



**PROPOSED AGENDA
OAK ISLAND PLANNING BOARD
THURSDAY, JULY 17, 2025 – 9:00 AM
COUNCIL CHAMBERS -- OAK ISLAND TOWN HALL**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ADJUSTMENT/APPROVAL OF THE AGENDA

APPROVAL OF MINUTES

[Approval of Minutes](#)
[061925PlanningBdMinutes](#)

PUBLIC COMMENT

I. NEW BUSINESS

- I.1 [Proposed Text Amendment to Section 6.5 - Table of Permitted Uses of the Unified Development Ordinance](#)
[Text Amendment Application](#)
[Applicant's Narrative](#)
[SECTION 6.5 - Table of Permitted Uses March 2025](#)
[25-01616 PB Consistency Statement](#)
- I.2 [Presentation of Commercial Code Repair](#)
- I.3 [Discussion by Town Council Directive of Proposed Text Amendments to Article 10 Part IV of the Unified Development Ordinance](#)
[G.S 136-32. Regulation of Signs in ROW \(NCDOT Road\)](#)
[Zoning Practice Article - Temporary Signs](#)

II. OLD BUSINESS

- II.1 [Proposed Text Amendment - Article 7 of the Unified Development Ordinances - Supplemental Regulations](#)
[ARTICLE_7.___SUPPLEMENTAL_REGULATIONS_PBDraft.docx](#)
[PBConsistency_SupplementalRegulations_071725](#)

III. BOARD MEMBER REPORTS

IV. STAFF REPORTS

V. ADJOURN

**PLANNING BOARD
AGENDA ITEM MEMO**

SUBJECT: Approval of Minutes
DATE: July 10, 2025
DEPARTMENT: Administration

Subject Summary: summary

Attachments:
[061925PlanningBdMinutes](#)

Financial Impact Statement: N/A

Legal Review: N/A

MINUTES
PLANNING BOARD
THURSDAY, JUNE 19, 2025 - 9:00 AM
COUNCIL CHAMBERS -- OAK ISLAND TOWN HALL

Present: Chairman David Bradley, Vice-chairman Kerri McCullough, members Durrall Gilbert, Reece Simmons, and Mark Spicer, Development Services Director Matt Kirkland, and Deputy Town Clerk, Erin Baker.

Chairman Bradley called the meeting to order at 9 a.m. and led the Pledge of Allegiance.

ADJUSTMENT/APPROVAL OF THE AGENDA

No adjustments

APPROVAL OF MINUTES

Mr. Spicer made a motion to approve the Minutes for the April 17, 2025 and May 15, 2025 meetings. Mr. Gilbert seconded, and the motion passed unanimously.

PUBLIC COMMENT: There was none.

I. OLD BUSINESS

Section 7.11 SWIMMING POOLS: Mr. Gilbert said pools/hot tubs should say "all"; hot tubs should be permanently affixed (7.11.6), exempt except for CAMA regulations. Mr. Simmons asked for clarification of pools in the front yard; Mr. Kirkland explained the current regulations and specified yard specifications (addresses and orientation of the house). Mr. Gilbert gave specific examples for clarification. A detached deck is considered an accessory structure.

7.11.1: Ms. McCullough thinks there should be more clarifying language in regards to through lots. Mr. Kirkland mentioned they had discussed an educational opportunity on some of the building codes for builders. Ms. McCullough asked about fencing requirements (7.11.2) and Mr. Kirkland differentiated between pool fencing requirements and non-pool specifications. Ms. McCullough asked about 7.11.3, specifically chain link fence applications for permitting. Mr. Kirkland said they can strike 'such as chain link' from this section.

Section 7.35 BED AND BREAKFAST HOMES: Ms. McCullough asked about these homes and Mr. Kirkland said that would be covered in a change of use and make sure they were compliant in those permits.

Section 7.36 COMMERCIAL PIERS: Mr. Gilbert asked for more information about this, and Mr. Kirkland said it is all covered in permitting/building codes. It is possible to add a CAMA/flood regulation note for further clarification.

Mr. Kirkland said Section 7.37 COMMERCIAL RECREATION ESTABLISHMENTS was covered extensively and the Municode has not updated, but the Board's revisions were captured in that update. Sections 7.56, 7.57, and 7.59 have all been similarly updated and approved by Council but are not reflected in the printouts.

Section 7.38 CONVENIENCE STORES: There's some overlap with the gas station section and Mr. Kirkland can update this to reflect that.

7.39 was covered when discussing the childcare section. Mr. Spicer asked about 7.39 and what 'adult' covered; Mr. Kirkland specified it's older than 'school age' and it deals more with assisted living facilities that provide care during the day. Mr. Gilbert asked where specifically these are allowed, Mr. Kirkland confirmed that it requires a Special Use Permit and must be located in office/institution/ CB, CDL (not residential). Ms. Davis provided what was approved by Town Council in March to the Board members. Ms. McCullough asked Mr. Kirkland for a final Table of Uses for the Board to reference.

Section 7.40 MICROBREWERY/DISTILLERY: Chairman Bradley mentioned was only allowed in commercial districts; Mr. Gilbert asked about hours of operation, Mr. Kirkland said they would have review current breweries' hours and Ms. McCullough said there's a precedent for setting hours of operation while the Board confirmed they didn't want to be punitive but want to add that. Lighting and parking are covered in general ordinances.

Sections 7.41 & 7.42 FARM, CRAFT, PRODUCE MARKETS and FLEA MARKETS, respectively-Mr. Kirkland will add more notes so it's more explanatory. Chairman Bradley asked about merging to simplify, but Mr. Kirkland said they are not the same zones, but he'll use the same language for both.

Section 7.43 FOOD TRUCKS was revised 2 years ago; Mr. Kirkland suggested either removing or raising the annual maximum number of permits (10). Ms. McCullough asked about location and maintaining the spacing, to which Mr. Gilbert replied that is on the property owner to ensure that is maintained. The limiting number of annual permits should be removed in 7.43.3.

In Section 7.44 OUTDOOR SALES AND DISPLAY Chairman Bradley said there were no changes.

In Section 7.45 SEAFOOD PROCESSING, PURCHASING, SALES, Chairman Bradley asked if they were allowed in CDL and industrial and Mr. Kirkland confirmed that was the case. The Board asked for clarification of purchasing/sales and what that includes, which is retail, and is allowed in CB. Chairman Bradley asked to add a definition to clarify on the processing versus retail sales. Ms. McCullough asked Mr. Kirkland to look up best practices on the environmental impact of disposal and offer recommendations for the Board to consider. Some of the issues that are being brought up are covered by the Nuisance ordinance and could be addressed by that.

Section 7.46 SEXUALLY ORIENTED BUSINESSES: These are only in the Industrial district currently; all other notes are covered by state ordinances; Mr. Gilbert asked about setting hours of operations at 10:00 p.m.

Section 7.47 TATTOO/BODY PIERCING PARLORS: These are only in C-LD and Mr. Gilbert said hours of operation should be 9 a.m. to 10 p.m.

Section 7.48 VENDORS/YARD SALES are all covered under Business License permit process in Chapter 10.

Section 7.49 VETERINARY CLINICS WITH ASSOCIATED KENNELS would be treated as a commercial establishment with buffer requirements. Mr. Gilbert asked if there should be hours of operations on the runs, since that's where the noise occurs. Mr. Kirkland said that may be punitive to the business, which are only allowed in the C-LD. Mr. Gilbert asked if something could be added for outdoor runs for dogs and add a time limit and Mr. Kirkland suggested giving an exception in a medical capacity and he would propose something for the Board to review.

Section 7.50 REGULATION OF FORESTRY ACTIVITIES: Mr. Kirkland said it's heavily regulated by the state and the Board decided to defer for this item.

Section 7.51 SOLAR FARM: These are are also heavily regulated.

Section 7.52 TEMPORARY USE/SALES: Chairman Bradley asked for more information; Town Clerk, Lisa Stites, said historically it was to limit 'serial yard sellers'. Mr. Spicer asked if that many events created an issue and Mr. Gilbert asked about where it's allowed; it's the CB and C-LD; Mr. Gilbert doesn't think it should be limited to a certain number/year. Planning staff suggested language to limit the number of vendors per property. Mr. Gilbert suggested allowing events to last 4 days and to allow 20 events per year. He also suggested removing the 501(c)(3) requirement. The Board had additional discussion around whether it was currently a problem or if opening it up may create problems that don't exist now. There will be no changes to this section.

Section 7.55 GOLF CART AND LOW SPEED VEHICLES SALES AND RENTALS: Mr. Kirkland confirmed that for whatever changes are recommended, he would check to make sure the changes wouldn't be considered downzoning. The Board discussed fencing requirements. Mr. Spicer said he didn't think there was consistency with current practices regarding whether vehicles were being stored outside or inside of fencing, etc. Ms. McCullough suggested allowing out-front storage during business hours for marketing purposes. Mr. Kirkland will do some research and report back to the Board.

Section 7.58 CONDOMINIUM MIXED USE: Mr. Kirkland said staff recommended removing the condominium section; it should have been stricken already with removing condominium from other sections. He said Planning staff would be happy to dig deeper into what a mixed-use development should look like. Answering a question from Ms. McCullough, Mr. Kirkland said that the Land Use Plan Steering Committee had also been discussing mixed-use. Mr. Spicer asked if there was anything the Town could do to ensure more parking is available in these types of developments. Mr. Kirkland said that they could review minimum parking requirements, which he said is on the Board's To-Do list. Consensus is to work on this section further once the Land Use Plan process is complete.

I.1 Review of Supplemental Regulations

([ARTICLE 7. __SUPPLEMENTAL REGULATIONS_Draft1.docx](#))

II. NEW BUSINESS

III. BOARD MEMBER REPORTS

Ms. McCullough said she thought it would be a good idea to meet with leaders of the Business Advisory Board to see what the business community needs. Mr. Kirkland said that staff had already been working on that in the background as far as looking at what impediments there might be in the Unified Development Ordinances for business development. He said that Hallie Willis, Economic Development Manager, was preparing something for Council, and he could invite her to the July Planning Board meeting as well.

IV. STAFF REPORTS

Mr. Kirkland said the draft Land Use Plan update is 90 percent complete and would be uploaded today; it will be open for comments for 30 days and he encouraged the Planning Board members to spread the word. He said that the bike plan is also open for comments through the end of the month. The Land Use Plan should be ready for Council in September. Mr. Kirkland also said that Council has asked the Planning Board to look at language to allow temporary signs in the right-of-way. Regarding information

on the road standards, Mr. Kirkland said that Stormwater staff had also been working with a vendor for a Stormwater manual, and a review of the street standards will be incorporated into that work.

Ms. McCullough made a motion to excuse members Gene Brooks and David Purser from the meeting. Mr. Gilbert seconded, and the motion passed unanimously.

V. ADJOURN

Mr. Gilbert made a motion to adjourn at 11:04 a.m. There were many seconds, and the motion passed unanimously.

David Bradley, Chairman

Attested: _____

Erin Baker
Deputy Clerk

Town Clerk

**PLANNING BOARD
AGENDA ITEM MEMO**

SUBJECT: Proposed Text Amendment to Section 6.5 - Table of Permitted Uses of the Unified Development Ordinance
DATE: July 10, 2025
DEPARTMENT: Development Services

Subject Summary: Background

Josh Austin has submitted a proposal for a text amendment (25-01616) to Article 6 Section 5 of the Unified Development Ordinance (UDO). Specifically, the request is to allow light manufacturing as a by-right use in the C-LD, Commercial Low Density zoning district by amending the Table of Permitted Uses.

Zoning

The C-LD zoning district is characterized as being primarily located in outlying areas, adjacent to a major thoroughfare, with yards and other provisions for reducing conflicts with adjacent residential uses, and with substantial setbacks to reduce marginal friction on adjacent major thoroughfares. The C-LD district is designated to provide commercial services and facilities to residential neighborhoods and highway-oriented tourist businesses.

The UDO does not define light or heavy manufacturing, but typically, light manufacturing uses require fewer raw materials, space, and power than those of a heavy manufacturing nature and do not utilize heavy machinery in the production of goods.

Section 7.20 establishes supplemental regulations for manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandize, and equipment. Most of the supplemental regulations pertain to uses which include hazardous chemicals and materials or the storage and/or manufacturing of petroleum.

Presently, Light Manufacturing is only permitted in the AD, Airport District.

Comprehensive Land Use Plan

The Oak Island's Future section of the 2017 Town of Oak Island Comprehensive Land Use Plan (Comp Plan) identified "employment" as one of the top two factors in a person's decision to live in and around Oak Island and was the top factor for respondents aged fifty (50) and younger. The Comp Plan goes on to say, "If the town wishes to support younger families, then economic development and the pursuit of a diversified set of supporting businesses should be pursued over the long-term." To aid in this effort, three (3) economic development strategies were proposed including "supporting a diversified industry base on the mainland." Further, the Goals & Implementing Actions section of the plan recommended ten (10) overall goals for the town with Goal 10 stating "Oak Island will strive to expand economic development within its jurisdiction."

Analysis

The addition of Light Manufacturing as a permitted use in the C-LD zoning district may support the intent of the district by providing services and commercial facilities to near-by residential communities, especially those considered to be within low-density areas. To ensure harmony between use types, Section 7.20 could be enhanced to include provisions for light manufacturing as they relate to minimizing potential nuisances like noise or emissions of smoke and/or dust by requiring the use be contained within an enclosed structure. Allowing Light Manufacturing within the C-LD district may also promote more traditional commercial growth in sought after areas when retail products can be sourced directly from the manufacturer for reduced cost and when light manufacturers are the desired clientele for traditional services or retailers.

Attachments:

[Text Amendment Application](#)

[Applicant's Narrative](#)

[SECTION 6.5 - Table of Permitted Uses March 2025](#)

[25-01616 PB Consistency Statement](#)

Suggested Motion: Motion to recommend approval/denial of the proposed text amendment to Section 6.5 of the Unified Development Ordinance.

Financial Impact Statement: N/A

Legal Review: N/A

TEXT AMMENDMENT APPLICATION

TOWN OF OAK ISLAND
Planning Department
4601 E. Oak Island Drive
Oak Island, NC 28465



RECEIVED
JUN 18 2025
BY: RS/BLW

Date: 6-18-2025

Fee: \$500.00

Any application for an amendment to the Unified Development Ordinance shall be filed with the department of development services at least 45 days prior to the date on which it is to be introduced to the planning board. Each application shall be signed by the applicant and be in triplicate.

Section 1: Applicant Information.

Petitioner Name: Josh Austin

Mailing Address:
419 Sherrill Street
Oak Island NC 28465

Phone: 828-228-9803 Email: joshuaaustin28@gmail.com

Section 2: Text to be Changed.

Article/Chapter 6 Section 6.5
Manufacturing light, assembling of goods

Section 3: Type of Text Change.

- a change in wording to existing Section(s)
- an addition to Section(s)
- a deletion of wording at existing Section(s)

Please attach a draft amendment containing the Section number to be amended as well as draft changes, additions, or deletions to that Section.

Section 4: Statement of Justification

Please attach a narrative that justifies the proposed amendment change and promotes the public health, safety, and general welfare.

Section 7: Applicant/Owner Signature

In filing this Text Amendment Petition, I hereby certify that I am authorized to submit this application and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Signature: Josh Austin

Date: 6-18-2025

Josh Austin

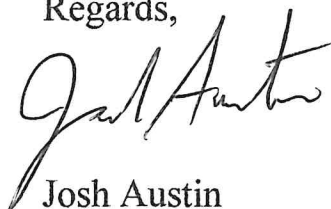
June 18, 2025

Our Campfire Company LLC
4570 Long Beach Rd. SE
Southport, NC 28461

To whom it may concern:

This proposed amendment to the Oak Island zoning code Article 6 section 6.5, to allow light manufacturing for 4570 Long Beach Rd. SE, aims to enhance community resilience and prosperity. It acknowledges the role of manufacturing in promoting public welfare, including the production of sustainable technologies, and local job creation. By identifying suitable locations for such manufacturing and introducing necessary safeguards, the goal is to support this initiative while maintaining the quality of life for residents. Our light assembly work / light manufacturing consists of assembling pipe fittings and installing into a steel housing to produce a sustainable, portable propane firepit. The business will be contained in the property building with no external content or effects. We have been in contact with the community for input, as well as discussions with the Oak Island Fire Marshall for his insight into our product. Our product will provide a safer environment by offering a contained firepit device. By allowing this zoning to change it will enable our business to provide economic growth for the local area. We encourage sustainable development by aligning manufacturing with environmental goals and promoting responsible practices.

Regards,

A handwritten signature in black ink that reads "Josh Austin". The signature is written in a cursive style with a large, stylized initial "J".

Josh Austin

SECTION 6.5 TABLE OF USES AND ACTIVITIES.

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

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

	<u>Residential</u>						<u>Commercial</u>				<u>Conservation</u>	<u>Industrial</u>				
	Primary Zoning Districts														Overlay District	Supplemental Regulations
Uses	R-20	R-9	R-7	R-6	R-6MF	R-6MH	<u>O&I</u>	CB	CR	C-LD	OS	AD	ID	PCO		
<u>Swimming pools, commercial/community</u>							<u>SS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>					<u>Section 7.11</u>	
<u>Swimming pools, private</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>		<u>PS</u>	<u>PS</u>					<u>Section 7.11</u>	
Temporary storage facility (portable storage units)	PS	PS	PS	PS		PS		--	PS	PS	--	PS	PS	--	Section 7.12	
Walls <u>and fences</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	PS	PS	PS	SS	PS	PS	PS	Section 7.57	
Wind energy generating facility, accessory	--	--	--	--	--	--	<u>SS</u>	SS	SS	SS	--	SS	SS	--	Section 7.13	
EDUCATIONAL																
<u>Airport Related Flight Schools</u>										<u>P</u>		<u>P</u>				
Colleges, universities, community colleges	--	--	--	--	--	--	<u>S</u>	<u>S</u>	--	<u>SS</u>	--	--	--	--	<u>Section 7.64</u>	
<u>Kindergarten/nursery schools</u>	<u>S</u>					<u>P</u>		<u>S</u>								
Libraries, public <u>or private</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	P	--	P	--	--	--	--		
<u>Libraries, private</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>		<u>P</u>	--	<u>P</u>	--	--	--	--	<u>Section 7.65</u>	
<u>Schools, K-12</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		--	--	<u>PS</u>	--	--	--	--	<u>Section 7.66</u>	
<u>School, elementary or secondary</u>	<u>S</u>						<u>P</u>			<u>S</u>						
<u>School, private</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>			<u>P</u>						
School, trade or vocational	--	--	--	--	--	--	<u>P</u>	<u>P</u>	--	<u>PS</u>	--	--	P	--	<u>Section 7.67</u>	
INSTITUTIONAL																
<u>Airplane maintenance shop</u>										<u>P</u>		<u>PS</u>				
<u>Ambulance service, rescue squad</u>							<u>P</u>	<u>P</u>		<u>P</u>			<u>P</u>			
Cemetery	--	--	--	--	--	--	<u>PS</u>	--	--	PS	--	--	--	--	Section 7.14	
<u>Church, synagogue, temple, or other religious building, including accessory services-Religious Institution</u>	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	--	--	--	--	Section 7.15	
Community or municipal sewage and water treatment plants	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	--	<u>SS</u>	P	--	<u>Section 7.68</u>	
Country clubs	<u>SS</u>	<u>SS</u>	--	--	--	--	<u>S</u>	--	--	--	--	--	--	--	<u>Section 7.69</u>	
Crematorium	--	--	--	--	--	--	<u>PS</u>	--	--	PS	--	--	--	--	Section 7.16	

	<u>Residential</u>						<u>Commercial</u>				<u>Conservation</u>	<u>Industrial</u>				
	Primary Zoning Districts														Overlay District	Supplemental Regulations
Uses	R-20	R-9	R-7	R-6	R-6MF	R-6MH	O&I	CB	CR	C-LD	OS	AD	ID	PCO		
Emergency management operation							P	P	P	P		P	P			
Fire stations	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	S	P	<u>P</u>	P	<u>PS</u>	<u>P</u>	P	<u>==</u>	Section 7.70	
Fraternal clubs and lodges		S	S	S	S			P	P	P						
Government buildings/offices	<u>SS</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		P	P	P	<u>==</u>	<u>P</u>	P	<u>==</u>	Section 7.97	
Governmental postal processing facilities	<u>SS</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		P	P	P	<u>==</u>	<u>==</u>	P	<u>==</u>	Section 7.71	
Helicopter Rides and training												P				
Hospitals, clinics, other medical treatment facilities	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		<u>==</u>	<u>==</u>	P	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		
Clinics, and other medical treatment facilities	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		<u>P</u>	<u>==</u>	<u>P</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		
Military reserve, national guard centers	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	S	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>P</u>	P	<u>==</u>		
Non-profit clubs or lodges	<u>==</u>	<u>==</u>	<u>==</u>	<u>SS</u>	<u>==</u>	<u>==</u>		<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	Section 7.60	
Penal & correctional facilities	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>SS</u>	<u>==</u>	Section 7.72	
Police stations							P	P		P			P			
Private clubs or lodges	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	PS	PS	PS	PS	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	Section 7.17	
Public or private utility towers, substations, pumping stations and storage tanks	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	SS	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>PS</u>	<u>==</u>	Section 7.18	
Recycling center	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	P	<u>==</u>		
Skydiving School and Activity (indoor and outdoor)												P				
Special events	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		P	P	P	P	<u>P</u>	<u>==</u>	<u>==</u>		
Utility company (no open-air storage)	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		P	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	P	<u>==</u>		
MANUFACTURING AND INDUSTRIAL																
Artisan's workshop (3,000 square feet or less)	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	PS	PS	PS	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	Section 7.19	

	Residential						Commercial				Conservation	Industrial		Overlay District	Supplemental Regulations
Uses	R-20	R-9	R-7	R-6	R-6MF	R-6MH	O&I	CB	CR	C-LD	OS	AD	ID	PCO	
Artisan's workshop (exceeding 3,000 square feet)	==	==	==	==	==	==		SS	==	==	==		PS	==	Section 7.19
Bottling plants													P		
Building materials sales and storage yards	==	==	==	==	==	==		==	==	P	==		P	==	
Cabinet and woodworking establishments	==	==	==	==	==	==		==	==	P	==		P	==	
Clothing manufacture													P		
Cold storage plant	==	==	==	==	==	==		==	==	==	==		P	==	
Commercial-Industrial laundries	==	==	==	==	==	==		P	==	P	==		P	==	
Dairy products processing													P		
Dry cleaning plants													P		
Electronic equipment manufacture													P		
Feed and seed milling and storage													P		
Fertilizer sales	==	==	==	==	==	==		==	==	==	==		P	==	
Food processing plants, except slaughtering of animals													P		
Foundries producing steel products													P		
Furniture manufacture													P		
Ice plants													P		
Industrial education and research facilities													P		
Laboratories for research and testing	==	==	==	==	==	==		==	==	PS	==		PS	==	Section 7.73
Machine shops													P		
Machine tool manufacture													P		
Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, and equipment within a fully enclosed building													PS		Section 7.20
Metal working shops													P		

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	<u>Residential</u>						<u>Commercial</u>				<u>Conservation</u>	<u>Industrial</u>				
	Primary Zoning Districts														Overlay District	Supplemental Regulations
Uses	R-20	R-9	R-7	R-6	R-6MF	R-6MH	<u>O&I</u>	CB	CR	C-LD	OS		AD	ID	PCO	
<u>Manufacturing, Light</u>	==	==	==	==	==	==		==	==	==	==		<u>PS</u>	==	==	<u>Section 7.62</u>
<u>Manufacturing, Heavy</u>	==	==	==	==	==	==		==	==	==	==		<u>SS</u>	==	==	<u>Section 7.63</u>
Mining or quarrying operations, including on-site sales of products	==	==	==	==	==	==		==	==	==	==		==	P	==	<u>Section 7.98</u>
<u>Mixing plants for concrete, or other types of paving materials and the manufacture of concrete products</u>														<u>P</u>		
<u>Paper, pulp, cardboard, and building board manufacture</u>														<u>P</u>		
Petroleum bulk storage	==	==	==	==	==	==		==	==	==	==		==	PS	==	Section 7.20.2
<u>Plastic manufacture</u>														<u>P</u>		
Reclamation landfill	==	==	==	==	==	==		==	==	==	==		==	P	==	
Recycling processing centers	==	==	==	==	==	==		==	==	==	==		==	<u>P-SS</u>	==	<u>Section 7.99</u>
<u>Sawmills and planing mills</u>														<u>P</u>		
<u>Textile manufacture</u>														<u>P</u>		
<u>Tobacco products manufacture</u>														<u>P</u>		
OFFICES, PROFESSIONAL AND SERVICES																
<u>Accounting agencies</u>							<u>P</u>	<u>P</u>		<u>P</u>						
<u>Advertising agencies</u>							<u>P</u>	<u>P</u>		<u>P</u>						
<u>Attorneys</u>							<u>P</u>	<u>P</u>		<u>P</u>						
<u>Banks/financial services</u>							<u>P</u>	<u>P</u>		<u>P</u>						
<u>Chiropractic</u>							<u>P</u>	<u>P</u>		<u>P</u>						
Contractors offices and equipment storage	==	==	==	==	==	==		<u>SS</u>	==	PS	==		==	PS	==	Section 7.21
<u>Contractors offices (no outside storage)</u>							<u>P</u>			<u>P</u>						
<u>Engineering/surveying/architectural services-B general</u>							<u>PS</u>	<u>PS</u>		<u>P</u>						<u>Section 7.22</u>
<u>Offices</u>								<u>P</u>		<u>P</u>						
<u>Insurance office</u>							<u>P</u>	<u>P</u>		<u>P</u>						

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	<u>Residential</u>						<u>Commercial</u>				<u>Conservation</u>	<u>Industrial</u>				
	Primary Zoning Districts														Overlay District	Supplemental Regulations
Uses	R-20	R-9	R-7	R-6	R-6MF	R-6MH	<u>O&I</u>	CB	CR	C-LD	OS	AD	ID	PCO		
<u>Interior decorating service</u>							<u>P</u>	<u>P</u>		<u>P</u>						
<u>Medical and dental offices/clinics</u>							<u>P</u>	<u>P</u>		<u>P</u>						
<u>Medical support offices (testing labs)</u>							<u>P</u>	<u>P</u>		<u>P</u>						
<u>Office, clerical, research and services not primarily related to goods and merchandise</u>							<u>P</u>	<u>P</u>		<u>P</u>						
<u>Opticians</u>							<u>P</u>	<u>P</u>		<u>P</u>						
<u>Real estate office/appraisal</u>							<u>P</u>	<u>P</u>		<u>P</u>						
RECREATIONAL																
<u>Athletic fields, public</u>	<u>S</u>	<u>S</u>	<u>S</u>				<u>P</u>		<u>S</u>		<u>S</u>					
Automobile and motorcycle racing track	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		<u>==</u>	<u>P</u>	<u>==</u>	
<u>Billiards and pool halls</u>										<u>P</u>						
<u>Bingo</u>							<u>P</u>		<u>P</u>							
<u>Bowling alleys</u>								<u>S</u>	<u>P</u>	<u>P</u>						
Recreational campgrounds and RV parks	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		<u>==</u>	<u>PS</u>	<u>PS</u>	<u>==</u>		<u>==</u>	<u>==</u>	<u>==</u>	
Coliseums, stadiums designed to accommodate more than 1,000 people	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		<u>==</u>	<u>==</u>	<u>PS</u>	<u>==</u>		<u>==</u>	<u>==</u>	<u>==</u>	
<u>Commercial Recreation Facility, Indoor</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>==</u>		<u>PS</u>	<u>==</u>	<u>==</u>	
<u>Commercial Recreation Facility, Outdoor</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		<u>SS</u>	<u>SS</u>	<u>PS</u>	<u>==</u>		<u>SS</u>	<u>==</u>	<u>==</u>	
Community centers	<u>SS</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>==</u>		<u>==</u>	<u>==</u>	<u>==</u>	
<u>Dance halls</u>							<u>P</u>	<u>P</u>		<u>P</u>						
<u>Gamerooms</u>								<u>P</u>		<u>P</u>						
<u>Go-cart track</u>										<u>S</u>						
Golf courses	<u>SS</u>	<u>S</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>		<u>==</u>	<u>==</u>	<u>==</u>	

	<u>Residential</u>						<u>Commercial</u>				<u>Conservation</u>	<u>Industrial</u>				
	Primary Zoning Districts														Overlay District	Supplemental Regulations
Uses	R-20	R-9	R-7	R-6	R-6MF	R-6MH	<u>O&I</u>	CB	CR	C-LD	OS	AD	ID	PCO		
Golf driving ranges not accessory to golf courses	§	§	§	§	§	§				P						
Gun range, closed air	==	==	==	==	==	==		==	==	PS	==	==	==	==	Section 7.24	
Gun range, open air	==	==	==	==	==	==		==	==		==	==	PS SS	==	Section 7.24	
Horseback riding stables	§															
Indoor athletic and exercise facilities							P	P		P						
Indoor tennis and squash courts								P	P	P						
Marinas/boatminium	==	==	==	==	==	==		==	PS	PS	==	==	==	==	Section 7.25	
Miniature golf courses								§	§	P						
Movie theaters	==	==	==	==	==	==	P	P	==	P	==	==	==	==		
Nature walks	P	P	P	P	P	P					§					
Outdoor athletic and exercise facilities, public	P						P		P	P						
Par 3 golf courses	§									P						
Privately owned outdoor recreational facilities							§			P						
Publicly owned and operated outdoor recreational facilities	P	P	P	P	P	P	P	P	P	P	§					
<u>Public Recreation Facility, Indoor</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>		<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	==	==	<u>Section 7.101</u>	
<u>Public Recreation Facility, Outdoor</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>		<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	==	==	<u>Section 7.100</u>	
Skateboard parks									P	P						
Skating rinks									§	P						
Tennis courts, commercial										P						
Water slides									SS	PS					<u>Section 7.26</u>	
RESIDENTIAL																
Assisted living residences:																
Multi-unit assisted living with services	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	P	==	==	==	==	==	==	==	<u>Section 7.77</u>	

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	<u>Residential</u>						<u>Commercial</u>				<u>Conservation</u>	<u>Industrial</u>				
	Primary Zoning Districts														Overlay District	Supplemental Regulations
Uses	R-20	R-9	R-7	R-6	R-6MF	R-6MH	<u>O&I</u>	CB	CR	C-LD	OS	AD	ID	PCO		
Dwelling, garage apartment (as accessory)	--	--	--	--	<u>SS</u>	--		--	--	--	--	--	--	--	Section 7.78	
Dwelling, manufactured home Class A (on a single lot)	--	--	--	--		P		--	--	--	--	--	--	--		
Dwelling, multi-family	--	--	--	--	<u>SS</u>	--									Section 7.79	
Dwelling, <u>over attached to</u> a business	--	--	--	--		--		<u>PS</u>	<u>PS</u>	<u>PS</u>	--	--	--	--		
Dwelling, single-family (small)	P	P	P	P	P	P	<u>P</u>		P	P	--	--	--	--		
Dwelling, single-family (large)	SS	SS	SS	SS	SS	SS			SS	SS	--	--	--	--	Section 7.27	
Dwelling, single-family (mainland)	P	P	P	P	P	P	<u>P</u>	--	--	P	--	--	--	--		
Dwelling, three-family apartments	--	--	--	--	P	--	<u>P</u>	--	--	--	--	--	--	--		
Dwelling, townhouse development	--	--	--	--	<u>SS</u>	--	<u>S</u>	--	--	<u>SS</u>	--	--	--	--	Section 7.81	
Dwelling, two-family (duplex)			P		P		<u>P</u>	--	--	--	--	--	--	--		
Family care home	PS	PS	PS	PS	PS	PS	<u>PS</u>	--	--	--	--	--	--	--	Section 7.28	
Family child care home	PS	PS	PS	PS	PS	PS	<u>PS</u>	--	--	--	--	--	--	--	Section 7.4.2	
Family foster home	P	P	P	P	P	P	<u>P</u>	--	--	--	--	--	--	--		
Floating homes	--	--	--	--	--	--		--	<u>P SS</u>	--	--	--	--	--	Section 7.104	
Manufactured housing parks	--	--	--	--	--	--		--	--	PS	--	--	--	--	Section 7.29	
Residential child-care facility	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	--	--	--	--	--	--	--	Section 7.82	
<u>Rooming and boardinghouse</u>						<u>S</u>	<u>S</u>									
<u>Small child care center</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>											
Temporary emergency, construction, and repair residences	PS	PS	PS	PS	PS	PS	<u>PS</u>	PS	PS	PS	PS	PS	PS	PS	Section 7.30	
Tiny houses	--	--	--	--	--	PS		--	--	--	--	--	--	--	Section 7.31	
RETAIL SALES AND SERVICES																
<u>ABC store</u>								<u>P</u>		<u>P</u>						
<u>Animal sales</u>										<u>P</u>						
<u>Antique stores</u>								<u>P</u>		<u>P</u>						
<u>Art galleries</u>								<u>P</u>		<u>P</u>						

	Residential						Commercial				Conservation	Industrial		Overlay District	Supplemental Regulations	
	Primary Zoning Districts															
Uses	R-20	R-9	R-7	R-6	R-6MF	R-6MH	O&I	CB	CR	C-LD	OS	AD	ID	PCO		
Auction halls	==	==	==	==	==	==		==	==	P	==	==	==	==		
Audio/video production facilities	==	==	==	==	==	==		SS	==	P	==	==	==	==	Section 7.83	
Automobile parking garages or parking lots (independent)	==	==	==	==	==	==		P	==	PS	==	==	==	==	Section 7.84	
Automobile parts and accessories	==	==	==	==	==	==		==	==	P	==	==	==	==		
Automobile repair shop or body shop	==	==	==	==	==	==		==	==	P	==	==	P	==		
Automobile sales and service	==	==	==	==	==	==		==	==	PS	==	==	==	==	Section 7.32	
Automobile service stations	==	==	==	==	==	==		PS	==	PS	==	==	==	==	Section 7.33	
Automobile window tinting, stereo or rim installation	==	==	==	==	==	==		==	==	P	==	==	==	==		
Bakery (retail)								P		P						
Barber shops, beauty shops								P		P						
Bars	==	==	==	==	==	==		P		P						
Battery charging station	==	==	==	==	==	==	SS	SS		SS	==	==	==	==	Section 7.34	
Battery exchange station	==	==	==	==	==	==		==	==	SS	==	==	==	==	Section 7.34	
Bed & breakfast	==	==	PS	==	SS	==	PS	==	PS		==	==	==	==	Section 7.35	
Book store, including the retail of stationery, books, magazines, newspapers								P		P						
Building supplies and sales										P			P			
Car wash	==	==	==	==	==	==		SS	==	PS	==	==	==	==	Section 7.86	
Catering								P		P						
Child care center	==	==	==	==	SS	SS		SS	==	SS	==	==	==	==	Section 7.4.1	
Clothing store								P		P						
Coffee shop, no food prepared on site	==	==	==	==	==	==		P	==	P	==	==	==	==		
Commercial greenhouse or nursery	==	==	==	==	==	==		==	==	P	==	==	==	==		
Commercial piers	==	==	==	==	==	==		==	PS		==	==	==	==	Section 7.36	
Commercial recreation establishments								PS	PS	PS					Section 7.37	
Computer sales and repair								P		P						

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	<u>Residential</u>						<u>Commercial</u>				<u>Conservation</u>	<u>Industrial</u>				
	Primary Zoning Districts														Overlay District	Supplemental Regulations
Uses	R-20	R-9	R-7	R-6	R-6MF	R-6MH	<u>O&I</u>	CB	CR	C-LD	OS	AD	ID	PCO		
Mixed use	==	==	==	==	==	==	<u>SS</u>	SS	SS	SS	==	==	==	==	Section 7.56	
Convenience stores	==	==	==	==	==	==		PS	==	PS	==	==	==	==	Section 7.38	
Daycare facility, adult	==	==	==	==	==	==	<u>SS</u>	SS	==	SS	==	==	==	==	Section 7.39	
<u>Deli</u>								<u>P</u>		<u>P</u>						
Distilleries	==	==	==	==	==	==		==	==	PS	==	==	PS	==	Section 7.40	
Dog grooming (no outdoor kennels)	==	==	==	==	==	==		P	==	P	==	==	==	==		
<u>Drug store</u>								<u>P</u>	<u>P</u>	<u>P</u>						
<u>Dry cleaner, laundromat</u>								<u>P</u>		<u>P</u>						
<u>Electrical equipment sales and repair</u>										<u>P</u>			<u>P</u>			
<u>Electrical repair or contractor (no open storage)</u>										<u>P</u>						
<u>Electrical repair or contractor (open storage allowed)</u>										<u>PS</u>			<u>PS</u>		Section 7.21	
Engine repair, small (including motorcycle)	==	==	==	==	==	==		==	==	P	==	==	==	==		
Exercise and physical fitness centers	==	==	==	==	==	==		P	==	P	==	==	==	<u>S==</u>		
Exterminating and pest control services	==	==	==	==	==	==		==	==	<u>PS</u>	==	==	==	==	Section 7.105	
<u>Fabric store</u>								<u>P</u>		<u>P</u>				<u>S</u>		
Farm, craft, produce markets	==	==	==	==	==	==		SS	SS	SS	==	==	==	SS	Section 7.41	
Farm machinery/equipment sales and service	==	==	==	==	==	==		==	==	P	==	==	==	==		
Flea markets	==	==	==	==	==	==		==	==	SS	==	==	==	==	Section 7.42	
Florists/garden centers	==	==	==	==	==	==		P	P	P	==	==	==	S		
Food trucks	==	==	==	==	==	==		PS	PS	PS	==	PS	==	==	Section 7.43	
Funeral home	==	==	==	==	==	==	<u>P</u>	==	==	P	==	==	==	==		
Furniture store	==	==	==	==	==	==		P	==	P	==	==	==	S		
Gas sales operations	==	==	==	==	==	==		PS	==	PS	==	==	==	SS	Section 7.33	
<u>General contractors (no open storage)</u>								<u>P</u>		<u>P</u>						

	<u>Residential</u>						<u>Commercial</u>				<u>Conservation</u>	<u>Industrial</u>				
	Primary Zoning Districts														Overlay District	Supplemental Regulations
Uses	R-20	R-9	R-7	R-6	R-6MF	R-6MH	O&I	CB	CR	C-LD	OS	AD	ID	PCO		
General contractors (open storage allowed)										PS			PS		Section 7.21	
Gift shops								P	P	P						
Golf Cart & Low Speed Vehicles Sales & Rentals	==	==	==	==	==	==		PS	PS	PS	==	==	==	==	Section 7.55	
Grocery/food store								P	P	P						
Hardware store								P		P						
Health spa	==	==	==	==	==	==	P	P	P	P	==	==	==	==		
Heating and air conditioning installation and repair (no open storage)								S		P						
Heating and air conditioning installation and repair (open storage allowed)								SS		PS			PS		Section 7.21	
Home appliance dealers								P		P						
Home appliance repair								P		P						
Hotels and motels	==	==	==	==	==	==		SS	SS	P	==	==	==	==	Section 7.106	
Ice cream stand or store								P	P	P						
Jewelry store/repair								P		P						
Kennels	==	==	==	==	==	==		PS	==	PS	==	==	==	==	Section 7.107	
Leather goods stores								P		P						
Laundromat	==	==	==	==	==	==		PS	PS	PS	==	==	==	==	Section 7.108	
Manufactured home sales/modular home sales	==	==	==	==	==	==		==	==	P	==	==	==	==		
Microbrewery	==	==	==	==	==	==		PS	PS	PS	==	==	==	==	Section 7.40	
Motor vehicle, farm equipment, and boat sales or rental or sales and service										P						

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	<u>Residential</u>						<u>Commercial</u>				<u>Conservation</u>	<u>Industrial</u>				
	Primary Zoning Districts														Overlay District	Supplemental Regulations
Uses	R-20	R-9	R-7	R-6	R-6MF	R-6MH	O&I	CB	CR	C-LD	OS	AD	ID	PCO		
Motor vehicle parts and accessories sales with installation										P						
Motor vehicle repair and maintenance, not including substantial body work										P						
Museums	==	==	==	==	==	==	P	P	==	P	==	==	==	==		
Music instrument sales and service								P		P						
Music studio	==	==	==	==	==	==		==	==	P	==	==	==	==		
Nail/tanning salon							P	P		P						
Night clubs and social clubs	==	==	==	==	==	==	\$	SS	SS	SS	==	==	==	==	Section 7.87	
Nursing home	SS	SS	SS	SS	==	==				PS	==	==	==	==	Section 7.88	
Office supplies								P		P						
Outdoor sales and displays (principal use)	==	==	==	==	==	==		SS	SS	SS	==	==	==	==	Section 7.44	
Outdoor sales and displays (accessory use)	==	==	==	==	==	==		PS	PS	PS	==	==	==	==	Section 7.44	
Paint store								P		P						
Pet store								P		P						
Photo studios							P	P		P						
Plumbing repair contractor (no open storage)								P		P						
Plumbing repair contractor (open storage allowed)										PS			PS		Section 7.21	
Printing, publishing, and engraving establishments	==	==	==	==	==	==		==	==	P	==	==	P	==		
Private postal shipping and receiving	==	==	==	==	==	==		P	==	P	==	==	==	==		
<u>Publicly Owned Parking Lots (independent)*</u>	PS	PS	PS	PS	PS	PS		P	P		P	P	==	==	Section 7.85	
Radio and TV stations/studios	==	==	==	==	==	==		==	==	P	==		==	==		

	<u>Residential</u>						<u>Commercial</u>				<u>Conservation</u>	<u>Industrial</u>				
	Primary Zoning Districts														Overlay District	Supplemental Regulations
Uses	R-20	R-9	R-7	R-6	R-6MF	R-6MH	O&I	CB	CR	C-LD	OS	AD	ID	PCO		
Rental of goods, merchandise, and equipment (no outside storage or display of goods)	==	==	==	==	==	==		PS	==	P	==	P	==	==		
Rental of goods, merchandise, and equipment (with outside storage and display of goods)	==	==	==	==	==	==		==	==	PS	==	PS	==	==	Section 7.44	
Rental of recreation equipment	==	==	==	==	==	==		P	P	P	==	P	==	==		
Retail services not otherwise listed	==	==	==	==	==	==		P	P	P	==	P	==	==		
Restaurants, excluding fast food & without drive thru services	==	==	==	==	==	==		P	P	P	==	==	==	==		
Restaurants, including fast food & with drive thru services	==	==	==	==	==	==		SS		PS	==	==	==	==	Section 7.90	
Sales of goods, merchandise, and equipment (no outside storage or display of goods)								P		P		P				
Sales of goods, merchandise, and equipment (with outside storage and display of goods)										PS		P			Section 7.44	
Seafood processing, packing, and sales	==	==	==	==	==	==		==	==	PS	==	==	PS	==	Section 7.45	
Sexually oriented businesses	==	==	==	==	==	==		==	==	==	==	==	PS	==	Section 7.46	
Shoe store or repair								P								
Shopping center, less than 30,000 sq. ft. gross enclosed floor area	==	==	==	==	==	==		==	P	P	==	==	==	==		
Shopping center, greater than 30,000 sq. ft. gross enclosed floor area	==	==	==	==	==	==		==	==	P	==	==	==	==		
Sporting goods store									P	P						
Tailor/dressmaker/seamstress										P						
Tattoo/body piercing parlors	==	==	==	==	==	==		==	==	PS	==	==	==	==	Section 7.47	
Theater housed in a permanent indoor structure	==	==	==	==	==	==		P	==	P	==	==	==	==		

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(Supp. No. 62)

	<u>Residential</u>						<u>Commercial</u>				<u>Conservation</u>	<u>Industrial</u>				
	Primary Zoning Districts														Overlay District	Supplemental Regulations
Uses	R-20	R-9	R-7	R-6	R-6MF	R-6MH	O&I	CB	CR	C-LD	OS	AD	ID	PCO		
Towing, automobile and truck	==	==	==	==	==	==		==	==	P	==	==	P	==		
Toy store								P		P						
Travel agencies	==	==	==	==	==	==	P	P	==	P	==	==	==	==		
Truck stop	==	==	==	==	==	==		==	==	SS	==	==	P	==		
Truck terminals	==	==	==	==	==	==		==	==		==	==	P	==		
Truck wash	==	==	==	==	==	==		==	==		==	==	P	==		
Upholstery - furniture repair	==	==	==	==	==	==		==	==	P	==	==	==	==		
Vendors	==	==	==	==	==	==		PS	PS	PS	==	==	==	==		
Vessel (boat) for hire	==	==	==	==	==	==		P	P		==	==	==	==		
Veterinarian, animal clinic, no outside kennel	==	==	==	==	==	==	P	SS	==	P	==	==	==	==		
Veterinarian, animal clinic, outside kennel	==	==	==	==	==	==		==	==	PS	==	==	==	==		
Watercraft and recreational vehicle sales	==	==	==	==	==	==		PS	==	PS	==	==	==	==		
TRANSPORTATION																
Airports <u>and related uses</u>	==	==	==	==	==	==		==	==	PS	==	P	==	==		
Bus terminal	==	==	==	==	==	==		==	==	P	==	==	==	==		
Taxi stands	==	==	==	==	==	==		SS	==	P	==	==	==	==		
WHOLESALE SALES AND WAREHOUSING																
Agricultural product warehousing	==	==	==	==	==	==		==	==		==	==	P	==		
Self-service storage facility	==	==	==	==	==	==		==	==	P	==	==		==		
Salvage yards, junkyards, automobile graveyards	==	==	==	==	==	==		==	==		==	==	P	==		
Storage of goods not related to the sale or use of those goods on the same lot where they are stored	==	==	==	==	==	==		==	==	==	==	==	P	==		
Warehouses	==	==	==	==	==	==		==	==	==	==	==	P	==		
Wholesale sales	==	==	==	==	==	==		==	==	SS	==	==	P	==		
OTHER USES																

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(Supp. No. 62)

	Residential						Commercial				Conservation	Industrial				
	Primary Zoning Districts														Overlay District	Supplemental Regulations
Uses	R-20	R-9	R-7	R-6	R-6MF	R-6MH	O&I	CB	CR	C-LD	OS	AD	ID	PCO		
Agriculturally-related business	--	--	--	--	--	--		--	--	SS	--	--	--	--	Section 7.96	
Community gardens	P	P	P	P	P	P		P	P	P	P					
Farm stand								S								
Forestry activities	PS														Section 7.50	
Solar farm	--	--	--	--	--	--		--	--		--	--	PS	--	Section 7.51	
Storage inside completely enclosed structure	--	--	--	--	--	--		--	--	P	--	P	P	--		
Storage outside completely enclosed structure	--	--	--	--	--	--		--	--	SS	--	SS	P	--	Section 7.96	
Trash and garbage disposal facilities	--	--	--	--	--	--		--	--		--	--	P	--		
Temporary uses/sales	--	--	--	--	--	--		SS	--	SS	--	--		--	Section 7.52	
Wind farm	--	--	--	--	--	--		--	--		--	--	PS	--	Section 7.53	
Wireless communication facilities, 6050' tall or less	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	--	SS	SS	--	Section 7.54	
Wireless communication facilities, more than 6050' tall	--	--	--	--	--	--		--	--	--	--	--	PS	--	Section 7.54	
Yard sales	PS	PS	PS	PS	PS	PS		--	PS	PS	--	--		--	Section 7.48	

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

(Ord. of 10-9-2018; Amend. of 4-9-2019; Amend. of 8-11-2020(2); Amend. of 10-13-2020(2) ; Amend. of 1-29-2021(1) ; Amend. of 2-9-2021(2) ; Amend. of 6-8-2021(10) ; Amend. of 8-10-2021; Amend. of 7-12-2022(3); Amend. of 4-11-2023(2))



Oak Island Planning Board
Statement of Consistency & Zoning Recommendation
(As per NC General Statute 160D-604(d))

When conducting a review of proposed zoning text or map amendments pursuant to this section, the Planning Board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made. (NCGS 160D-604(d))

TEXT AMENDMENT: **JULY 17, 2025**

REQUEST:

**Proposed Text Amendment to Article 6 Section V of the Unified Development Ordinances –
Table of Uses and Activities**

STATEMENT OF CONSISTENCY & RECOMMENDATION FOR APPROVAL:

- The Town of Oak Island Planning Board hereby finds that the proposed text amendment is consistent with the 2017 Comprehensive Land Use Plan adopted January 10, 2017, as it is consistent with Goal 10 that recommends the Town will strive to expand economic development and further aligns with the identified economic development strategy of diversifying industry on the mainland as well as being reasonable and in the public interest as the amendment would support the pursuit of a diversified set of businesses sought to strengthen the economic viability of the community.

The statement and motion was seconded and passed _____.

David Bradley, Chair

Taylor Davis, Planning Manager

**PLANNING BOARD
AGENDA ITEM MEMO**

SUBJECT: Presentation of Commercial Code Repair
DATE: July 9, 2025
DEPARTMENT: Planning

Subject Summary: Town staff will present information on ordinances and policies of the Town government which may be hindering economic development.

Financial Impact Statement: N/A

Legal Review: N/A

**PLANNING BOARD
AGENDA ITEM MEMO**

SUBJECT: Discussion by Town Council Directive of Proposed Text Amendments to Article 10 Part IV of the Unified Development Ordinance
DATE: July 10, 2025
DEPARTMENT: Development Services

Subject Summary: Background

At the June 10, 2025, meeting, Town Council approved a motion directing the Planning Board to review the ordinance as it pertains to temporary signs in the Right-of-Way. Specifically, to consider allowing temporary signs in the Right-of-way, ten feet from the edge of the road pavement.

Current Ordinance

Temporary signage is addressed in multiple sections of Part IV of Article 10 of the Unified Development Ordinance (UDO). As it pertains to the directive, sections which would require amendment to allow or expand the placement of temporary signs in the Right-of-way may include:

10.24.3 - Temporary Signs

A banner, pennant, poster, or display constructed of paper, cloth, canvas, plastic sheet, cardboard, wall board, plywood, or other like materials, and that appears to be intended or determined by the UDO Administrator to be displayed for a limited period of time.

10.25.5 - Prohibited Signs

No signs shall overhang or be erected in any public right-of-way. Traffic regulation, information, or warning signs erected by the State Department of Transportation or signs erected by the Town are exempt.

10.26.5.1 - Signs in Right-of-way and Public Properties

No sign shall be permitted in any public right-of-way or within five feet of back of curb, whichever is farther from back of the curb.

10.26.5.4 - Signs in Right-of-Way and Public Properties

Temporary signs may be placed 20 feet from the edge of the road pavement, five feet from the house/structure side of sidewalks, or on the property. Temporary signs are to be measured from the edge of the road pavement or sidewalk to the furthest most edge of the sign closest to the road, not the sign post.

Section 10.26.5.4 allows temporary signs in the right-of-way only when the right-of-way of such a street is larger than 20 feet wide on a given side or when the sign is placed 5 feet from the house/structure side of sidewalks. However, this exception to the rule is contrary to sections 10.25.5 and 10.26.5.1 which prohibit signs from being placed or installed in the right-of-way. The Town does not have an ordinance which restricts off-site signage.

Ordinance History

The Town Council previously approved a text amendment to the sign ordinance at the September 4, 2018, meeting. The amendment, added the provision known as Section 10.26.5.4, creating the exception to prohibited signs in the right-of-way for temporary signs in certain locations.

Legal Considerations

Per *Reed v. Town of Gilbert, Ariz.*, sign regulations must be content-neutral i.e. distinguishing the permissibility of signs based solely on characteristics such as size, location, or construction type. A local ordinance, generally, cannot regulate the content of signs, therefore, all temporary signage whether it advertises a product, service, or business or is non-commercial in nature and displays a political view, personal opinion, or religious ideology should be considered equally. Further, sign ordinances may distinguish between on-premises and off-premises signs per *City of Austin v. Reagan National Advertising of Austin, LLC*.

Future Land Use Plan Compliance

The 2017 Town of Oak Island Comprehensive Land Use Plan (Comp Plan) states "Signs should be constructed to blend with their surroundings and should be in proportion to the structure for which they are supporting. Where possible, landscaping should be provided with freestanding signage to soften the visual impact." Due to their time limited and transitory nature, temporary signs typically are not installed or constructed/created to blend with the surroundings. The Comp Plan further states in Implementing Action I.110 "The Town will seek to create a partnership with the NC Department of Transportation, local private organizations, and residents and property owners to develop and implement a landscape and beautification program for public rights-of-way."

Analysis

The sign ordinances of seven other area counties and municipalities were reviewed for comparison purposes as to the permissibility of signs in the right-of way. The City of Southport does not allow off-premises signage nor signs in the right-of-way. In Holden Beach, all signs must be on private property and off-premises commercial signage is prohibited. Similarly, Brunswick County, New Hanover County, Wrightsville Beach, North Topsail Beach, and Emerald Isle all prohibit signs in the right-of-way.

An amendment to the ordinance could consider time limitations, mandate a specified distance between signs in the right-of-way or require permission from the adjacent property owners before installation. The current ordinance limits temporary signs to sixty days, at which time the sign owner is required to apply for a permit. In practice, this section of the ordinance is challenging to enforce due to the difficulties in accurately recording when a sign was placed or determining if its been replaced or moved within that time period thus restarting the sixty-day "clock". In cases of temporary signs which solely advertise a product or an ideology, ownership of the sign may be impossible to ascertain. Environment and safety precautions are also aspects to consider with temporary signage, in the event of named storms or high wind events temporary signs can become dislodged from the ground or their frame and can land in waterways or other unintended areas and may pose a hazard to persons or traveling vehicles.

Attachments:

[G.S 136-32. Regulation of Signs in ROW \(NCDOT Road\)](#)

[Zoning Practice Article - Temporary Signs](#)

Suggested Motion: Motion to recommend amendments/no amendments to the temporary sign ordinance to allow/disallow temporary signs in the right-of-way.

OR

Motion to postpone recommendation to a date certain, August 21, 2025.

Financial Impact Statement: N/A

Legal Review: N/A

§ 136-32. Regulation of signs.

(a) Commercial Signs. - No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in subsections (b) and (b1) of this section.

(b) Compliant Political Signs Permitted. - During the period beginning on the 30th day before the beginning date of early voting under G.S. 163-166.40 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection. Any political sign remaining in the right-of-way of the State highway system more than 30 days after the end of the period prescribed in this subsection shall be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.

(b1) Compliant Farm Signs Permitted. - During a farm's seasonal operation, persons may place farm signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the farm's season. Any farm sign remaining in the right-of-way of the State highway system more than 30 days after the end of the period prescribed in this subsection shall be deemed unlawfully placed and abandoned property, and a person may remove and dispose of the farm sign without penalty.

(c) Definitions. - For purposes of this section, the following definitions apply:

- (1) Farm. - Any property that is used for a bona fide farm purpose as provided in G.S. 106-581.1.
- (2) Farm sign. - A sign that advertises a farm, products grown, raised, or produced on a farm, or services provided on a farm; or that provides customers with directions to a farm.
- (3) Political sign. - Any sign that advocates for political action. The term does not include a commercial sign.

(d) Sign Placement. - The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
- (2) No sign shall be closer than three feet from the edge of the pavement of the road.
- (3) No sign shall obscure motorist visibility at an intersection.
- (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- (5) No sign shall be larger than 864 square inches.
- (6) No sign shall obscure or replace another sign.

(e) Penalties for Unlawful Removal of Signs. - It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.

(f) Application Within Municipalities. - Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. Any such ordinance shall provide that any political sign that remains in a right-of-way of streets located within the corporate limits of a municipality and maintained by the municipality more than 30 days after the end of the period prescribed in the ordinance is to be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply. (1921, c. 2, s. 9(b); C.S., s. 3846(r); 1927, c. 148, ss. 56, 58; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 1030, s. 39; 1993, c. 539, s. 981; 1994, Ex. Sess., c. 24, s. 14(c); 2011-408, s. 1; 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 6.1; 2019-119, s. 1; 2023-63, s. 2; 2023-140, s. 42.)

ZONING PRACTICE

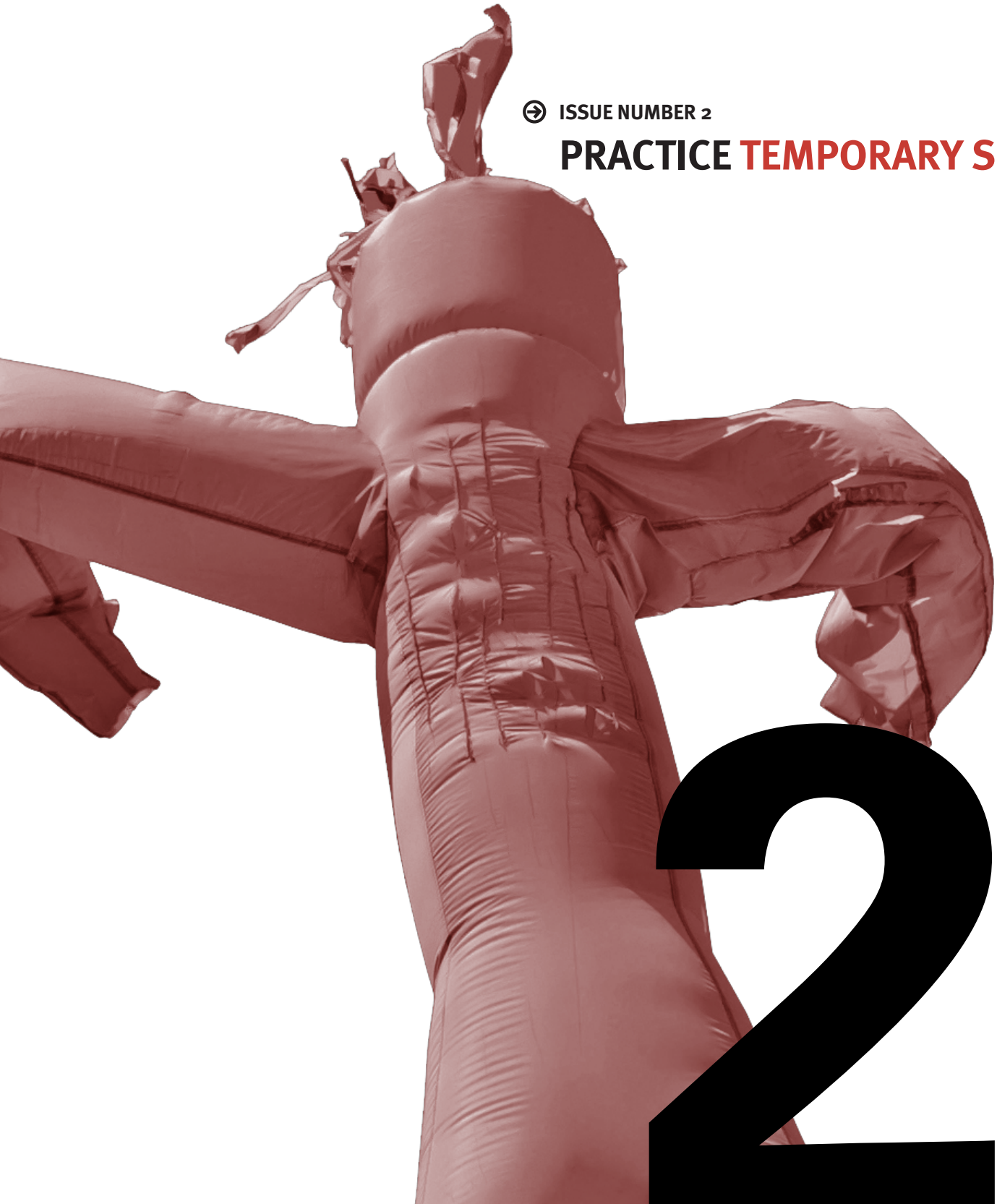
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AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 2

PRACTICE TEMPORARY SIGNS



Temporary Sign Regulations in a Post-Reed America

By Wendy E. Moeller, AICP, and Alan Weinstein

Any community planner who has had the responsibility of administering and enforcing a zoning code has likely had to deal with the often complex issue of temporary signs—those signs that seemingly pop up overnight and proliferate if unchecked.

These same planners may understand the need for the signage to advertise local events, business activities, elections, and the like, but they are also charged with regulating the temporary signs to prevent their excessive use, often to preserve community character.

According to a recent survey of local governments, more than 80 percent of respondents stated that staff enforcement of their temporary sign regulations was one of their community's biggest issues, and almost a third responded that content neutrality—the regulation of signs without consideration of the content of the sign message—was an ongoing issue (Moeller 2015). A more in-depth review of the responses showed that even those communities that did not feel content neutrality was an issue had some level of content regulation in their existing sign regulations, most often the regulation of real estate or election signs. This is particularly noteworthy, given that the

regulation of a sign's content was the subject of the U.S. Supreme Court's June 2015 ruling in *Reed v. Town of Gilbert, Arizona*, a case with a number of ramifications for sign regulations across the country.

This article summarizes the ruling in *Reed* and introduces how it impacts a core aspect of temporary sign regulations, which is how we define signs. This is followed by the best practices communities can utilize to help regulate temporary signs in a post-*Reed* America.

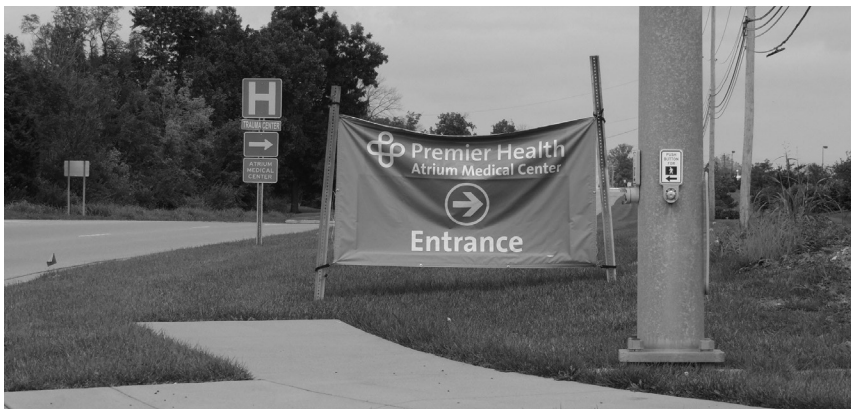
REED V. TOWN OF GILBERT, ARIZONA

The U.S. Supreme Court's decision in *Reed v. Town of Gilbert* on June 18, 2015, is, undoubtedly, the most definitive and far-reaching statement that the Court has ever made regarding the day-to-day regulation of signs. While the sign code provisions challenged in *Reed* involved only the regulation of temporary noncommercial signs, the Court's 6–3 majority

decision, written by Justice Clarence Thomas, likely applies to the regulation of permanent signs as well as temporary signs, business signs as well as residential signs, and possibly, on-site versus off-site signs.

The rules that Justice Thomas announced in *Reed* could not be more straightforward. A sign regulation that “on its face” considers the message on a sign to determine how it will be regulated is content-based. Justice Thomas emphasized that if a sign regulation is content based “on its face” it does not matter that the government did not intend to restrict speech or to favor some category of speech for benign reasons. He wrote: “In other words, an innocuous justification cannot transform a facially content-based law into one that is content-neutral.” Further, a sign regulation that is facially content neutral is also a content-based regulation if it is justified by—or that has a purpose related to—the message on a sign. For example, a code provision that allows more lawn signs between mid-August and mid-November would be facially content neutral but might be challenged as being justified by or have a purpose related to allowing “election campaign” messages.

Whether content-based “on its face” or content neutral but justified in relation to content, Justice Thomas specified that the regulation is presumed to be unconstitutional and will be invalidated unless the government can prove that the regulation is narrowly tailored to serve a compelling governmental interest. This is known as the “strict scrutiny” test and few, if any, regulations survive strict scrutiny. This may be particularly true in regard to sign regulations, given that a number of federal courts have previously ruled that aesthetics and traffic safety, the “normal” governmental



Wendy E. Moeller

➡ Temporary signs are an important tool for businesses and residential uses alike, so it is important to have reasonable rules for temporary signs in your land-use regulations.



Wendy E. Moeller

➡ Temporary signs with noncommercial speech tend to be more of a presence during election times. Rules for these signs can vary greatly by individual state rules and case law.

interests supporting sign regulations, are not “compelling interests.”

Justice Thomas’s opinion calls into question almost every sign code in this country: Few, if any, codes have no content-based provisions under the rules announced in *Reed*. For example, almost all codes contain content-based exemptions from permit requirements for house nameplates, real estate signs, political or election signs, garage sale signs, “holiday displays,” etc. Almost all codes also categorize temporary signs by content, and then regulate them differently. For example, a real estate sign can be bigger and remain longer than a garage sale sign. Or the code allows the display of more election signs than “ideological” or “personal” signs, but the election signs must be removed by a certain number of days after the election, while the personal or ideological signs can remain indefinitely.

Many sign codes also have content-based provisions for permanent signs. Because the *Reed* rules consider “speaker-based” provisions to be content based, differing treatment of signs for “educational uses” versus “institutional uses” versus “religious institutions” could be subject to strict scrutiny. The strict scrutiny test could also apply for differing treatment of signs for “gas stations” versus “banks” versus “movie theaters.”

Reed does not, however, cast doubt on the content-neutral “time, place, or manner” regulations that are the mainstay of almost all sign codes, provided they are not justified by—and do not have a purpose related to—the

Justice Thomas’s opinion calls into question almost every sign code in this country: Few, if any, codes have no content-based provisions under the rules announced in *Reed*.

message on the sign. Justice Thomas acknowledged that point, noting that the code at issue in *Reed* “regulates many aspects of signs that have nothing to do with a sign’s message: size, building materials, lighting, moving parts and portability.” Justice Alito’s concurring opinion, joined by Justices Kennedy and Sotomayor, went further.

While disclaiming he was providing “anything like a comprehensive list,” Justice Alito noted “some rules that would not be content based.” These included rules regulating the size and location of signs, including distinguishing between building and freestanding signs; “distinguishing between lighted and unlighted signs”; “distinguishing between signs



Wendy E. Moeller

➡ Prior to *Reed*, it was common to see standards for development or construction signs, but this can be an example of a content-based regulation if the sign is defined as relating to a development or construction project.

with fixed messages and electronic signs with messages that change”; distinguishing “between the placement of signs on private and public property” and “between the placement of signs on commercial and residential property”; and rules “restricting the total number of signs allowed per mile of roadway.”

But Justice Alito also approved of two rules that seem at odds with Justice Thomas’s “on its face” language. Alito claimed that rules “distinguishing between on-premises and off-premises signs” and rules “imposing time restrictions on signs advertising a one-time event” would be content neutral. But rules regarding “signs advertising a one-time event” clearly are facially content based, as Justice Kagan noted in her opinion concurring in the judgment, and the same claim could be made regarding the on-site/off-site distinction. Further, neither Justice Thomas nor Justice Alito discussed how courts should treat codes that distinguish between commercial and noncommercial signs, a point raised by Justice Breyer in his concurring opinion.

In fact, the lower federal courts are already dealing with claims that codes that differentiate between commercial and non-commercial signs or that regulate on-site and off-site signs differently are content based and

subject to strict scrutiny. To date, only one federal district court has accepted the claim that the on-site/off-site distinction is content based under *Reed*, with several other courts rejecting that claim. No decision to date has extended the *Reed* decision to include the regulatory distinction between signs bearing commercial versus noncommercial messages.

Keep in mind, however, that even content-neutral “time, place, or manner” sign regulations are subject to intermediate judicial scrutiny rather than the deferential “rational basis” scrutiny applied to regulations that do not implicate constitutional rights such as freedom of expression or religion. Intermediate scrutiny requires that a government demonstrate that a sign regulation is narrowly tailored to serve a substantial government interest and leaves “ample alternative avenues of communication.” Because intermediate scrutiny requires only a “substantial,” rather than a “compelling,” government interest, courts are more likely to find that aesthetics and traffic safety meet that standard. That said, courts have struck down a number of content-neutral sign code provisions because the regulations were not “narrowly tailored” to achieve their claimed aesthetic or safety goals.

REGULATORY BEST PRACTICES

There are a number of comprehensive sign regulations that have been crafted over the years that can serve as a good starting point when considering an update to your own sign regulations. In this post-*Reed* time, many communities are rethinking their approach to signs, and over the course of the next year, we are likely to see new models that better respond to the direction of the Supreme Court. The problem with temporary signs is they are a small, but integral, part of overall sign regulations. This, along with the fact that there are variable state rules related to certain temporary signs (e.g., election signs), makes it difficult to create a model temporary sign code that can stand on its own and be seamlessly added to a community’s sign regulation. However, there are a number of general best practices for the regulation of temporary signs in light of *Reed*.

Distinguish Between Temporary Sign and Temporary Message

Few sign regulations make a clear distinction between a temporary message and a temporary sign. A temporary sign is where the entire sign structure is either fully portable or



Wendy E. Moeller

⤷ Communities can still regulate the types of signs allowed (e.g., A-frame signs or blade signs), setbacks, size, and other structure type requirements.

In this post-*Reed* time, many communities are rethinking their approach to signs, and over the course of the next year, we are likely to see new models that better respond to the direction of the Supreme Court.

is not intended to be permanently installed. A temporary message is where the sign structure itself is permanent but the message may be temporary. The most common types of temporary messages we see in communities are electronic message centers and manual reader boards. In such cases, the sign should be regulated as a permanent structure but the

community might control how often the message may change. While these examples seem straightforward, the line between the two can be a bit blurred. An example of this situation is when business owners or communities hang banners or other signs on light poles or similar structures. To address this issue, the community should consider the supporting structure and whether it is designed in a manner to accommodate the message, even though it may be changed out through the year. A community’s banner signs attached to light poles are an excellent example where the light poles are designed with permanent fixtures on which the banners are hung. In these instances, the community should regulate the light pole, and any related fixtures that support the message, as a permanent structure with allowable temporary messages, rather than regulating it as temporary sign.

Think of the Bigger Picture

Reed may have related to an issue with a temporary sign, but the ruling has implications for all sign regulations. Generally speaking, it is impractical to completely separate out all the rules that apply to temporary signs as a distinct set of regulations. Consequently, when you consider overhauling how you regulate temporary signs, it is important to step back and take a comprehensive look at the overall sign code. First, given the implications of *Reed*, communities should take a look at all of their sign regulations to see where they may be regulating content, and consider if they are making a large number of exemptions to accommodate various types of signs. Second, one of the major driving forces of your sign regulations should be the purpose statement that sets clear direction for how and why a community regulates signs. This purpose statement needs to apply to all the different sign types, not just to temporary signs. Furthermore, your community might consider that if one of the purposes of the sign regulations is to promote businesses but limit temporary signs, then perhaps a better approach is to consider allowing more temporary messages on a permanent sign. Finally, evaluating your sign regulations as a whole will help you identify where you might have conflicts, such as allowing for larger temporary signs over permanent signs or making various exceptions based on content or permanency.

Consider the Sign’s Location

There is a long list of temporary sign types,

GLOSSARY

The following is a sampling of some of the most common content-neutral temporary sign types.

A-Frame Signs (aka Sandwich Board Signs or Sidewalk Signs)

A freestanding sign ordinarily in the shape of an “A” or some variation thereof, which is readily moveable and not permanently attached to the ground or any structure. See also the definition of *T-frame signs*.

Air-Activated Graphics

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

Balloon Signs (aka Inflatable Devices)

A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. See also the definition for air-activated graphics.

Banner Signs

A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, nonrigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

Blade Sign (aka Feather Signs, Teardrop Signs, and Flag Signs)

A temporary sign constructed of cloth, canvas, plastic fabric, or similar lightweight, nonrigid material and supported by a single vertical pole mounted into the ground or on a portable structure.

Freestanding/Yard Signs

Any permanent or temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

Pennants

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

People Signs (aka Human Mascots, Sign Spinners, and Human Signs)

A person, live or simulated, in the public right-of-way who is attired or decorated with insignia, images, costumes, masks, or other symbols that display commercial messages with the purpose of drawing attention to or advertising for an on-premise activity. Such person may or may not be holding a sign. [Note: There is significant debate about whether a people sign is really a sign or whether

they can be regulated by zoning, especially in light of *Reed*. Many communities still regulate these signs, but this requires special consideration.]

Portable Message Center Signs

A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels. Such signs may include changeable copy.

Snipe Signs (aka Bandit Signs)

A temporary sign illegally tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

T-Frame Signs

A freestanding sign ordinarily in the shape of an upside down “T” or some variation thereof, which is readily moveable and not permanently attached to the ground or any structure. See also the definition for A-frame signs.

Vehicle Signs

Any sign permanently or temporarily attached to or placed on a vehicle or trailer in any manner so that the sign is used primarily as a stationary sign.

and each community has its own preferences for what types of signs it wants to allow. When determining what sign types to allow in your community, be sure to consider the character of the area or zoning district where you are allowing the signs. In downtown and pedestrian-focused areas, banners and sidewalk signs are far more prevalent; larger temporary signs, such as yard signs, blade signs, and banners, are more common along high-traffic areas and in more suburban or rural areas. When it comes to historic districts or other unique areas, it is not that uncommon to see a complete prohibi-

tion of temporary signs other than those that might be posted in a window or a banner attached to a building. With an increasing focus on regulating the character of land use, such as in form-based codes, there is more opportunity to write sign regulations specific to the form of development.

Specify Temporary Sign Allowances

It is not realistic or advisable to recommend that a community simply allow “X” amount of sign area and let a property owner determine how much of that area should be utilized for

permanent or temporary signs. It may look like the easiest of solutions, but it ends up being an administrative nightmare for staff. Every time the owner increases or decreases the amount of temporary signs, there is a possibility of creating nonconforming sign issues or, more likely, eliminates all possibility of temporary signs if the owner spends the allowance completely on permanent signs. The latter issue becomes a problem when there is a legitimate need for a temporary sign in a situation where, for example, the property is for sale. Most communities do not want to take an ex-

treme approach of even appearing to prohibit all temporary signs, which they would have to do in the case of a business owner using their full sign allocation for permanent signs. A more reasonable solution is to establish a certain sign area allowance for permanent signs and a separate allowance for temporary signs. The community can then specify what types and numbers of signs are allowed, based on structure type and not content, along with any specific regulations for the individual sign types.

As far as an allowance for temporary signs goes, this is going to vary based on the individual vision and goals of the community. Some communities may want to be very permissive in the amount of signs but hold strict to the types of signs allowed, while others might restrict the amount of sign area permitted but allow for the signs to be posted for longer periods of time. One approach to consider is allowing a limited amount of temporary commercial signage that could be allowed year round but strictly control the permissible types of signs (e.g., banners and yard signs). This allowance will accommodate signs used for real estate, garage sales, and other commercial activities that may be necessary for longer stretches of time or that are often exempted because of their prevalence. Keep in mind, the allowances and types of signs may vary based on the zoning district or neighborhood. This provision could then be supplemented by allowing for some additional temporary signage for a specified number of

days and a set number of occurrences per year. This supplemental signage might provide for other types of temporary signage (e.g., balloon signs, portable signs, additional yard signs, etc.), but the time limits will keep them from becoming permanent signs. In all instances, the community should provide basic requirements for each type of sign, including setbacks, maximum heights, maximum numbers, and separation distances.

Consider Allowing Off-Premise Temporary Signs

Many localities prohibit all off-premise signs. These prohibitions are typically related to a desire to prohibit or at least limit billboard signs. The problem with such prohibitions is that temporary signs often contain off-premise content, such as the advertisement of community events or even certain directional signs. It should be clear at this point that regulating a sign by its content (e.g., real estate signs, directional signs, etc.) is problematic because of *Reed*, but, as noted in the discussion above, there is still a question of whether the ruling also prevents communities from making the distinction between on-premise and off-premise signs.

Consequently, communities are starting to consider whether it is worth the risk to make such a distinction. In order to be as content neutral as possible, some localities are focusing more on the type and size of sign to control

where and how a billboard-style sign might be allowed. Ultimately, a community should consider how people are using temporary signs and determine whether it is appropriate or not to make an on- versus off-premise distinction, especially related to temporary signs. As with any regulation, there is a balancing act of the risk of being challenged versus the benefit of the requirement.

Leave Room for Interpretation

If someone proposes a new type of sign that your regulations may not clearly address, incorporate some language that allows staff to determine if the new sign type is similar in nature to a sign you do regulate, and treat the new sign in the same manner. An example of this is treating a temporary adhesive wall sign in the same manner as a banner that can be attached to a facade. If that doesn't address the sign, the community might have to consider a text amendment to incorporate the new sign type specifically.

ADMINISTRATIVE BEST PRACTICES

The administration of sign regulations is quite often the bane of a planner's existence. A lot of the frustration is often focused on temporary signs and whether to require a permit, establish deadlines, and then enforce those deadlines and any sign-specific regulations. As mentioned earlier, administration and enforcement continues to be a major issue for the vast majority of communities surveyed as part of the research into these best practices. To combat these issues, communities are beginning to take a multipronged approach that focuses on the use of technology, ease of enforcement, and public outreach.

Take Advantage of Technology

Communities can use readily available software to help aid permitting and enforcement of temporary sign regulations, especially deadlines for sign removal. For smaller communities, this might mean using online or free calendar applications that will alert staff to when they need to inspect to determine if a sign has been removed. For larger communities, there are numerous permitting software packages that accommodate online permitting applications that require little to no administrative time. These same packages can also alert staff to specific issues, such as deadlines or application requests that exceed signage allowances for a particular site.



While it is necessary to avoid regulating the content of a sign, it is still possible to control temporary signs by the type of structure, such as this portable message center.



➡ Seasonal businesses rely heavily on temporary signage that may be in place for extended periods of time.

Enforce Fairly and Consistently

Given that few localities have staff focused exclusively on proactively identifying code violations, most zoning enforcement is complaint driven. To counter this issue, communities should always consider what their enforcement capabilities are when writing any zoning requirement, especially as it relates to signs. Consider whether there are other staff members, outside the planning and zoning department, who could be trained and authorized to assist in enforcement, if necessary. Finally, make sure that your regulations can be fairly and consistently enforced. This can reduce the potential for conflict associated with selective enforcement, and it also tends to lead to better compliance because temporary sign users become increasingly aware of the implications of overstepping the requirements.

Educate Residents and Business Owners

Communities are finding success with administration and enforcement by proactively reaching out to businesses and residents with educational brochures or workshops related to sign regulations to ensure a clear understand-

ing of expectations and requirements. Not all business owners are aware that communities have temporary sign regulations and can risk losing money by investing in the wrong type of sign. Proactive outreach activities allow the communities to educate those owners and possibly save them time.

CONCLUSIONS

Temporary signs have long been a difficult aspect of zoning regulations. Communities want to reasonably control them, but the administrative and enforcement aspects of these ever-changing structures can pose problems, especially when the content comes into play. The *Reed* case provided a response to one element of sign regulations but still leaves some questions. At the same time, the case has also provided communities a very good reason for reevaluating how and why they regulate signs and what changes need to be made to focus on the structure rather than the content.

This article is based in part on the Signage Foundation, Inc. report Best Practices in Regulating Temporary Signs.

Resources

Mandelker, Daniel R., John M. Baker, and Richard Crawford. 2015. *Street Graphics and the Law*, Fourth Edition (PAS 580) Chicago: American Planning Association Planning Advisory Service. Available at tinyurl.com/h4xw5nk.

Mintz Testa, Bridget. 2015. "Sign of the Times." *Planning*, February. Available at planning.org/planning.

Moeller, Wendy E. 2015. *Best Practices in Regulating Temporary Signs*. Washington, D.C.: Signage Foundation, Inc. Available at tinyurl.com/p72el2q.

SCOTUSblog. 2015. "*Reed v. Town of Gilbert, Arizona*." Available at tinyurl.com/zjrep8m.

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ARE YOUR SIGN REGULATIONS CONTENT NEUTRAL?

2

**PLANNING BOARD
AGENDA ITEM MEMO**

SUBJECT: Proposed Text Amendment - Article 7 of the Unified Development Ordinances - Supplemental Regulations
DATE: July 11, 2025
DEPARTMENT: Planning

Subject Summary: Background

Town Council requested that the Planning Board review the Supplemental Regulations in the Unified Development Ordinance that were not considered during the most recent update. The Planning Board and Town Planning Staff have reviewed the supplemental regulations over the past several months.

A draft ordinance has been crafted based on the feedback and discussion from the Planning Board, and the Planning Board may make final adjustments prior to voting on recommendation to the Town Council.

Summary

The proposed ordinance makes several adjustments to the Supplemental Regulations. They are summarized below.

- Tie occupancy requirements for Child Care Facilities and Family Care Homes to State regulation
- Swimming Pools: Clarify fencing requirements, require CAMA compliance in zoning regulations, require dark sky lighting, and exempt hot tubs not permanently affixed
- Temporary Storage Facility (Portable Storage Unit): Reduce allowance from 120 days to 30 days unless state of emergency is declared
- Open Air Gun Ranges: Limit hours of operation to 9:00 AM to 5:00 PM, require a Type D Bufferyard (earthen berm and vegetative screening)
- Bed and Breakfast Homes: Remove occupancy maximum
- Convenience Stores: Add access regulation and clarify setbacks
- Microbrewery/Distillery: Limit hours of operation to 9:00 AM to 11:00 PM
- Farm, Craft, Produce Markets: Prohibit sales of firearms, clarify screening for permanent markets
- Food Trucks: Remove maximum number of permits per year
- Sexually Oriented Businesses: Limit hours of operation to 9:00 AM to 10:00 PM
- Tattoo/Body Piercing Parlors: Limit hours of operation to 9:00 AM to 10:00 PM
- Veterinary Clinics with Associated Kennels: Limit occupancy of outdoor dog kennels to 7:00 AM to 10:00 PM
- Golf Cart and Low Speed Vehicle Sales and Rentals: Require storage to be behind opaque fence, vehicles on display during business hours do not require screening

Adopted Plan Consideration

The proposed amendments are consistent with the Comprehensive Land Use Plan Implementing Action I.20 that recommends the Town develop a UDO that

- Provides a simpler, more flexible, and more easily administered regulatory document
- Greater clarity for landscaping/tree/screening requirements
- Consistency with current North Carolina State Statutes
- Balance needs of new development and existing neighborhoods; and establish policies that characterize future land use development patterns and establish mitigation criteria and concepts to minimize conflicts

Attachments:

[ARTICLE_7.___SUPPLEMENTAL_REGULATIONS_PBDraft.docx](#)

[PBConsistency_SupplementalRegulations_071725](#)

Suggested Motion: Motion to recommend approval to the Town Council and adopt the associated consistency statement.

Financial Impact Statement: N/A

Legal Review: N/A

ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7.3 CEMETERY AS AN ACCESSORY USE TO A CHURCH.

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

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

7.3.2. Reserved.

(Ord. of 10-9-2018; Amend. of 4-11-2023(2))

SECTION 7.4 CHILD CARE FACILITIES.

7.4.1. Child Care Center.

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

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

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

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

7.4.2.1. A Family Child Care Home may have no more ~~than eight~~ children than permitted by State regulation;

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

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

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

(Ord. of 10-9-2018; Amend. of 4-11-2023(2))

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

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

(Amend. of 4-11-2023(2))

SECTION 7.6 GRANNY PODS/TEMPORARY HEALTH CARE STRUCTURES.

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

7.6.1. Granny pods shall only be permitted for single-family residentially used property.

7.6.2.—7.6.5 Reserved.

(Ord. of 10-9-2018; Amend. of 2-9-2021(3); Amend. of 4-11-2023(2))

SECTION 7.9 SATELLITE DISH ANTENNAS.

7.9.1. All satellite dishes shall be installed in compliance with FCC regulations.

7.9.2. Residential satellite dishes shall not exceed 24 inches in diameter and nonresidential satellite dishes shall not exceed 36 inches by 22 inches (oval).

7.9.3. If possible, satellite dishes shall not be located in a front yard and ~~shall~~ be hidden from view of the public right-of-way.

(Ord. of 10-9-2018)

SECTION 7.10 SOLAR ENERGY GENERATING FACILITY, ACCESSORY.

Solar collectors shall be permitted as an accessory use to new or existing structures or facilities in accordance with Section 6.5, subject to the following standards:

7.10.1. Roof-Mounted Solar Systems.

The collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

7.10.1.1. Pitched Roof Mounted Solar Systems. For all roof-mounted systems other than a flat roof, a drawing shall be submitted showing the location of the solar panels.

7.10.1.2. Flat Roof Mounted Solar Systems. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.

7.10.2. Ground-Mounted Solar Systems.

Ground-mounted solar collectors (accessory) are prohibited.

7.10.3.—7.10.5Reserved.

(Ord. of 10-9-2018; Amend. of 4-11-2023(3))

SECTION 7.11 SWIMMING POOLS.

All public, commercial, or private outdoor swimming pools of three feet or more in depth, either above ground or below ground, and of either permanent or temporary construction, shall meet the following requirements in addition to setbacks and other requirements specified elsewhere:

7.11.1. The setback for a swimming pool from any lot line shall equal the required setback for accessory structures in the district in which it is located, ~~plus one foot for each foot over five feet of pool depth~~. Swimming pools are

not allowed in the required front yard area. Pools on ocean front lots shall meet any requirements of the Coastal Area Management Act and the North Carolina Division of Coastal Management.

7.11.2. A fence, being an enclosing structure of rails, pickets, wires or the like, shall be erected to a minimum height of four feet and a maximum height of six feet, to completely enclose all sides of the pool not bounded by a building. A gate of equal height with a locking mechanism shall be installed and securely fastened when the pool is not in use.

7.11.3. Fencing surrounding swimming pools shall be designed so as to minimize the possibility of unauthorized or unwary persons from entering the pool area. In the case of a semi-open (~~such as chainlink~~) fence, the open space between each section of fencing material shall be no larger than 16 square inches. The fence or privacy wall may be constructed of wood, masonry or similar materials ~~or by a chainlink or similar fencing~~ with natural screening, provided that it complies with the requirements of the location of accessory buildings in the district in which it is located. This section shall also apply to day care centers having swimming pools with a depth of 18 inches or more.

7.11.4. All mechanical equipment associated with pool maintenance shall be located a minimum of five feet from any property line.

7.11.5. All floodlights shall be designed to be dark sky and shielded from adjacent properties to reduce offensive glare.

7.11.6. Hot tubs not permanently affixed are exempt from this subsection, provided they meet all other local, state, and federal regulations.

(Ord. of 10-9-2018; Amend. of 8-11-2020(2); Amend. of 4-11-2023(3))

SECTION 7.12 TEMPORARY STORAGE FACILITY (PORTABLE STORAGE UNITS).

Temporary storage facilities, as defined in Appendix A, shall be subject to the following regulations:

7.12.1. Dumpsters or temporary storage facilities incidental to a natural disaster, or construction with a valid building permit, shall be exempt from these regulations.

7.12.2. Temporary storage facilities intended to be in place for greater than 30 days shall require a zoning permit.

7.12.3. With the exception of the Industrial (ID) zoning districts, temporary storage facilities may be placed on a property a maximum of any ~~120~~30-day period during one calendar year from its initial placing on a property. The 30 day period may be extended 30 additional days with the issuance of a zoning permit. The period may be extended further if a state of emergency is declared by the Town.

7.12.4. No temporary storage facility shall encroach into any public right-of-way, drive aisle, or minimum parking requirement.

7.12.5. No temporary storage facility may encroach into vehicular use areas where such encroachment reduces the amount of parking below the minimum permitted amounts.

7.12.6. No temporary storage facility shall be used as living space and/or a permanent accessory building.

(Ord. of 10-9-2018)

SECTION 7.13 WIND ENERGY GENERATING FACILITY, ACCESSORY.

Wind energy generating facilities (accessory) designed to supplement other electricity sources shall be permitted as an accessory use in accordance with Section 6.5, subject to the following standards:

7.13.1. A wind energy generator (accessory) shall be setback from all property lines a distance equal to one linear foot for every foot of height of the highest structure that is part of the facility or the minimum setback for the zoning district, whichever is greater. Maximum height of wind turbines shall be consistent with the requirements of the underlying zoning district. The height shall be measured from the ground to the highest point of the prop.

7.13.2. A wind turbine may not be located between the front wall of the primary structure and the street.

7.13.3. Rotor blades on wind turbines shall maintain at least 15 feet of clearance between their lowest point and the ground.

7.13.4. Installation and Design.

The installation and design of the wind energy generator (accessory) shall conform to applicable industry standards, including those of the American National Standards Institute.

7.13.5. The visual appearance of wind energy generator (accessory) shall:

7.13.5.1. Be constructed of a corrosion resistant material that will not fade, show rust spots, or otherwise change the appearance as a result of exposure to the elements and be a non-obtrusive color such as white, off-white, or gray.

7.13.5.2. Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

7.13.5.3. Landscaping, buffering, and screening shall be provided in accordance with Article 10, Part I.

7.13.6. Any accessory wind energy generator and supporting structure that is not functional shall be removed after 180 days. In the event that the Town becomes aware of any wind energy system that is not operated for a continuous period of three months, the Town will notify the landowner by certified mail that the system must be moved or repaired in 90 days. The owner may request and receive a single extension of up to 90 days for good cause shown, including the reasons for the operational difficulty and a reasonable timetable for corrective action. Any disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

(Ord. of 10-9-2018)

SECTION 7.14 CEMETERIES.

7.14.1. Any building, except a gatehouse, must be set back not less than 50 feet from any property line.

7.14.2. Cemeteries shall have direct access to a major arterial highway.

7.14.3. All graves shall be set back a minimum of 20 feet from any property line.

(Ord. of 10-9-2018; Amend. of 4-11-2023(3))

SECTION 7.16 CREMATORIUM.

Crematoriums may be allowed pursuant to the use table in Section 6.5, upon compliance with the following:

7.16.1. There shall be no emission of particulate matter or noticeable odors.

7.16.2. No new crematorium operation may be located within 1,500 feet from an existing crematory facility and 500 feet from any residentially zoned property.

7.16.3. The loading/unloading zone for the facility must be enclosed or screened from view with fencing in accordance with Article 10, Part III.

7.16.4. All windows with an open view of the crematory processing equipment must be screened from view.

(Supp. No. 65)

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(Ord. of 10-9-2018; Amend. of 4-11-2023(3))

SECTION 7.17 PRIVATE CLUBS OR LODGES.

7.17.1. The property shall have frontage upon a collector or higher classification street.

7.17.2. Outdoor recreation or accessory facilities shall be buffered from adjacent residentially zoned or used property in accordance with Article 10, Part I.

(Ord. of 10-9-2018)

SECTION 7.19 ARTISAN'S WORKSHOP.

Artisan's workshops shall be permitted in accordance with Section 6.5, provided all artisan production is conducted inside an enclosed building.

(Ord. of 10-9-2018; Amend. of 4-11-2023(3))

SECTION 7.23 RECREATIONAL CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS.

Campgrounds for recreational purposes may be located on the island, provided that:

7.23.1. Accessibility. The campground shall be readily accessible to a public street, and no entrance or exit from the campground shall require traffic movement through a developed residential district. Access to campsites or recreational vehicle sites shall be provided through well-maintained roadways within the campground.

7.23.2. Dimensions. No campground or recreational vehicle park shall be less than two acres. No campsite shall be located closer than 25 feet to the right-of-way of any public street. Gross density of the campground shall not exceed 25 trailer spaces per acre and no more than one motorized recreational vehicle or recreational trailer is parked on each site.

7.23.3. Site Design. Detailed site plans showing the proposed type and location of campsites, access roads, location and type of all related facilities and a description of the provisions for utilities shall be provided in accordance with Article 5. During the review, special attention shall be directed toward ensuring that adequate space is provided for each campsite. Concrete slabs shall be allowed as long as they do not exceed 100 square feet per campsite and shall not violate the restrictions of impervious surface coverage as provided in this Ordinance.

7.23.4. Walkways. Walkways shall be provided to service facilities and comfort stations.

7.23.5. Screening and Landscaping. Additional yard areas and landscaping may be required when granting the special use. Campgrounds shall be enclosed by an appropriate fence except at drive-in entrance or exit.

7.23.6. Recreational Vehicles. A recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no additions. Recreational vehicles placed on sites shall be on site for fewer than 180 consecutive days, and be fully licensed and ready for highway use.

7.23.7. Additions. All additions, except those provided by the facility owner, are prohibited.

(Ord. of 10-9-2018)

SECTION 7.24 GUN RANGES, CLOSED AIR AND OPEN AIR.

Closed air and open air gun ranges shall be permitted in accordance with Section 6.5, subject to the following:

7.24.1. The facility shall be designed to meet and comply with applicable federal and state laws, county, and local ordinances and guidelines, such as but not limited to, the Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and National Rifle Association (NRA) Range Source Book (current edition), the Bureau of Alcohol, Tobacco, Firearm and Explosives (ATF) registration requirements, local health department, and building code requirements and the generally accepted operation practices adopted by the Department of Environmental Quality.

7.24.2. The gun range shall not be located within 100 feet of another existing gun range, nor within 500 feet of a school, child care facility, place of worship, or any zoning district that is zoned for residential use, including a planned development that authorizes residential use.

7.24.3. The facility must be under its ownership's supervision and control while open and in use. [Hours of operation for Open Air Gun Ranges shall be 9:00 AM to 5:00 PM.](#)

7.24.4. [Open Air Gun Ranges shall be buffered by a Type D Buffer yard at all property lines.](#)

(Ord. of 10-9-2018; Amend. of 4-11-2023(3))

SECTION 7.25 MARINAS/BOATOMINIUM.

Marinas/boatominiums shall be located, designed, and operated in accordance with Coastal Area Management Act (CAMA) requirements.

(Ord. of 10-9-2018)

SECTION 7.27 DWELLING, SINGLE-FAMILY.

Dwellings subject to these supplemental regulations per the Table of Uses and Activities shall be limited to no more than 3,999 square feet.

(Ord. of 10-9-2018; Amend. of 9-10-2024(4))

SECTION 7.28 FAMILY CARE HOMES.

7.28.1. As defined by G.S. 168-21, family care homes must be located no closer than one-half mile from any other family care home. As provided for in Section 4.10.2, a variance to the one-half mile separation requirement may be obtained when the separation is accomplished by man-made features (i.e., railroad yards, freeways) or natural features (i.e., rivers, wetlands) and provides sufficient separation to ameliorate the harmful effects that justified the statutory separation. [Family Care Home occupancy shall be determined by State regulation.](#)

(Ord. of 10-9-2018; Amend. of 4-11-2023(3))

SECTION 7.29 MANUFACTURED HOUSING PARK.

7.29.1. A site plan is required in accordance with Article 5. In addition to the site plan requirements in Article 5, the manufactured home park site plan shall including the following:

7.29.1.1. Proposed storm drainage for each manufactured home space and for the entire manufactured home park including all proposed grading and sewer installation which may be deemed necessary to insure proper drainage and the elimination of ponding. Proper drainage requires a storm drainage capacity to the ten-year storm level.

7.29.1.2. Location and number of garbage receptacles.

7.29.1.3. A detailed plan for electrical installation prepared to meet the National Electrical Code and state and local codes or ordinances.

7.29.2. The lot size for each manufactured housing unit must meet the minimum lot size requirements, setback and yard requirements of the C-LD district. Recreational vehicles shall not be occupied in manufactured housing parks. Minimum setbacks on all sides for a manufactured home within a space is ten feet. Any attached accessory structure such as a room extension, porches and porch roofs, and carports shall, for the purpose of this setback requirement, be considered to be part of the manufactured home.

7.29.3. The park shall contain at least three manufactured housing units.

7.29.4. All manufactured homes shall have skirting around the entire perimeter.

7.29.5. Ground anchors shall be installed in compliance with the North Carolina State Building Code.

7.29.6. The owner of the manufactured home park shall be responsible to see that each manufactured home parked within the manufactured home park is properly tied down.

7.29.7. A driveway and parking space sufficient to accommodate at least two automobiles shall be constructed within or assigned to each manufactured home space and shall be paved or covered with crush stone or other suitable material.

7.29.8. Public water and sewer services shall be provided to all lots within the park.

7.29.9. In every manufactured home park all installations (other than those within the manufactured home itself) of plumbing and electrical wiring and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating and gas regulations of the state, county, and town. All utilities shall be installed underground.

7.29.10. Sanitation services shall be equivalent to the services provided by the town and the county.

7.29.11. No more than one manufactured home may be parked on any manufactured home space. No manufactured home space shall have direct vehicular access to a public street.

7.29.12. Buffers shall be installed around the entire perimeter of the manufactured home park. Such buffers must meet the requirements of Article 10, Part I, and not be included within the dimensions of any manufactured home space.

7.29.13. The supports of all manufactured homes parked within an authorized park shall rest upon footings which meet the North Carolina Regulations for Mobile Homes. Each manufactured home space shall be provided with a patio of at least 100 square feet constructed of concrete brick flagstone or other such hard surfaced material or a porch of similar size raised above the ground. A paved or gravel walkway two feet wide minimum leading from the road or off-street parking space to the patio shall be provided. Each patio and walkway shall be graded and properly drained to prevent ponding.

7.29.14. The manufactured home park shall be located so as not to be susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises. Where storm drainway pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the manufactured home park when needed so long as the capacity of the existing system can handle the additional load.

7.29.15. Each manufactured home stand and the manufactured home space shall be graded to provide adequate storm drainage away from the manufactured home and such that there will exist no more than three feet difference between the chassis of the manufactured home and the finished grade of the manufactured home stand along the entire perimeter of the manufactured home proper.

7.29.16. The manufactured home park shall have paved or gravel roads and streets, lighted at night, that directly abut all manufactured home spaces. Road surface widths shall be at least:

7.29.16.1. One-way, no parking: 11 feet.

7.29.16.2. One-way, parking on one side only: 18 feet.

7.29.16.3. Two-way, no parking: 20 feet.

7.29.16.4. Two-way, parking on one side only: 26 feet.

7.29.16.5. Two-way, parking on both sides: 32 feet.

7.29.17. Closed ends of dead-end streets shall be provided with an adequately surfaced vehicular turning circle of at least 60 feet in diameter or a turning "Y" with an angle of at least 90 degrees.

7.29.18. Each manufactured home stand shall have adequate access, for both the manufactured home and autos, with a minimum access of 20 feet unless more is deemed necessary because of topographical conditions or street curvature, so that the parking, loading, or maneuvering of a manufactured home shall not necessitate the use of any public street or right-of-way or any private property not part of the manufactured home park.

7.29.19. When the manufactured home park has more than one direct access to a public street, they shall not be less than 200 feet apart or less than 200 feet from a public street intersection unless topographical or site conditions demand otherwise.

7.29.20. In addition to many fire prevention regulations of the town, the following shall apply:

7.29.20.1. The operator of a manufactured home park is responsible for informing each park resident of the location of the nearest fire alarm box (if any), the location of an accessible telephone and the telephone number to be used to report fires, and procedures to be followed in case of a fire.

7.29.20.2. The park owner shall install a fire extinguisher labeled as suitable for Class A, B, and C fires and a type approved by the Fire Department in each building open to the public and in the park office. The park staff shall be instructed in the proper use of any fire protection equipment available in the park and their specific duties in the event of fire shall be defined.

7.29.20.3. The park owner or operator shall maintain the park area free of rubbish, dry brush, leaves, weeds, and any other materials which might communicate fires between manufactured homes and other buildings.

7.29.20.4. Empty liquefied petroleum gas containers and other objects and materials not approved by the Fire Department shall not be stored under manufactured homes.

7.29.20.5. The manufactured home park owner shall be responsible for payment of any applicable fee if the Fire Department is called upon.

(Ord. of 10-9-2018)

SECTION 7.30 TEMPORARY EMERGENCY, CONSTRUCTION, AND REPAIR RESIDENCE.

7.30.1. Temporary Housing. Temporary housing units shall be permitted in all residential zoning districts subject to the following standards:

- A. The town manager may authorize use of town property for these temporary housing needs as he/she sees fit in the wake of a natural disaster.

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- B. A Temporary Housing Occupancy Permit shall be issued by the Planning and Zoning Administrator or his/her designee for all temporary housing units before placement of the travel trailer onto the lot is allowable.
 - C. The Temporary Occupancy Permit shall be issued for a period of time not to exceed 12 months while repair and reconstruction of the primary structure is planned and may be renewed for an additional six-month period, provided significant progress has been made in the repair and reconstruction of the primary structure. Maximum extension shall not exceed six months.
 - D. The Temporary Occupancy Permit Application shall indicate the location of the temporary housing unit and include a description of the proposed utility connections. For recreational vehicles/travel trailers, the Temporary Occupancy Permit Application shall also include proof of license, registration, and capacity for highway use.
 - E. A maximum of one temporary housing unit (or two in the case of a two-family dwelling) shall be permitted provided:
 - 1. The primary structure located on the lot upon which the temporary housing unit will be placed has been destroyed or significantly damaged, through no fault of the owner, by an emergency or natural disaster.
 - 2. The temporary housing unit is properly connected to an approved water source, authorized wastewater system, and a permitted electrical service hook-up.
 - F. Temporary housing units must be removed from the lot within 30 days following completion of repair and reconstruction on the primary structure, or within 30 days following expiration of the Temporary Occupancy Permit.
 - G. For the purposes of this section A manufactured home being used as a temporary housing unit shall meet all FEMA standards for such uses and applicable requirements of the Flood Damage Prevention Ordinance and/or consist of housing units provided or approved by FEMA.
 - H. Setback requirements may be waived during the duration that the temporary housing unit is permitted, such that the placement of the temporary housing unit will allow for unobstructed repair and reconstruction on the site, provided the temporary housing unit does not extend into any public right-of-way, easement, or adjacent property.
 - I. A maximum of two temporary storage containers up to 16 feet long, eight feet wide, and nine feet tall, shall be permitted on a lot subject to the requirements of this section. Setback requirements for temporary storage containers may be waived during the duration that the temporary housing unit is permitted, such that the placement of the temporary storage containers will allow for unobstructed repair and reconstruction of the primary structure and the temporary storage containers do not extend into any public right-of-way, easement, or adjacent property.
 - J. Temporary housing units may be established as part of a temporary RV/manufactured home park subject to the requirements of this section and provided no more than twenty units shall be permitted per acre and that each unit shall be setback a minimum of 30 feet from all property lines. Temporary RV/manufactured home parks shall only be permitted in districts where such permanent uses are currently permitted. A detailed site plan and narrative shall be submitted identifying utility connections, water supply, waste disposal, traffic circulation, and temporary housing unit spacing.

(Amend. of 3-12-2019(1))

SECTION 7.31 TINY HOUSES.

Tiny houses (200 square feet to 699 square feet in size), including container homes, shall be allowed in accordance with Section 6.5, subject to the following:

7.31.1. A tiny house must comply with the North Carolina State Building Code.

7.31.2. A tiny house must be situated on a permanent foundation with secure wind-resistant tie-downs and connected to public water, sewer, and electric utilities.

7.31.3. If the tiny house is constructed on a travel chassis with wheels, the wheels must be removed for permanent location on a foundation.

7.31.4. A tiny house must comply with all UDO requirements for the zoning district in which it is located.

(Ord. of 10-9-2018)

SECTION 7.32 AUTO, WATERCRAFT, AND RECREATIONAL VEHICLE SALES, RENTALS, AND INDOOR REPAIRS.

7.32.1. Storage areas for vehicles or watercraft being repaired shall be screened from view of the public right-of-way and any adjacent residentially used or zoned property.

7.32.2. All repairs must take place inside a structure.

7.32.3. Vehicles or watercraft to be repaired may not be stored on the property for more than 120 days.

7.32.4. No vehicle may be stored on the public right-of-way.

(Ord. of 10-9-2018; Amend. of 4-11-2023(3))

SECTION 7.33 AUTOMOBILE SERVICE STATIONS.

7.33.1. Corner Lots. Driveways on corner lots shall be located no closer than 30 feet from the point of intersection of the rights-of-way of two streets.

7.33.2. Parking. Parking of motor vehicles, trailers, campers or boats for a storage fee, except for repairs and estimates, is prohibited.

7.33.3. Access Points. Minimum distance between accesses shall be 100 feet except for service where only two accesses are allowed per lot with one frontage; a third access shall be allowed for the other street frontage on corner lots.

7.33.4. Setbacks. Service station pump setbacks from the front property line shall be 20 feet. Pavement setbacks, exclusive of driveways, from the front property line shall be ten feet.

(Ord. of 10-9-2018; Amend. of 6-8-2021(10); Amend. of 4-11-2023(3))

SECTION 7.34 BATTERY CHARGING/BATTERY EXCHANGE STATION.

Battery charging stations and battery exchange stations shall be permitted in accordance with Section 6.5, subject to the following requirements:

7.34.1. Electric vehicle charging stations should be reserved for parking and charging of electric vehicles only.

7.34.2. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

7.34.3. Battery Charging Stations. For land use compatibility purposes, the charging activity should be proportionate to the associated permitted use. Electric vehicle charging station(s) shall be permitted in a single- or multi-family garage designed to service the occupants of the home/dwelling unit as an accessory use. Accessory single-family charging stations shall not exceed residential building code electrical limitations. Whereas, charging station(s) installed in a parking lot for non single-family residential use are expected to have intensive use and will be permitted to have multiple (rapid charging stations) to serve expected demand.

7.34.4. Battery Exchange Stations. Exchange stations are permitted in CB, C-LD, and ID zoning districts, provided, however, all other requirements for the building or space the use occupies are satisfied, including but not limited to the UDO, fire code, and building code requirements. This use is specifically prohibited in exclusively residential or conservation/recreation zoning districts.

7.34.5. Design Criteria for Commercial and Multi-Family Development. The following criteria shall be applied to electric charging facilities.

7.34.5.1. Number Required. This is an optional improvement. No minimum number of stalls applies. Provided, if electric vehicle stalls are reserved for electric vehicles, care should be taken to ensure enough spots are available for all of a site's parking needs.

7.34.5.2. Generally. Location and provision of electric vehicle parking will vary based on the design and use of the primary parking lot, keeping in mind flexibility will be needed in various parking lot layout options.

7.34.5.3. Signage to Identify. Each charging station space should be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations should be included if time limits or tow away provisions are to be enforced by the owner.

7.34.5.4. Maintenance. Charging station equipment should be maintained in all respects, including the functioning of the charging equipment.

7.34.5.5. Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, charging equipment should be located so as to not interfere with accessibility.

7.34.5.6. Lighting. Where charging station equipment is installed, adequate site lighting should also be provided unless charging is for daytime purposes only.

7.34.5.7. Notification of Station Specifics. Information on the charging station identifying voltage and amperage levels and any time of use, fees, or safety information.

7.34.5.8. Avoid Conflict with Handicap Spots. Stalls should generally not be located adjacent to handicap spots unless designed for handicapped use.

(Ord. of 10-9-2018; Amend. of 4-11-2023(3))

SECTION 7.35 BED AND BREAKFAST HOMES.

Bed and breakfast homes are subject to the following conditions and other conditions that may be required:

7.35.1. ~~Bed and breakfast homes shall offer accommodations to no more than eight persons.~~ **RESERVED**

7.35.2. Bed and breakfast homes shall be registered at the Town Hall annually before beginning operation thereof, giving the name of the owner or operator, address, accommodations offered and period of operation.

(Ord. of 10-9-2018; Amend. of 4-11-2023(3))

SECTION 7.36 COMMERCIAL PIERS.

7.36.1. The property shall have frontage upon a collector or higher classification street.

7.36.1. Commercial Piers shall meet all applicable CAMA requirements.

(Amend. of 4-11-2023(3))

SECTION 7.38 CONVENIENCE STORES.

7.38.1. The maximum gross building area shall be 4,000 square feet.

7.38.2. Use must have direct access to a major arterial street.

7.38.3. Where fuel sales are included in the use, the pumps must be set back a minimum of 20 feet from the right-of-way line and 15 feet from adjoining property lines.

7.38.4. Access Points. Minimum distance between accesses shall be 100 feet except for service where only two accesses are allowed per lot with one frontage; a third access shall be allowed for the other street frontage on corner lots.

7.38.5. Setbacks. Service station pump setbacks from the front property line shall be 20 feet. Pavement setbacks, exclusive of driveways, from the front property line shall be ten feet.

(Amend. of 4-11-2023(3))

SECTION 7.39 DAY CARE FACILITY, ADULT.

7.39.1. Outdoor activities shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.

7.39.2. At least one passenger loading/unloading space, separate from parking area, for every ten persons enrolled shall be provided.

(Ord. of 10-9-2018; Amend. of 4-11-2023(3))

SECTION 7.40 MICROBREWERY/DISTILLERY.

7.40.1 An establishment that meets the definition of a microbrewery or distillery shall be permitted in accordance with Section 6.5, provided it meets the requirements of G.S. 18B-1104 or G.S. 18B-1105, respectively.

7.40.2 Tasting rooms are an accessory use to a microbrewery.

7.40.3 Hours of Operation shall be limited to 9:00 AM to 11:00 PM.

SECTION 7.41 FARM, CRAFT, PRODUCE MARKETS.

7.41.1. One restroom stall/porta potty must be provided per every 25 vendors within a reasonable walking distance to the Farmers/Open Air Markets.

7.41.2. The sale of firearms is prohibited.

7.41.3. Permanent farm, craft, produce markets are required to install and maintain fencing or landscaping along three sides of the open market. A landscape plan describing both fencing and landscaping must be reviewed and approved by the UDO Administrator.

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(Ord. of 10-9-2018; Amend. of 4-11-2023(3))

SECTION 7.42 FLEA MARKETS.

7.42.1. Hours of operation shall be established by the special use permit.

7.42.2. The sale of firearms and/or alcohol is prohibited.

7.42.3. Permanent open-air flea markets are required to install and maintain fencing or landscaping along three sides of the open market. A landscape plan describing both fencing and landscaping must be reviewed and approved by the UDO Administrator.

7.42.4. One restroom stall/porta potty must be provided per every 25 vendors within a reasonable walking distance to the Flea Market.

(Ord. of 10-9-2018; Amend. of 10-13-2020(2); Amend. of 4-11-2023(3))

SECTION 7.43 FOOD TRUCKS.

Food trucks shall be permitted in accordance with Section 6.5, subject to the following standards:

7.43.1. Exceptions to the Process.

7.43.1.1. Food trucks may conduct sales while parked on a public street when the Town Council has approved a temporary street closing for a Town-sponsored or civic event such as a street festival/ fair.

7.43.2. Food Truck Location. Food trucks cannot set up within 50 feet of a competing business, merchant or vendor retailing the same goods and merchandise, unless located within a specialty market. Food trucks operating on the same site as a restaurant with a current inspection from the Brunswick County Environmental Health Department are exempt from this separation requirement. Additionally, food trucks must be parked at least 15 feet from any fire hydrant, and five feet away from any driveway, sidewalk, utility box or vault, handicapped ramp, building entrance or exit, or emergency call box. These minimum distance requirements are all measured in a straight line from the closest point of the proposed food truck location to the closest point from the buffered point, or in the case of a restaurant measured from the closest point of the restaurant's main entrance. If a zoning permit is issued and a restaurant subsequently opens within 100 feet (measured from the restaurant's main entrance) of the approved food truck location, the food truck may continue to operate until the permit expires.

7.43.3. Zoning Permit. The zoning permit must be signed by the property owner, and completed and submitted along with a site plan or plot plan. If a property owner has a property large enough to accommodate more than one food truck, only one zoning permit is required to be submitted showing the location of all food trucks. The plot plan must show the limits of the property, the location(s) of the proposed food truck, and label adjoining uses on neighboring properties. The applicant must also submit a NC Department of Agriculture Permit, a copy of the vehicle or trailer registration, and proof of compliance with the Brunswick County Health Department regulations. The permit applications must include the property owners' signatures. Fees for these permits shall be as established in the town's yearly fee schedule. ~~The maximum number of food truck licenses to be issued is 10 per year with the restriction that licenses are limited to one per itinerant merchant or vendor.~~ Food trucks must renew license annually. Business license for food truck vendors shall be valid for one year.

7.43.4. Parking. Food trucks may not occupy any required parking stall for the primary use while the primary use is open to the public, thereby resulting in an overloading of parking spaces. Food trucks and the primary use may share parking spaces when having separate hours of operation. Parking stalls that are overflow or extra according to the regulations in the UDO may be used to park a food truck; however, parking stalls leased to another business or adjacent use may not be used unless the food truck is operating under separate hours of operation. Food trucks may not park in handicapped accessible parking spaces, nor can they park in access or drive aisles. The approved location for the parking trucks, as shown on the zoning permit, must be physically marked. The food truck parking

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space can be marked with paint, tape or other easily identifiable material. Food trucks may not be parked in an approved location after hours of operation. Parking shall be provided in accordance with Article 10, Part III.

7.43.5. Hours of Operation. Food trucks may operate between the hours of 7:00 a.m. and 10:00 p.m.

7.43.6. Prohibitions. Food trucks may not use audio amplification or freestanding signage. All equipment associated with the food trucks must be located within three feet of the food truck. The food truck operator is responsible for disposing of all trash associated with the operation of the food truck. Town trash receptacles may not be used to dispose trash or waste. All areas within five feet of the food truck must be kept clean. Grease and liquid waste may not be disposed in tree pits, storm drains, the sanitary sewer system or public streets. Food trucks are all subject to the Town-wide noise ordinance.

7.43.7. Maximum Number of Trucks Per Property.

7.43.7.1. Maximum of two food trucks on lots of one-half acres or less.

7.43.7.2. Maximum of three food trucks on lots between one-half acre and one acre.

7.43.7.3. Maximum of four food trucks on lots greater than one acre.

7.43.7.4. Outdoor seating associated with a food truck is only permitted on lots at least two acres in size or greater.

7.43.8. Food Truck Rodeos.

7.43.8.1. Unimproved commercial property may develop a location for the exclusive use of food trucks subject to the performance standards of Chapter 10 of the UDO and the regulations of this section.

7.43.9. Permanent Food Truck Locations.

7.43.9.1. Commercial businesses may, as a part of a site plan approved per Article 5 of this UDO, install a permanent food truck location on their site subject to the regulations of this section except those related to spacing from a competing business found in 7.43.2. The business shall be responsible for all permitting and documentation that the food trucks using the location meet the requirements of this section.

(Ord. of 10-9-2018; Amend. of 10-13-2020(2); Amend. of 1-10-2023(2))

SECTION 7.44 OUTDOOR SALES AND DISPLAY.

7.44.1. Outdoor sales and display areas, both incidental and principal uses, are not to exceed one acre in size.

7.44.2. Outdoor sales and displays can be a standalone principal use or can be intended to enhance an existing business and cannot be located in existing vehicular spaces.

7.44.3. All incidental and principal use outdoor sales and display structures such as tents and sales stands will need to be reviewed for compliance with all applicable state codes and temporary outdoor sales and display that remain on site exceeding 180 days will be considered as a permanent structure and shall meet all federal, state, and local regulations.

7.44.4. Outdoor sales and displays conducted as an accessory use must meet the following additional requirements:

7.44.4.1. No sales of merchandise shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

7.44.4.2. Between the hours of 10:00 p.m. and 7:00 a.m., all items offered for sale shall be removed.

7.44.4.3. Outdoor sales and displays shall not be located within parking spaces.

7.44.4.4. The permit must be made available to the Town upon request.

(Ord. of 10-9-2018; Amend. of 4-11-2023(3))

SECTION 7.45 SEAFOOD PROCESSING, PURCHASING, SALES.

7.45.1. The property shall have frontage upon a collector or higher classification street.

(Ord. of 10-9-2018; Amend. of 4-11-2023(3))

SECTION 7.46 SEXUALLY ORIENTED BUSINESSES.

7.46.1. The site of the development or use must meet or exceed one acre in size and shall comply with the following minimum standards:

7.46.1.1. The use shall be located no closer than 1,500 feet as measured in a straight line from property line to property line to any church, or place of worship, public or private elementary or secondary school, child day care or nursery, publicly funded or maintained recreational facilities or open space areas, residentially zoned or residentially used property or any other establishment with an on premise ABC license.

7.46.1.2. There shall be no more than one adult entertainment business in the same parcel or within the structure, building or portion thereof.

7.46.1.3. No other principal or accessory use may occupy the same building, structure or property or any portion thereof.

7.46.1.4. Except for the signage allowed in Article 10, Part IV, no other advertisements, displays or other promotional materials shall be placed on the property that would be visible from the pedestrian sidewalks, walkways, or vehicular use areas including street rights-of-way.

7.46.2. All applicants for a permit to operate an adult establishment including all partners and corporate officers shall submit to a complete background check and fingerprinting by the town police department. Any application received shall not be processed until such time as the background check has been completed and those findings are submitted to the administrative official for review. Any applicant whose background check or fingerprinting returns information indicating a felony conviction in this state or any other state with comparable laws within five years immediately preceding the application; or a misdemeanor criminal act within two years which involves the following: sexual offenses, promotion of prostitution, prostitution, sexual abuse of a child, child pornography or related offenses shall not be considered for special use permitting.

7.46.3 Hours of operation shall be limited to 9:00 AM until 10:00 PM.

(Ord. of 10-9-2018)

SECTION 7.47 TATTOO/BODY PIERCING PARLORS.

Tattoo/body piercing parlors are permitted in the C-LD zoning district provided that:

7.47.1. The tattoo parlor may not be located or operated within 200 feet of:

7.47.1.1. A church, synagogue, or regular place of worship;

7.47.1.2. A public or private elementary or secondary school;

7.47.1.3. A public library;

7.47.1.4. A boundary of any residential district;

7.47.1.5. A publicly owned park or other recreation area or facility;

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7.47.1.6. A licensed day care center;

7.47.1.7. An entertainment business that is oriented primarily towards children;

7.47.1.8. Another tattoo parlor.

7.47.2. For the purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a tattoo parlor is to be conducted, to the nearest property line of the premises of any use listed in subsection 7.49.1 above.

7.47.3. No more than one tattoo parlor establishment shall be located in the same building or structure or on the same lot. No person shall permit any building, premises, structure, or other facility to contain more than one tattoo parlor.

7.47.4. Tattoo parlors must comply with the following:

7.47.4.1. Hours of operation ~~must shall~~ be limited to ~~8:00 a.m. to 2:00 a.m.~~ 9:00 AM until 10:00 PM.

(Ord. of 10-9-2018; Amend. of 4-11-2023(3))

SECTION 7.48 VENDORS/YARD SALES.

All vendors and yard sales must comply with Chapter 10 - Business of the Town of Oak Island Code of Ordinances.

(Ord. of 10-9-2018)

SECTION 7.49 VETERINARY CLINICS WITH ASSOCIATED KENNELS.

7.49.1. The property shall have frontage upon a collector or higher classification street.

7.49.2. Associated kennels or animal runs shall be located a minimum of 250 feet from any adjacent property boundary lines unless such kennels and runs are located within a fully enclosed, roofed, walled and soundproofed structure.

7.49.3 Outdoor dog kennels or runs that are not located within a fully enclosed, roofed, walled and soundproofed structure shall only be occupied from 7:00 AM until 10:00 PM.

(Ord. of 10-9-2018; Amend. of 4-11-2023(3))

SECTION 7.50 REGULATION OF FORESTRY ACTIVITIES.

7.50.1. No ordinance adopted by the Town shall regulate either:

7.50.1.1. Forestry activity on forestland that is taxed on the basis of its present-use valued as forestland under G.S. ch. 105, art. 12; or

7.50.1.2. Forestry activity that is conducted in accordance with G.S. ch. 89B.

7.50.2. Nothing withstanding subsection 7.50.1 above, the Town may deny a zoning special use, or a building permit for a tract of land for a period of up to three years after the completion of a timber harvest if the harvest results in the removal from that tract of all or substantially all of the trees protected by this Ordinance. If the removal of such trees was in willful violation of the requirements of this Ordinance, then such permits may be refused for a period of five years.

(Ord. of 10-9-2018)

SECTION 7.52 TEMPORARY USES/SALES.

7.52.1. All temporary use/sales require the issuance of a zoning permit except for yard sales in residential zoning districts. The UDO Administrator may impose requirements in the zoning permit intended to ensure compliance with this Ordinance.

7.52.2. Temporary accessory sales are permitted on CB and C-LD zoned property provided that no more than four (4) events occur within a 365-day period on an individual parcel. Each individual sales event shall be limited to two (2) calendar days duration. The operator of each temporary sales event shall have the written permission of the property owner or manager of the principal business located on the property on which the temporary sale is to be conducted. If more than four (4) events occur within a 365 calendar day period, they must be located on a property owned or leased by a registered 501(c)(3) for tax purposes and the permit shall be issued only to the 501(c)(3) organization. Christmas tree and accessory natural ornamental sales may be conducted from three (3) calendar days prior to Thanksgiving until 5:00 pm on Christmas Eve.

7.52.3. Temporary uses for which the primary purpose is not the sale of commodities shall have a maximum specified time (specified by zoning permit) limit of seven calendar days. Such temporary uses shall include assembly of people for entertainment, holiday festivals, social, political, religious or similar activities. Temporary uses, described in this section, which include the sale/use of alcoholic beverages shall submit all ABC permits with the application for a zoning permit. No permanent building shall be located on any lot for the exclusive purpose of operating any temporary use(s). Temporary uses may be unlike the customary or usual activities generally associated with the property where the temporary use is to be located. Any use intended for temporary and limited duration, operated as an accessory or principal use, shall be subject to applicable location, setback, parking, land use and other standards for the district in which it is located.

7.52.4. Temporary sales conducted on the grounds of a church, synagogue, temple, or other religious building or schools/colleges for the purpose of raising funds for the support of the principal use are considered accessory services. The religious institution or school/college must request the zoning permit.

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

SECTION 7.55 GOLF CART AND LOW SPEED VEHICLES SALES AND RENTALS.

7.55.1. No vehicle may be stored on the public right-of-way.

7.55.2. Golf cart repairs are permissible inside an enclosed building.

7.55.3 Storage of golf carts and low speed vehicles shall be screened by an opaque fence. Vehicles on display for sale or rent shall not require screening during business hours.

(Amend. of 4-9-2019; Amend. of 4-11-2023(3))

SECTION 7.58 ~~CONDOMINIUM~~-MIXED USE.

Condominium, mixed use.

7.58.1. The property shall have frontage upon a minor arterial or higher classification street.

7.58.2. Parking shall be calculated at a ratio of one space for every 300 square feet of gross floor area for each non-residential unit unless the specific uses (office, retail, etc.) are identified within the application materials in addition to the residential requirements pursuant to Section 10.19.

7.58.3. A buffer meeting the requirements of Article 10 must be installed and maintained adjacent to any property zoned or developed for residential purposes.

7.58.4. Density is calculated at a total maximum of 16 units per acre, regardless of the use.

7.58.5. In no case shall the number of nonresidential units exceed the number of residential units in a mixed use condominium project.

7.58.6. Minimum front yard setback may be reduced to ten feet if all parking is provided in the rear, if ingress/egress and other traffic safety is not compromised.

7.58.7. Each dwelling shall have a direct means of access to the exterior of the building so that no access to the dwelling is provided through the use located on the lower floor(s) of the commercial building.

7.58.8. The floor area devoted to the dwelling(s) shall not exceed twice the floor area devoted to the permitted business use(s).

7.58.9. All other applicable ordinance and standards must be compliant.

(Amend. of 6-8-2021(10))



Oak Island Planning Board
Statement of Consistency & Zoning Recommendation
(As per NC General Statute 160D-604(d))

When conducting a review of proposed zoning text or map amendments pursuant to this section, the Planning Board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made. (NCGS 160D-604(d))

TEXT AMENDMENT:

JULY 17, 2025

REQUEST:

**Proposed Text Amendment to Article 7 of the Unified Development Ordinances –
Supplemental Regulations**

STATEMENT OF CONSISTENCY & RECOMMENDATION FOR APPROVAL:

- The Town of Oak Island Planning Board hereby finds that the proposed text amendment is consistent with the 2017 Comprehensive Land Use Plan adopted January 10, 2017 as it is consistent with the Implementing Action I.20 that recommends the Town develop a UDO that provides a simpler, more flexible, and more easily administered regulatory document; greater clarity for landscaping/tree/screening requirements; consistency with current North Carolina State Statutes; balance needs of new development and existing neighborhoods; and establish policies that characterize future land use development patterns and establish mitigation criteria and concepts to minimize conflicts.

The statement and motion was seconded and passed _____.

Dara Royal, Chair

Matt Kirkland, Planning Director