way.

(M) **Ingress; Egress, Regress to Water**

The Town may require that each developer of a recreation vehicle park set aside for the use and benefit of the public, one (1) or more accesses for use by the public from a street right-of-way for ingress, egress, and regress to the Atlantic Ocean and Bogue Sound. Ordinarily, the public accesses shall have a minimum width of ten (10) feet and shall be provided at the east and west boundaries and center for each of the Town's fifty-four (54) blocks. A minimum of one (1) access shall be required for each three hundred fifty (350) feet of frontage on each street and both the Atlantic Ocean and Bogue Sound, and the access shall run in a north and south direction so as to afford access by the public from a street to both the Atlantic Ocean and Bogue Sound. Provided, there shall be a minimum of one (1) access for every recreation vehicle park having a minimum frontage of one hundred fifty (150) feet on each street and both the Atlantic Ocean and Bogue Sound.

(N) **Sanitary Facilities**

All toilet, shower, lavatory, and laundry facilities shall be provided and maintained in a clean and sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible and conveniently located. All toilet, shower, lavatory and laundry room facilities shall be acceptable to the health department and shall be in conformity with all county codes. All buildings shall be constructed in accordance with the building codes of the county.

(O) **Water Supply**

A safe, adequate and conveniently located water supply must be provided for each park. No water supply shall be installed, altered, or used without the written permission of the county health department.

(P) Sewage Disposal

Sewage dumping stations shall be approved by the county health department. Each park shall provide at least one (1) sewage dumping station. If the RV park plans indicate sewer services are being provided to each site, the requirement for a sewage dumping station may be waived by the Board of Commissioners. No method of sewage disposal shall be installed, altered, or used without the written permission of the health department. All sewage wastes from each park, including wastes from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water-using appliances not herein mentioned, shall be piped into the park's sewage disposal system or systems.

(Q) Garbage and Refuse Disposal

The park owner is responsible for refuse collection. All refuse shall be collected at least twice weekly, more if the need is indicated. Storage, collection, and disposal of refuse shall be so managed as not to create health hazards, rodent harborage, insect-breeding areas, accidents, fire hazards, or air pollution. All refuse shall be stored in conveniently located leak-proof, rodent-proof containers with tight-fitting lids. One (1) such can with a capacity of at least thirty (30) gallons shall be provided for every space. Garbage cans shall be located no farther than one hundred (100) feet from any space. Racks or concrete platforms shall be provided on which to store containers for refuse. Such container racks or platforms shall be so designed as to prevent tipping and to minimize spillage.

(R) Electrical Service

Where electrical service is used, the installation and use of such facilities shall conform with all applicable codes. Such facilities shall be inspected by the Town electrical inspector.

(S) Mobile Homes

It shall be unlawful for a person to park or store a mobile home in a recreation vehicle park for longer than seven (7) days. However, one (1) mobile home may be allowed within a recreation vehicle park to be used as an office and/or residence of persons responsible for the operation and maintenance of the recreation vehicle park.

(T) Registration

It shall be the duty of the operator of the recreation vehicle park to keep an accurate register containing a record of all occupants of the park. The operator shall keep the register available at all times for inspection by law enforcement officials, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register shall contain the following information:

- (i) Name and address of the occupants of each space;
- (ii) Date entering and leaving the park;
- (iii) The license number of each vehicle (car, truck, recreation vehicle, etc.) with state of issuance, make and type of equipment.

([Ord. of 2-12-13, § 2](#) ; [Ord. of 5-14-13, § 1](#))

4.2.3 - Musical, Dance, or Events, Outdoor Dramatic, and Other Artistic Programs

All applications and permits for special uses for outdoor dances, outdoor music, outdoor drama, and similar outdoor amusements must comply with the following additional requirements:

- (1) The application for a special use must be accompanied by a site plan showing the dimensions of the property, the location and size of any proposed stages, the location and dimensions of the dance area, proposed seating arrangements for customers and participants, and the location and dimensions of the parking areas. Additionally, the site plans must indicate accesses to streets.
- (2) If night activities are proposed, a lighting plan must accompany the application for a special use permit describing the exterior lighting plan, location of all exterior lights, wattage, direction of illumination, and methods of shielding the lighting from adjacent areas.
- (3) The application for a special use permit must also include information concerning the type and manner of amplification of music and sound, type of activities to take place on the site and the audible range of the music and the sound from their amplification.
- (4) The application for a special use permit shall contain the following information:
 - (A) The maximum capacity of the facility.
 - (B) The frequency and hours of operation for the events and facilities proposed.
 - (C) All law enforcement and public services which may be required or necessary for the events and facilities.
- (5) If night activities are proposed, all lighting must be shielded from adjacent areas.
- (6) The applicant shall indicate and provide off-street parking of not less than one (1) space for each three (3) customers or participants. Provided, the Board of Commissioners may reduce the parking requirements or allow parking off the premises on land in close proximity to the proposed use if the land is under the control of the applicant.
- (7) The special use permit will be for such length of time as set forth in the permit issued by the Board of Commissioners, but shall be for a period not exceeding twelve (12) months. Provided, the special use permit may be renewed for one (1) or more successive periods not exceeding twelve (12) months each by the Board of Commissioners following recommendation by the Planning Board.

4.2.4 - Public Utility Sites

Every public utility site, including, but not limited to, transformer stations, transmission lines, towers, telephone exchanges, and service or storage yards, shall be required to have a suitable buffer area around the perimeter of the site so as to screen the site from view from adjoining properties and adjacent streets, roads and easements. A site plan for each utility site shall be approved by Board of Commissioners before issuance of a building permit for the same and before any improvements to the site have taken place. The Board of Commissioners shall require either a six-foot-high opaque fence, continuous dense plant material designed to grow at least three (3) feet thick by six (6) feet wide within a three-year period, or such other suitable buffer materials as may be approved by the Board.

4.2.5 - Wireless Communication Towers

(1) **General**

(A) **Intent**

In compliance with the Federal Communications Act of 1996 and all other relevant state and federal law, rules and regulations, it is the intent of the Town to allow telecommunication providers the opportunity to locate wireless telecommunications antenna and related facilities within its jurisdiction in order to provide an adequate level of

service to its customers while protecting the health, safety, and welfare of its citizens, and the aesthetics of the community.

(B) Applicant's Responsibilities

It shall be the responsibility of all applicants and operators of the telecommunications equipment described herein to make all possible efforts to maintain consistency with the characteristics of this family beach community with its long and narrow island, its low building and vegetation profile, and the community whose primary income is based upon the attraction of tourists by the Town's qualities and characteristics as a family beach.

(C) Conformance

No WTA or WTSS shall be constructed or modified from and after November 14, 2000 except in conformance to the provisions stated in this section 4.2.23.

(D) Enforcement

This section 4.2.23 may be enforced by any and every remedy provided by the North Carolina General Statutes as specified in Chapter 9, Violation.

(2) General Requirements

(A) Certification of Need

Any applicant(s) requesting a new WTA or WTSS or any modification to an existing WTA or WTSS shall be required to provide substantial evidence of need for such structures both in terms of coverage and capacity.

(B) Co-location

WTA placement on an existing structure (either AASS or WTSS) is required unless the applicant(s) can clearly demonstrate with substantial, clear and convincing evidence that all co-location opportunities have been exhausted. The Town will attempt to maintain by its own efforts or through its agents an up-to-date inventory of buildings and structures suitable for WTA installations. Maps are available showing these locations, as well as relative flood zones and flight approach vectors to neighboring airfields.

(C) New Construction Provision for Co-location

All new WTSS shall be constructed to permit a minimum of two (2) new WTA. The owner(s) of the new WTSS shall submit a notarized letter to the Town declaring that these additional sites shall be available to new tenants and shall be negotiated in good faith at reasonable terms to other providers, and that if good faith negotiations fail, both parties may be subject to commercial arbitration. They shall further state that as a condition of sale or transfer of the proposed structure to any new owner(s), operator(s), or agent(s) that a statement of intent to provide for shared use of tower shall be required of any new owner(s), operator(s), or agent(s) and shall be delivered to the Town prior to closing.

(D) Federal Certification

Any new WTA or WTSS, or any modification to an existing structure that would effect an increase in height shall require certification in writing by the Federal Aviation Administration that such addition or modification constitutes "No Hazard" to air navigation both by its physical structure and by its potential for radiofrequency interference with aviation communication signals. The proposed structure shall also satisfy all TOWAIR requirements. If operator(s) of the proposed structure can reasonably show that the Federal Aviation Administration cannot produce such certification, then certification of "No Hazard" to air navigation from a certified private agency shall suffice.

(E) **Certification of Compliance with FCC's Implementation of National Environmental Policy Act of 1969 (NEPA)**

The applicant(s) for any new WTA or WTSS or modification to any existing WTA or WTSS are required to file with the FCC if the structure location is within any definition provided in section 1.1307 of the NEPA. If the structure is located in any area defined by this Act, full compliance with the Act's requirements for environmental assessments (EA) shall be required.

(F) **Radiofrequency**

Radiofrequency exposure levels shall not exceed the lesser of FCC and ANSI exposure standards at any potential point of exposure to the general public. The owner(s) and operator(s) of all WTA shall make all reasonable attempts by design, fencing, signage, and the like to limit the public's exposure. An engineer prepared and sealed document attesting to the fact that the calculated and proposed radiofrequency levels shall remain at the lesser of the FCC and ANSI standards is required. This letter shall be required following completion of the structure's construction, and before a certificate of occupancy is issued.

(G) **Structural Integrity**

An engineer's prepared and sealed complete site plan document that denotes compliance with all technical specifications provided in federal, state, and Town Code, and a certification that the proposed structure and all proposed and potential occupant structures are stable and capable of withstanding a 50-year hurricane is required.

(H) **Insurance Requirements**

A minimum of one million dollars (\$1,000,000.00) general liability insurance with a letter from the insurer attesting to this fact shall be required prior to receipt of a certificate of occupancy. This same letter shall acknowledge that the insurer shall notify the Town thirty (30) days prior to cancellation of this insurance.

(3) **New Construction or Modification of Wireless Telecommunication Support Structures (WTSS)**

(A) **Statement of Financial Responsibility**

The owner(s), and their representative(s) shall be required to provide proof of financial responsibility for all wireless telecommunication structures constructed or maintained within the Town. This statement shall be completed upon initial application, and renewed each year. If full financial responsibility cannot clearly be demonstrated to the full satisfaction of the Town, a surety bond for one hundred ten (110) percent of the total cost of all structure(s) removal and associated cleanup may be required by the Town. The owner(s) and their representative(s) shall be fully responsible for all maintenance, and continued assurance that the structure(s) continually remain in compliance with Town Code.

(B) **Special Use Permit Required**

Construction of any new, or modification of any existing WTSS shall require a special use permit. Exemptions to this requirement shall include, but shall not be limited to, co-location of new WTA on an existing WTSS, reductions in height or size of a WTSS, or any issues of routine maintenance to either the WTA or WTSS.

(C) **Demonstration of Need**

Applicants shall provide substantial evidence as to the current need for the proposed WTSS both in terms of coverage area and capacity, and must demonstrate why all currently available WTSS and AASS co-location opportunities can not provide adequate coverage and capacity.

(D) **Demonstration of Lack of Suitable Co-location Opportunities**

New WTSS shall be permitted only after clear demonstration that all potential opportunities for co-location have been exhausted, and that no suitable existing support structures exist within the coverage area that may be used, including all WTSS and AASS. The applicant(s) shall identify and assess all potential opportunities for co-location within a 5,000-foot radius around the proposed point of construction for the new WTSS. An engineer's prepared and sealed letter shall be required, attesting to the fact that it is technically impossible to co-locate on any existing WTSS and all other AASS within the search area, with a map showing all potential sites, and stating why each is technically unfeasible. A notarized letter from the applicant(s) shall be required listing all technically feasible sites, noting for each site that the applicant(s) attempted, in good faith, to negotiate terms of co-location with the owner(s) of the potential site, and negotiation has failed.

(E) **Requirement of Notification**

Applicants shall be required to notify, by certified mail with return receipt requested, all property owners within five hundred (500) feet and all adjacent property owners of their application for construction of a new, or modification of an existing WTSS. Exceptions to this requirement shall include, but shall not be limited to, co-location of new WTA on an existing WTSS, reductions in height or size of the WTSS, or any issues of routine maintenance to either the WTA or WTSS.

(F) **Minimum Lot Area**

Parcels used for placement of new or modified WTSS shall be the greater of a minimum of ten thousand (10,000) square feet, or shall be capable of meeting the minimum lot size necessary to accommodate the minimum setback requirements defined below.

(G) **Minimum Setback Requirements**

When the proposed structure is located adjacent to any church, school, public facility, or residential zone, the center of the support structure shall be located a distance from the nearest property line a minimum of one and one-quarter (1.25) times the greatest height of the structure including any WTA or devices that would add to the total height of the structure. The engineer's site plan for the tower shall indicate that the fall radius for the tower lies within the tower site, and that the fall radius zone does not include any of the aforementioned structures or zones. Otherwise, the center of structure shall be located as close as possible to then the geometric center of the property, with minimum setbacks from all sides of fifty (50) feet.

(H) **Support Structure Type**

Only camouflaged or "stealth" WTSS or monopole support structures shall be used. Structures involving the use of guy wires for either internal or external bracing and support, or lattice type structures, or any other type of support structure shall be prohibited.

(I) **Permitted Height**

The WTSS may not exceed the minimum height necessary to accomplish the technical objectives of the primary WTA and the required number of additional WTAs, and shall be the lesser of the demonstrated minimum required for the technology employed plus the minimum required for all proposed additional occupants. No WTSS shall be constructed that has any component of its structure more than seventy-five (75) feet above the average adjacent tree or building lines. No combination of WTA and WTSS may exceed one hundred (100) feet. An engineer's sealed letter describing the proposed WTSSs adherence to this provision shall be required.

(J) **Illumination**

No WTSS or WTA shall be illuminated unless specifically directed by the Federal Aviation Administration or other federal agency. If required, lighting must be to the minimum specified by a federal agency. Strobe lights shall be prohibited unless specifically required. When strobe lights are required by the specifying agency, they shall be dual strobes, with white strobes for daytime use, and red strobes for nighttime use. All lighting shall be directed toward the structure, and upward and outward from any public areas. A copy of the Federal Aviation Administration lighting requirements letter shall be submitted with the application.

(K) **Color**

Unless otherwise specified by a federal agency, all WTSS shall be painted a flat gray color.

(L) **Limited to Applicant**

Every special use permit for freestanding WTSS shall be limited to the applicant(s). Any assignment or transfer of the special use permit or any of the rights under the permit may be made only upon the approval of the Town.

(M) **Complete Application**

The requirements for a complete application for a WTSS are provided in Appendix I.

(4) **Co-Location on Existing Structures**

(A) **Permitted Use**

Co-location of WTA on an existing WTSS or AASS shall be a permitted use.

(B) **Zoning**

Co-located WTA shall be allowed as a permitted use only in the Business (B) Zoning District and within the right-of-way for Highway 58 as defined by the State of North Carolina, and on water towers.

(C) **Height Limitations**

WTA located on an existing WTSS or AASS shall not exceed the lesser of fifteen (15) feet or ten (10) percent of the existing support structure height as measured from the structure's apex to the average ground level immediately adjacent to the structure.

(D) **Color**

The color of all WTAs shall match the color of the supporting WTSS or AASS.

(E) **Illumination**

Illumination requirements for new WTA co-located on existing structures shall be subject to the same requirements for freestanding WTSS.

(F) **Lease Agreement**

A copy of the lease agreement between the owner(s) of the WTA and the owner(s) of the support structure shall be submitted with the application. The financial terms of the agreement need not be disclosed.

(G) **Complete Application**

The requirements for a complete application for a WTA are provided in Appendix II.

(5) **Equipment Housing Structures**

(A) **Visibility**

The base of the support structure to a minimum height of six (6) feet shall not be visible from any public right-of-way or area of public congregation, and must be hidden from view either by natural vegetation or by vegetative screening. All equipment necessary for the functional operation of the technology employed shall be located in either a lawfully pre-existing structure, or in an equipment housing structure. The colors and external characteristics of the equipment housing structures shall be harmonious with, and blend with, the natural features, buildings, and structures surrounding it.

(B) Access Drives

Roads and drives used to gain access from public right-of-way to the equipment housing structures shall be designed to minimize, as much as possible, viewing of the equipment housing structures by the public.

(C) Size

Equipment housing structures shall be the minimum size necessary to accommodate the closed storage of all ground-based equipment, and necessary materials for the primary occupant's technical needs, and for the technical needs of all potential tenants. Depiction of the minimum size necessary to accomplish these technical objectives shall be included in the engineer's site plan details.

(D) Fencing and Screening

The accessory building and its fencing shall be fully surrounded (excepting a single point of access) by a planted vegetative screening, as described below, or by a minimum of fifteen (15) feet existing natural vegetation. Whether natural or planted, the vegetative buffer shall have the effect of fully obscuring the structure and its fencing from public view. All planted buffers shall be at least five (5) feet tall at planting, and shall be designed to reach at least eight (8) feet within two (2) years, and shall be an evergreen, salt-resistant planting material. Continued maintenance and replacement of the vegetative buffer, as needed, shall be required for the permitted life of the structure. A security fence shall be installed along the full perimeter of the support structure and shall be no less than five (5) feet and no more than eight (8) feet high. The fencing shall incorporate designs for structure security and for making all possible efforts to minimize public exposure to radiofrequency radiation. Any and all accessories and all materials relating to the use of the WTA or WTSS shall be installed within the building, unless technically impractical. All road or drive, gate, fence, and vegetative screening details shall be noted within the engineer's site plan.

(E) Signage

No advertising signs are permitted on the support structure, the fence, building, or at any location on the site, with the exception of one (1) sign that is attached to the gate, and one (1) sign that is attached to the gate-face of the building for the purposes of safety and information. These two (2) signs shall clearly identify the dangers, and shall provide the names of emergency contact persons and their phone numbers. Any signs shall comply with Town Code.

(F) Two-way and Microwave Antennae

Two-way and microwave antennae shall be located within accessory buildings whenever technically feasible.

(G) Outdoor Storage Prohibited

Storage of any equipment or materials on the accessory building site or support structure site is prohibited.

(H) Noise Producing Equipment

Noise producing equipment shall be sited and/or insulated to minimize to the maximum practicable extent any increase in noise above ambient levels as measured at the property line.

(l) **Electrical Connections and Land Lines**

Electrical connections and land phone lines to and from the accessory building shall be installed underground.

(6) **Applicant's Remedy**

Minor variances from the stated design and purpose of all structures may be addressed to the Board of Adjustment.

(7) **Informal Dispute Resolution Process**

All parties shall attempt to adhere to the agreement adopting an informal dispute resolution process as described in the 1998 meeting between the LSGAC, the CTIA, the PCIA, and the AMTA. This process is designed to arrive at a mutual agreement while avoiding lengthy and costly court proceedings. All parties retain their full legal rights should this remediation process fail.

(8) **Appeal for Remediation**

Upon disapproval, or dissatisfaction with the conditions of approval by the Board of Commissioners, the applicant(s) shall have a 30-day period in which to request an appeal for remediation. The appeal for remediation shall involve the applicant(s), selected members of the Planning Board, and the Board of Commissioners, and shall be moderated by a third-party arbitration team. At the end of the process, the arbitration team will make a recommendation of its findings to all parties, and will provide a written record of the proceedings.

(9) **Annual Renewal**

(A) **Annual Renewal Required**

All WTA and WTSS shall be reviewed by the Town on an annual basis. An application for annual renewal must be submitted to the Town no later than ninety (90) days prior to the date of last renewal or the date of the original certificate of occupancy. Structures will be re-permitted for the next three hundred sixty-five (365) days following review by the inspections office, the Planning Board, and the Board of Commissioners.

(B) **Application for Renewal**

The complete list of requirements for annual renewal for a WTSS and a WTA is listed in Appendix III.

(C) **Abandonment**

Any WTA or WTSS that is not operated for a continuous period of one hundred eighty (180) consecutive days, or that is not maintained according to Town Code for one hundred eighty (180) cumulative during the calendar year, or any structure for whom the owner(s) or representative(s) fail to make annual renewal shall be considered abandoned. Removal of the abandoned structure to the satisfaction of the inspections department shall be required within ninety (90) days. The owner(s) shall be responsible for all costs of removal. Petition for a one-time extension of ninety (90) days may be made to the Board of Adjustment.

4.2.6 - Mobile Homes

In no case shall there be more than one (1) mobile home be allowed per lot. In the event a mobile home is replaced or installed on a lot after the effective date of this ordinance, the mobile home shall

qualify and meet the Zone 3 home requirements defined by the US Department of Housing and Urban Development (HUD) in order to qualify for a building and transportation permit.

(Ord. of 10-12-10(2), § 1)

4.2.7 - Motel, Hotels, Inns and Condotels

- (1) For each motel or 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 unit or lodging." This seventy-five (75) percent limitation shall apply to any existing motel/hotel being converted to a condominium hotel or condotel.

4.2.8 - Electronic Gaming Operation

In addition to complying with all other applicable provisions of this Ordinance, all electronic gaming operations shall only be allowed according to the following specifications and standards:

- (1) An electronic gaming operation shall not be permitted if located within one thousand two hundred fifty (1,250) feet of any parcel used or occupied by a church, public park, playground or movie theater.
- (2) An electronic gaming operation as a standalone permitted use or as an accessory use shall be limited to no more than four (4) computers/gaming terminals/machines.
- (3) The parking requirement for an electronic gaming operation shall be one (1) space per computer/gaming terminal/machine and one (1) space per employee.
- (4) No alcoholic beverages shall be sold, served or consumed on the premises of an electronic gaming operation unless the owner/operator has secured appropriate State alcoholic beverage permits.

([Ord. of 7-10-12\(1\), § 2.](#))

4.2.9 - Solar Panels

In addition to complying with all other applicable provisions of this Ordinance, solar panels shall only be allowed according to the following specifications and standards:

- (1) Solar panels may only be installed and erected after the issuance of the proper permits from the Planning and Inspections Office.
- (2) Solar panels may only be attached to the roofs of structures, with the exception of freestanding solar panels permitted in residential zoning districts. If the placement of the panels will exceed the loading requirements of the roof structure; the structure and attachment must be certified by a professional licensed engineer in the State of North Carolina.
- (3) Freestanding solar panels are permitted in residential zoning districts only, and may only be placed on a structure that meets all applicable provisions of the NC Building Code. If the placement of the panels will exceed the loading requirements of the structure; the structure and attachment must be certified by a professional licensed engineer in the State of North Carolina.
- (4) Freestanding solar panels and structures must meet all applicable building setbacks.
- (5) Freestanding solar panels and structures may not exceed a height of fifteen (15) feet as measured from nearest adjacent grade.

([Ord. of 6-12-12\(1\), § 2](#) ; [Ord. of 7-10-12\(2\), § 2](#))

4.2.10 - Wind Energy Systems

In addition to complying with all other applicable provisions of this Ordinance, all wind energy systems shall only be allowed according to the following specifications and standards:

- (1) Wind energy systems may only be attached to the roofs of residential structures.
- (2) No wind energy system shall be installed on any vacant lot.
- (3) Each wind energy system shall maintain a non-reflective finish neutral in color to reduce reflection and glare and to otherwise reduce visual obtrusiveness.
- (4) Signs, advertisements, flags, streamers and other decorative items shall be prohibited from a wind energy system. No lighting on the wind energy system shall be permitted.
- (5) No communications antenna or arrangement of wires shall be installed or connected to the wind energy system.
- (6) The height of the wind energy system shall extend no greater than six (6) feet above its highest point of attachment on the roof structure. In no case may the top of the wind energy system extend above the peak of the roof structure on which it is attached.
- (7) The aggregate noise or audible sound resulting from a wind energy system shall not exceed five (5) decibels (dBA) above the existing average noise level of the surrounding area measured at the property lines and shall be restricted to a maximum of forty-five (45) decibels (dBA) measured at the property lines that contain the wind energy system.
- (8) A North Carolina licensed professional engineer shall sign and seal all structural plans for wind energy systems including its attachment to the structure. The installation and design of all wind energy systems shall comply with applicable industry standards, and all electrical and mechanical components shall conform to relevant local, state and national codes. No wind energy system may be installed until all applicable permits have been issued by the Planning and Inspections Office.
- (9) No more than one (1) wind energy system may be installed on each residential structure.

([Ord. of 6-12-12\(2\), § 3](#))

4.2.11 - Mixed Use and Commercial Structures with a 50 foot Mean Roof Height

All applications and permits for special uses for fifty (50) foot mixed use and commercial structures shall meet all applicable requirements of this Unified Development Ordinance, and shall be considered in the context of any of the following or similar considerations that create a need for additional building height:

1. The use of parking under the structure if site specific conditions are such that under the structure parking is necessary in order to meet the minimum parking standards for the proposed use(s) of the building.
2. Topography of the site where the proposed building will be located.
3. Preservation of natural or vegetated area in order to meet the requirements set forth in the applicable zoning district.
4. Reduction of impervious coverage and improved stormwater control provisions as dictated by site specific conditions.

5. The provision of public or private amenities associated with hotels, motels, or similar transient lodging facilities.

([Ord. of 7-8-14](#) , § 2)

4.2.12 - Golf Cart Sales and Rentals

In addition to complying with all other applicable provisions of this ordinance, all businesses that offer golf carts for sale and/or rent shall only be permitted according to the following specifications and standards:

1. Outdoor display of golf carts shall be limited to five (5) at any one time.
2. Shall have a physical place of business (brick and mortar type) in Town.
3. Loading and unloading of golf carts shall not impede the movement of vehicular traffic and pedestrian activity.
4. Rules for operating a golf cart on a public street, road, or highway within the Town shall be posted on every golf cart registered with the Town and a copy provided to each person operating a golf cart.

(Ord. of [4-12-16\(1\)](#) , § 1)

4.2.13 - Incidental Outdoor Entertainment

An application for a zoning permit for incidental outdoor entertainment shall comply with the following additional requirements:

- (1) The application must be accompanied by a site layout showing the maximum occupancy of the facility, the dimensions of the property, the location of the entertainment area and how the area is proposed to be partitioned, the location and size of any stage, the location and dimensions of the dance area, proposed seating arrangements for customers and participants, and the means of ingress and egress to the outdoor entertainment area.
- (2) If night activities are proposed, a lighting plan must be submitted showing the location of exterior lights, wattage, direction of illumination, and methods of shielding lighting from adjacent areas.
- (3) Information concerning the type and manner of amplification of music and sound, and the audible range of the music and the sound shall be included. Methods to minimize the migration of music and sound to nearby properties shall be identified.
- (4) The entertainment shall be provided for those patrons of the business conducting said activity.
- (5) The frequency and hours of incidental outdoor entertainment shall comply with the Town's noise ordinance requirements.

4.2.14 – Temporary RV's and Travel Trailers

At the discretion of the Town Manager in response to a natural disasters, the use of RV's and/or Travel Trailers may be allowed in all zoning districts in Emerald Isle. This temporary use shall be allowed for a period of ninety (90) days for each individual property owner. If circumstances arise that warrant additional time, the Town Manager may extend the time for a period not to exceed thirty (30) days. All RV's and/or Travel Trailers must be properly connected to an authorized waste water system and a permanent power source.

(Ord. of [6-14-16\(1\)](#), § 1)