

ARTICLE 7. SUPPLEMENTAL REGULATIONS

Section 7.01	Introduction	7-2
Section 7.02	Accessory Structures	7-2
Section 7.03	Modular Homes/Buildings	7-2
Section 7.04	Dwelling, Single-Family	7-3
Section 7.05	Dwellings, Manufactured	7-3
Section 7.06	Dwelling, Multi-Family	7-3
Section 7.07	Home Occupations.....	7-5
Section 7.08	Model Home/Unit.....	7-5
Section 7.09	Privacy Fences.....	7-5
Section 7.10	Privacy Walls Not to Exceed Six (6) Feet in Height	7-7
Section 7.11	Private Community Centers.....	7-7
Section 7.12	Real Estate Sales/Management Office in Separate Building	7-8
Section 7.13	Residential Units.....	7-9
Section 7.14	Swimming Pools/Hot Tubs	7-9
Section 7.15	Accessory Structures to Commercial Uses.....	7-10
Section 7.16	Adult and Sexually Oriented Businesses	7-11
Section 7.17	Agriculture, Horticulture, and Forestry	7-13
Section 7.18	Churches and Cemeteries	7-14
Section 7.19	Continuing Care Community.....	7-14
Section 7.20	Electric Utility Substations.....	7-15
Section 7.21	Entertainment and Amusement Type Businesses	7-15
Section 7.22	Fishing Piers.....	7-16
Section 7.23	Golf Courses.....	7-17
Section 7.24	Miniature Golf Courses	7-18
Section 7.25	Newsrack	7-18
Section 7.26	Outdoor Display and Storage of Merchandise.....	7-19
Section 7.27	Package Treatment Plants	7-20
Section 7.28	Public Utility Substations.....	7-20
Section 7.29	Storage Facility.....	7-21
Section 7.30	Telecommunication Towers	7-21
Section 7.31	Temporary Uses	7-27
Section 7.32	Non-Motorized Watercraft Rental Business	7-32
Section 7.33	Design Criteria for Mixed Use Districts	7-33
Section 7.34	Open Space Requirements for Single-Family Developments	7-36

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.01 INTRODUCTION

The following supplemental **regulations** shall pertain to the various uses listed in the Table of Uses located in Article 6. If not otherwise listed, these **regulations** shall be applicable in all districts in which the individual uses are allowed.

For any use which requires the issuance of a **special use permit**, the supplemental use regulations listed herein may be in addition to any other fair and reasonable conditions placed on the use by the Board of Adjustment. The conditions may impose greater restrictions on a particular use than those which are listed herein.

SECTION 7.02 ACCESSORY STRUCTURES

Accessory structures may be allowed pursuant to the use tables provided in Section 6.04, provided that no **accessory structure** shall be occupied, leased, rented, or otherwise used for profit, income or gain. In addition, no **accessory structure** shall be constructed upon a **lot** until the construction of the main building has commenced. **Accessory structures** to residential uses shall include but not be limited to: **private** piers and swimming pools. No parcel may contain more than two (2) **accessory structures**. The combined square footage of the **accessory structures** shall not exceed ten percent (10%) of the total **lot** area. Refer to the specific zoning district development standards for siting requirements for **accessory structures** on pages 6-23 through 6-45.

SECTION 7.03 MODULAR HOMES/BUILDINGS

Modular homes/buildings may be allowed pursuant to the use tables provided in Section 6.04, subject to the following standards:

- (A) Must be 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.
- (B) Modular must be labeled indicating compliance with the NC Building Code.
- (C) Off-frame modular only with an Engineered foundation.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.04 DWELLING, SINGLE-FAMILY

Single-family ***dwelling***s may be allowed pursuant to the use tables provided in Section 6.04, subject to the following standards:

- (A) Single-family ***dwelling***s must be constructed on foundation walls of cast in-place concrete, solid masonry unit walls, a one (1) foot raised concrete slab, or pilings.
- (B) Residential ***dwelling***s constructed upon pilings may be closed in by ***breakaway walls*** or lattice ***structure*** in accordance with the Article 12, Part I (Flood Insurance Ordinance).
- (C) No building or ***streets*** shall be allowed or placed on areas designated as ***wetlands*** without NCDENR permit approval.
- (D) All sewer systems shall comply with the ***County*** Health Department ***regulations***.

SECTION 7.05 DWELLINGS, MANUFACTURED

Manufactured homes may be allowed pursuant to the use tables provided in Section 6.04, subject to the following:

- (A) No ***manufactured home*** older than eight (8) years from the date of manufacture shall be placed on a ***lot*** in the district.
- (B) No ***accessory structure*** shall be rented or occupied for gain. No ***accessory structure*** shall be constructed or placed upon a ***lot*** until the placement of the ***manufactured home*** has commenced. No parcel may contain more than two (2) ***accessory structures***. The combined square footage of the ***accessory structures*** shall not exceed ten percent (10%) of the total ***lot*** area.

SECTION 7.06 DWELLING, MULTI-FAMILY

Multi-family dwelling units may be allowed pursuant to the use tables provided in Section 6.04, subject to the following provisions:

- (A) *Common Areas.*
 - (1) All ***multi-family*** residential ***dwelling*** projects shall contain commonly owned land equal in area to thirty-five percent (35%) of the entire area being developed under one central ***development*** plan. Common areas shall be held in nonprofit corporate

ARTICLE 7. SUPPLEMENTAL REGULATIONS

ownership by the owners of *lots* or *dwelling* units within the project. The title to the common areas shall be preserved to the perpetual benefit of the private properties in the *development* project and shall be restricted against private ownership for any other purpose. As part of the *development* plan, improvements may be made within the common areas provided that the maximum coverage of the improvements shall not exceed fifty percent (50%) of the entire common property; provided that, the improvements shall be for the use of the owners of property within the multi-family project. The developer of any multi-family residential project shall record a declaration of covenants and restrictions or unit ownership declaration as may be required by law which will govern the owners management and maintenance of the common areas. A copy of the recorded declaration of covenants and restrictions or unit ownership declaration shall be filed with the Town at the time of recording.

- (2) Thirty-five percent (35%) of the total area of the tract shall be common *open space*. Common *open space* is land not covered by buildings or *accessory structures* which are accessible and available to all occupants of *dwelling* units in the multi-family residential *development*. An area shall be deemed accessible where the ownership is held in common and where it is connected to the units by pedestrian or vehicular access.
 - (3) Fifty percent (50%) of the common *open spaces* must be designed for passive use, including, but not limited to walking, jogging, hiking, wildlife, parking and similar uses.
- (B) *Public Access and Easements*. All units in a multi-family *development* project shall have adequate *access* to a public *street* which will allow adequate community services. *Easements* over the common areas for access, ingress and egress from and to the public *streets* and walkways and *easements* for the enjoyment of common areas as well as for parking shall be provided to each owner of a property within the multi-family *development*.
- (C) *Utilities*.
- (1) Utilities, public water, all *streets*, parking areas and underground electrical and telephone service must be provided in all multi-family projects.
 - (2) Adequate provisions for the collection and *disposal* of garbage and refuse shall be provided in a manner that the multi-family residential *development* will be maintained in a clean and orderly appearance.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (3) Suitable plans for water service, **disposal** of sanitary sewage and **storm drainage** shall be provided. All systems shall meet requirements of the **County** Health Department as well. Public water is required in the multi-family residential **development**.
- (D) *Site*. No building or **streets** shall be allowed or placed on areas designated as **wetlands**, unless otherwise specified in a State or Federal permit.

SECTION 7.07 HOME OCCUPATIONS

Home occupations, as defined in Appendix A, and a small day care home registered by the State, may be allowed pursuant to the use tables provided in Section 6.04, subject to all its standards and inspections.

SECTION 7.08 MODEL HOME/UNIT

- (A) A real estate office associated with a particular single-family **development** may be located **temporarily** in a **model home** in that single-family **development**. In this instance, temporarily means a period not to exceed five (5) years or when eighty percent (80%) of the units in the **development** are sold, whichever comes first.
- (B) A real estate sales/management office associated with a particular multi-family **development** or a combined multi-family/single-family **development** may be located in one of the multi-family units.

SECTION 7.09 PRIVACY FENCES

- (A) **Subdivisions**. A privacy **fence** for a single-family **subdivision** may be allowed provided the following requirements are met:
- (1) The **fence** shall extend along and be set back at least three (3) feet from the boundary of the **subdivision** common with several other zoning districts.
 - (2) Any height adjustments required by the terrain shall be made by vertical steps.
 - (3) Both sides of the **fence** shall be equal in construction and appearance.
 - (4) The **fence** shall be uniform in design and constructed with masonry pillars and fencing of painted, treated wood. The top of the wood **fence** shall be not more than

ARTICLE 7. SUPPLEMENTAL REGULATIONS

six (6) feet above the natural elevation of the ground. The top of the pillars shall extend not more than six (6) inches above the wood **fence**, except where height adjustments are made.

- (5) The design and construction details shall be reviewed and approved by the **Planning Board** prior to construction.
 - (6) Maintenance responsibility for the **fence** with **easement** rights shall be specified in the deed covenants of the **subdivision**.
- (B) *Single-Family Residential*. In all beach residential zoning districts, a **fence** or wall may be constructed not to exceed four (4) feet in height from natural **ground level**. In the BR-1 district, **fences** and walls cannot extend beyond more than one hundred fifty (150) feet from the property line **abutting** the right-of-way of Main Street. In all mainland residential zoning districts, a **fence** or wall may be constructed not to exceed six (6) feet in height from natural **ground level**. The following conditions must be met in all districts:
- (1) The **fence** or wall does not restrict the **ground level** view of any **adjacent property** facing the ocean, waterway, marsh, lakes, or **golf course**.
 - (2) Except as set forth in subdivision (4) below, **fences** or walls are limited to **rear** and **side yards**, however, **fences** or walls cannot be located in a **side yard abutting a street** right-of-way on a **corner lot**. Exception: In a **side yard abutting a street** right-of-way on a **corner lot**, open **fences** are allowed in the buildable area of the **lot**, but are limited to four (4) feet in height and shall be at least thirty-five percent (35%) open.
 - (3) Side **fences** or walls shall be placed a minimum of five (5) feet behind the front floor-print of the house. However, if circumstances exist related to asymmetrical lot lines, lot recombination, or unusual property line configuration relative to the location of the existing primary structure, the Planning Board may modify this standard upon review and approval of a sketch plan. When a modification is requested, all property owners immediately adjacent to the proposed fence shall be notified of the meeting in which the request will be heard by regular mail. The Planning Board should consider public safety, interference with sight visibility at intersections, harmony with the surrounding properties, and maintaining the spirit of this requirement when making any modification. Any fence modification shall not permit encroachment into the required front yard setback.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (4) A **fence** is permitted within the **front yard** when the distance from the front of the house to the front property line is a minimum of two hundred (200) feet. The **fence** may not encroach into the fifty (50) foot **front yard setback**.
- (5) Construction above ground or berm level shall be brick, decorative cement block, stucco, decorative wrought iron, cedar, redwood or treated wood (excluding any type of plywood or lattice sheets), decorative vinyl, chain link, or any combination.
- (6) Both sides of a **fence** or wall must be equal in construction and appearance or the good side must be face outward.
- (7) Finials are not counted into the height of the **fence**; however, finials cannot exceed twelve inches (12") in height. Finials are the crowning ornaments on a **fence**.

(Am. Ord. 5/11/15)

SECTION 7.10 PRIVACY WALLS NOT TO EXCEED SIX (6) FEET IN HEIGHT

Privacy walls not to exceed six (6) feet in height may be specified in the design criteria of a single-family **subdivision** provided the following requirements are met:

- (A) Privacy wall design criteria must be specified prior to the start of the **subdivision** construction.
- (B) **Subdivision** will contain single-family units.
- (C) Privacy walls shall be placed a minimum of thirty (30) feet behind the required **front yard setback**.
- (D) Construction shall be brick, decorative cement block, stucco, poured concrete, decorative wrought iron, or a combination of these materials.
- (E) All walls in the **subdivision** will have the same design, construction, and material.
- (F) **Side yard** privacy walls **abutting** a **street** will be permitted only when the first three (3) feet in height are hidden by a landscaped berm.

SECTION 7.11 PRIVATE COMMUNITY CENTERS

Private community centers may be allowed within a **subdivision** pursuant to the use tables provided in Section 6.04, subject to the following standards:

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (A) The POA, HOA Associations, etc., covenants deal with the operations and maintenance of the common property.
- (B) That it is used exclusively by the **subdivision** owners and their guests. No commercial rentals are allowed.
- (C) That the common area utilized for such activities shall be contained within the **subdivision**. If the **subdivision** is divided by a major thoroughfare or public utility right-of-way, ninety percent (90%) of the **subdivision lots** shall be located on the side where the **community center** is proposed.

Exception – Private Community Centers may be permitted outside of the respective subdivision when located in BB-1.

- (D) A **site plan** of the parking, lighting, **landscaping**, trash removal and signage shall be in accordance with the Ordinances of the Town of Sunset Beach and approved by the **Planning Board** and may be subject to additional requirements depending upon each individual site.
- (E) Building must blend-in with the **subdivision**'s surrounding architectural designs.

SECTION 7.12 REAL ESTATE SALES/MANAGEMENT OFFICE IN SEPARATE BUILDING

A real estate sales/management office associated with a particular **development** on contiguous parcels of land under common ownership may be located in a separate building compatible in appearance with the other units in the **development**, provided the following requirements are met:

- (A) A master plan has been submitted to and reviewed by the **Planning Board**. This master plan must indicate the boundaries of the total parcel of land to be included in the particular **development** but only the details of the first phase of the **development** need be submitted.
- (B) The building that will house the sales/management office must be located on the parcel of land indicated in the master plan and its location must be shown in the master plan.
- (C) The **lot** upon which the sales/management office is located shall be landscaped to conform to the general **landscaping** of the total **development** and plantings of sufficient height and density shall be provided along any **abutting** residential properties to provide visual screening.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (D) Off-street parking facilities shall be provided, as specified in Article 9, Part II, for general or professional offices.
- (E) One (1) **sign** advertising the real estate sales/management office will be permitted, as provided in Article 11.
- (F) Any significant deviation from the master plan without prior approval of the Board of Adjustment may result in the revocation of the **special use permit**.
- (G) Any change in ownership of the sales/management office shall require review and approval of the **special use permit** by the Board of Adjustment.

SECTION 7.13 RESIDENTIAL UNITS

Residential units may be allowed pursuant to the use tables provided in Section 6.04, provided they adhere to the following requirements:

- (A) The building shall meet the minimum **setback** requirements of the MB-2 district.
- (B) In addition to the required off-street parking for the principal use, two (2) off-street parking spaces shall be provided for the **dwelling** unit.
- (C) The attached **dwelling** unit shall be located totally above the ground floor of the principal use so as not to interrupt the commercial low density frontage.

SECTION 7.14 SWIMMING POOLS/HOT TUBS

(1) **Swimming pools** shall be subject to the following requirements:

- (A) A **swimming pool** may be constructed as an **accessory structure** provided it is located in the buildable portion of the **lot**.
- (B) The **swimming pool** site shall be provided with adequate water and wastewater facilities, shall be designed so that drainage from surrounding areas will not normally enter the pool enclosure, and shall be equipped with adequate power facilities which do not present a hazard to the bathers. The pool shall be located so that no broken overhead electrical wiring may fall within twenty-five (25) feet of the pool surface.
- (C) All outdoor residential **swimming pools** shall be enclosed by a **fence** or other equivalent type barrier as required by, and in accordance with, the North Carolina

ARTICLE 7. SUPPLEMENTAL REGULATIONS

State Building Code, as amended. All residential pool enclosures shall be completely installed within thirty (30) days of the pool completion and before the pool is filled with water.

(2) Hot Tubs shall be subject to the following requirements:

- (A) A **hot tub** may be constructed as an **accessory use** provided it is located in the buildable portion of the **lot**.
- (B) **Hot tubs** must be placed or constructed to comply with the Town's Flood Damage Prevention Ordinance (Article 12) and any other local, State or Federal requirements, as applicable.
- (C) Placement of outdoor **hot tubs** on island lots shall not be such that the **structure** is resting on the ground and shall:
 - i. only be placed on an approved, above-ground deck attached to the principle **structure** in compliance with Article 12 of this ordinance; or
 - ii. be mounted into the ground whereby the top of the **hot tub** and any surrounding decking is at grade.
- (D) An individual, outdoor **hot tub** shall not have a water capacity larger than 500 gallons for individual residential **lots** on the island that contain up to four (4) residential units. This requirement applies to the island only. Documentation certifying the gallon capacity of the **hot tub** shall be provided to the Town prior to placement or construction.
- (E) Exemptions: Any **hot tub** that is placed inside the enclosed, heated square footage of a principle **structure** is exempt from the standards of Section (C) and (D).
- (F) All outdoor residential **hot tubs** shall be enclosed by a **fence** or other equivalent type barrier as required by, and in accordance with, the North Carolina State Building Code, as amended. All **hot tub** enclosures shall be completely installed within thirty (30) days of the **hot tub** installation and before the pool is filled with water.

(Am. Ord. 2/1/16)

SECTION 7.15 ACCESSORY STRUCTURES TO COMMERCIAL USES

Accessory structures to commercial uses may be allowed pursuant to the use tables provided in Section 6.04, subject to the following requirements:

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (A) No **accessory structure** shall be constructed upon a **lot** until the construction of the main building has commenced.
- (B) **Accessory structures** as defined shall include but not be limited to storage buildings and **swimming pools**.
- (C) No parcel may contain more than two (2) **accessory structures**. The combined square footage of the **accessory structures** shall not exceed ten percent (10%) of the total **lot** area.
- (D) Approved screening shall be required to shield outside storage areas per requirements in Article 10.
- (E) **Accessory structures** shall be constructed in the buildable area of the **lot**.
- (F) Construction of **accessory structures** shall conform to all state codes, FEMA **regulations**, **CAMA**, and this UDO.
- (G) All dumpsters must be screened per Article 10, Landscape & Buffering Requirements.

SECTION 7.16 ADULT AND SEXUALLY ORIENTED BUSINESSES

Adult and sexually oriented businesses, including **massage businesses** (except licensed **massage** therapists within the normal course of their professional practice), body piercing operations, tattoo parlors, **electronic gaming operations**, and bingo parlors may be allowed pursuant to the use tables provided in Section 6.04, subject to the following requirements:

- (A) No **adult or sexually oriented business**, including **massage businesses**, shall be permitted in any building:
 - (1) located within fifteen hundred (1,500) feet in any direction from any building used as a **dwelling**.
 - (2) located within fifteen hundred (1,500) feet in any direction from a building in which an **adult business** or **sexually oriented business** is located.
 - (3) located within fifteen hundred (1,500) feet in any direction from a building used as a church, synagogue, other house of worship, or cemeteries.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (4) located within fifteen hundred (1,500) feet in any direction from a building used as a public school or as a state licensed **day care facility**.
- (5) located within fifteen hundred (1,500) feet in any direction from any **lot** or parcel on which a public playground, public **swimming pool**, or public park is located.
- (6) located within fifteen hundred (1,500) feet of any publicly owned or operated facility.
- (B) No more than one **adult or sexually oriented business** establishment shall be located in the same building or **structure** or on the same **lot**.
- (C) **Adult and/or sexually oriented businesses** shall be located only in a MB-1 zoning district and shall be established by special use upon approval of the Board of Adjustment.
- (D) Except for **signs** as permitted in Article 11, promotional displays and presentations shall not be visible to the public from sidewalks, walkways, or **streets**.
- (E) All minimum **lot** requirements of the MB-1 zoning district shall be met.
- (F) Hours of operation shall be limited to the hours of 9:00 AM to 12:00 AM.
- (G) No person under the age of eighteen (18) shall be permitted within **adult and/or sexually oriented businesses**.
- (H) Within permitted **electronic gaming operations**, no more than ten (10) gaming machines shall be allowed.
- (I) Any **adult business** and/or **sexually oriented business** lawfully operating as of the effective date of this Ordinance that is in **violation** of any provision of this Ordinance shall be deemed a **nonconforming use**. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two (2) years. The **nonconforming uses** shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If a **nonconforming use** is discontinued for a period one hundred eighty (180) days or more it may not be reestablished. If two (2) or more **adult businesses** or **sexually oriented adult businesses** are within fifteen hundred (1,500) feet of one another and otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later established business shall be considered nonconforming.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (J) An **adult business** or **sexually oriented adult business** lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a **dwelling**, church, house of worship, **day care facility**, school, playground, public **swimming pool**, or public park.
- (K) **Sexually oriented businesses** shall be subject to the following additional requirements:
- (1) No employee, dancer, or entertainer shall perform live entertainment within six (6) feet of any patron, nor shall any patron experience live entertainment within six (6) feet of an employee, dancer, or entertainer.
 - (2) No patron shall personally pay or personally give a gratuity to any entertainer. Gratuities may be placed in one common container placed at a location away from any dancer or entertainer at all times.
 - (3) Establishment with live entertainment shall conspicuously post a **sign** that advises patrons that gratuities paid personally to entertainers or dancers are prohibited.
 - (4) If alcohol is served, all patrons, members, employees, entertainers, dancers, or any guest of the establishment shall have attained the age of twenty-one (21) years.
 - (5) No persons dispensing, serving or providing any beverage or food may expose any **specified anatomical areas**, as defined by State law.
- (L) **Body piercing and tattoo parlors** shall be subject to the following additional requirements:
- (1) No person shall engage in tattooing or body piercing without first obtaining a tattooing or body piercing permit from the Department of Health and Human Services.
 - (2) Licensed physicians, as well as physician assistants and nurse practitioners working under the supervision of a licensed physician, performing tattooing or body piercing within the normal course of their professional practice are exempt from this requirement.

SECTION 7.17 AGRICULTURE, HORTICULTURE, AND FORESTRY

Agriculture, horticulture, and forestry may be allowed pursuant to the use tables provided in Section 6.04, provided that no greenhouse heating plant or shed, farm building, or other accessory building normal to agriculture and forestry production shall be operated or allowed within thirty (30) feet of any property line which is not a commercial use.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.18 CHURCHES AND CEMETERIES

Churches and cemeteries may be allowed pursuant to the use tables provided in Section 6.04, provided that **landscaping** and **buffer** are provided, as required by Article 10.

SECTION 7.19 CONTINUING CARE COMMUNITY

A **Continuing Care Community** (CCC) may be allowed pursuant to the use tables provided in Section 6.04, subject to the following:

- (A) Minimum land area required for a **Continuing Care Community** is ten (10) acres.
- (B) The CCC may consist of a mixture of detached single residential, **duplex, multi-family dwellings, congregate care facility** and nursing care.
- (C) All **structures** are limited in occupancy to persons aged sixty (60) years old or older, the physically **handicapped** and their spouses, except for rooms or units occupied by resident staff personnel performing duties directly related to the operation of the facility.
- (D) The CCC must be State-licensed and provide a minimum of two (2) levels of services.
- (E) **Structures** shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.
- (F) Paved walkways shall be provided between buildings and all common facilities such as dining halls and recreation centers.
- (G) All **structures** except single-family residence within the **Continuing Care Community** are required to be set back from the CCC boundary line a minimum of forty (40) feet. Single-family residences shall be set back a minimum of twenty-five (25) feet.
- (H) Multi-family **structures, congregate** care and nursing units, shall be required to have a **setback** of forty (40) feet from the single-family **structures**.
- (I) Minimum required floor space for detached single-family **structure**: one thousand (1,000) square feet.
- (J) Maximum number of **bedrooms** for detached single-family **structure**: three (3).

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (K) Minimum required floor space per **multi-family dwelling** unit: seven hundred fifty (750) square feet.
- (L) Maximum **height** of detached single-family **structure**: thirty-five (35) feet .
- (M) The Board of Adjustment may set out additional conditions on a **special use permit**.

SECTION 7.20 ELECTRIC UTILITY SUBSTATIONS

Electric utility substations may be allowed pursuant to the use tables provided in Section 6.04, provided the substation is located outside of the public right-of-way. The stations may not create excessive noise or light or possess other objectionable characteristics that may be detrimental to surrounding uses or to other uses permitted in the district. The Board of Adjustment may impose any reasonable conditions on the use that may be required to protect surrounding properties and other uses within the district. The station must be screened according to the requirements of Article 10.

SECTION 7.21 ENTERTAINMENT AND AMUSEMENT TYPE BUSINESSES

Entertainment and amusement types of business operations with five (5) or more entertainment devices, including pool, billiard, or similar tables; pinball machines; or mechanical or electronic amusement devices, which are or may be operated on the payment of money, trade token, or slug, whether directly or indirectly, and which operate or may be operated by retail patrons as a game or contest of skill or amusement, may be allowed pursuant to the use tables provided in Section 6.04, subject to the following requirements:

- (A) No amusement device shall contain any automatic payoff device for the return of money, trade, token, or slug and no provisions whatever shall be made for the return of money to the player. However, this shall not be construed as to prohibit the awarding of free play of the game or device. An exception for a pay off will be permitted and shall apply exclusively to **video gaming machines**, as permitted and defined in GS ' 14-306.1 and as regulated herein.
- (B) The hours of operation shall be limited to 9:00 a.m. to 12:00 a.m. each day or as approved by the Board of Adjustment.
- (C) No amusement device shall be operated at any place at which there is permitted on the **premises** any gambling or sale or use of any racing, football, or other sport or parlay cards.
- (D) No owner, operator or employee of a place of amusement shall:

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (1) Permit the place of business to become disorderly; or
 - (2) Employ any person who has been convicted of a felony or charge of moral turpitude.
- (E) Any **entertainment and amusement business** shall be operated so that a clear view of all of the amusement devices may be had from the entrance to the amusement area.
- (F) The owner or an employee at least eighteen (18) years of age must be in the area(s) at all times to provide adequate supervision of the operation.
- (G) Sound systems or coin operated music systems must be operated in compliance with the Town's noise **regulations**.
- (H) No alcoholic beverages shall be allowed on the **premises**.
- (I) A bicycle rack(s) must be provided for at least six (6) bicycles.
- (J) Evidence of adequate off-street parking shall be submitted to the Board of Adjustment.
- (K) No **entertainment or amusement business** may operate within a radius of seven hundred (700) feet of another similar business.
- (L) Key controlled toilet facilities shall be provided.
- (M) Any **entertainment and amusement types of business** lawfully operating as of the effective date of this Ordinance that is in **violation** of any provision of this Ordinance shall be deemed a **nonconforming use**. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two (2) years. The **nonconforming uses** shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If a **nonconforming use** is discontinued for a period of one hundred eighty (180) days or more it may not be reestablished.

SECTION 7.22 FISHING PIERS

Fishing piers and services customarily provided to the public may be allowed pursuant to the use tables provided in Section 6.04, such as:

- (A) Arcade types of devices;
- (B) Food services;

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (C) **Parking lots;**
- (D) Serve alcohol;
- (E) Provide bathrooms;
- (F) Provide or sell fishing permits.

SECTION 7.23 GOLF COURSES

Golf courses may be allowed pursuant to the use tables provided in Section 6.04, subject to the following:

- (A) Regulation championship **golf courses** as defined by the US Professional Golfers Association and having a minimum length of six thousand (6,000) yards, which may be open to the public on a membership or fee basis and such use shall not be deemed commercial in nature in **violation** of this Ordinance.
- (B) The **golf course** may provide services customarily provided for golfers and tennis players. In connection with **golf courses** permitted pursuant to this section, the following **regulations** shall apply.
 - (1) The golf clubhouse shall be set back a minimum of one hundred (100) feet from any residential **street** and one hundred (100) feet from any residential **lot line**.
 - (2) The golf clubhouse may house a pro shop, bar, and dining area as well as assembly rooms and dressing areas. The clubhouse may provide services customarily provided for golfers, tennis players, and the general public using the facilities.
 - (3) **Parking lots** shall be located no less than twenty-five (25) feet from any residential **lot** and shall be adequately screened to minimize noise and their visibility from the **street** and residential properties.
 - (4) Tennis courts are permitted as an **accessory use**. Location shall not, by way of noise, visibility or otherwise, affect the residential area where they are located.
 - (5) Compliance with all provisions of this Ordinance shall be met by the **applicant** prior to the issuance of a permit to begin construction.
 - (6) One advertising **structure** advertising the **golf course** and related services as permitted can be located on the **premises** at the major entrance. Any **sign** and mounting shall not exceed ten (10) feet in height and a total area of one hundred

ARTICLE 7. SUPPLEMENTAL REGULATIONS

(100) square feet; *illuminated* only by indirect lighting; and further restricted as specified in Article 11.

- (7) Maintenance facility for *golf courses*. The *site plan* shall be reviewed and approved by the *Planning Board* prior to the issuance of a building permit to ensure that the surrounding areas are protected.

SECTION 7.24 MINIATURE GOLF COURSES

Miniature golf courses may be allowed pursuant to the use tables provided in Section 6.04, provided they are developed and operated within the requirements specified below:

- (A) Minimum of one (1) acre.
- (B) Minimum off-street parking: two (2) spaces per hole.
- (C) Unobtrusive lighting and no flashing, intermittent, moving, or animated lights.
- (D) Approved *landscaping* plan of course and *parking lot*.
- (E) *Height* of *structures* and course terrain limited to sixteen (16) feet above original *ground level*.
- (F) No course attractions that emit smoke or steam.
- (G) No animated characters or animals (inanimate life size replicas of birds and animals indigenous to the area are permitted).
- (H) Restroom facilities.
- (I) If a sound system is used, it must be operated at a low level so as not to disturb or annoy adjacent residents.
- (J) Hours of operation shall be limited to 9:00 am to 12:00 am each day or as approved by the Board of Adjustment.

SECTION 7.25 NEWSRACK

Newsracks, including informational racks, may be allowed pursuant to the use tables provided in Section 6.04, subject to the following requirements:

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (A) May not project onto, into, or over any part of a roadway, or rest wholly or in part upon, along, or over any portion of a roadway, or rest on a sidewalk.
- (B) Must be adjacent and parallel to the wall of a building or **structure** and not more than six (6) inches from the wall, unless the **UDO Administrator** determines that placement near a building is not suitable, and authorizes alternative placement.
- (C) Must not cause a significant risk of injury to persons or property and will not interfere with the passage of pedestrians.
- (D) Maximum of six (6) racks grouped together at any one location. Each group must be located one hundred twenty (120) feet from any other group or individual rack.
- (E) Each rack shall be maintained in a clean and neat condition and in good repair at all times.
- (F) Racks shall carry no advertising except the name of the newspaper or periodical being dispensed.

SECTION 7.26 OUTDOOR DISPLAY AND STORAGE OF MERCHANDISE

Limited display and storage of merchandise on the outside, but not where the display and/or storage of such items impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition, may be allowed pursuant to the use tables provided in Section 6.04, subject to the following requirements:

- (A) All outdoor display of goods shall be located immediately adjacent to the storefront and not in drive aisles, loading zones, fire lanes, or **parking lots**.
- (B) The area used for outdoor display and storage shall be limited to no more than one-half the length of the storefront. In the case of a **shopping center**, the storefront shall include the entire frontage of the **shopping center**, meaning that the total amount of display for all the in-line tenants combined shall not exceed fifty (50) percent of the aggregate storefront of the overall **shopping center**.
- (C) No merchandise shall be attached to a building's wall surface.
- (D) Displays left out overnight are prohibited.
- (E) At least five (5) feet along the **parking lot** side of the display shall be maintained free of

ARTICLE 7. SUPPLEMENTAL REGULATIONS

obstruction to allow for pedestrian and handicap movement, such that pedestrians and handicap pedestrians do not have to enter the ***parking lot***, loading zone, or drive aisle to walk around the display and storage area. Handicap ramps and ***landscaping*** shall not be located within the five (5) foot clear pedestrian area.

- (F) The area of outdoor display of merchandise shall not encompass the width of the entrance and/or exit doors to the facility as projected straight out from the facility. For example, if the width of the entrance and/or exit doors is ten (10) feet, then there shall be at least a ten (10) foot clearance from the doors as projected straight out and away from the facility. The displays shall not obstruct the view of pedestrians and handicap pedestrians entering or exiting while in this ten (10) foot corridor from vehicles in the ***parking lot*** or loading zone.

SECTION 7.27 PACKAGE TREATMENT PLANTS

Package treatment plants may be allowed pursuant to the use tables provided in Section 6.04, subject to the following requirements:

- (A) Minimum ***lot*** of twenty thousand (20,000) square feet.
- (B) Security ***fence*** installed around the perimeter of the ***lot***.
- (C) Installed ***buffer*** around perimeter of the ***lot*** that meets the provisions of Article 10.
- (D) Approval by the State Division of Water Quality.

SECTION 7.28 PUBLIC UTILITY SUBSTATIONS

Public utility substations such as water tanks, pumping stations, treatment plants, and electric, gas, oil pipelines may be allowed pursuant to the use tables provided in Section 6.04, subject to the following requirements:

- (A) ***Buffer*** strips per Article 10 shall be provided along side and rear property lines, except that only one (1) row of planted material will be required to a minimum depth of five (5) feet.
- (B) Any objectionable odors, noise, and/or lighting will be reduced to all reasonable extent.
- (C) No vehicles or materials shall be stored on site, except during construction and regular maintenance of facility.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.29 STORAGE FACILITY

Storage facilities may be allowed pursuant to the use tables provided in Section 6.04, subject to the following requirements:

- (A) May not include the establishment of self-service storage units.
- (B) Must be **buffered** by a berm planted with trees or shrubs and the like so as not to be seen from any Town **street** or residence.
- (C) Must be **fenced** for security.
- (D) Must not be used to store junk vehicles including, but not limited to, junk boats, RVs, **campers**, and the like.

SECTION 7.30 TELECOMMUNICATION TOWERS

Telecommunication towers may be allowed pursuant to the use tables provided in Section 6.04, subject to the following:

- (A) **Towers** on the ground: greater than thirty-five (35) feet in height and less than two hundred (200) feet in height.
- (B) When feasible, telecommunications equipment shall be constructed and installed in a manner that will blend into the tree canopy.
- (C) A **monopole** or a self-supporting lattice **tower** shall be set back a minimum distance of five (5) feet from **adjacent property** lines. A **monopole** or self-supporting lattice **tower** shall also be set back from any residential property lines fifty (50) feet.
- (D) All other **towers** shall be set back from **adjacent property** lines and from any occupied residential **dwelling** a distance either equal to the height of the **tower** or equal to the fall zone/distance of the **tower** as certified by a licensed and certified structural engineer.
- (E) The **setbacks** set forth in divisions (A) and (B) above shall be measured from the base of the **tower**. Accessory equipment, support **structures, structures**, and fencing shall meet the standard building codes and Department of Transportation **setbacks** requirements.
- (F) The **setbacks** required in divisions (A) through (C) above may be reduced to a distance not less than fifty (50) feet if the **applicant/owner** receives an **easement** for the area within

ARTICLE 7. SUPPLEMENTAL REGULATIONS

the otherwise applicable **setback** distance from the **adjacent property** owner whose property line would otherwise be crossed by the **setback** distance set forth above.

(G) **Landscaping** requirements for **towers** on the ground:

- (1) The base of the **tower** and any accessory equipment and **structures** shall be surrounded by an effective screening device, which is at least eight (8) feet tall. Effective screening devices shall consist of a **fence** and an opaque evergreen hedge. Plant material for hedges shall be located on the exterior of the fencing.
- (2) Required screening devices and plant material shall be contained within the **tower** site, whether it be leased or owned by the **tower** owner. Maintenance of screening shall be the responsibility of the **tower** owner. Screening shall be maintained in accordance with the approved **site plan**.
- (3) Plant material is required to be a minimum of sixty (60) inches tall at planting with an on-center spacing to provide an opaque screen within two (2) years.

(H) **Collocation**:

- (1) All **towers** shall be constructed to accommodate **collocation**.
- (2) The **applicant** must make such space available on commercially reasonable terms.
- (3) Any application for approval of a new **tower** must include evidence that the **applicant** has investigated the possibilities for locating the proposed facilities on an existing **tower** and that the proposed equipment cannot be accommodated on an existing **tower** due to one or more of the following reasons:
 - (a) The existing or approved **towers** do not have space on which the equipment can be placed so it can function effectively and reasonably in parity with similar existing or approved equipment.
 - (b) No **tower** or other suitable facility exists in an area where the equipment to be placed on the **tower** will function in its intended manner.
 - (c) The planned equipment would cause radio frequency interference with other existing or planned equipment for these **towers**, and the interference cannot be prevented at a reasonable cost.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (I) **Tower** proximity: No **tower** on the ground more than thirty-five (35) feet in height shall be located closer than two thousand (2,000) feet from any other **tower** on the ground more than thirty-five (35) feet in height which was constructed after the effective date of this Ordinance.
- (J) **Tower** modification:
- (1) The owner of the **tower** must seek a building permit if any modification or height or any significant change in antenna load that is not part of the original design specification transpires during the life of the **tower**.
 - (2) A **tower** must be re-certified with a sealed certification by a licensed structural engineer for a new use and antenna load. This review must include the re-certification of the foundation.
- (K) Buildings associated with the **tower** may not be used as an employment center. This provision does not prohibit the periodic **maintenance** or periodic monitoring of the **tower** facility.
- (L) No advertising **sign** or logo is permitted on any **tower** or antenna.
- (M) Lighting:
- (1) The lighting of the **tower** must not be less than the minimum standards of the Federal Aviation Administration (FAA) for red obstruction lighting system contained in Advisory Circular No. 70/7460-1F dated September 27, 1978, as the same may be amended.
 - (2) The **tower** lighting shall be muffled so that no audible sounds can be heard beyond the distance of the **setback** requirements applicable under this Ordinance.
 - (3) The **applicant** shall present certification that the lighting is designed to meet this requirement when submitting an application for a permit.
- (N) ANSI Standards (Electronic magnetic Fore-EMF):
- (1) Any communications antennas or other equipment placed on **towers** shall not exceed the emission output levels specified by federally approved levels or the American National Standards Institute (ANSI) Standards for power density, whichever provides the stricter requirements.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (2) The **tower** owner shall provide documentation indicating that the power output levels do not exceed federal approved levels or American National Standard institute (ANSI) requirements.
- (O) Demonstrated need for **tower** and height:
- (1) All **applicants** seeking approval to construct a **tower** shall submit a written affidavit that the construction or placement of such **structure** meets provisions of the Telecommunications Act of 1996, the National Environmental Policy Act of 1996, FCC Rules, and all other applicable federal, state, and local laws.
- (2) All applications for approval of a new **telecommunication tower** must be accompanied by evidence from an FCC licensed commercial mobile radio service provider that the **tower** is currently needed to support its antennas and must specify a height needed to serve the area around the **tower** immediately after construction.
- (P) Abandonment:
- (1) If a **tower** is not used for a period of six (6) months or more, the **tower** owner will be notified by certified mail that the **tower** will be removed by the owner within ninety (90) days. **Towers** which are not maintained by the owner will be removed by the owner within ninety (90) days.
- (2) To assure the removal of **towers** which do not meet the requirements for use or **maintenance**, a statement of financial responsibility, meeting and satisfying the requirements of the Town, will be submitted for each **tower** more than thirty-five (35) feet in height, and a performance bond or letter of credit in the amount of one hundred percent (100%) of cost associated with removal of the **tower** will be posted for each **tower** more than thirty-five (35) feet in height.
- (3) Removal costs shall be charged to the **tower** owner.
- (Q) A site **development** plan shall be prepared by a North Carolina registered land surveyor, landscape architect, or professional engineer, and shall contain the following information:
- (1) The names, addresses, and telephone numbers of the **applicant** and the property owner, tax parcel identification number, scale, north arrow, a copy of the section of the 1:24,000 USGS quadrangle showing the proposed site and latitude and longitude coordinates.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (2) The name, address, telephone number, signature, and seal of the professional individual or firm preparing the site **development** plan.
- (3) All identifiable **structures** located on the parcel, all private and public roads, highways, and underground and overhead utilities.
- (4) Surveyed boundary lines of the parcel containing the proposed **telecommunication tower** construction and its fall zone.
- (5) All existing **towers** on the property or any **towers** whose fall zones encroach onto the property.
- (6) Description of adjacent land use and all property owners= names, tax parcel numbers, and mailing addresses.
- (7) The ground elevation of the proposed **tower's** base, all proposed support **structures**, property corners, and a permanent site benchmark. (All elevations shall be determined using the National Geodetic Vertical Datum of 1929 or other appropriate vertical datum.)
- (8) A communication **tower** design plan prepared by a North Carolina registered professional Engineer containing a plan depicting the **tower** and all proposed support **structures**, buildings and other improvements, and **access** roads and utility connections within and to the proposed site. Such plans shall contain the following information:
 - (a) The names, addresses, and telephone numbers of the **applicant** and the property owner;
 - (b) The plan scale, a north arrow, and a vicinity map;
 - (c) Tax parcel identification number for any parcel of land containing the **tower** site and the **tower's** latitude and longitude coordinates;
 - (d) The name, address, signature, and seal of the person who prepared the **site plan**;
 - (e) The surveyed boundary lines of any parcel, or portion thereof, that will contain the proposed **tower**;

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (f) The general location of boundary lines of any parcel or portion thereof within a radius from the **tower** base equal to the proposed **tower** height;
 - (g) The names and tax parcel identification numbers of all owners of property immediately adjacent to any parcel containing the **tower** site;
 - (h) All identifiable buildings and other **structures** (including existing **towers**) roads and **perennial streams** located on the parcel containing the **tower** site and within a radius from the **tower** base equal to the **tower** height;
 - (i) The **tower** base and the foundations for all support **structures**, all proposed buildings, **accessory structure**, and any other proposed improvements, including roads and utilities serving the proposed site;
 - (j) The ground elevation of the base of the proposed **tower**, to the nearest foot; and
 - (k) A structural engineering certification signed and sealed by an active, registered North Carolina professional engineer, certifying the structural integrity of the **tower** and the **tower** base. The **UDO Administrator** may accept, in lieu of the above, other documentation evidencing the structural integrity of the **tower** and the **tower** base.
- (R) Permit:
- (1) If a site **development** plan is determined to be in compliance with the standards set forth herein, then a permit shall be issued by the Board of Adjustment.
 - (2) The Board of Adjustment may approve by **special use permit** the construction of a **tower** which does not meet the standards of this section if evidence is provided which demonstrates that reasonable effort has been made to lease space on an existing **tower** or that no existing **tower** will technically satisfy the **applicant's** specific needs.
- (S) The **UDO Administrator** shall be responsible for the administration and enforcement of this section. Any **violation** of this section or any condition or requirement of the permit issued hereunder may be restrained, corrected, or abated as the case may be, by injunction or other appropriate proceedings in accordance with NCGS 160A-389, as amended.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.31 TEMPORARY USES

- (A) *Purpose.* It is the purpose of this section to recognize that there is a need for special allowances to be granted to certain **temporary uses** so that they may be permitted within the community. Because of the special problems related to **temporary uses**, it is also necessary to provide specific, separate, and distinct guidelines and standards for them. It is the express intent of these provisions to minimize any potential adverse impact of such **temporary uses** by eliminating, to the greatest possible extent, any major problems, threats, or dangers to the public health, safety, or welfare as may exist with any or all of these **temporary uses**.
- (B) *Permits.* A **Temporary Use** permit must be applied for and permitted before any **temporary use** may commence.
- (C) *Allowable Temporary Uses.* The following uses shall be allowed as **temporary uses**:
- (1) Circuses and/or carnivals.
 - (2) Evangelistic and religious related congregation.
 - (3) Outdoor bazaars, cookouts, and/or similar activities by churches or other nonprofit institutions and organizations.
 - (4) Open lot sales area for Christmas trees or special fund raising sales for nonprofit organizations.
 - (5) Antique and classic auto and truck shows sponsored by nonprofit organizations. Food vendors and auto part vendors are permitted as part of the show.
 - (6) Outdoor weddings using **tents**.
 - (7) Conventions held in approved convention centers may use indoor and outdoor vendors.
 - (8) Contractors' offices and/or construction sheds including mobile offices for displaced or contractors during construction on the site.
 - (9) Temporary real estate sales office.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (10) Temporary relocation manufactured housing for displaces as a result of natural or man-made disasters or public sponsored redevelopment projects in a neighborhood or area.
 - (11) Temporary special sales or "flea" markets in nonresidential districts (occasional sidewalk or **parking lot** sales).
 - (12) Other temporary recreational or entertainment-related events or activities such as fairs or concerts.
- (D) *Standards.* The following guidelines shall apply to all the allowable **temporary uses**:
- (1) A letter of intent outlining the dates, location, use, duration of use, owner, operator, and other pertinent information shall be submitted along with the other requirements of this Ordinance to the **UDO Administrator** prior to issuance of a permit. Such letter, upon final acceptance, shall be the commitment to comply with the requirements contained herein and the conditions outlined therein by the responsible party of such use.
 - (2) The **UDO Administrator** shall inspect and approve the installation of all **temporary uses** prior to any use of the facility.
 - (3) For circuses, carnivals, bazaars, evangelistic, or religious congregations, open lot sales, fairs, or special entertainment events, and special sales, each permit **applicant** shall submit a parking and traffic plan which shall include the following:
 - (a) Indication of area to be used by operators= vehicles and customers;
 - (b) Designation of entrances and exits, traffic flow, and parking areas;
 - (c) Total number of parking spaces available;
 - (d) Estimated number of customers or participants;
 - (e) Traffic control measures. The **applicant** shall also submit a plan for compliance with the Noise Control Ordinance as contained in Chapter 94 of the Town Code. Permitted hours of operation for circuses, carnivals, bazaars, fairs and special entertainment events are set forth by the Town Administrator.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (4) If a **temporary use** is to be installed for six (6) months or more, the facility shall be connected to Town water and sanitary sewer in accordance with the ordinances and policies of the Town of Sunset Beach. Otherwise, approved portable toilets shall be provided.
- (5) Where a **tent** or similar **structure** is to be used, the following requirements or documentation shall be met:
- (a) A limitation on the number of occupants in a **structure** shall be observed as per the NC Fire Code and Building Code.
 - (b) In conjunction with an occupancy limit, a seating plan, if seating is provided for an audience, must also be submitted and approved by the Fire Marshall.
 - (c) If a **tent** is to be used for human occupancy, a certificate of insurance must be submitted which will cover liability on the part of the **applicant** or sponsor in the event of an accident.
 - (d) A certificate of flame resistance shall be submitted which will provide assurance that the **structure** has been properly treated with flame retardant and has been maintained as such.
- (6) Where temporary **structures, tents, mobile offices, accessory uses, existing structures,** or similar uses are required in connection with the **temporary use,** a sketch plan or layout generally drawn to scale shall be submitted and shall show the location or placement of the **temporary uses, structures, and accessory uses** in conjunction with adjacent **streets, parking, attendant accessory uses, existing or proposed structures,** and traffic movement or flow pattern, and entrances and exits.
- (7) The following additional conditions or requirements shall apply for each permitted **temporary use:**

Use	Maximum Allowed Time Duration Per Each Separate Use or Event Per Site
Circuses or carnivals	14 days
Evangelistic and religious related congregations	14 days
Outdoor bazaars	3 days

ARTICLE 7. SUPPLEMENTAL REGULATIONS

Use	Maximum Allowed Time Duration Per Each Separate Use or Event Per Site
Open lot sales of Christmas trees or special fund raising sales for residential districts for nonprofit organizations	45 days
Antique and classic auto and truck shows	2 days
Outdoor weddings	3 days
Conventions held in convention centers	21 days
Contractor=s offices, construction sheds, or mobile office for displaces during construction	During construction period only
Temporary housing, manufactured	18 months, unless authorized longer by Council
Temporary real estate office	5 years or until 80% of subdivision lots are sold, whichever is first
Fairs or other special recreational or entertainment events	1 day except 14 days for annual events
Special sales or temporary Aflea@ markets	7 consecutive days or 2 consecutive weekends

- (8) The following additional requirements shall apply:
- (a) *Temporary Real Estate Office.* The office or required **accessory uses** shall not be equipped or used for **dwelling** purposes including but not limited to sleeping and major cooking activities.
 - (b) Temporary offices or sheds during **construction activity.**
 1. Set back from right-of-way a minimum of twenty-five (25) feet.
 2. Must be tied down per Building Code.
 3. May not be occupied overnight.
 4. Such use may be placed on the proposed construction site no earlier than one (1) month prior to construction and must be removed no later than one (1) month following completion of the construction.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

5. Temporary accommodations for displacees shall be allowed only on the construction site and for the specific purpose of providing temporary relocation office or work/activity space required during construction activities involving renovation, expansion, or reconstruction of an existing facility. Such temporary facilities for displacees shall not apply to residential renovation, expansion, or reconstruction except as allowed in this section and such facilities shall not be used for residential **dwelling** purposes.
 - (c) *Fairs or Related Temporary Recreational or Entertainment Events.* Fairs or similar events which usually occur on an annual basis are allowed in nonresidential districts and public parks.
 - (d) *Temporary Housing.* Manufactured housing; nonpermanent facilities for displacees as a result of a natural or man-made disaster or a publicly sponsored redevelopment or rehabilitation project in a neighborhood or area shall be allowed provided they meet the following requirements:
 1. The manufactured housing must be sited in accordance with the following dimensional requirements:
 - a. Each manufactured housing space shall have a minimum area of four thousand (4,000) square feet.
 - b. Minimum clearance between each manufactured housing unit shall be fifteen (15) feet.
 - c. Each manufactured housing unit shall have a minimum **setback** of fifteen (15) feet from any **street** right-of-way, as applicable.
 - d. Each manufactured housing unit shall have a minimum **setback** of twenty (20) feet from all exterior boundary lines of the site, as applicable.
 - e. Each manufactured housing unit shall have a minimum **setback** of twenty (20) feet from any building within the site, as applicable.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

2. All manufactured housing units shall be connected to city utilities for water and sanitary sewer if available, or a State-approved septic system.
3. Off-street parking to accommodate a minimum of one (1) car per manufactured housing unit must be provided on the site.
4. All manufactured housing units shall be removed from the site within thirty (30) days after completion of the rehabilitation work.
5. Adequate provision shall be made for solid waste management in compliance with Town ordinances and policies.
6. The **Town Council** has by formal action designated such area as a redevelopment area or a disaster area within specifically defined boundaries and under specific conditions as determined by the **Town Council**.

SECTION 7.32 NON-MOTORIZED WATERCRAFT RENTAL BUSINESS

A business engaged in the rental of non-motorized personal watercraft may be allowed pursuant to the use tables provided in Section 6.04, provided that the business is operated within the requirements specified below:

- (A) An office facility in a permanent **structure** must be maintained for business activities such as rental transactions, storage of business records, supplies, and accessory equipment.
- (B) Launch and recovery **site plans**, if applicable, must be submitted to and approved by the **Planning Board**. The plans shall include written documentation indicating that the **applicant** has the legal right to the use of the sites for launching and recovery of watercraft.
- (C) A plan for off-street parking at the office facility and at the launching and recovery sites or as otherwise allowed in Article 9, Part II, must be submitted to and approved by the Board of Adjustment. The **applicant** must submit written documentation indicating that the **applicant** has the lawful right to use the designated sites for off-street parking.
- (D) Only routine maintenance (minor repairs and adjustments) that does not create any unreasonable sounds or odors may be done at the office location or at the launch and recovery sites.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (E) The hours of operation permitted for leased watercraft shall be from no earlier than 7:00 AM until no later than sunset during any given day.
- (F) The **applicant** must demonstrate that it possesses all necessary and required state and federal licenses, permits, and the like for its equipment and the operation of said watercraft rental business.

SECTION 7.33 DESIGN CRITERIA FOR MIXED USE DISTRICTS (SEE APPENDIX B)

- (A) In order for the mixed use districts to function, they must have definable edges and not be allowed to extend into highway strips. Absolute boundaries for this district must be established. To ensure this, mixed use districts shall not exceed one hundred (100) acres.
- (B) In order to qualify as a mixed use district, a project must meet the following requirements:
 - (1) The site must contain not less than fifty (50) contiguous acres or more than one hundred (100) contiguous acres.
 - (2) The entire site must be subject to a master declaration of restrictions and design guidelines recorded in the **Brunswick County Register of Deeds** Office prior to any conveyance of the property or portion thereof from the single owner and prior to the issuance of any type of building or other **development** permit. Prior to the recording of the master declaration and guidelines, the declaration and guidelines must be reviewed and approved by the **Planning Board** to ensure that the entire site will be developed in compliance with the requirements of the mixed use district. Any changes or modifications to the master declaration or guidelines must be approved by the **Planning Board** prior to recording to ensure compliance with Town ordinances.
 - (3) Under no circumstances shall the **height** of any building exceed fifty (50) feet.
- (C) All other dimensional requirements as set forth in documents referenced as the master declaration of restrictions and design guidelines shall be adopted and incorporated in full into the UDO.
- (D) Following the pre-application conference with the **Planning Board** and **UDO Administrator**, a mixed use district **development** application can then be submitted by the petitioner. This application shall take into consideration the comments received in the pre-application conferences. An application shall be filed with the **UDO Administrator** at least ten (10) working days prior to the application's presentation to the **Planning Board**

ARTICLE 7. SUPPLEMENTAL REGULATIONS

and **UDO Administrator**. An application for a mixed use district shall contain a boundary survey and legal description of the areas prepared and certified by a registered state land surveyor not more than six (6) months prior to the application, showing thereon the total acreage to the nearest one one-hundredth of an acre, a true north point, and the date of preparation.

- (E) The following provisions shall be required:
- (1) All **lots** shall share a **frontage** line with a **street**, square, courtyard, or park.
 - (2) All buildings shall have their main entrance opening onto a **street**, square, courtyard, or park with the exception of the one (1) allowable **accessory structure**.
 - (3) No minimum **lot area**, **lot width**, or **lot depth** shall be required. As it is the intent of this Ordinance to create a pedestrian sidewalk environment, the positive relationship of the **structure** to the **street** also requires there be no minimum **setback** from the **street**. It is, however, the intent of this section to create a variety of streetscapes with differing dimension as appropriate to the uses. For example, areas of townhomes located on a commons might have no **setback** while detached homes outside of the centers might have substantial **front yards**. These dimensions, however, shall comply with the **development** plan as approved by **Planning Board** and **Town Council** as required by the mixed use district **regulations**.
 - (4) **Lots** that have **frontage** along a major State Department of Transportation thoroughfare shall have a minimum **setback** measured from the **street** right-of-way of thirty (30) feet at the time of district approval. This **setback** shall be clear of all pavement and **structures** with the exception of driveways, which shall cross the **setback** as close as practical to perpendicular.
- (F) (1) **Streets** serve as the main public space containing sidewalks, trees, lighting, **signs**, and buildings.
- (2) Pedestrian activity is encouraged by a larger height to width ratio of the **street** to the building lines. A height of one (1) and width of three (3) is the average desired ratio. A ratio of one (1) to six (6) is the absolute maximum because as the **street** gets wider it loses its spatial definition and is undesirable from the pedestrian perspective. If buildings are set back from the road along parkways beyond this threshold, **street** trees shall be used to increase the vertical definition.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (3) A schematic plan of existing and proposed utilities drawn at a scale of not less than one (1) inch equals one hundred (100) feet, showing:
- (a) Sanitary and storm sewer systems, with individual tap locations designated; and
 - (b) Water supply systems.
- (G) A schedule for **development** of the proposed mixed use district **development**.
- (H) A narrative description of the character of the proposed mixed use district.
- (I) Proposed agreements, provisions, or covenants which will govern the use, maintenance and protection of the mixed use district and any of its common **open space**, recreation areas and facilities.
- (J) Information on the type and amount of ancillary and non-residential uses in a residential **development**, including the amount of common **open space**, recreational areas, and facilities.
- (K) Present tract designation including book and page, according to official records in the **Brunswick County** Office of the **Register of Deeds**.
- (L) Title under which the proposed **development** is to be recorded and the names and addresses of all owners.
- (M) Architectural renderings illustrating the general character of a typical proposed **structure(s)** within the mixed use district illustrating the intended thematic nature of the architecture.
- (N) All necessary documentation to submit a mixed use district application to the Town **Planning Board**.
- (O) A drawing of the site illustrating the project boundary. A **buffer** shall be provided to adjacent single-family residences in accordance herewith consisting of either a planted berm or a **fence** or wall as detailed in this section.
- (P) This district is permitted within the community along a major thoroughfare, minor thoroughfares, or collector **streets** having adequate access.
- (Q) **Streets** may be either public or private but must be adequately designed and constructed for the anticipated traffic and must conform to Town specifications.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (R) Other information deemed necessary by the *UDO Administrator*.

SECTION 7.34 OPEN SPACE REQUIREMENTS FOR SINGLE-FAMILY DEVELOPMENTS

- (A) All single-family residential projects with more than ten (10) lots and/or dwelling units shall provide open space in conformance with this section. A subdivision or project may not be developed in phases in order to avoid the requirements set forth herein. If the total number of lots and/or units in the entire subdivision or project exceeds ten (10), this section shall apply even though the number of lots and/or units in a particular phase is less than ten (10). If a phased subdivision is proposed, the required open space will be based on the total acreage of all phases of the subdivision. The open space shall be dedicated before final approval of each phase.
- (B) *Amounts of Open Space to be Provided.* At least fifteen (15) percent of the total net area of a subdivision shall contain open space as specified herein.
- (C) *Open Space.*
- (1) Not more than ten (10) percent of the total area of required open space shall be occupied or covered by impervious surfaces, provided, however that the following shall not be counted within this limitation:
- (a) Walking trails, bike paths, sidewalks and cart paths.
 - (b) Recreational amenities.
 - (c) The minimum parking area as required by Town Ordinance for approved recreational amenities that are classified as open space.
- (2) In order to be included in the calculation for required open space, the following criteria shall be satisfied.
- (a) All open space shall have a minimum horizontal dimension of fifty (50) feet except that walking trails, bike paths, and sidewalks shall have a minimum horizontal dimension of eight (8) feet.
 - (b) Each individual open space shall contain a minimum area of at least five thousand (5,000) square feet unless a smaller area is specifically approved as to its size and layout by the Planning Board, after considering the size of

ARTICLE 7. SUPPLEMENTAL REGULATIONS

the project, the particular type of open space involved and the physical characteristics of the land.

- (c) Except as otherwise provided in this section, open space shall be accessible to all owners of property in the subdivision and the plat shall identify and depict said access to the open space.
- (3) Uses of open space may include the following:
- (a) Conservation areas for natural, archeological, or historical resources.
 - (b) Wooded natural areas used for passive uses.
 - (c) Walking or bicycle trails.
 - (d) Water bodies provided, however, that no more than fifty (50) percent of the required open space can be made up of water bodies. Public Trust Waters as defined in 15A NCAC 7H cannot be counted as required open space.
 - (e) Other conservation-oriented uses compatible with the purposes of these regulations.
 - (f) Up to one hundred (100) percent of a golf course within the proposed subdivision may be included in the calculations for useable open space, provided that property owners are allowed access to cart paths.
 - (g) Ballfields and playgrounds.
 - (h) Community gardens.
 - (i) Easements for underground utilities and drainage not located in the road right-of-way.
 - (j) Recreational amenities such as community centers, tennis courts, community swimming pools, and other similar facilities used in common and made available to the residents of the entire subdivision.
 - (k) Sidewalks located within the road right-of-way.
 - (l) Easements for drainage or underground utilities.

ARTICLE 7. SUPPLEMENTAL REGULATIONS

- (m) The minimum parking area as required by Town Ordinance for approved recreational amenities which are classified as open space. Any parking area in excess of the minimum required area shall not count as open space.
- (4) Open space does not include the following:
 - (a) Road right-of-ways and impervious surfaces, except as specifically authorized hereinabove in subsection 7.34(C)(1).
 - (b) Agricultural and forestry activities.
 - (c) Easements for above ground utilities.
 - (d) Required buffer areas.
 - (e) Any area defined as wetlands 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 except that the actual square footage of approved walkways or viewing areas that pass through the wetland area can be counted at two hundred (200) percent toward the open space requirement.
- (D) *Legal Instrument for Permanent Protection.* All required open space must be properly set out, identified, and irrevocably dedicated to all lot owners in the subdivision on both the preliminary and final plats for the subdivision. Said plats must depict legal access for all lot owners to the required open space areas. In addition, prior to approval of the final plat, the developer must record restrictive conditions or covenants limiting the property identified as open space to the uses set forth herein as approved by the Town. The developer may place additional restrictions on the use of the open space areas provided that the additional restrictions do not conflict with the terms of this section. Notwithstanding anything in this section to the contrary, the developer or golf course operator of a golf course within the subdivision that is included in the required open space may restrict use and access to the golf course during the hours of operation or maintenance of the golf course to only its members or others as approved by the developer or golf course operator. In addition, the developer or golf course operator may at all times restrict or prohibit access to all playing areas of the golf course.