

U.S. Army Corps of Engineers 404 fill line, lot coverage shall not exceed 30 percent. If the U.S. Army Corps of Engineers 404 fill line is not evident or located within the estuarine AEC, as defined by CAMA, lot coverage within the estuarine AEC shall not exceed 30 percent. Lot coverage allowances shall not be transferred from one portion of the lot to another.

- (3) The minimum lot width shall be 50 feet.
 - (4) The minimum depth of the front yard for single-family and duplex development shall be 30 feet. Minimum depth of the front yard for a commercial development shall be 15 feet.
 - (5) Side yards shall total at least 15 feet in width. Every building must be set back no less than five feet from the side property line. The side yard on either side may be of any size, provided that neither side yard is less than five feet in width and further provided that the sum of the two side yards equals at least 15 feet in width. In the case of a corner lot, to ensure adequate sight clearance, the side yard adjacent to the right-of-way shall be no less than 15 feet.
 - (6) The minimum depth of the rear yard for single-family and duplex development shall be 20 percent of the lot depth, but need not exceed 30 feet. The minimum depth of the rear yard for commercial development shall be 25 feet.
 - (7) Maximum height of structures shall be 35 feet. However, the height of a structure meeting the minimum roof pitch requirements of section 48-370(d) shall be allowed a maximum total height of 42 feet.
- (Code 1990, § 22-306; Ord. No. 03-08-040, §§ 11, 12, 34, 8-20-2003; Ord. No. 08-02-008, § VI, 2-6-2008)

Cross reference—Businesses and licensing, ch. 12.

Sec. 48-407. C-2 general commercial district.

(a) *Intent.* The C-2 general commercial district is established to provide for the proper grouping and development of commercial facilities to serve the entire community. All C-2 districts shall be at least five acres in area.

(b) *Permitted uses.* The following uses shall be permitted by right in the C-2 district:

- (1) Offices, including:
 - a. Business.
 - b. Dialysis center.
 - c. Financial.
 - d. Governmental.
 - e. Medical.
 - f. Professional.
 - g. Coffee shop.
- (2) Retail establishments, including:
 - a. Antiques.
 - b. Appliances.
 - c. Bicycles.
 - d. Boat sales and service.
 - e. Books.
 - f. Cameras.
 - g. Candy.
 - h. Clothing.
 - i. Computers.
 - j. Craft goods.
 - k. Drugs.
 - l. Dry goods.
 - m. Flowers, greenhouses, plant nurseries.
 - n. Foodstores.
 - o. Gifts.
 - p. Hardware.
 - q. Hobby goods.
 - r. Jewelry.
 - s. Magazines.
 - t. Musical instruments.
 - u. Notions.
 - v. Owner occupied art gallery.
 - w. Sporting goods.
 - x. Toys.

- (3) Service establishments, including:
- a. Aerobic class/dance school/karate school.
 - b. Barbershops and beauty shops.
 - c. Dry cleaning and laundry pickup stations, including laundromats.
 - d. Funeral homes.
 - e. Indoor recreational activities limited to amusement arcades, pinball machines, video games, video machines or other similar player operated amusement devices, billiard rooms, bowling alleys, sport-climbing walls, paintball and laser tag facilities, and soft play activities for juveniles. Beach and charitable bingo, adult arcades, sexually oriented business activities, adult live entertainment, and slot machines or devices as prohibited by G.S. 14-306 are specifically excluded from this indoor recreational activities definition.
 - f. Nonprofit/outreach center with aquatic fitness facility.
 - g. Nonprofit community outreach centers.
 - h. Parking lots.
 - i. Radio and television broadcasting studios.
 - j. Restaurants.
 - k. Shoe repair.
 - l. Theaters.
 - m. Municipally owned public access facilities.
 - n. Indoor fitness center.
 - o. Restaurant, takeout.
 - p. Beach recreation equipment rentals and sales.
 - q. Taxi and limousine service.
- (4) Single-family dwellings and duplexes according to the dimensional requirements of the R-3 zoning district. Single-family dwellings and duplexes containing five bedrooms shall be subject to the applicable requirements specified in section 48-370.
- (5) Estuarine bulkheads.
 - (6) Customary accessory uses and structures, including private swimming pools, private docks, minor communication towers, dish antennas and home occupations, and roof top wind energy facilities.
 - (7) Large residential dwellings, subject to other requirements of this chapter and provided that all the conditions are met specified in section 48-370.
 - (8) Auction houses.
 - (9) Bed and breakfast, subject to the dimensional requirements of single-family dwellings within this zoning district and town code section 48-370.
 - (10) Outdoor stands as an accessory use to retail shopping centers pursuant to section 48-372.
- (c) *Conditional uses.* The following uses shall be permitted subject to the requirements of this C-2 district and additional regulations and requirements imposed by the board of commissioners as provided in article XIX of this chapter:
- (1) Automobile service stations and repair garages, subject to other requirements of this chapter and provided that the following conditions are met:
 - a. No principal or accessory building shall be located within 50 feet of an existing residential use or district.
 - b. There will be no storage of wrecked or abandoned vehicles.
 - c. No petroleum pumps shall be nearer than 50 feet to any right-of-way or property line.
 - d. The site shall be designed to contain on-site all stormwater from impervious surfaces up to the level of a ten-year, two-hour storm event, the equivalent being 4.24 inches of rainfall in a two-hour period.

- e. All underground fuel storage tanks shall be equipped with leak detection devices. The type of detection device shall be approved by and subject to periodic inspections by the town.
 - f. The boundaries of the entire site shall be buffered from all adjacent properties and rights-of-way in accordance with section 48-482(1), buffer yard A.
 - g. Automobile service station canopies may be subject to an annual inspection by the building inspector for the purpose of ensuring that the canopy is maintained in a safe condition. Any fee for the annual inspection shall be in accordance with the regularly adopted fee schedule of the town.
 - h. When any portion of an automobile service station canopy, i.e., vertical or horizontal support, or panel becomes unsafe, prior to the issuance of town warning citation, the building inspector shall give written notice to the owner of the premises that within 30 days of the date of receipt of the notice the canopy shall be:
 - 1. Fully restored in accordance with plans submitted by a state registered engineer who shall certify that the restored canopy meets or exceeds the applicable requirements of the state building code; or
 - 2. Entirely dismantled and removed from the site.
- (2) Public utility facilities, subject to other requirements of this chapter and provided that the following conditions are met:
- a. No open storage is allowed.
 - b. All utility structures requiring a building permit shall be architecturally compatible with other structures in the vicinity.
 - c. The boundaries of the entire site shall be buffered in accordance with section 48-482(1), buffer yard A.
- (3) Fishing piers, subject to other requirements of this chapter and provided the following conditions are met:
- a. The site shall not be located closer than 500 feet to any residential zoning district (R-1, R-2, R-3, CR, SPD-20, SED-80, SPD-C).
 - b. Holding lanes shall be provided for automobiles entering and leaving the site to minimize traffic congestion on public roads in addition to those requirements for parking lot entrances contained in section 48-163(17).
 - c. Lighting shall be provided in accordance with article IX of this chapter.
 - d. The boundaries of the entire site shall be buffered in accordance with section 48-482(4), buffer yard D.
- (4) Animal boarding kennel or veterinary clinic, provided that all pens and kennels are in an enclosed, air-conditioned building and further provided that all unenclosed runs be set back not less than 50 feet from any existing residential use or district.
- (5) Retail shopping center, provided that the following additional requirements and conditions are met:
- a. A retail shopping center shall meet the requirements for minimum lot width, side and rear setbacks, height limit, maximum lot coverage and minimum lot area as specified in subsection (d) of this section. A retail shopping center shall have a minimum front setback for all principal and accessory structures of 75 feet.
 - b. A 12-foot wide paved fire lane shall be provided to the rear or side of each commercial establishment, separate from customer, pedestrian and vehicular traffic flow, and which may be used to reach loading and unloading areas. The edge of the paved

- access nearer the structure shall be not closer than ten feet nor farther than 30 feet from the sides of the structure.
- c. Screened dumpsters shall be provided in accordance with chapter 30 of this Code.
 - d. A sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all commercial establishments within each building. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.
 - e. No portion of any building shall be farther than 250 feet or closer than 50 feet to a fire hydrant.
 - f. Fire hydrants shall be protected from traffic in accordance with section 20-1 and shall be marked with stripes on the pavement within the protected area.
 - g. If the structures are not considered sprinkler protected according to the applicable National Fire Protection Association standards, the fire flow of the hydrants serving or intended to serve the structures shall be tested at the developer's expense by the town fire department or by an independent testing firm. If the test is conducted by an independent testing firm, it shall be made under the direct supervision of the town fire chief or his designee. A fee, in accordance with the most recently adopted consolidated fee schedule, shall be paid by the developer. If the flow is found to be deficient according to the insurance service office standards applicable to the town, the developer shall bring the fire flow up to the established requirements set out in the insurance service office standards. The fire flow test shall be made during the period of peak wa-
ter demand as determined from water consumption data maintained by the town water department.
 - h. A minimum of 600 feet of frontage along a street shall be required before two accessways are permitted to the same street. A minimum of 900 feet of frontage shall be required before three accessways are permitted. No retail shopping center shall have more than three accessways to one street. The accessways shall comply with the following standards:
 1. Accessways shall not be less than 30 feet or more than 40 feet in width at their intersection with the property line;
 2. The principal accessways shall have an exit lane for left turns where permitted and an exit lane for right turns and one entrance lane. The lanes shall be appropriately marked as to exit and entrance; and
 3. At its intersection with the property line, an accessway shall not be less than 100 feet from another accessway or 50 feet from a corner of the property. At least one accessway will be allowed for each shopping area.
 - i. Each retail shopping center with its buildings, parking lots and driveway shall be physically separated from each adjoining street by a curb or other suitable barrier to prevent unchanneled vehicular ingress or egress.

- ducted by an independent testing firm, it shall be made under the direct supervision of the town fire chief or his designee. A fee, in accordance with the most recently adopted consolidated fee schedule, shall be paid by the developer. If the flow is found to be deficient according to the insurance service office standards applicable to the town, the developer shall bring the fire flow up to the established requirements set out in the insurance service office standards. The fire flow test shall be made prior to the issuance of a building permit.
- k. Required loading areas shall be designed so as not to block the access by fire and rescue vehicles.
- l. Containers for garbage and refuse shall be provided in accordance with chapter 30 of the Town Code. Areas for screened dumpsters shall be provided so as to be out of the traffic flow and accessible to garbage trucks at all times.
- m. A sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all principal buildings on the site. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.
- n. No portion of any building shall be farther than 250 feet or closer than 50 feet to a fire hydrant.
- o. Fire hydrants shall be protected from traffic in accordance with section 9-1 of the Town Code and shall be marked with painted stripes on the pavement within the protected area.
- p. A minimum of 600 feet of frontage along a street shall be required before two accessways are permitted to the same street. A minimum of 900 feet of frontage shall be required before three accessways are permitted. No hotel development shall have more than three accessways to one street. The accessways shall comply with the following standards:
1. Accessways shall not be less than 30 feet or more than 40 feet in width at their intersection with the property line and shall be installed with curbs of asphalt or concrete at street connections to prevent damage to roadways;
 2. The principal accessways shall have an exit lane for left turns where permitted and an exit lane for right turns and one entrance lane. The lanes shall be appropriately marked to indicate exit and entrance; and
 3. At its intersection with the property line, an accessway shall not be less than 50 feet from a corner of the property. For hotel sites with more than one accessway, a minimum 100-foot separation shall be maintained between on-site accessways. At least one accessway will be allowed for each hotel development.
- q. Each hotel site with its buildings, parking lots and driveways shall be physically separated from each adjoining street by a curb or other suitable barrier to prevent unchanneled vehicular ingress or egress.
- r. Lighting in accordance with section article IX of this chapter shall be installed in all parking and service areas.
- s. There shall be a minimum separation of 20 feet between detached buildings.
- t. Hotel parcels east of US 158 must be within 500 feet in a straight line distance to either a private, deeded ocean access or a public ocean ac-

- cess. The access must consist of a minimum five-foot wide improved pedestrian path. Hotels west of US 158 must provide direct, private soundfront access.
- u. Hotel sites may include the following accessory uses: retail shops, offices, restaurants, indoor entertainment facilities, indoor public assembly for the benefit of their occupants and guests and the general public, and outdoor recreation facilities as otherwise permitted in that district, provided the parking for all such establishments shall meet the requirements of section 48-163(3).
 - v. Hotels may have accessory, employee dormitories intended to furnish group housing for employees provided the following conditions are met:
 1. All accessory employee dormitories must be located on the same site as the hotel use.
 2. An employee dormitory shall not contain more than one kitchen.
 3. The square footage of an employee dormitory building shall be limited to no more than 25 percent of the square footage of the principal hotel building(s) on the site.
 - w. A pre-application conference shall be held between the planning board and the applicant. The applicant shall present at least a survey and conceptual site plan.
 - x. A hotel parcel may contain multiple hotel buildings and permitted accessory buildings.
 - y. Reserved.
- (8) Religious complexes, subject to other requirements of this chapter and provided that the following conditions are met:
- a. All structures within the religious complex shall be separated by a minimum of 30 feet.
 - b. No structure shall be located closer than 25 feet to a common property line, nor closer than 30 feet to an abutting street or highway right-of-way.
 - c. The ratio of total floor area to total site area shall not exceed one to four.
 - d. If the site abuts a residential district or use, all parking areas shall be buffered from any abutting residential district or use in accordance with section 48-482(4), buffer yard D.
- (9) An attended car wash (automated and enclosed only), subject to other requirements of this chapter and provided that the following conditions are met:
- a. The attendant shall be present on-site during all hours of operation;
 - b. No principal or accessory building shall be located within 50 feet of an existing residential use or district.
 - c. A car wash shall be constructed so as to allow vehicles to pass through the structure in order to create an orderly traffic flow. Furthermore, stacking spaces shall be provided for vehicles entering and exiting the site to minimize traffic congestion on public roads.
 - d. The boundaries of the entire site shall be buffered from all adjacent properties and rights-of-way in accordance with section 48-482(1), buffer yard A.
 - e. The site shall be designed to contain all stormwater from impervious surfaces on-site from a ten-year, two-hour storm event, the equivalent being 4.24 inches of rainfall in a two-hour period.
 - f. The car wash shall utilize a recyclable water type system.
- (10) Multifamily dwellings, provided that the following additional requirements and conditions are met:
- a. A multifamily lot shall have a minimum width of 150 feet.

- b. A minimum setback for all structures from all property lines shall be 1.75 times the height at the top of the top plate or roof panel in the tallest building in the development site, but shall be a minimum of 35 feet to all property lines.
- c. The maximum distance from the top plate or roof panel to the original grade or finished grade, whichever is the greater distance, shall not exceed 40 feet. Height shall not exceed 47 feet. The enclosed area above the top plate or roof panel shall not be habitable and shall be unoccupied except for necessary structural and mechanical appurtenances.
- d. A minimum of 50 percent of the required setbacks shall be left undeveloped and landscaped as open space. Subterranean sewage systems and repair areas are allowed in the required setbacks.
- e. The boundaries of the entire site shall be buffered from all adjacent properties and rights-of-way in accordance with section 48-482(1), buffer yard A.
- f. The minimum lot area for a multifamily development site shall be 26,000 square feet for the first three units and 3,500 square feet for each additional unit.
- g. Each multifamily dwelling unit shall contain at least 1,000 square feet of floor area.
- h. Unless the public safety department has approved an alternate life safety/evacuation plan, a 12-foot wide paved vehicular access along all four sides of principal structures shall be provided suitable for firefighting and rescue equipment. The edge of the paved access nearer the structure shall be no closer than ten feet, nor farther than 30 feet, from the sides of the structure.
- i. A pedestrian sidewalk or boardwalk shall be constructed to provide a grade separation of at least six inches in height and shall connect all principal buildings on the site. In cases where traffic lanes separate buildings, the pedestrian passageways shall be striped and may be on grade.
- j. No portion of any building shall be farther than 250 feet or closer than 50 feet to a fire hydrant.
- k. The structures shall be sprinkler protected in accordance with section 20-121 et seq. A fire flow test of the water supply for the sprinkler sys-

tem serving or intended to serve the structures shall be conducted at the developer's expense by the town fire department or by an independent testing firm. If the test is conducted by an independent testing firm, it shall be made under the direct supervision of the town fire chief or his designee. A fee, in accordance with the most recently adopted consolidated fee schedule, shall be paid by the developer. If the flow is found to be deficient according to the insurance service office standards applicable to the town, the developer shall bring the fire flow up to the established requirements set out in the insurance service office standards. The fire flow test shall be made prior to the issuance of a building permit.

- l. At its intersection with the property line, any driveway shall not be less than 100 feet from another driveway or 50 feet from a corner of the property. At least one driveway will be allowed for each multifamily development.
 - m. There shall be a minimum separation of 40 feet between detached buildings.
 - n. Multiple-dwelling units may have as an accessory use a management office, not including a trailer, provided that the management office shall be included as a permanent structure in the project's design or may occupy one of the dwelling units. A management office may include within the particular project spaces for maintaining supplies, service products and amenities to be used in connection with the units within the project. There shall be sanitary facilities available for customers and employees.
 - o. Where the provisions of this subsection are in conflict with the provisions of subsection (d), dimensional requirements, the more stringent of the provisions shall apply.
- (11) Restaurant, drive-in, subject to other requirements of this chapter and provided that the following conditions are met: The boundaries of the entire site, if located within 50 feet of an existing residential use or district, shall be buffered from all adjacent properties and rights-of-way in accordance with section 48-482(1), buffer yard A.
 - (12) Restaurant, drive-through, subject to other requirements of this chapter and provided that the following conditions are met: The boundaries of the entire site, if located within 50 feet of an existing residential use or district, shall be buffered from all adjacent properties and rights-of-way in accordance with section 48-482(1), buffer yard A.
 - (13) Pet shop, subject to other requirements of this chapter and provided that the following conditions are met:
 - a. All pens and kennels shall be in an enclosed, air-conditioned building.
 - b. All unenclosed runs shall be set back not less than 50 feet from an existing residential use or district.
 - (14) Child day care center, subject to other requirements of this chapter and provided that the following conditions are met:
 - a. The facility shall adhere to the minimum requirements of and be licensed by the state department of human resources, division of facility services, child day care section.
 - b. Pickup and dropoff areas shall be provided separate from the drive-aisle. The pickup and dropoff areas shall be designed so that no child is required to cross the parking lot or any other traffic areas.
 - c. All outdoor recreational areas shall be buffered from adjacent residential uses and districts (R-1, R-2, R-3, CR, SED-80, SPD-20, and SPD-C) in accordance with section 48-482(3),