

Excerpt from the
Town of North Topsail Beach
Zoning Ordinance
regarding
Conservation District
&
CD containing
PDF of the 1982 Zoning Maps

The minimum yards or other open spaces required by this ordinance for each and every building shall not be encroached upon or considered as meeting the yard and open space requirements of any other building.

Sec. 7-113. Relationship of building to lot.

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot except in the case of a designed complex of professional, residential, or commercial buildings in an appropriate zoning district, i.e., school campus, shopping center, and industrial park. Detached garages and carports must meet the same setback requirements as the principal building, just as if they were attached.

Sec. 7-114. Street access.

No building shall be erected on a lot which does not abut a street or have access to a street, provided that in a business district or in a planned project in a residential district, a building may be erected adjoining a parking area or dedicated open space which has access to a street used in common with other lots.

Sec. 7-115. Reduction of lot and yard areas prohibited.

No yard or lot existing at the time of passage of this ordinance [May 2, 1990] shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance [May 2, 1990] shall meet at least these minimum requirements.

Sec. 7-116. Business uses of manufactured homes and trailers.

No manufactured home or trailer shall be used in any manner for business or commercial purposes except when used for a sales office on a manufactured home sales lot and except temporarily as a construction office.

Secs. 7-117—7-119. Reserved.

Sec. 7-120. Zoning districts and regulations.

Sec. 7-121. Zoning districts established.

In order to implement the intent of this ordinance, there are hereby created zoning districts with the following designations and general purposes:

Con-D

Conservation District

R-A

Residential-Agricultural

R-20

Residential District

R-15

Residential District

R-10	Residential District
R-8	Multifamily Residential
CU-R-8	Conditional Use Multifamily Residential
R-5	Multifamily Residential
CU-R-5	Conditional Use Multifamily Residential
MHR	Manufactured Housing Residential
B-1	Business District
CU-B-1	Conditional Use Business District
B-2	Marina Business District
CU-B-2	Conditional Use Marina Business District

Sec. 7-122. District boundaries.

In the creation, by this ordinance, 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.

Sec. 7-123. Zoning map.

The boundaries of the districts are shown upon the map accompanying this ordinance and made a part hereof, entitled "Zoning Map North Topsail Beach, North Carolina." The zoning map and all the notations, references and all amendments thereto, and other information shown thereon is hereby made a part of this ordinance the same as if such information set forth on the map were all fully described and set out herein. The zoning map properly attested is on file in the office of the town clerk and is available for inspection by the public. More than one zoning classification may be applied on one parcel or lot.

Upon enactment of any zoning classification changes, the zoning map shall be amended and published by the Board of Aldermen. A revised map incorporating approved updates will be produced at the direction of the Board of Aldermen by competent cartographers. After review by the Planning Board, the Board of Aldermen will approve the map for use as the Official North Topsail Beach Zoning Map; fixing that approval date at the appropriate place on the map. The map will be periodically updated on an annual basis and whenever the Board of Aldermen determines appropriate.

The Town Clerk will certify the original and copies of the map. The map will be kept in the office of the Town Clerk as part of the Town Minutes. Working copies will be made available to appropriate Town staff. Copies will be available to the public; any copy sold will be stamped to indicate the date to which it is current.

(Ord. of 8-4-05)

Sec. 7-124. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any district shown on the zoning map, the following rules shall apply:

- A. *Use of Property Lines:* Where district boundaries are indicated as approximately following street lines, alley lines, and lot lines, such lines shall be construed to be such boundaries. Where streets, highways, railroads, watercourses, and similar areas with width are indicated as the district boundary, the actual district boundary line shall be the center line of such area.
- B. *Use of the Scale:* In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.
- C. *Street Vacation:* Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley abandonment.
- D. *Board of Adjustment:* In case any further uncertainty exists, the board of adjustment shall interpret the intent of the map as to location of such boundaries.

Sec. 7-125. Interpretation of district regulations.

Regulations for each district shall be enforced and interpreted according to the following rules:

- A. *Uses by Right:* All listed permitted uses are permitted by right, subject to established development standards in accordance with the terms of this ordinance. Conditional uses are permitted subject to approval by the board of aldermen and compliance with the additional regulations specified. (12-2-04)
- B. *Minimum Regulations:* Regulations set forth in this ordinance shall be minimum regulations. If the requirements set forth in this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or higher standard shall govern.
- C. *Restrictive Covenants and Deed Restrictions:* Unless restrictions established by covenants and deed restrictions running with the land are prohibited by the provisions of this ordinance, nothing herein contained shall be construed to render such covenants or restrictions inoperative.

Sec. 7-126. Descriptions and purposes of the districts.

The following general statements describe the various zoning districts established by the Town of North Topsail Beach Zoning Ordinance. The Table of Permitted and conditional uses (Sec. 8.8) lists the specific land uses and activities of each. The potential intensity of development or allowable density within any of the

established zoning districts is determined by a number of factors established by application of the dimensional requirements for minimum lot sizes (Section 8.9.), open space allowance, setbacks, buffer yards, and the availability or absence of public water and sewer. Generally, the established districts allow greater intensity or density of developed in commercial zones, while the higher numbered residential pre-fixes, for instance, the "20" in R-20 Residential has a presumptive minimum lot size of 20,000 square feet. In contrast, the R-5 Residential district permits the smallest individual lots of 5,000 square feet and as little as 2,750 square feet per unit in multi-family situations. The amount of land consumed in roads, other supportive infrastructure, and room needed to protect vegetation or dunes protection and meet CAMA setback rules, septic tank regulations, and stormwater rules affects the amount of usable property for location of buildings and other structures. The Con-D Conservation District allows the least development intensity among the established districts.

- A. *Con-D Conservation District:* This district is established to protect the floodplain, coastal waters and areas of environmental concern of the Coastal Area Management Act. It is further the intent that intensive use of the land not be permitted and that only water-dependent uses be permitted in this district.
- B. *R-A Residential-Agricultural District:* The purpose of this district is to set aside and protect those lands which are primarily suited for agriculture, forestry, wetlands and agricultural-related uses.
- C. *R-20 Residential District:* The purpose of this district is to allow low-density residential and recreational uses to be protected from undesirable future development and residential developments not having central water and sewer will occur in sufficiently low density to ensure a healthful environment.
- D. *R-15 Residential District:* The purpose of this district shall be to provide for single-family and duplex residential developments where central water or central sewer but not both are available. E. *R-10 Residential District:* The purpose of this district shall be to provide for single [-family] and multifamily residential developments where both central water and central sewer are available.
- F. *R-8 Multifamily Residential District:* The purpose of this district shall be to provide for single[-family] and multifamily residential developments where both central water and central sewer are available. G. *CU-R-8 Conditional Use R-8 Multifamily Residential:* The purpose of this district is identical to the R-8 Multifamily Residential District except that a conditional use permit is required as a prerequisite to any use or development.
- H. *R-5 Multifamily Residential:* The purpose of this district shall be to provide for single [-family] and multifamily residential developments where both central water and central sewer are available.
- I. *CU-R-5 Condition [Conditional] Use R-5 Multifamily Residential:* The purpose of this district is identical to the R-5 Multifamily Residential District except that a conditional use permit is required as a prerequisite to any use or development.
- J. *MHR Manufactured Housing Residential:* The purpose of this district shall be to provide for single[-family], multifamily and manufactured housing

(Wind Zone 3, Exposure D; see State of NC Regulations for Manufactured Home Codes) class A, B and C residential developments where both central water and central sewer are available. Furthermore, manufactured housing may be on individual lots or in parks.

- K. *B-1 Business District:* This district is established as a district in which the principal use of land is for the retailing of both perishable and durable goods, provision of commercial services to surrounding areas and neighborhoods and the provision of services to visitors. In promoting the general purpose of this ordinance, the specific intent of this district is:

To encourage the construction of and the continued use of the land for commercial and service uses, particularly those which serve the community or neighborhood.

To provide for the orderly expansion of such uses within this district, as designated on the zoning map.

To prohibit residential use of the land and to prohibit any other use which would substantially interfere with the development or continuation of the business uses in the district.

To discourage the continuance of existing uses that would not be permitted as new uses under the provision of this district.

- L. *CU-B-1 Conditional Use B-1 Business District:* The purpose of this district is identical to the B-1 Business District except that a conditional use permit is required as a prerequisite to any use or development.
- M. *B-2 Marina Business District:* The purpose of this district is to provide an area for commercial marinas and related uses.
- N. *CU-B-2 Conditional Use Marina Business District:* The purpose of this district is identical to the B-2 Marina Business District except that a conditional use permit is required as a prerequisite to any use or development.

(Amend. of 12-2-04)

Sec. 7-127. Conditional use district.

It will be noted that a conditional use district (bearing the designation CU) corresponds to four (4) of the other districts authorized in this section. It is recognized that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. Where the applicant for rezoning desires property to be rezoned to such a district in such situations, the conditional use district is a means by which such special conditions can be imposed in the furtherance of the purpose of this chapter. The conditional use district classification will be considered only upon request of the applicant for rezoning. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this chapter that the authorization of such conditional use permit shall be null and void and of no effect and that proceedings be instituted to rezone the property to its previous zoning classification.

Within a conditional use district (sometimes referred to as CUD), only those uses authorized by section 7-120 as permitted in the zoning district with which the CUD

corresponds shall be permitted, and all other requirements of the corresponding district shall be met. In addition, within a CUD no use shall be permitted except pursuant to a conditional use permit authorized by the board of aldermen which shall specify the use or uses authorized. Such permit shall further specify the location on the property of the proposed use or uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include architectural review or controls. In granting a conditional use permit, the board may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this chapter are served, public welfare secured and substantial justice done.

The authorization of a conditional use permit in any CUD for any use which is permitted only as a conditional use in the zoning district which corresponds to the CUD shall preclude any requirement for obtaining a conditional use permit for any such use from the board of aldermen.

(Ord. of 12-2-04)

Sec. 7-128. Permitted and conditional uses.

Uses listed as permitted (P) or conditional (C) are indicated in each zoning district where allowed. Uses that are prohibited within a district are indicated by a blank space or are not listed.

Sec. 128 TABLE 1. PERMITTED AND CONDITIONAL USES

The following uses are listed as permitted (P) or conditional (C) in each zoning district where allowed.

Uses which are prohibited within a district are indicated by a blank space or are not listed.

	ZONING DISTRICTS									
	CON-D	B-2	B-1	MHR	R-5	R-8	R-10	R-15	R-20	R-A
Accessory uses	C	P	P	P	P	P	P	P	P	P
Adult establishments			C	C						
Agricultural or rural farm use	P	P	P	P	C	C	C	C	P	P
Packaged retail sales of alcoholic beverages		P	P	P						
Airports										C
Ambulance service		P	P	C	C	C	C	C	C	C
Animal medical care (no kennels)			P							C
Apparel and accessory sales (department store)		P	P							
Assembly halls (gyms, stadiums, etc.)		S	C							C
Auction sales		P	P	C						
Auto parts and accessories sales		P	P							
Auto and truck sales and rentals		P	P							
Auto repair and body work		P	P							
Auto washing		P	P							

	<u>CON-D</u>	<u>B-2</u>	<u>B-1</u>	<u>MHR</u>	<u>R-5</u>	<u>R-8</u>	<u>R-10</u>	<u>R-15</u>	<u>R-20</u>	<u>R-A</u>
Bakery		P	P							
Bank, savings and loan, financial activity		P	P							
Barber and beauty shops		P	P							
Bathroom (commercial, public)		P	P	C	C					
Bicycle sales and repairs		P	P							
Boats and accessories (retail sales and service)		P	P							
Boat ramp		P	C							
Bowling alleys		P	P							
Building supplies		P	P							
Bus terminals		P	P							
Campgrounds and travel trailer parks		C	C							
Carpet and rug (sales and service)			P							
Cemeteries (public)		C	C							
Churches and related uses			P	C	C	C	C	C	C	P
Club or lodge		P	P	C	C	C	C	C	C	C
Clinic service (medical, dental)		P	P	C	C	C				
Coal sales and storage		C	C							
Cold storage		P	C							
Convalescent homes			C	C	C	C	C	C	C	C
Country clubs and related uses		P			P	P	P	P	P	C

	<u>CON-D</u>	<u>B-2</u>	<u>B-1</u>	<u>MHR</u>	<u>R-5</u>	<u>R-8</u>	<u>R-10</u>	<u>R-15</u>	<u>R-20</u>	<u>R-A</u>
Fishing piers, fish houses		P	C							
Florist shops		P	P							
Food sales, retail		P	P							
Funeral homes and mortuaries			P							
Golf course	C				P	P	P	P	P	P
Golf, miniature		P	P							
Government offices			P							
Governmental facilities in all zoning districts	P	P	P	P	P	P	P	P	P	P
Greenhouse operations		C	P							
Hardware, paint and garden supply sales		P	P							
Home furnishings and appliance sales			P							
Home occupations				C	C	C	C	C	C	C
Hospital, health or sanitarium care			C							
Hotels, motels		P	P							
Industrial sales and repair of equipment		P	C							
Jewelry sales and repair			P							
Kennels			C							
Lock and gunsmith			P							
Library, public			P	C	C	C	C	C	C	C
Livestock sales and auction										C
Machine tool manufacturing and welding			C							

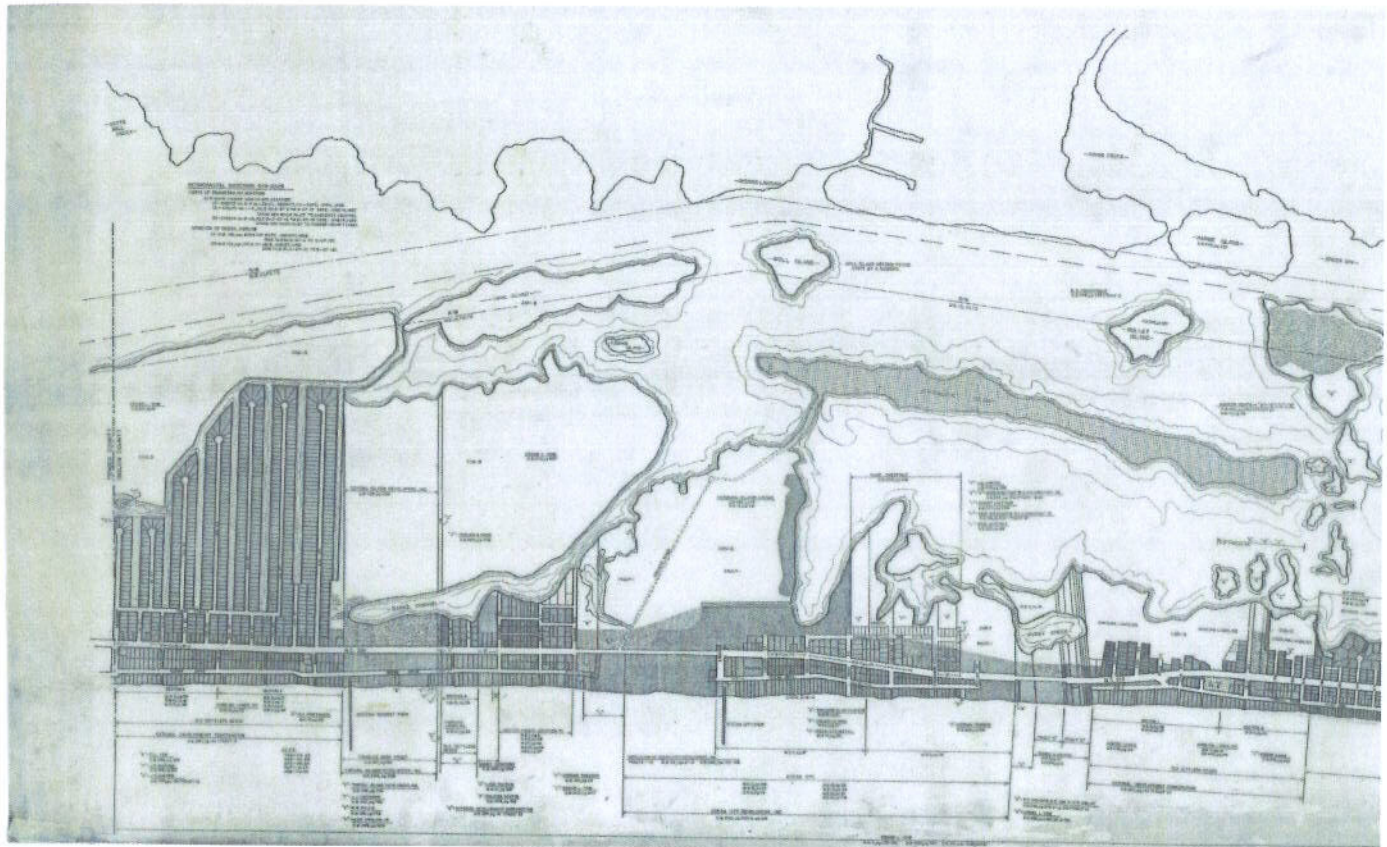
	<u>CON-D</u>	<u>B-2</u>	<u>B-1</u>	<u>MHR</u>	<u>R-5</u>	<u>R-8</u>	<u>R-10</u>	<u>R-15</u>	<u>R-20</u>	<u>R-A</u>
Mobile offices on construction sites (temporary)		P	P	P	P	P	P	P	P	P
Manufactured home park				C						
Manufactured home sales			P							
Manufactured home subdivisions				P						
Monument sales			C							
Newspaper office and incidental printing			P							
Newsstands		P	P							
Nursery (plants)			P							P
Offices		P	P							
Optician and optical supply sales			P							
Parking lots	C	P	C	C	C	C	C	C	C	C
Parks, public	C	P	P	P	P	P	P	C	C	C
Pawnshops		P	P							
Pharmacies		P	P							
Photography, commercial			P							
Planned unit Development or planned residential development				C	C	C	C	C	C	
Pool halls		P	C							
Post office			P							
Printing and reproduction establishments			P							
Private recreation club		P	P	C	C	C	C	C	C	

	<u>CON-D</u>	<u>B-2</u>	<u>B-1</u>	<u>MHR</u>	<u>R-5</u>	<u>R-8</u>	<u>R-10</u>	<u>R-15</u>	<u>R-20</u>	<u>R-A</u>
Public utility workshops and storage		C	C							
Public utility stations and substations	C	C	C	C	C	C	C	C	C	P
Radio and television studio activity			P							
Radio and television transmitting		P	P	C	C	C	C			C
Restaurants		P	P							
Retail fish markets		P	P							
Retailing or servicing with operations conducted and merchandise stored inside or outside building and otherwise unlisted herein		C	C							
Recreation or amusement, enterprise conducted for profit and not otherwise listed herein		C	C							
Riding school										P
School, business or commercial			P							
School, elementary or secondary and related uses				C	C	C	C	C	C	C
School, trade or vocational			P							
Service station		P	P							
Shoe repair shop		P	P							
Shopping center		P	C							
Skating rink		P	P							

	<u>CON-D</u>	<u>B-2</u>	<u>B-1</u>	<u>MHR</u>	<u>R-5</u>	<u>R-8</u>	<u>R-10</u>	<u>R-15</u>	<u>R-20</u>	<u>R-A</u>
Sign, principal use		P	P	P						
Storage, warehouse, mini			P							
Swimming pools, (private/commercial)		P	P	P	P	P	P	P	P	P
Swimming pools, (public/commercial)		P	P	C	C	C	C	C	C	C
Tailoring			P							
Taxicab, office or stand			P							
Telephone exchange operations			P							
Theaters, indoor			P							
Theaters, outdoor			P							
Trading stamp redemption			P							
Trailer and truck rentals			P							
Truck terminal activities			P							
Variety, gift and hobby supply sales		P	P							
Water towers		P	P	P	P	P	P	P	P	P
Wholesale fish sales		P	P							
Wholesale operations not otherwise listed			C							
Windmills		P	P	C	C	C	C	C	C	P
Yacht clubs		P			C	C	C	C	C	

(Ord. of 12-1-94, § 1; Ord. of 4-4-02, Ord. 12-2-04)

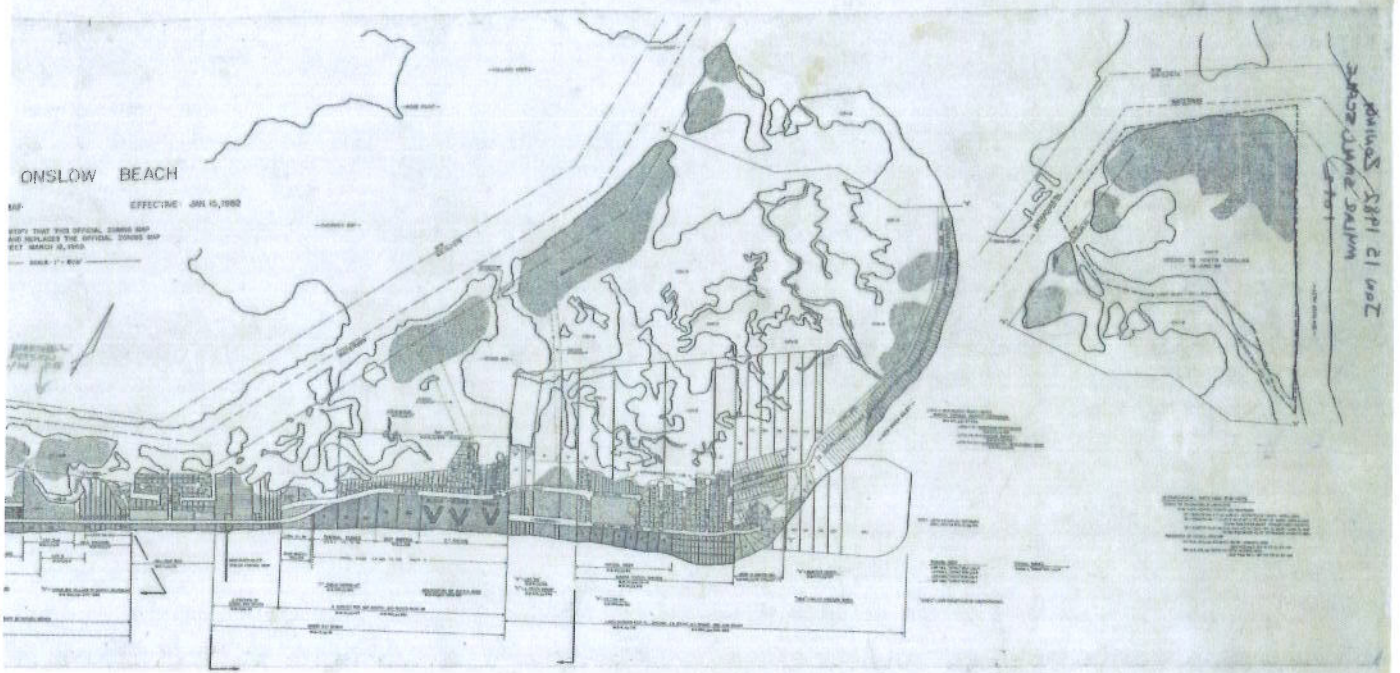
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ONSLOW BEACH

EFFECTIVE - JAN 15, 1962

NOTE THAT THIS OFFICIAL ZONING MAP
AND INCLUDES THE OFFICIAL ZONING MAP
EFFECT MARCH 15, 1962



REVISED 8/8/61
BY JAMES S. BROWN
10/1/61

LEGEND
SYMBOLS AND MEANINGS
ZONING DISTRICTS
STREETS
WATER BODIES
UNIMPROVED LOTS
IMPROVED LOTS
BUILDING FOOTPRINTS
EASEMENTS
ENCUMBRANCES
RECORDS