

- 2. The upper limit for light level shall not exceed six foot-candles. All foot-candles are to be measured at ground level.
- 3. General parking lot lighting shall not exceed a maintained average of two and one-half foot-candles.
- (g) All exterior lighting fixtures shall be located a minimum of ten feet from a property or right-of-way line.
- (h) Lighting or canopies for service stations and other similar uses shall not exceed an average of 12 foot-candles when measured at ground level at the outside edge of the canopy.
- (i) Flood lights or other type of lighting attached to light poles that illuminate areas and/or buildings is prohibited.
- (j) Any exceptions to the above standards for safety and/or security reasons shall be brought to the Planning Board for prior approval.
- (k) Christmas lighting from Thanksgiving week until January 15 of the new year is exempt from the bare light restriction, but must conform to the exterior lighting standards.

(G) Fences and walls, as defined in § 151.149.
 (Amend. of 9-14-09)

CR-1, CONSERVATION RESERVE DISTRICT*

§ 151.360 Purpose.

The CR-1, conservation reserve district, is established as a district to provide effective long-term management of significant, limited or irreplaceable areas which include major wetlands; open spaces; essentially undeveloped shorelines that are unique, fragile or hazardous for development; undeveloped barrier and estuarine islands; and significant wildlife and plant habitats or areas that have a high probability for providing necessary habitat conditions; or areas that provide limited recreational opportunities. Single-family, low-density residential uses may be permitted in the upland areas.

(Amend. of 2-5-07)

§ 151.361 Permitted uses.

The following are permitted uses:

- (A) Spoil sites for the maintenance of major waterways, including the Atlantic Intracoastal Waterway;
- (B) Detached single-family residential dwellings;

***Editor's note**—An amendment adopted February 5, 2007, amended the CR-1 Conservation Reserve District in its entirety to read as herein set out. Formerly said sections pertain to similar subject matter and derived from Prior Code, §§ 154.260—154.264

- (C) Modular Homes must be off frame with an Engineered foundation anchored to prevent flotation, collapse, or lateral movement in accordance with the Regulations for Modular housing adopted by the Commissioner of Insurance pursuant to GS 143.15. Must have a 7/12 minimum roof pitch. Must be labeled indicating compliance with the NC Residential Code;
- (D) Bulkheads;
- (E) CAMA approved dune walkovers limited to a maximum of 1 per 4 building units;
- (F) Private noncommercial piers and docks. Where CR-1 borders BB-1 commercial piers and docks will be allowed;
- (G) Coastal reserves, estuarine sanctuaries or wildlife sanctuaries;
- (H) Subaqueous utility crossings;
- (I) Bridges and causeways permitted by CAMA and other state and federal permitting agencies; and
- (J) Off-site septic tanks, approved by the County Health Department until a public wastewater system is available.
- (K) Public utility substations such as water tanks, pumping stations, treatment plants and electric, gas, oil pipeline provided the standards are met.
 - (1) Buffer strips per section 151.095(F) shall be provided along side and rear property lines. Except that only one row of planted material will be required to a minimum depth of five feet.
 - (2) Any objectionable odors, noise and/or lighting will be reduced to all reasonable extent.
 - (3) No vehicles or materials shall be stored on site. Except during construction and regular maintenance of facility.

(Amend. of 2-5-07; Amend. of 4-7-08)

§ 151.362 Dimensional requirements.

Within the CR-1 district, the following dimensional requirements shall be complied with:

- (A) **Density.** There will be a maximum of one detached single-family residential dwelling per acre.
- (B) **Minimum lot size.** In addition to the total density requirements set forth above for the district, each individual building lot must contain a minimum of at least one-half acre of net buildable area. For purposes of this section, net buildable area shall not include any area defined as wetland by state or federal law or regulation, including the Clean Water Act, 33 USC 1344, or any area within any setback established pursuant to the Coastal Area Management Act.
- (C) **Maximum lot coverage.** Not more than 20 percent of the total lot area may be covered by buildings and any impervious surfaces.

- (D) **Minimum yards.** The minimum required front yard shall contain a depth of not less than 50 feet from the property line. However, as to corner lots, this requirement shall apply to the portion of the front yard facing the narrow side of the lot and the yard fronting on the wider side of the lot adjacent to the street shall have a depth of not less than 12 feet measured from the property line to the building.
 - (E) **Ocean front yards.** The minimum required front yard on ocean front lots, not less than 25 feet from the established CAMA line.
 - (F) **Certain structures.** On ocean front lots, no structure other than approved sand fences for the exclusive purpose of capturing sand for dune stabilization and growth, or County Health Department approved waste treatment systems shall be located on that part of any lot lying 25 feet from the established CAMA line seaward of the rear property line on ocean front lots being that property line located the farthest distance from the ocean. CAMA approved dune walkovers shall be permitted, limited to a maximum of 1 per 4 building units. Retaining walls, bulkheads or other containment devices to prevent fill and surface water from running on lower lots when fill is necessary to install a private wastewater treatment system will be allowed beyond 25ft. from the established CAMA line feet seaward of the property line abutting the right-of-way of the street.
 - (G) **Minimum required rear yard.** Twenty percent of the mean lot depth; provided that the rear yard need not exceed 25 feet.
 - (H) **Height of buildings.** No building or structure shall be more than 35 feet in height.
 - (I) **Side yard setback.** The minimum required side yard set back on each side of every principal building shall be no less than ten (10) feet.
 - (J) **Bedrooms.** A maximum number of bedrooms per dwelling unit shall be eight.
- (Amend. of 2-5-07)

§ 151.363 Supplementary district requirement.

- (A) Signs, as permitted in §§ 151.110 through 151.119.
 - (B) Landscape and buffer requirements, as set forth in § 151.095.
- (Amend. of 2-5-07)

CONSERVATION DESIGN OVERLAY DISTRICT

§ 151.375 PURPOSE.

(A) The purpose of the conservation design overlay district is to encourage conservation design within residential zoning districts. Conservation residential design is an alternative method of designing a residential subdivision at the density prescribed by the underlying zoning district, while preserving 30 percent or more of the site as open space, conservation

design results in the more efficient use of land lower site improvement costs, preservation of unique natural resources, conservation of land for open space and an attractive an pleasing living environment.

(B) This district is intended to foster high quality site design and significant preservation of natural features and open space.

(C) Through the use of this overlay district, conservation design is permitted in residential zoning districts without an application for planned residential development.
(Prior Code, § 154.270)

§ 151.376 OVERLAY DISTRICT.

(A) The conservation design overlay district is overlaid upon the following residential districts within the town and its extraterritorial jurisdiction:

- (1) MR-1, mainland residential district;
- (2) MR-2, mainland residential district;
- (3) MR-2A, mainland residential district;
- (4) MR-3, mainland multi-family residential district.

(B) The effect of the conservation design overlay district is to permit within these residential zoning districts conservation design subdivisions which comply with the provisions of the overlay district, as an alternative to the subdivision permitted by the underlying zoning district.

(Prior Code, § 154.271)

§ 151.377 PERMITTED USES.

Those uses permitted by right or by special use permit in the underlying zoning district shall be permitted by right or by special use permit in the conservation design overlay district.
(Prior Code, § 154.272)

§ 151.378 SITE DEVELOPMENT STANDARDS.

(A) The following are development standards:

- (1) Minimum lot size: 70 percent of the minimum lot size of the underlying district
- (2) Minimum setbacks:
 - (a) Front yard: 20 feet.
 - (b) Side yards: five feet.
 - (c) Rear yard: 15 feet.
- (3) Lots abutting existing public streets or conventionally developed subdivisions shall have the same side and front yard setbacks as provided for in the underlying district.

- (4) The impervious surface provisions of the underlying district shall apply to the overlay district.
 - (5)
 - (a) A minimum of 30 percent of the total district area, after deducting all of the land, "404" wetlands or coastal wetlands shall be designated as permanent open space, not to be further subdivided, and protected through a conservation easement held by the town or a recognized land trust or conservancy. Retention and detention ponds and other such improvements required to manage the quality and quantity of runoff from the site may be located in the required open space area.
 - (b) Adequate areas within the require open space area shall be designated for active recreation but no more than 25 percent of the area shall be used for said purposes. The purposes for which open space is proposed shall be documented by the applicant. The impervious surface requirement of the underlying district shall apply to the area used for active open space.
 - (c) This requirement is in lieu of any other open space and recreation requirements. (Prior Code, § 154.273)
- (B) Whenever a conservation design subdivision is proposed, the procedures and standards of the town's subdivision regulations shall apply.
(Prior Code, § 154.274)

MIXED USE DISTRICT (MUD)*

§ 151.390 PURPOSE.

(A) The purpose of the Mixed Use District is to create the opportunity for the design of a mixture of land uses. This district is to provide a mixed setting in which those activities associated with retail, office, accommodations, entertainment, residential, and open space uses may occur in a designed environment.

(B) The Mixed Use District should provide for an identifiable sense of place by providing for civic open spaces and streets whose presence is defined by buildings. The Mixed Use district should provide for an environment which is conducive to use by pedestrians.

(C) It is the intent of this section to accomplish this by providing for the:

- (1) Building of positive relationships of structures and open spaces.
- (2) Encouraging the building of mixed use developments in which the uses are designed in such a manner as to create a more pedestrian scaled environment.
- (3) Creation of designed linkages, both physical and visual, to encourage positive connections which aid in the creation of a sense of community.

***Editor's note**—An amendment adopted March 7, 2005, amended §§ 151.390—151.396 to the Code. Formerly, said section pertained to TC-1, Town Center District.