

CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, January 12, 2023 – 6:00 PM

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



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. November 10th, 2022 – P&Z Minutes

STAFF REPORT ON RECENT COUNCIL MEETINGS

STAFF REPORT ON RECENT DEVELOPMENTS

PUBLIC DISCUSSION

2. **Text Amendment** to amend Chapter 40, Art. III. – Zoning District Regulations, Art. V. – Off-street Parking and loading requirements; Parking, Art, VI – Landscaping and Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVII. – Definitions to create standards for Event Venues.

Applicant: Michael Urti

3. **Zoning Map Amendment** to consider a request to rezone 209 Charlotte Avenue from Mixed Use (MX) to Central Business District (CBD).

Applicant: Michael Urti

DISCUSSION ITEMS

NON-AGENDA ITEMS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Senior Planner

DEPARTMENT: Planning &
Development

MEETING: Planning & Zoning Commission – January 12th, 2023

SUBJECT: November 10th, 2022 – P&Z Minutes

Action:

Approve the November 10th, 2022 Minutes

CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, November 10, 2022 - 6:00 PM

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



MINUTES

CALL TO ORDER

Chairman Rouse called the meeting to order at 6:00 PM.

PRESENT

Chairman Wayne Rouse

Vice Chairman Jeff Hogan

Commissioner Melanie Boswell

Commissioner Ethan Crouch

Commissioner Todd Piper

Commissioner Bill Carew

ABSENT

Commissioner Lynn Conto

ALSO PRESENT

Planning Director Jeremy Hardison

Senior Planner Gloria Abbotts

APPROVAL OF MINUTES

1. October 13, 2022 – P&Z minutes

ACTION: Motion to approve the minutes

Motion made by Vice Chairman Hogan, seconded by Chairman Rouse

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

Motion passed 6-0

STAFF REPORT ON RECENT DEVELOPMENTS

Ms. Abbotts reported the following statistics for the past month:

Permitting

- 23 permits (renovation, repair, grading, additions, fence)
- 6 residential new construction
- 13 certificates of occupancy

Code Enforcement

- 13 complaints received
- 19 resolved (including complaints from previous months and staff-driven issues)

Demos

- 1416 Swordfish Lane
- 1507 Snapper Lane
- 1211 Bonito Lane

New Businesses

- O'Reilly Auto Parts – 1401 North Lake Park Boulevard, Suite 58
- Subway – 700 North Lake Park Boulevard (new owner)

Town Council and Other Updates

- Shagri-La application to change 604 North Lake Park Boulevard from restaurant to bar – approved with recommended conditions
- Golf cart regulations – approved
- 101 North 5th Street – fire training

PUBLIC COMMENT

None

PUBLIC HEARING

2. Conditional Zoning to consider a Planned Unit Development consisting of 22 townhome units located at 205 and 211 Spartanburg in the Residential (R-1) zoning district
Applicant: WB Coastal Development LLC

Applicant WB Coastal Development LLC applied for a Conditional Zoning (CZ) application for a Planned Unit Development (PUD) project in the Residential R-1 district. The proposal includes 22 townhome units. PUDs greater than four units are allowed through the approval of CZ in R-1. CZ allows a particular use to be established only in accordance with specific standards and conditions pertaining to each individual development project.

The applicant is proposing to construct 22 townhomes located on the properties at 205 and 211 Spartanburg Avenue. The project will include 10 two-unit buildings and two single-family buildings with three to four bedrooms each. There is currently one single-family home on the entirety of the property, a cottage built in 1951. A pool, pool house with bathrooms, pickleball court, and walking trail are also proposed on the site.

The purpose of the Residential (R-1) district is to provide for moderate-density single-family and two-family residential use. The regulations of this district are intended to discourage any use which,

because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of this district.

Setbacks in R-1 are 20 feet (front), 10 feet (rear), and 7.5 feet (sides). The applicant is requesting a 10-foot front setback from Greenville Avenue, 2nd Street, and Spartanburg Avenue. A setback of 10 feet shall be the minimum allowed for a PUD. A written request was made and submitted along with the CZ application, and it must be recommended for approval or denial by the Commission and formally approved or denied by Council.

As part of the application process, a community meeting is required. The applicant held the required meeting on September 6, 2022, and 14 people attended. Concerns mentioned during the meeting included:

- Stormwater
- Pickleball court location
- Sidewalks
- Setbacks

Proposed conditions

- All stormwater must meet state standards for containment on site
- Install new fire hydrant on the corner of Spartanburg Avenue and 2nd Street
- Recombination plat required prior to issuance of a building permit
- Outdoor lighting not to disturb neighboring properties
- Type B landscape buffer required
- Two-year expiration date from Council approval

The project is in general conformity with the 2020 Land Use Plan for medium-density residential. Staff recommends approval as proposed.

Ms. Abbotts presented the details. She showed aerial photos, the site plan, and floor plans and reviewed surrounding uses, 12 of which are single-family residences and nine of which are two-family residences.

Richard Collier of McKim & Creed at 243 North Front Street in Wilmington, representing the applicant, said all the buildings other than the pool house are three elevated stories. He said the project will include putting sidewalks on both Spartanburg Avenue and Greenville Avenue and a ditch along Spartanburg Avenue. Mr. Collier said stormwater runoff will be handled on site. He said while the project is asking for a 10-foot front setback, all parking will be under the buildings so cars won't be hanging out into the right-of-way.

ACTION: Motion to open the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch,

Commissioner Piper, Commissioner Carew
Motion passed 6-0

Bruce McCallon of 203 Greenville Avenue said with a 10-foot setback, he thinks squeezing in the sidewalk will be an issue. He said the sidewalk should be on the other side of Spartanburg Avenue, not on the side being developed, because there is no ditch on the other side and the setbacks are bigger.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

Motion passed 6-0

Mr. Collier said the applicant prefers the sidewalk on the same side of the street as the project. He said work will be done to close in the ditch in the sidewalk areas, and the sidewalk will have plenty of room. Mr. Collier said the project is providing more than 50% of the site as open space, well beyond the required 25%.

Commissioner Crouch asked if there is a way to avoid cutting Spartanburg Avenue multiple times for water lines. Mr. Collier said he thinks it's possible to extend a smaller water line along Spartanburg Avenue to keep from making those cuts. Commissioner Crouch said reducing the number of cuts would save money and be easier to build and better for the road.

Commissioner Boswell asked Mr. Collier to explain to the public what he meant when he previously said the project was giving up rights on 2nd Street. Mr. Collier said the development won't be able to access frontage on 2nd Street with driveways. He said the Town asked for drainage to remain open, so the project will build its own road within the property behind 2nd Street. Mr. Collier said the developers are willing to work with the Town as much as possible in exchange for the setback reduction they are seeking.

Commissioner Boswell asked if any of the trees will remain on the property. Mr. Collier said no. He said there was some discussion about relocating a large oak, but this would be expensive and difficult and offer a slim chance for the tree's survival. Mr. Collier said developers may entertain similar types of trees as they replant.

Chairman Rouse asked for details about plans to beautify the ditch. Mr. Collier said developers are talking with the Town to work out how to screen the stormwater pump. He said they will build a wooden fence and have gates for access on each side. Mr. Collier said the property will incorporate live oaks, palms, and other native materials.

Commissioner Hogan asked about concerns regarding the pickleball court. Mr. Collier said one neighbor was worried that the original location of the pickleball court right behind his home would create unwanted noise, so developers shifted it away from his home and everybody seems happy now.

ACTION: Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

Motion passed 6-0

Commissioner Carew asked if stormwater upgrades will happen in the area of 2nd Street and Spartanburg Avenue. Mr. Hardison said yes, the Town will start a stormwater project for that area this winter. Commissioner Carew asked how it will affect the ditch. Mr. Hardison said the project will improve the ditch, but he doesn't have specific details yet. He said it's a high-performance ditch with a lot of flow.

Commissioner Piper asked how many two-family houses could be built on the property by right if it was broken into lots. Mr. Hardison said if the house there now is moved, it could be divided into 10 lots with a maximum density of two units per lot. Commissioner Piper said he wants the public to understand that the developers are not proposing to significantly increase density.

Chairman Rouse said having one person do 10 lots at a time is a favorable option because the Town can put conditions on the project, especially when it comes to stormwater and sidewalks. He said this is a win for residents in that area.

Commissioner Boswell said it looks like the developers have done everything asked of them and then some. She said the Town can't ask the applicant to put sidewalks on the other side of the street. Commissioner Boswell said she has no objections to the setback reduction request.

Commissioner Crouch said he appreciates the applicant's efforts in making upgrades to stormwater and sidewalks. He suggested making it a specific condition that the project must minimize roadway cuts and just do one cut across the road.

Chairman Rouse asked if it's mechanically possible to do one cut across the road. Mr. Hardison said it's possible, but whether it's feasible would be an engineering question.

Mr. Collier said he would accept the condition about minimizing cuts if it's allowed by the Utilities Director. He said if the answer is no, he'd like some flexibility and not be required to come back with another request.

Commissioner Carew asked how much fill will be brought onto the property. Mr. Collier said a 12-inch lift of fill will help grade it.

ACTION: Motion that whereas in accordance with the provisions of the North Carolina General Statutes, the Commission does hereby find and determine that the adoption of the Conditional Use District to allow for a townhome project consisting of 22 townhome units located at 205 and 211 Spartanburg Avenue is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts on the surrounding area are mitigated by the approved conditions with the addition of having one utility cut on Spartanburg Avenue as long as it's found to be feasible by the Utilities Director

Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell

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

Motion passed 6-0

NON-AGENDA ITEMS

Chairman Rouse said the Commission will have another Unified Development Ordinance (UDO) meeting on November 16.

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

Motion passed 6-0

The meeting adjourned at 6:45 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning &
Development

MEETING: Planning & Zoning Commission – November 10th, 2022

SUBJECT: **Text Amendment** to amend Chapter 40, Art. III. – Zoning District Regulations, Art. V. – Off-street Parking and loading requirements; Parking, Art, VI – Landscaping and Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVII. – Definitions to create standards for Event Venues.
Applicant: Michael Urti

BACKGROUND:

The applicant, Michael Urti, is proposing a text amendment to allow for event venues as a use in the Central Business District. Currently the Zoning Ordinance does not address event venues as a permitted use and there are no similar uses or use standards in the existing ordinance that would apply.

Proposal:

Staff worked with the applicant to come up with language to define the use and the associated standards that would apply. The text amendment consists of the defining the use and defining the existing meeting facilities use. The existing meeting facilities use has been associated with uses such as the masonic lodge and senior center. Event Venues will be defined as commercial establishments with the primary purpose of providing space for meetings, gatherings, reunions, weddings, conventions, private parties, and other similar gatherings. Wilmington, New Hanover County, and Wrightsville Beach all approve event venues and event centers through a conditional zoning approval process. The conditional zoning process allows for additional public input and the opportunity for specific conditions to be placed on the use. If adopted, Event Venues would be permitted only through Conditional Zoning. The applicant requested that event venues be permitted in the CBD, staff also suggests the Highway Business District. Event Venues would have the same parking requirements as eating and drinking establishments. The text amendment clarifies the waiver of parking requirements in the CBD if there are enough public parking spaces, not just public parking lots, to allow for street parking to be included in the calculation. Event venues must comply with all ABC standards, abide by the noise ordinance, and provide landscaping. The landscaping ordinance currently requires only the installation of a six-foot fence

if a commercial use is adjacent to residential uses or districts. The proposed landscaping requirement states that uses in the CBD abutting residential districts shall provide a Type B, 10 foot, landscape buffer along the abutting side and rear yards. The purpose of additional landscaping is to protect the residential areas and mitigate concerns.

Land Use Plan

The text amendment is in general conformity with the 2020 Land Use Plan by promoting a healthy year-round economy, providing a family-friendly community, and promoting redevelopment. One of the goals of the Land Use Plan was to continue to support the central business district as a destination downtown with activities for families, residents, and visitors. Expanding opportunities for public activities, including events, should be pursued.

ACTION REQUESTED:

Consider recommending approval or denial of the text amendment.

Staff recommends approval of the text amendment as proposed.

MOTION:

Approval – to amend Chapter 40, Art. III. – Zoning District Regulations, Art. V. – Off-street Parking and loading requirements; Parking, Art. VI – Landscaping and Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVIII. Definitions. to create standards for Event Venues.

Denial – the amendment to Chapter 40, Art. III. – Zoning District Regulations, Art. V. – Off-street Parking and loading requirements; Parking, Art. VI – Landscaping and Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVIII. Definitions. to create standards for Event Venues.



PETITION FOR A TEXT AMENDMENT

Petitions shall be submitted for review to the Department of Planning and Development located at 1121 N. Lake Park Blvd., Carolina Beach, NC 28428. Only complete petitions will be processed.

PETITIONER

Petitioner's Full Name: Michael Urti Phone #: (910) - 530 - 0843

Street Address: 515 Monroe Ave

City: Carolina Beach State: NC Zip: 28428

Email: michael.urti@nesetrealty.com

REQUESTED TEXT AMENDMENT

Town Code Section(s) Requested to be Amended:
Article III Sec. 40-72. - Table of permissible uses

Please provide a general proposal for the amendment to the Town Code Section(s) stated above which you believe will result in improved regulations for all the residents of the Town of Carolina Beach
To allow wedding/event venues as a use in the CBD

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council. The petitioner or a representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for a schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

I understand that the \$350 fee for review is nonrefundable.

Signature of Petitioner: Michael Urti Date: 12/07/2022



ORDINANCE NO. 23-

Text Amendment: To amend Chapter 40, Art. III. – Zoning District Regulations, Art. V. – Off-street Parking and loading requirements; Parking, Art. VI – Landscaping and Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVIII. Definitions to create standards for Event Venues

Sec. 40-72. Table of permissible uses.

P = Permitted.

CZ = May be permitted with conditional zoning

S = May be permitted by special use permit

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Event Venue									CZ		CZ			
Meeting Facilities	CZ	CZ	CZ	CZ		CZ	CZ	CZ	P		P			P

Sec. 40-150. Off-street parking standards.

Types of Uses	Number of Required Parking Spaces
Institutional uses	
Meeting rooms/facilities and Event Venues	See eating and drinking establishments
Eating and/or drinking establishments	1 per 110 square feet of indoor gross floor area (GFA). No parking shall be required for outdoor GFA if the establishment is located within 500 feet of a public parking lot spaces . A 50% reduction in the parking requirement shall apply to outdoor GFA if the establishment is not within 500 feet of a public parking lot spaces .

Sec. 40-176. Buffer yard landscaping.

- (b) *Required landscape; types.* It is required that buffer yards be landscaped by meeting the requirements of Type A—F set forth in subsection (b) of this section. Any side or rear yard that abuts a residential use or residential district shall provide for a six-foot fence with 80

percent opacity. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.

- (5) *Type E.* For every 50 linear feet of frontage, or fraction thereof, the street yard shall contain one understory tree with sidewalks or planters built within the sidewalk. Street yards located within the CBD shall include sidewalks with planting areas either adjacent to the curb or planters located within the sidewalk. In the central business district, sidewalks and tree plantings will be required for all new construction. Any side or rear yard that abuts a residential district shall provide for a Type B landscape buffer yard.

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

(p) Event Venue

(1) On-premises alcohol sales are limited to the duration of the event and are subject to all requirements of the ABC Limited Special Occasion permit.

Sec. 40-548. Definitions.

Event Venue A commercial establishment, either indoors or outdoors, with the primary purpose of providing space for meetings, gatherings, reunions, weddings, conventions, private parties, and other similar gatherings. Includes convention centers, wedding and event venues, and other uses not included as part of meeting facilities.

Meeting facilities include community centers; lodges, fraternal, or social organizations; or religious assemblies.

Lynn Barbee, Mayor

Attest: _____

Kimberlee Ward, Town Clerk



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning & Development

MEETING: Planning & Zoning Commission – January 12th, 2023

SUBJECT: **Zoning Map Amendment** to consider a request to rezone 209 Charlotte Avenue from Mixed Use (MX) to Central Business District (CBD).
Applicant: Michael Urti

BACKGROUND:

The applicant, Michael Urti, has submitted a petition to consider rezoning 209 Charlotte Avenue from Mixed Use (MX) to Central Business District (CBD) Zoning. The neighboring property to the east is under the same ownership and is currently in the CBD. The applicant is requesting to combine both properties. The applicant has requested the rezoning because as the property owner of both parcels of land and operating under one business entity, we would like to see the same zoning apply to 209 Charlotte Ave, so all business-related decisions and operations fall under the same zoning guidelines.

For consistency and for the purpose of redevelopment it is best practice for the entirety of a property to be within the same zoning district. Redevelopment of the property would require the recombination of the property. One of the standards for creating zoning districts is to follow plotted lot lines. Guidance for the interpretation of zoning district boundaries comes from Sec. 40-45 (attachment 1) of the zoning ordinance. Previously 209 Charlotte Avenue existed as the parking lot for the previous Deckhouse restaurant at 205 Charlotte Avenue. Kate's Pancakes restaurant is East of the property, there are 5 residential uses across the street, and 5 residential uses to the rear of the property.

District Purpose and Permitted Uses:

The MX, Mixed Use Transitional District is established to provide for an area of transitional land uses between intensified use districts or elements and residential districts. This district includes an area of mixed land uses between the intensive, commercial, central part of Town and the quiet residential areas and may also be employed as a transitional area between busy major thoroughfares and quieter residential areas. Permitted uses include a mixture of single-family homes, two-family dwellings, and small-scale office and institutional uses. Small hotels and motels and multifamily housing of modest density and size may also be permitted in this district.

The CBD, Central Business District is established to accommodate, protect, rehabilitate, and maintain the traditional central business district and boardwalk area of the Town. This area accommodates a wide variety of pedestrian oriented, commercial and service activities, including retail, business, office, professional financial, entertainment, and tourism. The regulations of this district are intended to encourage the use of the land for concentrated development of permitted uses while maintaining a substantial relationship between land uses and the capacity of the Town’s infrastructure.

The Mixed Use District does allow for certain business uses like standard restaurants and eateries, general retail, offices, and mixed use commercial-residential but does not allow for more intense uses like bars and taverns, or commercial parking lots. A complete list of the uses allowed in both districts is shown on Attachment 2. The MX district is considered residential, and residents must abide by the standards of the noise ordinance for residential areas of a daytime level of 65dB(A) between the hours of 7:00am and 11:00pm, and the nighttime level of 55dB between the hours of 11:00pm and 7:00am. The Commercial district allows for a 75dB(A) daytime level between 7:00am and 11:00pm, and 65 dB(A) between the hours of 11:00pm and 7:00am, except on Friday and Saturday, the daytime levels shall remain in effect until midnight.

Dimensional Standards:

<i>Zoning District</i>	<i>Primary Permitted Uses</i>	<i>Min. Lot Size</i>	<i>Min. Lot Width⁵</i>	<i>Min. Front Yard</i>	<i>Min. Rear Yard</i>	<i>Min. Side Yards (Corner Lot-Min 12.5 ft.)⁵</i>	<i>Max. Density</i>	<i>Max. Height</i>	<i>Max. Lot Coverage</i>
MX	Mixed Use	5,000 sq. ft.	50 ft.	20 ft.	10 ft. ³	7.5 ft. ³	17 units/acre	50 ft.	40%
CBD	Commercial Uses and Services, Entertainment	None	None	None	None, or same as abutting residential use or district	None, or same as abutting residential use or district	NA	50 ft. ⁴	None

The MX Zoning District requires setbacks and has a maximum lot coverage in all areas throughout the district. Much of the CBD has no setback or lot coverage requirement. Although the dimensional standards for both districts are different, properties in the CBD areas must have a rear and side setback that is the same as the residential zoning district it abuts. Landscaping standards are also required if a CBD parcel is adjacent to residential to mitigate the transition between the business and residential use.

Land Use Plan

The property is shown on the Future Land Use Map in the High Density Residential / Light Commercial Character Area. Primarily attached, multi-story residential units located within walking distance of activity centers and/or the waterfront. Structures are condominiums and apartments, often used as vacation and rental units. Limited commercial may also be acceptable at select locations if the context is appropriate. 205 Charlotte is shown within the Downtown Business Area. This is the boardwalk commercial area and central recreation district of town. 3-4 story buildings maintain a pedestrian-scaled environment with active ground floor uses; residential and other uses permitted above. Highly walkable with limited on-street parking. NCGS 160D states that if a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment is required.

ACTION REQUESTED:

Consider recommending approval or denial of a zoning map amendment to rezone 209 Charlotte Avenue from the MX zoning district to the CBD.

Staff recommends approval of the project as proposed.

MOTION:

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the Zoning Map Amendment for 209 Charlotte Avenue is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

A statement approving the proposed Zoning Map Amendment and declaring that this also amends the plan, to meet the vision of the community taken into consideration 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 and the potential impacts on the surrounding areas.

ATTACHMENTS:

1. Sec. 40-75. Rules for interpretation of district boundaries.
2. Sec. 40-72. Table of permissible uses.

ATTACHMENT 1

Sec. 40-45. Rules for interpretation of district boundaries.

The Zoning Administrator shall decide the exact location of any zoning district boundary lines whenever uncertainty exists about the boundary lines shown on the official zoning maps, subject to appeal to the board of adjustment provided for in article XVI of this chapter. The determination of the exact location of a zoning district boundary shall be based upon the following rules:

- (1) Boundaries indicated as approximately following or within a street, alley, or railroad right-of-way, or utilities (electrical, gas, water main, etc.) easement shall be construed to be in the center of such right-of-way easement;
- (2) Boundaries indicated as following shore lines shall be construed to follow such shorelines, and, in the event of change in the shorelines, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, creeks, or other bodies of water shall be construed as following such centerlines;
- (3) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;
- (4) Boundaries indicated as approximately following Town limits shall be construed as following Town limits; and
- (5) Boundaries indicated as parallel to or extension of features indicated in subsections (1), (2), (3) and (4) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (6) In the event that a district boundary line on the zoning map divides a platted lot held in one ownership on the date of passage of the ordinance from which this chapter is derived, each part of the lot so divided shall be used in conformity with the district in which such part is located.

(Code 1986, app. A, § 2.3; Ord. No. 00-463, 10-10-2000)

ATTACHMENT 2

Sec. 40-72. Table of permissible uses.

P = Permitted.

CZ = May be permitted with conditional zoning

S = May be permitted by special use permit

USES OF LAND	MX	CBD
Residential Uses		
Two-family dwellings	P	
Manufactured home, on standard, single-family lot (See section 40-261)		
Multifamily dwellings (See section 40-260) Units <= 4	P	
Multifamily dwellings (See section 40-260) Units > 4	CZ	
Planned unit development, residential (See article XII of this chapter) Units <= 4	P	
Planned unit development, residential (See article XII of this chapter) Units > 4	CZ	
Single-family detached	P	
Attached single-family residential	P	
Accessory Uses		
Accessory uses and structures, including garages, carports, etc. (See sections 40-261, 40-548)	P	P

Home occupations, customary (See sections 40-261, 40-548)	P	P
Swimming pools, private (See sections 40-261, 40-548)	P	
Swimming pools, public (See sections 40-261, 40-548)	CZ	CZ
Nonresidential Uses		
Adult entertainment establishment (See sections 40-261, 40-548)		
Aircraft takeoff and landing zone (See sections 40-261, 40-548)	Prohibited	
Animal care facility		
Animal care facility with outdoor area (See section 40-261)		
Arcades, rides, games in enclosed buildings		P
Art galleries (See section 40-548)	P	P
Auctions sales		P
Automobile repair garages, including engine overhauls, body and paint shops and similar operations in enclosed buildings (See sections 40-261, 40-548)		
Automobile service stations and convenience stores		P
Bakeries, retail, off-premises sales		

Bakeries, retail, on-premises sales only		P
Banks/financial institutions		P
Barber shops		P
Bed and breakfast inn (See section 40-261)	CZ	CZ
Boat and personal water craft (PWC) sales and rental		P
Body piercing facility		
Bus terminal		P
Cafeteria or dining room for employees of permitted uses		
Car wash (See section 40-548)		
Cemeteries, public and private (See section 40-261)		
Churches/places of worship/parish houses	CZ	P
Commercial indoor recreation, such as bowling alleys, etc.		
Commercial outdoor recreation, such as miniature golf, golf driving ranges, par-3 golf courses, go carts and similar enterprises (See section 40-261)		
Contractors offices, no outdoor storage		P
Day nurseries, day care centers and preschools (See sections 40-261, 40-548)	CZ	CZ

Distillery		P
Drop-in child care providers (See sections 40-261, 40-548)	P	P
Dwelling for caretaker on premises where employed		
Drive-in/thru facility		
Dry stack storage facilities		
Ear piercing Facility		
Eating and/or drinking establishments (See section 40-261)		
Bars and taverns (See section 40-261)		CZ
Standard restaurants and eateries	P	P
Exhibition buildings		CZ
Exterminator service business offices, no outdoor storage of materials or equipment		P
Fire stations, emergency services, nonprofit	CZ	CZ
Fishing piers; public and private		P
Funeral homes		P
Furniture stores		
Gardens, arboretums and greenhouses, items for sale		P
General retail sales	P	P
Government/Public facilities and utilities (See section 40-261)	P	P
Ice-cream stores	P	P

Laundries and dry cleaning, delivered by customers		P
Laundromats, self-service		P
Libraries	P	P
Live entertainment complexes in enclosed buildings		CZ
Manufacturing incidental to retail business, sold on premises only, maximum of five manufacturing operators		P
Marinas, docks and/or piers, private		
Marinas, docks and/or piers, public or commercial		P
Medical and dental clinics	P	P
Meeting facilities	CZ	P
Mixed use commercial-residential (See section 40-261)	P	P
Motels and hotels	CZ	CZ
Motels and hotels, operated with a marina		
Multi-use facility	P	P
Municipal parking decks		P
Museums		P
Nursery, garden and landscaping, display and sales		
Offices, public, private or civic	P	P

Outdoor amusements, carnival and rides		CZ
Parking lot, commercial— permanent (See section 40-261)		P
Parking lot, Town operated (See section 40-261)	P	P
Private parking decks		CZ
Parking and loading areas serving uses in the same zoning district, on same or contiguous lot (See article V of this chapter)	P	P
Parking and loading areas serving uses in the same zoning district, on non-contiguous lot (See article V of this chapter)	CZ	P
Pet shops and pet supply stores		P
Photographic studio	P	P
Planned unit development, business (See article XII of this chapter)		CZ
Post offices		P
Postal mailing services, commercial		P
Printing/reprographics		P
Radio, computer, television and appliance repairs and rental service		P
Rental of any item, the sale of which is		P

permitted in the district		
Rental of golf carts, mopeds, and scooters (See section 40-261)*	P	P
Repair of any item, the sale of which is permitted in the district		P
Rooming house	Prohibited	
Schools, commercial for specialized training		P
Schools, public	CZ	CZ
Schools, private, general instruction	CZ	CZ
Seafood production and/or processing and/or dockage, wholesale and retail		
Shopping centers/big box	CZ	CZ
Spa health club		P
Studios, artist, designers, gymnasts, musicians, sculptures	CZ	P
Tailor shops	P	P
Tattoo studios (See sections 40-261, 40-548)		
Telephone exchange		P
Tennis courts, commercial (See section 40-261)		CZ
Tennis courts, private (See section 40-261)	CZ	CZ
Theaters, in enclosed structure		P
Theaters, open air drama		CZ
Trailer, business		CZ

Trailer park, travel (See section 40-548)		
Trailer, temporary construction (See section 40-261)	P	P
Utilities, private (See section 40-261)	CZ	P
Vehicle sales lot and rental lot (See section 40-261)		
Water oriented businesses		CZ
Wholesale sales		P
Wine and beer shops (Retail/Off-Premise)		P
Wireless telecommunications facilities	See article X of this chapter	
Manufacturing, Assembly and Processing (See section 40-261)		
Beverages, bottling works		
Breweries (See section 40-261)		P
Flammable liquid storage, >1,000 gallons aboveground only (See section 40- 261)		
General assembly and repair		
Ice manufacture, sales and storage		
Manufacturing and assembly, processing, and packaging, except those uses identified in section 40-261		
Planned development, industrial		

Sign painting and sign fabrication		
Storage yard, outdoor (See section 40-261)		
Recreational vehicle/boat storage, yard (See section 40-261)		
Towing service impound yard		
Warehouses, storage. Large and mini		
Woodworking shops		

* **Note:** Rental of these items may be permitted in the designated zoning districts as an accessory use to other permitted commercial uses if parking and other standards can be met.



PETITION FOR A ZONING MAP AMENDMENT

IMPORTANT: Supplementary information required as part of petition to be included:

Completed rezoning petition. For general use requests: The petition must be signed by the petitioner. Proof of compliance with GS 160A-383 regarding third party notification is required.

Adjacent Property Owners Map. A copy of the area as depicted on the Zoning Map which shows subject property (outlined in bold) and other surrounding properties within 100 feet of the subject property. Please label the names of the property owners directly affected by the zoning map amendment and those adjacent to or within 100 feet (excluding right-of-way) of the request.

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council. The petitioner or representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for the schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

- Minor Rezoning (\$350) Rezoning of property less than 1 acre in size.
- Major Rezoning (\$625) Rezoning of property one acre or greater in size.

Petitioner

Petitioner's Full Name: Michael Urti Phone #: (910) - 530 - 0843

Street Address: 515 Monroe Ave

City: Carolina Beach State: NC Zip: 28428

Email: michael.urti@nestrealty.com

Requested Zoning Map Change

Address(s) of Requested Site: 209 Charlotte Ave, Carolina Beach, NC 28428

Property Identification Numbers (PIN) R09006-032-015-000

Acreage/Sq. Ft: 12501 sqft Existing Zone: MX Requested Zone: CBD

Signature of Petitioner: Michael Urti Date: 12/07/2022

PURPOSE OF ZONING DISTRICTS

The petitioner seeks to show that the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are: (1) to lessen congestion in the streets; (2) to provide adequate light and air; (3) to prevent the overcrowding of land; (4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; (5) to regulate in accordance with a comprehensive plan; (6) to avoid spot zoning; and (7) to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the Town.

PETITION FOR A ZONING MAP AMENDMENT

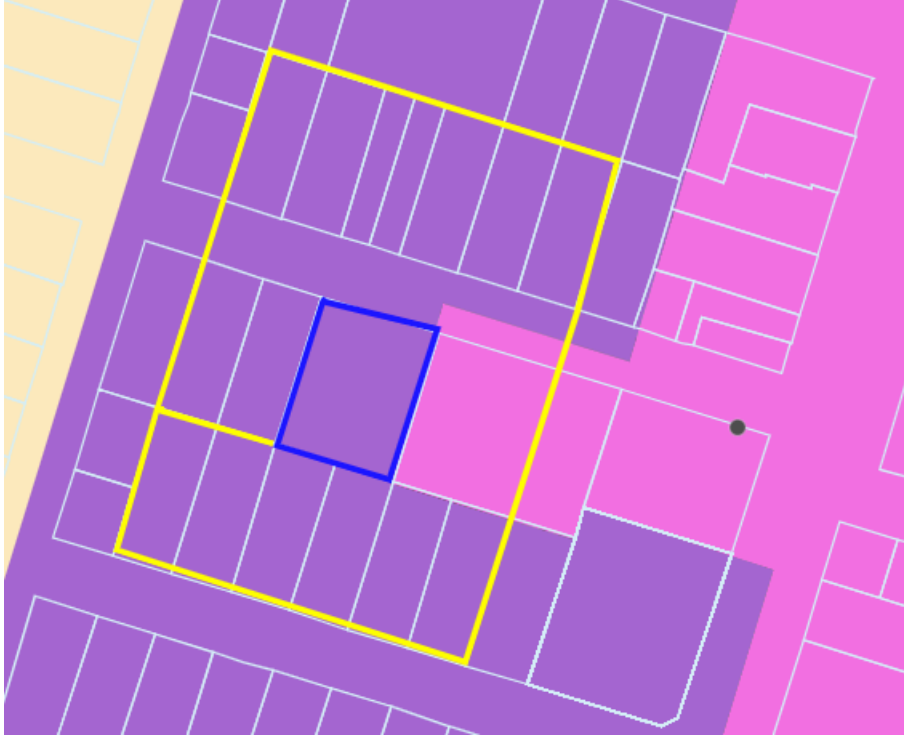
PETITIONER’S STATEMENTS: This section is reserved for the petitioner to state factual information in support of the rezoning request. Any comments should be typed or written in block print on a separate piece of paper.

1. Please state the consistency of the proposed zoning map amendment with the Town’s Land Use Plan and any other applicable *Town*-adopted plan(s).
2. Please describe the compatibility of the proposed rezoning with the *property* and surrounding area.
3. Please discuss the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.
4. Please explain the public need for additional land to be zoned to the classification requested.
5. Please discuss the impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.
6. Please include a description of the existing zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards).
7. Include any additional arguments on behalf of the map amendment requested.

REQUIRED OWNER INFORMATION

The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include New Hanover County PINs with names, addresses and zip codes. Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below. If you need additional space, please copy this form.

Name	Street Address	City/State/Zip	NHC. PIN
Grayson Clinard	208 Charlotte Ave	Carolina Beach,NC 28428	R09006-025-008-000
Adrian Rodriguez	210 Charlotte Ave	Carolina Beach,NC 28428	R09006-025-007-000
Beachwalk Development	214 Charlotte Ave	Carolina Beach,NC 28428	R09006-025-027-000
John/Amy Doeller	216 Charlotte Ave, B	Carolina Beach,NC 28428	R09006-025-028-000
Ocan Pearl Properties	216 Charlotte Ave, A	Carolina Beach,NC 28428	R09006-025-006-000
Russo Rentals	218 Charlotte Ave	Carolina Beach,NC 28428	R09006-025-005-000
Jacqueline McCarter	215 Charlotte Ave	Carolina Beach,NC 28428	R09006-032-016-000
Tony Sabetti	217 Charlotte Ave	Carolina Beach,NC 28428	R09006-032-001-001
BellSouth Telecommunications	220 Charlotte Ave	Carolina Beach,NC 28428	R09006-025-004-000
Brian/Elizabeth Fodrey	206 Hamlet Ave	Carolina Beach,NC 28428	R09006-032-009-000
Eric Chanh	208 Hamlet Ave	Carolina Beach,NC 28428	R09006-032-008-000
Steve/Sandra West	210 Hamlet Ave	Carolina Beach,NC 28428	R09006-032-007-000
Timothy Brewington	212 Hamlet Ave	Carolina Beach,NC 28428	R09006-032-006-000
Dean Carpenter	214 Hamlet Ave	Carolina Beach,NC 28428	R09006-032-005-000
Wylie Kiser	216 Hamlet Ave	Carolina Beach,NC 28428	R09006-032-004-000



PETITIONER'S STATEMENTS: This section is reserved for the petitioner to state factual information in support of the rezoning request. Any comments should be typed or written in block print on a separate piece of paper.

- 1) Please state the consistency of the proposed zoning map amendment with the Town's Land Use Plan and any other applicable Town-adopted plan(s).
 - a. We are simply asking to recombine 205 and 209 Charlotte Ave to be CBD. As adjoining properties for the same business, 205 Charlotte is currently zoned CBD as it takes up the majority of the property. We would like for 209 Charlotte Ave to reflect the same zoning as it is currently being utilized under 205 Charlotte Ave.
- 2) Please describe the compatibility of the proposed rezoning with the property and surrounding area.
 - a. It is compatibility with the CBD zoning due to its location to the immediate proximity to the CBD and its adjoining property's (205 Charlottes) zoning already being CBD.
- 3) Please discuss the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.
 - a. Benefits: 1) Enables the entire property as a whole to function and operate under the same zoning while under one business entity.
 - b. Detriment: 1) The CBD would extend 100ft west into the mixed use district.
- 4) Please explain the public need for additional land to be zoned to the classification requested.
 - a. This will allow us, as property and business owners of both 205 and 209 Charlotte to utilize all benefits of CBD under one business entity.
- 5) Please discuss the impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.
 - a. No additional known impacts

- 6) Please include a description of the existing zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards).
 - a. It is consistent that general zoning of the surrounding properties are CBD and MX zoning.
- 7) Include any additional arguments on behalf of the map amendment requested.
 - a. As the property owner of both parcels of land and operating under one business entity, we would like to see the same zoning apply to 209 Charlotte Ave so all business related decisions and operations fall under the same zoning guidelines.

