

**RESOLUTION  
BY THE  
CARTERET COUNTY BOARD OF COMMISSIONERS**

**WHEREAS**, the Board of Commissioners adopted the Carteret County Zoning Ordinance ("The Revised Zoning Ordinance") on the 15<sup>th</sup> day of June, 1990;

**WHEREAS**, the Board of County Commissioners on its own motion or by petition may amend, supplement, change or repeal the Carteret County Zoning Ordinance; and

**WHEREAS**, Carteret County Planning & Development Department requested text amendments to the Carteret County Zoning Ordinance to comply with Chapter 160D of the North Carolina General Statutes;

**NOW, THEREFORE**, be it hereby resolved that the Carteret County Board of Commissioners based upon the affirmative recommendation of the Carteret County Planning Commission adopt these text amendments to Carteret County Zoning Ordinance.

**ADOPTED**, this the 21st day of June, 2021.

ATTEST.



Rachel Hammer  
Clerk to the Board



Ed Wheatly, Chairman  
Carteret County Board of Commissioners

# **Carteret County Zoning Ordinance**

## **1000. ENACTMENT AND GENERAL PROVISIONS**

### **1001. Enactment.**

An ordinance establishing comprehensive zoning regulations for certain areas of the County of Carteret, North Carolina, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of North Carolina General Statutes ~~153A-340~~ 160D-702 through ~~153A-348~~ 160D-1405 inclusive, and for the repeal of any ordinance in conflict herewith.

### **1002. Purpose.**

The county commissioners deem it necessary for the purpose of promoting the health, safety, morals or general welfare of the county to enact such an ordinance. To achieve this end, the county commissioners have appointed a planning commission to recommend the boundaries of the various original conditional district

s and appropriate regulations to be enforced therein. As such, the planning commission has divided the county into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion throughout the county; to secure safety from fire, panic and other dangers; to promote health and general welfare, to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The planning commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county, and the planning commission has submitted its final report to the county commissioners. The county commissioners have given due public notice of hearings relating to zoning districts, regulations and restrictions, and have held such public hearings, and all requirements of the General Statutes of North Carolina, with regard to the preparation of the report of the planning commission and subsequent action of the county commissioners have been met.

### **1003. Adopting ordinance--An ordinance adopting a revision of the zoning ordinance of Carteret County.**

WHEREAS, the board of commissioners of Carteret County, North Carolina, has caused the Carteret County Zoning Ordinance to be revised and embodied in a text entitled "Carteret County Zoning Ordinance" dated the 15th day of June, 1990; and

WHEREAS, it is the intent and desire of the board of commissioners of the County of Carteret to adopt the "Carteret County Zoning Ordinance" dated the 15th day of June, 1990 (the "revised zoning ordinance") as the zoning ordinance effective for all properties in Carteret County, North Carolina;

NOW, THEREFORE, be it ordained by the board of commissioners of the County of Carteret, State of North Carolina, as follows:

- .1 The revised zoning ordinance, dated June 15, 1990, is hereby ordained as the "Carteret County Zoning Ordinance."
- .2 All of the provisions of the revised zoning ordinance shall be in force and effect on and after the effective date of this ordinance.
- .3 All zoning ordinances previously adopted by the board of commissioners of Carteret County and in force on the 15<sup>th</sup> day of June, 1990 and not contained in the revised zoning ordinance are hereby repealed from and after the effective date of this ordinance except as hereinafter provided in section 4.
- .4 The repeal provided in section 3 of this ordinance shall not affect any offense or act committed or done or any penalty of forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance, nor shall the repeal provided in section 3 affect any prosecution, action, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance.

Furthermore, the repeal provided in section 3 of this ordinance shall not affect any right, right-of-way or easement acquired or established in any street, road, highway or other public place within the county; any ordinance of the county providing for laying out, opening, altering, widening, relocating, straightening, acceptance or vacation of any street, road or highway within the county, an ordinance or resolution of the board of commissioners not in conflict or inconsistent with the provisions of this revised zoning ordinance or any previously approved plans or rights granted by the board of commissioners or other agencies of Carteret County, or permits validly issued and in full force and effect as of the effective date of this ordinance.

- .5 Sufficient copies of the revised zoning ordinance shall be maintained in the planning department of Carteret County for inspection by the public at all times during regular office hours. The enactment of this adopting ordinance coupled with availability of copies of the revised zoning ordinance for inspection by the public shall be deemed, held and considered to be due and legal publication for all provisions of the revised zoning ordinances for all purposes. The planning staff shall make adequate arrangements for all or any portion of the revised zoning ordinance to be copied by any person desiring a copy thereof.

## Carteret County Zoning Ordinance

- .6 Each section of the revised zoning ordinance is an independent section or part of a section and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.
- .7 The revised zoning ordinance shall take effect at 12:01 a.m. on the 18th day of June, 1990.

TABLE INSET:

/s/ \_\_\_\_\_  
CARL L. TILGHMAN, CHAIRMAN  
CARTERET COUNTY BOARD OF COMMISSIONERS

### 1004. Adopting ordinance--An ordinance adopting a zoning map for Carteret County, North Carolina.

WHEREAS, the board of commissioners of the County of Carteret, State of North Carolina, have by ordinance adopted a revised zoning ordinance entitled "Carteret County Zoning Ordinance" dated the 15th day of June, 1990 (the "revised zoning ordinance"); and

WHEREAS, said revised zoning ordinance is and shall be effective as of the 18th day of June, 1990; and

WHEREAS, the board of commissioners of Carteret County desire to adopt a new zoning map, affixing zones described in the revised zoning ordinance to all properties within Carteret County, North Carolina, which had been assigned zones prior to the adoption of the revised zoning ordinance; and

WHEREAS, it is the intent of the board of commissioners of Carteret County to assign zones described in the revised zoning ordinance to all previously zoned properties within Carteret County so as the uses which were allowed under the prior zoning ordinance of Carteret County correlate as closely as possible to the uses allowed under the revised zoning ordinance;

NOW, THEREFORE, be it ordained by the board of commissioners of the County of Carteret, State of North Carolina as follows:

- .1 The zoning map of Carteret County presented to the board of commissioners of Carteret County this date, which zoning map is entitled "Carteret County Zoning Map, dated June 15, 1990" is hereby designated the "Official Zoning Map of Carteret County," and is hereby adopted by the board of commissioners as the official zoning map of Carteret County.
- .2 All properties designated "PUD's" prior to the adoption of the revised zoning ordinance shall be entitled to retain the "PUD" zoning designation as an overlay upon the zone denoted on the Carteret County Zoning Map adopted hereby, notwithstanding any procedural or approval prerequisites required in the revised zoning ordinance, by submitting to the planning department of Carteret County a master plan for the property so designated within twelve (12) months of the effective date of the adoption of the Carteret County Zoning Map. The submission of such a master plan, and the acceptance thereof by Carteret County, shall not be deemed a waiver of any required subdivision, group housing or other specific requirement contained within any ordinance of Carteret County, but rather the submission of such plan shall only be effective as a waiver of the requirement for approval of a master plan. To the extent that the master plan as submitted fails to meet any substantive requirements of density or otherwise of the revised zoning ordinance, the submission of said plan shall grant no rights to construct or subdivide in accordance with said plan, except to the extent that valid permits for construction are or have been issued prior to the effective date of the revised zoning ordinance.
- .3 Any property designated a "Flexible PUD" prior to the adoption of the revised zoning ordinance shall retain all master plan approvals given prior to the date of adoption of the revised zoning ordinance, and all procedural prerequisites to the designation of a property as a "Flexible PUD" as set out in the revised zoning ordinance shall be waived as to such pre-designated "Flexible PUD's."

This Zoning Map of Carteret County shall be effective as of 12:01 a.m. on the 18th day of June, 1990.

TABLE INSET:

/s/ \_\_\_\_\_  
CARL L. TILGHMAN, CHAIRMAN  
~~CARTERET COUNTY BOARD OF COMMISSIONERS~~

### 1005. Jurisdiction.

These regulations govern the development and use of land and structures in all of the unincorporated areas of Carteret County, not to include the areas regulated by the Down East Conservation Ordinance (DECO) or any other governmental unit. These regulations do not apply to bona fide farms, except that non-farms may be regulated as per section 1007.

## **Carteret County Zoning Ordinance**

### **1006. Interpretation of zoning maps.**

Where uncertainty exists with respect to the boundaries of the various districts shown on the maps cited in section 1004, the following rules will be used to interpret the maps:

1006.1 In cases where a boundary line is located within a street or alley right-of-way, railroad or utility right-of-way or easement, canal, navigable or unnavigable water body, it will be considered to be in the center of the street or alley right-of-way, railroad or utility easement, canal or water body. If the actual location of such right-of-way, easement, canal, or water body varies slightly from the location as shown on the map, then the actual location will control.

1006.2 Where a district boundary is shown to approximately coincide with a property line or city limit line, the property line or city limit line will be considered to be the district boundary, unless otherwise indicated.

1006.3 In cases where a district boundary does not coincide or approximately coincide with any street or alley, railroad, water body or canal, or property line, and no dimensions are shown, the location of the boundary will be determined by the use of the scale appearing on the map.

### **1007. Bona fide farms exempt.**

This ordinance shall in no way regulate, restrict, prohibit or otherwise deter any bona fide farm and its related uses. Non-farm uses on a farm shall be subject to this ordinance.

### **1008. Zoning districts.**

For the purposes of this ordinance, a portion of the unincorporated territory of Carteret County as set forth in the accompanying zoning maps is divided into the following districts.

The hierarchy of zoning districts established by this ordinance is classified from highest to lowest in the order listed below:

- A. *RA (Rural Agricultural District)*. This district encompasses those lands that are primarily suited for agriculture, agriculturally-related uses, very low density residential, and/or woodlands.
- B. *R-35 (Low-Density Residential District)*. This district is suited for low-density, single-family residential dwellings.
- C. *R-20 (Low- To Moderate-Density Residential District)*. A single-family residential district established to maintain a density of approximately two dwelling units per acre.
- D. *R-15 (Moderate-Density Residential District)*. A single-family residential district established to maintain a density of approximately three dwelling units per acre that does not permit manufactured homes.
- E. *R-15M (Moderate-Density Residential District)*. A single-family residential district established to maintain a density of approximately three dwelling units per acre that permits manufactured homes.
- F. *R-10 (High-Density Residential District)*. A residential district established to maintain a density of approximately four dwelling units per acre that permits multi-family housing.
- G. *R-5W (Waterfront Residential District)*. A residential district developed exclusively for the Old Causeway Road area between Beaufort and Morehead City.
- H. *C-C (Church Campus District)*. A religious education and recreation use district intended to facilitate the orderly growth of church-related uses.
- I. *OP (Office And Professional District)*. A district established to provide planned office, institutional, and professional development complexes.
- J. *R-B (Residential Business District)*. A business district established to accommodate businesses near or adjacent to residential development, without adversely impacting the adjacent residential area.
- K. *B-3 (Planned Business District)*. A business district established to provide planned shopping center development.
- L. *B-2 (Marine Business District)*. A business district established for marine-related businesses.
- M. *B-1A (General Business District)*. A business district established to be a district between a general business district and a residential district. It is to accommodate businesses that are appropriate for an area containing some residential uses.
- N. *B-1 (General Business District)*. A business district established for retailing of merchandise and for conducting professional and business services.
- O. *MC (Planned Manufactured Home and Recreational Vehicle Park District)*. A district allowing for the development of manufactured home parks and recreational vehicle parks.
- P. *RCP (Recreational Camper Park District)*. A recreational district established to provide planned campground developments.
- Q. *LIW (Light Industrial Wholesale District)*. A district suited for the location of offices, warehouses, and other light industries on tracts of land where the operations involved do not detract from the development potential of nearby properties.

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- R. *P-I (Port-Industrial District)*. An industrial district developed exclusively for port-related manufacturing and storage activities.
  - S. *I-W (Industrial And Wholesale District)*. A district suited for the location of manufacturing and other related uses which would be incompatible with business and residential areas.
- (Amend. of 9-15-98(6); Amend. of 12-13-05(1); Amend. of 3-6-06(1); (Amended 5-17-12))

### **1009. Zoning affects every building and use.**

No building, structure or land may be used or occupied, and no building, structure or part thereof may be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with all the regulations of this ordinance for the district in which it is located, except as otherwise provided by this ordinance. However, the regulations in this ordinance do not apply to bona fide farms as defined in section 1100.

### **1010. Rounding off fractions.**

When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more will be rounded off and considered a whole unit. Fractions of less than one-half will be rounded off to the nearest lower number of units. For example, when the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, a fraction of one-half or more will be considered a dwelling unit and a fraction of less than one-half will be disregarded.

### **1011. Lots divided by zoning district boundaries.** (Amended October 15, 2007)

Dividing a lot by zoning district boundaries, also known as split zoning, is prohibited. All existing lots divided by zoning district boundaries shall be rezoned, which may include Conditional ~~Use~~ rezoning, or subdivided per code requirements prior to development.

For the purposes of this section, development shall mean any construction on a vacant parcel, any improvements requiring a building permit that result in at least a fifty (50) percent increase in the gross floor area on the parcel, any improvements requiring a building permit that result in at least a fifty (50) percent increase in the tax assessed value of all improvements on the property, or any new earth disturbance activity (except for a bona fide agricultural activity) that totals at least 1 (one) acre at that time.

### **1012. Reduction of lot area prohibited.**

No lot existing at the time of adoption of this ordinance may be reduced in its dimensions or area below the minimum requirements of this ordinance for the district in which it is located unless specifically authorized by other provisions of this ordinance.

### **1013. Every lot must abut a street.**

No building, structure or use of land for any purpose, except agriculture, may be placed on a lot which does not abut a street. The following sections list exceptions to this rule.

1013.1 A single-family detached dwelling may be constructed on a lot that does not abut a street, provided that the lot meets the terms of the Carteret County Subdivision Regulations or is a lot of record.

1013.2 Any structure approved under the group housing ordinance is exempt from this section.

### **1014. Interpretation and application of these regulations.**

In the interpretation and application of this ordinance, the provisions of the ordinance will be construed to be the minimum requirements adopted to promote the public health, safety, comfort, convenience and general welfare.

### **1015. Relation of this ordinance to other ordinances.**

It is not intended that this ordinance will in any way repeal, annul or interfere with the existing provisions of any law or ordinance except the zoning ordinance which this ordinance replaces. In addition it is not intended that this ordinance will in any way repeal, annul or interfere with any rules, regulations or zoning permits which were legally adopted or issued under previous ordinances for the use or development of land or structures.

### **1016. Zoning boundaries over surface waters.**

Since NCGS ~~153A-340 [G.S. 153A-340]~~ 160D-702, as amended, permits a county to regulate development over estuarine waters and over lands covered by navigable waters owned by the state pursuant to G.S. 146-12, within the bounds of that county, the zoning boundaries for waterfront parcels shall be extended linearly 400 feet waterward of the mean high-water mark. This water surface zoning shall not unreasonably infringe on the right to navigation protected by the federal government or on other rights, such as shellfishing rights, allowed by state government.

### **1017. Zoning district changes affecting the zoning maps.**

Upon the effective date of this ordinance, the R-50 (single-family residential district) zone shall be changed in name to RA (rural agricultural), and the C-I (planned mobile home and camp park district) zone shall be changed in name to MC (planned mobile home and camp park district). These changes do not constitute a change in the dimensional requirements or

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uses permitted within these districts. The USG zoning classification, which has been shown on the official zoning map but has never had any zoning requirements, shall be changed in name to P-I (Port Industrial District). (Amended 5-17-12)

### **1100. RULES OF CONSTRUCTION AND DEFINITIONS**

#### **1101. Rules of construction.**

This ordinance has been written so that the average citizen may use and understand its provisions. Efforts have been made to avoid the overuse of technical language where the meaning could be conveyed in another form. For the purposes of this ordinance, the following rules of construction and interpretation apply.

1101.1 Words used in the present tense include future tense.

1101.2 Words used in the singular number include the plural number and the plural number includes the single number unless the context of the particular usage clearly indicates otherwise.

1101.3 The words "shall," "must" and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.

1101.4 The word "may" is permissive.

#### **1102. Definitions.**

For the purpose of this ordinance, the following words and terms have the meanings specified in the following sections.

Terms not herein defined shall have the meanings customarily assigned to them.

*Abutting.* Sharing a common boundary line or separated by a publicly or privately dedicated road or right-of-way.

*Accessory building or structure.* A detached subordinate building or structure, the use of which is incidental and secondary to that of the principal building or use on the same lot or tract of land as the principal building or use. Under no circumstances shall an accessory building or structure be used for residential occupancy.

*Accessory use.* A subordinate use, clearly incidental and related to the principal structure, building or use of land, and located on the same lot as that of the principal structure, building or use.

*Adjacent.* Nearby, but not abutting.

*Adult establishments.* An adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult live entertainment business, or massage business as defined in this section. (Ord. of 12-6-93)

*Adult bookstore.* A bookstore:

- a. which receives a majority of its gross income during any calendar month from the sale of publications (including books, magazines, and other periodicals) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in G.S. 14-202.10.
- b. having as a preponderance of its publications books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in G.S. 14-202.10. (Ord. of 12-6-93)

*Adult live entertainment.* Any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined in G.S. 14-202.10. (Ord. of 12-6-93)

*Adult live entertainment business.* Any establishment or business wherein adult live entertainment is shown for observation by patrons. (Ord. of 12-6-93)

*Adult motion picture theatre.* An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in G.S. 14-202.10, for observation by patrons therein. "Adult motion picture theatre" does not include any adult mini motion picture theatre as defined in this section. (Ord. of 12-6-93)

*Adult mini motion picture theatre.* An enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in G.S. 14-202.10, for observation by patrons therein. (Ord. of 12-6-93)

*Adult uses.* An establishment which has a majority of its business which excludes minors by reason of age because of the sexually explicit nature of the material. Such establishments include, but are not limited to, adult bookstores, adult theatres (drive-in, picture and mini-picture), massage parlors, adult cabaret, etc.

*Animal hospital/veterinary clinic.* A place or facility which provides dental, medical or surgical care for dogs, cats and other domesticated animals. Kennels are not included within this definition.

*Apartment.* A room, or suite of two or more rooms, which is designed or intended for occupancy by, or which is occupied by, one family.

*Aquaculture.* The use of land for those activities which constitute the raising of seafood for commercial purposes.

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*Avocational farming.* The use of land for those activities which constitute general farming on less than five acres or which have sales less than \$3,000.00 for the preceding three years or which have less than ten acres of forest land for which a management plan has been prepared. Avocational farming includes the use of the land for the raising and keeping of animals, reptiles, etc., or the propagation of ornamental plants, fruits and vegetables in a manner which does not constitute specialized animal husbandry or specialized horticulture. Avocational farming does not include home gardening or the keeping of pets, both of which are allowed in any zone. Home gardening and the keeping of pets are customarily accessory uses to the primary use of the land.

*Auditorium.* A place of assembly to watch and/or listen to athletic events, musical performances, dramatic or dance performances, speeches and/or ceremonies. The term is intended to include such uses as stadiums, coliseums, athletic centers, theatres and arenas.

*Bed and breakfast.* See Boardinghouse.

*Billboard.* An outdoor advertising device, sign or display used to advertise information concerning a person, place or thing which is located offsite at another location.

*Boardinghouse.* A building other than a hotel where, for compensation, meals, or lodging and meals, are provided for five or more guests, but not exceeding nine guests. Bed and breakfasts shall be included in this definition.

*Boat.* A self-propelled registered or documented vessel or watercraft specifically designed to be self-propelled by engine, sail, oar, paddle or other means which is used to travel from place to place by water.

*Bona fide farm.* Any tract of land containing at least three acres which is used for dairying or the raising of agricultural products, forest products, livestock (domestic) or poultry, and may include facilities for the sale of such products on the premises where produced, provided that a farm shall not be construed to include commercial poultry and swine production, cattle feed lots and production of fur-bearing animals.

*Buffer.* A screening device used to moderate the adverse impacts of one land use upon another. Buffers may include walls, privacy fences, hedges, landscaped areas, berms, mounds, or combinations of the above. See section 1601. (Amended 11-19-07)

*Building.* A structure having a roof, supported by columns or walls, for the shelter, housing or enclosure of persons, animals or goods as per NC Building Code.

*Building height.* The maximum height of a building permitted on a lot. Building height is determined from the vertical distance as measured from the lowest adjacent grade to the building to the highest point on the building, excluding chimneys, antennas and similar structures (see Section 1604. Structures Permitted above the Height Limit). See Figure below. (Ord. of 1-10-00)

GRAPHIC LINK (not available):

*Building line.* A line formed by the surface of the ground and the closing wall of a building or portion thereof. Where eaves, carports, terraces, patios, enclosed courts, balconies, decks or other projections or appurtenances are portions of a building and extend beyond the enclosing walls of the building, the building lines shall be the outer face of such projections.

*Built-upon area.* That portion of an individual development project that is covered by impervious or partially impervious cover including buildings, pavement, recreation facilities, etc., but not including decking as defined in 15 NCAC 2H .1000 (stormwater runoff disposal).

*Business residence.* One structure consisting of both a residence and business activity. The residence must be physically attached to the business.

*Camp, seasonal.* A facility intended as a recreational/learning center for use by girl and Boy Scout groups or others where activities may include riding, swimming, tennis, hiking, crafts or the like. Camp facilities may provide sleeping and eating quarters or may be intended for day use only. Also called "summer camp."

*Caretaker.* A resident occupant on a business, industrial or mobile home park site who is intended to oversee the ongoing operations of said facility and remain on site continuously for security reasons.

*Church.* A structure in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

*Club or lodge, private.* An establishment operated by a corporation or association of persons for social, recreational, fraternal or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.

*Coastal Area Management Act (CAMA).* A state law as defined in G.S. 113A-100 which claims jurisdiction adjacent to coastal waters and other areas of environmental concern. CAMA permits are required for any land-disturbing activities which take place within a prescribed distance from the mean high-water mark.

*Commercial feeder operation.* An intensive animal raising operation that takes place within a building (e.g. chicken hatchery and swine production).

*Community center or civic center.* A new or existing facility that is owned or operated by a nonprofit group from the community for noncommercial activity.

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*Compactor, trash.* See trash receptacle. (Amended 11-19-07)

~~*Conditional use.* A use, allowed pursuant to section 3200, which, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Carteret County Board of Commissioners, and subject to special requirements different from those usual requirements for the district in which the conditional use may be located.~~

**Conditional Zoning District.** A legislative, site-specific zoning district subject to, implying, or dependent upon site-specific standards and conditions, and shall be requested by the applicant and approved by the Carteret County Board of Commissioners.

*Condominium.* Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interest in the common elements is vested in the unit owners.

*Condominium unit.* A physical portion of the condominium designated for separate ownership or occupancy, the boundaries of which are described pursuant to G.S. 47C-2-105(a)(5).

*Day care center.* An agency, organization or individual providing preschool instruction or daytime care to adults and/or children not related by blood or marriage, or not the legal wards or foster children of, the attendant adult at any place other than an occupied dwelling in which the occupant provides day care or any place which provides care for more than 15 children/adults.

*Day care center, family.* An occupied dwelling in which the occupant provides preschool instruction or daytime care to 6 to 15 children and/or adults not related by blood or marriage, or not the legal wards or foster children of, the attendant adult.

*Dedication.* A transfer of, or restriction of an interest in land, by the owner for a specified purpose or purposes. Because a transfer of property is entailed, dedication must be made by written instrument or by operation of law and is completed with an acceptance.

*Double frontage lot.* A lot, other than a corner lot, having frontage on more than one street.

*Drive-in service window.* A customer service facility designed for the convenience of the motoring public as an accessory part of an office or retail establishment which is intended to enable the customer to transact business with a salesperson located within the principal structure without exiting the motor vehicle. It is presumed that the motor vehicle exits the premises immediately upon completion of the business transaction.

*Drystack boat storage.* A dry dock boat storage facility. (Amended 3-19-07)

*Dumpster.* See trash receptacle. (Amended 11-19-07)

*Duplex.* A building designed, constructed or reconstructed for use as two dwelling units that are connected by a common structural or load-bearing wall. Also known as dwelling, two-family.

*Dwelling, single-family.* A building, or portion thereof, designed and constructed for use as one dwelling unit built according to the provisions of the NC Residential Building Code (Volume 1B). A single-family dwelling may contain an efficiency unit as defined in this section.

.1 *Detached.* A single-family dwelling that is unattached from another single-family dwelling.

.2 *Attached.* A one-family dwelling that is connected on at least one side by means of a common dividing structural or load-bearing wall to one or more other one-family dwellings.

*Dwelling, multifamily.* A building designed, constructed or reconstructed, and used for three or more dwelling units. (Amended 7-19-2010)

*Dwelling unit.* A room or group of rooms, including mobile homes and modular units, forming a single independent habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating by one family; for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, and containing independent cooking, sanitary and sleeping facilities. Units otherwise meeting this definition but occupied by transients on a rental or lease basis for periods of less than one week shall be construed to be lodging units.

*Easement.* A grant of rights by a property owner to another entity to make limited use of a portion of real property for a specified purpose.

*Efficiency unit.* An additional dwelling unit within a single-family dwelling that shall be allowed in all residential zones if the following criteria are met:

1. The efficiency unit contains no more than 25% of the gross heated and/or cooled floor area of the total dwelling;
2. The lot meets the minimum lot size requirements of the zoning district in which it is located. See section 3101.

*Equipment rental and storage.* Any machinery (including but not limited to tractors, lifts, skid steers, excavators), tools, vehicles, trailers (utility/hauling), or other items necessary for construction or other related practices. (Added 3-21-16).

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*Family.* An individual, or two or more persons related by blood, marriage or adoption living together as a single housekeeping unit; or a group of not more than six persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit.

*Family care home.* A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons. (Handicapped person means a person with a temporary or permanent physical, emotional or mental disability, including but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments, but not including mentally ill persons who are dangerous to others.)

*Fence.* A structure, other than a building, that is a barrier and is used as a boundary, screening, or means of protection or confinement. This definition includes chain-link, split rail, and other types of open fences, unless otherwise specified. A fence functions like a fence but is usually 6 inches or thinner. (Amended 11-19-07)

*Fence, privacy.* A fence with no gaps in the structure that are wider than one-quarter inch, except at the edges of the gate. A privacy fence is usually made from solid materials including, but not limited to, brick, masonry products, and wood. (Amended 11-19-07)

*Fishing ranch.* A pond or lake, or series thereof, used for the extraction of fish for recreational purposes and opened to the general public on a commercial basis, not to include hatchery facilities or operations.

*Floating structure (floating home).* Any structure, not a boat, supported by means of flotation, designed to be used without a permanent foundation, which is used or intended for human habitation or commerce. A structure will be considered a floating structure when it is inhabited or used for commercial purposes for more than thirty days in any one location. A boat may be deemed a floating structure when its means of propulsion has been removed or rendered inoperative and it contains at least 200 square feet of living space area. (15 NCAC .07M.0600)

*Floor area, gross.* The sum of the horizontal areas of the several floors of the building, or portion thereof, devoted to such use.

*Floor area, net.* Net floor area shall equal gross floor area minus floor area devoted primarily to storage purposes.

*Golf course.* A tract of land designed and laid out for the game of golf, involving accessory uses and buildings.

*Government uses.* All public service uses/buildings at the federal, state, and local levels. Local to include city, county, sanitary districts and service districts. (Ord. of 6-1-92)

*Group care facility.* A facility licensed by the appropriate state agency as a group care facility for from seven to fifteen unrelated individuals, excluding supervisory personnel, who are handicapped, aged or disabled and are undergoing rehabilitation, or extended care, and are provided services to meet their specific needs. This category includes group homes for all ages, half-way houses, foster and boarding homes.

*Group development.* One or more principal structures built on a single lot, tract or parcel of land and designed for occupancy by more than one separate family, firm, business or other enterprise.

*Group home.* A residential home provided by an agency, organization or individual for persons who need sheltered living conditions for rehabilitation or extended care purposes.

*Health services.* Establishments of licensed practitioners, or licensed persons independently practicing a profession, primarily engaged in rendering medical, surgical and other health-related and allied personal care services in the health field (e.g., physicians, physical therapists).

*Home for the aged.* An agency, organization or individual providing care for three or more sick or aged persons not related by blood or marriage to the operator.

*Home occupation.* (Amended 12-19-2011) An occupation, service, profession, or enterprise carried on by resident members of a family and not more than two non-resident employees. An accessory use of residential property that is clearly incidental and subordinate to the principal residential use of the property. Kennel, vehicle repair, veterinarian, and wrecker services are not a home occupation. A home occupation does not include any use that stores materials, supplies, and the like anywhere except within a completely-enclosed structure that is customary to a residential use.

*Home occupation (Major).* (Added 12-19-2011) A home occupation that has or might have a noticeable impact on the surrounding residential area, as determined by the Planning Director or designee, such as:

- a. Bed-and-breakfast residence.
- b. Business and installation services that use or house 2 (two) or more trucks and/or utility trailers on the property, including (but not limited to) appliance repair, computer services, construction services, electric contractors, heating and/or air conditioning, lawn care and/or landscaping, painting, pest control, pool services, plumbing, remodeling, roofing, satellite TV service, solar panels installation, tool suppliers, vending machine resuppliers, and wind turbines installation.
- c. Day-care for 7 (seven) or more individuals, whether adults or children.

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- d. Personal business with more than 1 (one) non-resident employee that provides one or more of the following types of services: advertising, answering services, bookkeeping, burglar alarms, consultant services, customer service representative, financial advice, housekeeping service, insurance services, internet services, legal services, locksmith, software development, on-line retail (depending on whether pick-up and/or delivery is off-site or on-site), pet-grooming, real estate management, real estate office, résumé service, seamstress, secretarial services, septic and sewer services, staffing service, tax service, taxi cab services, and travel agencies.
- e. Professional services, including (but not limited to) barbers, beauticians, dental facilities, medical facilities, nails, photographers, physical therapy facilities, and tattoos.
- f. Home occupation that requests or uses a sign.
- g. Other, as determined by the Planning Director or designee

*Home occupation (Minor).* (Added 12-19-2011) A home occupation that has little or no impact on the surrounding residential area, as determined by the Planning Director or designee, such as:

- a. Business and installation services that use or house not more than 1 (one) truck or 1 (one) truck with utility trailer on the property, including (but not limited to) appliance repair, computer services, construction services, electric contractors, heating and/or air conditioning, lawn care and/or landscaping, painting, pest control, pool services, plumbing, remodeling, roofing, satellite TV service, solar panels installation, tool suppliers, vending machine resuppliers, and wind turbines installation.
- b. Day-care for 6 (six) or fewer individuals, whether for adults or children.
- c. Home craft businesses, including (but not limited to) artists, sculptors, and dressmakers.
- d. Instructional services, including (but not limited to) music, art, dance, personal training, tutoring, and voice.
- e. Personal business with no more than 1 (one) non-resident employee that provides one or more of the following types of services: advertising, answering services, bookkeeping, burglar alarms, consultant services, customer service representative, financial advice, housekeeping service, insurance services, internet services, legal services, locksmith, software development, on-line retail (depending on whether pick-up and/or delivery is off-site or on-site), pet-grooming, real estate management, real estate office, résumé service, seamstress, secretarial services, septic and sewer services, staffing service, tax service, taxi cab services, and travel agencies.
- f. Other, as determined by the Planning Director or designee

*Home occupation, traditional.* Traditional and/or historic home occupations unique to given areas including, but not limited to, small craft wooden boat builders, fishermen, wood carving, artisan, food canning, and the like that are conducted on-site and may be conducted in an accessory structure. (Amended 12-19-2011)

*Horticulture, specialized.* The use of land for the propagation of ornamental plants and other nursery products such as bulbs, florist greens, flowers, shrubbery, flower and vegetable seeds, plants and sod and fruits and vegetables grown primarily under cover (e.g., greenhouses).

*Hotel, motel, motor lodge, motor inn, inn, tourist court.* A building or group of attached or detached buildings containing, in combination, ten or more lodging units or ten or more dwelling units intended primarily for rental or lease to transients by the day or week, as distinguished from multi-family dwellings, roominghouses, and residential hotels in which rentals and leases are for weekly or longer periods and occupants are generally residents rather than transients.

*Hotel, residential.* A building or group of attached or detached buildings containing, in combination, five or more lodging units available for occupancy only for periods of thirty days or longer, provided, however, that temporary lodging units for guests of regular tenants may be provided in any residential hotel, with the number of such units limited to ten percent of the number of tenant lodging units.

*Junked or wrecked motor vehicles.* Motor vehicles which do not display a current license plate or a current registration sticker and which do not display a current inspection sticker issued by or in the same state as the license plate or registration sticker and which either:

- .1 Are partially dismantled or wrecked; or
- .2 Cannot be self-propelled or moved in the manner in which originally intended.

*Junkyard.* An establishment operated or maintained for the purpose of storing, dismantling, salvaging, recycling, buying or selling scrap or used materials such as paper, metals, rubber, rags, glass, wrecked, used or dismantled products and articles such as machinery, vehicles, appliances and the like.

*Kennel.* A place or facility prepared to house, board (for a long or short time period), breed, handle, train or otherwise keep or care for dogs and cats belonging to the owner or occupant of the property, customers, patrons or others, including lost or strayed animals, for compensation or as a humanitarian gesture. Facilities which provide dental, medical or

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surgical care are exempt from this definition, as well as facilities which breed animals exclusively for the purpose of hunting, showing or bettering blood lines for AKC registration.

*Landfill.* A site within which is deposited solid waste material, including trash, construction debris, stumps, branches and limbs, garbage and industrial waste.

*Lodging unit.* A room or rooms connected together, constituting a separate lodging for one family only, physically separated from any other rooms or dwelling or lodging units. Where two or more rooms are connected by a doorway or doorways, and arranged, equipped and furnished in such a manner that they might reasonably be rented, leased or occupied, either individually or in combination, each room shall be construed as a lodging unit (e.g., hotel and motel rooms).

*Lot.* A portion of a subdivision, or any other parcel of land intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of the lot, no part of the right-of-way of a road may be included.

*Lot area.* The total horizontal area within the lot lines of a lot exclusive of street or highway rights-of-way and/or property below the mean high-water mark.

*Lot, corner.* A lot which occupies the interior angle at the intersection of two street lines which make an angle of less than 135 degrees with each other.

*Lot line, front.* In the case of an interior lot, the lot line separating said lot from the street; in the case of a corner lot or through lot, the lot line separating said lot from that street which is designated as the front street in the request for a building permit.

*Lot line, rear.* The lot line opposite and most distant from the front lot line; in the case of irregularly shaped lots, such lot line shall be an imaginary line parallel to the front line but not less than ten feet along and measured within said lot.

*Lot line, side.* Any lot line which is not a front or rear lot line; a lot line separating a lot from a side street is an exterior side lot line, while a lot line separating a lot from another lot or lots, is an interior side lot line.

*Lot, nonconforming.* A lot of record existing at the time regulations were passed requiring greater minimum width or area than provided on such lot, or establishing other limitations which such lot does not meet. Such lots may be considered substandard lots of record.

*Lot, non-legal for zoning purposes.* A lot which does not meet the requirements of a nonconforming lot and is substandard. No such lot shall be used or occupied until it is made to conform to the requirements of this ordinance and other applicable regulations (e.g., a lot which is illegally subdivided and does not meet the minimum lot size requirement for the district in which it is located).

*Lot of record.* A lot which is part of a subdivision, a plat of which has been recorded in the office of the register of deeds of Carteret County prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been recorded prior to the adoption of this ordinance.

*Lot width.* The distance between the side lot lines, measured along the front setback line as established by this ordinance.

*Mail order house.* Establishment primarily engaged in the retail sale of products by catalog and mail order, and including catalog and order taking offices.

*Manufactured home.* See Mobile home.

*Marina, commercial.* Any dock or basin and associated structures providing permanent or temporary commercial harboring of ten or more commercial and/or pleasure boats on a primarily rental basis and providing services related to the facility including, but not limited to, fuel sales, retail and food sales, drystack boat storage, and other related services. Pump-out facilities are required at commercial marinas. See section 3117. (Amended 3-19-07)

*Marina, residential.* A private, nonprofit boating facility including permanent or temporary docks, piers and/or launching ramp planned for the harboring or storing of ten or more boats on property having water frontage, the use of which is intended to serve primarily the residents within an approved subdivision or planned unit development. The facility is intended to serve units that have a legal interest in the subdivision. No commercial activities of any kind shall be allowed within the confines of the facility. This shall include, but is not limited to, drystack boat storage, fuel sales, slip rentals and the like. Pump-out facilities shall be required. See section 3105.

*Massage.* The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

(Ord. of 12-6-93)

*Massage business.* Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors.

(Ord. of 12-6-93)

*Mobile home.* A structure over 32 feet in length and over 8 feet wide which is transportable in one or more sections, built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. The term "mobile home" does not include a "recreational vehicle." Also known as manufactured home.

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*Mobile home park.* A parcel of land, more than three acres, under single ownership which has been planned and improved for the placement of two or more one-story modular homes on-frame or chassis or mobile homes for dwelling purposes. This definition shall not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sale. (Amended 2-15-10)

*Mobile home space/lot.* A parcel of land occupied or intended to be occupied by one and only one single-story modular home on-frame or chassis or mobile home for the exclusive use of the occupants of said mobile home or modular home. Mobile home space shall also mean a parcel of land in a mobile home park provided with the necessary utility connections, patio, and other appurtenances necessary for the erection thereon of only 1 (one) single-story modular home on-frame or chassis or mobile home, and for the exclusive use of the occupants of said mobile home or modular home. (Amended 2-15-10)

*Mobile home stand.* That part of an individual mobile home space which has been reserved for the placement of the mobile home and additions or attachments thereto.

*Model unit marketing center.* A model unit marketing center shall be defined as a model unit, including model homes, mobile homes and group housing units, located within a particular development project only for the marketing and sales of said approved development project. See section 3122.

*Modular home.* A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of 2 or more sections, or a series of panels or room sections erected or joined together on the site. (Amended 2-15-10)

*Motor vehicle repair garage.* An establishment where the following services are available: major mechanical repairs, including engine overhaul and transmission work. Repair garages can also offer services similar to service stations.

*Motor vehicles service station.* An establishment where gasoline, diesel oil and/or other fuel for internal combustion engines is supplied and dispersed at retail. A service station is not a repair garage nor a body shop. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles or trucks not in operating condition or other operations involving noise, glare, smoke, fumes or other characteristics to an extent greater than normally found in service stations.

*Mound.* A rounded hill, natural formation, or man-made bank or hill of earth and/or stones. (Amended 11-19-07)

*Non-conforming building or structure.* An existing building or structure which does not comply with this ordinance either at the effective date of this ordinance or as a result of subsequent amendments which may be incorporated in this ordinance.

*Non-conforming use.* The use of a building, structure or lot for a purpose that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments which may be incorporated in this ordinance.

*Non-profit educational cooperative.* An organization operated on a nonprofit basis whose purpose is to acquire, produce and distribute instructional materials for the benefit of its member institutions. Membership consists primarily of fully accredited schools of health, education, social, legal environmental and/or engineering sciences in institutions of higher learning. Onsite faculty development workshops and fellowship training programs may also be provided as part of the organization's purpose.

*Nursing/convalescent home.* A facility, licensed by the appropriate state agency for the care of aged or infirmed individuals, that meets the requirements set forth in this ordinance.

*Overnight recreational vehicle and/or camping vehicle storage:* An open area for the storage of RV's, trailers, and/or camping vehicles. (Added 9-21-15).

*Package treatment plant.* Privately or publicly owned and operated sewage treatment facility. These plants are prefabricated by the manufacturer and delivered as completed units to the clients.

*Parking deck, automobile.* A special structure of two or more levels designed to be used for the temporary storage of motor vehicles. A parking deck shall be constructed according to the required building and fire codes.

*Parking space.* A parking space is defined as an off-street space available for the parking of motor vehicles. A standard parking space must have minimum dimensions of 10 feet in width and 20 feet in length with a total minimum area of 200 square feet. This area does not include any passageways and driveways used for access to the space or spaces. Where there are lots designed to accommodate more than ten vehicles, up to 25 percent of the spaces may have minimum dimensions of 7.5 feet in width and 16 feet in length. The smaller spaces, if provided, shall be designated for use only by compact cars.

*Parsonage/caretaker's quarters.* A dwelling built to N.C. Building Code Vol. I provided by a church for its pastor or caretaker. Only one dwelling shall be allowed per parcel. (Amend. of 3-2-98(1))

*Principal building or structure.* A building or structure containing the principal use of the lot.

*Principal use.* The primary use and chief purpose for which a lot is used.

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*Public water supply system.* An approved water system serving fifteen or more connections or serving a minimum of twenty-five people daily at least 60 days out of the year, including county, municipal and private water systems.

*Public or community sewer system.* A single system of sewage collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a homeowners' association, a county or municipality or a public utility.

*Recreation use, nonprofit.* An indoor or outdoor recreation use owned by a not-for-profit corporation, according to the laws of North Carolina.

*Recreation use, profit.* An indoor or outdoor recreation use owned by an entity other than a not-for-profit corporation.

*Restaurant.* An establishment designed in whole or in part to cater to or accommodate the consumption of food and/or beverage and:

.1 Customers, normally provided with an individual menu, are served their foods and/or beverages, including alcohol, by a restaurant employee at the same table or counter at which said items are consumed.

.2 A cafeteria style setting is provided where food, and/or beverages are consumed within the restaurant structure.

*Restaurant, with drive-in service.* An establishment designed, in whole or in part, to cater to or accommodate the consumption of food and/or beverages in automobiles on or off the premises of such establishment.

*Setback.* Yard space, other than a court, unoccupied and unobstructed by any structure or portion of a structure. Fences and walls may be permitted in any setback subject to height limitations established generally for the district and, further, provided that poles, posts and other customary accessories, ornaments, furniture and landscaping shall be permitted in any setback if they do not constitute substantial impediments to free flow of light and air across the setback or violate provisions of these or other regulations regarding visibility. Also known as building line. In cases where the minimum front setback line bisects the lot at a point where the minimum lot width is substandard as set forth in the dimensional requirements of the district, the front setback will be determined at the point where the lot width equals the minimum lot width.

*Sign.* Any device designed to inform or attract attention of persons not on the premises on which the device is located. See section 2100.

*Sound barrier.* A sound barrier consists of a wall of brick, concrete, concrete block, glass, full louvered or solid wooden fencing manufactured of suitable salt-treated lumber not less than eight feet high and no more than ten feet from a building where outside noises occur (such as animal, human, machinery, engines under operation or testing, etc.). The sound barrier shall encircle the noise area on all sides with a combination of building, wall, or fence which meets the eight-foot height requirement.

*Special use.* A use that would not be appropriate generally throughout the zoning district or without special study but which, if controlled as to number, area, location, or relation to neighborhood, would be. (Amended 7-16-2012)

*Stable, private:* A structure or fenced-area that houses or contains horses, mules, ponies, llamas, ostriches, and the like that are for the enjoyment of the property owner, where the stable is located on the same parcel as the property owner's residence and the horses, mules, etc. are all owned by that property owner. (Added 8-15-11)

*Stable, public:* A structure or fenced-area that houses or contains horses, mules, ponies, llamas, ostriches, and the like that are available for hire, lease, and/or riding lessons and stalls may be rented. (Added 8-15-11)

*Street.* A public or private right-of-way not less than 30 feet in width set aside for public or private travel and either which has been accepted for maintenance by the State of North Carolina, has been established as a public or private street prior to the date of adoption of this ordinance, or which has been dedicated to the State of North Carolina for public travel by the recording of a plat of a subdivision which has been approved by either the planning commission or board of county commissioners, or which had been approved as a private street in accordance with the Carteret County Subdivision Regulations by either the planning commission or board of county commissioners.

*Structure.* A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank or other manmade facilities or infrastructures.

*Temporary residential mobile home.* A mobile home, intended for residential use for a limited period of time, used for purposes of providing for custodial care under a special use permit or providing temporary residential space during the installation of a replacement mobile home or construction of a residential unit built to NC Building Code on the same lot, and for 30 days after the issuance of certificate of occupancy for the permanent unit. The temporary mobile home shall be anchored as per NC Building Code.

*Thoroughfare or major thoroughfare.* For the purposes of this ordinance the terms thoroughfare or major thoroughfare shall mean the rights-of-way of Highways 70, 24, 58, 101 and 12. (Amended 11-19-07)

*Trailer, hauling or utility.* A vehicle or structure designed to be transported and intended for carrying animals or goods.

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*Trailer, overnight camping.* For purposes of this ordinance the following shall be considered an overnight camping trailer:

- .1 *Travel trailer.* A vehicular, portable structure built on a chassis (other than a mobile home), designed as a temporary dwelling for travel, recreation and vacation.
- .2 *Pick-up coach.* A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- .3 *Motor home.* A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- .4 *Camping trailer.* A temporary, folding structure, mounted on wheels and designed for travel, recreation and vacation use.

*Trailer park, overnight camping (campground).* An approved site, tract of land or lot upon which not less than two overnight camp sites and/or overnight trailers occupied for temporary shelter, dwelling, recreational or vacation uses may be located, regardless of whether or not a charge is made for such services.

*Trash receptacle.* Any container, structure, or building (including dumpsters and compactors) designed to hold, crush or otherwise compact, and/or receive the trash of one or more businesses, one or more public or semi-public institutions, and/or two or more residences. (Amended 11-19-07)

*Triplex.* A building designed, constructed or reconstructed for use as three dwelling units that are connected by a common structural or load-bearing wall.

*Variance.* A relaxation of the literal terms of this ordinance where such relaxation will not be contrary to the public interest and, where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. A variance is authorized only for the dimensional controls of this ordinance. Establishment or expansion of a use otherwise prohibited shall not be permitted by a variance.

*Wall.* A structure, other than a building, that is a barrier and is used as a boundary, screening, or means of protection or confinement. A wall functions like a fence but is usually thicker than 6 inches. (Amended 11-19-07)

*Yacht and Boat Club.* Any dock or basin and associated structures providing permanent or temporary commercial harboring of ten or more commercial and/or pleasure boats primarily through the sale or the ownership of boat slips and providing services related to the facility including, but not limited to, fuel sales, retail and food sales, drystack boat storage, and other related services. Pump-out facilities are required at yacht and boat clubs. See section 3117. (Amended 3-19-07)

*Yard, front.* The space required between a front lot line and the front setback line of a principal building or structure.

*Yard, rear.* The space required between the rear lot line and the rear building line of a principal building or structure, which may [contain] permitted accessory buildings, structures, or uses.

*Yard, side.* The space required between a side lot line and the side building line of a principal building or structure, which may contain permitted accessory buildings, structures, or uses.

# **Carteret County Zoning Ordinance**

## **1200. ADMINISTRATION**

### **1201. Zoning administration.**

The director and staff of the Carteret County Planning Department are hereby authorized, and it will be their duty, to administer and enforce the provisions of this ordinance. More specifically, for the purposes of this ordinance, it will be the duty of the zoning enforcement officer to enforce and administer the provisions of this ordinance. An appeal from a decision of the zoning enforcement officer may be taken to the zoning board of adjustment established pursuant to this ordinance in section 1400.

### **1202. Enforcement methods.**

The provisions of this ordinance may be enforced by any one or more of the following methods. The county may apply for any appropriate equitable remedy to enforce the provisions of this ordinance.

1202.1 *Injunction.* The provisions of this ordinance may be enforced by injunction. When a violation of this ordinance occurs, Carteret County may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

1202.2 *Order of abatement.* In addition to an injunction, the county may enter an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions: that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture or other moveable property be moved; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the ordinance.

1202.3 *Execution of court decisions.* If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The county may execute the order of abatement and will have a lien on the property in the nature of a mechanic's and materialman's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter was heard and will be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

### **1203. Violation of ordinance.**

Any person, firm, or corporation convicted of a violation of any provision of this ordinance will be guilty of a misdemeanor. Such a conviction is punishable by a fine not exceeding fifty [dollars] (\$50.00) or imprisonment not exceeding 30 days. After notice of a violation is given, the violator will have 30 days to correct the violation. After that time, each additional day that the violation continues to exist will be considered a separate violation.

### **1204. Zoning compliance certificate.**

In order to ensure successful completion of all improvements required for a use as outlined in this ordinance, the zoning enforcement officer shall conduct a final inspection prior to issuance of the certificate of occupancy. The purpose of this inspection will be to review the development and ensure compliance with the zoning permit issued. The zoning enforcement officer shall provide written certification indicating that the use meets all applicable requirements. It is illegal to occupy or change the use of any building or land, except for land used for agricultural, Aquacultural, and forestry purposes, until a zoning compliance certificate has been issued by the zoning enforcement officer.

### **1205. Zoning permits.**

1205.1. It is illegal for any person to begin construction of, or change the use of, a structure or any part of a structure without obtaining a zoning permit from the zoning enforcement officer.

1205.2. The zoning enforcement officer will not issue a zoning permit unless the plot plans, zoning specifications, and intended use of the structure conform to the requirements of this ordinance. The application for a zoning permit must be accompanied by information sufficient to allow the zoning enforcement officer to act on the request.

1205.3. In cases where the applicant for a zoning permit appeals a decision of the zoning enforcement officer or applies for a variance from the provisions of the ordinance, the zoning enforcement officer will forward all information pertaining to the application to the zoning board of adjustment.

1205.4. Any zoning permit issued in accordance with this section will lapse and become invalid unless the work for which it was issued is started within six months of the date of issue or if the work authorized by it is suspended or abandoned for one year.

### **1206. Application for zoning permit.**

The following information shall be required when making application for a zoning permit:

## **Carteret County Zoning Ordinance**

- a) Plot plan showing the actual dimensions of the lot to be developed. The plot plan being drawn to scale when the development is taking place in business, industrial, office and professional, and church campus districts;
- b) Location of existing and proposed buildings, including setbacks;
- c) Size of proposed building and, in the case of a commercial structure, interior floor plans, when necessary for determination to be made under other sections of this ordinance;
- d) Number and location of parking spaces for commercial structure; and
- e) Location and dimensions of proposed and existing signs.

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## **1300. AMENDMENTS**

### **1301. Amendment responsibility.**

1301.1. The board of county commissioners on its own motion or by petition may amend, supplement, change or repeal the zoning district boundaries or regulations established by this ordinance. Any such amendment will be adopted only after public notice and public hearing as required by general law.

1301.2. In approving an amendment to change a zoning classification, the board of county commissioners may change the existing zoning classification of the area or any part of the area covered by the petition to the classification requested or to a higher classification or classifications as defined in section ~~4040~~ 1008. This action may occur without the withdrawal or modification of the petition.

### **1302. Petition for amendment.** (Amended 2-12-2008, 10-19-2009, and 10-17-2011)

Petitions for an amendment to the zoning ordinance or for the rezoning of property must be filed in the office of the planning department by the property owner or his duly authorized agent. An official application form shall be obtained and returned to the planning department no later than four weeks prior to the date of the planning commission meeting for which the petition is slated. The filing fee shall be in accordance with the planning department fee schedule and must accompany the application form

### **1303. Withdrawal/suspension of petitions.**

1303.1. Petition for rezoning of property or amendment to the ordinance may be withdrawn or suspended by the petitioner at any time up to and including 10 days prior to the hearing date. After that time, requests to withdraw or suspend a petition must be filed with the clerk to the board of county commissioners and, on the day of the hearing, the commissioners will decide if the withdrawal/suspension will be allowed. If the request for a suspension is granted, the petitioner shall incur all costs associated with the readvertisement of the public hearing. If a petition is withdrawn, any reapplication shall be treated as a new petition and all required fees shall be paid.

1303.2. The petitioner will not be allowed to amend or change the petition after the board of county commissioners authorizes a public hearing to hear the request.

### **1304. Public hearing.**

1304.1. No amendment of the ordinance or rezoning of property may be adopted until after a public hearing has been held on the petition. (Amended 10-17-2011)

1304.2. The total amount of time allowed for the supporters or the opponents of a petition to provide verbal comments shall be determined at public hearing. At the hearing, the presiding officer of the hearing will decide whether to grant all or part of any request for additional time.

1304.3. In cases involving a controversial rezoning matter and a large number of persons wishing to speak at the public hearing in favor of or against a request, the planning department reserves the right to require those persons to sign up in advance of the public hearing in order to facilitate and organize the speakers. Persons who do not register to speak in advance shall be allowed that right at the public hearing. If such a requirement for pre-registration is necessary, the advertised public hearing notice shall clearly indicate this requirement.

### **1305. Recommendation of the planning commission.**

No proposal to amend the zoning ordinance or rezone property will be approved unless it is first submitted to the planning commission for its recommendations pursuant to section 1302. The planning commission must take action on the amendment within 45 days after the petition has been referred to the planning commission. If the planning commission does not render a decision within that period, the petition will be considered the same as a favorable recommendation. If the planning commission tables the amendment for any length of time, that shall be considered to be taking action on the amendment. (Amended 2-12-2008)

### **1306. Effect of denial by county commissioners.**

A petition for amendment to the ordinance or for the rezoning of property that has been denied in whole or in part or has been approved to a higher classification (as defined in section ~~4040~~ 1008) than the one originally requested may not be resubmitted within six months of the date of action on the original request. However, the board of county commissioners may choose to allow a reapplication if, after a report from the planning commission, it determines that there have been substantial changes in conditions or circumstances which may relate to the request.

### **1307. Notice requirements.** Added 10-17-2011

For any request that is to go before the Zoning Board of Adjustment, Planning Commission, or Board of County Commissioners that pertains to a particular property or properties, Staff shall complete the following requirements

## **Carteret County Zoning Ordinance**

1307.1 A notice of the request will be placed in a local Carteret County newspaper once a week for two successive calendar weeks. The notice will appear for the first time no more than 25 days and no less than 10 days prior to the meeting or hearing date.

1307.2 In addition, notice shall be given by first class mail to the owners of surrounding properties, as well as any others whose property (or any portion thereof) lies within 200 feet or 2 properties, whichever distance is greater, of any portion of the subject property or properties. Such notification must be mailed at least 10 (ten) days in advance of the meeting/hearing date.

1307.3 A sign shall be posted on the subject property or properties at least 10 (ten) days prior to the meeting or hearing date.

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## 1400. ZONING BOARD OF ADJUSTMENT

### 1401. Organization.

This ordinance establishes a zoning board of adjustment. This board will consist of five regular members and up to two alternate members who are citizens and residents of Carteret County to be appointed for overlapping terms of three years. An appointment to fill a vacancy on the board will be for the remainder of the unexpired term.

### 1402. Rules of procedure.

The board of adjustment will adopt rules and regulations in accordance with chapter ~~453A~~ 160D of the North Carolina General Statutes [G.S. Ch. ~~453A~~ 160D] for its own operation necessary to carry out the provisions of this ordinance. The zoning enforcement officer will maintain copies of the adopted rules for public information. The board of adjustment shall elect a chairman and vice-chairman from its membership who shall serve for one (1) year or until their successors are elected. The chairman or, in his (her) absence, the vice-chairman may administer oaths. The board shall appoint a secretary, who may be a county officer, an employee of the county, a member of the planning commission, or a member of the zoning board of adjustment. All meetings of the board of adjustment shall be open to the public.

### 1403. Duties of the board of adjustment. (Amended 8-16-10; 7-16-2012; 6-9-14 and 7-21-14)

The board of adjustment is assigned a certain number of specific duties by this ordinance. Those duties are listed below.

1403.1. *Interpretation of the ordinance.* The board of adjustment is responsible for interpreting the provisions of the ordinance if there is a question about the meaning or application of a provision. Once the board has made an interpretation on an issue, the zoning enforcement officer will consistently use that interpretation in the administration of the ordinance. The board may also ask that the ordinance be amended to clarify a problem with the ordinance that has come to the board's attention.

1403.2. *Administrative review.* The Board of Adjustment will hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the enforcement officer, administrator, or the Carteret County Planning Commission. Any person who feels that his/her legal or property rights may have been affected, or any officer, department, board, or bureau of Carteret County may file such an appeal within 30 days of the decision of the enforcement officer.

1403.3 *Variances.* When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

### 1404. Appeals and hearings. (Amended 10-19-2009; 10-17-2011; and 7-16-2012)

At least four weeks before the regularly scheduled zoning board of adjustment meeting date, the applicant for an appeal, code interpretation, or variance shall submit the completed application form and all supporting materials (including paper copies of any maps, site plans, and other graphics in sufficient number, as determined by the planning director or designee) and any required fee. In consultation with the chair of the zoning board of adjustment, the planning director or designee shall establish annually the schedule of the meeting date and submission deadline for each month's zoning board of adjustment regular meeting.

All administrative papers and other information relating to an appeal, code interpretation, or variance must be submitted to the planning director or designee by the appellant at least four weeks before the regularly scheduled zoning board of adjustment meeting date. After this deadline has expired, the applicant may not submit additional materials or information for the board to consider, unless the applicant agrees to be heard at the next available board meeting for which the submission deadline has not expired.

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The board will give notice of the time, place, and subject of its hearings to the person(s) making the request. The board will keep minutes of its hearings and records of the votes of each member.

### **1405. Actions of the board.** (Amended 7-16-2012)

Any decision of the board of adjustment will state the reasons and the findings of fact and conclusions of law made by the board to reach its decision. The concurring vote of four-fifths of the members of the board will be required to reverse any order, requirement, decision or determination of any administrative official charged with enforcement of the ordinance, or to decide in favor of the person(s) making an appeal, or a variance request. The board of adjustment shall inform the parties involved of its decision and the reasons and findings of fact in writing.

### **1406. Rehearing.**

The board of adjustment will refuse to hear an appeal or application for a variance which has been previously denied if it finds that there have been no substantial changes in the conditions, circumstances or evidence relating to the matter.

### **1407. Fees.**

Petitions for appeals to be considered by the board of adjustment must be filed with the planning department and must be in accordance with the planning department fee schedule.

### **1408. Appeals of the decision of the zoning board of adjustment.**

Any person or persons aggrieved by a decision of the board may appeal the decision of the board of adjustment to the superior court of North Carolina within 30 (thirty) days after a written and signed copy of the decision is filed in the planning department. Any aggrieved party may submit a written request for the decision at the time of the hearing.

### **1409. Notice requirements.** (Added 10-17-2011; amended 06-09-14)

For any request that is to go before the Zoning Board of Adjustment, Planning Commission, or Board of County Commissioners that pertains to a particular property or properties, Staff shall complete the following requirements

1409.1 A notice of the request will be placed in a local Carteret County newspaper once a week for two successive calendar weeks. The notice will appear for the first time no more than 25 days and no less than 10 days prior to the meeting or hearing date.

1409.2 In addition, notice shall be given by first class mail to the owners of surrounding properties, as well as any others whose property (or any portion thereof) lies within 200 feet or 2 properties, whichever distance is greater, of any portion of the subject property or properties. Such notification must be mailed at least 10 days in advance of the meeting/hearing date.

1409.3 A sign shall be posted on the subject property or properties at least 10 days prior to the meeting or hearing date.

# **Carteret County Zoning Ordinance**

## **1500. NONCONFORMING USES**

### **1501. Purpose.**

This ordinance places restrictions on the use and development of land by establishing minimum standards. In many instances, land and improvements were developed or proposals for the use of land were initiated prior to the adoption of this ordinance. These uses may not meet the minimum standards contained in this ordinance because they were developed under no specific standards or under standards which were less restrictive. The board of county commissioners recognizes that the strict application of these standards to such uses may create certain hardships for the property owner. The board also recognizes that these uses may be allowed to continue in use in accordance with the spirit of this ordinance, even though not meeting the ordinance standards. Therefore, the uses or situations described below are accorded a nonconforming status with all the specific privileges and limitations set forth to govern their existence.

### **1502. Nonconforming vacant lots.**

A nonconforming vacant lot is a lot which does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments which may be incorporated in this ordinance. A nonconforming vacant lot may be used for any of the uses permitted by this ordinance in the district in which it is located if the use of the lot meets the following standards:

1502.1. The minimum requirements for front, side and rear yards, height of structures, and unobstructed open space for the particular district must be met.

1502.2. Duplexes and multifamily dwellings must meet the minimum lot standards for those uses in the particular district in addition to the dimensional requirements listed in section 1502.1.

1502.3. The lot in question does not abut a lot which could be combined with it to make it conforming.

### **1503. Nonconforming occupied lots.**

A nonconforming occupied lot is a lot which contained a structure at the time this ordinance was adopted, but which does not meet the minimum requirements for width, area, front, side or rear yard, height, and unobstructed open space for the district in which it is located. Any structures on this type of lot may be improved or expanded in accordance with the following standards:

1503.1. Any improvement or expansion of any building on this type of lot must comply with the minimum requirements of the ordinance for front, side and rear yard, height, and unobstructed open space for the district in which the lot is located, provided any improvement or expansion does not increase the nonconformity.

### **1504. Nonconforming open uses of land.**

A nonconforming open use of land is an open use on a lot when the only buildings are incidental and accessory to the principal open use which was in existence prior to the adoption of this ordinance and which would not be permitted by this ordinance in the district in which it is located. Uses such as storage yards, used car lots, auto wrecking, salvage yards, golf driving ranges, rifle ranges, and miniature golf courses are examples of open uses. A legally established nonconforming open use of land may be continued but is subject to the following limitations:

1504.1. A nonconforming open use of land may only be changed to a conforming use; however, it may not later be used for any nonconforming use.

1504.2. A nonconforming use of land that is discontinued for more than six months may not be reestablished and all subsequent uses of the site must be in conformance with the particular district regulations. Any vacancy or nonuse of the land regardless of the intent of the owner or tenant will be considered a discontinuance for the purposes of this requirement.

1504.3. A nonconforming open use of land may not be enlarged to cover more land than it occupied when it became nonconforming.

### **1505. Nonconforming uses of structures.**

A nonconforming use of a structure is a use in a structure which existed prior to the adoption of this ordinance which would not be permitted by this ordinance in the district in which it is located. This type of use may be continued subject to the following limitations:

1505.1. A nonconforming use of a structure may be changed to another nonconforming use or to a conforming use. The change of a nonconforming use to another nonconforming use must not generate any more automobile or truck traffic, noise, vibration, smoke, dust or fumes than the original nonconforming use.

1505.2. Once a nonconforming use of a structure has been changed to a conforming use, it will not be allowed to return to any nonconforming use.

1505.3. Maintenance and repairs which are necessary to keep a structure which houses a nonconforming use in a safe and sound condition are permitted.

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1505.4. A nonconforming use of a structure may be enlarged or extended only into portions of the structure which existed at the time that the use became nonconforming and which were designed or arranged to accommodate the use. No structural alterations are allowed to any structure containing a nonconforming use except for those required by law or an order from the building inspector to ~~insure~~ ensure the safety of the structure. Existing nonconforming residential uses in a business or industrial district may be enlarged or extended as long as no additional dwelling units result from the enlargement or extension and all improvements are completed in accordance with the North Carolina Building Codes.

1505.5. A nonconforming use of a structure that is abandoned for more than six months may not be reestablished and all subsequent uses of the structure must be in conformance with the particular district regulations.

### **1506. Reconstruction of damaged structures.**

When a structure on a nonconforming lot or a structure containing a nonconforming use is damaged by fire, flood, wind, act of God, or condemnation proceedings the structure may be repaired and restored to its original dimensions and conditions provided that not more than 50 (fifty) percent of its structural value has been damaged.

### **1507. Reserved.**

### **1508. Changes in zoning.**

Any nonconformance created by a change in a zoning classification or district boundary or by a change in the regulations in the ordinance will be regulated by the provisions of this section.

**1600. SUPPLEMENTARY REGULATIONS**

**1601. Screening and buffering.** (Amended 11-19-07 and 7-21-08)

Screening is used to reduce or hide the visual and noise impacts of non-residential uses on nearby residential and institutional land uses by using trees, shrubs, and other plant materials to materially hide the non-residential uses and to muffle the sounds that are generated by them. Buffering is used to reduce conflicts between and impacts on, adjoining land uses by separating them with a buffer yard or strip.

**1601.1. General screening requirements.** In all cases where a residential use or district abuts any other use or zoning district, screening shall be provided in accordance with the requirements of section 1601 and other pertinent provisions of this ordinance when the non-residential property is developed.

- A. When a non-residential use is developed adjacent to a residential or institutional use or district, a vegetative planting area that is at least 10 feet wide must be provided to materially screen, as determined by the Planning Director or designee, the principal and accessory structures and uses within the subject property from the view of abutting residential or institutional properties.
- B. When a non-residential use is developed across the street from a residential or institutional use or district, the vegetative planting area shall not be required in the front yard setback, except for a:
  - (1) Parking area or lot with 5 or more parking spaces,
  - (2) Side on corner setback of a corner lot (also known as the secondary front yard setback).
  - (3) Outdoor storage,
  - (4) Junkyard,
  - (5) Mini-warehouse (storage units),
  - (6) Boat storage area or facility, and
  - (7) Salvage yard.

For those exceptions where screening is required in the front yard setback, all screening shall be as close as possible and practical to the non-residential use and extend no more than halfway to the right-of-way, except for any parking area or lot with 5 or more parking spaces. Such parking area or lot screening in the front yard setback shall use only species that generally do not grow to be taller than 3 feet.

- C. Lawns and other grassed areas shall not be included in calculating the width of the vegetative planting area. The vegetative planting area must be installed and be in compliance with the Zoning Ordinance before a Certificate of Occupancy can be granted.
- D. The vegetative planting area shall contain at least 2 groups of planted materials:
  - (1) Group One: At least two off-set rows of evergreen shrubs shall be planted whose trunks are spaced not more than four feet apart at planting (measured side-to-side, as well as row-to-row), have a planted height of at least three feet, and are of such type that can be expected to be five feet or more in height after three growing seasons. The row that will be planted nearest to the land use being screened shall usually be planted between three and five feet from the land use.
  - (2) Group Two: In addition, the vegetative planting area shall contain at least a separate row of shrubs that are dense, low-lying, continuous, and planted so as to visually fill-in the low-lying gaps between the trunks of the evergreen shrubs.

In addition to the required Group One and Group Two plantings, the developer is encouraged to do more than the minimum and to utilize additional groups and rows of shrubs and/or trees, as appropriate for the land use being screened and the surrounding residential and/or institutional uses.

- E. The intent of these screening requirements is that the Planning Director or designee shall have complete flexibility in approving the placement and location of the Group One and Two plantings so as to materially screen the ground floor of the land use or land uses. Such flexibility shall include placement at the property line, near the use, and all points in-between the use and the property line.

Chain-link and other wire fences on non-residential property cannot be used to provide required screening, even when slat inserts are used.

Such screening is not required at access points to the property, such as entrances, exits, driveways, and sidewalks. Screening planted near driveways, entrances, and exits intersecting with a roadway shall be planted so that the outside edge of the plantings is no closer than 15 feet to the intersection and shall be kept trimmed so that the outside edge of the plantings is no closer than 10 feet to the intersection. If a DOT driveway permit requires a sight triangle at a driveway, entrance, or exit, the portion of any required 15-foot vegetative planting area that would otherwise overlap the sight triangle shall be omitted.

- F. Maintenance of screening – All screening required by this ordinance shall be maintained in a healthy state by the property owner(s) so as to continue its effectiveness. Periodic inspections may be made to determine continued

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effectiveness of the required screening. Any deficiencies, if not addressed to the satisfaction of the Planning Director or designee, shall be treated as a violation of this ordinance.

Any shrub that is required screening that needs to be replaced due to an unhealthy state or because it has not grown to be five feet tall after three growing seasons shall be replaced within 30 (thirty) days of notification in writing by the Planning Director or designee. Any trees that are required screening that need to be replaced due to an unhealthy state shall be replaced within 180 (one hundred and eighty) days of notification in writing by the Planning Director or designee. If the unhealthy state is caused by a natural disaster (such as a hurricane, extreme drought, forest fire, etc.), the replacement period for shrubs and trees shall be doubled to 60 days and 360 days, respectively.

The replacement screening shall be of the same species or of similar effectiveness for screening, as determined by the Planning Director or designee, and shall be at least as tall as the two nearest plants or plantings in that group, tier, or row, as appropriate.

- G. When a vegetative planting area is deemed inappropriate by the Planning Director or designee due to site, neighborhood, or other conditions, the Planning Director or designee may allow either a durable masonry wall or privacy fence or any combination of walls, fences, and vegetation that are designed to be compatible with the character of adjacent properties, as determined by the Planning Director or designee.
- H. **Walls and fences** – Within residential districts, walls and fences that are required by this ordinance must be at least five feet in height but shall not be greater than eight feet in height, measured from the ground along the common lot line of adjoining properties. Along non-residential zoning district boundaries, walls and fences that are required by this ordinance must be at least five feet in height but shall not be greater than ten feet high. Walls and fences must be constructed and maintained in a safe and sound condition. Walls and fences near driveways and entrances and exits intersecting with a roadway shall be no closer than 10' to the intersection.

No fence or wall taller than 3 feet (whether required or not) may be located in the front yard setback or the side yard on street right-of-way setback.

When chain-link and other wire fences are installed on a non-residential property, they shall be screened by Group One plantings. Screening of other types of walls and fences on non-residential property is not required but plantings along them are encouraged, particularly along taller sections and longer stretches.

- I. **Screening outdoor storage**. Outdoor storage of any material, stocks, or equipment (other than junkyards and salvage yards), whether the outdoor storage is a principal use or an accessory use, on any lot within any district (other than a residential district or use) must be screened from any abutting residential use or district, in accordance with the requirements of this ordinance.
- J. **Screening junkyards and salvage yards**. Junkyards and salvage yards must be screened from public view from any public or private street and from any abutting lots in accordance with the requirements of section 1601.1 and other pertinent provisions of this ordinance.
- K. **Waiver of screening requirements when screening is already provided**. There may be cases where the unusual topography or elevation of a site, the size of the parcel involved, existing vegetation on the site, or the presence of screening on abutting property would make the strict adherence to the ordinance serve no useful purpose. In those cases, the Planning Director or designee is empowered to waive the requirements for some or all of the screening, as long as the spirit and intent of the ordinance and the general provisions of this ordinance pertaining to screening are adhered to.
- L. **Vegetative requirements along shorelines of sounds, rivers, canals and other water bodies**. Except when accessory structures are allowed in rear or side yards under other provisions of this ordinance, the minimum rear and side yards for the zoning district in which the lot is located shall remain vegetated on waterfront lots. The vegetation shall consist of grass, trees, other planted ground cover, or remain in a natural state. Only the sides of the lot abutting the sound, river, canal, or other water body shall comply with this requirement.
- M. **Screening and trash receptacles**. Dumpsters, trash compactors, and similar trash receptacles, whether located in a residential or non-residential development (other than a receptacle that serves just one single-family or two-family residence on the same premises), shall be enclosed on all 4 (four) sides, except that one of the four sides may have a 3-foot wide pass-through opening for persons to access the dumpster without having to open the dumpster gate. The trash receptacle shall be oriented so that the opening is visible to the fewest number of residences, whether the residences are on-site or off-site. Three (3) of the sides must be constructed of durable materials that match or complement the principal building. The fourth side shall be an opaque gate that latches securely to prevent it from inadvertently opening. The wall and gate shall have a minimum height of 8 (eight) feet. A chain link fence shall not be permitted for the wall or the gate.

**1601.2. General buffering requirements.** Buffering is used to reduce conflicts between and impacts on, adjoining land uses by separating them with a grassed buffer yard or strip. The developer may substitute a landscaped buffer for the grassed one.

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- A. When a non-residential property is developed adjacent to a:
- (1) Residential or institutional use or district, at least a 5-foot wide buffer yard or strip must be provided along all side property lines and at least a 15-foot wide buffer yard or strip must be provided along all rear property lines that abut that residential or institutional use or district.  
The developer may elect to use a durable masonry wall or privacy fence that is at least 8 feet tall and is designed to be compatible with the character of adjacent properties. If the materials, height, and design are approved by the Planning Director or designee, the approved wall or fence may be used to substitute for up to 8 feet of the required 15-foot buffer yard or strip.
  - (2) Public or private street, at least a 20-foot wide grassed buffer yard or strip must be provided along all property lines that abut or are a part of a public or private street.
- B. No fence or wall taller than 3 feet (whether required or not) may be located in the front yard setback or the side yard on street right-of-way setback. The required buffer yard or strip must be installed and be in compliance with the Zoning Ordinance before a Certificate of Occupancy can be granted.
- C. Maintenance of buffering – Any buffer yard or strip that is required by this ordinance shall be maintained in a healthy state by the property owner(s) so as to continue its effectiveness. Periodic inspections may be made to determine continued effectiveness of the required buffering. Any deficiencies, if not addressed to the satisfaction of the Planning Director or designee within 30 (thirty) days of notification in writing by the Planning Director or designee, shall be treated as a violation of this ordinance.

### 1602. Development within flood zones.

The Federal Emergency Management Agency (FEMA) governs development within flood zones with the use of federal flood insurance rate maps (FIRM). Four Five flood zones have been designated: "V", "A", "B", and "C" "VE, AE, AO, Shaded X and Unshaded X zones. Any development within the "V" and "A" "VE", "AE", and "AO" zones must meet the minimum height requirement as per the FIRM maps. Should a property owner not agree with the FIRM map, an appeal may be made to FEMA.

### 1603. Development within coastal area management zone.

The North Carolina Coastal Area Management Act (CAMA) governs development within certain areas of environmental concern, including areas directly abutting coastal waters. Prior to issuance of a zoning permit, required CAMA permits must have been issued.

### 1604. Structures permitted above the height limit.

1604.1. The following structures, features, or equipment are permitted above the height limit in any district: silos, skylights and roof structures for elevators, stairways, tanks, ventilating fans, air conditioning, or similar equipment for the operation or maintenance of the building and any device used for screening such structures and equipment.

1604.2. The following structures are permitted above the height limit on lots in the business, church campus, and industrial districts which do not abut lots in any residential district: towers, steeples, flagpoles, chimneys, water tanks or similar structures. If this type of structure is on a lot which abuts a residential district, then the part of the structure above the height limit must be separated from any such abutting lot line by a distance equal to at least one-half of its height measured from the ground. Towers used to support electric power and other utility lines are exempt from this requirement.

1604.3. The structures listed in section 1604.2 above are also permitted above the height limit in residential districts. However, any part of such a structure which extends above the height limit must be separated from any abutting property line by a distance equal to at least half of its height measured from the ground. Otherwise the structure will be subject to the usual requirements for the particular district. Towers used to support electric power and other utility lines are exempt from this requirement. Towers and other similar structures used solely for the purposes of amateur radio reception and transmission shall be exempt from this requirement.

1604.4. Radio and television towers and similar structures are permitted above the height limit in any district. If such a structure is located on a lot in or abutting a residential district, it must be located at least 50 feet from all abutting residential property lines or at a distance equal to its height, whichever is greater.

1604.5. The height of any structure shall be measured from its finished grade.

### 1605. Accessory structures.

Accessory structures will not be permitted in any required front yard or within five feet of any side or rear exterior property line. If located on a corner lot, the accessory structure will not be nearer to the side street than the principal structure. Security guard stations and gates may be located within any required setback or yard provided that the site has been approved by the zoning enforcement officer. Underground accessory structures will be permitted within any setback or yard requirement in any district but shall not be permitted any closer than five feet to any exterior property line. Canopies to cover gasoline pumps are permitted to be located ten feet from any exterior property line. Exempted from the requirements for accessory structures are well houses, fences, mail boxes, flower boxes, dog houses, and the like.

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### **1606. Public utility companies.**

Public utilities may be established in any district in conformance with the requirements listed below:

- .1 Lots must conform to minimum setback and yard requirements of the district in which they are located.
- .2 The design of buildings, structures and facilities on the site should conform as closely as possible to the character of the area or neighborhood.
- .3 Adequate fencing or comparable safety devices must be installed and maintained in order to make the facility inaccessible to the public.
- .4 Portions of properties not used for buildings, parking, or related services must be maintained with planted ground cover. Screening must be provided in accordance with the provisions of section 1601.

### **1607. Setbacks for lots in un-zoned areas**

#### **Minimum Building Setbacks:**

From the front property line	20 feet
From the front property line on a lot abutting a major thoroughfare street	40 feet
From the side property line	10 feet
From the side property line on a corner lot	15 feet
From the rear property line	30 feet

Detached garages, carports, and accessory buildings may be constructed a minimum of five feet from a side or rear property line. Such buildings shall, however, be set back fifteen feet from a side property line that abuts a street on a corner lot and set back from a front property line a minimum of 20 feet.

### **1608. Minimum requirements for mixed uses.**

When two or more uses occupy the same building and those uses would normally have different minimum requirements, the more restrictive requirements shall apply. The off-street parking and loading requirements for each use must be fully met.

### **1609. Modifications of setbacks.**

When a lot is nonconforming relative to its width, the side yard requirements for the lot may be reduced by a distance equal to the average of the district requirement and the established nonconforming side yard created by existing primary structures within a 300-foot radius. In no case shall a structure and its architectural features such as cornices, eaves, steps, gutters and fire escapes be allowed any closer than seven feet to a side property line.

### **1610. Certain extensions into yards allowed.**

Architectural features such as cornices, eaves, gutters, and handicapped ramps may project up to three feet into any required yard or beyond any required setback unless such a feature would obstruct driveways which may be used for service or emergency vehicles. HVAC equipment and other machinery attached to and servicing a dwelling may project up to three feet into any required yard or beyond any required setback.

### **1611. Reserved.**

### **1612. Side and rear yards next to railroad or waterfront.**

In business and industrial districts, side and rear yards are not required abutting railroad rights-of-way. In I-W and P-I districts side yards and rear yards are not required on the waterfront side of lots that abut the water.

### **1613. Location of required yards on irregular lots.**

The location of required front, side, and rear yards on irregularly shaped lots will be determined by the zoning enforcement officer. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing and location of buildings on individual lots.

### **1614. Special yard requirements for corner lots.**

In any zoning district, the side yard requirements for corner lots along the side street right-of-way shall be required to have an additional ten feet of yard requirement, unless otherwise stated.

### **1615. Rear yard requirements for through lots.**

If both the front and rear yards of a lot abut public streets, then the minimum rear yard will be the same as the minimum front yard for the district. Section 1626 also contains standards for yards, including rear yards which abut thoroughfares.

### **1616. More than one principal building per lot.**

Only one principal building and its customary and/or rightful accessory buildings may be erected on any residentially zoned lot or any individual lot zoned MC which is not an approved mobile home park, unless otherwise authorized by this ordinance. (Amend. of 4-3-95(2))

## **Carteret County Zoning Ordinance**

### **1617. Construction of buildings on lots not abutting a street.**

No building shall be erected on any subdivided lot which does not abut at least 25 feet on a street, unless such lot has been exempted under the Carteret County Subdivision Regulations or was given preliminary approval prior to the adoption of this ordinance or is a lot of record.

### **1618. Reserved.**

### **1619. Fences and walls in residential districts.**

Within residential districts, no wall or fence may exceed 8 (eight) feet in height within any required yard. This wall and fence height limit does not apply to walls and fences constructed around electric and gas substations, telephone repeater stations or huts, sewage treatment plants, pressure regulator stations, buildings to house pumps and lift stations and similar structures; radio, telephone and television masts, towers, antennas, and similar structures; municipal reservoirs and water storage tanks. Walls and fences related to these uses need not conform to any of the yard or setback requirements specified in this ordinance. (Amended June 2, 2008)

### **1620. Reserved.**

### **1621. Driveway permits.**

Driveway permits shall be required upon any road or right-of-way upon which the North Carolina Department of Transportation requires one.

### **1622. Visibility at intersections.**

On a corner lot in any residential district, no plantings, fence, wall, or other obstruction to visibility more than three feet in height shall be placed in the area bounded by the street rights-of-way of such corner lots and a line joining points along said street rights-of-way fifty feet from the point of intersection.

### **1623. Reserved.**

### **1624. Institutional uses in residential districts.**

The following shall apply to institutional uses when permitted by right or by special use in residential districts. Where permitted by right or by special use in other than residential districts, the rules and regulations of that district shall apply.

- .1 Government buildings uses:
  - a) Minimum lot size shall be one acre;
  - b) Screening may be required in accordance with section 1601;
  - c) The minimum setbacks of the residential district in which the building is located must be met;
  - d) Off-street parking shall be required in accordance with section 2000;
  - e) Any other applicable requirements of the zoning ordinance must be adhered to.
- .2 Fire and rescue stations:
  - a) Minimum lot size shall be one acre;
  - b) Screening shall be required in accordance with section 1601;
  - c) The minimum setback for all sides shall be 30 feet;
  - d) Off-street parking shall be required in accordance with section 2000;
  - e) Any other applicable requirements of the zoning ordinance must be adhered to.
- .3 Family-care home:
  - a) Minimum lot size shall equal what is required for the specific district in which the family care home is to be located;
  - b) Minimum setbacks shall be in accordance with the specific district in which the family care home is to be located;
  - c) Off-street parking shall be in accordance with section 2000;
  - d) No family care home shall be located any closer than 0.5 mile from an existing family care home;
  - e) Any other applicable requirements within the zoning ordinance shall be adhered to.
- .4 Public or private schools:
  - a) Minimum lot size shall be one acre;
  - b) Minimum setbacks shall be 30 feet on all sides;
  - c) Screening shall be required in accordance with section 1601;
  - d) Off-street parking shall be in accordance with section 2000;
  - e) Any other applicable requirements within the zoning ordinance shall be adhered to.
- .5 Public parks:
  - a) Minimum lot size shall be one-half acre;
  - b) Minimum setback shall be in accordance with the residential zoning district in which the park is located;

## **Carteret County Zoning Ordinance**

- c) Off-street parking shall be in accordance with section 1601;
  - d) Any other applicable requirements within the zoning ordinance shall be adhered to.
- .6 Public utility facilities: See section 1606.  
(Ord. of 6-1-93)

### **1625. Stables** (whether public or private, including where no structure is provided for shelter). (Added 8-15-11)

1. These requirements do not apply to a bona-fide farm but do apply to one or more herbivores and birds heavier than 50 (fifty) pounds (such as horses, mules, ponies, llamas, alpacas, emus, ostriches, kangaroos, giraffes, etc.), whether or not housed in a barn, stable or similar structure.
2. The minimum parcel size is one acre.
3. The number of herbivores and large birds shall be limited to one per acre, with the exception that, for a private stable on a 3-acre or larger parcel occupied by a single-family residence, the number may equal the number of family members living on the premises.
4. All such larger herbivores and birds shall be confined within a fence or other enclosure that is suitably-engineered and constructed for such use, as determined by the Planning Director or designee. The fence shall be sturdily-constructed with new material and maintained in good repair and finish.
5. All barns, stables, and similar structures shall be located at least 50 (fifty) feet from all property lines.
6. Caretaker quarters shall be permitted within the barn, stable, or similar structure.

### **1626. Special requirements for lots along thoroughfares (i.e., Highways 12, 24, 58, 70, and 101).**

1626.1 When the front, rear or side yard of a lot in any district abuts a thoroughfare, the minimum setback on the side of the thoroughfare shall be 40 feet.

## Carteret County Zoning Ordinance

### 1700. BOGUE FIELD AICUZ OVERLAY DISTRICT

The purpose of the Bogue Field Air Installation Compatible Use Zones (AICUZ) Overlay District is to identify properties located within the proximity of MCAS Auxiliary Landing Field Bogue as identified in the AICUZ Requirements Update Marine Corps Air Station Cherry Point, NC dated December 18, 2001. The overlay district shall apply to any property located within this area as shown on the official zoning map. Areas identified in this overlay district include Compatible Use Zone 1, Compatible Use Zone 2 and Noise Exposure Levels 1, 2 and 3. The following requirements apply in addition to the requirements of the underlying zoning district:

1. *Disclosure for all property transfers and leases for greater than 90 days.* The local disclosure statement is required for all property transfers and for leases greater than 90 days. All properties located in the AICUZ Overlay District are required to disclose the proximity to Bogue Field prior to transfer. See Sample Disclosure Form.
2. *List of permitted and special uses.* Compatible Use Zones (CUZ-1 and CUZ-2) have been included in Section 3400 [Table of Permitted and Special Uses]. Permitted uses may be developed, providing that the use meets the zoning requirements for the underlying zoning district and other requirements of this ordinance. If the use is listed as a special use in CUZ-1 or CUZ-2, a special use permit must be secured for the specific request. (Amended 7-16-2012)
3. *Subdivision plats.* All subdivision plats with any lots located within the Bogue Field AICUZ Overlay District shall have those properties designated that are located within any Compatible Use Zone or noise exposure level. The following statement shall be included on the final subdivision plat:  
*Air Installation Compatible Use Zones Disclosure*  
*This subdivision is located in proximity to Marine Corps Auxiliary Landing Field Bogue, an active military training airfield. Accordingly, this development and its home sites may be located within compatible use zones or noise exposure levels as identified on the Carteret County Zoning Map of the Bogue Field AICUZ Overlay District. Contact the County Department of Planning and Development for additional information.*
4. *Building permits.* A disclosure form is required to be signed by the property owner or his agent prior to the issuance of a building permit for any new or added construction within the Bogue Field AICUZ Overlay District. See attached Sample Disclosure Form for use prior to issuance of building permit.
5. *Nonconforming uses.* Uses located within the AICUZ Overlay District that existed as a conforming use prior to the adoption of this section will be allowed to continue or expand. Those uses may be replaced if damaged or destroyed.

#### Air Installation Compatible Use Zones Disclosure Form

For use prior to building permit

The property at the following location:

Parcel Id: \_\_\_\_\_

Deed Book \_\_\_\_\_ Page \_\_\_\_\_

Address: \_\_\_\_\_

for which a building permit has been requested is situated within the following zones of the Air Installation Compatible Use Zones (AICUZ) of the Marine Corps Air Station (MCAS) Auxiliary Landing Field Bogue.

- ☐ Compatible Use Zone 1 (CUZ 1): Area in close proximity to air base operations
- ☐ Compatible Use Zone 2 (CUZ 2): Area in proximity to air base operations
- ☐ Noise Exposure Level N3 (75 ldn or Higher): Area of significant noise impact
- ☐ Noise Exposure Level N2 (65 to 74 ldn): Area of moderate noise impact
- ☐ Noise Exposure Level N1 (below 65 ldn): Area of low noise impact

Carteret County has placed certain use restrictions and requirements on the development of property within the MCAS AICUZ footprint. Before developing the above property, you should consult the Carteret County Department of Planning and Development to determine what restrictions and requirements have been placed on the subject property.

For properties identified as being within Noise Exposure Level Zones, Carteret County provides information for voluntary methods to reduce noise levels for existing or proposed development.

I, \_\_\_\_\_, owner/agent of the subject property, hereby certify that the Carteret County Department of Planning and Development has informed me that the subject property is located in an Air Installation Compatible Use Zone.

TABLE INSET:

## Carteret County Zoning Ordinance

Owner/Agent _____	Date _____
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### Air Installation Compatible Use Zone Disclosure Form

For use prior to property transfers and leases greater than 90 days

The property at the following location:

Parcel Id: \_\_\_\_\_  
Deed Book \_\_\_\_\_ Page \_\_\_\_\_  
Address: \_\_\_\_\_

is situated within the following zones of the Air Installation Compatible Use Zones (AICUZ) of the Marine Corps Auxiliary Landing Field Bogue.

- \_\_\_ Compatible Use Zone 1 (CUZ 1): Area in close proximity to air base operations
- \_\_\_ Compatible Use Zone 2 (CUZ 2): Area in proximity to air base operations
- \_\_\_ Noise Exposure Level N3 (75 ldn or higher): Area of significant noise impact
- \_\_\_ Noise Exposure Level N2 (65 to 74 ldn): Area of moderate noise impact
- \_\_\_ Noise Exposure Level N1 (below 65 ldn): Area of low noise impact

Carteret County has placed certain use restrictions and requirements on the development of property within the MCAS AICUZ footprint. Before purchasing or leasing the above property, you should consult the Carteret County Department of Planning and Development to determine what restrictions and requirements have been placed on the subject property.

For properties identified as being within Noise Exposure Level Zones, Carteret County provides information for voluntary methods to reduce noise levels for existing or proposed development.

I, \_\_\_\_\_, owner/agent of the subject property, hereby certify that I have informed \_\_\_\_\_, prospective purchaser/lessee/renter, that the subject property is located in an Air Installation Compatible Use Zone.

#### TABLE INSET:

Owner/Agent _____	Purchaser/Lessee/Renter _____	Date _____
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(Ord. of 11-16-04)

**[1800, 1900. Not used.]**

# Carteret County Zoning Ordinance

## 2000. OFF-STREET PARKING AND LOADING REQUIREMENTS

### 2001. Off-street parking requirements.

In order to assure a proper and uniform development of public parking areas throughout the unincorporated areas of Carteret County, to relieve traffic congestion in the streets and to minimize any detrimental effects of off-street parking areas on adjacent properties, the procedures and standards set forth in section 2002 through section 2019 will apply.

### 2002. Schedule of off-street parking requirements. (Amended and reformatted April 15, 2013; amended March 21, 2016)

Off-street parking must be provided and maintained as specified in the following schedule. These requirements will apply to all new buildings and uses and to new additions to existing buildings and uses in all districts.

Land Uses	Parking Standards
ABC store	1 space per 200 square feet of gross floor area.
Accessory use and/or building	None required
Adult establishment	1 space per 200 square feet of total building area
Agricultural use (aka bona fide farm)	None required
Air transportation/airport	1 space for each 4 seats for waiting passengers, plus 1 space for each 2 employees on shift of greatest employment.
Alcoholic beverage sales in a retail establishment	1 space per 200 square feet of gross floor area.
Alcohol manufacturing and related products	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Ambulance service (private)	1 space per vehicle plus 1 space for each 2 employees.
Anemometer	None required
Animal hospital	1 space for each 400 square feet of gross floor area, with a minimum of 5 spaces
Apartment	1.5 spaces for units 549 sq. ft. or less; 1.75 spaces for units 550-699 sq. ft.; 2 spaces for units 700-1,249 sq. ft.; 2.25 spaces for units over 1,250 sf
Appliances (retail and/or maintenance)	1 space per 200 square feet of gross floor area.
Aquacultural use	None required
Armory for meeting and military training	1 space per 100 square feet of gross floor area.
Art gallery	1 space per 300 square feet of gross floor area.
Art studio	1 space per 200 square feet of gross floor area.
Arts and crafts shop	1 space per 200 square feet of gross floor area.
Assembly hall	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of gross floor area available for the accommodation of movable seats in the largest assembly room, or 1 space for each 150 square feet of gross floor area, whichever is needed by the facility.
Assembly of prepared parts into finished products	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Auction sales	1 space per 200 square feet of gross floor area.
Auditorium	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of gross floor area available for the accommodation of movable seats in the largest assembly room, or 1 space for each 150 square feet of gross floor area, whichever is needed by the facility.
Automobile dealer	In addition to inventory display areas, 1 space per 400 square feet of building area devoted to sales, minus any storage areas.
Automobile manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Automobile parking and/or deck	None required
Automobile service station	2 spaces for each service bay plus 1 space for each employee on shift of greatest employment.
Automobile washing establishment	1 space per 2 employees.

## Carteret County Zoning Ordinance

Land Uses	Parking Standards
Bakery (provided that products prepared or processed on the premises shall be sold only at retail and only on the premises)	1 space per 200 square feet of gross floor area.
Bakery plant	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Bank	10 spaces minimum for customer parking and 1 space for each 1 employee on shift of greatest employment.
Bar, disco, cabaret, nightclub, and/or related entertainment facilities	1 space for each 200 square feet of gross floor area.
Barber shop	2 spaces per operator.
Barge, dock, tugboat, and/or related water transportation facility services and/or equipment	25 spaces per berth, dock, and/or pier
Baseball batting cage	1 space per pitching machine and/or other method of participation however styled.
Beauty shop	2 spaces per operator.
Bed and breakfast	1 space per unit, plus 2 spaces per 3 employees on the shift of greatest employment.
Bicycle shop	1 space per 200 square feet of gross floor area.
Billboard	None required
Billiard hall or parlor	1 space per table and/or other method of participation however styled.
Boardinghouse	1 space per bedroom in addition to the normal requirement for the dwelling unit.
Boat building (manufacturing)	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Boat launching ramp	0.33 spaces per dry slip, 0.50 spaces per wet slip, plus 1 space per employee, plus 25 12' by 40' spaces for each boat ramp.
Boat repair, renovation, and/or maintenance	1 space per 200 square feet of gross floor area.
Boat sales, service, and/or repair	1 space per 200 square feet of gross floor area.
Boat storage (drystack)	0.33 spaces per dry slip
Boat storage yard	Parking spaces equal to 60% of the number of boats for which facilities for dry storage are available plus 1 space for each 2 wet slips plus 1 space
Boat washing establishment	1 space per 2 employees.
Boating club	0.33 spaces per dry slip, 0.50 spaces per wet slip, plus 1 space per employee plus 25 spaces at least 12' by 40' for each boat ramp
Bona fide farm (aka agricultural use)	None required
Book shop	1 space per 200 square feet of gross floor area.
Bottling plant	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Bowling alley	4 spaces per lane.
Brewery	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Building materials	1 space per 200 square feet of gross floor area.
Bus repair and/or storage	1 space per 200 square feet of gross floor area plus 2 spaces at least 12 feet by 30 feet for bus storage.
Bus terminal	1 space for each 4 seats for waiting passengers, plus 1 space for each 2 employees on shift of greatest employment.

## Carteret County Zoning Ordinance

Land Uses	Parking Standards
Business residence	2 spaces for the residential use plus parking to meet the minimum requirements of the particular business
Cabaret, bar, nightclub, disco, and/or related entertainment facilities	1 space for each 200 square feet of gross floor area.
Cabinet shop	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Camera shop	1 space per 200 square feet of gross floor area.
Camp (seasonal)	1 space per 10 camping units
Campground	1 space per site plus parking for other uses associated with the establishment plus 1 space per 6 sites for overflow.
Cannery	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Car wash	1 space per 2 employees.
Caretaker's quarters	2 spaces per dwelling unit.
Cargo facility (pier, wharf, deepwater berth, etc.)	5 spaces per pier, wharf, and/or berth
Carnival of no more than 30 days	Minimum of 25 spaces, with at least 1 space per 4 seats or 10 feet of bleacher seating, 10 spaces per ride, 5 spaces per game booth or area, and 2 spaces per food vendor.
Cell tower	None Required
Cemetery	None Required
Chemical manufacturing, refining, and/or processing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Chicken hatchery	None required
Child care	1 space per teacher or staff plus 1 space for 1 car for drop-off and pickup per 10 children as identified in the licensing limit.
Chiropractic care establishment engaged in the science and the art of preventing, curing, or alleviating disease. (Non-institutional)	1 space per 200 square feet of gross floor area.
Church	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of gross floor area available for the accommodation of movable seats in the largest assembly room, or 1 space for each 150 square feet of gross floor area, whichever is needed by the facility.
Circus of no more than 30 days	Minimum of 25 spaces, with at least 1 space per 4 seats or 10 feet of bleacher seating, 10 spaces per ride, 5 spaces per game booth or area, and 2 spaces per food vendor.
Civic center	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of gross floor area available for the accommodation of movable seats in the largest assembly room, or 1 space for each 150 square feet of gross floor area, whichever is needed by the facility.
Clothing manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Club	1 space for each 200 square feet of gross floor area.
Club (Public or private)	1 space for each 200 square feet of gross floor area.
Club (Recreational)	1 space for each 200 square feet of gross floor area.
Cold storage plant	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.

## Carteret County Zoning Ordinance

Land Uses	Parking Standards
College and related facilities	5 spaces for each room used for administrative offices or class instruction, or 1 space for each 5 seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater, plus 1 school bus space for each 50 students, when necessary.
Co-location on a cell tower	None required.
Co-location (other than on cell tower)	None required.
Commercial fishing vessel facility (pier, wharf, deepwater berth, etc.)	5 spaces per pier, wharf, and/or berth
Commercial marina (with boat ramp)	0.33 spaces per dry slip, 0.50 spaces per wet slip, plus 1 space per employee, plus 25 12' by 40' spaces for each boat ramp
Commercial marina (with no boat ramp)	0.33 spaces per dry slip, 0.50 spaces per wet slip, plus 1 space per employee
Communication facility (other)	1 space per 200 square feet of gross floor area.
Community college	5 spaces for each room used for administrative offices or class instruction, or 1 space for each 5 seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater, plus 1 school bus space for each 50 students, when necessary
Community recreation center	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of gross floor area available for the accommodation of movable seats in the largest assembly room, or 1 space for each 150 square feet of gross floor area, whichever is needed by the facility.
Confectionery (provided that products prepared or processed on the premises shall be sold only at retail and only on the premises)	1 space per 200 square feet of gross floor area.
Contractor's office	1 space for each 200 square feet of gross floor area.
Contractor's plant and/or storage yard	1 space per 600 square feet of gross floor area other than office or retail plus one space per 225 square feet of office area and 1 space per 225 square feet of retail area.
Convalescent home	1 space for 4 patient beds plus 1 space for each 2 employees on the shift of greatest employment.
Convenience store	1 space per 200 square feet of gross floor area.
Cooperage works and crafting services	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Country club and related uses	4 spaces per tee plus parking needed for any related facilities, such as tennis, restaurant, etc.
Credit union	10 spaces minimum for customer parking and 1 space for each 1 employee on shift of greatest employment.
Crematorium	1 space for each 60 square feet of gross floor area available for seating accommodations.
Dairy products processing plant	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Dance studio	1 space per 200 square feet of gross floor area.
Day care center	1 space per teacher or staff plus 1 space for 1 car for drop-off and pickup per 10 children as identified in the licensing limit.
Deepwater berth facilities for cargo, marine research, and commercial fishing vessels	5 spaces per pier, wharf, and/or berth
Delicatessen (provided that products prepared or processed on the premises shall be sold only at retail and only on the premises)	1 space per 200 square feet of gross floor area.

## Carteret County Zoning Ordinance

Land Uses	Parking Standards
Delivery service	1 space per vehicle, plus 1 space for each 2 employees.
Dental laboratory	1 space per 200 square feet of gross floor area.
Dental office and/or clinic	4 spaces per doctor plus 1 space per employee other than physician.
Diner	10 spaces minimum plus 1 space for every 3 seats.
Disco, cabaret, nightclub, bar, and/or related entertainment facilities	1 space for each 200 square feet of gross floor area.
Dock (private)	4 spaces
Docks, barges, tugboats, and related water transportation facility services and/or equipment	25 spaces per berth, dock, and/or pier
Dormitory	1 space per 3 residents.
Drive-in facility (in addition to use requirement)	3 stacking spaces for each bay, window, or lane.
Driving range	1 space per tee, green, and/or other method of participation however styled.
Dry cleaning establishment	1 space for each 200 square feet of gross floor area.
Drystack boat storage	0.33 spaces per dry slip
Duplex (aka two-family dwelling)	2 spaces per dwelling unit.
Dwelling, single-family detached (note: single-family attached is two-family or more)	2 spaces per dwelling unit.
Dwelling, two-family (aka duplex)	2 spaces per dwelling unit.
Dwelling, three-family (aka triplex, also multi-family or group housing)	1.5 spaces for units 549 sq ft or less; 1.75 spaces for units 550-699 sq ft; 2 spaces for units 700-1,249 sf; 2.25 spaces for units over 1,250 sf
Dwelling, four-family (aka multi-family or group housing)	1.5 spaces for units 549 sq ft or less; 1.75 spaces for units 550-699 sq ft; 2 spaces for units 700-1,249 sf; 2.25 spaces for units over 1,250 sf
Efficiency unit	1.5 spaces for units 549 sq ft or less; 1.75 spaces for units 550-699 sq ft; 2 spaces for units 700-899 sq ft; 2.5 spaces for units greater than 900 sf
Electrical repair shop	1 space for each 200 square feet of gross floor area.
Electronic machines, equipment, and/or supplies	1 space per 200 square feet of gross floor area.
Elementary school	1 space for each classroom and administrative office employee and maintenance employee, 5 visitor parking spaces, and 1 school bus space for each 50 students, when necessary.
Entertainment facility (bar, disco, cabaret, nightclub, etc.)	1 space for each 200 square feet of gross floor area.
Equipment rental and storage	None required.
Export cargo packing and crating facility	1 space for each 1,000 square feet of gross floor area.
Exterminating services	1 space per 200 square feet of gross floor area
Fabricating shop (wood, metal, upholstery, etc.)	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Fair of no more than 30 days	Minimum of 25 spaces, with at least 1 space per 4 seats or 10 feet of bleacher seating, 10 spaces per ride, 5 spaces per game booth or area, and 2 spaces per food vendor.
Fairground	Minimum of 25 spaces, with at least 1 space per 4 seats or 10 feet of bleacher seating, 10 spaces per ride, 5 spaces per game booth or area, and 2 spaces per food vendor.
Family care home	1 space per teacher or staff plus 1 space for 1 car for drop-off and pickup per 10 people, as identified in the licensing limit.
Family day care center	1 space per teacher or staff plus 1 space for 1 car for drop-off and pickup per 10 people, as identified in the licensing limit.
Farm implement sales and/or service	In addition to inventory display areas, 1 space per 400 square feet of building area devoted to sales, minus any storage areas.

## Carteret County Zoning Ordinance

Land Uses	Parking Standards
Fiberglass manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Financial institution	10 spaces minimum for customer parking and 1 space for each 1 employee on shift of greatest employment.
Fire and/or rescue station	1 space per person on duty on a normal shift.
Fish processing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Fish and other seafood processing, handling, storage, and sales facilities	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Fish scrap and/or oil processing (Menhaden)	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Fishing camp	1 space per site plus parking for other uses associated with the establishment plus 1 space per 6 sites for overflow.
Fishing pier	1 space per 20 lineal feet
Fishing ranch	1 space per 20 lineal feet of waterfront
Fishing vessel facility (commercial pier, wharf, deepwater berth, etc.)	5 spaces per pier, wharf, and/or berth
Floating platform for cargo handling operations	5 spaces per platform
Floating structure	5 spaces per floating structure
Flower shop and/or florist	1 space per 200 square feet of gross floor area.
Food processing/manufacturing in wholesale quantities	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Foundry	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Freight transportation warehousing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Fruit or vegetable stand (on same parcel as produced)	1 space per 200 square feet of gross floor area.
Funeral home	1 space for each 60 square feet of gross floor area available for seating accommodations.
Furniture manufacturing plant	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Garage (motor vehicle repair)	2 spaces for each service bay plus 1 space for each employee on shift of greatest employment.
Garden supplies	1 space per 200 square feet of gross floor area.
Gasoline station	2 spaces for each service bay plus 1 space for each employee on shift of greatest employment.
General merchandise store	1 space per 200 square feet of gross floor area.
General warehousing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
General wholesaling	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Gift shop	1 space per 200 square feet of gross floor area.
Golf course	4 spaces per hole.
Golf course (miniature)	1 space per tee, green, and/or other method of participation, however styled.

## Carteret County Zoning Ordinance

Land Uses	Parking Standards
Golf driving range	1 space per tee, green, and/or other method of participation, however styled.
Government use	1 space per 150 square feet of public service area plus 2 spaces per 3 employees on shift of greatest employment.
Grain storage and/or shipping	5 spaces per pier, wharf, and/or berth
Greenhouse (wholesale)	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Group care facility	1 space per 4 dwelling units.
Group home	1 space per bedroom, in addition to the normal requirement for the dwelling unit.
Group housing (aka multi-family housing, also 3-family or triplex and more dwelling units)	1.5 spaces for units 549 sq. ft. or less; 1.75 spaces for units 550-699 sq. ft.; 2 spaces for units 700-1,249 sq. ft.; 2.25 spaces for units over 1,250 sf
Gymnasium	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of gross floor area available for the accommodation of movable seats in the largest assembly room, or 1 space for each 150 square feet of gross floor area, whichever is needed by the facility.
Handcrafting of small articles	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Health care (Institutional)	1 space per 200 square feet of gross floor area.
Health care establishment engaged in the science and the art of preventing, curing, or alleviating disease, including medical, surgical, psychiatric, chiropractic and osteopathic and dental offices, etc. (Non-institutional)	4 spaces per doctor plus 1 space per employee other than physician.
Health club	1 space per 200 square feet of gross floor area.
High school	1 space for each classroom and administrative office employee and maintenance employee, 5 visitor parking spaces, and 1 school bus space for each 50 students, when necessary.
Home for the aged	1 space for 4 patient beds plus 1 space for each 2 employees on the shift of greatest employment.
Home occupation (Major)	2 additional parking spaces, in addition to residence requirements.
Home occupation (Minor)	No additional parking spaces, just the residence requirements
Hospital	1 space per 200 square feet of gross floor area.
Hotel	1 space per unit plus 2 spaces per 3 employees on the shift of greatest employment.
Hotel (residential)	1 space per bedroom, in addition to the normal requirement for the dwelling unit.
Housing designed for, and used by, the elderly	1 space per 4 dwelling units.
Indoor shooting range	1 space per shooting booth or stand
Industrial sales and/or repair of equipment	1 space per 400 square feet of gross floor area
Junior high school	1 space for each classroom and administrative office employee and maintenance employee, 5 visitor parking spaces, and 1 school bus space for each 50 students, when necessary.
Junkyard	5 spaces per acre
Kennel	1 space per 200 square feet of gross floor area.
Kindergarten	1 space per teacher or staff plus 1 space for 1 car for drop-off and pickup per 10 children as identified in the licensing limit.
Laboratory (medical, dental, and/or optical)	1 space for each 200 square feet of gross floor area.
Laboratory (research)	1 space for each employee on the shift of greatest employment.

## Carteret County Zoning Ordinance

Land Uses	Parking Standards
Landfill	5 spaces per acre
Laundry establishment	1 space per 200 square feet of gross floor area.
Leather and leather products manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Library	1 space for each 300 square feet of gross floor area.
Locksmith	1 space for each 200 square feet of gross floor area.
Lodge	1 space for each 200 square feet of gross floor area.
Lumber and wood products manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Machinery and equipment manufacturing (including industrial, mechanical, and/or electrical)	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Mail order house	1 space per 200 square feet of gross office floor area plus 1 space per 1,000 square feet of gross storage floor area.
Manufactured home (aka mobile home)	2 spaces per dwelling unit.
Manufactured home and/or modular home dealer	5 spaces plus 1 space per 10,000 square feet of lot area.
Manufactured home park	None required
Manufactured home (temporary)	2 spaces per dwelling unit.
Manufacturing and assembly	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Marina (commercial, with boat ramp)	0.33 spaces per dry slip, 0.50 spaces per wet slip plus 1 space per employee, plus 25 12' by 40' spaces for each boat ramp.
Marina (commercial, with no boat ramp)	0.33 spaces per dry slip, 0.50 spaces per wet slip plus 1 space per employee.
Marina (residential)	20 percent of wet or dry slips available.
Marine equipment store	1 space per 200 square feet of gross floor area.
Marine railroad yard	5 spaces
Marine research facility	1 space for each 200 square feet of gross floor area.
Marine research facility pier, wharf, deepwater berth, etc.	5 spaces per pier, wharf, and/or berth
Mausoleum	None required
Medical care establishment engaged in the science and the art of preventing, curing, or alleviating disease. (Non-institutional)	4 spaces per doctor plus 1 space per employee other than physician.
Medical laboratory	1 space for each 200 square feet of gross floor area.
Menhaden fish scrap and/or oil processing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Meteorological tower	None required
Middle school	1 space for each classroom and administrative office employee and maintenance employee, 5 visitor parking spaces, and 1 school bus space for each 50 students, when necessary.
Mineral manufacturing, refining, and/or processing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Miniature golf course	1 space per tee, green, and/or other method of participation, however styled.
Mining	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Mini-warehouse (aka mini-storage or storage units)	1 space per 200 square feet of gross office floor area.
Miscellaneous manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.

## Carteret County Zoning Ordinance

Land Uses	Parking Standards
Miscellaneous retail	1 space per 200 square feet of gross floor area.
Mobile home (aka manufactured home)	2 spaces per dwelling unit.
Mobile home and/or modular home dealer	5 spaces plus 1 space per 10,000 square feet of lot area.
Mobile home (temporary)	2 spaces per dwelling unit.
Model unit marketing center	1 space for each 200 square feet of gross floor area.
Modular home	2 spaces per dwelling unit.
Modular home and/or manufactured home dealer	5 spaces plus 1 space per 10,000 sq. ft. of lot area.
Mortuary	1 space for each 60 square feet of gross floor area available for seating accommodations.
Motel or motor court	1 space per unit plus 2 spaces per 3 employees on the shift of greatest employment.
Motor vehicle repair garage	2 spaces for each service bay plus 1 space for each employee on shift of greatest employment.
Motor vehicle service station	2 spaces for each service bay plus 1 space for each employee on shift of greatest employment.
Motorcycle sales and repair	In addition to inventory display areas, 1 space per 400 square feet of building area devoted to sales, minus any storage areas.
Multi-family housing (group housing, also 3-family or more dwelling)	1.5 spaces for units 549 sq. ft. or less; 1.75 spaces for units 550-699 sq. ft.; 2 spaces for units 700-1,249 sq. ft.; 2.25 spaces for units over 1,250 sf
Museum	1 space per 300 square feet of gross floor area.
Music studio	1 space per 200 square feet of gross floor area.
Newspaper office and incidental printing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Nightclub, bar, disco, cabaret, and/or related entertainment facilities	10 spaces minimum plus 1 space for every 3 seats.
Non-profit recreational facility	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of gross floor area available for the accommodation of movable seats in the largest assembly room, or 1 space for each 150 square feet of gross floor area, whichever is needed by the facility.
Non-profit wildlife shelter	1 space for each 400 square feet of gross floor area, with a minimum of 5 spaces
Nursery (wholesale)	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Nursing home	1 space for 4 patient beds plus 1 space for each 2 employees on the shift of greatest employment.
Office	1 space for each 200 square feet of gross floor area.
Off-premises sign	None required
Optical laboratory	1 space for each 200 square feet of gross floor area.
Osteopathic care establishment engaged in the science and the art of preventing, curing, or alleviating disease. (Non-institutional)	4 spaces per doctor plus 1 space per employee other than physician.
Other communication facility	1 space for each 200 square feet of gross floor area.
Outdoor shooting range	1 space per shooting booth or stand
Outer continental shelf service and/or supply base	5 spaces
Overnight recreational and/or camping vehicle storage	1 space for each 200 square feet of gross floor area.
Paper and allied products manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.

## Carteret County Zoning Ordinance

Land Uses	Parking Standards
Park (public)	5 spaces per acre plus spaces required for any use areas
Parsonage	2 spaces per dwelling unit.
Personal services	2 spaces per operator.
Petroleum and related products manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Pharmaceutical manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Photography studio	1 space per 200 square feet of gross floor area.
Physical fitness studio	1 space per 200 square feet of gross floor area.
Pier (fishing)	1 space per 20 lineal feet
Pier (private)	4 spaces
Pier for cargo, marine research, and/or commercial fishing vessels	5 spaces per pier, wharf, and/or berth
Place of public assembly	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of gross floor area available for the accommodation of movable seats in the largest assembly room, or 1 space for each 150 square feet of gross floor area, whichever is needed by the facility.
Plastic manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Pool center or hall	1 space per table and/or other method of participation, however styled.
Pool for swimming, except at a single-family residence	1 space per 100 square feet of water and deck area.
Post office	1 space per 150 square feet of public service area plus 2 spaces per 3 employees on shift of greatest employment.
Pottery, porcelain, and vitreous china manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Primary metal products manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Printing and publishing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Private school	1 space for each classroom and administrative office employee and maintenance employee, 5 visitor parking spaces, and 1 school bus space for each 50 students, when necessary.
Psychiatric care establishment engaged in the science and the art of preventing, curing, or alleviating disease. (Non-institutional)	4 spaces per doctor plus 1 space per employee other than physician.
Public assembly (place of)	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of gross floor area available for the accommodation of movable seats in the largest assembly room, or 1 space for each 150 square feet of gross floor area, whichever is needed by the facility.
Public park	5 spaces per acre plus spaces required for any use areas
Public school	1 space for each classroom and administrative office employee and maintenance employee, 5 visitor parking spaces, and 1 school bus space for each 50 students, when necessary.
Public utility infrastructure	None required.
Public utility office	1 space for each 200 square feet of gross floor area.
Public utility workshop and/or storage	1 space per 200 square feet of gross office floor area plus 1 space per 1,000 square feet of gross storage floor area.

## Carteret County Zoning Ordinance

Land Uses	Parking Standards
Quarrying	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Radio studio or station	2 spaces per 3 employees on shift of greatest employment.
Radio transmitting tower	None required
Railroad transportation facility (aka railroad station)	1 space for each 4 seats for waiting passengers plus 1 space for each two employees on shift of greatest employment.
Railroad yard (marine)	5 spaces
Ramp (boat launching)	0.33 spaces per dry slip, 0.50 spaces per wet slip, plus 1 space per employee, plus 25 12' by 40' spaces for each boat ramp.
Recreation center (Community)	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of gross floor area available for the accommodation of movable seats in the largest assembly room, or 1 space for each 150 square feet of gross floor area, whichever is needed by the facility.
Recreational club	1 space for each 250 square feet of gross floor area.
Recreational facility (for profit)	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of gross floor area available for the accommodation of movable seats in the largest assembly room, or 1 space for each 150 square feet of gross floor area, whichever is needed by the facility.
Recreational facility (non-profit)	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of gross floor area available for the accommodation of movable seats in the largest assembly room, or 1 space for each 150 square feet of gross floor area, whichever is needed by the facility.
Recreational vehicle park	None required beyond what is required by the Manufactured Home, Manufactured Home Park, and Recreational Vehicle Park Ordinance
Recycling of waste matter	5 spaces per acre
Repair garage (motor vehicle)	2 spaces for each service bay plus 1 space for each employee on shift of greatest employment.
Rescue and/or fire station	1 space per person on duty on a normal shift.
Research facility (marine)	1 space for each 200 square feet of gross floor area.
Research facility pier, wharf, deepwater berth, etc.	5 spaces per pier, wharf, and/or berth
Research laboratory	1 space for each employee on the shift of greatest employment.
Residential hotel	1.5 spaces for units 549 sq. ft. or less; 1.75 spaces for units 550-699 sq. ft.; 2 spaces for units 700-1,249 sq. ft.; 2.25 spaces for units over 1,250 sf
Residential marina	20 percent of wet or dry slips available.
Rest home	1 space for 4 patient beds plus 1 space for each 2 employees on the shift of greatest employment.
Restaurant (with drive-in/drive-thru window)	10 spaces minimum plus 1 space for every 3 seats plus 15.0 per 1,000 sf gross floor area plus 3 stacking spaces for each bay, window, and/or lane.
Restaurant (no drive-in/drive-thru window)	10 spaces minimum plus 1 space for every 3 seats.
Retail business	1 space per 200 square feet of gross floor area.
Retail (miscellaneous)	1 space per 200 square feet of gross floor area.
Rubber products manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Sale of alcoholic beverages in a retail establishment	1 space per 200 square feet of gross floor area.
Sanitarium care	1 space for each 2 patient beds, plus 1 space for each staff or visiting doctor, plus 1 space for each 3 employees.

## Carteret County Zoning Ordinance

Land Uses	Parking Standards
Savings and loan association	10 spaces minimum for customer parking and 1 space for each 1 employee on shift of greatest employment.
School (public or private)	1 space for each classroom and administrative office employee and maintenance employee, 5 visitor parking spaces, and 1 school bus space for each 50 students, when necessary.
Scrap processing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Seafood processing, handling, storage, and/or sales facilities	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Senior high school	5 spaces for each room used for administrative offices or class instruction, or 1 space for each 5 seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater, plus 1 school bus space for each 50 students, when necessary.
Service station (motor vehicle)	2 spaces for each service bay, plus 1 space for each employee on shift of greatest employment.
Ship's store	1 space per 200 square feet of gross floor area.
Shooting range (indoor)	1 space per shooting booth or stand
Shooting range (outdoor)	1 space per shooting booth or stand
Side show of no more than 30 days	Minimum of 25 spaces, with at least 1 space per 4 seats or 10 feet of bleacher seating, 10 spaces per ride, 5 spaces per game booth or area, and 2 spaces per food vendor.
Sign (off-premises)	None required
Signs (manufacturing and/or assembly)	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Single-family dwelling, detached (note: single-family attached is two-family or more)	2 spaces per dwelling unit.
Skating rink	1 space for each 50 square feet of gross floor area used for skating
Slaughterhouse	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Sludge disposal and/or septage	1 space per 200 square feet of gross floor area.
Stable (private or public)	1 space per 4 stalls or open area similarly used.
Stadium	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of gross floor area available for the accommodation of movable seats in the largest assembly room, or 1 space for each 150 square feet of gross floor area, whichever is needed by the facility.
Stationery store	1 space per 200 square feet of gross floor area.
Stone, clay, glass, and/or concrete products manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Storage (drystack for boats)	0.33 spaces per dry slip
Storage (overnight recreational and/or camping vehicles)	1 space per 200 square feet of gross office floor area.
Storage units (aka mini-storage or mini-warehouse)	1 space for each 200 square feet of gross floor area.
Storage yard (boats)	Parking spaces equal to 60% of the number of boats for which facilities for dry storage are available plus 1 space for each 2 wet slips plus 1 space
Studio for arts, photography, dance, and/or music	1 space for each 200 square feet of gross floor area.
Surgical care establishment engaged in the science and the art of preventing, curing, or alleviating disease. (Non-institutional)	4 spaces per doctor plus 1 space per employee other than physician.

## Carteret County Zoning Ordinance

Land Uses	Parking Standards
Swimming pool, except at a single-family residence	1 space per 100 square feet of water and deck area.
Swine production	None required
Taxi terminal	1 space per 225 square feet of gross floor area.
Telecommunications facility (cell tower)	None required
Telecommunications facility (co-location on a tower)	None required
Telecommunications facility (co-location, not on a cell tower)	None required
Television studio or station	2 spaces per 3 employees on shift of greatest employment.
Television transmitting tower	None required
Temporary manufactured/mobile home	2 spaces per dwelling unit.
Tennis courts (private)	1 space per court and/or other method of participation, however styled.
Tennis courts (public and/or commercial)	1 space per court and/or other method of participation, however styled.
Terminal activities (vehicle)	5 spaces
Terminal (bus)	1 space for each 4 seats for waiting passengers, plus 1 space for each 2 employees on shift of greatest employment.
Terminal (taxi)	1 space per 225 square feet of gross floor area.
Terminal (wholesale storage and bulk, excluding flammable products, chemicals, and mineral manufacturing and storage)	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Terminal (wholesale storage and bulk for flammable materials)	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Textile manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Theatre (indoor)	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of gross floor area available for the accommodation of movable seats in the largest assembly room, or 1 space for each 150 square feet of gross floor area, whichever is needed by the facility.
Theatre (outdoor)	At least 1 space per 4 seats or 10 feet of bleacher seating plus 1 space per speaker outlet
Tire recapping and retreading	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Tobacco manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Tobacco sales warehousing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Tower (See: Telecommunications)	None required
Tower (TV, radio transmitting)	None required
Townhouse	1.5 spaces for units 549 sq. ft. or less; 1.75 spaces for units 550-699 sq. ft.; 2 spaces for units 700-1,249 sq. ft.; 2.25 spaces for units over 1,250 sf
Trade school	5 spaces for each room used for administrative offices or class instruction, or 1 space for each 5 seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater, plus 1 school bus space for each 50 students, when necessary.
Trailer (utility and/or hauling) sales and/or rental	1 space per 200 square feet of gross floor area.
Transportation equipment manufacturing	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.

## Carteret County Zoning Ordinance

Land Uses	Parking Standards
Triplex (aka three-family dwelling)	1.5 spaces for units 549 sq ft or less; 1.75 spaces for units 550-699 sq ft; 2 spaces for units 700-1,249 sq ft; 2.25 spaces for units over 1,250 sf
Truck sales	In addition to inventory display areas, 1 space per 400 square feet of building area devoted to sales, minus any storage areas.
Tugboats, docks, barges, and related water transportation facility services & equipment	25 spaces per berth, dock, and/or pier
Two-family dwelling (aka duplex or single-family attached dwelling)	2 spaces per dwelling unit.
University	5 spaces for each room used for administrative offices or class instruction, or 1 space for each 5 seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater, plus 1 school bus space for each 50 students, when necessary.
Utility (public) infrastructure	None required.
Utility office (public)	1 space for each employee on shift of greatest employment.
Utility workshop and storage (public)	1 space for each employee on shift of greatest employment.
Vegetable or fruit stand (on same parcel as produced)	1 space per 200 square feet of gross floor area.
Vehicle terminal activities	5 spaces
Vending machine located outdoors	1 space per 5 machines
Veterinary clinic	1 space for each 400 square feet of gross floor area, with a minimum of 5 spaces
Vocational school	5 spaces for each room used for administrative offices or class instruction, or 1 space for each 5 seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater, plus 1 school bus space for each 50 students, when necessary.
Warehousing (freight transportation)	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Warehousing (general)	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Warehousing (tobacco sales)	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Water transportation facility, including barges, docks, tugboats, and related services and/or equipment	25 spaces per berth, dock, and/or pier
Wharf for cargo, marine research, and commercial fishing vessels	5 spaces per pier, wharf, and/or berth
Wholesale (general)	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Wholesale nursery and/or greenhouse	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Wholesale storage and bulk terminal (excluding flammable products, chemicals, and mineral manufacturing and/or storage)	5 spaces per pier, wharf, and/or berth
Wholesale storage and/or bulk terminal for flammable materials	5 spaces per pier, wharf, and/or berth
Wholesale with related retail business	2 spaces per 3 employees on the shift of greatest employment plus additional spaces per square foot of gross floor area devoted to retail sales as applicable
Wildlife shelter (non-profit)	1 space for each 400 square feet of gross floor area, with a minimum of 5 spaces

## Carteret County Zoning Ordinance

Land Uses	Parking Standards
Wind Turbine Small System (up to 25 kW) and attached to a house	None required
Wind Turbine Small System (up to 25 kW) but not attached to a house	None required
Wind Turbine Large System (26 - 999 kW)	None required
Wind Turbine Utility-scale (1,000 kW or more)	None required
Woodworking shop	1 space for each 1 employee on shift of greatest employment plus 5 spaces for visitor parking.
Yacht club	0.33 spaces per dry slip, 0.50 spaces per wet slip, plus 1 space per employee plus 25 spaces at least 12' by 40' for each boat ramp

### 2003. Parking space and travel aisle width defined.

2003.1. A parking space is defined as an off-street space exclusively available for the parking of motor vehicles. A standard parking space must have minimum dimensions of 10 feet in width and 20 feet in length with a minimum of 200 square feet needed. This area does not include any passageways and driveways used for access to the space or spaces.

Where there are lots designed to accommodate more than 10 vehicles, up to 25 percent of the spaces may have minimum dimensions of 7.5 feet in width and 16 feet in length. The smaller spaces, if provided, shall be designated for use only by compact cars.

2003.2. The minimum width of a travel aisle width in a parking lot with two-way (2 lanes) traffic shall be 24 feet. The minimum width of a traffic aisle for one-way (1 lane) parking shall be 14 feet.

### 2004. Parking spaces in driveways.

In the absence of garages or carports, driveways may be considered as providing required off-street parking spaces for single-family, two-family, and three-family dwellings in residential districts.

### 2005. Location of parking spaces.

Parking spaces must be located so that no space is farther than 400 feet from the buildings or uses to which it is assigned. However, in no case shall parking be located across a thoroughfare (i.e., Highways 24, 58, 70, 101 and 12) from the use nor shall parking be permitted within a structure unless it is an approved parking garage. The planning commission may waive this distancing requirement if a shuttle system is provided for the use. This 400-foot distancing requirement does not apply to parking spaces for auditoriums, assembly halls, gymnasiums, and other places of assembly, industrial, wholesaling, manufacturing establishments and hospitals.

2005.1. A strip of land not less than 10 feet in width shall be required between the first row of parking and any adjoining right-of-way.

### 2006. Parking spaces assigned to one use.

Required parking spaces for any number of separate buildings or uses may be combined in one lot, but the required spaces assigned to one use may not be assigned to another use at the same time. The required parking spaces for places of assembly may be assigned to parking spaces that are otherwise assigned to other uses if the parking spaces are normally used at different times and a written agreement between both parties regarding the requirements of section 2006 is submitted to the planning department.

### 2007. Parking spaces shall not be reduced in number.

Off-street parking spaces shall not be reduced below the minimum required for the use or facility to which they are assigned. Off-street parking spaces for buildings or uses which existed at the time of the adoption of this ordinance and which were inadequate to meet the minimum parking spaces required by this ordinance must not be reduced as long as those buildings and uses continue to be in existence.

### 2008. Additions to buildings deficient in parking spaces.

The provision of extra parking spaces is not required for additions to existing buildings and uses that do not meet the minimum requirements for off-street parking spaces if any such additions do not represent an additional parking requirement of more than three off-street parking spaces. If more than three parking spaces would be required, the addition must comply with all applicable parking standards.

## **Carteret County Zoning Ordinance**

### **2009. Parking plans required.**

Plans for off-street parking lots, whether public or private, must be submitted to the zoning enforcement officer for review for compliance with the provisions of this ordinance and with other pertinent ordinances. Each plan must indicate the number of spaces and arrangement of parking aisles, location of driveway entrances, provisions for vehicular and pedestrian circulation, locations of sidewalks and curbs on or adjacent to the property, and any other such information as deemed necessary by the zoning enforcement officer to fulfill other ordinance requirements. Detached single-family, two-family, and three-family residences are exempted from this requirement.

### **2010. Barriers required.**

Curbs, walls, fences, ditches, or similar devices must be located along the perimeter of parking lots, garages, and storage areas, except at entrances and exits indicated on approved parking plans. These barriers must be designed and located to prevent parked vehicles from extending beyond property lines of parking lots and garages and to protect public rights-of-way and adjoining properties from damaging effects from surface drainage from parking lots.

### **2011. Parking and storage areas.**

2011.1. Parking lots, garages, and storage areas must be designed and constructed so that all maneuvering to park cars can take place entirely within the property lines of the lot.

2011.2. All parking areas shall be designed so that there will be no need to use streets, sidewalks, alleys or other public rights-of-way for parking or maneuvering to and from off-street parking spaces, except where such maneuvering is necessary in the use of driveways for access to and from single-family, two-family, and three-family dwellings.

2011.3. Access to parking areas will be limited to driveway entrances and exits specified in the approved parking area plans.

### **2012. Parking spaces and lots to be improved.**

All parking lots and spaces, excluding those provided for detached single-family dwellings shall be improved with gravel or marl, turfstone, compacted stone, asphalt or concrete, or any other innovative means of paving. Each parking space, except those provided for detached single-family dwellings, shall be delineated by curbs, railroad ties, paint, or other similar material.

### **2013. Handicapped parking.**

One handicapped parking space shall be required per 50 parking spaces. Each handicapped space must meet the terms of the NC Building Code and be delineated as required in section 2012.

### **2014. Off-street loading requirements.**

2014.1. *Spaces appropriate to function.* Off-street loading spaces must be provided as appropriate to the function and scope of operation of individual or groups of buildings and uses.

2014.2. *Design of loading spaces.* Off-street loading spaces must be designed and constructed so that all maneuvering to park and unpark vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces must be designed so as not to interfere with the normal movement of vehicles and pedestrians on public rights-of-way.

## Carteret County Zoning Ordinance

### 2100. DESIGN STANDARDS AND REGULATIONS OF SIGNS

The purpose of this section is to regulate the type, placement, and physical dimensions of signs in the interest of public health, safety, and welfare, while recognizing the need for signs in the business community.

**2101. Definitions.** (Amended 6-4-2007, 4-21-2008, and 1-13-2014)

**Advertising display area:** The advertising display surface area encompassed within any polygon that would enclose all parts of the sign by one continuous line, connecting the extreme points or edges of a sign and using the largest sign area or silhouette visible at any one time from any one point. The structural supports for a sign, whether they be columns, pylons, or a building, or a part thereof, shall not be included in the advertising area but all other ornamental attachments, inner connecting links, etc., that are not a part of the main supports of the sign are to be included in determining sign area.

**Blinking:** To shine intermittently, to turn on/off, or to open/close more than 15 times per minute.

**Billboard:** A sign that advertises an establishment, service, commodity, goods, or entertainment sold or offered on premises other than that where the sign is located. A billboard usually has a sign area larger than 32 square feet. Also known as an off-premise or outdoor advertising sign.

**Building:** A type of structure having a roof, supported by columns or walls, for the shelter, housing, or enclosure of persons, animals, or goods, as per the North Carolina Building Code.

**Controlled access highway:** A highway, or section thereof, especially designed for through traffic and over, from, or to which highway owners or occupants of abutting property, or others, shall have only controlled right of easement of access.

**Copy:** The wording on a sign surface in permanent, changeable or removable letter form.

**County:** The County of Carteret, North Carolina.

**Enforcement officer:** The Planning Director or designee.

**Erect:** To build, construct, attach, hang, place, suspend, or affix something, such as a building or a sign.

**Face of sign:** The area of a sign on which the copy is placed.

**Flashing:** A light that intermittently flashes on and off.

**Flickering:** A sudden brief movement.

**Indirect illumination:** A sign that is lighted by a light source outside of the sign.

**Internal illumination:** When a sign, whose light source is concealed or contained within the sign itself, becomes visible by shining through a translucent surface.

**Lot:** Land area of defined boundaries in single ownership, set aside for separate use or occupancy, and recorded as such in the office of the Carteret County Register of Deeds. The word "lot" includes "parcel", "plot", or "tract".

**Lot line:** Any boundary of a parcel.

**Maintenance:** The cleaning, painting, repair, or replacement of defective parts (including plumbing, electrical, or mechanical work that might require a building permit) in a manner that does not alter the basic design or composition of a structure, such as a sign, wind turbine, wireless telecommunications facility, or other structure.

**Major access road:** US 70, NC State Highway 24, NC State Highway 58, NC State Highway 101, and NC State Highway 12.

**Oscillating:** To move or travel back and forth between two points, as in a light that oscillates up and down, back and forth, etc.

**Owner:** A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not. The owner of property on which a sign is located is presumed to be the owner of the sign, unless facts to the contrary are officially recorded or otherwise brought to the attention of the Enforcement Officer (e.g., a sign leased from a sign company).

**Parcel:** Land area of defined boundaries in single ownership, set aside for separate use or occupancy, and recorded as such in the office of the Carteret County Register of Deeds. The word "parcel" includes "lot", "plot", or "tract"

**Premises:** A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as a unit of real estate.

**Principal use:** The use that constitutes the primary activity, function, or purpose to which a parcel or building is put.

**Principal use sign:** A sign that advertises an establishment, a service, commodity, or activity conducted upon the premises where such sign is located.

## Carteret County Zoning Ordinance

**Public body:** Any government or governmental agency of the County of Carteret, the State of North Carolina, or the United States of America.

**Rotating:** To turn about or around on an axis or center.

**Scrolling:** To move text or graphics up or down, back and forth, and/or across a display screen.

**Semi-public body:** Any organization operating as a non-profit activity and serving a public purpose or service, including such organizations as non-commercial clubs, lodges, theater groups, recreational and neighborhood associations, cultural activities, and schools.

**Sign:** Any device, letter, numeral, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated surface, that is so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner, whatsoever, so that the same is used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise, whatsoever, that are displayed in any manner whatsoever, including out-of-doors, and are visible from any public way. Also included are any card, cloth, glass, metal, painted, paper, plastic, wooden, or other configuration of any character placed in or on the ground or any tree, wall, bush, rock, fence, pavement, building, structure, or thing, for the purpose of advertising, announcing, declaring, demonstrating or displaying information about a specific business, occupant use, activity, or building, including clocks, barber poles and similar devices. This shall exclude official notices issued by a court or public officer.

### TYPES OF SIGNS:

1. **Abandoned sign:** A sign for which no legal owner can be found.
2. **Animated sign:** Any sign that uses movement or change of lighting to depict action or to create a special effect or scene. This shall not include permitted LED signs.
3. **Awning sign:** A sign painted, sewn, woven into or as a part of, and/or otherwise applied to the fabric of an awning.
4. **Banner sign:** A sign that is hung, either with or without frames, usually from a single support or between two sources of support. National flags, flags of political subdivisions, and symbolic flags of any institution or business are not included in this definition. Banner signs are often used to advertise a special event.
5. **Banner sign:** A strip of cloth or other material on which a sign is drawn, written, or painted that is temporarily displayed.
6. **Billboard:** A sign that directs attention to and is not located on the premises where the business, commodity, service, or entertainment being advertised is conducted, sold, or offered. Also known as an off-premise or outdoor advertising sign.
7. **Building directory sign:** A sign identifying the businesses within a building or the locations of buildings on-site.
8. **Bulletin board sign:** A sign used to announce meetings or programs to be held at a church, school, auditorium, library, museum, community recreation center, or similar non-commercial place of public assembly and is located on the premises where the meeting or program is conducted. The text may be in LED (light emitting diode) form, use light bulbs or be manually changeable.
9. **Business sign:** A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; to types of products sold, manufactured, or assembled on said premises; and/or to service or entertainment offered on said premises.
10. **Canopy sign:** A sign painted, glued, and/or otherwise attached to a canopy.
11. **Changeable copy sign:** A sign that is designed so that characters, letters, or illustrations are changed or rearranged manually without altering the face or the surface of the sign, which includes the changing of copies on billboards.
12. **Construction sign:** A sign that identifies architects, engineers, contractors, and other individuals or firms involved with construction on the premises, the name of the building or development, the intended purpose of the building, the expected completion date, and/or related information about the construction project.
13. **Directional/informational sign:** An on-premise sign giving directions, instructions, and/or facility information and which may contain the name or logo of an establishment but no advertising copy (e.g., parking or exit and entrance signs).
14. **Directional sign:** Signs other than business signs which contain only the name of a parking area or similar accessory use to a business establishment to which direction is given, i.e., entrance/exit signs.
15. **Directory sign:** A sign on which the names and locations of occupants or the use of a building is given, such as office buildings and church directories.
16. **Double-faced sign:** A sign with two faces.
17. **Electronic message board:** A sign in which the text is in LED (light emitting diode) form; or uses light bulbs to form a message. An electronic message board is not a changeable copy sign.
18. **Flag sign:** A piece of fabric of distinctive design that is used as a symbol or as a signaling device.
19. **Flashing sign:** A sign that contains an intermittent, alternating, irregular, blinking, and/or sequential light.

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20. **Flush-mounted sign:** A sign mounted flat against the surface of a building.
21. **Freestanding sign:** A sign that is not attached to a building and is permanently attached to the ground by one or more supports.
22. **Government flag sign:** A flag, banner, and the like bearing the colors and/or logo of a government agency.
23. **Government sign:** Any sign erected by a government agency.
24. **Ground or pole sign:** A type of freestanding sign that is supported by structures or supports in the ground and is independent of support from any building.
25. **Home occupation sign:** A sign used to identify the name of the individual, family, organization, or enterprise occupying the home and engaged in a home occupation or the profession of the occupant.
26. **Identification sign:** A sign whose copy is limited to the name and/or address of a building, institution, or person.
27. **Illegal sign:** A sign that does not meet the requirements of this ordinance, that has not received legal non-conforming status, and that does not have permit authorization, if required, under the terms of the old ordinance.
28. **Illuminated sign:** A sign illuminated in any manner by an artificial light source.
29. **Inflatable display sign:** A sign that is gas filled, whether or not the gases cause the sign to move.
30. **Legal sign:** Any sign not an illegal sign. A sign that complies with the requirements of this ordinance.
31. **Menu board sign:** A sign (usually an illuminated metal box with pictures and prices of food items) advertising one or more products offered at a drive-thru. Such signs might be on poles or posts, ground-mounted, wall-mounted, in temporary sign frames, etc. and are typically not readable from off the premises.
32. **Non-commercial sign:** A sign that carries no commercial message, statement, or expression. Non-commercial signs include signs expressing political views, religious views, or signs of for-profit organizations related to their tax-exempt purposes.
33. **Non-conforming sign:** A sign that was erected legally but does not comply with subsequently-enacted sign restrictions and regulations or a sign that does not conform to the sign code requirements but has received approval from the zoning board of adjustment.
34. **Non-governmental flag sign:** A flag, banner, and the like bearing the colors and/or logo of a business, family, fraternal organization, non-profit agency, or the like.
35. **Obsolete sign:** A sign related to or identifying a business or activity that has not been conducted on the premises for at least 6 (six) months; a transpired election or event; a political party or profit organization that no longer exists; or the structure for a sign that is not allowed under this Ordinance if such structure cannot be used for a legal use or does not comply with the height, size, physical location, or other physical requirements of this Ordinance.
36. **Off-premises commercial sign:** A sign structure advertising an establishment, merchandise, service or entertainment that is not sold, produced, manufactured, or furnished at the property on which said sign is located. Also known as a billboard or outdoor advertising sign.
37. **Off-premises tri-view sign:** An off-premises sign on which each face intermittently rotates with a maximum of three faces per side.
38. **On-premises commercial sign:** A sign that pertains to the use of the premises on which it is located.
39. **Outdoor advertising sign:** A type of off-premises sign, usually a billboard, including a standard poster panel, either freestanding or attached to a structure, that directs attention to a business, commodity, service, entertainment, or other commercial activity, conducted, sold, or offered elsewhere than on the premises on which said sign is located. Also known as a billboard or off-premise sign.
40. **Political sign:** A sign used in connection with an election or referendum.
41. **Portable sign:** A sign not permanently attached to the ground or other permanent structure, including signs with attached wheels; A- or T-frame signs; sandwich board signs; signs attached or painted on vehicles parked and visible from the right-of-way (even if said vehicle is used as a vehicle in the normal day-to-day operations of the business).
42. **Principal Use Sign:** A sign which directs attention to a business, commodity, service, entertainment, or other activity, conducted, sold, or offered exclusively on the premises upon which said sign is located.
43. **Prohibited sign:** A sign that is not permitted in the jurisdiction of this ordinance.
44. **Projecting sign:** A sign that is attached to a building by supports and extends at any angle from the building greater than 45° for more than two-feet.
45. **Public sign:** A sign erected by, or on behalf of, a governmental body to post a legal notice, identify public property, convey public information, and/or direct or regulate pedestrian or vehicular traffic.
46. **Real estate sign:** A sign that is used to offer for sale, lease, or rent the property upon which the sign is placed.
47. **Roof sign:** A sign that extends above the ridge of the roof or a sign placed on the roof.
48. **School identification sign:** A sign that identifies a school by name and/or logo.
49. **Snipe sign:** A sign of any material that is attached in any way to a utility pole, tree, or any object other than a building, roof, or sign post.

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Typical snipe signs

50. **Special event sign:** A sign advertising events, such as the Seafood Festival, Big Rock Blue Marlin Tournament, and other similar happenings.
51. **Subdivision sign:** A sign that identifies a subdivision name and/or logo.
52. **Suspended sign:** A sign that hangs, such as from a ceiling or an awning or canopy roof.
53. **Temporary sign:** A sign that is mounted on a mobile framework or movable apparatus that is portable and/or moveable, including arrow-type signs, spring-type signs, metal frame signs, pricing-type signs, and special purpose advertising signs.
54. **Three-dimensional sign:** A sign that has height, depth, and breadth and incorporates an object into an advertising sign (e.g., a three-dimensional hamburger or life-sized pig advertising a food place).
55. **Trailer sign:** A sign mounted on a vehicle normally licensed by the State of North Carolina as a trailer.
56. **Wall sign:** A sign painted, attached, or mounted on the wall of a building or structure, other than a projecting sign, that is attached to or painted on any wall of any building and which may project from the plane of the wall less than 12 inches. This definition shall not include freestanding walls, which would be a ground-mounted sign. A sign attached to the lower slope of a mansard or canopy roof, or a sign affixed to or forming an awning or canopy, shall be considered a wall sign for purposes of this Ordinance, notwithstanding the fact that certain portions of such sign may project more than 12 inches. For purposes of this Ordinance only, a "wall" shall include any permanent architectural extension of a wall, including parapets, even if such extension projects beyond or above the enclosed portions of the building.
57. **Window sign:** A sign that is not a temporary sign and is attached to, painted on, etched into, or hangs behind a window and is legible from outside the window. Window signs shall include signs, posters, symbols and any other identification of/or information about the occupant or the activity and/or use of the premises, including neon "open" signs. Included in the definition is any sign, displayed in, attached to, or painted on a window that is visible from any public street and is intended to attract the attention of persons outside the building, but excluding merchandise displays and incidental informational signs (e.g.; credit cards accepted, hours, non-appurtenant community service announcements, etc.).

**Sign area:** The advertising display surface area encompassed within any polygon that would enclose all parts of the sign by one continuous line, connecting the extreme points or edges of a sign, and using the largest sign area or silhouette visible at any one time from any one point. The structural supports for a sign, whether they be columns, pylons, or a building, or a part thereof, shall not be included in the advertising area but all other ornamental attachments, inner connecting links, etc., that are not a part of the main supports of the sign are to be included in determining sign area.

**Sign face:** The informational area of a sign on one side of a sign.

**Sign height:** The height of a sign shall be the vertical distance from normal grade to the highest point of the sign. Any berming or filling or excavating solely or primarily for the purpose of locating the sign shall be computed as a part of the sign height.

**Special events display:** A banner sign erected on the premises of an establishment having a grand opening or special event.

**Stationary:** Unchanging in condition; not moving.

**Structure:** Something built or constructed, such as a walled and roofed building, a manufactured home, a gas or liquid storage tank that is principally above ground, a wind turbine or communications tower, a water tank, etc., exclusive of fences, mailboxes, flagpoles, lampposts, doghouses, birdhouses, and well pump covers.

**Used or occupied:** A parcel or structure that is not completely vacant or is otherwise devoted to a use, whether active or passive or constant or intermittent.

### 2102. General requirements.

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No sign of any type nor any part thereof shall be erected, painted, posted, reposted, placed, replaced, or hung in any zoning district except in compliance with these regulations.

2102.1. *Application materials.* Each application for a zoning permit for a sign shall be made in writing and shall contain or have attached the following information:

- a) A drawing approximately to scale showing the design of the sign, including dimensions, method of attachment or support, source of illumination and showing the relationship to any building or structure to which it is or is proposed to be installed;
- b) A plot plan approximately to scale indicating the location of the sign relative to property lines, easements, buildings, streets and other on-premises signs;
- c) Two sets of plans to be submitted to the building inspector, when required;
- d) An LED sign shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring down the lighting level at night.
- d) No zoning permit for a sign is required for a construction sign, real estate sign or financial institution sign related to the financing of the project under construction, so long as it is not over 16 square feet and there is not more than four feet from the bottom of the sign to the ground thereunder. (Amended 1-13-2014)

Sign plans shall be submitted to the zoning enforcement officer for approval prior to the building inspector issuing a building permit. A record of such applications and actions taken shall be kept in the planning department.

2102.2. *Signs prohibited in all districts.* The following signs are prohibited in all zoning districts:

- a) Advertising signs resembling traffic signals, traffic signs, emergency vehicles' flashing lights and which are likely to be misconstrued by the traveling public as being official governmental signs or emergency warnings or which by their distracting nature create a hazard to motorists;
- b) Signs, except for off-premises signs allowed under this section, advertising an activity, business, product or service no longer conducted on the premises upon which the sign is located. Such signage shall be removed within 90 days from the date of termination of such activity. Upon failure of the owner to remove such signs within the prescribed time, the zoning enforcement officer shall take appropriate legal action to have such sign removed;
- c) Flashing, blinking, pulsating, and portable signs or signs with moving parts;
- d) Signs, other than traffic, governmental or street name signs or official signs, shall not be permitted within any street right-of-way;
- e) Roof signs;
- f) Three-dimensional signs;
- g) Beacon lights, animated signs, trailer signs and snipe signs;
- h) Portable signs.

2102.3. *Illuminated signs.* No illuminated sign shall be so designed or placed that direct or reflected light or glare constitutes a hazard or annoyance to motorists or occupants of adjoining properties. All LED signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring down the lighting level at night.

2102.4. *Determination of sign area.* For the purposes of this ordinance, the square footage area of any sign shall be measured by the smallest area enclosed by one continuous line connecting the extreme points or edges of the sign. This includes lattice work, frame, border molding, lettering, and display area incidental to the sign's decoration.

2102.5. *Maintenance.* All signs, together with braces, guys and supports shall at all times be kept in good repair. If at any time a sign should become abandoned, unsafe, or poorly maintained, the zoning officer shall notify the owner of the sign of such condition, and upon failure of the owner to correct such condition, the zoning officer shall take appropriate legal action to have such sign repaired or removed.

### **2103. On-premises, commercial signs.**

These signs shall comply with all state and county building codes and the National Electric Code. Clearance of signs is required from high voltage power lines and signs shall be located in such a way that they will maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric[al] Code specifications, provided that no sign shall be installed closer than 10 feet horizontally or vertically from any conductor or public utility guy wire.

2103.1. On-premises signs shall be permitted in all zones provided that the sign advertises the principal use of the lot and meets the requirements of section 2100.

2103.2. No on-premises sign shall be located closer than 10 feet from the right-of-way or five feet from the side property lines.

2103.3. One ground or pole on-premises sign shall be permitted per parcel, unless the use is located within a complex, such as a business complex or office complex and shall not exceed 3/4 square foot to each linear foot of road frontage (e.g., 100 feet of road frontage would allow a 75 square foot sign) or the maximum sign area permitted in a district, whichever is less.

On-premises wall signs are permitted in any district, but cannot exceed more than 50 percent of the total wall area.

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2103.4. The height of a ground or pole on-premises sign shall not exceed 20 feet in height from the grade of the right-of-way or surface grade beneath the sign, whichever is less. The clearance of a ground or pole on-premises sign shall not be less than eight feet from the grade of the right-of-way or finished grade beneath the sign, whichever is less. Signs may be located closer to surface grade if the setback is increased by one foot for every one foot closer to the ground the sign is located. Setback examples are shown below:

TABLE INSET:

Setback	Clearance of Sign
10 feet	8 feet
11 feet	7 feet
12 feet	6 feet
13 feet	5 feet
14 feet	4 feet
15 feet	3 feet
16 feet	2 feet
17 feet	1 foot
18 feet	ground level

2103.5. Signs which are placed parallel to the right-of-way shall be permitted to be located at ground level 10 feet from the right-of-way, as shown below:

2103.6. No sign shall be erected at the intersections of streets, driveways, or alleys in such a manner as to obstruct clear vision.

2103.7. On-premises signs may be illuminated by indirect or internal illumination.

2103.8. No sign shall copy or simulate official governmental signs or signals.

2103.9. Sign copy shall be submitted for all proposed signs to the planning department. No sign shall have lewd or lascivious letters, words, or characters designating the same.

2103.10. Special events displays are permitted provided that they are in accordance with all sections of this ordinance.

2103.11. In the event a business is located on a corner lot, 2 on-premises ground or pole signs shall be permitted per parcel, provided that it is the intersection of 2 thoroughfares (i.e., Highways 12, 24, 58, 70, and 101).

2103.12. No sign shall be placed within 50 feet of a lot zoned for residential purposes unless the sign is permitted in residential districts.

2103.13. Electronic message boards can be used as a portion of the allowed signage area. Blinking, flashing, flickering, oscillating, rotating, or scrolling of the changeable area or stationary area shall not be permitted. The message cannot change more than once every 30 seconds. The message board shall have one background color and one text color. The sign shall not emit any sound or noise of any type. The message board lighting shall be limited to LED or similar low-intensity lighting. The stationary portion may be externally illuminated with down lighting so as not to affect the view of motorists.

### 2104. Off-premises, commercial signs.

New off-premises commercial signs are prohibited. A replacement off-premises commercial sign that is erected to substitute for a non-conforming off-premises commercial sign is permitted, if the replacement sign becomes conforming by meeting all of the provisions of this section, except for the spacing requirements of subsection 2104.4.

These signs shall comply with all state and county building codes and the National Electric[al] Code. Clearance of signs is required from high-voltage power lines and signs shall be located in such a way that they will maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric[al] Code specifications, provided that no sign be installed closer than 10 feet horizontally or vertically from any conductor or public utility guy wire.

2104.1. [Reserved]

2104.2. Setback requirements. All off-premises commercial signs shall be set back at least ten feet from all property lines.

2104.3. Height Limitations. An off-premises commercial sign, including cutouts, base or apron, supports, supporting building structure, and trim, shall not exceed a height of 20 feet when located 10 feet to 99.9 feet from the front right-of-way. If located 100 feet or greater from the front right-of-way, the height shall not exceed 25 feet.

2104.4. Location Requirements. Off-premises commercial signs shall be located only along major access roads (namely, US 70, NC 12, NC 24, NC 58, and NC 101).

## Carteret County Zoning Ordinance

Off-premises commercial signs shall be spaced at least 1,200 feet apart on the same side of the road. No off-premises commercial sign shall be placed within 600 feet in either direction of the nearest point on the opposite side of the same right-of-way from an existing off-premises commercial sign.

No off-premises commercial sign shall be located within 1,000 feet of a road intersection or of a navigable waterway.

2104.5. [Reserved]

2104.6. Maximum area of off-premises commercial sign. No off-premises commercial sign shall exceed 200 square feet in area. The sign area is measured by finding the area of the minimum imaginary rectangle or square of the vertical and horizontal lines which fully enclose all extremities of the sign, excluding supports, base, and/or apron, unless such copy, message, announcement, decoration appears on the base or apron.

2104.7. Corner lots. To prevent obstructions to motorists, on any corner lot, no part of an off-premises commercial sign may be located within a triangle formed by the right-of-way lines and a line connecting them at points 70 feet from the right-of-way of the intersection.

2104.8. Construction.

(a) All off-premises commercial signs shall be constructed of metal or wood and comply with all North Carolina Building Codes.

(b) All off-premises commercial signs shall be designed, where appropriate, with an anchoring system for the supporting structure. The anchoring system shall be approved by the planning and inspections department prior to issuance of permit.

(c) All off-premises commercial signs shall be inspected periodically by the planning and inspections department. The owner of a sign found to need repair shall be given a notice stating the repairs required. Failure to perform the required repairs in a 180-day period shall result in the removal of the sign.

(Amended 6-4-07)

### 2105. Signs permitted in all districts.

A zoning permit shall be required for all on- and off-premises signs, except those identified in section 2106. The following signs are permitted in all districts, but the standards outlined below apply:

2105.1. Reserved. (deleted 12-21-15)

2105.2. *Nonprofit organizations.* Signs erected by non-profit organizations shall not exceed 15 square feet.

2105.3. *Churches or public bulletin boards.* Signs advertising churches on premises or public bulletin boards shall not exceed 32 square feet in area. Such bulletin boards may be illuminated.

2105.4. *Off-premises church signs.* Signs identifying the name or location of a church remote from the location of the church, provided that such sign shall not exceed eight square feet in area. No such sign shall be illuminated or contain moving parts.

2105.5. *Agricultural products produced on-premises.* Signs advertising agricultural products produced on the premises shall not exceed 15 (fifteen) square feet. These signs shall be limited to two signs per parcel and shall be temporary in nature.

2105.6. *Temporary construction signs and financial institution signs.* Temporary construction signs and financial institution signs may be displayed in commercial and industrial districts, not to exceed two signs per building site, and shall not exceed 32 square feet per sign. If the building site has more than 100 linear feet of road frontage, an additional one-quarter-square foot may be added for each one-linear foot of road frontage. Such sign(s) must be removed within seven days after construction work has been completed and the building occupancy permit has been issued.

Temporary construction signs and financial institution signs not exceeding 15 square feet shall be allowed in all residential districts.

2105.7. *Temporary real estate signs.* Temporary real estate signs may be displayed in commercial and industrial districts, one sign per building site not to exceed 32 square feet per sign. If the building site has more than 100 feet of road frontage, an additional one-quarter square foot may be added for each two linear feet of road frontage over 100 feet. Such sign must be removed after property has been transferred. Typical six square foot standard real estate signs are exempted from this requirement.

These signs shall be limited to one per street front, one per waterfront and one per golf course front per parcel.

Such signs shall not be placed within any public street right-of-way. In the event that a real estate sign is located on the waterfront portion of a lot in Carteret County, a coastal area management act permit may be required.

2105.8. *Political campaign signs.* Political signs exceeding 32 square feet may be posted on private property, but a written consent of the landowner must be presented upon application for a zoning permit. These signs shall be removed within seven days after the election. In no case shall political signs be permitted within a public right-of-way.

2105.9 *Off-premises directional signs.* Off-premises directional signs shall only be allowed to call attention to industrial sites located off a major thorough which contain at least 10,000 square feet of gross floor area. Such directional signs shall be allowed within a five mile radius of said industrial site and shall be limited to eight square feet in area. Each sign shall be placed off the roadway right-of-way. Upon selection of a site, written authorization from the landowner shall be required to permit the siting of the sign in that location. A zoning permit shall be required for all off-premises directional signs.

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The following requirements shall be met:

- (a) Only one off-premises directional sign shall be allowed at the intersection of the thoroughfare and the road leading to the industrial site.
- (b) Only one off-premises directional sign shall be allowed to be placed along the major thoroughfare within one mile of the intersection of the roadway leading to the site.
- (c) One off-premises directional sign shall be allowed at all other roadway intersections off the thoroughfare which leads to the industrial site.

2105.10 *On-premises ground or pole school accessory signs.* School accessory signs shall not exceed 250 square feet in area. Such signs shall be located no closer than 100 feet off any right-of-way and ten feet off any abutting property line. Maximum height of the signs shall not exceed 20 feet. Signs may be illuminated as per section 2102.3.

2105.11 *School identification signs.* School identification signs shall not exceed 80 square feet in area. Such signs shall be placed so as not to obstruct the view of traffic.

The sign may include a message board that does not exceed 32 square feet. The message board portion may be changeable, whether digitally or manually. Only text may be displayed on the message board. The remaining area of the sign shall be stationary.

Blinking, flashing, flickering, oscillating, rotating, or scrolling of the changeable area or stationary area shall not be permitted. The message cannot change more than once every 30 seconds. The message board shall have one background color and one text color. The sign shall not emit any sound or noise of any type. The message board lighting shall be limited to LED or similar low-intensity lighting. The stationary portion may be externally illuminated with down lighting so as not to affect the view of motorists.

School identification signs shall not be taller than 20 feet and shall comply with Section 2103. On-Premises, Commercial Signs. (Amended 3-11-91 11-9-98, and 4-21-08)

### **2106. Zoning permit not required.**

The following signs are permitted in all districts, unless indicated otherwise. A zoning permit shall be required for all illuminated signs with the sole exception being electronic scoreboards. No zoning permit shall be required for the following signs:

- 2106.1 Signs erected by a governmental agency to regulate, control, or direct vehicular or pedestrian traffic;
  - 2106.2 Legal notices, warnings, regulatory or informational signs erected by a public agency;
  - 2106.3 Signs required by law;
  - 2106.4 "No trespassing" signs not exceeding 15-square feet in area;
  - 2106.5 Temporary real estate signs advertising a specific property for sale, lease, rent or development, located on said property, provided that such signs do not exceed 16 square feet in area and are not illuminated. (Amended 1-13-2014)
- These signs shall be limited to one per street front, one per waterfront and one per golf course front per parcel. Such signs shall not be placed within any public street right-of-way. In the event the real estate sign is located on the waterfront portion of a lot in Carteret County, a coastal area management act permit may be required;
- 2106.6 Typical six square foot standard real estate signs;
  - 2106.7 Temporary construction signs and financial institution signs displayed in residential districts, one sign per parcel, not exceeding 15 square feet;
  - 2106.8 Flags, emblems or insignia of any national, state, or political subdivision;
  - 2106.9 Property number signs not exceeding one square foot in area and bearing only address numbers of premises or other identification of premises not having commercial connotations;
  - 2106.10 Holiday decorations in season;
  - 2106.11 Political signs not exceeding 32 square feet.
  - 2106.12 Permanent subdivision signs not exceeding 48 square feet. Such signs shall be placed so as not to obstruct the view of traffic. (Added 12-21-15)
  - 2106.13 Electronic and manually operated scoreboards used for scorekeeping purposes at all schools and public and private outdoor athletic facilities.

### **2107. Sign regulations in residential districts.**

In addition to the signs listed under section 2105, the following regulations shall apply in residential districts. All these signs shall be required to have a zoning permit.

None of these signs shall be illuminated unless otherwise allowed within this ordinance.

2107.1 No advertising sign shall be permitted in residential districts except signs advertising an existing nonconforming use, provided that such signs shall meet the requirements for signs in B-1 districts, regardless of the residential district within which the nonconforming use is located. Such signs may be illuminated. When the nonconforming use is discontinued, the sign must be removed.

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2107.2 All signs in the residential district requiring sign zoning permit shall be set back a minimum of 10 feet from any property line or street right-of-way.

2107.3 The maximum area for real estate signs in residential districts is 15 square feet.

2107.4 Identification signs shall be permitted. They may be ground or pole signs. The maximum area of identification signs in residential districts is 15 square feet unless otherwise stated.

2107.5 Churches, clubs, funeral homes, libraries, museums, galleries, public parks, community recreation centers, home occupation, day care centers and public utility signs in residential districts shall be subject to the following as to number and size and shall be placed parallel to the right-of-way for safety:

- (a) Churches, clubs, day care centers, funeral homes, libraries, museums, galleries, public parks, and community recreation centers shall be permitted to have one on-premises sign for each street front, not exceeding six feet in height and not exceeding 20 square feet in sign area.
- (b) Home occupations shall be permitted to have one on-premises sign not exceeding four feet in height and not exceeding six square feet in sign area.
- (c) Public utilities shall be permitted one on-premises sign not exceeding six feet in height and not exceeding 25 square feet in sign area.

(Amend. of 3-2-98(3))

### **2108. Sign regulations in B-1 and B-1A districts.**

In addition to the requirements listed under other sections of this ordinance, the following regulations shall apply in B-1 and B-1A districts.

2108.1 No billboard or roof sign shall be permitted within B-1 and B-1A districts.

2108.2 Maximum square footage area for the B-1 district is 200 square feet.

2108.3 In the B-1A district one business shall be allowed a maximum sign area of 50 square feet. When **two** or more businesses are located on the same parcel, the total maximum sign area shall be 100 square feet.

2108.4 Signs allowed on the premises for both special and permitted uses shall be subject to all the restrictions listed under the B-1 and B-1A district.

2108.5 Signs on the premises of permitted uses in B-1 and B-1A districts shall be subject to the following restrictions as to number and size:

- (a) Ground Signs: Not more than one ground sign is permitted per parcel unless such parcel is located on a corner of two thoroughfares (i.e., Highways 12, 24, 58, 70, and 101). In that case, two ground signs shall be permitted, one for each road front of the lot. In no case shall the signs be any closer than 50 feet from the intersection of the two roads.
- (b) Special Events Displays: These shall be permitted, provided that they meet all the regulations of the ordinance. The application for the permit shall have the following additional information: length of time the sign will remain. In no case shall this exceed 30 calendar days within a 12 month period.
- (c) Directional Signs: Directional signs not exceeding the six square feet per face shall be permitted. Not more than two directional signs shall be permitted at each entrance.
- (d) Menu boards shall be permitted.
- (e) Wall signs shall be permitted in accordance with Section 2103.3.

No sign in this district shall be less than 10 feet from the nearest street right-of-way or less than five feet from the side property line.

Notwithstanding the foregoing, signs which are located parallel to the right-of-way shall be permitted to be located at ground level 10 feet from the right-of-way.

(Amd. of 3-6-06(2))

### **2109. Sign regulations in B-2 districts.**

In addition to the requirements listed under other sections of this ordinance, the following regulations shall apply in B-2 districts:

No billboard or roof signs shall be permitted in B-2 districts.

Maximum square footage area for this district is 200 square feet.

Signs on the premises of special uses shall be subject to all the restrictions listed.

Signs on the premises of permitted uses in B-2 districts shall be subject to the following restrictions as to number and size:

2109.1 *Ground signs:* Not more than one ground sign is permitted per parcel unless such parcel is located on a corner of two thoroughfares (i.e., Highways 12, 24, 58, 70, and 101). In that case, two ground signs shall be permitted, one for each road front of the lot. In no case shall the signs be any closer than 50 feet from the intersection of the two roads.

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2109.2 *Special events displays:* These signs shall be permitted provided that they meet all the regulations of the ordinance. The application for the permit shall have the following additional information: length of time the sign will remain. In no case shall this exceed 30 calendar days within a 12 month period.

2109.3 *Directional signs:* Directional signs not exceeding six square feet per face shall be permitted. No more than two directional signs shall be permitted at each entrance.

2109.4 *Wall signs:* Wall signs shall be permitted in accordance with section 2103.3.

No sign in this district shall be less than 10 feet from the nearest street right-of-way or less than five feet from the side property line.

Notwithstanding the foregoing, signs which are located parallel to the right-of-way shall be permitted to be located at ground level 10 feet from the right-of-way.

### **2110. Sign regulations in B-3 and OP districts.**

In addition to the requirements listed under other sections of this ordinance, the following regulations shall apply in B-3 and OP districts:

No billboard, special events displays or roof signs shall be permitted in the B-3 and OP districts.

Maximum square footage area for these districts is 200 square feet.

Signs on the premises of special uses shall be subject to all the restrictions for the B-3 and OP districts.

Signs on the premises of permitted uses in the B-3 and OP zoning districts shall be subject to the following restrictions as to number and size:

2110.1 *Ground signs:* Not more than one ground sign is permitted per parcel unless such parcel is located on a corner of two thoroughfares (i.e., Highways 12, 24, 58, 70, and 101). In that case, two ground signs shall be permitted, one for each road front of the lot. In no case shall the signs be any closer than 50 feet from the intersection of the two roads.

2110.2 *Directory signs:* Directory signs shall be permitted provided they are not visible from the highway right-of-way. Maximum sign area shall be 12 square feet. The height of the sign shall not exceed eight feet and the bottom of the sign shall be not more than three feet from the ground thereunder.

2110.3 *Wall signs:* Wall signs shall be permitted in accordance with section 2103.3.

No sign in these districts shall be less than ten feet from the nearest street right-of-way or less than five feet from the side property line.

Notwithstanding the foregoing, signs which are located parallel to the right-of-way shall be permitted to be located at ground level ten feet from the right-of-way.

### **2111. Signs permitted in MC, LIW, and P-I districts.**

In addition to the requirements listed under other sections of this ordinance, the following regulations shall apply in MC, LIW, and P-I districts:

No billboard or roof signs shall be permitted in MC, LIW, and P-I districts.

Maximum square footage area for these districts is 200 square feet.

Identification signs for mobile home parks must meet the requirements of the Mobile Home Park, Mobile Home and Travel (Camper) Park Ordinance for permanent identification signs.

Signs on the premises of special uses shall be subject to all the restrictions listed under the MC, LIW and P-I districts.

Signs on the premises of permitted uses in the MC, LIW and P-I districts shall be subject to the following restrictions as to number and size:

2111.1 *Ground signs:* Not more than one ground sign is permitted per parcel unless such parcel is located on a corner of two thoroughfares (i.e., Highways 12, 24, 58, 70, and 101). In that case, two ground signs shall be permitted, one for each road front of the lot. In no case shall the signs be any closer than 50 feet from the intersection of the two roads.

2111.2 *Directional signs:* Directional signs not exceeding six square feet per sign face shall be permitted. No more than two directional signs shall be permitted at each entrance.

2111.3 *Wall signs:* Wall signs shall be permitted in accordance with section 2103.3.

No sign in these districts shall be less than ten feet from the nearest street right-of-way or less than five feet from the side property line.

Notwithstanding the foregoing, signs which are located parallel to the right-of-way shall be permitted to be located at ground level ten feet from the right-of-way. (Ord. of 5-16-94)

### **2112. Signs permitted in I-W districts. (Ord. of 4-6-92 and Amended 6-4-07)**

In addition to the requirements listed under other sections of this ordinance, the following regulations shall apply in I-W districts:

Maximum square footage area for on-premises signs in these districts is 200 square feet.

No roof signs or special events displays shall be permitted in I-W districts.

Signs on the premises of special uses shall be subject to all the restrictions listed.

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Signs on the premises of permitted uses in I-W districts shall be subject to the following restrictions as to number and size:

2112.1 *Ground signs:* Not more than one ground sign is permitted per parcel unless such parcel is located on a corner of two thoroughfares (i.e., Highways 12, 24, 58, 70, and 101). In that case, two ground signs shall be permitted, one for each road front of the lot. In no case shall the signs be any closer than 50 feet from the intersection of the two roads.

2112.2 *Directional Signs:* Directional signs not exceeding six square feet per sign face shall be permitted. No more than two directional signs shall be permitted at each entrance.

2112.3 *Wall Signs:* Wall signs shall be permitted in accordance with section 2103.3.

No sign in this district shall be less than ten feet from the nearest street right-of-way or less than five feet from the side property line.

Notwithstanding the foregoing, signs which are located parallel to the right-of-way shall be permitted to be located at ground level ten feet from the right-of-way.

### **2113. Nonconforming signs.**

All on-premises nonconforming signs existing on the effective date of this amendment may remain in place, subject to the following requirements:

2113.1 No on-premises nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated, except to bring it into compliance with these sign regulations.

2113.2 No on-premises nonconforming sign shall be allowed to remain after the activity, business or use to which it relates has been discontinued for a period of 90 days.

2113.3 If an on-premises nonconforming sign is damaged in such a manner that the estimated expense of repairs exceeds 50 percent of its replacement value, the sign shall not be allowed to remain or be repaired and must be removed.

All billboard signs that do not meet the requirements of this Chapter are nonconforming off-premises signs and, thus, do not meet the purposes of this chapter. This means that they adversely impact the public health, welfare, and general safety because they adversely impact traffic safety; adversely impact community appearance; and detract from the character of the area, particularly the natural resources, in which such signs and billboards are located.

Because these conditions cannot be allowed to continue to adversely impact the public health, welfare, and general safety, all billboard signs existing on the effective date of this ordinance may remain in place and be maintained for six years after the effective date of this ordinance, subject to the following requirements:

2113.4 No nonconforming billboard sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated, except to bring it into compliance with these sign regulations.

2113.5 No nonconforming billboard sign shall be allowed to remain after the activity, business or use to which it relates has been discontinued for a period of 90 days.

2113.6 If a nonconforming billboard sign is damaged in such a manner that the estimated expense of repairs exceeds 50 percent of its replacement value, the sign shall not be allowed to remain or be repaired and must be removed.

Within six years after the effective date of this ordinance, all nonconforming billboard signs shall be removed or brought into compliance, unless such time is extended pursuant to the following requirements:

(a) The owner of any nonconforming billboard sign shall have the right, within six years from and after the effective date of this ordinance to make application to the zoning board of adjustment for an extension of the time within which such sign may be permitted to remain.

(b) If such sign is nonconforming only as to its specific location on the premises, and can be removed or relocated so as to conform with the requirements of the section, then the time shall not be extended.

(Amended 6-4-07) Cross references: Nonconforming signs and billboards, § 13-5.

### **2114. Penalties.**

Upon failure to comply with any of the above requirements, the zoning enforcement officer shall cause the removal of any nonconforming sign as hereinafter provided:

2114.1 The zoning enforcement officer or his designated agent shall give the owner of the sign notice of the violation by registered or certified mail. The notices shall contain a brief statement of the particulars in which this section is violated and the manner in which such violation is to be remedied.

2114.2 Failure to correct such violation within 30 days shall constitute a misdemeanor punishable by a fine of not more than \$50.00, or by imprisonment for not more than 30 days. Each day's continuing violation shall be a separate and distinct offense.

### **2115. Sign regulations in R-B districts.**

In addition to the requirements listed under other sections of this ordinance, the following regulations shall apply in R-B districts.

2115.1. No billboard or roof sign shall be permitted within R-B districts.

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2115.2. One business shall be allowed a maximum sign area of 50 square feet. When two or more businesses are located on the same parcel, the total maximum sign area shall be 100 square feet.

2115.3. Signs allowed on the premises for both special and permitted uses shall be subject to all the restrictions listed under the R-B district.

2115.4. Signs on the premises of permitted uses in R-B districts shall be subject to the following restrictions as to number and size:

Ground signs: Not more than one ground sign is permitted per parcel unless such parcel is located on a corner of two thoroughfares (i.e., Highways 12, 24, 58, 70, and 101). In that case, two ground signs shall be permitted, one for each road front of the lot. In no case shall the signs be any closer than 50 feet from the intersection of the two roads.

Special events displays: These shall be permitted provided that they meet all the regulations of the ordinance. The application for the permit shall have the following additional information: length of time the sign will remain. In no case shall this exceed 30 calendar days within a 12-month period.

Directional signs: Directional signs not exceeding the six square feet per face shall be permitted. Not more than two directional signs shall be permitted at each entrance.

Menu boards shall be permitted.

Wall signs shall be permitted in accordance with Section 2103.3.

No sign in this district shall be less than ten feet from the nearest street right-of-way or less than 15 feet from the side property line.

Notwithstanding the foregoing, signs which are located parallel to the right-of-way shall be permitted to be located at ground level ten feet from the right-of-way.

(Amend. of 12-13-05(2))

**Editor's note:** An amendment of December 13, 2005(2) enacted provisions intended for use as § 2114. Inasmuch as there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as § 2115.

**[2200-2800. Not used.]**

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### **2900. HOME OCCUPATIONS (Added 12-19-2011)**

#### **2901. Purpose.**

The Home Occupation regulations are established in order to preserve the neighborhoods and to prevent the intrusion of commercial ventures into Residential Districts.

#### **2902. Standards for Home Occupations.**

The purpose of the Home Occupation regulations is to protect the character of the surrounding residential neighborhood, while recognizing that traditional workplaces are no longer necessary in all situations due to changing technology, computerization, networking, and the changing job market. These regulations are intended to recognize this trend and allow Home Occupations that are located and conducted in such a manner that the existence of the Home Occupation is not detectable outside of the dwelling unit or accessory building. The Home Occupation use shall be clearly subordinate and incidental to the residential use of the property.

##### **A. Classes of Home Occupation.**

1. **Minor Home Occupations.** Home occupations that have little or no impact on the surrounding residential area, such as:
  - a. Personal home business and professional offices; a service-oriented business use.
  - b. Home craft businesses, including (but not limited to) artists, sculptors, and dressmakers.
  - c. Instructional services including music, art, dance, voice, and tutoring.
  - d. Day-care for 6 (six) or fewer individuals, whether for adults or children.
2. **Major Home Occupations.** Home occupations that have or might have a noticeable impact on the surrounding residential area and, therefore, are permitted only by Special Use Permit, such as:
  - a. Day-care for 7 (seven) or more individuals, whether adults or children.
  - b. Professional services, including (but not limited to) medical, dental, or physical therapy facilities, barbers, beauticians, and photographers.
  - c. Bed-and-breakfast residence.

##### **B. General Regulations for all Home Occupations.**

1. No more than 25% (twenty-five percent) of the gross area of such residence may be used for the home occupation (bed-and-breakfast and day-care uses are exempt from this provision) and no more than 400 (four hundred) square feet of the residence may be used for the home occupation. No more than 600 (six hundred) square feet of either an attached garage or detached accessory building, but not both, may be used for the home occupation. Due to its nature, day-care may be conducted throughout the residence.
2. No use shall require either internal or external alterations or involve construction features or use of electrical or mechanical equipment that would result in a lower fire rating of the structure.
3. Except for drop-off activities, the use may increase vehicular traffic flow and parking by no more than 2 (two) additional vehicles at a time.
4. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or by the emission of sounds, noise, vibration, dust, smell, smoke, glare, electrical interference, or any other hazard or nuisance to any greater extent than experienced in an average residential neighborhood.
5. No exterior storage, display, use, or activity of any kind related to the home occupation.
6. There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by passenger motor vehicle, parcel delivery service, or U.S. mail service. No deliveries by tractor/trailer trucks are permitted.
7. Storage of combustible or flammable matter, accumulation of rubbish, wastepaper, cartons, or boxes, in excess of normal home activities is prohibited.
8. The repair, detailing, and/or painting of automobiles, trucks, recreational vehicles, trailers, motorcycles and/or boats are prohibited.

##### **C. Specific Standards for Minor Home Occupations.**

1. Clients or customers will not be present on the site on a regularly-scheduled basis and shall not exceed 10 (ten) per week, on average, except that instructional services are limited to a maximum of 5 (five) students at any one time in one day.
2. No signage identifying the minor home occupation is permitted in a residential district.
3. Retail sales on the premises shall be prohibited, except for products or goods produced or fabricated on the premises as part of the home occupation.

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4. No minor home occupation shall have more than one (1) employee that is not a resident of the household, except that, upon notification to the Planning Director or designee, there may be a second employee who does not live in the home on the site for up to 30 (thirty) days a year.
- D. **Specific Standards for Major Home Occupations (See Section 3320).**

## 3000. SPECIFIC USE REGULATIONS

Within each zoning district, no lot, building, or structure shall be erected that is intended or designed for any other use than the uses specified on the table of permitted and special uses in section 3400.

Zoning District	Minimum						Maximum Height (feet)
	Lot Area (Sq. Ft.)	Lot Width (feet)	Setback (feet)				
	Front Yard	Rear Yard	Side Yard	Side Yard on Street r-o-w			
RA (Rural Agricultural District)	50,000	150	50	30	10	20	50
R-35 (Single-family Residential District)	35,000	120	40	30	10	20	50
R-20 (Single-family Residential District)	20,000	100	30	30	10	20	50
R-15 (Single-family Residential District)							
No public water OR sewer	20,000	80	20	25	10	20	50
Public water OR sewer	15,000	80	20	25	10	20	50
R-15M (Single-family Residential District)							
No public water OR sewer	20,000	80	20	25	10	20	50
Public water OR sewer	15,000	80	20	25	10	20	50
R-10 (Residential District)							
No public water OR sewer	20,000	80	20	25	10	20	50
Public water OR sewer	15,000	70	20	25	10	20	50
Public water AND sewer	10,000	60	20	25	10	20	50
R-5W (Waterfront Residential District) <sup>added 9-17-2012</sup>	5,000	50	15	15	7	10	50
C-C (Church Campus District)	5 acres	0	20	25	10	20	60
OP (Office & Professional District)	30,000	100	40	25 <sup>a</sup>	10 <sup>a</sup>	15	60
B-3 (Planned Business District)	30,000	100	40	25 <sup>ab</sup>	10 <sup>ab</sup>	15	60
B-2 (Marine Business District)							
No public water OR sewer	20,000	80	40	15 <sup>ab</sup>	10 <sup>ab</sup>	15	60
Public water OR sewer	15,000	80	40	15 <sup>ab</sup>	10 <sup>ab</sup>	15	60
Public water AND sewer	10,000	80	40	15 <sup>ab</sup>	10 <sup>ab</sup>	15	60
B-1 (General Business District)							
No public water OR sewer	20,000	80	40	20 <sup>ab</sup>	10 <sup>ab</sup>	15	60
Public water OR sewer	15,000	80	40	20 <sup>ab</sup>	10 <sup>ab</sup>	15	60
Public water AND sewer	10,000	80	40	20 <sup>ab</sup>	10 <sup>ab</sup>	15	60
B-1A (General Business District)	1 acre	80	40	20 <sup>ab</sup>	10 <sup>ab</sup>	15	50
R-B (Residential Business District)							
No public water OR sewer	20,000	80	40	20 <sup>ab</sup>	10 <sup>ab</sup>	15	35
Public water OR sewer	15,000	80	40	20 <sup>ab</sup>	10 <sup>ab</sup>	15	35
Public water AND sewer	10,000	80	40	20 <sup>ab</sup>	10 <sup>ab</sup>	15	35
MC (Planned Mobile Home & Camp Park District)	3 acres	0	40	15	10	20	50
RCP (Recreational Camper Park District)	3 acres	0	40	15	10	20	50
LIW (Light Industrial Wholesale District)	1 acre	100	40	25 <sup>abc</sup>	20 <sup>abc</sup>	30	60
P-I (Port Industrial District)	1 acre	100	30	25 <sup>abc</sup>	20 <sup>abc</sup>	30	60
I-W (Industrial & Wholesale District)	1 acre	100	50	30 <sup>abc</sup>	20 <sup>abc</sup>	30	60 <sup>d</sup>
a = 0' when adjacent to railroad r-o-w.      b = Plus 50% when the yard abuts a residential use or district.							
c = 0' when adjacent to navigable waterway.      u = 110' for drystack boat storage.							

b = Plus 50% when the yard abuts a residential use or district.

 $u = 110'$  for drystack boat storage.

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### **3003. Off-street Parking.**

All Permitted and Special Uses shall comply with the parking and loading standards in section 2000. In addition, combining the parking and access of several parcels shall be encouraged as an objective to minimize driveways, increase landscaping, and make parking for uses more convenient and attractive. Shared parking may allow a reduction in total parking requirements, for example, where uses have complementary parking demands or the combined uses qualify as a 'shopping center,' etc. No shared parking shall be installed or otherwise implemented without the express written approval of the Planning Director or designee. The factors that the Planning Director or designee might consider in approving or denying a request for shared parking include, but are not limited to, number of spaces, cross-access easements, access/egress points, driving aisles, islands, striping, signage, and landscaping.

### **3004. Institutional Uses.**

Any institutional use must conform to the requirements set forth in section 1624.

### **3005. Group Developments.**

Where a group development project is a Permitted or Special Use, it shall also be in compliance with the Group Housing Ordinance.

### **3006. Manufactured home parks, recreational vehicle parks, travel trailer parks, and campgrounds.**

In addition to the requirements of the MC or RCP districts, manufactured home parks, recreational vehicle parks, travel trailer parks, and campgrounds shall be developed in accordance with the Carteret County Manufactured Home, Manufactured Home Parks, and Recreational Vehicle Parks Ordinance.

### **3007. Screening/Buffering.**

Screening and buffering is required between a non-residential use or district and an adjoining residential use or district. All screening and buffering shall be provided in accordance with the provisions of section 1601.

Additional buffering is required for boat/RV storage yards and/or mini-warehouses. The perimeter of the use shall be buffered with a minimum vegetated buffer, which shall be provided in accordance with the provisions of Section 1601.

In the B-1A and R-B Districts, an additional ten percent of the developed area must be given to landscaping consisting of three levels (tiers) of vegetation that are of a similar nature as to what is required in Section 1601. The developed area means the areas used and/or to be used for structures, pavement, unpaved parking and traffic circulation, outdoor storage or display, and similar uses. This is in addition to the buffering requirements as per Section 1601.

### **3008. Signs.**

All signs shall meet the requirements of section 2100. (Amended 2-20-2012)

### **3009. Other requirements for non-residential uses and districts.**

3009.1. The exterior walls of all structures facing a street right-of-way must have a facade other than metal, except for boat/RV storage yards and mini-warehouses that are buffered per Section 3007. However, such exterior walls on structures in the industrial districts (LIW, P-I, and I-W) may include metal.

3009.2. Support equipment that might generate loud noise, such as air compressors and air conditioning equipment, that is located out-of-doors adjacent to a residential use or district shall be installed in a sound-reducing enclosure, buffer, or on the roof of the primary building. If installed on a roof or other elevated location, the equipment shall be screened from view of the adjacent residential use or district and shall be installed in a sound-reducing enclosure.

3009.3. Outdoor lighting shall be installed so that the light that is emitted is directed downward and away from any residential uses and/or districts that are located within 500 feet of all lot lines on the lighted property. Such lighting shall be amber in color. After hours or 11 p.m., whichever is earlier, such lighting shall be reduced in intensity by at least 25 percent.

### **3010-3019. [Reserved].**

### **3020. Planned Conservation Development (PCD) Overlay District.**

The Planned Conservation Development option, as defined by Article 4, Section 4-18 of the Carteret County Subdivision Regulations, is available in all residential and agricultural districts as a use by right. Applicant shall comply with all other provisions of the zoning ordinance and all other applicable laws, except those that are incompatible with the provisions contained in Article 4, Section 4-18 of the Subdivision Regulations.

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### **3100. SPECIAL REQUIREMENTS FOR CERTAIN USES**

#### **3101. Efficiency unit.** (Amended 7-16-2012)

All efficiency units shall be subject to the following limitations:

- .1 The efficiency units shall not contain more than 25 percent of the gross heated and/or cooled floor area of the dwelling.
- .2 The lot must meet the minimum lot size requirements of the zoning district in which it is located.

#### **3102. Car and boat washes.** (Amended 7-16-2012)

All car and boat washes shall be subject to the following limitations:

- .1 All washing facilities must be within an enclosed building. Washing bays are permitted.
- .2 Vacuuming facilities may be outside the building but may not be located in any required yard area.

#### **3103. Outdoor amusement.** (Amended 7-16-2012)

All outdoor commercial amusements, such as miniature golf, rides, commercial beaches, slides, and similar commercial enterprises shall be subject to the following limitations:

- .1 All uses, buildings, and structures must be at least 200 feet from any residential district.

#### **3104. Cemeteries.** (Amended 7-16-2012)

All private or public cemeteries shall be subject to the following limitations:

- .1 Tombstones, crypts, monuments, and mausoleums must be located at least 25 feet from any side or rear lot line that adjoins lots in a residential district and at least 10 feet from any side or rear lot line that adjoins lots in non-residential districts. In any case, they must be at least 40 feet from any street right-of-way.
- .2 Buildings for the maintenance, management, rent, and/or sale of cemetery lots must be located at least 100 feet from any lot lines which adjoin lots in any residential district. Otherwise, any such buildings must conform to the requirements for principal uses in the district where they are located.

#### **3105. Residential marinas.** (Amended 7-16-2012)

All residential marinas shall be subject to the following limitations:

- .1 Boat slips, piers, and bulkheads are permitted; however, no commercial activities shall be permitted. Marinas may include any pump-out facilities required by water quality or other state or federal regulations.
- .2 A clubhouse or similar facility, which could normally be included in a residential development, may be included with the marina facilities.
- .3 Residential developments in which marinas are allowed as accessory uses must receive preliminary approval from the planning commission and, when appropriate, the county commissioners prior to issuance of any county permits for the construction of the marina.
- .4 Drystacks shall not be permitted in residential development marinas.
- .5 Signs calling attention to the marina, other than those for vehicular directional purposes located within the development, are not permitted.
- .6 The number of slips may not exceed 110% of the number of units in the residential development. Each slip over and above the number of units in the residential development must be provided with two parking spaces in a specifically-designed area.

#### **3106. Country clubs, golf courses, tennis clubs, and community recreation centers.** (Amended 7-16-2012)

All country clubs, golf courses, tennis clubs, and community recreation centers shall be subject to the following limitations:

- .1 When located in residential districts, any enclosed buildings and parking areas must meet the minimum setback and yard requirements for the district in which it is located.
- .2 Swimming pools must be located at least 100 feet from lots in any residential district.

#### **3107. Group developments.** (Amended 7-16-2012)

All group developments shall be subject to the following limitations:

- .1 Procedure for approval shall be in accordance with the "Carteret County Group Housing Ordinance."

#### **3108. Reserved.**

#### **3109. Junkyards.** (Amended 7-16-2012)

All junkyards shall be subject to the following limitations:

- .1 They must be enclosed by a non-climbable fence and be screened in accordance with the standards of section 1601.
- .2 The fence must be located at least 20 feet from any public street right-of-way and the screening must be at least 8 feet high and adequate to conceal all storage from public view.

#### **3110. Kennels.** (Amended 7-16-2012)

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All kennels shall be subject to the following limitations:

- .1 The minimum lot size is one acre and the kennel building shall not be located any closer than 50 feet to any property line.
- .2 Kennels must be enclosed by a sound barrier and be screened in accordance with the standards of section 1601.
- .3 Caretaker quarters shall be permitted.

### **3111. Business residence.** (Amended 7-16-2012)

All business residences shall be subject to the following limitations:

- .1 The residence may not exceed 50% of the gross floor area of the business operation.
- .2 The residence may be located above the business.
- .3 In no case shall the residence be located in the front yard of the business.
- .4 The business residence must be within the same structure.

### **3112. Motels, motor courts, and hotels.** (Amended 7-16-2012)

All motels, motor courts, and hotels shall be subject to the following limitations:

- .1 Associated commercial uses may be located only in a motel, motor court, or hotel having a minimum of 50 units.
- .2 Public entry to commercial facilities must be from the interior of the building. No direct public entrance from the street or outside of the building is permitted.
- .3 No merchandise or merchandise display window may be visible from the outside of the building.
- .4 Outside storage or display of merchandise shall not be permitted.

### **3113. Overnight camping trailers.** (Amended 7-16-2012)

All overnight camping trailers shall be subject to the following limitations:

Overnight camping trailers

- .1 They are permitted to be stored unoccupied on lots in any district.
- .2 They are permitted in overnight camping trailer parks, subject to the provisions of the Carteret County Manufactured Home, Manufactured Home Park, and RV Park Ordinance.

### **3114. Storage of 200,000 gallons or less of petroleum products.** (Amended 7-16-2012)

All storage of 200,000 gallons or less of petroleum products shall be subject to the following limitations:

- .1 Is permitted below ground as an accessory use to an automobile service station and a marina.
- .2 All petroleum storage facilities of this type must comply with the North Carolina Building Code and NFPA 30.

### **3115. Automobile service stations.** (Amended 7-16-2012)

All automobile service stations shall be subject to the following limitations:

- .1 Gasoline pumps and other appliances shall be located a minimum of 15 feet from any property line.
- .2 When an automobile service station adjoins a residential district, the underground storage tanks shall be located a minimum of 30 feet from the property line.
- .3 All underground storage tank facilities shall comply with the North Carolina Building Code and NFPA 30A.

### **3116. Reserved.** (Private Stables deleted 8-15-2011)

### **3117. Commercial marinas and yacht and boating clubs.** (Amended 3-19-2007 and 7-16-2012)

All commercial marinas and yacht and boating clubs shall be subject to the following limitations:

- .1 Activities and possible uses on the marina or club property shall be limited to wet boat storage, drystack boat storage, boat service and repairs, boat accessory sales, ship's store, coffee shop, boat trailer parking areas, automobile parking areas, launching ramp, piers, and boat petroleum service areas.
- .2 Dimensional requirements:

TABLE INSET:

Minimum land area	30,000 square feet
Minimum lot width	100 feet
Minimum lot depth	300 feet
Minimum side yard requirement for structures	30 feet
Minimum front setback for structures	50 feet
Maximum building height	45 feet
Maximum project area coverage including parking areas and built upon areas	65 percent

### **3118. Drystack boat storage.** (Amended 4-17-2006, 3-19-2007, and 7-16-2012)

All drystack boat storage shall be subject to the following limitations:

## Carteret County Zoning Ordinance

- .1 The drystack building shall be no closer than 30 feet from any property line, unless such property line abuts the water.
- .2 A buffer shall be constructed between the building and any adjacent property line in accordance with section 1601.
- .3 Any drystack boat storage building must be located on a parcel abutting a surface water body.
- .4 Any drystack boat storage building shall have a minimum of 5 (five) acres in order to exceed 60 ft. in height.
- .5 A side setback ratio of 1:2 for drystack boat storage in excess of 60 feet.
- .6 The maximum height shall not exceed 110 feet.

### 3119. Duplexes and triplexes. (Amended 01-12-2011 and 7-16-2012)

All duplexes and triplexes shall be subject to the following limitations:

1. Duplex building lots shall be required to have the minimum lot area required in the district, plus an additional 10,000 square feet, which shall be contiguous. The minimum lot area for some districts may vary according to whether public water and/or public sewer is available. See section 3000.
2. Triplex building lots shall be required to have the minimum lot area required by the Group Housing Ordinance.
3. Each residential unit of a duplex building or triplex building may be deeded separately with the common structural or load-bearing wall of the duplex or triplex forming the basis for the common boundary line for each residential unit. Any common areas to be shared by each residential unit may be deeded to that unit owner by percentage ownership.

The exterior walls of the entire building shall be used to calculate compliance with the front, rear, and side yard setbacks. The entire original parcel shall be used to calculate compliance with the lot area requirements, not the individual lots that comprise the duplex or triplex.

A plat showing each residential unit with the common boundary delineated as such and the common areas designated shall be recorded prior to a conveyance of each residential unit.

4. Any plat to create lots for a duplex or triplex shall be submitted to the Planning Director for approval. The plat or declaration and/or restrictive covenants shall contain provisions that bind and commit all owners to the joint maintenance and repair of the common wall, and any and all other building components that are shared by adjoining structures or units to ~~insure~~ ensure their complete or partial replacement and/or reconstruction when damaged or destroyed by fire, flood, or other catastrophe.

### 3120. Floating structures. (Amended 7-16-2012)

All floating structures shall be subject to the following limitations:

- .1 Floating structures shall not be allowed or permitted within the public trust waters of Carteret County, except in commercial marinas.
- .2 Floating structures shall not be located within 15 feet of the waterward extension of any property lines.
- .3 No more than one dwelling unit shall be permitted per floating structure.
- .4 Each floating structure shall be inspected and approved by the building inspector prior to placement in a location with approved sanitary facilities. This approval shall include, but shall not be limited to, adequacy of the electrical system and the method of exiting.
- .5 Each floating structure shall be provided with permanent water and on-shore sewage treatment systems approved by the Carteret County Health Department or appropriate agency. All wastewater piping from the unit shall be constructed to the North Carolina Building Code. No overboard discharge openings through the hull or structure shall be permitted, except for one dewatering pipe, which may not be connected to wastewater piping.
- .6 A system for collection and removal of solid waste (garbage) shall be approved by the Carteret County Health Department.
- .7 A minimum of 2 (two) off-street parking spaces per floating structure shall be provided on-shore.
- .8 A zoning permit is required for all floating structures.
- .9 A site plan shall be submitted to the Carteret County Planning Department prior to issuance of a zoning permit.

### 3121. Homeowner's associations.

When a subdivision is developed with private roads, common area, and/or a private infrastructure and contains more than ten lots, a homeowner's association that meets the following requirements shall be established:

- .1 When a plat or map is to be recorded, the maps or plat shall contain a certificate indicating the book and page number of the homeowner's association covenants, conditions, and restrictions upon recordation of such covenants.
- .2 Responsibilities for maintenance of private streets, open space, recreation facilities, infrastructure, and other common areas shall be specified.
- .3 Responsibilities for exterior maintenance of attached dwelling units shall be specified, when necessary.

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### **3122. Model unit marketing center.**

A model unit marketing center shall include model homes, mobile homes, and group housing units located within a particular development project. The model unit marketing center shall be used only for the marketing and sales of said approved development project. It shall comply with the following requirements:

- .1 The model unit shall be constructed for the purposes of sale as a residential unit and shall be utilized temporarily as a model unit marketing center only during the period of time in which the project developer is actively engaged in the sale of property owned by the project developer within the project in which the model unit is located.
- .2 When the model unit is sold, the office may be relocated to another model unit but, at no time, shall more than one marketing center be allowed per development project.
- .3 All signs shall be in accordance with section 2100.
- .4 In addition to the requirements outlined in section 2100, the model unit marketing center may display a placard not exceeding 4 (four) square feet which is attached to the model unit. Said placard shall indicate only that the unit is the model unit/sales office.

### **3123. Indoor shooting ranges. (Amended 3-11-1991 and 7-16-2012)**

All indoor shooting ranges shall be subject to the following limitations:

- .1 Said facility shall meet all applicable OSHA guidelines and requirements concerning the construction and operation of an indoor firing range.
- .2 Said facility shall maintain liability insurance with minimum coverage of \$250,000.00 (two hundred fifty thousand dollars) through a company licensed in North Carolina.
- .3 The walls and ceiling of the indoor firing range shall be constructed such that any rounds, ammunition, or projectiles utilized in the firing range cannot penetrate the walls and ceiling or floor of said firing range.
- .4 There shall be no noise outside the building resulting from the use of firearms.
- .5 a. A range supervisor shall be present during all hours of operation. Said supervisor shall have obtained a certificate of completion of the National Rifle Association's Firearms Safety Course or an equivalent course conducted by an appropriate governmental agency, educational institution, or nationally-recognized private firearms safety training certification organization.
- b. Firearms classes offered on the premises shall be taught by an individual with the proper instructor certification for the type of course taught (i.e., for pistol, rifle, shotgun, etc.). Such certification shall be from the National Rifle Association or an appropriate governmental agency, educational institution, or nationally-recognized private organization for firearms instructor certification.

### **3124. Non-profit wildlife shelter. (Amended 3-1-1999 and 7-16-2012)**

All non-profit wildlife shelters shall be subject to the following limitations:

- .1 Minimum lot size 3 (three) acres.
- .2 Buffer. A sound barrier consisting of a wall constructed of brick, concrete, concrete block, glass, full louvered or solid wooden fencing construction of suitable salt-treated lumber not less than 6 (six) feet high and placed as required by the Carteret County Planning Commission.
- .3 Parking. One (1) space per employee on shift of greatest employment, plus 10 (ten) visitor parking spaces.
- .4 Signage. One (1) on-premise sign shall be allowed not exceeding 6 (six) feet in height and not exceeding 20 (twenty) square feet in sign area. Sign shall be placed parallel to the right-of-way for safety.

### **3125. Emergency/disaster relief. (Amended 12-4-2000, 4-9-2001, and 7-16-2012)**

In case of fire, flood, hurricane, tornado, and the like, and/or where the chairman of the county commissioners, the Governor of the State of North Carolina, and/or the President of the United States has declared an emergency or disaster, certain provisions of this section may be temporarily relieved for the duration of the emergency.

Specifically, manufactured homes or recreational vehicles may be placed on residential lots for temporary residential occupancy when a residence has been damaged by fire, flood, hurricane, tornado, or the like. This provision is not to be used for occupancy when a home is in disrepair. In the case of a non-residential use damaged by fire, flood, hurricane, tornado, or the like, a commercial modular with approved occupancy, as per North Carolina State Building Code may be used.

Any temporary structure must meet setbacks for that zoning district and all other applicable regulations (CAMA, FEMA, Environmental Health, etc.). In the event the temporary structure cannot meet the required setbacks, a variance must be first secured from the Zoning Board of Adjustment prior to the temporary structure being located on the property.

The temporary provision shall be allowed for a maximum of 180 (one hundred eighty) days after the damage occurs. The owner may submit a written request to the director of planning and development prior to the expiration of 180 (one hundred eighty) days for an extension to the time limit for circumstances when 180 (one hundred eighty) days is not sufficient. The director is authorized to grant an extension not to exceed 365 (three hundred sixty-five) days from the initial date of the damage.

## **Carteret County Zoning Ordinance**

Temporary provisions shall also be allowed in the event repair or replacement is being made pursuant to a governmental grant or program. However, any temporary structure shall be removed within 180 days or 30 days after the issuance of an occupancy permit for the dwelling or the installation of the manufactured home, whichever comes first.

This provision is not intended to allow extension of a nonconforming use.

# Carteret County Zoning Ordinance

## 3200. CONDITIONAL **ZONING** **USE** DISTRICTS

### 3201. Purpose.

3201.1. *Conditional **zoning** **use** district.* This ordinance contains regulations which establish zoning districts and assign land uses to one or more of these districts. The ordinance also provides standards for development which regulate lot size, yards, parking and open space. There are, however, certain circumstances which often arise when a general zoning district designation would not be appropriate for a certain property, but a specific use **or uses** permitted under the district would be consistent with the objectives of this ordinance. In order to accommodate this situation, this section establishes the conditional **zoning** **use** district process.

The conditional **use** **zoning** district process is established to address those situations involving a rezoning when a particular use **or uses** may be acceptable but the general classification which would allow that use would not be acceptable. It allows the board of county commissioners to approve a rezoning proposal for a specific use with reasonable conditions to assure the compatibility of the use with surrounding properties. ~~Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district.~~ This is a voluntary procedure which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals which may not be undertaken for some time.

### 3202. Application and review process.

The following process applies to the conditional **use** **zoning** district:

3202.1. *Application.* Rezoning petitions to establish a conditional **use** **zoning** district must be submitted to the Carteret County Planning Department and will be processed in accordance with the procedure for zoning amendments described in Chapter 1300, as well as the provisions of this section. A conditional **use** **zoning** district classification will be considered only if the application is made by the owner of the property or his/her authorized agent. All applications must include a schematic plan drawn to scale and any supporting text for the ordinance amendment. The applicant should include at least the items listed below: (Amended 10-19-09)

- .01 A boundary survey showing the total acreage, present zoning classification(s), date, and North arrow;
- .02 The owners' names, addresses, and the tax parcel numbers of all abutting properties as shown on the tax records of Carteret County;
- .03 All existing easements, reservations, and rights-of-way and all yards required for the zoning district requested;
- .04 Proposed use of land and structures. For residential uses, this should include the number of units and an outline of the area where the structures will be located. For non-residential uses, this should include the approximate square footage of all structures and an outline of the area where the structures will be located; and
- .05 Traffic, parking, and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets.

3202.2. *Additional requirements.* It may be necessary to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the planning commission and/or board of county commissioners may request additional information as they deem necessary. This information may include, but is not limited to, the items listed below:

- .01 Proposed screening, including walls, fences, or planting areas as well as treatment of any existing natural features;
- .02 Delineation of areas within the regulatory flood zone, as shown on the official FEMA flood zone maps for Carteret County;
- .03 Existing and proposed topography at 2-foot contour intervals or less;
- .04 Generalized information on the number, height, size, and the location of structures;
- .05 Proposed number and location of signs;
- .06 Proposed phasing, if any, and approximate completion time of the project.

The application for [the establishment of] a conditional **use** **zoning** district must contain information and/or site plans which indicate all of the principal and accessory uses which are proposed to be developed on the site. Subsequent to the approval of a conditional **use** **zoning** district, only those principal and accessory uses indicated on the approved plan may be constructed on the site. Any substantial modifications to an approved plan, including any changes in the permitted principal or accessory uses, must comply with the provisions of section 3202.5.

3202.3. *Review and approval.* In considering an application for the establishment of a conditional **use** **zoning** district, the board of county commissioners may attach reasonable and appropriate conditions to the location, nature, and extent of the proposed use. Any conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking, screening and buffer areas, the timing of development and other matters that the board may find appropriate or the petitioner may propose. The conditions may not include architectural review or controls. The petitioner

## Carteret County Zoning Ordinance

will have a reasonable opportunity to consider and respond to any such additional requirements prior to final action by the board of county commissioners. If any conditions are included as part of the rezoning, the petitioner shall agree in writing to all applicable conditions within 30 (thirty) days of the decision. The conditional **use zoning** district approval will not become effective until such written agreement is recorded in the Carteret County Register of Deeds. If the petitioner does not agree to the conditions in writing within 30 (thirty) days following the date of the decision, the conditional **use permit zoning district** will be deemed null and void.

In evaluating an application for the establishment of a conditional **use zoning** district, it is appropriate for the board of county commissioners to consider the following:

- .01 The policies and objectives of the Carteret County Land Use Plan, particularly in relation to the use, proposed site, and surrounding area;
- .02 The potential adverse impacts to the surrounding area, of, but not limited, to traffic, storm water drainage, land values, and compatibility of land use activities.

In the review and approval of a conditional **use zoning** district, emphasis will be given to evaluation of the characteristics of the specific use proposed in relationship to surrounding properties. ~~The board of county commissioners may also consider the permitted and special uses allowed under the existing zoning classification in determining the appropriateness of the conditional use rezoning proposal.~~

3202.4. *Effect of approval.* If an application is approved, the conditional **use zoning** district that is established and all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property must be in accordance with the approved plan and conditions.

The intent of this type of zoning is to provide an alternative procedure for specific development proposals. It is intended that all property be rezoned only in accordance with firm plans to develop. ~~Therefore, 3 (three) years from the date of approval, the planning commission will examine development progress made in accordance with approved plans to determine if active efforts are proceeding. If it is determined by the planning commission that active efforts to comply with the approved plan are not proceeding, a report will be forwarded to the board of county commissioners which may recommend that action be initiated to remove the conditional district in accordance with the amendment procedures outlined in section 1300.~~

3202.5. *Alterations to an approved conditional **use zoning** district.* Changes to approved plans and conditions of development will be treated the same as changes to the zoning map and will be processed as an amendment as provided for in section 1300. However, minor changes in the detail of the approved plan which will not alter the basic relationship of the proposed development to adjacent property, which will not alter the uses permitted or increase the density of development, and which will not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site may be approved by the planning director without going through the amendment process. The planning director, at his (her) discretion, may elect not to allow any proposal as a minor change and will, in that event, forward the detailed application for changes to the planning commission and/or board of county commissioners for their consideration. (Amended 7-19-10)

~~3202.6 *Issuance of a conditional use permit.* If a petition for a conditional use district is approved, the board of county commissioners will issue a conditional use permit authorizing the use with any reasonable conditions that the board of county commissioners determines are necessary in promoting public health, safety and general welfare and any other conditions deemed necessary. The conditional use permit shall become effective after being duly recorded in the Carteret County Register of Deeds.~~

### **3203. Permitted/special uses and development requirements.**

~~Potential uses which may be considered for a conditional use district are restricted to those permitted and special uses allowed in the zone assigned to that particular piece of property. If application is made for a conditional use, those uses listed as special uses will be exempted from the normal requirement for a special use permit and replaced with a conditional use permit. Uses permitted in conditional use districts are subject to all applicable development standards and requirements for that use listed in the corresponding general zoning district.~~

### **3204. Zoning map designation.**

Following board of county commissioners' approval of a conditional **use** district, the property so zoned will be identified on the zoning maps by the appropriate parallel ~~conditional use~~ **use zoning** district designation. This designation is the general zoning district designation plus the letters "CU-" "CZ".

### **3205. Conditional-Use Zoning Districts, Conditional-Use Permits in Effect as of January 1, 2021**

Any conditional-use district approvals that were valid and in effect as of January 1, 2021, are converted automatically to conditional zoning districts. Any conditional use permits issued concurrently with the establishment of those conditional-use districts are converted automatically to special-use permits.

## Carteret County Zoning Ordinance

### 3206. Flexible planned unit development.

Certain large parcels may require additional flexibility in design than is allowed under the conditional **zoning use** PUD overlay district standards.

This flexibility may be necessary to maximize environmental protection, encourage open space dedication and to group complementary land uses. Parcels containing acceptable acreage may request the flexible PUD. A mix of commercial, single-family, and group housing shall be allowed within the flexible PUD tract but the following criteria must be met: (Amended 10-19-09)

- .1 The overall density of single-family and multifamily units shall not exceed 2.9 units per acre for the project's net acreage. The net acreage shall mean the entire tract, minus 10 percent for necessary infrastructure. Commercial land uses shall not be included within the tract net acreage;
- .2 The total number of units (single-family or multi-family) shall not exceed 8 in number for any single designated acre within the project;
- .3 No residential units shall exceed 50' in height. All other structures shall not exceed 60' in height from its finished grade;
- .4 Planned amenities, including marinas and drystack boat storage facilities (including repair and maintenance facilities), shall be utilized primarily by the residents within the PUD and only incidentally by transients. None of these facilities shall be permitted adjacent to any surface waters under current nomination or designated as outstanding resource waters by the State of North Carolina. Any data which supports the use of these amenities or recreational facilities solely by flexible PUD residents shall be made available to the zoning enforcement officer upon request;
- .5 A centralized water and sewer system shall be provided to serve all the residents or the buildings in the total acreage designated as a flexible PUD;
- .6 A master plan and schedule for future development shall be provided at the time of preliminary approval. Each section or phase of the master plan shall be recorded in Carteret County Register of Deeds after final approval by Carteret County Planning Commission and Carteret County Board of Commissioners; and
- .7 The table of permitted and special uses appropriate to other districts shall not apply to the flexible PUD district.

3206.1. *Application for a flexible planned unit development.* Application for a project as a flexible PUD shall be submitted and reviewed in accordance with the Carteret County Subdivision Regulations. The planning commission shall subsequently make advisory recommendations to the board of county commissioners, which, following a public hearing held pursuant to proper notice, shall make the final decision as to whether the application and plat will be approved or disapproved. (Amended 10-19-09)

The following shall be shown on the plat:

- .1 Proposed primary traffic circulation pattern.
  - a) All 404 wetland areas on the tract.
  - b) Proposed means of compliance with division of environmental management stormwater regulations.
- .2 Proposed parks, tennis courts, swimming pools, beaches, golf course, boating docks, playgrounds, community buildings, common open space, etc.;
- .3 Proposed means of dedication of common open space areas and facilities, and the organizational arrangements for the ownership, maintenance, and preservation of common open space, wetlands and stormwater management facilities;
- .4 Delineation of the sections, units or phases to be constructed in progression or sequence in a master plan concept which will be the basis for approval subject to accepted and approved changes by the Carteret County Planning Commission and the Carteret County Board of Commissioners;
- .5 When required by the planning department, planning commission, or the board of county commissioners, an environmental impact statement will be submitted. The specific issues necessitating the environmental impact statement shall be described in writing to the applicant.

(Amd. of 11-3-04)

### 3207. Conditional **use** planned unit development overlay.

3207.1. The planned unit development district is established to foster the blending of various land uses including, but not limited to, residential, light commercial, office and recreational structures, which would not otherwise be possible under general district requirements. The purpose of this district is to promote economical and efficient patterns of land use which are sensitive to natural features and site amenities and allow for the accumulation of large areas of open space with the flexibility in design not afforded in other residential zoning districts. The planned unit development district is intended to provide flexibility within the constraints of the county's land use plan in situations where the owners of the property present a development plan which is found to be in the public interest and which provides necessary urban services and improvements required by this ordinance and the county's policies for growth and development.

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The planned unit development may focus on resort amenities, such as golf, tennis, swimming, boating, with occasional club buildings and supporting commercial establishments for the PUD residents and their guests. All structures must be similar in design and structure to allow for a blending among land uses. The dedication of common open space shall be utilized as a tool to create a resort atmosphere as well as enhance the visual character of the development.

The PUD district shall be allowed as an overlay to the existing residential districts. Development densities shall follow the prescribed minimum lot size for the underlying district, unless 1) density credits are applied to individual lots in sections of the PUD according to the requirements of the density bonus chart, or 2) the planned unit development qualifies for varying development densities under the flexible PUD provision.

The PUD district requires approval of a master plan, as well as preliminary and final plats for each section or phase. The approval process is outlined in section 3207.9 of this ordinance.

### 3207.2. District regulations.

- a) Minimum district size. The PUD tract must consist of a contiguous land area of acceptable size as deemed appropriate by the planning commission. It must be under single ownership or presented as a petition signed by all owners.
- b) Maximum building height. The maximum building height for residential, commercial, and office units is 50 (fifty) feet. Group housing developments have a maximum height restriction of 50 (fifty) feet.
- c) Building setback and separation. Buildings located on the periphery of the PUD tract must be set back a minimum of 30 (thirty) feet from the PUD tract boundary line. Structures taller than 35 feet shall be required to be set back 30 feet plus an additional 1 (one) foot for each additional 2 (two) feet in height. All structures shall be set back at least 10 (ten) feet from all pedestrian and bicycle paths, 25 (twenty-five) feet from all public and private streets, and 40 (forty) feet along all US and NC numbered highways and major thoroughfares as defined. In no case shall any part of a detached, single-family dwelling be closer than 20 (twenty) feet to any part of any other detached, single-family dwelling and in no case shall any part of a multiple-dwelling unit be located closer than 30 (thirty) feet to any part of another dwelling unit or nonresidential buildings.
- d) If the planning director deems the PUD use to be inconsistent with adjoining land uses, a buffer according to section 1601 shall be installed in accordance with the ordinance requirement.
- e) Land use mixture. As per the table of permitted and special uses, limited commercial, office, recreational and resort-associated structures are permitted in a PUD development, however, they shall be of similar construction concepts, designed to blend with one another in physical appearance and in accordance with the conventional requirements for business zoning districts. Commercial land uses shall not constitute more than 5 (five) percent of the gross acreage of the PUD tract.
- f) Public services. Public services, such as water and sewer, shall be provided within the PUD. The size and capacity of the systems shall exceed the projected requirements by 30 (thirty) percent.
- g) Definition of net acreage. The net acreage of a PUD tract shall be defined as the acreage for the entire tract, minus 10 (ten) percent for necessary infrastructure. Commercial land uses shall not be included within the tract net acreage.

3207.3. *Open space requirements.* Open space shall be defined as an area or facility designated on the PUD master plan as "common area" which will be held in ownership for the use and benefit of residents of the dwelling units. Common open spaces may contain structures and improvements desirable for religious, educational, noncommercial, recreational, or cultural uses. To qualify as common open space, land shall have a minimum width of 20 feet that is unoccupied by street rights-of-way, drives, parking areas or structures other than recreational structures. In waterfront developments, required open space may be utilized in conjunction with public water access facilities prescribed by the Carteret County Subdivision Regulations. Certain open space areas, such as golf courses or tennis courts, may be provided as open space and held in private ownership. If approved as open space for the PUD, a use dedication shall be required for the open space area at the time of recordation of the final plat.

- a) Location of open space. Open space may be natural or landscaped for the use of active or passive recreation and should be located so as to be conveniently accessible to all residents of the development.
- b) Conveyance and maintenance of open space. All common open space designated on the master plan and recorded in the office of the register of deeds, must be conveyed by the following method:
  1. By leasing or conveying title (including beneficial ownership) to a corporation, association or other legal entity as indicated in section 3207.7 (Homeowner's association). The terms of such lease or other instrument of conveyance must include provisions suitable to the planning commission for guarantees of:
    - .01 The continued use of such land for its intended purposes through provisions in deeds to each parcel to be served by the common area or facility;
    - .02 Responsibility for and continuance of proper maintenance for the portions of the open space requiring maintenance;

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- .03 Assurance that the open space shall be made available in its improved state as set forth on the site development plan in accordance with an approved time schedule;
  - .04 Financial arrangements shall be made to ensure the improvement and/or maintenance of said common space facilities;
  - .05 A legally binding use dedication shall be recorded at the time of final approval for open space areas dedicated to specific uses, such as golf courses, tennis courts, playgrounds, etc.
- c) Amount of open space required. PUD developments shall reserve no less than 25 (twenty-five) percent of the gross tract acreage as open space. Said open space shall be proportionally distributed throughout the total residential area as nearly as possible.
  - d) Substitution of amenities for open space. When deemed appropriate by the planning commission, an amenity may be approved as a substitute for the required open space in any phase of the project. If an amenity is approved as all or part of the required open space, performance guarantees may be requested if said amenity is not completely constructed upon presentation for final approval.

3207.4. *Maximum density standards.* High density development shall be encouraged where adequate public services are available and where environmental impacts will be minimal. The allowable densities within the PUD shall be consistent with this section of this ordinance, in addition to the policies and land classification system in the Carteret County Land Use Plan. Commercial land uses shall not be included in the total tract acreage when computing land use density. The following restrictions shall apply:

- a) The residential density factor of the PUD shall be 5 (five) dwelling units per net acre if the project is located within the urban transition area. Densities within the limited transition areas shall be no greater than 2.9 units per net acre.
- b) Residential units shall not be allowed at a density greater than 2.5 units per net acre in areas classified community.
- c) Residential units shall not be allowed at a density greater than 2.1 units per net acre in areas classified as rural and rural with services. Residential units shall not be allowed at a density greater than 1 unit per gross acre in areas classified as conservation. In cases where a PUD includes rural and conservation areas, then densities may exceed 2.1 units per net acre in the rural area, provided the number of units per gross acre in the conservation area is reduced by an equal amount.
- d) If the PUD is located within the transition area, the residential density factor of the PUD may be increased by using the density bonus chart as shown below. An increase in density from 5 to 12 dwelling units per acre requires a total score of 65 points or more. An increase in density from 12 to 20 units per acre requires a total score of 165 points or more.
- e) Density bonus chart. Points shall be assigned to each PUD development that meets the following criteria:

TABLE INSET:

Points	Criteria
10	Project is located immediately adjacent to a thoroughfare.
15	If the PUD is located in a manner that satisfies at least two of the following criteria:
	* Within 1 road mile of a neighborhood convenience store offering basic grocery and consumer items;
	* Within 2 miles of a community shopping center. A community shopping center is defined as a site within a common parking area, a grocery store and at least two of the following types of retail establishments: drug store, hardware store, dry cleaners, variety retail, department store, discount store, or restaurant;
	* Within 3 miles of a regional shopping center consisting of over 100,000 square feet of retail space for sales and storage.
25	PUD is located at least 1/2 mile inland of coastal wetlands, estuarine waters, estuarine shorelines, ORW's, and public trust waters.
20	All structures are located beyond the 100-year floodplain as designated on the county's official flood insurance rate maps.
15	Bus or shuttle transportation is located within 1/4 mile of the project.
30	Project provides a solid waste transfer or compaction station.
10	Project is located within three miles of a public park and recreation facility.

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30	At least 5 percent of the total number of dwelling units in the PUD are designated and reserved on the master plan for either handicapped persons or households with incomes less than the gross median income for Carteret County.
50	PUD provides public access and public waterfront facilities are provided, such as docks, piers, and boat ramps. In order to qualify for points, public accesses must be provided at a rate of two per quarter-mile of shoreline.
20	Alternative energy systems supply at least 20 percent of the total nonrenewable energy consumption for space and hot water heating.
20	Project provides recreational facilities other than tot lots and mini-parks. These recreational facilities may include, but are not limited to, tennis courts, golf courses, ball fields, basketball courts, and community recreation buildings. Points will be awarded at a rate of one point for each \$5,000.00 of investment (not including land or design costs), up to a maximum of 20 points. Adequacy of design and improvements and cost estimates will be evaluated by the county parks and recreation director.

3207.5. *Improvements needed.* The following minimum improvements and public services shall be provided in accordance with all standards set by the County or appropriate state or local agency:

- a) Adequate water supply and wastewater disposal facilities;
- b) Fire hydrant and water supply systems that meet the standards specified in Volume 2, Standard 24 of the National Fire Protection Association Fire Code as amended, when required;
- c) Street lights, at the rate of one fixture per 500 linear feet or less of public or private roadway;
- d) Audible fire alarm systems connected directly to the county's communication center for all structures other than single-family and duplex residential when possible. When applicable, fire alarm systems may be required to be connected directly to the appropriate fire station;
- e) Roads shall be constructed to the minimum paving standards specified in subdivision roads minimum construction standards, July 1, 1985 (as amended);
- f) Off-street parking shall be provided in accordance with section 2000 of this ordinance;
- g) A 10-foot utility easement shall be retained at the front of all single-family and multi-family lots.

3207.6. *Other requirements.* The developer shall provide written documentation from the appropriate agencies to ensure that an adequate level of services shall be provided to anticipate the impact of build-out of the PUD. The documentation shall indicate that the applicant has held a formal conference with the proper authorities. The existing level of services delivered shall be addressed, as well as the expected demand brought on by the proposed development. Additional equipment, personnel or other resources required to accommodate the impacts of the development shall be addressed. The following agencies shall be consulted when deemed appropriate:

Carteret County Sheriff's Department.  
 Carteret County Fire Marshal.  
 Carteret County Schools Superintendent.  
 Carteret County Environmental Health Supervisor.  
 North Carolina Department of Transportation.  
 NC Department of Environment, Health and Natural Resources (DEHNR).  
 Division of Environmental Management (if appropriate).  
 DEHNR Division of Health Services.  
 Other agencies as deemed appropriate.

Multi-family dwelling and group housing projects shall meet the requirements of the Carteret County Group Housing Ordinance. If any ordinance regulations conflict, the restrictions described in this ordinance shall apply.

Signs shall be limited to the requirements of section 2100 of this ordinance.

Off-street parking shall be provided for automobiles in accordance with section 2000. The gross area for required parking spaces, aisles, and turning areas may be redistributed to group parking on commonly-owned land and shall provide special accommodations for recreational vehicles, including boats, located away from the residential areas in common open areas.

All abutting property owners shall be notified of the proposed rezoning.

The procedures for establishing a flexible PUD are described in section 3207 of this ordinance.

3207.7. *Homeowners' associations.* Homeowners' associations shall be required for all PUD's. The following requirements shall be applied whenever a homeowners' association is established for residential developments:

- a) When a plat or map is to be recorded, the map or plat shall contain a certificate indicating the book and page number of the homeowners' association covenants, conditions, and restrictions. When the covenants for a development are recorded, the deed book and page number of the plat shall be so indicated.

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- b) Responsibilities for maintenance of private streets, open space, recreation facilities, and other common areas shall be specified.
- c) Responsibilities for exterior maintenance of attached dwelling units shall be specified.

3207.8. *Required master land use plan.* A master land use plan and documents required within this section shall be submitted with the rezoning petition. The master land use plan shall consist of an overall development plan showing existing and proposed development for the planned unit development as a whole.

Contents of the master land use plan shall include:

- a) Scale of not less than 1 (one) inch to 200 (two hundred) feet;
- b) North arrow (tied down);
- c) Vicinity map;
- d) Owner's name and address;
- e) Name of development;
- f) Developer (if different from owner);
- g) Names of design team;
- h) Date of plan;
- i) Boundary line of proposed PUD district;
- j) Topographic information at 2-foot contour intervals;
- k) All watercourses, flood zones, mean high-water lines, AEC areas, ORW's, and 404 wetlands;
- l) Location of wooded areas;
- m) Recreation areas and facilities;
- n) Street layout and traffic circulation pattern;
- o) Pedestrian and bicycle circulation systems;
- p) CAMA land use plan land classification;
- q) Residential areas with projected density and planned housing types;
- r) Total tract acreage;
- s) Commercial, industrial and office and institutional areas with proposed land use, estimated square footage, and acreages;
- t) All adjoining land uses and zoning districts;
- u) School sites and recreational areas to be dedicated for public use, if applicable;
- v) Total acres occupied by street rights-of-way and parking areas.

The master land use plan shall be accompanied by the following:

- 1) Names and addresses and parcel number of each property owner within the proposed planned unit development;
- 2) Community property owners association proposed covenants;
- 3) Proposed means of compliance with division of environmental management stormwater regulations' low density alternative, if applicable;
- 4) A utility plan showing existing and proposed utility systems, including sanitary sewers, water, electric, gas, telephone and television lines, fire hydrants, street lighting, and trash collection areas;
- 5) A development phasing schedule including the sequence and approximate dates of each phase; and proposed phasing of construction of public improvements, recreation, and common open space areas;
- 6) Proposed means of dedication of open space areas and facilities and the organizational arrangements for the ownership, maintenance, and preservation of common open space, wetland areas, and stormwater management facilities;
- 7) A statement of planning objectives including:
  - a) An estimate of the total residential population at build-out;
  - b) Identification of appropriate county land use plan policies achieved by the proposed planned unit development;
- 8) An environmental impact statement can be required by the planning department, planning commission, or county commissioners. The specific issues necessitating the EIS shall be described in writing to the applicant.
- 9) An outline of the types of land uses anticipated within the PUD development.

3207.9. *Procedural requirements for the establishment of a conditional ~~use~~ planned unit development overlay.* A planned unit development shall be processed in four stages: sketch review, master land use plan review, preliminary plat review, and final plat review. The sketch plan shall represent the applicant's general impression of anticipated pattern of development planned for the planned unit development. The master plan shall specify the uses of land and layout of landscaping, circulation, and buildings. The preliminary plat shall be submitted to ~~insure~~ ensure that the proposed development complies with all applicable federal, state, and local regulations and the final plat shall be the document on which building permits and other applicable county approvals are issued. Each stage shall be processed in the following order:

- a) Sketch review:

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- 1) This includes a pre-application conference with the planning director to discuss requirements, standards, and policies prior to the submission of a formal planned unit development rezoning petition.
  - 2) A general outline of the proposed planned unit development (evidenced schematically by sketch plans or drawings showing the proposed location of the PUD, land use, major streets, site conditions, land characteristics, available community facilities and utilities, and other applicable information) shall be submitted by the applicant to the technical review committee for comments.
  - 3) After the technical review meeting, the applicant shall notify the appropriate representatives of the various state and county agencies (county sheriff, board of education, etc.) to obtain preliminary comments on the proposed planned unit development. These comments shall be utilized by the applicant in preparing a formal rezoning petition.
- b) Master land use plan review: (Amended 10-19-09)
- 1) Application for a planned unit development shall be filed with the county planning department at least 4 (four) weeks prior to the scheduled meeting date of the planning commission. All appropriate application materials, including a proposed master plan, shall be submitted to the planning department. An application fee shall also be submitted.
  - 2) The planning department shall review the master land use plan and shall process the application as a rezoning petition. The master plan will be scheduled before the planning commission after receipt of all application materials.
  - 3) The planning commission, following receipt of the planning department staff's recommendation, will review the rezoning petition and master land use plan with respect to its technical sufficiency and consistency with the county land use plan for policies on growth and development. The planning commission shall make advisory recommendations to the board of county commissioners.
  - 4) The board of county commissioners, following receipt of the planning commission's recommendation and following a public hearing held pursuant to proper notice, shall make the final decision as to whether the application and plat will be approved or disapproved. Approval of the master land use plan shall not constitute final plan approval; rather, it shall be deemed an expression of approval of the rezoning request and the overall design and densities as submitted on the master land use plan. The master land use plan shall be recorded in the Carteret County Register of Deeds after approval by the county commissioners. It shall remain valid unless a substantial change occurs within the master plan.
  - 5) The planning department must have a current and updated master plan on file for all PUD developments. Minor changes in the revisions to the master land use plan may be approved administratively by the county planning director, without additional public hearings, provided such changes do not result in:
    - i) A change in the density of the PUD;
    - ii) A change in the design of vehicular traffic routes;
    - iii) A change in the open space dedication.Any changes, other than minor changes, shall only be made by the county commissioners and must follow the same review and public hearing process required for other zoning ordinance amendments.
- c) Preliminary plat:
- 1) Application for preliminary plat approval shall be made in accordance with the procedures described in the Carteret County Subdivision Regulations, as amended.
  - 2) The preliminary plat shall consist of a phase or section of the master land use plan as approved by the board of county commissioners.
  - 3) The planning commission shall review the plat to ensure its compliance with preliminary plat requirements as set forth in the subdivision regulations. Upon preliminary plat approval, the applicant is authorized to commence development of the PUD.
  - 4) The planning department must have a current master plan on file for all PUD developments. If any phase of the PUD deviates from the master plan on record, the changes must be approved by the planning commission prior to preliminary plat approval unless considered a minor change as defined in section 3207.9, b, 5.
  - 5) Final plat approval must be granted within a 12 (twelve) month period after preliminary approval, otherwise preliminary approval shall be null and void.
- d) Final plat:
- 1) Application for final plat approval shall be made in accordance with the Carteret County Subdivision Regulations, as amended.
  - 2) The final plat shall be in accordance with the master land use plan, as approved by the Carteret County Board of Commissioners. No building permits shall be issued for development within the PUD (except for

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planned amenities) until the final plat has been approved, signed by the planning director, and recorded in the Carteret County Register of Deeds.

- 3) Failure to record the final plat within 6 (six) months after approval by the planning commission shall make the approval null and void. The application for final approval must be resubmitted if the final plat is not recorded within the 6 (six) month time period.
- 4) The planning department must have a current master plan on file for all PUD developments. If any phase of the PUD deviates from the master plan on record, the changes must be approved by the planning commission prior to preliminary plat approval unless considered a minor change, as defined in section 3207.9, b, 5.

(Amd. of 11-3-04)

### **3208. Notice requirements. (Added 10-17-2011)**

For any request that is to go before the Zoning Board of Adjustment, Planning Commission, or Board of County Commissioners that pertains to a particular property or properties, Staff shall complete the following requirements

3208.1 A notice of the request will be placed in a local Carteret County newspaper once a week for two successive calendar weeks. The notice will appear for the first time no more than 25 days and no less than 10 days prior to the meeting or hearing date.

3208.2 In addition, notice shall be given by first class mail to the owners of surrounding properties, as well as any others whose property (or any portion thereof) lies within 200 feet or 2 properties, whichever distance is greater, of any portion of the subject property or properties. Such notification must be mailed at least 10 (ten) days in advance of the meeting/hearing date.

3208.3 A sign shall be posted on the subject property or properties at least 10 (ten) days prior to the meeting or hearing date.

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### 3300. SPECIAL USE PERMITS

#### 3301. Purpose.

This ordinance provides for certain uses to be located by right in certain districts where the uses are compatible with the purpose of the district and with other uses to be located in certain districts only by complying with additional development standards to ~~insure~~ ensure that same compatibility. However, certain uses which are basically in keeping with the intent and purposes of the district may have substantial impacts on the surrounding area and should only be allowed after a review of the specific proposal. In order to ~~insure~~ ensure that these uses would be compatible with surrounding development and be in keeping with the purposes of the district in which they are proposed to be placed, they are not allowed to be established as a matter of right. They may be established only after a review and approval of a special use permit as required by this section.

#### 3302. Structure. (Amended 12-19-11)

Uses that require special use permits vary greatly in their size, characteristics, impact on surrounding properties, impact on public facilities, and relationship to the overall health, safety, and welfare of the community. Because of this variation, this section establishes two classes of special use permits ("major" and "minor") that group the uses together based on their relative size, characteristics, and community impact.

- A. *Major special use permit* uses are those uses that, by virtue of the size, impact, or relationship to the overall health, safety, and general welfare of the community, will be reviewed and approved by the Board of County Commissioners after a public hearing and recommendation from the Carteret County Planning Commission. Unless otherwise stated, all special use permit applications will be deemed to be minor special use permit applications.
- B. *Minor special use permit* uses are those uses that, by virtue of their more limited size, impact, or relationship to the overall health, safety, and general welfare of the community, will be reviewed and approved by the Planning Commission.

#### 3303. Application. (Amended 12-19-11)

A request for a major or minor special use permit will be considered only if requested by the owner of the property in question or an authorized agent of the property owner. Applications for all special use permits or amendments to any approved special use permit must be filed in the office of the planning department on the forms provided by the planning staff. All applications must be accompanied by the proper fee to defray administrative and advertising expenses.

All applications for a special use permit must be accompanied by a site plan (drawn to scale) that includes at least the following information:

- A. A boundary survey showing the total acreage, zoning classification(s), date, and North arrow (with the North arrow oriented up, i.e. to the top of the map);
- B. All existing easements, reservations and rights-of-way and all setbacks required for the zoning district requested;
- C. Proposed location of all structures, their approximate square area and general exterior dimensions;
- D. Proposed use of all land and structures;
- E. Traffic, parking, and circulation plan, showing proposed location and arrangement of parking spaces and ingress and egress to adjacent streets;
- F. Proposed screening, including walls, fences or planting areas, as well as treatment of any existing natural features;

#### 3304. Additional application requirements. (Amended 12-19-11)

When processing a special use permit application, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Commission and/or the Board of County Commissioners may require additional information. This may include, but is not limited to, the following information:

- A. Delineation of areas within the regulatory flood zones, as shown on the County FEMA maps;
- B. Topography at 4-foot contour intervals or less (existing and proposed);
- C. Proposed location of buildings, their general exterior dimensions, and number of floors;
- D. Proposed signs and their locations;
- E. Proposed phasing, if any, and approximate completion time of the project.

#### 3305. Public notice. (Amended 12-19-11)

No major or minor special use permit may be issued until after a public hearing has been held on the request.

The total amount of time allowed for the supporters or the opponents of a petition to present arguments at the hearing shall be determined at the time of public hearing. At the hearing, the presiding officer of the hearing will decide whether to grant all or part of the request for additional time.

In cases involving a controversial matter and a large number of persons wish to speak at the public hearing in favor of or against a request, the planning commission reserves the right to require those persons to sign up in advance of the public hearing in order to facilitate and organize the speakers. Persons who do not register to speak in advance shall be

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allowed that right at the public hearing. If such a requirement for pre-registration is necessary, the advertised public hearing notice shall clearly indicate this requirement.

### **3306. Hearing procedure.** (Amended 12-19-11)

The applicant has the burden of producing competent material and substantial evidence, tending to establish the existence of the facts and conditions which the appropriate section of this ordinance requires for the issuance of the special use permit.

In considering an application for a special use permit, the Board of County Commissioners or Planning Commission will consider, evaluate, and may attach reasonable and appropriate conditions to the location, nature and extent of the proposed use and its relation to surrounding property. Any such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, and other matters the Board of County Commissioners or Planning Commission may find appropriate or that the applicant may propose.

### **3307. Effect of approval.** (Amended 12-19-11)

An approved application for a special use permit and all conditions that may be attached to the approval are binding on the property. All subsequent development and use of the property must be in conformance with the special use permit and all plans, specifications, and conditions, unless terminated by procedures established below. It is unlawful to develop or use real property in violation of any approved special use permit, all additional conditions, or the resolution authorizing a special use of the property. The special use permit shall become effective after being duly recorded in the Carteret County Register of Deeds.

### **3308. Reapplication for a special use permit.** (Amended 12-19-11)

If an application for a special use permit is denied by the Board of County Commissioners or the Planning Commission, a reapplication for that special use on that property may not be instituted, unless, however, upon request of the property owner, the Board of County Commissioners or Planning Commission determine that there have been sufficient changes in conditions or circumstances bearing on the property to warrant a reapplication.

In the case of a major special use permit, such a request must be submitted to the planning director with evidence to support the allegation that sufficient changes have occurred. The planning director will submit the request to the Planning Commission who, in turn, will review the request and transmit its findings and recommendations to the board of commissioners.

In the case of a minor special use permit, the applicant must submit the request to the planning director with evidence to support the allegation that sufficient changes have occurred. The planning director will review the request and transmit his findings and recommendations to the Planning Commission for a final determination.

### **3309. Modification of an approved special use permit.** (Amended 12-19-11)

A. Modifications to an approved special use permit. The owner of property that is subject to an approved special use permit may petition for a modification of the special use permit by following the same procedure as if applying for a new special use permit. Applications for a modification must include a new site plan that identifies the proposed changes. Evidence presented at the hearing on the proposed modification will be limited to the effect of the proposal on the original special use permit, any plans or conditions that were a part of the original special use permit, and the standards and requirements of the ordinance under which the original special use permit was approved.

B. Alterations to an approved preliminary or final plan. Changes to approved plans and conditions of development require Planning Commission approval. However, minor changes (as determined by the Planning Director) in the detail of the approved plan may be approved by the Planning Director without going through the plan amendment process, if the minor changes:

1. Will not alter the basic relationship of the proposed development to adjacent property,
2. Will not alter the uses permitted or increase the density of development, and
3. Will not decrease the off-street parking ratio or reduce the yards provided at the site boundary.

If the Planning Director, at his (her) discretion, determines that a proposal is not a minor change, the application for changes shall be forwarded to the Planning Commission for its consideration.

### **3310. Revocation or termination.** (Amended 12-19-11)

A. The special use permit shall be subject to revocation when a court has determined that a particular special use permit has been violated. After receipt of the final judgment and after the party responsible for the violation has had reasonable opportunity to correct the violation but has not, the Board of County Commissioners or Planning Commission, whichever granted the original special use permit, will revoke the special use permit.

Subsequent to the revocation of a special use permit, the special use must cease and the future use of the property must be in conformance with the standards of this ordinance for the district where the property is located. Any use or

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development of the property commenced pursuant to the special use permit must conform, or be brought into conformance with, the standards of the district where the property is located.

B. Termination of a special use permit may be requested by the property owner or an authorized agent of the property owner. All applications for termination of a special use permit will be considered using the same process as a minor special use permit.

### **3311. Conformance of existing special uses.** (Amended 12-19-11)

Uses listed in the various district regulations as special uses which were already in existence prior to being classified as special uses will be considered as conforming uses. However, any expansion of such a use must receive special use permit approval under these provisions as if the expanded use for the entire site were being newly established.

### **3312. [Reserved]** (Deleted 12-19-11)

### **3313. Variances.** (Amended 12-19-11)

No agency has the authority to grant a variance on any condition imposed by a special use permit. If a variance is needed, an applicant for a special use permit must obtain such a variance prior to consideration of the special use permit request. An approved variance may be considered by the Planning Commission or the Board of County Commissioners in the decision on a special use permit.

### **3314. Appeals.**

Any appeal from the action of the board of county commissioners pertaining to the decision on a major special use permit request must be taken to the superior court in the same manner as an appeal of the decision on a minor special use permit of the zoning board of adjustment in accordance with section 1408.

### **3315. Notice requirements.** (Amended 12-19-11)

For any request that is to go before the Zoning Board of Adjustment, Planning Commission, or Board of County Commissioners that pertains to a particular property or properties, Staff shall complete the following requirements

- A. A notice of the request will be placed in a local Carteret County newspaper once a week for two successive calendar weeks. The notice will appear for the first time no more than 25 days and no less than 10 days prior to the meeting or hearing date.
- B. In addition, notice shall be given by first class mail to the owners of surrounding properties, as well as any others whose property (or any portion thereof) lies within 200 feet or 2 properties, whichever distance is greater, of any portion of the subject property or properties. Such notification must be mailed at least 10 (ten) days in advance of the meeting/hearing date.
- C. A sign shall be posted on the subject property or properties at least 10 (ten) days prior to the meeting or hearing date.

### **3316. [Reserved]** (Deleted 12-19-11)

### **3317. [Reserved]** (Deleted 12-19-11)

### **3318. Requirements for marinas as a special use.** (Amended 12-19-11)

A. *Commercial Marinas.* If a commercial marina is approved as a special use, the conditions, restrictions, area requirements, and design standards in section 3117 shall be adhered to, in addition to any other applicable sections of the ordinance.

B. *Marinas as accessory uses in residential developments.* Marinas, as an accessory use to a residential development and approved as part of the development area, are permitted in all residential districts subject to the following limitations.

1. Boat slips, piers, and bulkheads are permitted; however, no commercial activities shall be permitted. Marinas may include any pump-out facilities required by state or federal regulations.
  2. A clubhouse or similar facility that could normally be included in a residential development may be included with the marina facilities.
  3. Drystack shall not be permitted in residential development marinas.
  4. Signs calling attention to the marina other than those for vehicular directional purposes located within the development are not permitted.
  5. The number of slips may not exceed 110% (one hundred ten per cent) of the number of units in the residential development. Each slip over and above the number of units in the residential development must be provided with two parking spaces in a specifically-designated area.
- C. *Approval procedure for marinas.*
1. A preliminary plan containing the following information shall be submitted to the technical review committee or review and recommendation, along with any other documentation requested by the County:
    - a. Name of marina;

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- b. Name of owner/developer;
  - c. Name of land planner, architect, engineer, surveyor;
  - d. Date of plan;
  - e. Vicinity map;
  - f. Location and size of any marinas within 1,000 (one thousand) feet of the proposed project;
  - g. Dimensions and bearings of exterior property lines and total acreage;
  - h. Land contours or topographic survey;
  - i. Access roads and roads within the project;
  - j. Water drainage plans;
  - k. Location and dimensions of proposed and existing buildings;
  - l. Method of surfacing roads and parking areas;
  - m. Electrical system for project area;
  - n. Water source and distribution system;
  - o. Sewage disposal system;
  - p. Environmentally sensitive areas on site;
  - q. Adjoining property owners;
  - r. Adjoining property uses;
  - s. Graphic scale with North arrow;
  - t. Maximum project area coverage;
  - u. Parking area and number of parking spaces;
  - v. Flood zone data;
  - w. Any other documentation required by Carteret County.
2. The technical review committee's recommendations and the preliminary site plan shall then be submitted to the Planning Commission for its review and recommendation.
3. Upon receiving the Planning Commission's approval, the developer may apply for the Coastal Area Management Act permit.

### **3319. Requirements for drystack as a special use.** (Amended 12-19-11)

A. If a drystack is approved as a special use, the conditions, restrictions, area requirements, and design standards in section 3118 shall be adhered to in addition to any other applicable sections of the ordinance. In no case shall a special use permit be issued for a drystack on a parcel zoned IW that is not adjacent to surface waters.

#### **B. Approval procedure for drystacks.**

1. A preliminary plan containing the following information shall be submitted to the technical review committee for review and recommendation.
  - a. Name of drystack;
  - b. Name of owner/developer;
  - c. Name of land planner, architect, engineer, and surveyor;
  - d. Date of plan;
  - e. Vicinity map;
  - f. Location and size of any marinas and/or drystacks within 1,000 (one thousand) feet of the proposed project;
  - g. Dimensions and bearings of exterior property lines and total acreage;
  - h. Land contours or topographic survey;
  - i. Access roads and roads within the project;
  - j. Water drainage plans;
  - k. Location and dimensions of proposed and existing buildings;
  - l. Method of surfacing roads and parking areas;
  - m. Electrical system for project area;
  - n. Water source and distribution system;
  - o. Sewage disposal system;
  - p. Environmentally sensitive areas on site;
  - q. Adjoining property owners;
  - r. Adjoining property uses;
  - s. Graphic scale with North arrow;
  - t. Maximum project area coverage;

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- u. Parking area and number of parking spaces;
  - v. Flood zone data;
  - w. Any other documentation requested by Carteret County.
2. The technical review committee's recommendations and the preliminary site plan shall then be submitted to the Planning Commission for its review and recommendation.
3. Upon receiving the Planning Commission's approval, the developer may apply for the Coastal Area Management Act permit.

### **3320. Requirements for home occupations as a special use. (Amended 12-19-11)**

Home occupations can have widely varying impacts on a neighborhood. Those home occupations with little or no visual, audible, or other impacts are classified as Minor and do not require a special use permit.

- A. Signage as permitted pursuant to Chapter 2100.
- B. Parking as required by Chapter 2100 but, at a minimum, 2 (two) off-street parking spaces shall be provided, unless the Planning Commission determines that additional spaces are needed. Required parking shall not be provided in the front yard, except for the driveway (which may be used to fulfill this requirement).
- C. On-site customer/client contact is limited to one appointment at any time not to exceed 8 (eight) visits per day, except day care facilities, which may have more than 8 (eight), if approved by the Planning Commission.
- D. One truck or van over one ton may be stored on-site, if related to the home occupation and if stored in an enclosed structure.
- E. Major home occupations are permitted 2 (two) employees who are not residents of the household and may have additional employees who are not residents of the household, if approved by the Planning Commission.
- F. For bed and breakfast residences, the following shall apply:
  - 1. No more than 40% (forty percent) of the floor area of the residence may be used for guestrooms.
  - 2. No more than 4 (four) guestrooms, each with no more than 2 (two) beds shall be permitted.
  - 3. Payment shall not be received for any meals provided, except as a part of the guestroom fee.
  - 4. The bed and breakfast residence shall provide 1 (one) off-street parking space for each guestroom. Required parking shall not be provided in the front yard, except for the driveway (which may be used to fulfill this requirement).
  - 5. The owner of the bed-and-breakfast residence shall reside on the premises.
- G. If the major home occupation is day-care for children, 100 (one hundred) square feet of fenced outdoor play space is required per child. The play area must be at the side or rear of the house and a drop-off area for 2 (two) cars must be provided.
- H. See also Section 2902. general requirements for all home occupations

### **3321. Special uses in the port industrial district (P-I). (Amended 12-19-11)**

The port industrial district (P-I) is established as a district to provide and protect areas for port-related industrial purposes and uses which are dependent to some degree on nearby water or need access to nearby harbors or bodies of water. Due to the uniqueness of this district, all special uses shall be required to obtain a major special use permit.

A. Prior to granting a major special use permit in the P-I district, the Board of County Commissioners must make the following findings:

- 1. That the special use will not materially endanger the public health, public safety, adjacent water and air resources or environment if located where proposed and developed according to the plan, as submitted and approved;
- 2. That the special use meets all the requirements, conditions, and specifications of this ordinance;
- 3. That the use will not substantially injure the value of adjoining or abutting property.
- 4. That the location and character of the use, if developed according to the plan, as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development;
- 5. That adequate water, sewer, and safety equipment and facilities are present or are proposed and will be constructed to adequately provide for and protect the adjoining areas;
- 6. That adequate public or private transportation means and facilities are present at or near the site or are proposed and will be carried out by or on behalf of the applicant to serve the site and the activities and uses on the site so as not to endanger the safety or unduly disrupt the normal activities of nearby property owners or the citizens of nearby communities through which the transportation system must pass;
- 7. That the proposed use would not have a substantial adverse environmental impact on water and air resources; or
- 8. That the use is a public necessity.

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B. The following time limits shall be attached to the major special use permit in addition to any conditions the Board of County Commissioners deem necessary. All work shall be completed within a specified time not more than 5 (five) years from said approval date. Unless all work pursuant to the permit is completed within the specified time period, the permit shall become void and of no effect; provided, however, that the permit may be renewed for periods of 1(one) year, as deemed reasonable and appropriate by the Carteret County Board of Commissioners but there shall be no more than 3 (three) such extensions.

C. *Application requirements.* The applicant for a major special use permit within the P-I district shall provide the following documentation at the time of application:

1. The final site plan shall accompany every application and shall show or contain the following information:
  - a. A location map with the scale not less than 1 (one) inch equals 1,000 (one thousand) feet showing the location of the proposed site in relation to the surrounding area within a 1 (one) mile radius;
  - b. Names and addresses of the owners of the property, the developer, if applicable, and the operator or leasee of the site, if applicable, and the registered surveyor, engineer or architect who designed the site plan and facilities;
  - c. Date, scale, and approximate North arrow (with the North arrow oriented up, i.e. to the top of the map);
  - d. The boundary line of the tract with accurate linear and angular dimensions drawn to-scale and the area of the site in square feet or acres;
  - e. Location of all structures, buildings, and improvements to be carried out on the site;
  - f. Proposed and existing contours with a vertical interval of 2 (two) feet or less and the elevation of existing streets, roads, drives, walks, railroad tracks, curves, catch basins, etc.;
  - g. Name, location, and dimensions of all existing or proposed roads to serve the site, and the location and dimensions of all alleys, driveways, entrances, exits, and walkways;
  - h. The name, location, and dimensions of all railroad rights-of-way and other public transportation facilities to serve the site;
  - i. General landscape plan showing the location, name, and size of all plant materials to be used on the project, and plans of landscape features, such as screens, fences, etc.;
  - j. Plans of proposed utility layouts (sewer lines, septic tanks, septic tank drainfields, and water lines) showing connections to existing or proposed utility systems;
  - k. A detailed plan for all gas and electrical installations and equipment prepared to meet the National Fire and Electrical Codes and all other codes or ordinances governing the type and manner of such equipment and installations;
  - l. The location and dimensions of all docks, wharves, or other storage areas within the site;
2. A complete and comprehensive narrative detailing the plans of the applicant and all proposed uses and purposes of the site and facilities located thereon;
3. The name and location of other sites and facilities similar in purpose and nature to the site and facility being proposed by the applicant or others either within the State of North Carolina or in the United States;
4. When deemed necessary by either the Carteret County Planning Commission or the Carteret County Board of County Commissioners, certification by a registered engineer or similar professional experienced in his field may be required to ~~insure~~ ensure the prevention of explosive hazards and pollution of adjoining waters or lands as a result of chemical, petroleum, or other products to be placed on the site;
5. Complete and detailed plans and documentation from either a county or state agency having regulatory authority over the applicant concerning the availability of an adequate supply of water on the premises, and providing information regarding the excess capacity of water distribution facilities on or near the property, the plans for increasing capacity, or a report prepared by a registered professional engineer providing data on the excess capacity of an underground aquifer;
6. A statement describing the type of private or public sewage disposal facilities that the applicant proposes to use on the property, and a letter from the appropriate county or state agency indicating that the type of system proposed has been approved by the reviewing agency;
7. Documentation from the North Carolina Department of Transportation stating that a conference has been held with the applicant and providing information regarding the capacity of roads serving the property, including access roads and nearby thoroughfares, the plans for increasing capacity on existing roads, plans for new roads in the area, and stating that the road system of the applicant as proposed will adequately provide the transportation needs of the applicant and the county;
8. Detailed plans regarding the applicant's needs for fire protection and any and all equipment or improvements the applicant proposes to construct on the site for fire protection and fire prevention;

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9. Documentation from either the county fire marshal's office or the North Carolina Department of Insurance, as appropriate, outlining the fire protection and fire prevention needs of the applicant and its activities and listing any additional equipment or improvements that will be required to be furnished either by the applicant or by public fire departments serving the area;
10. A written and detailed statement from the applicant indicating how he proposes to overcome deficiencies in existing public facilities serving the site, if such exist, and how the proposed development of the additional public facilities needed will be phased in;
11. A written and detailed statement from the applicant outlining the transportation needs of the applicant for the delivery of inventory, cargo, supplies, or equipment to the site, and the shipment of cargo, inventory, products, or materials from the site to its intended destination. The statement shall also include the frequency of deliveries or shipments to and from the site and the routes, methods, and means of such shipments to and from the sites of all inventories, products, and materials going to and from the site;
12. If deemed necessary by either the Carteret County Planning Commission or the Carteret County Board of County Commissioners, certification from a registered professional engineer or other professional consultant to the effect that the transportation facilities serving or to serve the site are adequate and safe and will not unduly interrupt or interfere with the normal daily activities of nearby property owners and businesses and the citizens and residents of nearby communities through which the transportation system proposed to serve the site passes;
13. If the transportation facilities proposed to serve the site are inadequate, a detailed and concrete proposal from the applicant as to how and when the transportation facilities will be upgraded and improved so that the same are adequate for the site, nearby property owners, and nearby communities through which the transportation facilities pass;
14. A detailed list of all local, state, and federal permits needed by the applicant in order to construct and operate the facility, and a status report on the permit process being undertaken by the applicant for each needed permit;
15. With regard to all local, state, and federal permits needed by the applicant, documentation from each agency indicating that all required permits have been applied for;
16. If deemed necessary by either the Carteret County Planning Commission or the Carteret County Board of County Commissioners, a detailed analysis of all possible adverse environmental impacts on nearby water and air resources which could result from the activities proposed for the site, and all proposals of the applicant to minimize possible adverse environmental impacts;
17. A detailed statement of the economic impact the proposed use would have in Carteret County and the adjoining areas;
18. Any other documentation, studies, or data deemed necessary by either the Carteret County Planning Commission or the Carteret County Board of County Commissioners in order to adequately consider and act upon the special use permit application.

### **3322. Requirements for adult establishments as a special use. (Amended 12-19-11)**

The purpose of this section is to provide reasonable regulations to prevent the adverse effect of the concentration or clustering of certain uses of real property, specifically adult establishments. Regulation of the locations of these uses is essential to ensure that such adverse effects will not contribute to the blight or downgrading of neighborhoods or deter or interfere with the development and operation of other businesses which are necessary and desirable in the county.

Adult establishments shall only be allowed in B-1 districts (general business district) subject to the issuance of a special use permit. The special use permit shall be issued only if all criteria established below are met.

- A. The minimum lot size for adult establishments shall be one acre. Structures shall have minimum front, side, and rear yard setbacks of at least 50 (fifty) feet. Buffering that meets the requirements of this ordinance shall be provided on all of the lot. The buffering shall be placed within the 50-foot (fifty-foot) setback. Signage and parking shall conform to the requirements of this ordinance.
- B. No building, structure, or any portion thereof, or any portion of a lot or parcel of property in any zoning district shall be used for an adult establishment at a location closer than 1 (one) mile to any other adult establishment, any nursery school, elementary school, junior high school, high school, public playground, or church; or closer than 600 (six hundred) feet to any residentially-zoned property, planned unit development, or property with an existing residential use.
- C. For the purposes of this section, distances shall be measured in a straight line between the nearest portion of the proposed adult entertainment lot and the nearest property line of any other adult entertainment lot, or other use stated in 3322.B.

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- D. Any adult establishment that intends to in any way alter or change the nature of its operation on or after the effective date of this section shall comply with section 3300 prior to such alteration or change.
  - E. No building, premises, structure, or other facility that contains any adult establishment shall be permitted to contain any other kind of adult establishment. No building, premises, structure, or other facility in which sexually-oriented devices are sold, distributed, exhibited, or contained shall be allowed to contain any adult establishment.
  - F. No viewing booth in an adult mini-motion picture theatre shall be occupied by more than one person at any time.
  - G. The provisions of this section shall not apply to a regularly-established and licensed hospital, sanitarium, nursing home, or medical clinic, nor to the office or clinic operated by a duly-qualified and licensed medical practitioner, osteopath, or chiropractor or certified physical therapist in connection with his practice of medicine, chiropractic, or osteopathy or physical therapy, provided, however, that such office or clinic is regularly used by such medical practitioner, chiropractor or osteopath as his principal location for his practice of medicine, chiropractic, osteopathy, or physical therapy.
- (Ord. of 12-6-93)

### **3400. TABLE OF PERMITTED AND SPECIAL USES** (See separate Section)

**TEXT TO BE ADDED**

~~TEXT TO BE DELETED~~