



Session Law 2018-69 Ordinance- Related Information

CHAPTER 70: TRAFFIC REGULATIONS

General Vehicle Operation

70.02 Motorized Vehicles on the Multi- Use Pedestrian Path: No motorized vehicle is allowed to operate or park on the path except for emergency vehicles, public safety vehicles, or town contractor vehicles.

70.03 Electric Personal Assistive Mobility Devices: Operation is limited to public roadway/ public right- of- way during daylight hours at a posted speed of 25 mph or less. A helmet must be worn. The lease or rental of electric personal assistive mobility devices must include a helmet and written notice regarding this section. Persons operating EPAMD are to follow all applicable state and local laws and ordinances.

Operation of Personal Watercraft

70.46 Launching and Landing: Cannot launch or land watercraft on town's ocean beaches.

70.47 Speed: Watercraft must be launched straight in and straight out within 900 feet from the sound shoreline. Operators of watercraft must travel at a speed in which a wake is not generated or exceed 5 mph, whichever is less, within 600 feet from the sound shoreline or operate the vessel at a speed in which no wake is generated or exceed 5 mph while within 100 feet of a person or persons in the water.

70.48 Certain Use Prohibited: Personal watercraft cannot be operated within 900 feet of sound or ocean shoreline. No person under 16 can operate a personal watercraft. No more than 10 boats may be rented at one time via rental establishment. Watercraft can only be operated between 9:00 am to 6:00 pm.

70.49 Wildlife: Operator of personal watercraft cannot chase, harass, molest, worry, or disturb wildlife except for lawfully angling for, hunting, or trapping fish and/ or wildlife.

70.50 Knowledge: Person who owns a personal watercraft, or who has charge over or control of personal watercraft, to authorize or knowingly permit the watercraft to be operated in violation of this chapter.

CHAPTER 90: ANIMALS

90.02 Owner Responsibility: Person must comply with standards set forth in this chapter including general responsibility, care, actions, and behavior of his or her animal(s). A person cannot interfere with or hinder Animal Control agents or veterinarians from performing any duty authorized in this chapter.

90.03 Dog Must Wear Tags; Identification and Rabies: Person must provide dog with an identification tag which is to be worn always. Dog owner must comply with state laws relating to rabies control; owner must provide rabies tag on collar. Dogs cannot wear the tag of another animal.

90.05 Running at Large: Pet owner must keep dog/ domesticated house cat from running at large within town. This includes restraining animal on a leash not exceeding 10 feet. Animal is under immediate control of owner while on beach.

90.06 Mandatory Removal of Feces: Owner/ custodian of dog must immediately remove feces deposited by their dog into a sanitary container. Feces may not be buried in sand or deposited in ocean.

90.07 Rabies Vaccination and Control: Owner must provide current inoculation against rabies for their dog. Dogs or cats who bite a person or shows symptoms of rabies must be quarantined and reported to health department.

90.10 Bird Sanctuary: Sanctuary is established within the town. Persons cannot hunt, kill, trap or take any protected birds within town limits.

CHAPTER 91 GENERAL NUISANCES:

Public Nuisances in General

91.01 Certain Conditions Declared Nuisances: Uncontrolled growth of weeds and grass; accumulations of animal or vegetable matter; accumulations of rubbish; conditions violating Health Department rules; burned or partially burned buildings or structures; storm or erosion damaged structures and resulting debris; structurally deteriorated or storm damaged automobile service station canopies; or other condition that is specified in town's ordinances is declared to be dangerous to public health or safety and is a public nuisance.

Open Burning; Fires on Beaches

91.21 Beach Fires: Starting a fire on the ocean or sound beaches is prohibited.

91.22 Other Open Burning: Requires a permit and is regulated by NC state law.

Loud and Disturbing Noise

91.35 Unnecessary Noise: Person cannot create or help to create loud, unnecessary, disturbing noise.

91.36 Noises Expressly Prohibited: Prohibits unnecessarily loud, disturbing, and annoying noise as generated by horns, sirens, gongs, musical instruments and the like that disrupts general peace. Restricts construction or building between 7:00 am and 6:00 pm.

91.37 Sound- Amplifying Devices; Permits for Speeches, Entertainment and Other Events: A person cannot operate a sound- amplifying device in a manner that unreasonably disturbs others. Written permits may be granted for music performances, speeches, or general entertainment.

91.38 Permit Program for Sound- Amplifying System for Devices Used or Operated for Hire: Sound- amplifying device cannot be used without a permit.

91.39 Radios, Phonographs, or Musical Instruments: A person cannot play any radio, phonography, or musical instrument in a manner or with the volume so as to annoy or disturb the quiet, comfort, or repose of persons in a dwelling, hotel, or other residence.

91.99 Penalty:

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating the provisions of §§ 91.35 through 91.41 shall be subject to a civil penalty in the amount of \$50 per occurrence which shall be paid within 5 days after the violator has been cited for violation of this chapter.

(C) In the event the offender does not pay the penalty within the prescribed time, the town may bring a civil action to recover the penalty, together with the cost of court.

(D) Additionally, any violation of this chapter shall constitute a misdemeanor which shall be punishable as provided by G.S. § 14-4. Each violation shall constitute a separate offense.

CHAPTER 92: ABANDONED, NUISANCE, AND JUNKED MOTOR VEHICLES

92.04 Abandoned Vehicle Unlawful; Removal: If a vehicle is determined a health or safety hazard, the vehicle must be removed once declared a nuisance vehicle.

92.05 Junked Motor Vehicle regulated; Removal: Vehicle may be deemed junked and be ordered to be removed based on the aesthetic benefit by balancing the monetary loss of the owner against the public gain by promoting/ enhancing the community. Vehicle deemed junked must be removed accordingly.

92.16 Unlawful Removal of Impound Vehicle: Impounded vehicle cannot be removed until all towing and impoundment fees have been paid.

CHAPTER 93: PARKS

93.04 Hours of Operation: Grounds open dawn until dusk. No overnight mooring of watercraft.

93.05 Usage Policies: Regulates general park use via guidelines pertaining to parking, fishing, personal watercraft use, boat pier use, pets, children, park amenities, motorized vehicles, EPAMDs, radios/ musical instruments, and footwear. Prohibits hunting, swimming, smoking, alcoholic beverages, littering, firearms/ fireworks, open fires/ grills, damage to town property, use of bicycles/ rollerblades/ skateboards, tents/ umbrellas, and accessing private property.

CHAPTER 94: BEACH AND DUNE MANAGEMENT

94.05 Beach and Dune Protection: Prohibits disruption and/ or destruction of sand dunes. Prohibits development without proper permits. Regulates tents, cabanas, or sunshades and other personal belongings left on beaches.

94.06 Beach Driving Regulations: Vehicles can drive on the beach between October 1 to April 30 at no more than 20 mph.

94.07 Protection of Wildlife and Marine Life: Any person cannot willfully harm, harass, or disturb sea turtles, sea turtle nests or eggs, beached or stranded whales, dolphins, seals, sharks or other wildlife.

94.08 Protection of Cultural Resources: A person cannot disturb, destroy, or remove in whole or any part of an exposed shipwreck without proper authorization in writing from the NC Office of State Archeology.

94.99 Penalty:

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#).

(B) Any person violating the provisions of this chapter shall be subject to a civil penalty in the amount of \$50 per occurrence which shall be paid within 5 days after the issuance of the violation. In the event the offender does not pay the penalty within the prescribed time, the town may bring a civil action to recover the penalty, together with the cost of court. Additionally, any violation of this chapter shall constitute a misdemeanor which shall be punishable as provided by G.S. § 14-4. Each violation shall constitute a separate offense.

CHAPTER 95: SPECIAL EVENTS

95.03 Permits Required: A permit is required for an event with an expected crowd of 100 people or more. Permit application must be submitted at least 60 days prior to the event.

95.05 Permitting Standards: Requires security and safety measures in accordance with Town Police and Fire Marshal. Mandates that applicant provide thorough details regarding sanitation, crowd and traffic control, temporary structures, and noise.

95.99 Penalty

(A) Violations of this chapter, which are determined by the Town Manager or his or her designee to constitute a public health and safety hazard, shall be grounds for revocation of the special events permit. Upon such revocation, all activities associated with the event shall be immediately terminated.

(B) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#).

(C) Any person violating the provisions of this chapter shall be subject to a civil penalty in the amount of \$250 per occurrence which shall be paid within days after the issuance of the violation. In the event the offender does not pay the penalty within the prescribed time, the town may bring a civil action to recover the penalty, together with the cost of court. Additionally, any violation of this chapter shall constitute a misdemeanor which shall be punishable as provided by G.S. § 14-4. Each violation shall constitute a separate offense.

CHAPTER 130: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

130.01 Disorderly Conduct: A person is guilty for acting in a violent manner towards another person or property; threatening harm; obtaining property/ money by false pretenses; participating in the illegal sale or possession of alcoholic beverages, narcotics, or drugs; disrupting vehicular or pedestrian traffic and refusing to move when ordered by authority figure; or damaging public/ private property.

130.02 Firearms, Explosives and the Like: Prohibits any person from firing or discharging firearms within corporate limits of town. Prohibits a person from carrying a concealed handgun in town owned buildings, parks, beach access areas.

130.03 Disturbing the Peace: A person cannot block or impede the orderly flow of pedestrian or vehicular traffic. A person cannot create excessively loud and boisterous noises or conduct verbally or via an instrument or mechanical device.

130.04 Camping: Prohibits camping in an automobile or camper. Regulates open air camping within a person's property: only immediate family is permitted to camp upon property as long as there are sanitary facilities and running water available on the property.

130.05 Fireworks, Pyrotechnic and other Combustible Displays: Fireworks, sparklers, and sky lanterns are prohibited.

CHAPTER 150: FLOOD DAMAGE PREVENTION

150.08 Floodplain Development Permit: Permit is required prior to the commencement of development activities within flood hazard areas.

150.09 Compliance: No structure or land can be located, extended, converted, or altered or developed in any way without full compliance.

Administration

150.26 Floodplain Development Permit and Certification Requirements: Mandates which materials and specifications to provide in permit application. This includes dimensions and elevations; flood proofing measures; appropriate certifications; and floodplain data.

150.28 Corrective Procedures: Floodplain administrator must notify owner of violation of applicable state and local laws and the owner must remedy the violation promptly.

Flood Hazard Reduction; Legal Status Provisions

150.40 General Standards: Requires new construction and substantial improvements in special flood hazard areas to be properly anchored and constructed with materials resistant to flood damage in such a manner to minimize flood damage.

150.41 Specific Standards: Requires construction or substantial improvements to comply with regulatory flood protection standards and requires specific construction features depending on the type of construction. Regulates provisions for additions, improvements, temporary non-residential and accessory structures so that they conform with flood damage prevention.

150.42 Standards for Floodplains without Established Base Flood Elevations: Requires encroachments to be 20 feet each side from the top of bank or five times the width of the stream, whichever is greater, unless there is certification by a professional engineer that these encroachments would not result in an increase in flood levels.

150.43 Standards for Riverine Floodplains with BFE but without Established Floodways or Non-Encroachment Areas: If there is no regulatory floodway or non-encroachment area is designated there shall be no encroachment permitted unless certification is given by a professional engineer which shows the cumulative effect of proposed development with the existing/ anticipated development and how it will not increase the water surface elevation of the base flood more than 1 foot.

150.44 Floodways and Non-Encroachment Areas: No encroachments shall be permitted unless the proposed encroachment would not result in a rise in flood level per an analysis presented to Floodplain Administrator and a letter map of revision with approval from FEMA.

150.45 Coastal High Hazard Areas (VE And V1-30 Zones): All development shall be located landward of the reach of mean high tide and landward of the first line of stable natural vegetation and comply with all CAMA setback requirements. New construction must comply with elevation standards so that the lowest floor is no lower than the regulatory flood protection elevation and must have open space below the lowest floor so as not to impede the flow of flood waters. New construction must be anchored to resist flotation, collapse, and lateral movement. Professional engineer or architect must certify the design, specifications, and plans. Fill cannot be used for structural support. Sand dunes cannot be altered.

150.46 Standards for Areas of Shallow Flooding (AO Zones): New construction may be elevated at least as high as the depth number specified of the flood insurance rate map above the highest adjacent grade. Non-residential structures must take the same flood- proofing measures so that the structure shall be watertight with structural components to resist water and effects of buoyancy. There must be adequate drainage paths to guide floodwaters around and away from structures.

CHAPTER 151: BUILDINGS AND STRUCTURES

Permits

151.20 Permits Required: Person must obtain a permit to erect, construct, or build within Town.

Moving and Demolition of Buildings and Structures

151.45 Compliance with Subchapter: No building, structure, or dwelling can be moved within the Town without the proper materials and measures taken.

151.46 Bond: Bond may be required from inspector for an amount determined by the inspector based on the size and circumstances regarding the moving of the building.

151.47 Maximum Time Building or Structure May Remain on Streets: Building/ structure cannot remain in or on streets of the town for more than 24 hours unless approved by the Town Manager.

151.48 Notification to Officials; Beginnings and Completing Work; Safety Precautions: Person in charge of moving any building or structure must notify Chief of Fire, Chief of Police, and the Water Department. Building being moved must have lights and flares to indicate the building and moving of the building. Flagpersons may be required to divert traffic.

151.49 Maximum Time Building or Structure May Remain on a Temporary Foundation: No building can remain on a temporary foundation for more than 30 days before it is located on a permanent foundation. If it stays on a temporary foundation for more than 5 days, it shall be tied down and anchored.

151.50 Permit Required: No person can move a building without a permit.

151.52 Procedure for Moving a Building from a Location within Either an Ocean Hazard or an Estuarine, Etc.: One must obtain a CAMA permit if required. Pilings shall be removed from the ground; utilities must be off and removed of service connections; septic tanks, drain lines and service lines must be removed; glass and debris must be cleared.

151.56 Permit for Demolition; Compliance: No one shall demolish any building or part of a building without complying with chapter provisions.

151.56 Permit for Demolition; Procedure Appeal: Permit is required. Building inspector must authorize removal of septic tanks, drain lines, or pilings. Asbestos report is required prior to issuance of permit. A CAMA permit must be obtained if appropriate. Provisions regarding pilings, glass, utility lines and pipes, septic tanks, drain lines, and service lines and debris must be complied with.

CHAPTER 153: REPAIR, CLOSING, OR DEMOLITION OF ABANDONED STRUCTURES

153.04 Standards of Enforcement: Abandoned structure within the town shall be deemed in violation when it poses as a hazard to the health, safety, or welfare of citizens as a result of the attraction of insects/ rodents; conditions creating a fire hazard; conditions that are a dangerous threat to children; habitation for vagrants.

153.07 In Rem Action by Inspector; Placarding: Once an owner fails to comply with an order issued by Inspector, the Inspector shall have the structure removed/ demolished as directed by Town Council. A placard shall be posted on structure prohibiting the use or occupation of structure.

CHAPTER 154: AREAS OF ENVIRONMENTAL CONCERN

154.07 Minor Permit Process: Application for minor development shall be completed and submitted to the Town for review and approval. Permit must be displayed on site.

CHAPTER 155: SUBDIVISIONS

155.04 Administration and Enforcement: Any person who transfers or sells land before the plat has properly approved in accordance with this chapter and recorded with the Register of Deeds is guilty of a misdemeanor.

CHAPTER 156: ZONING

156.005 Compliance with Chapter; Use, Occupancy and Construction Requirements: No building, structure, or land can be used or occupied or constructed without complying with all the regulations specified in this chapter for the district in which it is located.

156.006 Height, Bulk, Density, Lot Coverage, Yard and Open Space Requirements: No building or structure can be erected or altered to exceed the height/ bulk limitations set forth; accommodate or house more families than permitted; exceed maximum lot coverage; have narrower/ smaller rear, front, side or any other open yards than required per this chapter.

156.007 Combination of Required Spaces: No part of a yard, open space, or off- street parking or loading space that is required in connection with any building for the purpose of complying with this chapter shall be included as such, except as otherwise provided in this chapter.

156.008 Reduction of Yards or Lots Below Minimum Requirements: No yard or lot existing on July 3, 2002 shall be reduced in dimension/ area below the minimum requirements set forth in the chapter. Yards or lots created after that date shall meet minimum requirements.

156.009 One Principal Building Per Lot: There can only be one principal building and its customary accessory buildings on any lot.

156.010 Lot Access Requirements: Nothing can be built on a lot that does not abut a public right-of-way or a private street or easement at least 30 feet wide. The lot must also have a cart road, land, or other access to a public street or highway in which that access is recorded with the Register of Deeds.

156.011 Vision Clearance at Intersections: A corner lot that abuts a state- maintained right-of-way in any district cannot have a structure, fence, wall or other obstruction to vision more than 3 feet in height within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on street lines.

156.012 Yard Requirements: There can be no principal structure or principal use, structure intended for outdoor recreational use, or other accessory buildings or structures in the front yard.

DISTRICT REGULATIONS

156.029 C-PR Conservation Public Recreation District: Permitted uses include conservation and open space areas, passive recreation facilities, public parks and playgrounds, parking areas, beach access, US government uses/ facilities, Town uses/ facilities, plant nurseries, and fine craft production. Anything outside of this requires a conditional use permit. Dimensional requirements are as set forth including lot size, lot width, front, back, and side yard limitations, maximum lot coverage, and height limitation.

156.030 RS-1 Single Family Residential District: Permitted uses include single family homes (no mobile homes), customary accessory buildings, Town owned/ leased facilities, minor home occupations, plant nurseries, fine craft production, and accessory dwelling units. Sets forth conditional uses including public and private facilities, major home occupations, pole mounted yard and area lighting, bed and breakfasts, churches, etc. Dimensional requirements are as set forth including lot size, lot width, front, back, and side yard limitations, maximum lot coverage with regards to stormwater runoff, and height limitation.

156.031 RS-2 Single Family Residential District: Permitted uses include: detached single- family dwellings (no mobile homes); customary accessory buildings, Town owned/ leased facilities, minor home occupations, plant nurseries, fine craft production, and accessory dwelling units. Conditional uses include public and private facilities, major home occupations, private clubs, pole mounted yard and area lighting, churches, etc. Dimensional requirements are as set forth including lot size, lot width, front, back, and side yard limitations, maximum lot coverage with regards to stormwater runoff, and height limitation.

156.032 R-2 Medium Density Residential District: There cannot be more than six dwelling units per acre. Single- family homes can be in this district as well as: duplexes, customary accessory buildings, Class A mobile homes, Town owned/ leased facilities, minor home occupations, plant nurseries, fine craft production, and accessory dwelling units. Conditional uses include churches, cemeteries, major home occupations, private clubs, public and private utility facilities, townhome developments, public/ private playgrounds or parks, child care centers, pole- mounted yard/ area lighting, etc. Dimensional requirements are as set forth including lot size, lot width, front, back, and side yard limitations, maximum lot coverage with regards to stormwater runoff, and height limitation.

156.033 C-1 Neighborhood Commercial District: Permitted uses are: retail sales, general and medical offices, personal service establishments, Town owned/ leased facilities, child care centers, minor and major home occupations, accessory apartments located above businesses, resident businesses, plant nurseries, and fine craft production. Conditional uses are as follows: gas pumps, boat- launching and rental facilities, commercial structures larger than 5,000 sf but less than 10,000 sf, eating establishments, post offices, churches, rental property offices, etc. Dimensional requirements are set forth including lot size in regard to regulations per the County Health Department, front, side, and rear yard, lot coverage, height limitation, and gross building size.

156.034 C-2 General Commercial District: Permitted uses include general and medical offices, retail establishments, personal service establishments, child care centers, public/ private schools, accessory apartments located above/ next to businesses, electronic gaming operations, plant nurseries, and fine craft production. Conditional uses include: public and private use facilities, commercial structures larger than 5,000 sf but smaller than 10,000 sf, hotel resort, theaters, private commercial recreational facilities, eating establishments, churches, rental property offices, etc. Dimensional requirements are set forth including lot size in regard to regulations per the County Health Department, front, side, and rear yard, lot coverage, height limitation, and gross building size.

156.035 S-1 Special District: All uses are permitted except those specifically prohibited in 156.040. Dimensional requirements are set forth including minimum lot size, lot width, front and side yard size, lot width, lot coverage, height limitation, and size regulations for duplexes, multi-family structures, hotels, group developments, and commercial lots.

156.036 V-C Village Commercial District: Permitted uses include general and medical offices, retail establishments, personal service establishments, public/ private schools, Town owned/ leased facilities, minor and major home occupations, accessory apartments located above/ next to businesses, plant nurseries, and fine craft production. Conditional uses include gas pumps, public and private use facilities, boat- launching and rental facilities, eating establishments, group developments, village commercial development option (defines purpose and process), rental property office, post offices, etc. Sets forth dimensional requirements including minimum lot area, front, side and rear yard limitations, lot coverage, building height, and maximum gross building size.

156.037 Ocean and Sound Overlay District: Prohibited uses include: beach push or dune restoration activity in a public trust area on weekends or holidays; no filling of wetland areas in this district; no parasail landing and takeoff or seaplane landing or takeoff within this district; no water skiing or tubing and similar recreational towing activities; the use of the placement of sandbags for the purpose of temporary erosion control; all other uses not listed as permitted are prohibited.

EXCEPTIONS AND MODIFICATIONS GENERALLY

156.050 Walls and Fences: A residential fence/ wall (includes a retaining wall or bulkhead) cannot be taller than 6 feet and a commercial fence cannot be taller than 10 feet (includes retaining wall or bulkhead).

156.051 Building Features Permitted as Exceptions to Setbacks or Minimum Yard Requirements: Features that may be permitted as exceptions to minimum yard requirements, setbacks or building restrictions are set forth including sills, cornices, and ornamental features; bay windows, stoops, covered entryways, stairs; community ocean and sound access walkways; private walkway structures; and municipally owned walkways, boardwalks, or multi-use paths.

156.052—reduction in min yard size: sets a process for making an exception to these rules- no penalty?

156.053 Vertical Additions to Non- Conforming Structures: Single- family dwellings built before 7/3/02 that have principal structures that encroach into the minimum required yards of a residential zoning district can have vertical additions within the existing footprint as long as it does not exceed the max height of its respective zoning district and that the side yard is not less than 8 feet and the front and rear yards are no less than 15 feet. Vertical additions to uncovered decks are permitted only as additional uncovered decks within the same existing footprint.

156.056 Building Features and Structures Permitted as Exceptions to District Height Regulations: Chimneys, cupolas/ observation towers, parapet walls and mechanical appurtenances cannot extend more than 5 feet above the applicable zoning district height limit. Cupolas and observation towers can't be bigger than 64 square feet. Church spires can extend more than 30 feet above the applicable zoning district height limit.

156.058 Wireless Telecommunication Systems: Establishes guidelines for telecommunication towers and antennas to limit the number of towers and encourage telecommunication services while minimizing impacts made. WTS are to obtain a permit for installation of towers/ antennas. Standards are set forth regarding: height, setbacks, non-conforming towers, location of the towers, decommissioning or abandoning, coloring, and removal, relocation, or modification.

156.059 Group Development Projects: Group development projects are permitted providing that the application is reviewed and approved. Group development projects must abide by design standards including setbacks, being separated by no more than 20 feet, location, permitted districts and lot size.

156.060 Sexually Oriented Businesses: No sexually oriented businesses are not permitted in the Town as they would negatively impact life styles and moral values.

156.061 Formula Businesses: Formula businesses are permitted via a conditional use permit while still complying with zoning ordinances. It cannot exceed 3,000 square feet of gross floor area in a building that is shared with at least one other business that is not a formula business of any type. Street facing frontage cannot exceed 50 linear feet.

156.062 Relocation of Oceanfront Structures Threatened by Erosion: Oceanfront structures may be moved with a permit in compliance with CAMA standards.

156.064 Beach Bulldozing: Beach bulldozing is permitted when used to provide protection or prevent its collapse, but it cannot cause a building or structure to extend more than 20 feet beyond the adjacent first line of stable natural vegetation. On a beach with a beach fill project area, bulldozing and pushing is prohibited except for hurricane protection, beach nourishment projects, or when otherwise permitted by the Town in instances regarding beach maintenance, following a natural disaster, or protecting a threatened structure.

NON- CONFORMITIES

156.071 Non- Conforming Lots of Record: Permits for new single- family homes on lots less than 7,500 square feet are to be reviewed by the Planning Board and Town Council in accordance with a conditional use permit. For lots of record as of November 20, 1975, lots with 10,000 square feet or less can have a: front yard setback of 25 feet, side yard setback of 8 feet (10 feet if a corner lot), rear yard setback of 20 feet, and 50% lot coverage; lots with 10,001 to 14,999 square feet can have a: front yard setback of 25 feet, side yard setback of 8 feet (10 if corner lot); rear yard setback of 20 feet and 40% lot coverage.

156.072 Non- Conforming Lots of Land: Non- conforming use can be enlarged or increased or take up a larger footprint than what was occupied on July 3, 2002 and it cannot be moved to any portion of the lot or parcel other than that occupied by the use on July 3, 2002. If any non- conforming use stops for 30 days, the use will then conform the current regulations for the zoning district it is located in and no additional structure not conforming to the requirements of this chapter shall be erected in connection with the non-conforming use of land.

156.073 Non- Conforming Structures: A non-conforming structure that exists prior to July 3, 2002 cannot be altered or enlarged in such a way that increases its non-conformity. If the non-conforming structure is destroyed, it cannot be replaced to the non-conforming standards if the extent is more than 50% of its replacement cost at the time of destruction; it would have to be replaced using current standards. If it is moved, it will then have to conform to regulations in the district in which it is being moved to. A non-conforming structure can be moved on a lot directly adjacent to the ocean or sound as long as it does not increase the non-conformity. A single- family dwelling that is subject to documented casualty loss may be repaired or replaced in kind with a similar structure as long as the enlargement/ replacement doesn't create new non-conformities or increase the extent of the non-conformities and it meets current parking requirements—the structure may be relocated as long as it doesn't make new non-conformities.

156.074 Non-Conforming Uses of Buildings or of Buildings and Premises in Combination: If a lawful use involving buildings with a replacement cost of \$1,000 or more exists on July 3, 2002, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued as long as it remains lawful and: it cannot be enlarged or extended, non-conforming uses can be extended throughout the building but not outside of the building; a non-conforming structure can be changed to any conforming use; if a non-conforming use is superseded by a permitted use, it cannot go back to a non-conforming use; after ten months of discontinued use of a non-conforming use, it then becomes subject to regulations for the district that it is located in; any non-conforming multi- family uses in residential zoning districts that are destroyed by documented casualty loss can be reconstructed to the original approved site plan as long as reconstruction starts within 1 year and be completed within 2 years of the casualty loss date.

156.075 Repairs and Maintenance: In any non-conforming structure or portion of a structure containing a non-conforming use, work can be done in a period of 12 months on regular repairs or repairs on non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding 10% of the current replacement cost provided that the gross square footage existing when it became a non-conforming structure does not increase. If a non-conforming structure is deemed unsafe or unlawful, it can only be restored or rebuilt with current regulations of the respective zoning district.

COMMERCIAL DEVELOPMENT AND DESIGN STANDARDS

156.111 Design Standards for Buildings: Provides specifics regarding the development, renovation, and reconstruction of commercial properties are designed in such a manner to complement the area and the character of the town while minimizing traffic hazards and risks to public safety. Arcades, awnings, and canopies must comply with standards regarding placement, material, encroachments and size. Buildings must comply with façade requirements and sightlines. Exterior materials used must match the village commercial area; no metal siding can be used; paint colors must be neutral and low reflecting. Facades, windows, and roofs must comply with standards to add to the Town's architectural inventory and provide visual interest to pedestrians including window size, window coverage, doorway regulations, framework, and entrances.

156.113 Design Standards for Services and Utilities: Mechanical equipment, utility lines and equipment, and trash and recycling receptacles must be screened from public view. Drive- throughs must be in the rear of buildings in the village commercial area and must not interfere with the safe movement of pedestrians. Stormwater runoff must be designed in accordance with the *Stormwater Best Management Practices Manual*.

156.114 Design Standards for Natural Areas and Features: Natural landscapes and areas of mature trees must be protected to the extent practical during development. Open space systems are to be designed to do the same.

156.115 Design Standards for Landscaping and Open Space: Commercial outparcels are to be landscaped while vacant. Plants must not have disease or growth problems or be too intrusive. Clustering of trees/ plants is encouraged. Landscaping must not interfere with sight distance requirements. Shrubs used for screening must retain their foliage within 6 inches of the ground on a year- round basis. No required planting area shall contain less than 150 square feet and no planting area can be less than 8 ft in diameter around a required tree. Trees that are 8 inches or greater in diameter must be protected unless it is a safety hazard. Parking lots must comply with landscaping standards. Landscape buffers cannot be less than 10 feet in width and must have one tree per 100 linear feet, five small trees per 100 linear feet, and 20 shrubs per 100 linear feet.

156.116 Design Standards for Lighting: Projections of light shall be confined to stay within property lines. All exterior lighting shall use cut- off type fixtures to minimize the component or light above horizontal glare.

156.117 Site Plan and Plan of Development Requirements: Commercial zoning districts require site plans as part of the application process for any new structure, expansions, new use, change in impervious surface area, and significant change in required landscaping/ buffer areas. Site plans are to be reviewed and approved administratively. Site plans must be to scale no smaller than 1-inch equals 30 feet and shall be submitted as 24 x 36 inch prints and include: location of tract, property owner information, tract boundary, dimensions in feet and decimal fractions of a foot; certificate signed by the preparer of the plan; certified topographic map; elevation information; locations and dimensions of existing/ proposed developments, and other information pertaining to the property. A minor site plan may be submitted in some instances as well as a plan of development, as-built plan, design and landscaping information, sign details, and other requirements that are deemed necessary.

MISCELLANEOUS REGULATIONS

156.124 Structures Within the Primary and Frontal Dunes: Dune walkover structures cannot be wider than 4 feet and have to be constructed on raised posts or pilings that are embedded no less than 4 feet and no greater than 5 feet below grade. Commercial/ public use walkovers can be 6 feet in width. The underside of the walkover must be at least 18 inches and a maximum of 30 inches above grade. Walkovers are to be located so that the first step down to the beach is placed no farther seaward than the beginning of the downward slope of the dune. Dune walkovers must be constructed so that the staircase turns parallel to the dune if there is more than a 12-foot-vertical rise in the staircase. Dune walkovers on the western side of the dune can be a ramp, stairway or beach access matting. A walkover going over the top of a dune may only be beach matting and the walkover can extend down the eastern side of the dune and may only be constructed from beach matting. Any lawful and existing dune walkover that exists on July 5, 2017 within the beach nourishment project area that could not be built under the terms of division, it can be continued as long as it remains lawful and is not enlarged or altered; it cannot be replaced if the structure is destroyed to an extent more than 50% of its replacement cost; and if it is located at an elevation higher than the top of the dune, and extension no longer than 5 feet in length can be added to lower the walkover structure to the elevation of the dune. Accessory structures exempt from CAMA setback requirements cannot be located within 30 feet of the first line of stable natural vegetation. One dune deck per lot may be allowed no closer than 15 feet to the first line of stable natural vegetation as long as it does not exceed 8 feet measured in any dimension and that it is no higher than 30 inches above

the grade. Pools within the ocean erodible area are to be constructed so that the top of the pool structure is flush with the adjacent grade and cannot be supported on a piling foundation.

156.125 Water Supply and Sewage Disposal: Each application for a building permit needs to be accompanied by plans of proposed methods of water supply and sewage disposal with the respective approval from the Dare Co Health Department, State Board of Health, State Utilities Commission, or the State Department of Water and Air Resources. A Certificate of Public Convenience and Necessity must be obtained for someone operating a community water system for 25 or more customers. This must also be recorded with a plat of the property and the written affidavit of a registered engineer that the water and sewer mains comply with State Board of Health standards. Pump and haul systems are prohibited except when used as a temporary emergency measure while the existing sewage and treatment system is being repaired. Repair cannot be more than 14 days.

156.126 Standards for Residential Construction Based on Lot Size: Lots up to 9,999 square feet can have 10 occupants; lots with 10,000 to 14,999 square feet can have 12 occupants; lots with 15,000 to 19,999 square feet can have 14 occupants; lots 20,000 to 24,999 square feet can have 16 occupants; and lots greater than or equal to 25,000 square feet can have 18 occupants.

156.127 Sand Dune Provisions: Sand dunes cannot be damaged, destroyed, removed, or changed. Any construction or installation of septic/wastewater improvements must be authorized by the Health Department or Environmental Health; there must be a town building permit and approval by the Town Planning Department, the Planning Board, or Council. If activity falls under the exception, there must be a site plan submitted; the horizontal/ vertical slope cannot exceed 4 feet to 1 foot; graded slopes must be vegetated or stabilized within 30 working days of completion.

156.128 Land Disturbing Activities: Land disturbing activities cannot be within 5 feet from any property line. Fill is not allowed within 5 feet of any side or rear property line nor within 5 feet of the front property line. Fill materials must be of similar composition to the soils present on the lot. Residential lots may be graded to create a level area for a single family detached dwelling. Land disturbance permits must be obtained for any filling/ grading of a lot, lot clearance, installation of gravel or pavers, and any removal or installation of site features. A CAMA permit must be obtained prior to commencing work when appropriate.

156.129 Eating Establishments: Must have a kitchen that is at least 20% of the gross square footage of the principal building; cannot be a drive through; no more than 15% of the indoor gross floor can be dedicated to accessory entertainment; minimum parking requirements must be met; there must be a conditional use permit for the establishment. Covered outdoor dining areas cannot be enclosed with permanent sidewalls and cannot be air conditioned. Live music and other forms of entertainment in outdoor dining areas cannot occur past 10 pm.

156.130 Signs: Signs cannot obstruct ingress and egress to any window, door, fire escape, stairway, ladder or opening. Signs must be set back from the right-of-way. Building mounted signs must be flush mounted. Projecting signs cannot project more than 4 feet perpendicularly from the building; wall signs cannot extend more than 12 inches in depth; permanent freestanding signs are not allowed in a public right-of-way or within 30 feet of the center line of any public road; a sign that obstructs visibility between a height of 2 feet and 10 feet is prohibited. Sign lighting must be affixed to reflect light and glare away from streets and adjacent property; external sign lighting can illuminate the face of the sign only, lit from the top down; beacon light, flashing, revolving, or changing/ rotating lights are not permitted. Sign structures cannot be illustrative. Freestanding signs must be self-supporting structures set on concrete; signs must be built to code; structurally unsafe signs deemed so by the building inspector have ten days to

fix or remove the sign. Closed businesses have 12 months to remove freestanding signs; all other signs have 90 days to be removed. A sign cannot be in the public/ private right-of-way, street, or passageway, telephone, electric, or other utility pole or tree; posters, banners, ribbons, balloons, streamers, pennants or other ornamentation can be on a sign; no sign can be displayed on a vehicle / trailer that is parked or located within 80 feet of the center of NC 12; only government signs can be on public or private bodies of water/ ditches; A-frame signs are permitted on decks and landings; billboards are prohibited; roof signs cannot exceed 25% of the roof area or be attached to flat roofs. Sign permits must be obtained. Residential homes can have one non-illuminated sign per street frontage not exceeding 6 square feet. Temporary non-illuminated signs cannot exceed 2 square feet. A lot that has active construction can display a sign not to exceed 12 s.f. for residential signs and 24 s.f. for commercial signs; must be removed when work is completed. Permanent signs require a permit. Non-conforming signs cannot be replaced.

156.131 Outdoor Storage, Display and Sale of Goods: Temporary or permanent outdoor display, storage, and sale of goods is permitted if permissible in the zoning district it takes place in. The sale must be by an established retail business on the same lot; it cannot exceed 3 days 4 times per year; nor can it impede vehicular or pedestrian traffic and parking.

156.132 Dish Antennas: A building permit is required when installing/ moving a dish antenna greater than 1 meter in diameter. It can only be installed in the rear and side yards only and cannot be closer than 5 feet to the property line.

156.133 Outdoor Lighting: Lights imitating official highway or traffic control lights/ signs are prohibited as are lights that interfere with drivers' vision; lights with blinking, flashing, or intermittent illumination are prohibited; holiday lights are only permitted between November 15 and January 15 for no more than 60 days. No light fixture can exceed 18 feet in height.

156.134 Prohibited Use of Major Recreational Equipment Parked or Stored: These vehicles parked on residential premises cannot be used on the premises for living, sleeping, or housekeeping purposes.

156.135 Access to NC Highway 12: If a property abuts any other dedicated public right-of-way or platted private street or road in a community, the private street/ road or right-of-way will be used for access rather than NC 12.

156.136 Major and Minor Home Occupations: Major home occupations can only operate as such: in a dwelling unit that serves as the primary home of the professional person; use cannot be more than 25% of the gross floor area; there can be no more than 2 employees on premises; no display of goods; must have appropriate business license. Minor home occupations can only operate as such: no person other than a family member residing on the premises can be engaged in the business; no visible evidence of business outside; cannot generate greater traffic volume or need for off- street parking; no equipment can be used other than for normal domestic use; the street address cannot be advertised to the general public; must have appropriate business license; no stock can be displayed or offered for retail sale on premises; sales and deliveries of goods take place away from the residence or by mail; no more than 25% of the gross floor area can be used to conduct business.

156.137 Tree and Vegetation Preservation and Planning: On a vacant, undeveloped parcel, removal of a tree larger than 6 inches in diameter at breast height is prohibited unless there is an approved development site plan and building permit. A tree that is 24 inches or greater at breast height cannot be removed or destroyed on any lot without obtaining a permit first. No person can abuse, mutilate, or damage any tree or vegetation located on public property or public right-of-way. No sign, notice, placard, electrical wire, or other injurious device can be attached to any tree. No designated tree can be removed,

damaged, or disturbed unless deemed necessary by Town Council for public improvements, if a severe hardship exists in developing a site, or the tree dies or becomes irreversibly diseased/ damaged.

156.138 Wind Energy Facilities: The max audible sound resulting from all wind energy facilities located on the same lot shall be 55 decibels or 5 decibels above the existing ambient noise level, whichever is greater. The tower must meet aesthetic requirements regarding a neutral non-reflective finish, pertinent signage and no lighting, and no communications antenna. They must meet design standards which are certified by a NC licensed engineer. If the tower is out of service and not functioning it shall be removed. Wind energy facilities require a permit.

156.139 Solar Energy Systems: Solar panels must meet requirements for being affixed to a roof: a pitch greater than 4 in 12 cannot be raised more than 3 feet above the plane of the roof; a pitch of less than 4 in 12 cannot be raised more than 5 feet above the roof/ Solar panels cannot exceed the height limit of the respective zoning district. Ground mounted solar panels cannot be taller than 10 feet when oriented at maximum tilt and can only be located in the rear and side yards only while meeting setback requirements and must be enclosed by a fence. Roof mounted panels cannot exceed the edge of the roof they are attached to. A permit is required for installation.

156.140 Accessory Dwelling Units: One ADU per lot and must meet building codes, septic requirements and developmental standards. It cannot be larger than 800 sf of heated space and cannot be larger than the square footage of the principal dwelling footprint. It cannot exceed 27 feet or the height of the principal dwelling, whichever is lower.

156.157 Temporary Uses: Temporary real estate offices must be terminated no more than 30 days from the date that 80% of the lots within that subdivision are sold. Temporary construction offices must be terminated within 30 days of construction completion. The modular unit used for the office cannot be occupied for no more than 1 year.

156.158 Certificates of Occupancy: No land shall be used or occupied and no building structurally altered, erected, or moved after July 3, 2002 shall be used until a CO has been issued. A similar certificate shall be issued for renewing, changing, or extending a non-conforming use. A temporary CO can be issued for a period not exceeding 6 months.

156.999 Penalties

(A) If the Zoning Administrator shall find that any of the provisions of this chapter are being violated, he or she shall notify in writing the person responsible for any violation, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of any illegal use of land, buildings or structures, removal of illegal buildings or structures or of additions, alterations or structural changes thereto or discontinuance of any illegal work being done, or shall take any other action authorized by this chapter to ensure compliance with or to prevent violations of its provisions.

(B) If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter, the Building Inspector or any appropriate authority, in addition to other remedies, may institute any appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent the occupancy of the building,

structure or land or to prevent any illegal act, conduct, business or use in or about the premises.

(C) Unless otherwise specifically provided, violation of any provision of this code or any other town ordinance shall subject the offender to the remedies hereinafter provided; except, that where the General Statutes of North Carolina provide specific civil remedies for violations of provisions of this code adopted pursuant to the statutes, the remedies available to the town for enforcement of this code shall be in addition to the remedies stated in this section.

(D) Violations of this chapter shall subject the offender to either a civil penalty or a criminal penalty, or both, in accordance with the specific penalty provisions contained within the respective chapter and section, where applicable. Offenders violating this chapter shall be subject to civil penalty upon the issuance of a citation for the violation. The civil penalty, if not paid to the Town Clerk within 15 days of the issuance of a citation, may be recovered by the town in a civil action in the nature of debt. Unless otherwise provided by a specific provision of this chapter, the civil penalties shall be no more than \$500 for each violation, and each day any single violation continues shall be a separate violation.