

U.S. Army Corps of Engineers 404 fill line, lot coverage shall not exceed 30 percent. If the U.S. Army Corps of Engineers 404 fill line is not evident or located within the estuarine AEC, as defined by CAMA, lot coverage within the estuarine AEC shall not exceed 30 percent. Lot coverage allowances shall not be transferred from one portion of the lot to another.

- (3) The minimum lot width shall be 50 feet.
  - (4) The minimum depth of the front yard for single-family and duplex development shall be 30 feet. Minimum depth of the front yard for a commercial development shall be 15 feet.
  - (5) Side yards shall total at least 15 feet in width. Every building must be set back no less than five feet from the side property line. The side yard on either side may be of any size, provided that neither side yard is less than five feet in width and further provided that the sum of the two side yards equals at least 15 feet in width. In the case of a corner lot, to ensure adequate sight clearance, the side yard adjacent to the right-of-way shall be no less than 15 feet.
  - (6) The minimum depth of the rear yard for single-family and duplex development shall be 20 percent of the lot depth, but need not exceed 30 feet. The minimum depth of the rear yard for commercial development shall be 25 feet.
  - (7) Maximum height of structures shall be 35 feet. However, the height of a structure meeting the minimum roof pitch requirements of section 48-370(d) shall be allowed a maximum total height of 42 feet.
- (Code 1990, § 22-306; Ord. No. 03-08-040, §§ 11, 12, 34, 8-20-2003; Ord. No. 08-02-008, § VI, 2-6-2008)

**Cross reference**—Businesses and licensing, ch. 12.

**Sec. 48-407. C-2 general commercial district.**

(a) *Intent.* The C-2 general commercial district is established to provide for the proper grouping and development of commercial facilities to serve the entire community. All C-2 districts shall be at least five acres in area.

(b) *Permitted uses.* The following uses shall be permitted by right in the C-2 district:

- (1) Offices, including:
  - a. Business.
  - b. Dialysis center.
  - c. Financial.
  - d. Governmental.
  - e. Medical.
  - f. Professional.
  - g. Coffee shop.
- (2) Retail establishments, including:
  - a. Antiques.
  - b. Appliances.
  - c. Bicycles.
  - d. Boat sales and service.
  - e. Books.
  - f. Cameras.
  - g. Candy.
  - h. Clothing.
  - i. Computers.
  - j. Craft goods.
  - k. Drugs.
  - l. Dry goods.
  - m. Flowers, greenhouses, plant nurseries.
  - n. Foodstores.
  - o. Gifts.
  - p. Hardware.
  - q. Hobby goods.
  - r. Jewelry.
  - s. Magazines.
  - t. Musical instruments.
  - u. Notions.
  - v. Owner occupied art gallery.
  - w. Sporting goods.
  - x. Toys.

- (3) Service establishments, including:
- a. Aerobic class/dance school/karate school.
  - b. Barbershops and beauty shops.
  - c. Dry cleaning and laundry pickup stations, including laundromats.
  - d. Funeral homes.
  - e. Indoor recreational activities limited to amusement arcades, pinball machines, video games, video machines or other similar player operated amusement devices, billiard rooms, bowling alleys, sport-climbing walls, paintball and laser tag facilities, and soft play activities for juveniles. Beach and charitable bingo, adult arcades, sexually oriented business activities, adult live entertainment, and slot machines or devices as prohibited by G.S. 14-306 are specifically excluded from this indoor recreational activities definition.
  - f. Nonprofit/outreach center with aquatic fitness facility.
  - g. Nonprofit community outreach centers.
  - h. Parking lots.
  - i. Radio and television broadcasting studios.
  - j. Restaurants.
  - k. Shoe repair.
  - l. Theaters.
  - m. Municipally owned public access facilities.
  - n. Indoor fitness center.
  - o. Restaurant, takeout.
  - p. Beach recreation equipment rentals and sales.
  - q. Taxi and limousine service.
- (4) Single-family dwellings and duplexes according to the dimensional requirements of the R-3 zoning district. Single-family dwellings and duplexes containing five bedrooms shall be subject to the applicable requirements specified in section 48-370.
- (5) Estuarine bulkheads.
  - (6) Customary accessory uses and structures, including private swimming pools, private docks, minor communication towers, dish antennas and home occupations, and roof top wind energy facilities.
  - (7) Large residential dwellings, subject to other requirements of this chapter and provided that all the conditions are met specified in section 48-370.
  - (8) Auction houses.
  - (9) Bed and breakfast, subject to the dimensional requirements of single-family dwellings within this zoning district and town code section 48-370.
  - (10) Outdoor stands as an accessory use to retail shopping centers pursuant to section 48-372.
- (c) *Conditional uses.* The following uses shall be permitted subject to the requirements of this C-2 district and additional regulations and requirements imposed by the board of commissioners as provided in article XIX of this chapter:
- (1) Automobile service stations and repair garages, subject to other requirements of this chapter and provided that the following conditions are met:
    - a. No principal or accessory building shall be located within 50 feet of an existing residential use or district.
    - b. There will be no storage of wrecked or abandoned vehicles.
    - c. No petroleum pumps shall be nearer than 50 feet to any right-of-way or property line.
    - d. The site shall be designed to contain on-site all stormwater from impervious surfaces up to the level of a ten-year, two-hour storm event, the equivalent being 4.24 inches of rainfall in a two-hour period.

- e. All underground fuel storage tanks shall be equipped with leak detection devices. The type of detection device shall be approved by and subject to periodic inspections by the town.
  - f. The boundaries of the entire site shall be buffered from all adjacent properties and rights-of-way in accordance with section 48-482(1), buffer yard A.
  - g. Automobile service station canopies may be subject to an annual inspection by the building inspector for the purpose of ensuring that the canopy is maintained in a safe condition. Any fee for the annual inspection shall be in accordance with the regularly adopted fee schedule of the town.
  - h. When any portion of an automobile service station canopy, i.e., vertical or horizontal support, or panel becomes unsafe, prior to the issuance of town warning citation, the building inspector shall give written notice to the owner of the premises that within 30 days of the date of receipt of the notice the canopy shall be:
    1. Fully restored in accordance with plans submitted by a state registered engineer who shall certify that the restored canopy meets or exceeds the applicable requirements of the state building code; or
    2. Entirely dismantled and removed from the site.
- (2) Public utility facilities, subject to other requirements of this chapter and provided that the following conditions are met:
- a. No open storage is allowed.
  - b. All utility structures requiring a building permit shall be architecturally compatible with other structures in the vicinity.
  - c. The boundaries of the entire site shall be buffered in accordance with section 48-482(1), buffer yard A.
- (3) Fishing piers, subject to other requirements of this chapter and provided the following conditions are met:
- a. The site shall not be located closer than 500 feet to any residential zoning district (R-1, R-2, R-3, CR, SPD-20, SED-80, SPD-C).
  - b. Holding lanes shall be provided for automobiles entering and leaving the site to minimize traffic congestion on public roads in addition to those requirements for parking lot entrances contained in section 48-163(17).
  - c. Lighting shall be provided in accordance with article IX of this chapter.
  - d. The boundaries of the entire site shall be buffered in accordance with section 48-482(4), buffer yard D.
- (4) Animal boarding kennel or veterinary clinic, provided that all pens and kennels are in an enclosed, air-conditioned building and further provided that all unenclosed runs be set back not less than 50 feet from any existing residential use or district.
- (5) Retail shopping center, provided that the following additional requirements and conditions are met:
- a. A retail shopping center shall meet the requirements for minimum lot width, side and rear setbacks, height limit, maximum lot coverage and minimum lot area as specified in subsection (d) of this section. A retail shopping center shall have a minimum front setback for all principal and accessory structures of 75 feet.
  - b. A 12-foot wide paved fire lane shall be provided to the rear or side of each commercial establishment, separate from customer, pedestrian and vehicular traffic flow, and which may be used to reach loading and unloading areas. The edge of the paved

- access nearer the structure shall be not closer than ten feet nor farther than 30 feet from the sides of the structure.
- c. Screened dumpsters shall be provided in accordance with chapter 30 of this Code.
  - d. A sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all commercial establishments within each building. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.
  - e. No portion of any building shall be farther than 250 feet or closer than 50 feet to a fire hydrant.
  - f. Fire hydrants shall be protected from traffic in accordance with section 20-1 and shall be marked with stripes on the pavement within the protected area.
  - g. If the structures are not considered sprinkler protected according to the applicable National Fire Protection Association standards, the fire flow of the hydrants serving or intended to serve the structures shall be tested at the developer's expense by the town fire department or by an independent testing firm. If the test is conducted by an independent testing firm, it shall be made under the direct supervision of the town fire chief or his designee. A fee, in accordance with the most recently adopted consolidated fee schedule, shall be paid by the developer. If the flow is found to be deficient according to the insurance service office standards applicable to the town, the developer shall bring the fire flow up to the established requirements set out in the insurance service office standards. The fire flow test shall be made during the period of peak wa-  
ter demand as determined from water consumption data maintained by the town water department.
  - h. A minimum of 600 feet of frontage along a street shall be required before two accessways are permitted to the same street. A minimum of 900 feet of frontage shall be required before three accessways are permitted. No retail shopping center shall have more than three accessways to one street. The accessways shall comply with the following standards:
    1. Accessways shall not be less than 30 feet or more than 40 feet in width at their intersection with the property line;
    2. The principal accessways shall have an exit lane for left turns where permitted and an exit lane for right turns and one entrance lane. The lanes shall be appropriately marked as to exit and entrance; and
    3. At its intersection with the property line, an accessway shall not be less than 100 feet from another accessway or 50 feet from a corner of the property. At least one accessway will be allowed for each shopping area.
  - i. Each retail shopping center with its buildings, parking lots and driveway shall be physically separated from each adjoining street by a curb or other suitable barrier to prevent unchanneled vehicular ingress or egress.

- j. Lighting in accordance with article IX of this chapter shall be installed in all parking and service areas.
  - k. A buffer shall be maintained along property lines abutting any neighboring lots not a part of the retail shopping center in accordance with section 48-482(2) or (3), buffer yard B or C.
  - l. Public restrooms shall be provided in a convenient and easily identifiable location at the developer's expense. One restroom for each sex is required to be open when the retail shopping center is open.
  - m. There shall be a minimum 20-foot separation between detached buildings.
  - n. A preapplication conference shall be held between the planning board and the applicant.
- (6) Indoor public assembly, subject to other requirements of this chapter and provided that the following conditions are met:
- a. All activities, permits and licenses shall be consistent with the rules and regulations of local, state and federal laws.
- (7) Hotels, provided that the following requirements and conditions are met:
- a. A hotel parcel shall have a minimum width of 150 feet.
  - b. A minimum front yard setback of 30 feet is required.
  - c. A minimum rear yard setback of 30 feet is required.
  - d. A minimum setback for any structure from a side yard property line other than a property line along a state or town street right-of-way shall be ten feet. In the case of a corner lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be the greater of either the front yard setback or side yard setback.
  - e. The maximum height of a structure shall be 35 feet.
  - f. A minimum of 50 percent of the required side yard setbacks shall be left undeveloped as open space. Subterranean sewage systems and repair areas are allowed in the required setbacks.
  - g. Hotel units shall be at least 300 square feet in area. Hotel efficiency units shall be at least 400 square feet in area. No hotel unit or hotel efficiency unit shall be greater than 700 square feet in area except for hotel suites as regulated below.
  - h. In addition the above hotel units, hotels may have hotel suites consisting of no more two bedrooms and a total unit size not to exceed 900 square feet in area.
  - i. Each detached building intended for rental or guest occupancy shall contain a minimum of two hotel rental units.
  - j. Unless the public safety department has approved an alternate life safety/fire evacuation plan, a 12-foot wide paved vehicular access along all four sides of structures intended for overnight accommodations shall be provided suitable for firefighting and rescue equipment. The edge of the paved access nearer the structure shall be no closer than ten feet, nor farther than 30 feet, from the sides of the structure. The structure(s) shall be sprinkler protected in accordance with section 20-121 of the Town Code of Ordinances. A fire flow test of the water supply for the sprinkler system serving or intended to serve the structure(s) shall be conducted at the developer's expense by the town fire department or by an independent testing firm. If the test is con-

- ducted by an independent testing firm, it shall be made under the direct supervision of the town fire chief or his designee. A fee, in accordance with the most recently adopted consolidated fee schedule, shall be paid by the developer. If the flow is found to be deficient according to the insurance service office standards applicable to the town, the developer shall bring the fire flow up to the established requirements set out in the insurance service office standards. The fire flow test shall be made prior to the issuance of a building permit.
- k. Required loading areas shall be designed so as not to block the access by fire and rescue vehicles.
- l. Containers for garbage and refuse shall be provided in accordance with chapter 30 of the Town Code. Areas for screened dumpsters shall be provided so as to be out of the traffic flow and accessible to garbage trucks at all times.
- m. A sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all principal buildings on the site. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.
- n. No portion of any building shall be farther than 250 feet or closer than 50 feet to a fire hydrant.
- o. Fire hydrants shall be protected from traffic in accordance with section 9-1 of the Town Code and shall be marked with painted stripes on the pavement within the protected area.
- p. A minimum of 600 feet of frontage along a street shall be required before two accessways are permitted to the same street. A minimum of 900 feet of frontage shall be required before three accessways are permitted. No hotel development shall have more than three accessways to one street. The accessways shall comply with the following standards:
1. Accessways shall not be less than 30 feet or more than 40 feet in width at their intersection with the property line and shall be installed with curbs of asphalt or concrete at street connections to prevent damage to roadways;
  2. The principal accessways shall have an exit lane for left turns where permitted and an exit lane for right turns and one entrance lane. The lanes shall be appropriately marked to indicate exit and entrance; and
  3. At its intersection with the property line, an accessway shall not be less than 50 feet from a corner of the property. For hotel sites with more than one accessway, a minimum 100-foot separation shall be maintained between on-site accessways. At least one accessway will be allowed for each hotel development.
- q. Each hotel site with its buildings, parking lots and driveways shall be physically separated from each adjoining street by a curb or other suitable barrier to prevent unchanneled vehicular ingress or egress.
- r. Lighting in accordance with section article IX of this chapter shall be installed in all parking and service areas.
- s. There shall be a minimum separation of 20 feet between detached buildings.
- t. Hotel parcels east of US 158 must be within 500 feet in a straight line distance to either a private, deeded ocean access or a public ocean access.

- cess. The access must consist of a minimum five-foot wide improved pedestrian path. Hotels west of US 158 must provide direct, private soundfront access.
- u. Hotel sites may include the following accessory uses: retail shops, offices, restaurants, indoor entertainment facilities, indoor public assembly for the benefit of their occupants and guests and the general public, and outdoor recreation facilities as otherwise permitted in that district, provided the parking for all such establishments shall meet the requirements of section 48-163(3).
  - v. Hotels may have accessory, employee dormitories intended to furnish group housing for employees provided the following conditions are met:
    1. All accessory employee dormitories must be located on the same site as the hotel use.
    2. An employee dormitory shall not contain more than one kitchen.
    3. The square footage of an employee dormitory building shall be limited to no more than 25 percent of the square footage of the principal hotel building(s) on the site.
  - w. A pre-application conference shall be held between the planning board and the applicant. The applicant shall present at least a survey and conceptual site plan.
  - x. A hotel parcel may contain multiple hotel buildings and permitted accessory buildings.
  - y. Reserved.
- (8) Religious complexes, subject to other requirements of this chapter and provided that the following conditions are met:
- a. All structures within the religious complex shall be separated by a minimum of 30 feet.
  - b. No structure shall be located closer than 25 feet to a common property line, nor closer than 30 feet to an abutting street or highway right-of-way.
  - c. The ratio of total floor area to total site area shall not exceed one to four.
  - d. If the site abuts a residential district or use, all parking areas shall be buffered from any abutting residential district or use in accordance with section 48-482(4), buffer yard D.
- (9) An attended car wash (automated and enclosed only), subject to other requirements of this chapter and provided that the following conditions are met:
- a. The attendant shall be present on-site during all hours of operation;
  - b. No principal or accessory building shall be located within 50 feet of an existing residential use or district.
  - c. A car wash shall be constructed so as to allow vehicles to pass through the structure in order to create an orderly traffic flow. Furthermore, stacking spaces shall be provided for vehicles entering and exiting the site to minimize traffic congestion on public roads.
  - d. The boundaries of the entire site shall be buffered from all adjacent properties and rights-of-way in accordance with section 48-482(1), buffer yard A.
  - e. The site shall be designed to contain all stormwater from impervious surfaces on-site from a ten-year, two-hour storm event, the equivalent being 4.24 inches of rainfall in a two-hour period.
  - f. The car wash shall utilize a recyclable water type system.
- (10) Multifamily dwellings, provided that the following additional requirements and conditions are met:
- a. A multifamily lot shall have a minimum width of 150 feet.

- b. A minimum setback for all structures from all property lines shall be 1.75 times the height at the top of the top plate or roof panel in the tallest building in the development site, but shall be a minimum of 35 feet to all property lines.
- c. The maximum distance from the top plate or roof panel to the original grade or finished grade, whichever is the greater distance, shall not exceed 40 feet. Height shall not exceed 47 feet. The enclosed area above the top plate or roof panel shall not be habitable and shall be unoccupied except for necessary structural and mechanical appurtenances.
- d. A minimum of 50 percent of the required setbacks shall be left undeveloped and landscaped as open space. Subterranean sewage systems and repair areas are allowed in the required setbacks.
- e. The boundaries of the entire site shall be buffered from all adjacent properties and rights-of-way in accordance with section 48-482(1), buffer yard A.
- f. The minimum lot area for a multifamily development site shall be 26,000 square feet for the first three units and 3,500 square feet for each additional unit.
- g. Each multifamily dwelling unit shall contain at least 1,000 square feet of floor area.
- h. Unless the public safety department has approved an alternate life safety/evacuation plan, a 12-foot wide paved vehicular access along all four sides of principal structures shall be provided suitable for firefighting and rescue equipment. The edge of the paved access nearer the structure shall be no closer than ten feet, nor farther than 30 feet, from the sides of the structure.
- i. A pedestrian sidewalk or boardwalk shall be constructed to provide a grade separation of at least six inches in height and shall connect all principal buildings on the site. In cases where traffic lanes separate buildings, the pedestrian passageways shall be striped and may be on grade.
- j. No portion of any building shall be farther than 250 feet or closer than 50 feet to a fire hydrant.
- k. The structures shall be sprinkler protected in accordance with section 20-121 et seq. A fire flow test of the water supply for the sprinkler sys-

tem serving or intended to serve the structures shall be conducted at the developer's expense by the town fire department or by an independent testing firm. If the test is conducted by an independent testing firm, it shall be made under the direct supervision of the town fire chief or his designee. A fee, in accordance with the most recently adopted consolidated fee schedule, shall be paid by the developer. If the flow is found to be deficient according to the insurance service office standards applicable to the town, the developer shall bring the fire flow up to the established requirements set out in the insurance service office standards. The fire flow test shall be made prior to the issuance of a building permit.

- l. At its intersection with the property line, any driveway shall not be less than 100 feet from another driveway or 50 feet from a corner of the property. At least one driveway will be allowed for each multifamily development.
  - m. There shall be a minimum separation of 40 feet between detached buildings.
  - n. Multiple-dwelling units may have as an accessory use a management office, not including a trailer, provided that the management office shall be included as a permanent structure in the project's design or may occupy one of the dwelling units. A management office may include within the particular project spaces for maintaining supplies, service products and amenities to be used in connection with the units within the project. There shall be sanitary facilities available for customers and employees.
  - o. Where the provisions of this subsection are in conflict with the provisions of subsection (d), dimensional requirements, the more stringent of the provisions shall apply.
- (11) Restaurant, drive-in, subject to other requirements of this chapter and provided that the following conditions are met: The boundaries of the entire site, if located within 50 feet of an existing residential use or district, shall be buffered from all adjacent properties and rights-of-way in accordance with section 48-482(1), buffer yard A.
  - (12) Restaurant, drive-through, subject to other requirements of this chapter and provided that the following conditions are met: The boundaries of the entire site, if located within 50 feet of an existing residential use or district, shall be buffered from all adjacent properties and rights-of-way in accordance with section 48-482(1), buffer yard A.
  - (13) Pet shop, subject to other requirements of this chapter and provided that the following conditions are met:
    - a. All pens and kennels shall be in an enclosed, air-conditioned building.
    - b. All unenclosed runs shall be set back not less than 50 feet from an existing residential use or district.
  - (14) Child day care center, subject to other requirements of this chapter and provided that the following conditions are met:
    - a. The facility shall adhere to the minimum requirements of and be licensed by the state department of human resources, division of facility services, child day care section.
    - b. Pickup and dropoff areas shall be provided separate from the drive-aisle. The pickup and dropoff areas shall be designed so that no child is required to cross the parking lot or any other traffic areas.
    - c. All outdoor recreational areas shall be buffered from adjacent residential uses and districts (R-1, R-2, R-3, CR, SED-80, SPD-20, and SPD-C) in accordance with section 48-482(3),

buffer yard C. The buffer shall be placed on the exterior side of any required fencing.

- (15) Nonpowered and wind-driven boat rentals including: Canoes, kayaks, sailboats, windsurfer boards, and other nonpowered and/or wind-driven watercraft, subject to other requirements of this chapter and provided that the following conditions are met: the use shall be entirely within the commercial-outdoor recreational uses overlay district.
- (16) Small fishing skiff rental establishments, subject to other requirements of this chapter and provided that the following conditions are met:
- a. The use shall be entirely within the commercial-outdoor recreational uses overlay district.
  - b. Small fishing skiff shall utilize either electric or four-cycle engines only, with a maximum horsepower of 25 horsepower.
- (17) Massage therapy centers, subject to other requirements of this chapter and provided that the following conditions are met: The applicants shall meet the requirements of article II, chapter 12 of this Code, massage parlors, health salons and related businesses.
- (18) Adult day service center, subject to other requirements of this chapter and provided that the following conditions are met:
- a. The facility shall adhere to the minimum requirements of and be licensed by the state department of human resources, division of social services/division of aging.
  - b. Pickup and dropoff areas shall be provided separate from the drive-aisle. The pickup and dropoff areas shall be designed so that no person attending the center is required to cross the parking lot or any other traffic areas.
  - c. All outdoor recreational areas shall be buffered from adjacent residential uses and districts (R-1, R-2, R-3, CR, SED-80, SPD-20, and SPD-C) in accordance with section 48-482(3), buffer yard C. The buffer shall be placed on the exterior side of any required fencing.
- (19) Food bank, subject to other requirements of this chapter and provided that the following conditions are met:
- a. In no case shall a food bank be opened to the public at times earlier than 8:00 a.m. or later than 9:00 p.m.
  - b. Outdoor storage is prohibited.
  - c. A food bank shall be dedicated exclusively to the storage and disbursement of foodstuffs. No food bank shall provide overnight accommodations, counseling or rehabilitation, services, child care or baby sitting, vocational or other schooling or training, preparation of meals, dining areas, worship services, medical services or consultation, or any other similar services or programs.
- (20) Skate park facility, subject to other requirements of this chapter and provided that the following conditions are met:
- a. The facility shall be provided in conjunction with a nonprofit/outreach center with an indoor aquatic fitness facility.
  - b. The facility must be on an existing single parcel containing split-zoning districts R-2 and C-2.
  - c. Lot coverage for the parcel shall be the combined average of the coverage allowed in each individual zoning district. Total lot coverage may be applied to the total parcel; however, placement of coverage shall not exceed 30 percent in the R-2 district and 80 percent in the C-2 district.

- d. Hours of operation shall be 8:00 a.m. until 9:00 p.m. or sunset, whichever occurs first.
  - e. Lighting of the parking area for the facility when occurring in the R-2 district shall be prohibited except for minimum lighting required for security purposes.
  - f. A 50-foot buffer shall be provided adjacent to residential uses and districts (R-1, R-2, R-3, CR, SED-80, SPD-20, and SPD-C) and landscaped as open space. Stormwater basins and subterranean sewage systems are allowed in the required buffer.
- (21) Boardinghouse, subject to other requirements of this chapter and provided that the following conditions are met:
- a. Boardinghouses may not exceed four rooms, which are intended to be rented.
  - b. Occupancy by tenants shall not exceed more than two persons per bedroom and shall be for durations of generally greater than one week.
  - c. Individual rooms shall not contain independent cooking facilities; this, however, shall not prohibit the serving of meals to tenants or the use of a single kitchen by tenants.
  - d. Boardinghouses shall be owner occupied and serve as the primary residence of the owner.
- (22) Haunted house, subject to other requirements of this chapter and provided that the following conditions are met:
- a. No alcohol shall be served or sold on-site.
  - b. All tours shall consist of 12 customers or less and shall be guided by a staff member.
  - c. All attractions, and displays associated with the indoor entertainment facility shall be confined to the interior of the building except an area not to exceed ten feet from the exterior of the principal structure for nonilluminated decorations.
- (23) Elementary school, subject to other requirements of this chapter and provided that the following conditions are met:
- a. A minimum lot area of ten acres is required for an elementary school complex.
  - b. No structure shall be located closer than 25 feet to a common property line, nor closer than 30 feet to an abutting street or highway right-of-way.
  - c. A buffer yard G shall be provided along any property boundary abutting residential uses and districts.
  - d. The maximum height of a structure shall be 35 feet. However, if 50 percent or more of the roof is pitched at a six to 12 slope or greater, the maximum structure height shall not exceed 35 feet to the top plate and shall not exceed a total height of 60 feet to the roof ridge.
  - e. Locating of a school system administration office on the same site as an elementary school shall be allowed and exempted from the requirements of section 48-76.
  - f. All structures within an elementary school site shall be separated by a minimum of 30 feet.
  - g. Lighting shall be in accordance with article IX of this chapter. No lighting of outdoor recreational areas shall be permitted except for security purposes in accordance with article IX of this chapter.
  - h. No modular units shall be allowed on school sites.
  - i. Loading areas shall be provided in accordance with subsection 48-164.
  - j. A vehicular and pedestrian access plan shall be developed for the facility.

ity in accordance with the state department of transportation and town public safety standards.

- k. An emergency evacuation plan shall be developed in accordance with the state standards.
- (24) Office/retail group development, provided that the following additional requirements and conditions are met:
- a. An office/retail group development shall meet the requirements for minimum lot width, side and rear setbacks, height limit, maximum lot coverage and minimum lot area as specified in subsection (d) of this section. An office/retail group development shall have a minimum front setback for all principal and accessory structures of 50 feet.
  - b. A 12-foot wide paved fire lane shall be provided to the rear or side of each establishment, separate from customer, pedestrian and vehicular traffic flow. The edge of the paved access nearer the structure shall be not closer than ten feet or farther than 30 feet from the sides of the structure.
  - c. Screened dumpsters shall be provided in accordance with chapter 30 of this Code.
  - d. A sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all buildings. Pedestrian passageways shall be striped when crossing traffic lanes.
  - e. No portion of any building shall be farther than 250 feet or closer than 50 feet to a fire hydrant.
  - f. Fire hydrants shall be protected from traffic in accordance with section 20-1 and shall be marked with stripes on the pavement within the protected area.
  - g. If the structures are not considered sprinkler protected according to the

applicable National Fire Protection Association standards, the fire flow of the hydrants serving or intended to serve the structures shall be tested at the developer's expense by the town fire department or by an independent testing firm. If the test is conducted by an independent testing firm, it shall be made under the direct supervision of the town fire chief or his designee. A fee, in accordance with the most recently adopted consolidated fee schedule, shall be paid by the developer. If the flow is found to be deficient according to the insurance service office standards applicable to the town, the developer shall bring the fire flow up to the established requirements set out in the insurance service office standards. The fire flow test shall be made during the period of peak water demand as determined from water consumption data maintained by the town water department.

- h. A minimum of 600 feet of frontage along a street shall be required before two accessways are permitted to the same street. A minimum of 900 feet of frontage shall be required before three accessways are permitted. No office/retail group development shall have more than three accessways to one street. The accessways shall comply with the following standards:
  1. Accessways shall not be less than 30 feet or more than 40 feet in width at their intersection with the property line;
  2. The principal accessways shall have an exit lane for left turns where permitted and an exit lane for right turns and one entrance lane. The lanes shall be appropriately marked as to exit and entrance; and
  3. At its intersection with the property line, an accessway shall

- not be less than 100 feet from another accessway or 50 feet from a corner of the property. At least one accessway will be allowed for each office/retail area.
- i. Each office/retail group development with its buildings, parking lots and driveway shall be physically separated from each adjoining street by a curb or other suitable barrier to prevent unchanneled vehicular ingress or egress.
  - j. Lighting in accordance with article IX of this chapter shall be installed in all parking and service areas.
  - k. A buffer shall be maintained along property lines abutting any neighboring lots not a part of the office/retail group development in accordance with subsection 48-482(2) or (3), buffer yard B or C.
  - l. There shall be a minimum 20-foot separation between detached buildings.
  - m. The design of all buildings within an office/retail group development shall comply with requirements subsection 48-371(c)(1) with the additional requirements that all buildings be required to use a roof pitch of  $\frac{6}{12}$  or greater and achieve a total architectural point score of 125 points.
  - n. A pre-application conference shall be held between the planning board and the applicant.
- (25) Commercial/residential mixed development, provided that the following additional requirements and conditions are met:
- a. A minimum lot area of 25,000 square feet and a minimum lot width of 100 feet shall be required.
  - b. The minimum front yard, side yard and rear yard requirements shall be as set forth under subsection 48-407(d) for commercial development.
  - c. Unless the public safety department has approved an alternate life safety/fire evacuation plan, a 12-foot wide paved fire lane shall be provided to the rear or side of each establishment, separate from customer, pedestrian and vehicular traffic flow. The edge of the paved access nearer the structure shall be not closer than ten feet or farther than 30 feet from the sides of the structure.
  - d. Screened dumpsters shall be provided in accordance with chapter 30 of this Code.
  - e. A sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all buildings. Pedestrian passageways shall be striped when crossing traffic lanes.
  - f. No portion of any building shall be farther than 250 feet or closer than 50 feet to a fire hydrant. Fire hydrants shall be protected from traffic in accordance with section 20-1 and shall be marked with stripes on the pavement within the protected area.
  - g. If the structure is not considered sprinkler protected according to the applicable National Fire Protection Association standards, the fire flow of the hydrants serving or intended to serve the structure shall be tested at the developer's expense by the town fire department or by an independent testing firm. If the test is conducted by an independent testing firm, it shall be made under the direct supervision of the town fire chief or his designee. A fee, in accordance with the most recently adopted consolidated fee schedule, shall be paid by the developer. If the flow is found to be deficient according to the insurance service office standards applicable to the town, the developer shall bring the fire flow up to the established requirements set out in the insurance service office stan-

dards. The fire flow test shall be made during the period of peak water demand as determined from water consumption data maintained by the town water department.

- h. Lighting in accordance with article IX of this chapter shall be installed in all parking and service areas. Minimum lighting requirements shall be determined by the commercial use component(s) of the proposed development.
  - i. A buffer shall be maintained along property lines abutting any neighboring lots not a part of the commercial/residential mixed development in accordance with subsection 48-482(2) or (3), buffer yard B or C.
  - j. The design of all buildings shall comply with requirements section 48-371, Commercial design standards.
- (26) Indoor recreational activities limited to amusement arcades, pinball machines, video games, video machines or other similar player operated amusement devices, billiard rooms, bowling alleys, sport-climbing walls, paintball and laser tag facilities, soft play activities for juveniles, miniature golf courses, skating rinks, supervised amusement rides including ferris wheels, spinners, carousels and the like, and go-kart tracks using electric karts. Beach and charitable bingo, adult arcades, sexually oriented business activities, adult live entertainment, and slot machines or devices as prohibited by G.S. 14-306 are specifically excluded from this indoor recreational activities definition.
- (27) Restaurant with detached single-family dwelling. Subject to other requirements of this chapter and provided that the following conditions be met:
- a. The single-family dwelling shall meet the yard requirements for accessory structures in 48-78.
  - b. Only one detached single-family dwelling shall be allowed.

- c. Parking shall be provided in accordance with article V off street parking and loading requirements.
- d. The detached single-family dwelling shall be exempt from provisions in section 48-123. Nonconforming structure with conforming use.
- e. The single-family dwelling shall be exempt from section 48-370, Residential design standards.
- f. The above provisions shall only apply only to structures constructed on or before January 1, 1967.

(28) Farmers markets provided that the following additional requirements and conditions are met:

- a. The main roof pitch of the principal structure(s) shall be a minimum of  $\frac{9}{12}$ .
- b. Roof shingles shall consist of wood, asphalt, or tin.
- c. The structure siding must be wood frame or a simulated wood product.

(d) *Dimensional requirements.* Unless otherwise specified in subsection (c) of this section, the following dimensional requirements shall apply in the C-2 district:

- (1) A minimum lot area of 15,000 square feet is required for commercial development and single-family dwellings. A minimum lot area of 22,500 square feet is required for duplexes. Lots using individual wells and septic tanks shall be 20,000 square feet per dwelling unit.
- (2) Lot coverage for single-family and two-family uses shall be in accordance with this subsection (d)(2). The lot coverage for all other uses shall not exceed 55 percent. Coverage may be increased to a maximum of 65 percent if open-face paving block, Turfstone™, or porous paving as approved by the town engineer, is used in place of surfaces such as concrete or asphalt. The service life, hydrological design, and structural design properties of porous pavement shall be equivalent to or

exceed the use properties of Turfstone and shall be installed by a contractor certified in the installation of this pavement system. One square foot of concrete or asphalt can be replaced by one and one-half square feet of open-face paving block or porous paving. Open-face paving block shall be installed in accordance with article V of this chapter. In the case of an oceanfront lot, only that area landward of the first line of stable natural vegetation (as defined by CAMA) shall be used for calculating lot coverage. Where an oceanfront lot has little or no stable natural vegetation, the line of such vegetation shall be a line extending between the nearest such vegetation existing north and south of the lot. In the case of lots abutting estuarine waters (as defined by Division of Marine Fisheries and used by CAMA), lot coverage shall be in accordance with the standards listed above, except that in the area waterward of the U.S. Army Corps of Engineers 404 fill line, lot coverage shall not exceed 30 percent. If the Corps of Engineers 404 fill line is not evident or located within the estuarine AEC, as defined by CAMA, lot coverage within the estuarine AEC shall not exceed 30 percent. Lot coverage allowances shall not be transferred from one portion of the lot to another.

- (3) The minimum lot width shall be 60 feet.
- (4) The minimum depth of the front yard for single-family and duplex development shall be 30 feet. The minimum depth of the front yard for a commercial development shall be 15 feet.
- (5) The minimum width of the side yards shall be eight feet for residential development (single-family and duplex). Side yards shall total at least 15 feet in width for commercial development. Every commercial building must be set back no less than five feet from a side property line. The side yard on either side may be of any size, provided that neither side yard is less than five feet in width and further provided that the sum of the two side

yards equals at least 15 feet in width. In the case of a corner lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be no less than 15 feet.

- (6) The minimum depth of a rear yard for a residential development (single-family, duplex, multifamily) shall be 20 percent of the lot depth but need not exceed 30 feet. The minimum depth of the rear yard for a commercial development shall be 25 feet.
- (7) Maximum height of structures shall be 35 feet. However, the height of a structure meeting the minimum roof pitch requirements of section 48-370(d) shall be allowed a maximum total height of 42 feet. (Code 1990, § 22-307; Ord. No. 03-08-040, §§ 13, 14, 35, 8-20-2003; Ord. No. 03-12-053, § 3, 12-3-2003; Ord. No. 04-03-007, § I, 3-3-2004; Ord. No. 04-12-045, § II, 12-1-2004; Ord. No. 05-05-014, § I, 5-4-2005; Ord. No. 05-08-031, § III, 8-3-2005; Ord. No. 06-02-006, § III, 2-1-2006; Ord. No. 06-07-025, § I, 7-5-2006; Ord. No. 06-11-049, § IV, 11-1-2006; Ord. No. 06-12-052, § I, 12-6-2006; Ord. No. 07-03-005, § I, 3-7-2007; Ord. No. 07-04-009, § III, 4-25-2007; Ord. No. 07-06-019, § I, 6-20-2007; Ord. No. 08-01-03, § III, 1-9-2008; Ord. No. 08-02-008, § VII, 2-6-2008; Ord. No. 09-01-008, § II, 1-7-2009; Ord. No. 09-01-009, § I, 1-7-2009; Ord. No. 09-05-019, § II, 5-6-2009; Ord. No. 09-09-034, Pt. I, 9-2-2009; Ord. No. 09-10-040, Pt. IV, 10-7-2009; Ord. No. 09-11-043, Pt. II, 11-4-2009; Ord. No. 09-11-044, Pt. I, 11-18-2009; Ord. No. 09-12-049, Pt. II, 12-2-2009; Ord. No. 10-01-002, Pt. II, 1-6-2010; Ord. No. 10-04-011, Pt. II, 4-7-2010; Ord. No. 10-05-014, Pt. V, 5-19-2010)

**Editor's note**—At the request of the city, subsection 48-407(b)(3)e. has been deleted. To preserve the style of the Code, subsections 48-407(b)(3)f—o. have been renumbered as 48-407(b)(3)e—n.

**Cross reference**—Businesses and licensing, ch. 12.

### **Sec. 48-408. C-3 commercial services district.**

(a) *Intent.* The C-3 commercial services district is established to provide standards for the location of commercial services which are required for the development of the town; such facilities as wholesale food and beverage storage

and distribution, building contractor office and storage facilities, and other similar uses which are required elements of a self-sufficient community. It is the intent of this section to regulate and buffer such uses so that their location will not be detrimental to adjacent uses, the environment, and the sources of potable water, i.e., fresh pond and groundwater. All commercial services districts shall be at least ten acres in size and must have direct access to a U.S. highway or a collector street which is improved to town standards. The site must also clearly demonstrate its suitability for intended uses insofar as physical characteristics and relationship to surrounding uses.

(b) *Permitted uses.* The following uses shall be permitted by right in the C-3 district:

- (1) Building contractors' offices and storage facilities limited to the following contractors: acoustical; ceramic tile; drywall; electrical; fence; heating, ventilation and air conditioning; insulation; plumbing; roofing; sheet metal; and siding.
- (2) Burglar alarm, security system sales and service.
- (3) Canvas, fabric and upholstery fabrication and warehouse operations.
- (4) Carpet sales and installation (specifically excluding carpet cleaning services).
- (5) Fire safety equipment sales and service.
- (6) Locksmiths.
- (7) Telecommunications sales and service.
- (8) Wallpaper sales and installation.
- (9) Water well drillers office, storage, sales and installation.
- (10) Wholesale food and beverage storage and distribution.
- (11) Customary accessory uses and structures, including minor communication towers.
- (12) Trade association office.
- (13) Real estate rental management facility.
- (14) Exercise studio, dance studio and martial arts studio. This use may be permitted in

the same principal building occupied by other principal permitted uses listed in this subsection.

(15) Stone fabrication and sales and service.

(16) Taxi and limousine service.

(c) *Conditional uses.* The following uses shall be permitted in the C-3 district, subject to the requirements of this C-3 district and additional regulations and requirements imposed by the board of commissioners as provided in article XIV of this chapter:

- (1) Ministorage (self-storage) complexes, subject to other requirements of this chapter and provided that the following conditions are met:
  - a. In addition to a business office, an attached security office no greater than 300 square feet in area may be included as an accessory use.
  - b. There shall be a minimum 25-foot separation between detached buildings.
  - c. No ministorage facility shall be used for the storage of flammable, combustible or noxious liquids or materials as classified in the fire prevention code currently in use by the town.
  - d. Restroom facilities shall be provided for the ministorage complex and shall be accessible during operating hours.
  - e. Ministorage (self-storage) rental units shall be used for the storage of domestic and/or commercial goods and supplies in accordance with this chapter. Ministorage (self-storage) rentals units shall not be used for the following activities:
    1. On-site wholesale trade and retail trade including, but not limited to, garage or yard sales, or flea markets.
    2. The commercial servicing or repair of motor vehicles, boats, trailers, mowers, appliances, or other similar equipment.