

CAROLINA BEACH

Planning and Zoning Meeting

Thursday, April 08, 2021 – 6:30 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Approval of the Minutes from March 11th, 2021

STAFF REPORT ON RECENT DEVELOPMENTS

PUBLIC DISCUSSION

DISCUSSION ITEMS

2. Text Amendment: Consider amending Chapter 40, Article VII, Fence Regulations to review restrictions and how to measure height.
3. **Text Amendment:** Consider amending Chapter 40, Article III, Article VII, & Article XVIII to review setbacks for through lots for fences, swimming pools and accessory structures.
4. **Text Amendment** Consider amending Chapter 40, Article III & Article XVIII, to address rooming houses.
Applicant: Town of Carolina Beach
5. **Text Amendment** Consider amending Chapter 40, Article III & Article IX, to address Private Parking Lots that Charge for Parking

Applicant: Town of Carolina Beach

NON-AGENDA ITEMS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Miles Murphy, Senior Planner

DEPARTMENT: Planning

MEETING: Planning & Zoning – 8 APR 2021

SUBJECT: Approval of the Minutes from March 11th, 2021

BACKGROUND:

The minutes from the March 11th P&Z meeting

ACTION REQUESTED:

Review and approve the minutes, with or without corrections

RECOMMENDED MOTION:

CAROLINA BEACH

Planning and Zoning Meeting

Thursday, March 11, 2021 – 6:30 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



MINUTES

CALL TO ORDER

Chairman LeCompte called the meeting to order at 6:30 PM.

PRESENT

Chairman Deb LeCompte

Vice Chairman Wayne Rouse

Commissioner Jeff Hogan

Commissioner Melanie Boswell (arrived at 6:43 PM)

Commissioner John Ittu

Commissioner Ethan Crouch

Commissioner Todd Piper

ALSO PRESENT

Planning Director Jeremy Hardison

Senior Planner Miles Murphy

APPROVAL OF MINUTES

1. Approval of the Minutes from February 11th, 2021

ACTION: Motion to approve the minutes

Motion made by Vice Chairman Rouse, Seconded by Commissioner Hogan

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

Motion passed 6-0 (Commissioner Boswell not yet present)

STAFF REPORT ON RECENT COUNCIL MEETINGS

Town Council and Other Updates

- 300 Goldsboro Avenue Rezoning – Approved
- Conditional Zoning – Approved
- 160D Final Draft to Attorney – P&Z April
- 5+ 2-Unit Minor PUDs Have Been Applied for Since the Text Amendment
- Staff Has Started the Review of Beach Services and Vending Permits
- 167 Delaware Avenue – BOA Granted a Variance for a Lot Subdivision
- New Mural Installed This Week

Mr. Murphy reported the following statistics for the past month:

Permitting

- 48 permits (renovation, repair, grading, additions, fence)
- 9 residential new construction
- 7 certificates of occupancy
- Over 200 permits received in 2021

Code Enforcement

- 3 complaints received
- 2 resolved

Demos

- 210 Cape Fear Boulevard
- 1406 Snapper Lane
- 1213 Canal Drive
- 206 Carolina Beach Avenue South

New Businesses

- Convenience Store – 11 Pavilion Avenue South
- Golf Cart Storage – 1301 Bridge Barrier Road
- I Love CB, Souvenirs – 915 North Lake Park Boulevard
- Island Vibes, Smoking Paraphernalia and Souvenirs – 915 North Lake Park Boulevard

Coming Up

- Text amendment: Chapter 160D – April/May
- Text amendment: temporary parking lots
- Text amendment: rooming houses
- Sidewalk cafes
- Text amendment: table of permissible uses
- Text amendment: fences
- Text amendment: accessory structures

PUBLIC DISCUSSION

ACTION: Motion to open public discussion

Motion made by Chairman LeCompte

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

Motion passed 6-0 (Commissioner Boswell not yet present)

None

ACTION: Motion to close public discussion

Motion made by Chairman LeCompte, Seconded by Vice Chairman Rouse

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

Motion passed 6-0 (Commissioner Boswell not yet present)

DISCUSSION ITEMS

2. Consider a Text Amendment to Chapter 40 Article VIII Signs

Due to recent case law, Town staff has updated the Town's sign ordinance to comply with the direction that signs, and other similarly managed items, may not be regulated by their content. The ruling allows the regulation of signs by location, size, zoning district, and number but not by what they display.

Town Attorney Noel Fox completed her initial review, and Town staff has made her requested changes in preparation for review.

Mr. Murphy presented the background and details.

Background

- Sign ordinances are utilized primarily for aesthetic and economic purposes
- Free speech generally overrides any state, county, or local sign ordinance
- Sign ordinances may not be "content-based" in almost all circumstances

Supreme Court Decision

- In 2015, the Supreme Court heard the case of Reed v. Town of Gilbert
- The Town of Gilbert had a sign ordinance with 23 exempted categories, and each category was treated differently based on the content
- The Ninth Circuit Court of Appeals initially upheld the exceptions
- The Supreme Court determined that the sign ordinance, and its exceptions, were based on the "face" since the content of the signs dictated their limitations

Local Ordinance Implications

- CB sign ordinance currently has 11 sign categories that are regulated individually and are based on content
 - Governmental
 - Window/door signs
 - Real estate/off-site
 - Political
 - Open
 - Patriotic
 - Government required
 - Construction/future development
 - Subdivision
 - Nonprofits
 - Special events

Revisions

- Addition of location restriction to prevent traffic sight distance triangle obstructions
- Addition of a catch-all category for “temporary non-commercial signage” with regulations pertaining to aesthetics and time frames only
- Remove categories specifically regulating signs by content
- Clarified/corrected language through Article 8

Staff recommends approval of the text amendment.

ACTION: Motion to open the public hearing

Motion made by Chairman LeCompte

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

Motion passed 6-0 (Commissioner Boswell not yet present)

Vice Chairman Rouse asked how a mural is differentiated from a sign. Mr. Murphy said a mural is not a sign if it is unrelated to something that’s being sold at the property where it is located. He said if it features a business name or product, then it’s considered a sign.

Chairman LeCompte asked if the proposed ordinance also covers private residential property. Mr. Murphy said yes, it would be for the entire Town.

Chairman LeCompte closed public discussion.

Commissioner Piper had questions about the size of signs. Mr. Murphy said the proposed text amendment does not change any height or size regulations and focuses primarily on eliminating regulations based on content.

Vice Chairman Rouse asked whether enforcement would be through a fine in the mail, a knock on the door, or some other means. He said he knows of a home-based business owner who has a small sign and wanted to know if she would be told she can no longer have it. Mr. Murphy said if a possible violation is reported to the Town, then staff will take a look to determine if it is actually in violation and if so, there will be a visit to the violator for the purposes of working out a compromise. If the violator is not willing to work with the Town, then the matter would go into the violation phase, he said.

ACTION: Motion that the Commission, whereas in accordance with the provisions of NCGS 160A.383, does hereby find and determine that the adoption of the text amendment to amend Chapter 40, Article VIII to update the sign ordinance to comply with the 2015 Supreme Court decision is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Vice Chairman Rouse, Seconded by Commissioner Hogan

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

Motion passed unanimously

3. A discussion regarding potential changes to the Chapter 40 Article VII - Fences

Mr. Hardison said the purpose of this item was to go over existing fence regulations and receive feedback and direction on potential amendments for consideration at the next meeting. He presented the background and details.

Permit is required

Purpose: Provides standards for the construction, location, and maintenance of fences and ensures that hazardous or nuisance situations do not occur

Regulations – Height

Residential and commercial districts

- No fence shall exceed 6 feet in height (can go higher with what was formerly known as the Conditional Use Permit process)
- No fence shall exceed 4 feet in height when located in the front yard setback (for most of the Town, that is first 20 feet of the property)

Double-Frontage Lot

Mr. Hardison said this situation, which is when a property fronts two streets, commonly occurs in the Carolina Beach Avenue South and South Lake Park Boulevard areas and affects about 70 lots. He said both yards on this type of property are classified as front yards under the current ordinance.

Measure

1. Height shall be measured at the highest point of the fence section to the existing natural grade. The point of measurement shall be along the outside of the fence adjacent to the abutting property.
2. Columns or posts shall not extend more than 18 inches above the built height of the fence.
3. Any retaining wall or berm below the fence shall be considered as part of the overall height of the fence.

Construction Standards

Fences shall be constructed so that the finished (sheathed) side is oriented toward adjoining lots or the public right-of-way

ACTION: Motion to open the public hearing

Motion made by Chairman LeCompte

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

Motion passed unanimously

Vince Lutheran of 403 Peninsula Drive, who is a builder, said he had some concerns about setback rules for double-frontage lots. He said he currently has a project that has a future road behind it, and the lot will not support a pool if it has to have a 20-foot setback. He said if the intent of the regulations is to maintain a streetscape, he thinks a pool should not be subject to this because it is not a vertical structure and does not hinder the streetscape.

ACTION: Motion to close public discussion

Motion made by Chairman LeCompte

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

Motion passed unanimously

Commissioner Piper said he thinks things that do not affect the streetscape should be allowed without the larger setback, such as swimming pools, although he would have an issue with accessory buildings being 5 feet from the street. He also said he was not in favor of allowing 6-foot fences along streets, even in double-frontage lot situations.

Vice Chairman Rouse said he agreed with the first part of Commissioner Piper's statements but thinks the orientation of a house indicates what is the front yard and back yard and people should be able to use the property accordingly. He said he does not think 2 feet of fencing will significantly impact how a street looks and that a 4-foot fence was just a designation that does not offer any privacy.

Commissioner Ittu said he agreed with Vice Chairman Rouse that back yards should be treated like back yards, even on double-frontage lots. He said he has seen one example of a new home with a pool on a double-frontage lot with a back fence higher than 4 feet.

Commissioner Hogan said a front yard is designated by a mailbox, house number, and driveway and that property owners should be able to use the other side to have a pool, although maybe not a tall structure. He said he was torn on fence height because taller fences could make a street look like a big wall, but he also recognized that restricting this could be taking away property rights. He said he would have no problem with 6-foot fences in back yards for double-frontage lots.

Commissioner Crouch said the double-frontage lot issue of both yards being considered front yards is applicable to very few lots and should be a separate conversation. He said his intent in bringing up this topic previously was to talk about the 6-foot fence height limit on standard lots. He said he would like the board to consider increasing the height limit to 7 feet and changing the way it is measured. He said the current process uses the existing grade and results in fences that are not straight across and look bad. He suggested using the low point of the property so there is a consistent top fence elevation.

Mr. Hardison said he agreed that how to handle double-frontage lots should be a separate agenda item. He said Town staff has struggled with all of the aforementioned issues and wanted to come up with clarification language for the ordinance.

Chairman LeCompte said the double-frontage lot issue is concerning and needs to be addressed. She said she sees no reason why a double-frontage lot could not have a pool, although she is not in favor of accessory structures close to the road. She said any changes to the ordinance need to extend to future roads so those properties are treated the same as any other double-frontage lot.

Commissioner Crouch said taller fences on double-frontage lots could pose a safety issue and make it harder to back out.

Vice Chairman Rouse said treating back yards on double-frontage lots like front yards puts a burden on the property owner. He said a 2-foot difference in fence height will not make much difference and that it is trying to solve a safety issue at the expense of the property owner. He said he does like Commissioner Crouch's idea of changing the fence height limit to 7 feet on standard lots because people are getting taller and 6 feet is not adequate for some to maximize privacy.

Commissioner Crouch asked the Commissioners for their thoughts on the measurement issue.

Vice Chairman Rouse said he thinks it would be best to use three points.

Mr. Hardison said the average of the grade could be used to determine the point from which to measure fence height.

Commissioner Piper brought up the issue of retaining walls and said more people are building those now.

As background, Mr. Hardison explained that stormwater regulations require a property to be elevated to facilitate stormwater draining to the street and into the Town stormwater system, and to achieve this some property owners are filling in lots in the back to the front to promote flow for drainage.

Commissioner Boswell said she is OK with raising the overall fence height limit to 7 feet, but she thinks where to measure from must be determined first and foremost.

Commissioner Crouch said his suggestion is to measure from the low side so that the top is 7 feet, whether it's a retaining wall or a fence.

Mr. Hardison said Town staff will come back to the board with options for more discussion and a possible vote at the next meeting. He said double-frontage lots will be addressed under a separate agenda item.

Commissioner Boswell asked if fences in the Central Business District have different height restrictions. Mr. Murphy said no, fences are handled the same way in all districts, except commercial districts have a few more allowances for taller fences and in some cases requirements for them. He said properties in the Central Business District technically have setbacks and yards and that fence restrictions don't change in that regard.

NON-AGENDA ITEMS

Commissioner Boswell asked how the Town handles RVs being used as personal residences. Mr. Hardison said RVs can park in a driveway or on a property but can't be lived in outside of a permitted RV lot or campground. Commissioner Boswell said someone brought a potential violation on a residential lot to her attention, but she is not sure if they have filed a complaint with the Town. Mr. Hardison said this issue is addressed in codes and is not allowed, so he can talk to code enforcement to see if this is on the radar or whether it has been reported. Vice Chairman Rouse asked which street this is on. Commissioner Boswell said it's on South Lake Park Boulevard near North Carolina Avenue.

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Chairman LeCompte

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

Motion passed unanimously

The meeting adjourned at 7:37 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Planner

DEPARTMENT: Planning

MEETING: Planning & Zoning – 8 APR 2021

SUBJECT: Text Amendment: Consider amending Chapter 40, Article VII, Fence Regulations to review restrictions and how to measure height.

BACKGROUND:

P&Z requested staff to review Fence Regulations, particularly related to how height is measured. Staff took P&Z feedback to TRC and discussed various fencing ordinance changes. These changes were compiled into several updates related to how fences are controlled and inspected. Proposed changes include measuring the height of the fence from the adjacent grade along the interior of the fence and extending the allowance of the permitted area of 6ft fences. The proposed ordinance incorporates both P&Z and TRC recommendations.

ACTION REQUESTED:

Staff recommends approval of the Text Amendment

RECOMMENDED MOTION:

Approval

- The Commission, Whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following ordinance amendment to Chapter 40, Article VIII is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans or

A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.

Fences



ORDINANCE NO. 20-1148

Amend Chapter 40 Zoning Article VII, Sec. 40-204 Height restrictions

Sec. 40-204. - Height restrictions.

(a) *Measurement.*

- (1) Height shall be measured at the highest point, not including columns or posts, of the fence section to the ~~existing natural~~ adjacent grade. The point of measurement shall be along the ~~outside~~ inside of the fence ~~adjacent to the abutting property. If the fence is adjacent to a right-of-way, the height shall be measured from the grade at the right-of-way line.~~ Fill material shall not be used solely for the purpose of ~~reducing~~ changing the height of the fence.
- (2) Columns or posts shall not extend more than 18 inches above the built height of the fence. Columns or posts shall be separated by a horizontal distance of at least four feet, except at gates.
- (3) ~~Any retaining wall or berm below the fence shall be considered as part of the overall height of the fence. Bulkheads that are adjacent to estuarine waters are exempt from this regulation.~~

(b) *Residential and commercial districts.*

- (1) No fence shall exceed six feet in height.
- (2) No fence shall exceed four feet in height when located ~~in the front yard setback~~ within 10 feet from the front property line.

Adopted this 11th day of May, 2021.

LeAnn Pierce, Mayor

Attest: _____

Kimberlee Ward, Town Clerk



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Planner

DEPARTMENT: Planning

MEETING: Planning & Zoning – 8 APR 2021

SUBJECT: **Text Amendment:** Consider amending Chapter 40, Article III, Article VII, & Article XVIII to review setbacks for through lots for fences, swimming pools and accessory structures.

BACKGROUND:

The town has approximately 70 through lots. Currently, the ordinance requires that accessory structures, swimming pools, and fences meet front setback requirements on both frontages on through lots. Per last month's P&Z discussion, staff took P&Z feedback to TRC and discussed various ordinance allowances related to through lots. These changes were compiled into several updates related to dimensional standards and setbacks for fences, swimming pools, and accessory structures on through lots. Proposed changes include allowances for the designated rear yards on through lots. In the designated rear yard, fences may not exceed 6ft, accessory structures must be setback 10ft, in-ground pools must be setback 5ft, and above ground pools must be setback 10ft. The proposed ordinance incorporates both P&Z and TRC recommendations.

ACTION REQUESTED:

Staff recommends approval of the Text Amendment

RECOMMENDED MOTION:

Approval

- The Commission, Whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following ordinance amendment to Chapter 40, Article VIII is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans or

A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.

Double Frontage Lots



ORDINANCE NO. 20-1149

Amend Chapter 40 Zoning Article III Sec. 40-75 Dimensional standards for accessory structures, Article VII, Sec. 40-204 Height restrictions, and Article XVIII Definitions

Sec. 40-204. - Height restrictions.

- (b) *Residential and commercial districts.*
- (1) No fence shall exceed six feet in height.
 - (2) No fence shall exceed four feet in height when located ~~in the front yard setback~~ within 10 feet from the front property line.
 - (3) On through lots, no fence may exceed 6 feet in height in the designated rear yard as long as there is no driveway access and no sight distance interference.
- (c) *Fences exceeding the height restrictions.*
- (1) For nonresidential uses only, a conditional use permit shall be required for fences exceeding the height restrictions.
 - (2) Exemptions. Town facilities, utilities, and all uses specifically identified in article IX of this chapter as having an allowance for fencing exceeding six feet.

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

- (a) *Accessory structures associated with residential uses shall:*
- (1) Be included when calculating the total allowable lot coverage, and shall not constitute a proportionate size greater than 25 percent of the principal building's lot coverage, regardless of the lot size;
 - (2) Be limited to 15 feet in height;
 - (3) Not be permitted within any required front or side yard, or within five feet of the rear lot line;
 - (i) On double frontage lots, accessory structures must be setback a minimum of 10 feet from the property line in the designated rear yard.
 - (4) Not be occupied, leased, rented or otherwise used for profit, income or for gain;
 - (5) Not be used as a dwelling unit;
 - (6) Contain no more than three internal plumbing fixtures (water heater is exempt);
 - (7) Maintain a residential appearance and shall not produce impacts detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking, or other activities;

- (8) Meet state building code requirements if any dimension is greater than 12 feet;
- (c) *Swimming pools setbacks.*
 - (1) Setbacks for swimming pools less than 30 inches above the ground level of the graded lot:
 - a. Front yard: As required for the zoning district.
 - b. Side yard: Five feet.
 - c. Corner yard: Five feet.
 - d. Rear yard: Five feet.
 - e. [Designated rear yard \(Through Lots\): Five feet](#)
 - (2) Setbacks for swimming pools more than 30 inches above the ground level of the graded lot:
 - a. Front yard: As required for the zoning district.
 - b. Side yard: Five feet.
 - c. Corner yard: 7.5 feet.
 - d. Rear yard: Five feet.
 - e. [Designated rear yard \(Through Lots\): Ten feet](#)

Sec. 40-548. - Definitions.

Rear yard means the area between the side lot lines across the rear of the lot. Through lots have no rear yard, only front and side yards.

- 1. [Designated rear yard means a yard on a through lot where there is no driveway access, and the principal structure is not addressed from the adjacent right-of-way.](#)

Adopted this 11th day of May, 2021.

LeAnn Pierce, Mayor

Attest: _____

Kimberlee Ward, Town Clerk

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

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Residential Uses														
Rooming house	Prohibited													

Sec. 40-548. - Definitions.

[Roominghouse](#) means a dwelling unit not owner occupied where individual sleeping rooms are rented under separate agreement or lease, either written or oral, regardless of whether an owner, agent, or rental manager is in residence



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning Director **DEPARTMENT:** Planning

MEETING: Planning & Zoning – 8 April 2021

SUBJECT: **Text Amendment** Consider amending Chapter 40, Article III & Article XVIII, to address rooming houses.
Applicant: Town of Carolina Beach

BACKGROUND:

Currently the zoning ordinance does not address rooming houses or also referred to as boarding houses. There have been recent discussions at what point are you operating as a single-family home or now you are defined as a rooming house. The definition of a single-family home by the zoning ordinance means one or more individuals occupying a premises and living as a single nonprofit housekeeping unit, provided that a group of five or more persons who are not related by blood or marriage shall not be deemed to constitute a family.

Staff is proposing to prohibit rooming houses in table of permitted uses and creating a definition on what exactly is a rooming house. This is a result of complaints that have generated from a house that was offering individual rooms for rent to unrelated individuals. The issues that have resulted in this type of arrangement have been parking, noise, and increase in police calls with the transient nature of the tenants. The proposed definition would regulate when offering rooms for rent on individual basis when not owner occupied, but did not want to cast a wide net to have a negative impact on vacation rentals or offering roommate living for residence that are owner occupied.

ACTION REQUESTED:

Review the proposed ordinance and make a motion to Council or direct staff to bring back alternative language

RECOMMENDED MOTION:

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the following ordinance amendment to Chapter

40, Article VIII is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans or

A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.

Permanent & Temporary Private Parking Lots



**ORDINANCE NO.
Amend Chapter 40 Zoning, Sec. 40-72 & Sec. 40-261**

Option 1 - Eliminate private parking lots to charge for parking

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

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Parking lot, commercial—temporary (See section 40-261)									P					
Parking lot, commercial—permanent (See section 40-261)									P					

Sec. 40-261. - Development standards for particular uses.

~~(v) Parking facility design requirements:~~

- ~~(1) Parking lot purpose. The purpose of allowing freestanding parking lots is to augment central business district (CBD) businesses that have limited or no parking due to the layout of the CBD and boardwalk area, to relieve traffic congestion in the streets, to minimize any detrimental effects of off street parking areas on adjacent properties, and to increase public access to beach and sound front areas.~~
- ~~(2) Parking lots are permitted to accommodate two axle vehicle parking. Parking lot design shall meet all minimum requirements of article V of this chapter, off street parking and loading requirements, and building code requirements including ADA requirements for handicap spaces.~~
 - ~~a. Permanent commercial parking lot requirements:

 - ~~1. Landscaping shall be installed in accordance with article VI of this chapter, landscaping and development specification standards.~~
 - ~~2. Trash receptacles shall be located on site equivalent to the number of handicap spaces. Trash shall be emptied daily.~~~~

- ~~3. Concrete or asphalt aprons shall be installed from the property line to the connecting street.~~
- ~~4. Signage required.
 - ~~(i) Towing signage shall be posted in accordance with chapter 16, article VII.~~
 - ~~(ii) A two foot by two foot sign posted at all entrances and pay stations stating that town decals are not accepted.~~~~
- ~~5. Additional allowed signage. A frame signage and off premises directional signage in accordance with article VIII of this chapter.~~
- ~~b. Temporary commercial parking lot requirements. Temporary commercial parking lots shall meet minimum standard of permanent commercial parking lots with the exception of:
 - ~~1. Landscaping is not required.~~
 - ~~2. Time frame allowed: 5:00 p.m. Friday week prior to Memorial Day—Sunday week after Labor Day.~~~~
- ~~e. Town parking lot requirements. Town parking lot areas shall be exempt from commercial parking lot requirements.~~

Option 2 – Allow brick and mortar commercial businesses to charge for parking only when the business is closed.

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

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Parking lot, commercial—temporary (See section 40-261)									P					
Parking lot, commercial—permanent (See section 40-261)									P					

Sec. 40-261. - Development standards for particular uses.

(v) *Parking facility design requirements.*

- (1) Parking lot purpose. The purpose of allowing freestanding parking lots is to augment central business district (CBD) businesses that have limited or no parking due to the layout of the CBD and boardwalk area, to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to increase public access to beach and sound front areas.
- (2) Parking lots are permitted to accommodate two axle vehicle parking. Parking lot design shall meet all minimum requirements of article V of this chapter, off-street parking and loading requirements, and building code requirements including ADA requirements for handicap spaces.

~~a. Permanent commercial parking lot requirements:~~

- ~~1. Landscaping shall be installed in accordance with article VI of this chapter, landscaping and development specification standards.~~
- ~~2. Trash receptacles shall be located on-site equivalent to the number of handicap spaces. Trash shall be emptied daily.~~
- ~~3. Concrete or asphalt aprons shall be installed from the property line to the connecting street.~~
- ~~4. Signage required.~~
 - ~~(i) Towing signage shall be posted in accordance with chapter 16, article VII.~~
 - ~~(ii) A two foot by two foot sign posted at all entrances and pay stations stating that town decals are not accepted.~~
- ~~5. Additional allowed signage A frame signage and off premises directional signage in accordance with article VIII of this chapter.~~

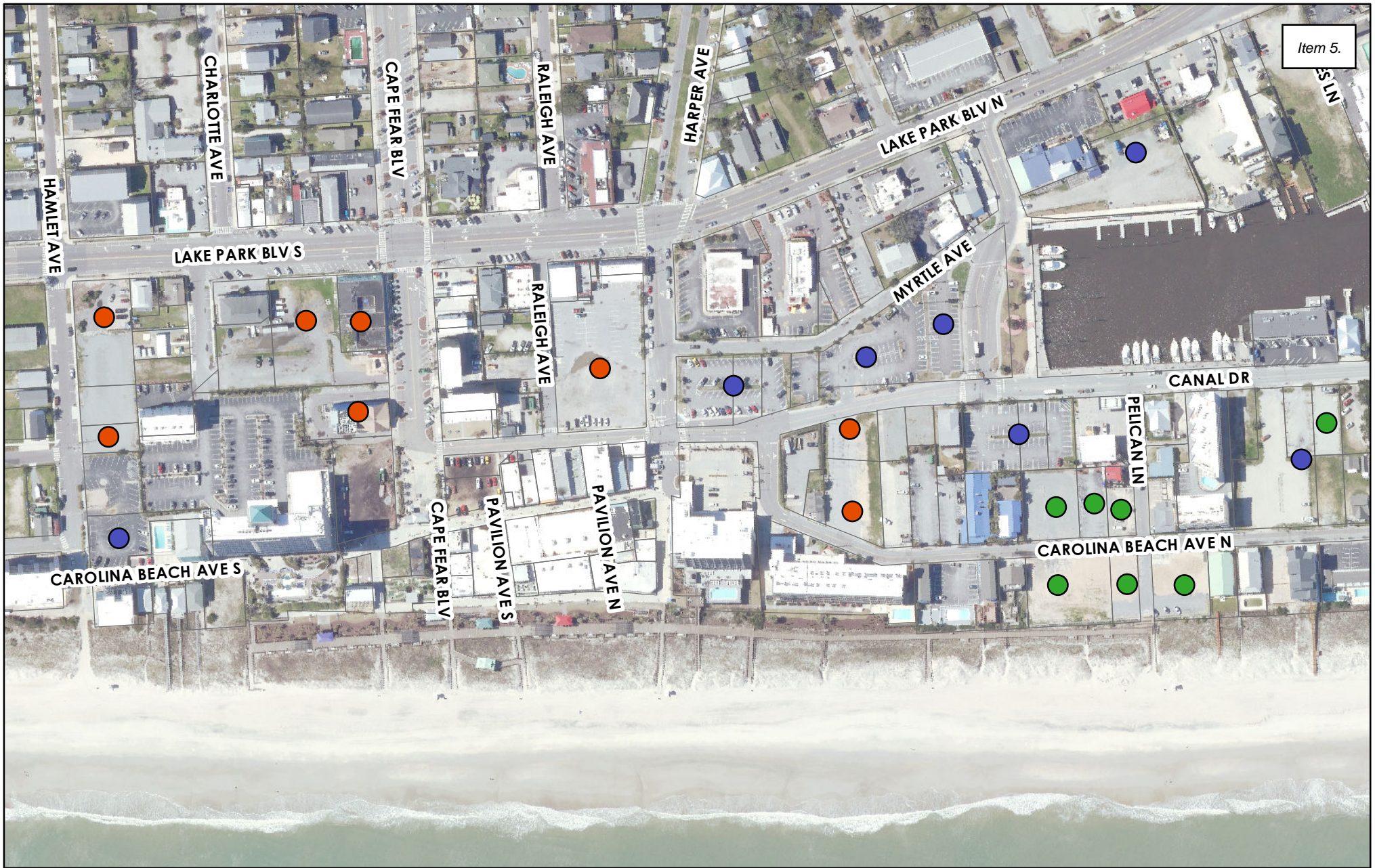
- b. Temporary commercial parking lot requirements. ~~Temporary commercial parking lots shall meet minimum standard of permanent commercial parking lots with the exception of:~~
 - 1. ~~Landscaping is not required.~~ Where an off-street parking lot is on the same property as an existing commercial building business the entity may charge vehicles to park only during hours that the business is closed. Commercial businesses shall be open and operational for a minimum of one year prior to obtaining a permit for a temporary private parking lot.
 - 2. Time frame allowed: 5:00 p.m. Friday week prior to Memorial Day - Sunday week after Labor Day.
 - 3. Trash receptacles shall be located on-site equivalent to the number of handicap spaces. Trash shall be emptied daily.
 - 4. Concrete or asphalt aprons shall be installed from the property line to the connecting street.
 - 5. Signage required.
 - (i) Towing signage shall be posted in accordance with chapter 16, article VII.
 - (ii) A two foot by two foot sign posted at all entrances and pay stations stating that town decals are not accepted.
 - 6. Additional allowed signage A-frame signage and off-premises directional signage in accordance with article VIII of this chapter.
- c. Town parking lot requirements. Town parking lot areas shall be exempt from commercial parking lot requirements.

Adopted this 11th day of May, 2021.

LeAnn Pierce, Mayor

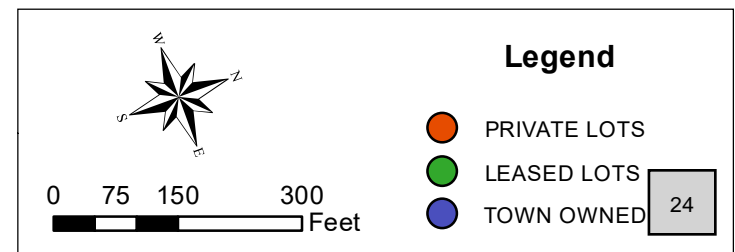
Attest: _____

Kimberlee Ward, Town Clerk



Town of Carolina Beach CBD Parking

April 1, 2021





AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning Director **DEPARTMENT:** Planning

MEETING: Planning & Zoning – 8 April 2021

SUBJECT: **Text Amendment** Consider amending Chapter 40, Article III & Article IX, to address Private Parking Lots that Charge for Parking
Applicant: Town of Carolina Beach

BACKGROUND:

Town Council requested staff to review the allowances for permanent and temporary commercial parking lots. In 2007 an allowance was created to allow for private lots to charge for parking in the Central Business District (CBD). The allowance was created with the downturn in the economy to allow vacant lot property owners to make use of their property that were in transition.

The town currently has 5 parking lot in the Central Business District that are town owned. Three privately owned lots have agreements with the Town to manage parking in the district. There are 5 private temporary parking lots that are potentially looking to charge for parking this coming summer in the CBD (see attached parking map). Permits for private parking lots are issued annually. If a permit is issued prior to the ordinance change then they would still be able to operate this summer. Temporary private parking lots can charge for parking from Memorial Day weekend to Labor Day. Private lots can charge all year long if they are approved as permanent parking lots but are required to do more upgrades to handle stormwater and provide landscaping. The town has not issued any permits for a permanent parking lot since the allowance was created in 2007.

Concerns about the operation of commercial parking lots operating practices have caused the review of this ordinance. Private parking lots are known to be more aggressive with their enforcement practices (towing, booting, fines, etc.), require handicap to pay for any space, Town decals are not honored, often do not provide golf cart parking, fees are not controlled by the town, and private lots occasionally improperly manage trash. Along, with the confusion the public has had if the parking lot is managed by the town or a private entity.

ACTION REQUESTED:

Staff has provided three options for the Commission to review (attached).

1. Eliminate the allowance for private parking lots to charge for parking. The property owners could still benefit from utilizing their property for parking. An option would be

to have an agreement with the town. This would create unified parking standards and regulations for all parking lots managed by one entity.

2. Allow existing commercial business in the CBD to charge for parking when the business is closed.
3. No change and continue to allow for private parking lots to charge in the CBD

RECOMMENDED MOTION:

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of option ___ ordinance amendment to Chapter 40, Sec. 40-72. & Sec. 40-261 is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans or

A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.