

ARTICLE III. - ZONING DISTRICT REGULATIONS

Sec. 40-64. - Introduction.

This article contains the specific use and area regulations for each zoning district found in the Town's planning jurisdiction. The material has been divided into the following sections:

- (1) *General requirements for all districts.* Several general statements regarding standards of development that apply within any of the Town's zoning districts. (Sections 40-65 to 40-69.)
- (2) *Zoning districts described.* The intended application for each district, guiding its placement in relation to either existing or proposed development, and setting the density therein, along with any particular regulations unique to that district. (Section 40-70.)
- (3) *Table of permitted uses.* The listing of land uses permitted by right, by conditional zoning, or by special use in each district. (Section 40-71.)
- (4) *Table of dimensional standards for lots and principal structures.* The tabular listing of standards concerning lot sizes, setbacks or yards, height limitations and other dimensional requirements for lots and principal structures in each district. (Section 40-74.)
- (5) *Table of dimensional standards for accessory structures.* The tabular listing of standards concerning lot sizes, setbacks or yards, height limitations and other dimensional requirements for accessory structures in each district. (Section 40-75.)

The use of separate sections to describe the various standards for each district does not relieve any person from complying with all the requirements for the same district.

(Code 1986, app. A, § 3.1; Ord. No. 00-463, 10-10-2000; Ord. No. 21-1153, 6-8-2021)

Sec. 40-65. - Zoning affects use of land and structures.

The regulations established herein for each district shall be the minimum regulations unless specified otherwise and shall apply uniformly to each class or kind of land or structure, except as hereinafter provided.

- (1) No land or structure shall be used or occupied, and no structure or parts shall be constructed, erected, altered, or moved unless in conformity with all of the regulations herein specified for the district which it is located.
- (2) Every building hereafter erected or structurally altered shall be located on a lot meeting the requirements of the district in which it is located.
- (3) A use or building not expressly permitted by right, by conditional zoning, or granted by a special use permit shall not be allowed in a zoning district unless such use is permitted in accordance with subsection 40-490(a)(2) (zoning administrator's determination) or sections 40-424 and 40-425 (nonconforming situations).
- (4)

The minimum yards, and other open spaces, including the intensity of use provisions contained in this chapter, for every building hereafter erected or structurally altered, shall not be encroached upon or considered as yard, open space requirements, or intensity of use requirements for any other building unless specifically permitted. This provision shall be adhered to, particularly in the case of lots which have lost land surface area due to the actions of tidal waters.

- (5) Rights-of-way, public or private, for streets and road shall not be considered a part of a lot or open space, or front, side or rear yard for the purpose of meeting yard requirements.
- (6) Jurisdictional wetlands shall not be considered a part of a lot or open space for the purpose of meeting open space or density requirements, except where modified (i.e., filled or drained) by permission from U.S. Army Corps of Engineers or the state division of coastal management.
- (7) In no case shall there be more than one principal building and one customary accessory building on the lot except for the exemptions listed in section 40-75(d).

(Code 1986, app. A, § 3.2; Ord. No. 00-463, 10-10-2000; Ord. No. 01-484, 8-14-2001; Ord. No. 03-543, 7-8-2003; Ord. No. 11-879, 10-11-2011; Ord. No. 14-932, 5-13-2014; Ord. No. 21-1153, 6-8-2021)

Sec. 40-66. - Every lot shall have access to a street.

- (a) Every structure hereafter erected or moved shall be on a lot adjacent to a street as defined in section 40-548, or to a right-of-way or easement which was platted and recorded prior to the adoption of the ordinance from which this chapter is derived. The following are exempt from the requirements of this section:
 - (1) Lots of record prior to the adoption date of the initial zoning ordinance (April 24, 1979) that have sufficient area to meet the minimum requirements of the district in which they are located;
 - (2) Single- and/or two-family dwellings on a lot having access over an existing private access easement.
- (b) No building permit for any structure shall be issued which requires NCDOT or Town approval for a driveway permit until said permit has been approved. Evidence of approval shall accompany the application for building permit.

(Code 1986, app. A, § 3.3; Ord. No. 00-463, 10-10-2000; Ord. No. 06-630, 4-11-2006)

Sec. 40-67. - Rules for determining locations of lot lines.

- (a) *Location of building line when the street line is unknown.* Where there is uncertainty as to the location of a street line, the Zoning Administrator shall determine such line for the purposes of this chapter and all measurements of yards, areas, etc., which depend upon the location of a street line shall thenceforth be based on such determination, provided that any street width determined hereunder be uniform for the entire length of the portion of the street about which uncertainty exists.
- (b) *Location of building lines on irregularly shaped lots.* The Zoning Administrator of the Town shall determine the location of front, side and rear building lines on irregularly shaped lots. Such determinations shall be based on the spirit and intent of the district regulations to achieve spacing and locations of buildings or groups of buildings on individual lots. This provision shall be adhered to, particularly in the case of lots which have lost land surface area due to the actions of tidal waters.

(Code 1986, app. A, § 3.4; Ord. No. 00-463, 10-10-2000)

Sec. 40-68. - Nonconformities may continue.

- (a) Except as restricted in section 40-67(b), single-family dwellings may be built on any lot in a district where residences are permitted, which was recorded prior to the enactment of the initial zoning ordinance (April 24, 1979) or this chapter even though it may not meet the lot width and area requirements established by this chapter.
- (b) Any lot or structure being used lawfully before this chapter was enacted may continue to be used in the same manner after the adoption of the ordinance from which this chapter is derived even though such use is not now permitted under the terms of this chapter. More specific regulations concerning nonconformities are given in article XIV of this chapter.

(Code 1986, app. A, § 3.5; Ord. No. 00-463, 10-10-2000; Ord. No. 04-558, 7-13-2004)

Sec. 40-69. - Subdivision regulation development standards apply.

Except as modified and/or waived under the specific zoning district classifications or through conditional zoning approval, the development standards established in the Town of Carolina Beach Subdivision Regulations, sections 4.0 and 5.0, shall apply, as applicable, to all new permitted and/or conditional zoning developments within the incorporated limits and extraterritorial jurisdiction of the Town.

(Code 1986, app. A, § 3.6; Ord. No. 00-463, 10-10-2000; Ord. No. 21-1153, 6-8-2021)

Sec. 40-70. - Zoning districts described.

(a) *R-1, Residential District (Single- and Two-Family Dwellings).*

- (1) *Purpose.* The R-1 district is established to provide for moderate to high-density single-family and two-family residential use.
- (2) *Intent.* The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district.

(b) *R-1B, Residential District (Single-Family Dwellings).*

- (1) *Purpose.* The R-1B district is established to provide for moderate density, single-family residential use.
- (2) *Intent.* The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district.

(c) *R-2, Residential District (Single-Family Dwellings).*

- (1) *Purpose.* The R-2 district is established to provide for moderate density single-family residential use and other compatible uses.
- (2) *Intent.* The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district.

(d) *R-3, Residential District (Single-Family Dwellings).*

- (1) *Purpose.* The R-3 district is established to provide for moderate to low density single-family residential use and other compatible uses.

- (2) *Intent.* The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district.
- (e) *C, Natural Resources Conservation District.*
- (1) *Purpose.* This district is established to preserve the economic, aesthetic, and unique and irreplaceable natural resource assets of the land, vegetation, surface waters, and underground waters of this district, while also providing for an environmentally compatible setting for appropriately designed and located single-family residential development. In doing so, the public health and safety and welfare shall be preserved.
- (2) *Density.*
- a. For one single-family home: 80,000 square feet minimum lot size.
 - b. For cluster developments: 320,000 square feet minimum lot size for four single-family homes.
- (3) *Standards for conservation cluster development in the C district.*
- a. Residential clusters shall be on single parcels of which at least 50 percent of the parcel is net buildable land.
 - b. No unit in a residential cluster shall be located within 20 feet of the property line.
 - c. Residential clusters shall be limited to a maximum of four dwelling units per lot.
 - d. Minimum separation between detached units in the cluster shall be 20 feet.
 - e. Subject to applicable state and federal regulations.
- (f) *MF, Multi-Family Residential District.*
- (1) *Purpose.* This district is established to provide for moderate to high-density single-family and multifamily residential uses and other compatible uses of varying types and designs. It functions as an alternative housing type near or in direct relationship to single-family detached housing while in harmony with and maintaining the integrity of the residential district.
- (2) *Intent.* The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district.
- (g) *MH, Residential District (Mobile Homes, Single- and Two-Family Dwellings).*
- (1) *Purpose.* This district is established to provide for moderate to high-density mobile home, single, and two-family residential uses and other compatible uses.
- (2) *Intent.* The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district.
- Note—** The connection of mobile homes to form multiple units is prohibited.
- (h) *MX, Mixed Use Transitional District.*
- (1)

Purpose. This district is established to provide for an area of transitional land uses between intensified use districts or elements and residential districts. This district includes an area of mixed land uses between the intensive, commercial, central part of Town and the quiet residential areas and may also be employed as a transitional area between busy major thoroughfares and quieter residential areas.

- (2) *Intent.* The regulations of the district seek to maintain a modest scale of structures, as well as a pedestrian-oriented nature, so that uses in the district may provide a suitable transition from commercial to residential areas. Permitted uses include a mixture of single-family homes, two-family dwellings, and small-scale office and institutional uses. Small hotels and motels and multifamily housing of modest density and size may also be permitted in this district.
- (i) *T-1, Tourist District.*
 - (1) *Purpose.* This district is established to provide land for the Town's tourist industry, and as a complementary district to the CBD Central Business District.
 - (2) *Intent.* The primary land uses intended for this zoning district are moderate- to high-density residential development, as well as hotels, motels and restaurants.
 - (j) *NB, Neighborhood Business District.*
 - (1) *Purpose.* This district is established to accommodate and provide for the development of small, pedestrian-oriented shopping and service activities providing necessity goods and personal services to the immediate neighborhood. This district also provides for single-family detached homes and related residential uses. Such districts should be located at the intersection of a major street or collector. Uses in NB districts should have architecture and site layouts which are compatible with nearby residential structures and uses.
 - (2) *Intent.* The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community or which would be detrimental to the surrounding residential uses.
 - (k) *CBD, Central Business District.*
 - (1) *Purpose.* This district is established to accommodate, protect, rehabilitate and maintain the traditional central business district and boardwalk area of the Town. This area accommodates a wide variety of pedestrian oriented, commercial and service activities, including retail, business, office, professional financial, entertainment, and tourism.
 - (2) *Intent.* The regulations of this district are intended to encourage the use of land for concentrated development of permitted uses while maintaining a substantial relationship between land uses and the capacity of the Town's infrastructure. Developments which would significantly disrupt the historic balance between pedestrians and automobiles within the district, thereby destroying the pedestrian-oriented nature of the area, are specifically discouraged. Large, off-street parking areas are encouraged to locate outside the district. Similarly, buildings and structures should have pedestrian-oriented activities at ground level.
 - (l) *HB, Highway Business District.* This district is established to accommodate businesses oriented toward the motoring public and which require a high volume of traffic. In many cases, businesses in the HB district serve the entire community and beyond. For the most part, they are located on major thoroughfares so that they can be conveniently reached by automobile and to avoid sending heavy automobile traffic through smaller streets or residential areas. Certain wholesale activities are also permitted in HB district.

- (m) *MB-1, Marina Business District.* This district is established to reserve areas along the water's edge for maritime uses, water dependent uses, and water-oriented uses. This district also provides for certain residential and other non-water dependent uses which are closely aligned with water oriented uses. Land uses, which would wall off the public from public trust waters, are specifically discouraged.
- (n) *I-1, Industrial District.* This district is established to provide for warehousing and storage and light industrial activities compatible with a small, tourist oriented, environmentally sensitive, coastal community. Light industries are generally characterized as having small physical plants, lower land requirements and higher worker to land ratios. Such industries typically generate few objectionable impacts in terms of noise, lights, heavy truck traffic, fumes, smoke, dust, odor or other similar characteristics. Furthermore, any negative environmental impacts associated with these industries may generally be mitigated through proper site planning, buffering, and operations management. This district is located in areas that are readily accessible from major thoroughfares, so as to minimize traffic impacts on non industrial areas of the community.
- (o) *FP, Floodplain Overlay District.*
- (1) *Purpose; intent.* The 100-year floodplain as depicted on the latest National Flood Insurance Program's (NFIP) flood insurance rate map is hereby incorporated by reference as part of the official zoning map for the Town. Development within the 100-year floodplain must conform with all provisions of chapter 30, flood damage prevention. It is the intent of the Town Council to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas through compliance with chapter 30, flood damage prevention, noted in this subsection (o)(1).
 - (2) *Density.* The standards of the underlying zoning district shall apply, except as may be required in any special regulations applicable to this area.
- (p) *Height Overlay District (HOD).* This district is established to preserve the character of the Town's traditional single-family residential neighborhoods. This area can be described as having a high concentration of permanently occupied homes in comparison to seasonal units. The regulations of this district limit height to 45 feet.

(Code 1986, app. A, § 3.7; Ord. No. 00-463, 10-10-2000; Ord. No. 01-484, 8-14-2001; Ord. No. 06-634, 5-9-2006; Ord. No. 06-643, 6-13-2006; Ord. No. 07-664, 1-9-2007; Ord. No. 07-702, 8-14-2007)

Sec. 40-71. - Table of permissible uses.

- (a) *Generally.* The table in section 40-72 sets forth the permitted, conditional zoning, and special uses allowed in each zoning district.
- (1) *Permitted by right (P).* The letter "P" in the zoning district column opposite the listed use means the use is permissible by right in the zoning districts in which it appears.
 - (2) *Conditional zoning (CZ).* The letter "CZ" in the zoning district column opposite the listed use means that conditional zoning, as set forth in article XVII of this chapter, must be obtained before the use may be created.
 - (3) *Special use permit (S).* The letter "S" in the zoning district column opposite the listed use means that a special use permit, as set forth in article XI of this chapter, must be obtained before the use may locate in the district in which it appears.
 - (4)

Prohibited. A use specifically prohibited in the table of permissible uses for every zoning district. Any use listed as prohibited has been reviewed and considered as having a detrimental impact on the health and safety of the community.

- (5) *Exemptions.* The following may be exempted from the one customary accessory building: fence, flagpole or dog house not to exceed 16 square feet; pump house not to exceed 16 square feet; and a playhouse not to exceed 36 square feet nor eight feet in height, or as may be provided for under article XVII of this chapter (conditional zoning). The exemptions are not to have sewer, electrical, and plumbing except for a pump house. These exemptions are not considered part of the lot coverage.

(b) *Use designation.*

- (1) If a "P" or "CZ" or "S" does not appear in a zoning district column opposite a listed use, the use is not permitted in that zoning district.
- (2) Uses not listed. The permitted, not permitted or conditional status of any use not listed in the table of uses shall be determined by the zoning administrator based upon the administrator's comparison of similar uses as allowed in similar locations. The zoning administrator may refer any unlisted use to the board of adjustment for interpretation. The zoning administrator's determination may also be appealed to the board of adjustment in accordance with the provisions of article XVI of this chapter. No interpretation shall be made which would change the character of a zoning district relative to the purpose of such zoning district and the other uses allowed.
- (3) Interpretation of unlisted uses. Where a proposed use is not specifically listed in the table of permissible uses, the zoning administrator may permit the proposed use upon a determination that the proposed use has an impact similar in nature, function, and / or duration similar to another permitted used listed in the table of permissible uses. The zoning administrator shall give due consideration to the purpose and intent statements in this section concerning the base zoning district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.
- (4) Standards for approving unlisted uses. In order to determine if a proposed use(s) has an impact that is similar in nature, function, and duration to the other approved uses allowed in a specific zoning district, the zoning administrator shall assess all relevant characteristics of the proposed use, including but not limited to the following:
 - a. The volume and type of sales, retail, wholesale, etc.;
 - b. The size and type of items sold and nature of inventory on the premises;
 - c. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
 - d. Any dangerous, hazardous, toxic, or explosive materials used in the processing;
 - e. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
 - f. The type, size, and nature of buildings and structures;
 - g. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
 - h.

Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and

- i. The impact on adjacent lands created by the proposed use.

(5) Decision by zoning administrator.

- a. Typical use: Added to ordinance. In making the determination, the zoning administrator shall recommend a text amendment to this section if it is determined the proposed use is common or likely to recur frequently, or that omission of specific inclusion and reference in the table of permitted uses is likely to lead to public uncertainty and confusion. Until final action is taken on a proposed amendment, the interpretation of the zoning administrator shall be binding.
- b. Atypical uses. In making a determination whether to approve a proposed use that is not listed in the table of permissible uses, an unlisted use, the zoning administrator interpretation shall be binding. Aggrieved parties may appeal the interpretation to the BOA.

(Code 1986, app. A, § 3.8; Ord. No. 00-436, 10-10-2000; Ord. No. 02-523, 11-12-2002; Ord. No. 04-574, 11-9-2004; Ord. No. 05-599, 7-12-2005; Ord. No. 06-643, 6-13-2006; Ord. No. 06-647, 7-11-2006; Ord. No. 06-656, 9-12-2006; Ord. No. 07-664, 1-9-2007; Ord. No. 07-694, 7-10-2007; Ord. No. 09-808, 9-8-2009; Ord. No. 10-855, 12-14-2010; Ord. No. 11-856, 2-8-2011; Ord. No. 11-879, 10-11-2011; Ord. No. 12-897, 7-10-2012; Ord. No. 13-918, 8-13-2013; Ord. No. 14-961, 3-10-2015; Ord. No. 15-977, 6-9-2015; Ord. No. 16-1033, 1-10-2017; Ord. No. 21-1149, 3-9-2021)

Sec. 40-72. - Table of permissible uses.

P = Permitted.

CZ = May be permitted with conditional zoning

S = May be permitted by special use permit

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Residential Uses														
Two-family dwellings	P					P	P	P				P	P	
Manufactured home, on standard, single-family lot (See section 40-261)						P								
Multifamily dwellings (See section 40-260) Units <= 4							P	P				P	P	

Multifamily dwellings (See section 40-260) Units > 4							CZ	CZ				CZ	CZ	
Planned unit development, residential (See article XII of this chapter) Units <= 4	P		P			P	P	P			P	P	P	
Planned unit development, residential (See article XII of this chapter) Units > 4	CZ		CZ			CZ	CZ	CZ			CZ	CZ	CZ	
Single-family detached	P	P	P	P	P	P	P	P		P		P	P	
Attached single-family residential							P	P		P		P	P	
Accessory Uses														
Accessory uses and structures, including garages, carports, etc. (See sections 40-261, 40-548)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Home occupations, customary (See sections 40-261, 40-548)	P	P	P	P	P	P	P	P	P	P	P	P	P	
Swimming pools, private (See sections 40-261, 40-548)	P	P	P	P	P	P	P	P		P			P	

Swimming pools, public (See <u>sections 40-261, 40-548</u>)	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Nonresidential Uses														
Adult entertainment establishment (See <u>sections 40-261, 40-548</u>)														CZ
Aircraft takeoff and landing zone (See <u>sections 40-261, 40-548</u>)	Prohibited													
Animal care facility												P		
Animal care facility with outdoor area (See <u>section 40-261</u>)												CZ		
Arcades, rides, games in enclosed buildings									P			CZ		
Art galleries (See <u>section 40-548</u>)								P	P	P	P	P		
Auctions sales									P			P		
Automobile repair garages, including engine overhauls, body and paint shops and similar operations in enclosed buildings (See <u>sections 40-261, 40-548</u>)											CZ	P		P

Automobile service stations and convenience stores									P	P	P			
Bakeries, retail, off-premises sales											P			P
Bakeries, retail, on-premises sales only									P	P	P			
Banks/financial institutions									P		P			
Barber shops									P	P	P			
Bed and breakfast inn (See section 40-261)							CZ	CZ	CZ	CZ	CZ		CZ	
Boat and personal water craft (PWC) sales and rental									P		P	P	P	P
Body piercing facility											CZ			
Bus terminal									P		P			
Cafeteria or dining room for employees of permitted uses														CZ
Car wash (See section 40-548)											P			
Cemeteries, public and private (See section 40-261)														CZ

Churches/places of worship/parish houses	CZ	CZ	CZ	CZ		CZ	CZ	CZ	P		CZ			
Commercial indoor recreation, such as bowling alleys, etc.											P			
Commercial outdoor recreation, such as miniature golf, golf driving ranges, par-3 golf courses, go carts and similar enterprises (See section 40-261)											P			P
Contractors offices, no outdoor storage									P		P			P
Day nurseries, day care centers and preschools (See sections 40-261, 40-548)	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ	CZ	CZ	P	P	P
Distillery									P		P			P
Drop-in child care providers (See sections 40-261, 40-548)	CZ	CZ	CZ	CZ		CZ	P	P	P	P	P	P	P	P
Dwelling for caretaker on premises where employed											P	P		P
Drive-in/thru facility											P			

Dry stack storage facilities												P		
Ear piercing Facility												P		
Eating and/or drinking establishments (See section 40-261)														
Event Venue/Bar									CZ		CZ			
Bars and taverns (See section 40-261)									CZ		CZ	CZ	CZ	CZ
Standard restaurants and eateries								P	P	P	P	P	P	P
Exhibition buildings									CZ		P			P
Exterminator service business offices, no outdoor storage of materials or equipment									P		P			P
Fire stations, emergency services, nonprofit	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ			CZ
Fishing piers; public and private									P					
Funeral homes									P		P			
Furniture stores											P			
Gardens, arboretums and greenhouses, items for sale									P	P	P			P

General retail sales								P	P	P	P	P		P
Government/Public facilities and utilities (See section 40-261)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Ice-cream stores								P	P	P	P			
Laundries and dry cleaning, delivered by customers									P	P	P			
Laundromats, self-service									P	P	P			
Libraries	CZ		CZ	CZ				P	P	P	P			
Live entertainment complexes in enclosed buildings									CZ		CZ			
Manufacturing incidental to retail business, sold on premises only, maximum of five manufacturing operators									P		P			P
Marinas, docks and/or piers, private	P				CZ							P		
Marinas, docks and/or piers, public or commercial	CZ				CZ				P			CZ		
Medical and dental clinics								P	P		P			P

Meeting facilities	CZ	CZ	CZ	CZ		CZ	CZ	CZ	P		P			P
Mixed use commercial-residential (See section 40-261)								P	P	P	P	P	P	
Motels and hotels								CZ	CZ		CZ		CZ	CZ
Motels and hotels, operated with a marina												CZ		
Multi-use facility								P	P	P	P	P	P	P
Municipal parking decks									P					
Museums					P				P		P		P	P
Nursery, garden and landscaping, display and sales											P			P
Offices, public, private or civic								P	P	P	P	P	P	P
Outdoor amusements, carnival and rides									CZ		CZ			
Parking lot, commercial—permanent (See section 40-261)									P					
Parking lot, Town operated (See section 40-261)	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Private parking decks									CZ					
Parking and loading areas serving uses in the same zoning district, on same or contiguous lot (See article V of this chapter)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Parking and loading areas serving uses in the same zoning district, on non-contiguous lot (See article V of this chapter)	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	P	CZ	CZ	CZ	CZ	CZ
Pet shops and pet supply stores									P		P			
Photographic studio								P	P	P	P			
Planned unit development, business (See article XII of this chapter)									CZ	CZ	CZ	CZ	CZ	
Post offices									P		P			P
Postal mailing services, commercial									P		P			P
Printing/reprographics									P		P			P
Radio, computer, television and appliance repairs and rental service									P		P			

Rental of any item, the sale of which is permitted in the district									P		P	P		
Rental of golf carts, mopeds, and scooters (See section 40-261)*								P	P	P	P	P		P
Repair of any item, the sale of which is permitted in the district									P		P	P		
Rooming house	Prohibited													
Schools, commercial for specialized training									P		P			P
Schools, public	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ			CZ
Schools, private, general instruction	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ			CZ
Seafood production and/or processing and/or dockage, wholesale and retail												CZ		CZ
Shopping centers/big box									CZ	CZ	CZ	CZ	CZ	CZ
Spa health club									P		P			
Studios, artist, designers, gymnasts, musicians, sculptures									CZ	P		P		

Tailor shops									P	P		P			
Tattoo studios (See sections 40-261, 40-548)												CZ			
Telephone exchange										P		P			P
Tennis courts, commercial (See section 40-261)										CZ		CZ			
Tennis courts, private (See section 40-261)	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ			CZ	CZ	CZ	CZ
Theaters, in enclosed structure										P		P			
Theaters, open air drama										CZ		CZ			CZ
Trailer, business										CZ					
Trailer park, travel (See section 40-548)															
Trailer, temporary construction (See section 40-261)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities, private (See section 40-261)	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	P	P	P	P	P	P
Vehicle sales lot and rental lot (See section 40-261)												P			P
Water oriented businesses										CZ			CZ		

Wholesale sales									P		P	P		P
Wine and beer shops (Retail/Off-Premise)									P	P	P	P		
Wine Shop (On-premise)									P	P	P			
Beer Shop (On-premise)										P				
Wireless telecommunications facilities	See article X of this chapter													
Manufacturing, Assembly and Processing (See section 40-261)														
Beverages, bottling works														P
Breweries (See section 40-261)									P		P			P
Flammable liquid storage, >1,000 gallons aboveground only (See section 40-261)														CZ
General assembly and repair											CZ			P
Ice manufacture, sales and storage											P			P

7-10-2012; Ord. No. 12-901, 10-9-2012; Ord. No. 12-902, 12-11-2012; Ord. No. 13-906, 1-8-2013; Ord. No. 14-392, 5-13-2014; Ord. No. 14-926, 2-11-2014; Ord. No. 14-961, 3-10-2015; Ord. No. 15-971, 3-10-2015; Ord. No. 15-977, 6-9-2015; Ord. No. 16-1021, 9-13-2016; Ord. No. 16-1033, 1-10-2017; Ord. No. 17-1044, 4-11-2017; Ord. No. 17-1062, 8-8-2017; Ord. No. 18-1071, 1-9-2018; Ord. No. 18-1098, 12-11-2018; Ord. No. 19-1108, 2-12-2019; Ord. No. 19-1123, 10-8-2019; Ord. No. 19-1124, 10-8-2019; Ord. No. 20-1140, 11-10-2020; Ord. No. 20-1148, 12-8-2020; Ord. No. 21-1149, 3-9-2021; Ord. No. 21-1151, 5-11-2021; Ord. No. 21-1161, 11-30-2021; Ord. No. 23-1195, 2-14-2023; Ord. No. 23-1201, 4-11-2023; Ord. No. 23-1205, 7-11-2023; Ord. No. 24-1220, 4-9-2024; Ord. No. 24-1228, 7-9-2024)

Sec. 40-73. - Dimensional standards for the various zoning districts.

- (a) *Dimensional standards tables.* Immediately following the text below, are three tables which set forth the required area and dimensional standards associated with each district. The three tables are referenced in the following sections:
- (1) Section 40-74, dimensional standards for lots and principal structures.
 - (2) Section 40-75, dimensional standards for accessory structures.
- (b) *Other special dimensional standards.* In addition to the dimensional standards set forth in sections 40-74 and 40-75, the following special dimensional standards are established:
- (1) *Corner lots.* Except within the CBD districts, all corner lots shall not be less than 12½ feet on side street. Accessory structures shall also be subject to this requirement.
 - (2) *Front yards on through lots.* On through lots, the minimum front yards for the respective zoning districts shall apply wherever such lots have frontage on a street.
 - (3) *Sight distance at intersections.* On corner lots abutting to vehicular traffic rights-of-way, no planting, fence, wall, sign or structure or other type of obstructions not specifically exempted shall be permitted in the space between 30 inches above ground level and ten feet above ground level within a sight distance triangle that abuts a right-of-way. A sight distance triangle shall be the visually unobstructed area of a street/driveway corner as determined by measuring a distance of 30 feet along the intersecting curb lines, or edges of pavement of the intersecting street/driveway if curbs are not present, and connecting the two points by a straight line to form a triangular shaped area over the corner. One support post not to exceed five square feet may be utilized in the sight triangle to support the cantilever floors above. Structures deemed essential for public utilities, as determined by the Public Works or Public Utilities Director, may be exempt.
 - (4) *Reduction of required lot area.* Where lots abut the estuarine and/or ocean tidal waters, as defined in section 40-548, and where lot depth has been lost due to the encroachment of such waters, making such lot area nonconforming to the zoning district requirements, the existing lot area may be considered conforming to meet the minimum lot area requirements of the zoning district in which located. However, the front and side yards of the zoning district shall apply. Lots which have lost area due to estuarine and ocean tidal waters or Carolina Beach Erosion Control and Hurricane Wave Protection Projects may be developed in accordance with all applicable permitted uses of the zoning district in which located, provided that the actual lot area extending to the Carolina Beach Building Line or Kure Beach's Beach Re-nourishment Easement Line shall be utilized when computing the density for multifamily dwellings per lot. The Zoning Administrator shall make the determination of actual lot area.
 - (5)

Reduction of front yard setback. A front yard setback may be reduced to no less than the calculated average front yard setback distance for existing buildings on all lots located wholly or partly within 200 feet, as measured from each side lot line, of the subject property. Calculating the average front yard setback shall be subject to the following criteria:

- a. All lots being in the same zoning district.
- b. All lots shall front on the same side of the same street.
- c. All lots shall be considered as having the minimum required front yard setback if the lot is vacant.
- d. In no instance shall the calculated average front yard setback be reduced to less than 50 percent of the required setback.

(6) *Allowable intrusions into required yard setbacks.* It is not the intent of this provision to allow or encourage structures to overbuild on lots but, rather, to provide for minor architectural embellishments and necessary mechanical appurtenances within required setbacks that are not inconsistent with the state building code.

Heating and air conditioning units, heat pumps and meters with or without platforms	4'
Utility platform stairs and support post	3'
Cantilevered architectural features cumulatively not more than 25 percent per side of the building*	2.5'
Roof overhangs	2.5'
Roof overhangs with cantilevers	3'
Termination of a set of stairs	2.5'
Outdoor shower enclosures	4'

*Cantilevers, excluding roof overhangs, shall be the only intrusion in the table above that is used in determining lot coverage. In addition, where front setbacks have been reduced as result of subsection (b)(5) of this section, no front cantilevers shall be allowed.

- a. Fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard setback.
- b. One trellis may be permitted per lot that encroaches into a setback area as long as it meets the following regulations:
 - 1. Maximum trellis height nine feet;
 - 2.

Twenty-four inches spacing between all horizontal cross rafters on the top of the trellis with no other temporary or permanent structural members allowed, including lattice, cloth, fabric canvas, etc.;

3. Vertical supports shall not occupy more than ten percent per side of the structure. The purpose of this condition is to maintain openness of the trellis structure;
4. A trellis shall be freestanding with no connections to other structures;
5. A trellis may encroach four feet into either the side or rear yard but not both;
6. Where a trellis is placed in the side yard, the rear yard setback for that zoning district shall be observed. Where a trellis is placed in the rear yard, the side setback for that zoning district shall apply.

(7) *Height regulations.*

- a. Structures shall not exceed 50 feet in height in conjunction with subsections (b)(5)a—d of this section.
- b. Any proposed structure which exceeds 50 feet in height shall be equipped with sprinkler fire suppression systems, and plans of said proposal shall be submitted for review and approval as a conditional zoning in compliance with the applicable process and with subsection (b)(8) of this section.
- c. Structures in the height overlay district as defined by the official Town zoning map shall not exceed 45 feet in height.

(8) *Exceptions to height requirements.* Exceptions to the building heights are as follows: Regulations, including height limitations, for cellular communication towers and similar such structures are set forth in article X of this chapter, wireless telecommunication towers and facilities.

(9) *Yard requirements for structures exceeding maximum height regulations.* Yards may be increased as a condition of approval for structures exceeding maximum height requirements. Where structures are permitted to exceed the 50 feet maximum height regulation the following shall apply:

- a. The minimum required front yard shall be increased by one foot for each foot in height exceeding the maximum height requirements.
- b. The minimum required side yard shall be increased by one foot cumulatively for each foot in height exceeding the maximum height requirements.

(10) No individual or privately owned structure shall encroach over the Carolina Beach Development Line as recorded in deed book 62 page 145 in the New Hanover County Register of Deeds. Allowed exceptions are limited to beach crossovers, piers and sand fencing permitted under CAMA regulations.

(11) *Structural Beach Crossover.* It is the intent of this section to recognize that there is a need for allowances to be granted to protect the dunes system with proper location and design of structures while preserving scenic and the natural ecological conditions of the barrier dune and beach systems. Structural beach crossover shall be permitted across primary dunes so long as they are designed and constructed in a manner that entails negligible alteration on the primary dune subject to the following regulations:

- a. The crossover shall be no greater than six feet in width.
- b. Height above grade shall be at least 12 inches, but no more than an average of 18 inches.
- c. Handrails and guardrails shall be open on any private access and shall be limited to 42 inches in height, unless otherwise required by the state building code.
- d. Horizontal development shall meet the following:

1. Maximum 200 square feet west of the CAMA static vegetation line.
 2. Maximum 40 square feet east of the CAMA static vegetation line.
 3. Horizontal development shall not cumulatively exceed 200 square feet.
- e. East of the CAMA static vegetation line, no vertical development shall be allowed with the exception of handrails up to 42 inches.
- f. The crossover shall be raised on posts or pilings of five feet or less depth, so that wherever possible only the posts or pilings touch the frontal dune.
- g. Public crossovers, municipal boardwalks and fishing piers are exempt from the beach crossover requirements.

(Code 1986, app. A, § 3.9; Ord. No. 00-436, 10-10-2000; Ord. No. 02-523, 11-12-2002; Ord. No. 04-574, 11-9-2004; Ord. No. 05-599, 7-12-2005; Ord. No. 06-643, 6-13-2006; Ord. No. 06-647, 7-11-2006; Ord. No. 06-656, 9-12-2006; Ord. No. 07-664, 1-9-2007; Ord. No. 07-694, 7-10-2007; Ord. No. 09-808, 9-8-2009; Ord. No. 10-855, 12-14-2010; Ord. No. 11-856, 2-8-2011; Ord. No. 11-879, 10-11-2011; Ord. No. 12-897, 7-10-2012; Ord. No. 13-918, 8-13-2013; Ord. No. 14-961, 3-10-2015; Ord. No. 15-977, 6-9-2015; Ord. No. 16-1018, 7-12-2016; Ord. No. 19-1102, 1-8-2018; Ord. No. 21-1153, 6-8-2021)

Sec. 40-74. - Dimensional standards for lots and principal structures.

Dimensional Standards for Lots and Principal Structures, Residential Districts

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁶	Min. Front Yard	Min. Rear Yard	Min. Side Yards* (Corner Lot—Min. 12.5 ft.) ⁴	Residential Max. Density	Max. Height	Max. Lot Coverage
R-1	Single-Family Two-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	15 units/acre	50 ft. ¹	40%
R-1B	Single-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	8.7 units/acre	50 ft. ¹	40%
R-2	Single-Family	7,000 sq. ft.	70 ft.	25 ft.	10 ft.	7.5 ft.	6.2 units/acre	45 ft.	40%
R-3	Single-Family	12,000 sq. ft.	80 ft.	25 ft.	10 ft.	7.5 ft.	3.6 units/acre	40 ft.	40%

C	Conservation District Single-Family	80,000 sq. ft.	200 ft.	30 ft.	20 ft.	20 ft.	0.5 units/acre	50 ft. ¹	15%
MH	Manufactured Homes Single-Family/Two-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	15 units/acre	50 ft. ¹	40%
MF	Multi-Family Single-Family/Two-Family	5,000 sq. ft.	50 ft.	10 ft.	10 ft.	7.5 ft.	17 units/acre	50 ft.	40%
MX	Mixed Use	5,000 sq. ft.	50 ft.	20 ft.	10 ft. ³	7.5 ft. ³	17 units/acre	50 ft.	40%

Table footnotes:

1. Portions of this district may be located in an overlay district as shown on the Town's official zoning map and listed as part of this section. Maximum height of this district may be different than listed.
2. See [section 40-73\(9\)](#), yard requirements, for structures exceeding maximum height regulations.
3. Front yard setback is 50 feet if abutting a major thoroughfare.
4. Landscaping buffer requirements in article VI of this chapter may be greater than the required side yard setbacks.
5. The building height maximum may be exceeded by up to eight feet when renovating existing multi-family residential structures of more than 35 units when the additional height is directly attributable to ensuring compliance with the North Carolina Elevator Code requirements for adequate overhead clearance. Building height allowance does not include elevator equipment.

Dimensional Standards for Lots and Principal Structures, Other Districts

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Widths	Min. Front Yard	Min. Rear Yard	Min. Side Yards (Corner Lot-Min 12.5 ft.) ⁵	Max. Density	Max. Height	Max. Lot Coverage
CBD	Commercial Uses and Services, Entertainment	None	None	None	None, or same as abutting residential use or district	None, or same as abutting residential use or district	NA	50 ft. ⁴	None
NB	Neighborhood Goods and Services	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	8.7 units/acre	50 ft. ²	40%
HB	Highway Commercial	10,000 sq. ft.	100 ft.	30 ft.	15 ft., or 20 ft. if abutting a residential district	10 ft.	NA	50 ft. ²	60%
MB	Water-Oriented Businesses, Single-Family/Two-Family	10,000 sq. ft.	100 ft.	30 ft.	10 ft.	10 ft.	N/A ⁶	50 ft. ²	40%
T-1	Hotels and Motels 15 units or less	20,000 sq. ft.	100 ft.	20 ft.	10 ft. ³	7.5 ft.	32 units/acre	50 ft. ²	40%
	Hotels and Motels Greater than 15 units	25,000 sq. ft.	50 ft.				60 units/acre		

	Restaurants/Businesses	6,000 sq. ft.	50 ft						
	Single/Multi-Family	6,000 sq. ft.	50 ft.				29 units/acre		
I-1	Industrial	None. (Min. district size: 5 acres)	None	30 ft.	None. *20 ft. if lot line abuts a residential lot or use	None *20 ft. if lot line abuts a residential lot or use	None	50 ft. ²	None
HOD	See underlying districts for use and dimensional requirements	N/A	N/A	N/A	N/A	N/A	N/A	45 ft.	N/A

Table footnotes:

1. Portions of this district may be located in an overlay district as shown on the Town's official zoning map and listed as part of this section. Maximum height of this district may be different than listed.
2. See [section 40-73\(9\)](#), yard requirements, for structures exceeding maximum height regulations.
3. Front yard setback is 50 feet if abutting a major thoroughfare.
4. In this district, the standard 50-foot building limitation may be exceeded for sprinklered structure and maximum building height shall be solely based on conditional zoning review.
5. Landscaping buffer requirements in article VI of this chapter may be greater than the required side yard setbacks.

(Code 1986, app. A, § 3.9-1; Ord. No. 00-436, 10-10-2000; Ord. No. 02-523, 11-12-2002; Ord. No. 04-558, 7-13-2004; Ord. No. 04-573, 11-9-2004; Ord. No. 06-634, 5-9-2006; Ord. No. 06-643, 6-13-2006; Ord. No. 07-664, 1-9-2007; Ord. No. 07-673, 1-9-2007; Ord. No. 08-725, 2-12-2008; Ord. No. 12-894, 6-12-2012; Ord. No. 15-977, 6-9-2015; [Ord. No. 21-1153](#), 6-8-2021; Ord. No. [24-1222](#), 4-9-2024)

Sec. 40-75. - Dimensional standards for accessory structures.

- (a) Accessory structures associated with residential uses shall:
 - (1) Be included when calculating the total allowable lot coverage, and shall not constitute a proportionate size greater than 25 percent of the principal building's lot coverage, regardless of the lot size;
 - (2) Be limited to 15 feet in height;
 - (3) Not be permitted within any required front or side yard, or within five feet of the rear lot line;

- (4) Not be occupied, leased, rented or otherwise used for profit, income or for gain;
 - (5) Not be used as a dwelling unit;
 - (6) Contain no more than three internal plumbing fixtures (water heater is exempt);
 - (7) Maintain a residential appearance and shall not produce impacts detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking, or other activities;
 - (8) Meet state building code requirements if any dimension is greater than 12 feet;
- (b) Accessory structures associated with nonresidential uses shall:
- (1) Be included when calculating the total allowable lot coverage;
 - (2) Not be permitted within any required front or side yard, or within five feet of the rear lot line;
 - (3) Not exceed the size of the primary structure;
 - (4) Not be used as a dwelling unit;
 - (5) Require a building permit and meet state building code requirements.
- (c) Swimming pools setbacks.
- (1) Setbacks for swimming pools less than 30 inches above the ground level of the graded lot:
 - a. Front yard: As required for the zoning district.
 - b. Side yard: Five feet.
 - c. Corner yard: Five feet.
 - d. Rear yard: Five feet.
 - (2) Setbacks for swimming pools more than 30 inches above the ground level of the graded lot:
 - a. Front yard: As required for the zoning district.
 - b. Side yard: Five feet.
 - c. Corner yard: 7.5 feet.
 - d. Rear yard: Five feet.
- (d) Exemptions.
- (1) The following shall be exempted from the one customary accessory building:
 - a. Fence;
 - b. Flagpole;
 - c. Dog house not to exceed 16 square feet;
 - d. Pump house not to exceed 16 square feet;
 - e. Playhouse not to exceed 36 square feet nor eight feet in height;
 - f. Private swimming pools and their associated decks, fencing and equipment;
 - g. As may be allowed for under article XI of this chapter (conditional zoning approval process).
 - (2) The exemptions shall not have sewer, electrical and plumbing, except for pools and pump houses.
 - (3) These exemptions are not considered as part of the lot coverage.

(Code 1986, app. A, § 3.9-2; Ord. No. 00-463, 10-10-2000; Ord. No. 02-523, 11-12-2002; Ord. No. 03-543, 7-8-2003; Ord. No. 05-588, 5-17-2005; Ord. No. 09-775, 2-10-2009; Ord. No. 11-976, 9-13-2011; Ord. No. 14-932, 5-13-2014; Ord. No. 15-969, 1-13-2015; Ord. No. 21-1153, 6-8-2021)

Sec. 40-76. - Extraterritorial jurisdiction (ETJ).

The Town of Carolina Beach will maintain and regulate any ETJ, and populations living in said ETJ, in the manner laid forth in Article 2 Planning and Development Regulation Jurisdiction (160D-201—160D-204) and Article 3 Boards and Organizational Arrangements (160D-307) of the North Carolina General Statutes.

(Ord. No. 21-1153, 6-8-2021)

Secs. 40-77—40-116. - Reserved.