

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

SECTION 5.6 SITE PLAN ~~PROCEDURES~~ REQUIREMENTS.

~~5.6.1. Pre-Application Meeting and Sketch Plan.~~

~~The applicant shall schedule a pre-application meeting with the UDO Administrator to review a Sketch Plan of the proposed site plan. The UDO Administrator will determine if the plan constitutes a Minor or Major Site Plan, in accordance with the definitions in Appendix A (of Appendix A), and advise the applicant of all applicable Town regulations and policies, applications procedures, and fees.~~

~~5.6.2. Minor Site Plans.~~

~~Minor Site Plans follow the Administrative Approval process as specified in Section 5.3. Five hard copies and one electronic copy, including all data layers, for Minor Site Plans shall be submitted with a full set of Construction Drawings. Construction Drawing approval is required prior to the issuance of a Zoning Permit. Refer to Section 5.5, Construction Drawing Review Requirements.~~

~~5.6.3. Major Site Plans.~~

~~Major Site Plans follow the Town Council approval process as specified in Section 5.4. Five hard copies and one electronic copy, including all data layers, of the Major Site Plan shall be submitted to the UDO Administrator. The Major Site Plan shall be reviewed by the UDO Administrator for completeness, compliance with this Ordinance, and soundness of design. The plan shall then be reviewed by the Planning Board for recommendation and approval by the Town Council. Construction Drawing approval is required prior to the issuance of a Zoning Permit. Refer to Section 5.5, Construction Drawing Review Requirements.~~

~~5.6.5. Certificate of Zoning Compliance/Building Permit.~~

~~An application for a certificate of zoning compliance may be requested in advance of or concurrently with an application for a building permit in accordance with Sections 5.3.7 and 5.3.8.~~

~~5.6.6. Inspections and Certificates of Occupancy.~~

~~No new building, or part thereof, shall be occupied; no addition or enlargement of any existing building shall be occupied; no existing building after being altered or moved shall be occupied; and no change of use shall be made in any existing building or part thereof, until the Building Inspector has issued a Certificate of Occupancy.~~

~~A certificate of occupancy shall be applied for subsequent to or concurrent with the application for a certificate of zoning compliance and shall be issued within five business days after the erection or structural alteration of such building or part shall have been completed in conformity with the provisions of this Ordinance. A temporary certificate of occupancy for a portion of a structure may be issued for a portion or portions of a building which may safely be occupied prior to final completion and occupancy of the entire building or for other temporary uses. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Ordinance. If the certificate of occupancy is denied, the Building Inspector shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Building Inspector for a period of time in accordance with the North Carolina Department of Cultural Resources requirements (G.S. 132-8), and copies shall be furnished upon request to any persons having a proprietary or tenancy interest in the building or land involved.~~

~~Upon completion of work or activity undertaken pursuant to a development approval, Oak Island staff shall make final inspections and issue a certificate of occupancy if staff finds that the completed work complies with all applicable State and local laws and with the terms of the approval. No building, structure, or use of land that is subject to a building permit shall be occupied or used until a certificate of occupancy or temporary certificate pursuant to G.S. 160D-1114 has been issued.~~

~~For all developments, excluding single family residential uses, prior to the issuance of a certificate of occupancy by the Building Inspector, a final zoning inspection shall be conducted to ensure that the approved plan has been followed and all required improvements have been installed to Town standards. The Town Council must have accepted all publicly dedicated improvements contingent upon the recordation of the final plat or provision of performance guarantees approved by the Town Council as specified in Section 5.7.4.6.~~

~~For Major Site Plans, an as-built survey and as-built construction drawings shall be submitted to the UDO Administrator by the developer upon completion of the building foundation(s), to ensure that setbacks and building orientation match the approved site plan. If the survey shows that the placement of the building is incorrect, then the UDO Administrator shall issue a stop-work order and all construction shall be halted until the problem is remedied.~~

~~(Ord. of 10-9-2018; Amend. of 6-8-2021(2))~~

SECTION 5.7 SUBDIVISION PROCEDURES.

5.7.1. Subdivision Exceptions.

This section shall be applicable to all subdivisions except those which are exempt in accordance with Section 1.3.4.3, page 1-3. ~~The Town Council may authorize exceptions for subdivisions from any portion of this Ordinance when, in its opinion, undue hardship may result from their strict compliance (refer to Section 4.10.2).~~ The Town may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

5.7.1.1. The tract or parcel to be divided is not exempted under Section 1.3.4 of this Ordinance.

5.7.1.2. No part of the tract or parcel to be divided has been divided under this subsection in the ten years prior to division.

5.7.1.3. The entire area of the tract or parcel to be divided is greater than five acres.

5.7.1.4. After division, no more than three lots result from the division.

5.7.1.5. After division, all resultant lots comply with all of the following:

5.7.1.5.1. Any lot dimension size requirements of the applicable land use regulations, if any.

5.7.1.5.2. The use of the lots is in conformity with the applicable zoning requirements, if any.

5.7.1.5.3. A permanent means of ingress and egress is recorded for each lot.

5.7.2. Pre-Application Meeting and Sketch Plan.

~~The applicant shall schedule a pre-application meeting with the UDO Administrator to review a Sketch Plan of the proposed subdivision in accordance with Section 5.2. The UDO Administrator will determine if the subdivision constitutes a Major or Minor Subdivision, in accordance with the definitions in Appendix A, and advise the applicant of all applicable Town regulations and policies, application procedures, and fees.~~

5.7.3. Review Procedure for Minor Subdivisions.

~~5.7.3.1. The developer shall submit a sketch development plan, as specified in Section 5.2, to the UDO Administrator. At this stage, the UDO Administrator and the developer shall informally review the proposal.~~

~~5.7.3.21. After this initial review has been completed, t~~The subdivider or his authorized representative shall prepare a final plat as specified in Section 5.7.4.2 and submit it to the UDO Administrator. At the time of submission, the subdivider shall pay to the Town an application fee as established by the Town Council in accordance with Section 2.8. Refer to Section 10.49 for plat requirements.

5.7.3.3. The UDO Administrator shall approve or disapprove the final plat. If the subdivider disagrees with the decision of the UDO Administrator, the subdivider may appeal to the Board of Adjustment for review at its next regular meeting.

5.7.4. Review Procedure for Major Subdivisions.

~~**5.7.4.5. Property Owners Association Covenants Review.** Prior to approval of any final plat for a major subdivision, the UDO Administrator shall review the covenants of the Property Owners Association to ensure compliance with Town requirements. The covenants shall include provisions for the ownership and maintenance of private streets. The UDO Administrator may refer the covenants to the Town Attorney for review.~~

ARTICLE 6. ZONING DISTRICTS

SECTION 6.1 ESTABLISHMENT OF ZONING DISTRICTS.

In accordance with the requirements of G.S. 160D-502, G.S. 160D-605(b), G.S. 160D-703, and G.S. 106D-909 that zoning regulation be by districts, the Town of Oak Island, as shown on the Zoning Map, is hereby divided into districts which shall be governed by all of the uniform use and dimensional requirements of this Ordinance. In the creation of the respective districts, careful consideration is given to the peculiar suitability of each and every district for the particular regulations applied thereto, and the necessary, proper, and comprehensive groupings and arrangements of various uses and densities of population in accordance with a well-considered comprehensive plan for the physical development of the area.

The purposes of establishing the zoning districts are:

- To implement adopted plans;
- To promote public health, safety, and general welfare;
- To provide for orderly growth and development;
- To provide for the efficient use of resources;
- To facilitate the adequate provision of services.

(Ord. of 10-9-2018; Amend. of 2-9-2021(3))

SECTION 6.2 INTERPRETATION.

Zoning districts have uses specified as permitted by right, special uses, and uses permitted with supplemental regulations. Detailed use tables are provided in Section 6.5 showing the uses allowed in each district. The following describes the processes of each of the categories that the uses are subject to:

- **Permitted by Right:** Administrative review and approval subject to district provisions and other applicable requirements only.
- **Permitted with Supplemental Regulations:** Administrative review and approval subject to district provisions, other applicable requirements, and supplemental regulations outlined in Article 7.

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- **Special Uses:** Town Council review and approval of Special Use Permit subject to district provisions, other applicable requirements, and conditions of approval as specified in Section 4.9. Some Special Uses may also be subject to supplemental regulations outlined in Article 7.
 - **Uses Not Permitted:** Uses not marked with a P, PS, S, or SS are not permitted. ~~This statement does not apply to the PUD district; uses in a PUD Special Zoning District will be established as part of site plan approval.~~

(Ord. of 10-9-2018; Amend. of 9-8-2020(2))

SECTION 6.3 PRIMARY ZONING DISTRICTS.

6.3.5. R-6MF Higher Density Residential District.

The R-6MF district is established to provide areas for the preservation and development of residential neighborhoods and for higher density residential development with a range of housing types. The principal uses in this R-6MF district include larger sized single-family residences, multifamily residences, and other compatible uses. ~~Multifamily dwellings are allowed subject to a determination that they are compatible with surrounding development, that adequate facilities are available, and that they are compatible with the overall purposes of this R-6MF district.~~

6.3.14. AD Airport District.

The purpose of this district is to ensure that the airport is protected from incompatible uses and that uses surrounding the facility are compatible with expansion of airport operations. ~~Travel trailers and campers may be situated within the airport district for temporary use by those conducting business with the airport and for emergency and special event purposes; provided however said trailers and campers shall not be used as a dwelling for more than 90 days as defined by section 18-32 of the Oak Island Code of Ordinances. Travel trailers and campers must be properly tagged and roadworthy and must be relocated in the event of inclement hazardous weather conditions where they could be forcibly moved by natural forces. Observation and playground areas are permissible within an airport in the (AD) zoning district. Structures and trailers may be situated within the airport district for airport business and emergency and special event availability. This allows full access to power and sewer and does not allow access to anything like a trailer or RV park to the public.~~

SECTION 6.4 OVERLAY ZONING DISTRICT.

6.4.1. PCO Beach/Private Club Overlay District.

The purpose of this beach/private club overlay district is to provide reasonable regulation of beach/private clubs in the community in regard to the health, safety and welfare of the community. ~~All beach/private clubs seeking authorization to operate in this district require obtaining a special use permit in accordance with the standards of this Ordinance.~~

(Ord. of 10-9-2018)

SECTION 6.5 TABLE OF USES AND ACTIVITIES.

- P** - Permitted Use
- PS** - Permitted Use with Supplemental Regulations
- S** - Special Use
- SS** - Special Use with Supplemental Regulations
- Blank** - Not Permitted

Uses	Primary Zoning Districts														Overlay District	Supplemental Regulations
	R-20	R-9	R-7	R-6	R-6MF	R-6MH	O&I	CB	CR	C-LD	OS	AD	ID	PUD	PCO	
ACCESSORY USES/BUILDINGS																
Accessory buildings/structures	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			PS		Section 7.2
Accessory structures (freestanding)	P	P	P	P	P	P	P	P	P	P	P			P		
<u>Accessory uses</u>	P	P	P	P	P	P	P	P	P	P	P			P	P	
Airplane Hangars (accessory)													P			
Cemetery as an accessory use to a church	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS					Section 7.3
Child care center (as an accessory use for a principal business/industry)							PS	PS		PS				PS		Section 7.4.1
Docks, <u>gazeboes, bulkheads, living shorelines,</u> and piers, private	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			Section 7.5
Granny pods/temporary health care structures	PS	PS	PS	PS	PS	PS	PS		PS	PS						Section 7.6
Greenhouses, accessory	PS	PS	PS	PS	PS	PS										Section 7.2
Home occupations	PS	PS	PS	PS	PS	PS										Section 7.7
Office uses as an accessory use to an industrial type activity, and located on the same lot														P		
Privacy Walls	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	SS	PS	PS	PS	Section 7.56
Retaining walls and fences	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	SS	PS	PS	PS	Section 7.8
Satellite dish antennas	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		SS				Section 7.9
Solar energy generating facility, accessory	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	PS			Section 7.10

Swimming pools, commercial/community							SS	PS	PS	PS							Section 7.11
Swimming pools, private	PS	PS	PS	PS	PS	PS	PS		PS	PS							Section 7.11
Temporary storage facility (portable storage units)	PS	PS	PS	PS		PS			PS	PS		PS	PS				Section 7.12
Walls							PS	PS	PS	PS	SS	PS	PS		PS		Section 7.57
Wind energy generating facility, accessory							SS	SS	SS	SS		SS	SS				Section 7.13
EDUCATIONAL																	
Airport Related Flight Schools											P		P				
Colleges, universities, community colleges							S	S		S							
Kindergarten/nursery schools	S						P			S							
Libraries, public or private	S	S	S	S	S	S	P	P		P							
School, elementary or secondary	S						P			S							
School, private	S	S	S	S	S	S	P			P							
School, trade or vocational							P	P		P				P			
INSTITUTIONAL																	
Airplane maintenance shop										P		PS					
Ambulance service, rescue squad							P	P		P			P				
Cemetery							PS			PS							Section 7.14
Church, synagogue, temple, or other religious building, including accessory services	SS-PS	SS-PS	SS-PS	SS-PS	SS-PS	SS-PS	PS	PS	PS	PS							Section 7.15
Community or municipal sewage and water treatment plants	S	S	S	S	S	S	S	S	S	S		S	P				
Country clubs	S	S					S										
Crematorium							PS			PS							Section 7.16
Emergency management operation							P	P	P	P		P	P				
Fire stations	S			<u>S</u>			S	P		P			P				
Fraternal clubs and lodges, non-profit		S	S	S	S			P	P	P							
Government buildings/offices	S							P	P	P			P				
Governmental postal facilities	S							P	P	P			P				

Helicopter Rides and training													P				
Hospitals, clinics, other medical treatment facilities											P						
Military reserve, national guard centers							S							P			
Penal & correctional facilities														S			
Pet cemetery							P				P						
Police stations							P	P		P				P			
Private clubs or lodges							PS	PS	PS	PS							Section 7.17
Public or private utility towers, substations, pumping stations and storage tanks	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	PS			Section 7.18
Recycling center with no open-air storage														P			
Skydiving School and Activity (indoor and outdoor)													P				
Special events								P	P	P	P						
Utility company (no open-air storage)								P						P			
MANUFACTURING AND INDUSTRIAL																	
Artisan's workshop (3,000 square feet or less)							PS	PS	PS								Section 7.19
Artisan's workshop (exceeding 3,000 square feet)								SS						PS			Section 7.19
Bottling plants														P			
Building materials sales and storage yards											P			P			
Cabinet and woodworking establishments											P			P			
Clothing manufacture														P			
Cold storage plant														P			
Commercial laundries								P			P			P			
Dairy products processing														P			
Dry cleaning plants														P			
Electronic equipment manufacture														P			

Feed and seed milling and storage																		P				
Fertilizer sales																			P			
Food processing plants, except slaughtering of animals																			P			
Foundries producing steel products																			P			
Furniture manufacture																			P			
Ice plants																			P			
Industrial education and research facilities																			P			
Laboratories for research and testing																			P			
Machine shops																			P			
Machine tool manufacture																			P			
Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, and equipment within a fully enclosed building																			PS			Section 7.20
Metal working shops																			P			
Mining or quarrying operations, including on-site sales of products																			P			
Mixing plants for concrete, or other types of paving materials and the manufacture of concrete products																			P			
Paper, pulp, cardboard, and building board manufacture																			P			
Petroleum bulk storage																			PS			Section 7.20.2
Plastic manufacture																			P			
Reclamation landfill																			P			
Recycling processing centers																			P			
Sawmills and planing mills																			P			
Textile manufacture																			P			
Tobacco products manufacture																			P			
OFFICES, PROFESSIONAL AND SERVICES																						
Accounting agencies																			P	P		P
Advertising agencies																			P	P		P

Attorneys							P	P		P							
Banks/financial services							P	P		P							
Chiropractic							P	P		P							
Contractors offices and equipment storage										PS			PS				Section 7.21
Contractors offices (no outside storage)							P			P							
Engineering/surveying/architectural services B general							PS	PS		P							Section 7.22
Insurance office							P	P		P							
Interior decorating service							P	P		P							
Medical and dental offices/clinics							P	P		P							
Medical support offices (testing labs)							P	P		P							
Office, clerical, research and services not primarily related to goods and merchandise							P	P		P							
Opticians							P	P		P							
Real estate office/appraisal							P	P		P							
RECREATIONAL																	
Athletic fields, public	S	S	S				P		S		S						
Automobile and motorcycle racing track													P				
Billiards and pool halls										P							
Bingo							P		P								
Bowling alleys								S	P	P							
Recreational campgrounds and RV parks										PS	PS						Section 7.23
Coliseums, stadiums designed to accommodate more than 1,000 people											P						
Community centers	S						P	P	P	P							
Dance halls							P	P		P							
Gamerooms								P		P							
Go-cart track											S						

Golf courses	S	S															
Golf driving ranges not accessory to golf courses	S	S	S	S	S	S				P							
Gun range, closed air										PS							Section 7.24
Gun range, open air												PS					Section 7.24
Horseback riding stables	S																
Indoor athletic and exercise facilities							P	P		P							
Indoor tennis and squash courts								P	P	P	P						
Marinas/boatominium										PS	PS						Section 7.25
Miniature golf courses								S	S	P							
Movie theaters							P	P		P							
Nature walks	P	P	P	P	P	P						S					
Outdoor athletic and exercise facilities, public	P						P		P	P							
Par 3 golf courses	S									P							
Privately-owned outdoor recreational facilities							S			P							
Publicly-owned and operated outdoor recreational facilities	P	P	P	P	P	P	P	P	P	P	P	S					
Skateboard parks										P	P						
Skating rinks										S	P						
Tennis courts, commercial											P						
Water slides										SS	PS						Section 7.26
RESIDENTIAL																	
Assisted living residences:																	
Adult care home (over 6 residents)	P	P	P	P	P	P	P										
Multi-unit assisted living with services	P	P	P	P	P	P	P	P									
Dwelling, condominium						S					S						
Dwelling, garage apartment (as accessory)						S											
Dwelling, manufactured home Class A (on a single lot)							P										
Dwelling, multi-family						S											
Dwelling, over a business								S	S	S							

Dwelling, single-family (small)	P	P	P	P	P	P	P		P	P							
Dwelling, single-family (large)	SS	SS	SS	SS	SS	SS			SS	SS							Section 7.27
Dwelling, single-family (mainland)	P	P	P	P	P	P	P			P							
Dwelling, three-family apartments					P		P										
Dwelling, townhouse development					S		S										
Dwelling, two-family (duplex)			P		P		P										
Family care home	PS	PS	PS	PS	PS	PS	PS										Section 7.28
Family child care home	PS	PS	PS	PS	PS	PS	PS										Section 7.4.2
Family foster home	P	P	P	P	P	P	P										
Floating homes									P								
Manufactured housing parks										PS							Section 7.29
Residential child-care facility	P	P	P	P	P	P	P										
Rooming and boardinghouse						S	S										
Small child care center	S			S	S												
Temporary emergency, construction, and repair residences	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		Section 7.30
Tiny houses						PS											Section 7.31
Tourist homes					P												
RETAIL SALES AND SERVICES																	
ABC store									P		P						
Animal sales											P						
Antique stores									P		P						
Art galleries									P		P						
Auction halls											P						
Audio/video production facilities									S		P						
Automobile parking garages or parking lots (independent)									P								
Automobile parts and accessories											P						
Automobile repair shop or body shop											P			P			
Automobile sales and service											PS						Section 7.32
Automobile service stations									PS		PS						Section 7.33
Automobile window tinting, stereo or rim installation											P						

Bakery (retail)								P		P						
Barber shops, beauty shops							P	P		P						
Bars								P		P						
Battery charging station							SS	SS		SS						Section 7.34
Battery exchange station										SS						Section 7.34
Bed & breakfast			PS		SS		PS		PS							Section 7.35
Book store, including the retail of stationery, books, magazines, newspapers								P		P						
Building supplies and sales										P				P		
Car wash								S		P						
Catering								P		P						
Child care center				SS	SS			SS		SS						Section 7.4.1
Clothing store								P		P						
Coffee shop, no food prepared on site								P		P						
Commercial greenhouse or nursery										P						
Commercial piers									PS							Section 7.36
Commercial recreation establishments								PS	PS	PS						Section 7.37
Computer sales and repair								P		P						
Condominium, non-residential							P	P	P							
Condominium, mixed use							SS	SS	SS	SS						Section 7.56
Convenience stores								PS		PS						Section 7.38
Daycare facility, adult							SS	SS		SS						Section 7.39
Deli								P		P						
Distilleries										PS				PS		Section 7.40
Dog grooming (no outdoor kennels)								P		P						
Drug store								P	P	P						
Dry cleaner, laundromat								P		P						
Electrical equipment sales and repair										P				P		
Electrical repair or contractor (no open storage)										P						

Electrical repair or contractor (open storage allowed)										PS			PS			Section 7.21
Engine repair, small (including motorcycle)										P						
Exercise and physical fitness centers								P		P					S	
Exterminating and pest control services										P						
Fabric store								P		P					S	
Farm, craft, produce markets								SS	SS	SS					SS	Section 7.41
Farm machinery/equipment sales and service										P						
Flea markets										SS						Section 7.42
Florists/garden centers								P	P	P					S	
Food trucks								PS	PS	PS		PS				Section 7.43
Funeral home								P		P						
Furniture store								P		P					S	
Gas sales operations								PS		PS					SS	Section 7.33
General contractors (no open storage)								P		P						
General contractors (open storage allowed)										PS			PS			Section 7.21
Gift shops								P	P	P						
Golf Cart & Low Speed Vehicles Sales & Rentals								PS	PS	PS						Section 7.55
Grocery/food store								P	P	P						
Hardware store								P		P						
Health spa								P	P	P	P					
Heating and air conditioning installation and repair (no open storage)								S		P						
Heating and air conditioning installation and repair (open storage allowed)								SS		PS			PS			Section 7.21
Home appliance dealers								P		P						
Home appliance repair								P		P						
Hotels and motels								S	S	P						

Ice cream stand or store								P	P	P						
Jewelry store/repair								P		P						
Kennels								P		P						
Leather goods stores								P		P						
Manufactured home sales/modular home sales										P						
Microbrewery								PS	PS	PS						Section 7.40
Motor vehicle, farm equipment, and boat sales or rental or sales and service										P						
Motor vehicle parts and accessories sales with installation										P						
Motor vehicle repair and maintenance, not including substantial body work										P						
Museums								P	P		P					
Music instrument sales and service									P		P					
Music studio											P					
Nail/tanning salon								P	P		P					
Night clubs and social clubs								S	S	S	S					
Nursing home	S	S	S	S												
Office supplies									P		P					
Outdoor sales and displays (principal use)									SS	SS	SS					Section 7.44
Outdoor sales and displays (accessory use)									PS	PS	PS					Section 7.44
Paint store									P		P					
Pet store									P		P					
Photo studios								P	P		P					
Plumbing repair contractor (no open storage)									P		P					
Plumbing repair contractor (open storage allowed)											PS			PS		Section 7.21
Printing, publishing, and engraving establishments											P					
Private postal shipping and receiving									P		P					

Radio and TV stations/studios										P							
Rental of goods, merchandise, and equipment (no outside storage or display of goods)								S		P		P					
Rental of goods, merchandise, and equipment (with outside storage and display of goods)										PS		PS					Section 7.44
Rental of recreation equipment								P	P	P		P					
Restaurants, excluding fast food & drive thru services								P	P	P							
Restaurants, including fast food & drive thru services								S		P							
Sales of goods, merchandise, and equipment (no outside storage or display of goods)								P		P		P					
Sales of goods, merchandise, and equipment (with outside storage and display of goods)										PS		P					Section 7.44
Seafood processing, packing, and sales										PS			PS				Section 7.45
Sexually oriented businesses													PS				Section 7.46
Shoe store or repair								P									
Shopping center, less than 30,000 sq. ft. gross enclosed floor area									P	P							
Shopping center, greater than 30,000 sq. ft. gross enclosed floor area										P							
Sporting goods store									P	P							
Tailor/dressmaker/seamstress										P							
Tattoo/body piercing parlors										PS							Section 7.47
Theater housed in a permanent indoor structure								P		P							
Towing, automobile and truck										P			P				
Toy store								P		P							
Travel agencies							P	P		P							
Truck stop										S			P				

Signs (as permitted by Article 10, Part IV)	P	P	P	P	P	P	P	P	P	P	P	P	P			
Solar farm													PS			Section 7.51
Storage inside completely enclosed structure										P		P	P			
Storage outside completely enclosed structure										S		S	P			
Trash and garbage disposal facilities													P			
Temporary uses/sales								SS		SS						Section 7.52
Wind farm													PS			Section 7.53
Wireless communication facilities, 60' tall or less	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS			SS	SS		Section 7.54
Wireless communication facilities, more than 60' tall													PS			Section 7.54
Yard sales	PS	PS	PS	PS	PS	PS				PS	PS					Section 7.48

NOTE: Any structure permitted for construction after the date of adoption of this Ordinance and located in any residential zoning district other than CR and at any time thereafter made available for temporary rental to the general public for the occupancy of more than 14 individuals shall be without further administrative action immediately thereby classified as a hotel/motel use of property and considered a non-permitted use in that residential district. Enforcement action for compliance will be taken as prescribed by this Ordinance.

(Ord. of 10-9-2018; Amend. of 4-9-2019; Amend. of 8-11-2020(2); Amend. of 10-13-2020(2) ; Amend. of 1-29-2021(1) ; Amend. of 2-9-2021(2) ; Amend. of 6-8-2021(10) ; Amend. of 8-10-2021)

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.1 INTRODUCTION.

The following supplemental regulations shall pertain to the uses listed in the Table of Uses and Activities located in Article 6 which are identified with a PS or SS for supplemental regulations.

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

(Ord. of 10-9-2018)

Accessory buildings/structures, as defined in Appendix A, include garages, carports, swimming pools, pool houses, greenhouses, gazebos, pergolas, detached solar panels, and storage sheds. Accessory buildings/structures with all dimensions 12 feet or less are exempt from detailed plans, specifications, and certified survey submittal, but still require zoning permits for inspection of tie-downs and setbacks. Regulations that apply to accessory structures do not apply to freestanding accessory structures.

(Ord. of 10-9-2018; Amend. of 8-11-2020(2))

SECTION 7.3 CEMETERY AS AN ACCESSORY USE TO A CHURCH.

Cemeteries located on the same property as a church shall be subject to the following criteria:

7.3.1. The cemetery shall not encroach on any yard setbacks.

~~**7.3.2.** A site plan shall be submitted in accordance with Section 5-6.~~

(Ord. of 10-9-2018)

SECTION 7.4 CHILD CARE FACILITIES.

7.4.1. Child Care Center.

~~**7.4.1.1.** When a center is licensed for six to 29 children, inclusive, there shall be 75 square feet per child of outdoor play area for the total number of children for which the center is licensed. In addition, the total number of children on the playground shall not exceed the number the space will accommodate at 75 square feet per child. When a center is licensed for 30 or more children, there shall be 75 square feet per child of outdoor play area for at least one-half of the total number for which the center is licensed, provided that the minimum amount of space on the outdoor play area shall be enough to accommodate at least 30 children.~~

The outdoor play area shall provide an area that is shaded by a building, awnings, trees, or other methods. The outdoor area shall be designed so that staff are able to see and easily supervise the entire area.

7.4.1.2. If a special use permit is required, the permit shall establish the hours of operation.

7.4.1.3. Off-street parking spaces/loading and unloading areas: One parking space or queuing lane for the loading and unloading of children for each ten children based on the child care center's regulated capacity with a minimum of four spaces plus one parking space for each employee at maximum staff level.

7.4.2. Family Child Care Home.

In addition to the other standards set forth in this Ordinance, each Family Child Care Home (FCCH) must meet the following requirements:

~~7.4.2.1. A Family Child Care Home may have no more than eight children. Of the children present at any one time, no more than five shall be preschool-aged, not including the operator's own preschool-aged children;~~

7.4.2.2. The maximum hours of operator are 7:00 a.m. to 6:00 p.m., Monday through Friday;

7.4.2.3. No outside signage advertising the Family Child Care Home is allowed;

7.4.2.4. The building in which the Family Child Care Home is located may not be located closer than 500 feet to any other building housing another FCCH or Child Care Center; and

~~7.4.2.5. The home daycare must be licensed through the North Carolina Department of Health and Human Services.~~

~~Violations of subsections 7.4.1.2 and 7.4.1.3 of this section are violations of this Ordinance, and the Town may impose civil penalties and/or seek other remedies, as provided in this Ordinance, to correct violations of those subsections. Subsections 7.4.2.1 through 7.4.2.5 are established by State law, and the violations of these subsections may be punished as provided by State law. No violation of subsections 7.4.2.1 through 7.4.2.5 shall subject the offending party to civil penalties or other remedies established by this Ordinance.~~

(Ord. of 10-9-2018)

SECTION 7.5 REGULATION OF DOCKS, PIERS, BULKHEADS, AND LIVING SHORELINES WITHIN TOWN LIMITS.

The construction of docks, bulkheads, living shorelines, and piers ~~within the Town limits~~ shall be governed by the applicable U.S. Corps of Engineers and Coastal Area Management Act (CAMA) regulations.

SECTION 7.6 GRANNY PODS/TEMPORARY HEALTH CARE STRUCTURES.

Granny pods, also called temporary health care structures, are permitted under the authority of G.S. 160D-915. Granny pods shall be permitted as an accessory use in accordance with Section 6.5, subject to the following standards:

~~7.6.1. Structures must be transportable residential units assembled off site and built to the standards of the State Building Code. It must be no more than 300 gross square feet and must not be placed on a permanent foundation. Granny pods shall only be permitted for single-family residentially used property.~~

~~7.6.2. The accessory structure must comply with all setbacks and any maximum floor area ratio limits that apply to the primary residential structure. The structure shall be connected to any public water, sewer, and electric utilities serving the property or water and/or sewer systems approved by Brunswick County. Only one accessory temporary family care structure is allowed per lot. No signage regarding the presence of the structure is allowed. The structure must be removed within 60 days after care giving on the site ceases.~~

~~7.6.3. A zoning permit is required to be obtained prior to installation. Evidence of compliance may be required as part of the permitting and annual permit renewal, including an annual renewal of the doctor's certification of impairment. The Town may make periodic inspections at times convenient to the caregiver to assure on-going compliance.~~

~~7.6.4. The caregiver must be at least 18 years old and must be a first or second degree relative of the impaired person (a spouse, parent, grandparent, child, grandchild, aunt, uncle, nephew, or niece). A legal guardian of the impaired person also qualifies.~~

~~7.6.5. In the O&I district, granny pods shall only be permitted for single family residentially used property.~~