

CAROLINA BEACH

Planning and Zoning Meeting

Thursday, July 09, 2026 – 6:00 PM

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



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. June 11, 2026 Minutes

STAFF REPORT ON RECENT COUNCIL MEETINGS

STAFF REPORT ON RECENT DEVELOPMENTS

PUBLIC DISCUSSION

PUBLIC HEARING

2. Consider a Text Amendment to Article 3 and Article 7 of the UDO to add dog grooming to the home occupation ordinance.

Applicant: Zoey Brass
3. Consider a Zoning Map Amendment and Text Amendment to Art. 3 of the UDO to rezone 204 Cape Fear, 206 – 217 Cape Fear, and 3 S Third St from Mixed Use (MX) to a new zoning district called Commercial Transition (CT).

Applicant: Town of Carolina Beach

NON-AGENDA ITEMS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Senior Planner

DEPARTMENT: Community
Development

MEETING: Planning & Zoning – July 9, 2026

SUBJECT: June 11, 2026 Minutes

Action:

Approve June 11, 2026 Minutes

CAROLINA BEACH

Planning and Zoning Commission

Thursday, June 11, 2026 - 6:00 PM

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



MINUTES

CALL TO ORDER

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

PRESENT

Chairman Jeff Hogan

Vice Chairman Bill Carew

Commissioner Ethan Crouch

Commissioner Lynn Conto

Commissioner Brad Jones

ABSENT

Commissioner Melanie Boswell

Commissioner Todd Piper

ALSO PRESENT

Community Development Director Jeremy Hardison

Planner Haley Anderson

APPROVAL OF MINUTES

1. April 9, 2026 Minutes

ACTION: Motion to approve the minutes

Motion made by Vice Chairman Carew, seconded by Commissioner Conto

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Crouch, Commissioner Conto, Commissioner Jones

Motion passed 5-0

STAFF REPORT ON RECENT DEVELOPMENTS

Ms. Abbotts reported the following since April:

Permitting

- 83 permits (renovation, repair, grading, additions, fences, etc.)
 - 8 residential new construction
- 15 certificates of occupancy

New businesses

- Sharky's Golf Carts (formerly SunFun Rentals), 505 North Lake Park Boulevard
- Reflect Boutique, 1000 North Lake Park Boulevard (Proximity)

Demos

- 300 Cape Fear Boulevard (community building)
- 1313 Bridge Barrier Road (Island Cottage)
- 1311 Bridge Barrier Road (commercial)
- 1613 Snapper Lane (mobile home)
- 302 Ocean Boulevard (mobile home)

Updates and upcoming

- Council May 12: Atlantic Towers pickleball court approved with conditions recommended by the Planning and Zoning Commission
- Planning and Zoning Commission July 9: text amendment from a resident seeking to add dog grooming to the home occupations ordinance

PUBLIC COMMENT

None

PUBLIC HEARING

2. Text Amendment to Article 3 Section 3.19 of the UDO to Allow for Temporary Structures Beyond the Pierhead Line
Applicant: Noelle Holdings LLC

Ms. Abbotts presented the staff report. She explained that the text amendment was being requested to allow temporary structures beyond the pierhead line. The applicant, Noelle Holdings LLC, owns Stoked Restaurant at 313 Canal Drive and is proposing a floating dock that would extend 5 feet beyond the established pierhead line. Ms. Abbotts noted that the current ordinance prohibits any structures, permanent or temporary, beyond that line.

Ms. Abbotts provided historical background on the pierhead line, explaining that it was established in the early 1980s and subsequently amended in 2012 to align with the U.S. Army Corps of Engineers channel setback. The line functions as a regulatory build-to line, and its purpose, as stated in the Unified Development Ordinance (UDO), is to limit the extension of piers and docks to protect the health and safety of citizens who are using public trust waters for commercial or recreational purposes.

She described the applicant's proposed ordinance language, which would allow a temporary floating structure to encroach up to 5 feet beyond the pierhead line, provided that: the structure is readily removable at the owner's expense, no permanent utilities are attached, the structure is securely anchored to prevent drift while remaining capable of relocation or removal, and the encroachment does not create a navigational hazard.

Ms. Abbotts reported that the Technical Review Committee (TRC) had unanimously opposed adoption of the ordinance in May, citing concerns that further expansion into the water could negatively impact public access and navigable waters. She noted that the proposed addition would be located at the

tightest pinch point in the harbor and shared a photograph illustrating the congestion already present in that area.

With respect to long-range planning conformity, Ms. Abbotts stated that staff found the proposal was not in general conformity with either the Land Use Plan or the Harbor Management Plan, both of which emphasize maintaining and enforcing the pierhead line to manage conflicts between recreational and commercial uses and ensure public access to the waters.

Commissioner Conto asked whether the Coastal Area Management Act (CAMA) had been involved and whether it had outright opposed the request. Ms. Abbotts explained that the Town became involved because the applicant had applied for a CAMA permit, and CAMA had solicited comments from the Town. Staff met with both the applicant and CAMA and directed the applicant toward the text amendment process, as the proposal did not meet the current ordinance. Ms. Abbotts confirmed that CAMA had not outright opposed the application and would take the Commission's and Council's recommendation into consideration in its final determination. She confirmed that since TRC did not recommend this, staff is not recommending approval.

Vice Chairman Carew inquired about the floating dock visible on the aerial imagery at a neighboring property to the north, which appeared to encroach on or near the pierhead line. Ms. Abbotts noted that properties with pre-existing encroachments beyond the pierhead line could maintain and repair but could not expand. She acknowledged the dock in question but stated she was not certain when it had been constructed. Mr. Hardison said he did not have the information at hand but confirmed that, if found to have been constructed without a permit, it would be considered a violation. He acknowledged that staff had not yet researched whether those docks were historically permitted.

ACTION: Motion to open the public hearing

Motion made by Chairman Hogan, seconded by Commissioner Conto

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Crouch, Commissioner Conto, Commissioner Jones

Motion passed 5-0

Rodney Johnson of Stoked Restaurant, representing the applicant, explained that the primary motivation for the request is safety. He described the deteriorating condition of the existing dock and deck structure. Mr. Johnson noted that the deck sees heavy use, particularly during events such as the Christmas Flotilla and the Dragon Boat Regatta, and that the volume of foot traffic had contributed to the wear. He stated that replacing the deck and associated structures for safety reasons was the primary goal, and the discussions with CAMA grew out of the effort to understand what could be done during reconstruction to maximize safety and usability.

Mr. Johnson recounted his CAMA application history, noting that his first proposal – a configuration running parallel along the building at an angle – was rejected by CAMA. CAMA then indicated that any permanent structure must stay within the dotted line (the CAMA line) but that a floating dock extending beyond the line could be permitted because it could be removed. It was only upon meeting with the Town that the applicant learned the Town's ordinance prohibited even temporary structures beyond the pierhead line, which led to the current text amendment request.

Mr. Johnson presented drawings showing the existing footprint of the restaurant, its current floating dock, walkway, and hard deck and described the proposed plan: retaining the existing walkway and floating dock, adding a hard deck area up to the pierhead line, and extending a 5-foot floating dock beyond the line. He noted that the area of the building closest to the water is, at low tide, only about one foot deep and that a future bulkhead may also be necessary to protect the structure. Mr. Johnson characterized the floating dock as being approximately 48 inches to 5 feet in width to ensure ADA wheelchair accessibility.

Mr. Johnson argued that the proposed configuration would actually improve navigability in the area. He explained that the current angled dock geometry causes boats to protrude further into the channel when docked, whereas a straight dock parallel to the channel would cause boats to lie parallel to the channel, protruding less. He displayed a drone photograph and a composite aerial image showing that the proposed floating dock would actually be set inward relative to neighboring docks and floating structures in the harbor, effectively occupying less of the channel. Mr. Johnson also noted the project would add approximately 691 square feet of deck space but that a kitchen door access requirement would prevent that area from being fully filled with tables.

Mr. Johnson acknowledged that they already have CAMA approval to reconstruct the deck up to the pierhead line and that this approval allowed construction to begin before winter if necessary, even without resolution of the floating dock question. He emphasized that timing was important given the seasonal nature of the construction work.

Chairman Hogan asked if anyone from the public wanted to speak on the matter.

Bob Lewis of 9024 Sedgley Drive said he is the founder of The Island Man and Chairman of the Dragon Boat Regatta held annually in Carolina Beach. He stated that the event has operated in close partnership with Stoked for several years and noted that it brings 2,000-3,000 people to the island and has generated approximately \$150,000 in net profit donations returned to the community.

Mr. Lewis said docks on the canal side of the yacht basin had, over the years, expanded in ways not always properly permitted. He noted that Wrightsville Beach had approached organizers about relocating the Dragon Boat Regatta but that he had no interest in doing so. However, Mr. Lewis emphasized that from an event operations standpoint, the current dock system is essential because the four dragon boat vessels are loaded, launched, and recovered from that dock throughout a six- to seven-hour event, and no comparable facility exists in the area. He concluded by characterizing the Stoked facility as the only dock-and-dine location in the community and a significant asset for both businesses and residents.

ACTION: Motion to close the public hearing

Motion made by Chairman Hogan, seconded by Commissioner Conto

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Crouch, Commissioner Conto, Commissioner Jones

Motion passed 5-0

Commissioner Conto asked staff who is responsible for monitoring unpermitted floating dock construction in the harbor. Ms. Abbotts stated the Town works in conjunction with CAMA and the Division of Coastal Management (DCM) and would issue violations for unpermitted work. Mr. Hardison added that the Harbor Master serves as the Town's eyes on the water and is typically the first to flag work lacking permits.

Commissioner Conto asked whether there was any documented record of accidents or safety incidents attributable to pierhead line violations or whether the safety concern was precautionary. Mr. Hardison said he was not aware of such data. Commissioner Conto expressed her view that it was worth distinguishing between a theoretical safety concern and a documented one.

Vice Chairman Carew observed that the neighboring dock visible in the aerial imagery appeared to extend beyond the pierhead line, asking whether such encroachments had simply "snuck in." Mr. Hardison explained that the pierhead line as shown is an overlay of imagery and could be slightly offset, and the actual line is a surveyed line. He stated that staff would need to pull files and review historical permits to determine whether those encroachments had been permitted or were in violation. Mr. Hardison also clarified that the 2012 amendment to the pierhead line had primarily affected the area near Saint Joseph Street to the north, not the subject property's area.

Commissioner Crouch raised the issue of unintended consequences, noting that this was perhaps the most significant reason for staff's recommendation of denial because the text amendment would not be limited to this one site but would apply Town-wide wherever the pierhead line exists. Mr. Hardison confirmed this, adding that the subject area is already the narrowest and most congested point in the harbor. He also suggested that from a purely regulatory standpoint, it appeared that the applicant could potentially meet the needs of a safer, straighter dock facility while remaining within the pierhead line, though he acknowledged this might involve business tradeoffs in terms of usable deck area.

Vice Chairman Carew inquired about whether it would be appropriate to ask the applicant to pursue their goals via the Conditional Zoning (CZ) process. Mr. Hardison said this is possible and would allow for neighbor notifications and a public hearing,

Commissioner Crouch noted the unusual nature of the situation: part of the existing structure already encroaches beyond the pierhead line, making the property already non-conforming.

Commissioner Conto remarked on the irony of simultaneously discussing an up-zoning initiative to promote a more robust commercial environment in one part of town, while in another part of Town the Commission was potentially blocking a thriving business that contributes to community organizations and is the Town's only dock-and-dine establishment.

Chairman Hogan noted from personal experience as a frequent boater in the basin that the extreme congestion visible in the photograph was characteristic only of fishing tournaments and fireworks events. He said on ordinary days, there are rarely more than one or two boats docked at Stoked. Chairman Hogan observed that congestion at those events is largely uncontrollable regardless of any dock configuration and that the revenue and community benefit those events generate are significant.

Several Commissioners expressed support for the idea that a CZ approach – rather than a straight text amendment permitting the encroachment by right with standards – would be more appropriate.

Mr. Hardison suggested that before proceeding, the Commission should confirm with the applicant that they are amenable to this alternative path. Chairman Hogan asked Mr. Johnson whether he was comfortable with the Commission redirecting toward a CZ process rather than voting on the current text amendment. Mr. Johnson expressed that the timing was workable, noting that construction would not begin until winter in any case and that the hard-deck reconstruction up to the pierhead line, for which CAMA and Town approval could be sought separately, could begin in the meantime. He consented to the alternative approach.

ACTION: Motion to recommend approval of amending the Unified Development Ordinance Article 3 Section 3.19 to allow for temporary structures beyond the pierhead line, subject to the following conditions: (1) the temporary structure shall not encroach more than 5 feet beyond the pierhead line, (2) the floating structure must be readily removable at the owner's expense upon notification by the Town, (3) no permanent utilities or infrastructure may be attached to the floating structure within the encroachment area, (4) the structure must be securely anchored to prevent drift while remaining capable of relocation or removal, (5) any encroachment beyond the pierhead line must not create a navigational hazard, and the Town reserves the right to require removal of any structure that impedes safe passage, and (6) any such encroachment must be applied for and processed through Conditional Zoning

Motion made by Vice Chairman Carew, seconded by Commissioner Conto

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Crouch, Commissioner Conto, Commissioner Jones

Motion passed 5-0

Chairman Hogan clarified that the recommendation would proceed to Council for approval, and upon Council's adoption of the amended language the applicant would then be eligible to submit a CZ application.

DISCUSSION ITEMS

3. Zoning Map Amendment Discussion to Consider a Request to Rezone the 200 Block of Cape Fear Boulevard Currently Zoned Mixed Use (MX) to Another Zoning District
Applicant: Town of Carolina Beach

Mr. Hardison presented the staff report, noting that Council had asked staff and the Commission to examine the 200 block of Cape Fear Boulevard. He indicated the impetus appeared to be redevelopment potential, as some properties in the block were currently on the market and Council wished to consider how the area should evolve when that development occurs.

Mr. Hardison described the current character of the 200 block: It is zoned Mixed Use (MX) and functions as a transitional area between the Central Business District (CBD) on the east side of Lake Park Boulevard and the R-1 residential zones further west. Current land uses include three single-family residences, four vacant lots, two lots used as parking for nearby establishments, two retail

establishments, and a motel. The area features on-street parking, wider sidewalks, street trees, and walkable access to both the CBD and the beach, giving it a distinctive character.

Mr. Hardison noted that two recent rezoning approvals in the CBD from MX had prompted the Commission to express concern about the CBD encroaching further into residential areas. He indicated that this context informed staff's approach to the current analysis.

Mr. Hardison reviewed the Land Use Plan's designation for the area, which identifies the 200 block as Mixed Use Commercial, a distinct classification from the surrounding MX zone. The plan calls for higher-density development, a mixture of residential and commercial uses, mixed-use buildings with active ground-floor commercial and residential above, a pedestrian-oriented environment, and building heights of four to five stories.

Mr. Hardison presented a conceptual framework for a potential new zoning district – which he suggested could be called something like Commercial Transition – with dimensional standards and use provisions designed to implement the Land Use Plan vision. Key proposed changes from the current MX standards included: a reduced front setback of 5 to 10 feet (to bring buildings closer to the street and allow rear parking), more flexible side setbacks, increased residential density of up to 29 units per acre (borrowed from the T1 district, versus the current 17), maintained 50-foot height limit, increased lot coverage of 60%, no impervious surface limit (though triggering a State stormwater plan), required street trees every 25 feet, and maintained parking requirements. He emphasized that parking requirements would not be relaxed and that staff was proposing encouraged shared access and interconnected parking in the rear.

Mr. Hardison also noted that under recent State legislation concerning down-zoning, the new district would need to permit everything currently allowed in MX and that no existing uses would become non-conforming. He described a meeting with property owners the previous month. Mr. Hardison said the grocery store appreciated the potential to expand or change, and the motel owner, whose property is on the market, appreciated the increased development flexibility for a future buyer. He added that NAPA Auto Parts indicated no current plans to change but saw no issue with the proposal.

Mr. Hardison reported that the TRC had reviewed the concept in June and supported it, with the Fire Department particularly appreciating that this type of multi-story mixed-use development would typically be required to be sprinklered. He noted a timeline targeting a public hearing in July, with notices sent to both affected and adjacent property owners.

Commissioner Conto expressed enthusiasm for initiatives that position Carolina Beach as a leader among coastal communities but raised concern about the table of uses, specifically the inclusion of bars and taverns, breweries, distilleries, and event venue bars as permitted uses. She stated she could accept a beer and wine shop or full-service restaurants but objected to standalone bars and taverns on a corridor she described as the walkable entry into the CBD. Commissioner Conto asked whether any property owners had expressed a particular development vision. Mr. Hardison indicated that no concrete development plans had emerged. He said the grocery store expressed interest in potential expansion or change, and the hotel owner's primary interest was ensuring a future buyer would have design flexibility.

Chairman Hogan raised a practical concern about parking. Given the narrow 50-foot typical lot width in the block and the Town's substantial parking requirements – referencing his own experience requiring 23 spaces for a 2,200-square-foot building on three-quarters of an acre at The Vault – he questioned where meaningful commercial development could realistically accommodate the required parking on a single or small number of lots. He noted that buyers would likely need to assemble multiple lots. Chairman Hogan also raised a concern about the zero side setback proposal from the perspective of existing residential neighbors who would not want a commercial building immediately on their property line, noting the current setback is 7.5 feet. Mr. Hardison acknowledged that commercial development on a 50-foot lot would be extremely challenging without lot consolidation and that some transitional landscaping buffer adjacent to residential uses was something the Town intended to incorporate.

Commissioner Conto expressed concern about the rear neighbors – specifically the residences along Charlotte Avenue – and asked whether they had been contacted. Mr. Hardison indicated that only the directly affected property owners had been consulted to date and that adjacent owners, including those at the rear, would receive formal notice ahead of the July public hearing. He noted that Raleigh Avenue to the rear is lined mostly with commercial uses, with the exception of the former AT&T building site near the corner.

Vice Chairman Carew asked whether there were any known investors or development proposals driving the process. Mr. Hardison indicated there were no concrete proposals or permit applications pending and said the effort was more of a proactive planning initiative.

Vice Chairman Carew asked about the status of House Bill 369 relating to parking requirements. Mr. Hardison noted the bill had re-emerged after appearing to stall, with the Senate returning it to committee, and that he had heard that day that an exemption for coastal communities was being considered.

Vice Chairman Carew asked whether the Commission's prior action removing architectural standards from the Town's regulations would affect any design requirements for this proposed district. Mr. Hardison confirmed that the State prohibition on appearance standards applies only to single-family and two-family dwellings. He said for multi-family and commercial development, the Town retains the ability to impose design standards, and no disabling legislation on that front was known to be pending.

Commissioner Crouch stated clearly for the record that he had been raising concerns about increased density and CBD expansion for approximately three years and found the current discussion to be "exactly coming into fruition." He expressed continued concern about the unintended consequences of up-zoning and noted that the Land Use Plan itself includes specific commentary and cautions about up-zoning and special considerations that should apply. Commissioner Crouch stated he wished to continue submitting his concerns to the record regarding the expansion of density into residential areas.

Commissioner Conto summarized the cautionary perspective and urged careful, well-enforced implementation of any new standards to preserve what makes Carolina Beach distinctive.

Mr. Hardison said maintaining height and parking regulations would dictate density. Chairman Hogan agreed that this would limit what can go in that area.

Vice Chairman Carew echoed the enforcement point, observing that new regulations are only meaningful if enforced and that truly evolving the character of the Town requires robust enforcement capacity backing up any new zoning framework.

Mr. Hardison indicated he had received substantive and useful feedback from the Commission and would take it into account as the process moved toward a formal public hearing.

NON-AGENDA ITEMS

Commissioner Conto raised the topic of pickleball courts, noting that there appeared to be a widespread assumption that the State would soon pass legislation regarding pickleball but that this did not appear to be forthcoming. She stated that the Town needs to evolve its position that a pickleball court is equivalent to a tennis court, as more and more communities are recognizing the difference. Commissioner Conto requested that the Commission develop specific restrictions regarding proximity of pickleball courts to residences and that pre-existing courts closer than any future threshold potentially be required to use less disruptive equipment such as "quiet paddles." She asked that a workshop be scheduled for one of the upcoming meetings to address the issue sooner rather than later.

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Chairman Hogan, seconded by Commissioner Conto

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Crouch, Commissioner Conto, Commissioner Jones

Motion passed 5-0

Chairman Hogan adjourned the meeting at 7:20 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Community Development

MEETING: Planning & Zoning – July 9, 2026

SUBJECT: Text Amendment to Article 3 and Article 7 of the UDO to add dog grooming to the home occupation ordinance.
Applicant: Zoey Brass

BACKGROUND:

The applicant Zoey Brass has applied for a text amendment to allow for dog grooming as an allowable home occupation. The applicant is the owner of the Island Dog Grooming which is currently located at 915 N Lake Park Blvd Ste F. The applicant has proposed moving her business into her home. The current ordinance does not allow dog grooming as a home occupation.

Historical Context:

Home occupations have been an allowable use in the Town since the 1970's. The 1984 Ordinance included standards that exist in the current ordinance. Home occupations were allowed in all districts except for Industrial. The standards included that the home occupation must be secondary to the use of the dwelling, only 1 other employee that was not a resident of the premises, limited to 1/4th of the floor area, no display of products, and off-street parking shall be provided.

In 1990, the ordinance was amended to include that no traffic shall be generated, no equipment that produces noise, vibration, glare, fumes, or electrical interference is allowed. Additionally, instruction in music, dancing, or tutoring of up to 4 students was allowed in single-family dwellings only.

The last time the ordinance was updated was in 2003. In May, limits for commercial vehicles were adopted and in July home occupations could be in any residential dwelling, not just single-family homes. Neighboring communities have almost identical language to the Town and do not include specifics for dog/pet grooming as a home occupation.

Proposed Ordinance:

The proposed ordinance would allow for pet grooming in a completely enclosed indoor area and shall be limited to 2 animals at a time. Pet grooming will be defined as an establishment at which domesticated animals are bathed, clipped, trimmed, or shorn, or other such non-medical treatment is administered indoors, and no animals are kept on the premises overnight.

TRC COMMENTS:

The proposed ordinance was reviewed at the June 2nd TRC meeting. TRC supports the adoption of the ordinance. Staff informed the applicant that no signage would be allowed and a maximum of 25% of the footprint of the house can be dedicated to the business use. A building permit will be required for any renovations. Fire would require emergency lights, fire extinguishers, ADA bathroom and entrance, and areas not open to the public to be explicitly marked and sectioned off and labeled as private. An ADA parking space and entrance is required because there will be customers coming to the home.

LAND USE PLAN:

The proposed text amendment is in general conformity with the Land Use Plan. Local Concerns noted in the plan included considering ways to increase the ability of residents to work from home, through a review of allowances for home occupation business operations. Allow more people to work from home and reduce the need to commute off the island.

ACTION REQUESTED:

Consider recommending approval or denial of the text amendment.

MOTION:

Approval – to amend Unified Development Article 3 and 7 to allow for dog grooming as a home occupation.

Denial – to amend Unified Development Article 3 and 7 to allow for dog grooming as a home occupation.

ATTACHMENTS:

1. Application
2. Proposed Text Amendment Language



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: Zoey Ann Brass Phone #: (910) - 599 - 0764

Street Address: 100 Moorefield Dr

City: Carolina beach State: NC Zip: 28428

Email: [REDACTED]

REQUESTED TEXT AMENDMENT

Town Code Section(s) Requested to be Amended: 3.6.D. Home occupations


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:

I'm proposing, hopefully allow dog grooming out of my home.

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 fee for review is nonrefundable.

Fee: to be submitted with application in accordance with the Town's annually adopted Rates and Fee Schedule

Signature of Petitioner:  Date: 5-20-2026

2026 Submission Deadlines & Meeting Dates

Technical Review Committee		Planning & Zoning Commission		Town Council	
Submission	Meeting	Submission	Meeting	Submission	Meeting
23-Dec-25	6-Jan	26-Jan	12-Feb	24-Feb	10-Mar
20-Jan	3-Feb	23-Feb	12-Mar	31-Mar	14-Apr
17-Feb	3-Mar	23-Mar	9-Apr	28-Apr	12-May
24-Mar	7-Apr	27-Apr	14-May	26-May	9-Jun
21-Apr	5-May	22-May	11-Jun	30-Jun	14-Jul
19-May	2-Jun	22-Jun	9-Jul	28-Jul	11-Aug
23-Jun	7-Jul	27-Jul	13-Aug	25-Aug	8-Sep
21-Jul	4-Aug	24-Aug	10-Sep	29-Sep	13-Oct
18-Aug	1-Sep	21-Sep	8-Oct	27-Oct	10-Nov
22-Sep	6-Oct	26-Oct	12-Nov	24-Nov	8-Dec
20-Oct	3-Nov	23-Nov	10-Dec	Jan 2027	Jan 2027
17-Nov	1-Dec	Dec-26	Jan 2027	Feb 2027	Feb 2027
22-Dec	Jan 2027	Jan 2027	Feb 2027	Mar 2027	Mar 2027

:

3.6 ACCESSORY USE STANDARDS

D. HOME OCCUPATIONS, CUSTOMARY

1. Home occupations shall adhere to the following regulations:
 - a) The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purpose by its occupants, and not more than 25% of the floor area of a single level of the dwelling unit shall be used in the conduct of the home occupation.
 - b) No home occupation shall be conducted in any accessory building.
 - c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
 - d) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. A resident of the premises may park only one (1) commercial vehicle with manufacturer's rating of not more than 2,000 pounds or a payload capacity of 6,000 pounds off-street for use in the home occupation. Vehicles used primarily as passenger vehicles, including pickup trucks and step-type vans only, shall be permitted in connection with the conduct of the customary home occupation.
 - e) Any need for parking generated by the conduct of such home occupation shall be restricted to the property boundaries.
 - f) Only one (1) person other than members of the family residing on the premises shall be engaged in such occupation.
 - g) No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltages off the premises.
 - h) No display of products shall be visible from off-site and the selling of merchandise or the manufacture of merchandise for sale, except baking, sewing, and/or handicrafts normally made in the home is prohibited.
 - i) Instruction in music, dancing, or tutoring of academic subjects shall be limited to four (4) students at a time.
 - j) Home occupations are restricted to residential dwellings and limited to office, off-site services, on-site sales/manufacturing. Home occupations shall not include day nurseries, day care centers, adult day care centers, day care home, preschool, or drop-in child care.
 - k) Pet grooming shall be permitted only in a completely enclosed indoor area and shall be limited to two (2) animals at a time.

7.3 DEFINITIONS

Home occupation means an occupation for gain or support customarily conducted on the premises by a person or family residing thereon.

Pet grooming means an establishment at which domesticated animals are bathed, clipped, trimmed, or shorn, or other such non-medical treatment is administered indoors, and no animals are kept on the premises overnight.



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Community Development Director **DEPARTMENT:** Community Development

MEETING: Planning & Zoning – June 11, 2026

SUBJECT: Consider a Zoning Map Amendment and Text Amendment to Art. 3 of the UDO to rezone 204 Cape Fear, 206 – 217 Cape Fear, and 3 S Third St from Mixed Use (MX) to a new zoning district called Commercial Transition (CT).
Applicant: Town of Carolina Beach

Applicant: Town of Carolina Beach

BACKGROUND:

At the direction of the Town Council, staff evaluated the development regulations applicable to the 200 block of Cape Fear Boulevard to determine whether the existing Mixed Use (MX) zoning remains appropriate for the area's long-term vision and redevelopment objectives. (See Attachment 1 – Town Council Memorandum dated June 11, 2026.)

Following the Planning and Zoning Commission's discussion at its previous meeting, staff has revised the proposed Commercial Transition (CT) zoning district to address comments received from the Commission while maintaining consistency with the Town's adopted Land Use Plan.

The proposed revisions include:

1. Removal of bars as a permitted use within the Commercial Transition (CT) district.
2. Addition of side setback requirements when adjoining residential zoning districts.
3. Requirement for landscape buffering between commercial development and adjacent residential properties.
4. Addressing parking lots serving principal uses located in another zoning district.

3.2 Zoning Districts Established

Creating new zoning district entitled Commercial Transition (CT)

3.3 ZONING DISTRICTS DESCRIBED

Establish the purpose and intent of the new zoning district.

3.4 TABLE OF USES

- Add the CT district to the table of uses.
- Address parking lots serving a use that is located in another commercial district.

3.13 DIMENSIONAL REQUIREMENTS

Establishing dimensional standards for new CT district.

Table 3.4 Dimensional Standards for Lots and Principal Structures, Other Districts										
Zoning District	Primary Permitted Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Front Setback (feet)	Min. Rear Setback (feet)	Min. Side Setback (feet) [2][3]	Residential Max. Density	Height (feet) [1]	Max. Lot Coverage	Max. Impervious Coverage
CT	Commercial Services, Residential	5,000 sq. ft.	50	5	10	None, or same as abutting residential district	29 units/acre	50	60%	None

3.27 LANDSCAPE AND BUFFER REQUIREMENTS

Requiring a landscape buffer from residential uses.

3.31 COMMERCIAL AND NONRESIDENTIAL SIGNAGE

Adding CZ to allow for commercial signage.

Land Use Plan Consistency

The Town's adopted Land Use Plan identifies this area as Mixed Use Commercial, distinguishing it from surrounding areas.

The Land Use Plan envisions:

- Higher-density development
- A mixture of residential and commercial uses
- Mixed-use buildings with active ground-floor commercial uses
- Residential uses located on upper floors
- A pedestrian-oriented environment
- Potential building heights of four to five stories

While the existing MX zoning permits these development patterns, the current mix of uses along the 200 block of Cape Fear Boulevard functions as a transition between the more intensive commercial activity surrounding the Boardwalk and the adjacent residential neighborhoods. Several existing properties also remain underutilized or developed at lower intensities than envisioned by the Land Use Plan.

The proposed Commercial Transition district is intended to preserve opportunities for redevelopment consistent with the Mixed Use Commercial designation while establishing additional compatibility standards that better protect adjacent residential neighborhoods. By limiting more intensive entertainment-oriented uses, requiring increased setbacks and landscape buffering, and maintaining opportunities for mixed-use redevelopment, the CT

district provides an appropriate transition between the Boardwalk commercial district and surrounding residential areas.

Staff Recommendation

Staff recommends approval of the proposed Unified Development Ordinance text amendments and the associated zoning map amendment establishing the Commercial Transition (CT) zoning district.

The proposed district continues to implement the Mixed Use Commercial designation identified in the Town's adopted Land Use Plan by encouraging redevelopment with a mixture of commercial and residential uses in a pedestrian-oriented environment. At the same time, it introduces additional compatibility standards intended to reduce potential land use conflicts with adjacent residential neighborhoods.

Staff finds the proposed amendments to be consistent with the Town's adopted Land Use Plan and reasonable and in the public interest because they balance redevelopment opportunities with neighborhood compatibility while furthering the Town's long-term planning objectives.

Motion**ACTION REQUESTED:**

Consider recommending approval, denial or modifying of the text amendment.

MOTION:

Approval – to amend Unified Development Article 3 to establish a new zoning district

Denial – to amend Unified Development Article 3 to establish a new zoning district



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Community Development Director **DEPARTMENT:** Community Development

MEETING: Planning & Zoning – June 11, 2026

SUBJECT: Zoning Map Amendment Discussion to consider a request to rezone the 200 Block of Cape Fear Blvd that is currently zoned Mixed Use (MX) to another zoning district.
Applicant: Town of Carolina Beach

BACKGROUND:

Town Council requested staff to review the development regulations applicable to the 200 block of Cape Fear Boulevard and evaluate whether the current zoning remains appropriate for the area's long-term vision and redevelopment potential.

The subject properties are currently zoned Mixed Use (MX) Attachment 1 – map of the area). The MX district is intended to provide a transitional area between more intensive commercial districts and adjacent residential neighborhoods. The district accommodates a mix of land uses and may also serve as a transition between major thoroughfares and quieter residential areas.

Existing Conditions

Current land uses within the study area include:

- Three single-family residences
- Four vacant lots and/or parking lots
- Two retail establishments
- One motel

Existing infrastructure and streetscape features include:

- On-street parking
- Sidewalks
- Street trees
- Walkable access to the central business district and beach area

Land Use Plan Consistency

The Town's adopted Land Use Plan identifies this area as Mixed Use Commercial, distinguishing it from surrounding areas.

The Land Use Plan envisions:

- Higher-density development
- A mixture of residential and commercial uses
- Mixed-use buildings with active ground-floor commercial uses
- Residential uses located on upper floors
- A pedestrian-oriented environment
- Potential building heights of four to five stories

The current pattern of development only partially reflects this vision, as several properties remain underutilized or occupied by lower-density uses.

Discussion

As redevelopment opportunities arise, the Town may wish to consider whether the existing MX district provides the appropriate regulatory framework to achieve the Land Use Plan's vision for this area.

One option would be the creation of a new zoning district tailored specifically to the character envisioned for this area. Such a district could encourage higher-density mixed-use development while ensuring compatibility with nearby residential properties.

Potential standards for consideration include:

- Active commercial uses along the ground floor (Attachment 2 - Use Table)
- Residential units permitted on upper stories
- Reduced front setbacks to create a stronger street presence (Attachment 3 – Dimensions Table)
- Building placement that supports a pedestrian-oriented environment
- Parking located to the side or rear of buildings where feasible
- Increased lot coverage and impervious surface allowances consistent with commercial districts
- Enhanced landscaping and streetscape requirements
- Building design standards that promote walkability and architectural compatibility
- Transition standards to lessen impacts on adjacent residential properties

Given the presence of existing sidewalks, street trees, and on-street parking, the area is well-positioned to support a more walkable mixed-use environment that complements the downtown business district and provides opportunities for redevelopment consistent with the Land Use Plan.

Staff Recommendation

Staff recommend that the Commission discuss the long-term vision for the area and provide direction regarding the development of zoning standards that better implement the Mixed Use

Commercial designation identified in the Land Use Plan and encourage redevelopment consistent with the Town's adopted planning goals.

Landscaping would be required 5' from residential

Parking lot allowed in another district CZ

Remove bars

Attachment 1 – Map of the area

200 Block of Cape Fear



■ Highlighted parcels subject to rezoning

Attachment 2 - 3.4 TABLE OF USES

- A. Generally, Table 3.2 sets forth the permitted, conditional zoning, and special uses allowed in each zoning district.
1. Permitted by right (P). The letter "P" in the zoning district column opposite the listed use means the use is permissible by right in the zoning districts in which it appears.
 2. Permitted use with standards (PS). Uses with additional standards are denoted with a "PS."
 3. Conditional zoning (CZ). The letters "CZ" in the zoning district column opposite the listed use means that conditional zoning, as set forth in Section 2.21 of this ordinance, must be obtained before the use may be created. Use standards may also be required for certain conditional zoning uses.
 4. Special use permit (S). The letter "S" in the zoning district column opposite the listed use means that a special use permit, as set forth in Section 2.14(C) of this ordinance, must be obtained before the use may locate in the district in which it appears.
 5. Prohibited. A use specifically prohibited in the table of permissible uses for every zoning district. Any use listed as prohibited has been reviewed and considered as having a detrimental impact on the health and safety of the community.
- B. Use designation.
1. If a "P" or "CZ" or "PS" does not appear in a zoning district column opposite a listed use, the use is not permitted in that zoning district.
 2. Uses not listed. The uses listed may not address all possible uses. In determining if a use is permitted, the UDO Administrator shall consider which category of expressed uses most closely matches the use proposed and apply the regulations pertaining to that category to the proposed use. No interpretation shall be made which would change the character of a zoning district relative to the purpose of such zoning district and the other uses allowed.
 - a) Interpretation of unlisted uses. Where a proposed use is not specifically listed in the table of permissible uses, the UDO Administrator may permit the proposed use upon a determination that the proposed use has an impact similar in nature, function, and/or duration similar to another permitted use listed in the table of permissible uses. The UDO Administrator shall give due consideration to the purpose and intent statements in this section concerning the base zoning district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.
 - b) Standards for determining unlisted uses. In determining the use which most closely matches the proposed use, the UDO Administrator shall consider all relevant characteristics of the proposed use, including but not limited to the following:
 - i) The volume and type of sales, retail, wholesale, etc.
 - ii) The size and type of items sold and nature of inventory on the premises.
 - iii) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution.
 - iv) Any dangerous, hazardous, toxic, or explosive materials used in the processing.
 - v) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside, or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise,

construction materials, scrap and junk, and raw materials including liquids and powders).

- vi) The type, size, and nature of buildings and structures.
 - vii) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes.
 - viii) Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures, and communications towers or facilities.
 - ix) The impact on adjacent lands created by the proposed use.
 - x) If requested, the applicant shall submit evidence to the UDO Administrator of the anticipated traffic, noise, light, or odor of the proposed use. Reports prepared by the applicable professional trade may be required (e.g. transportation engineer, environmental scientist, etc.).
- c) Decision by zoning administrator. A final determination on the proposed use shall be provided in writing to the applicant and subject to appeal by the Board of Adjustment.

Table 3.2: Table of Uses		P = Permitted by Right; CZ = Conditional Zoning (Use Standard noted); PS = Permitted Use with a Use Standard														CT	Use Standard
Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	CT		
Accessory Uses (3.6)																	
Accessory structure or use, nonresidential									PS	PS	PS	PS	PS	PS	PS	PS	3.6.B
Accessory uses and structures, residential	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.C
Home occupations, customary	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.D
Outdoor display									PS	PS	PS	PS	PS	PS	PS	PS	3.6.E
Outdoor seasonal sales	PS	PS	PS	PS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.F
Swimming pools, private	PS	PS	PS	PS	PS	PS	PS	PS		PS		PS	PS		PS	PS	3.6.G
Temporary healthcare structures	PS	PS	PS	PS	PS	PS	PS	PS		PS		PS	PS		PS	PS	3.6.H
Temporary storage container	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.I
Trailer, temporary construction	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6.J
Residential Uses (3.7)																	
Dwelling, multifamily (Triplex; quadraplex; Units <= 4)								P	P				P	P		P	
Dwelling, multifamily (Units > 4)								CZ	CZ				CZ	CZ		CZ	3.7.A
Dwelling, single-family detached	P	P	P	P	P	P	P	P		P		P	P		P	P	
Dwelling, two-family	P						P	P	P			P	P		P	P	
Family care home	PS	PS	PS	PS	PS	PS	PS	PS		PS		PS	PS		PS	PS	3.7.B
Manufactured home, on standard, single-family lot (Class AA, A, and B)							P										3.7.C
Manufactured home (Class C)	Prohibited																
Planned Unit Development (Section 3.8)																	
Planned unit development, business										CZ	CZ	CZ	CZ	CZ		CZ	3.8.B

Planned development, industrial														CZ		3.8.C
Planned unit development, residential Units <= 4	PS		PS			PS	PS	PS			PS	PS	PS		<u>PS</u>	3.8.D
Planned unit development, residential) Units > 4	CZ		CZ			CZ	CZ	CZ			CZ	CZ	CZ		<u>CZ</u>	3.8.E
Nonresidential Uses (Section 3.9)																
Adult entertainment establishment														CZ		3.9.A
Aircraft takeoff and landing zone	Prohibited															
Animal care facility											P					
Animal care facility with outdoor area											CZ					3.9.B
Art galleries								P	P	P	P	P			<u>P</u>	
Auction sales									P		P					
Automotive (including motorcycles, RVs, and other consumer motor vehicles)										CZ	PS			PS		3.9.C
Bakery, retail									P	P	P					
Bakery, wholesale											P			P		
Bed and breakfast inn	CZ						CZ	CZ	CZ	CZ	CZ		CZ		<u>CZ</u>	3.9.E
Boat and personal water craft (PWC) sales and rental									P		P	P	P	P		
Boat repair facility											PS	PS		PS		3.9.G
Body piercing and tattoo facility											CZ					
Bus terminal									P		P					
Cemeteries, public and private														CZ		3.9.I
Commercial indoor recreation									P		P					
Commercial outdoor recreation									CZ		CZ			PS		3.9.J
Contractors offices, no outdoor storage									P		P			P		
Day nurseries, day care centers and preschools	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ	CZ	CZ	PS	PS	PS	<u>CZ</u>	3.9.K

Drop-in child care providers	CZ	CZ	CZ	CZ		CZ	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.9.L
Drive-in/through facility										P						
Dry stack storage facilities												PS				3.9.M
Ear piercing facility										P						
Exterminator service business offices, no outdoor storage of materials or equipment									P		P			P		
Fire stations, emergency services, nonprofit	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ			CZ	<u>CZ</u>	
Funeral homes and crematoriums									P		P					
Gardens, arboretums nurseries, and greenhouses									P	P	P			P		
Government/public facilities and utilities	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.9.P
Group care/rehabilitation facility										CZ				CZ		
Laundries and dry cleaning									P	P	P					
Libraries	CZ		CZ	CZ				P	P	P	P				<u>P</u>	
Live entertainment complex									CZ		CZ					
Fishing piers; public and private									CZ							
Medical and dental clinics								P	P		P			P	<u>P</u>	
Meeting facilities	CZ	CZ	CZ	CZ		CZ	CZ	CZ	P		P			P	<u>CZ</u>	
Mixed use nonresidential-residential								PS	PS	PS	PS	PS	PS		<u>PS</u>	3.9.Q
Motels and hotels								CZ	CZ		CZ			CZ	CZ	<u>CZ</u>
Motels and hotels, operated with a marina												CZ				
Multi-use facility								P	P	P	P	P	P	P	<u>P</u>	
Museums					P				P		P			P	P	<u>P</u>
Offices, general								P	P	P	P	P	P	P	<u>P</u>	
Parking lot, commercial—permanent									CZ						<u>CZ</u>	3.9.R

Parking lot, town operated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	
Parking, municipal decks									P							
Parking, private decks									CZ							
Personal service establishment								CZ	P	P	P			P	<u>CZ</u>	
Pet shops and pet supply stores									P		P					
Post offices									P		P			P		
Religious institution	CZ	CZ	CZ	CZ		CZ	CZ	CZ	P		CZ				<u>CZ</u>	
Rental of golf carts, mopeds, e-bikes and scooters								PS	PS	PS	PS	PS		PS	<u>PS</u>	3.9.T
Retail sales								P	P	P	P	P		P	<u>P</u>	
Rooming house	Prohibited															
Schools, commercial for specialized training									P		P			P		
Schools, public and private	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ			CZ	<u>CZ</u>	
Seafood production and/or processing and/or dockage, wholesale and retail												CZ		CZ		
Shooting range														CZ		3.9.T
Shopping centers/big box								CZ	CZ	CZ	CZ	CZ	CZ	CZ	<u>CZ</u>	
Swimming pools, public	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		<u>CZ</u>	3.9.U
Tennis courts, commercial									CZ		CZ					3.9.W
Tennis courts, private	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ	<u>CZ</u>	3.9.W
Utilities, private	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	P	P	P	P	P	P	<u>CZ</u>	
Wholesale sales									P		P	P		P		
Wireless telecommunications facilities (see Division 4, Wireless Telecommunication)																
Marina Uses																
Boat and personal water craft (PWC) rental									PS		PS	PS	PS	PS		3.9.E
Boat and personal water craft (PWC)											PS	PS		PS		3.9.F

sales and repair facility																		
Marinas, docks and/or piers, commercial					CZ		CZ		PS				CZ					3.9.N
Marinas, docks and/or piers, public and private	P	P	P		P				P				P					
Eating and/or drinking establishments (Section 3.10)																		
Bars and taverns									CZ		CZ	CZ	CZ	CZ	CZ	<u>CZ</u>		3.10
Beer shop (On-premise)									PS	PS	PS					<u>PS</u>		3.10
Breweries									PS	PS	PS				PS	<u>PS</u>		3.10
Distillery									PS		PS				PS	<u>PS</u>		3.10
Event venue/bar									CZ		CZ							3.10
Ice cream stores								P	P	P	P					<u>P</u>		
Standard restaurants and eateries								P	P	P	P	P	P	P	P	<u>P</u>		
Wine shop (Retail/Off-on premise)									PS	PS	PS	PS				<u>PS</u>		3.10
Manufacturing, Assembly, Storage, and Processing (Section 3.11)																		
Beverages, bottling works																	P	
Flammable liquid storage																CZ		3.11.A
Ice manufacture, sales and storage											P				P			
Manufacturing, artisan									P	P	P				P			
Manufacturing, limited											CZ				P			
Sign painting and sign fabrication											P				P			
Recreational vehicle/boat storage, yard											PS	PS			PS			3.11.B
Towing service impound yard, salvage operation											CZ				PS			3.11.B
Warehouses, mini storage, Self-service storage facility															P			
Woodworking shops															P			

(Ord. No. 24-1230, 7-9-2024; Ord. No. 25-1261, 8-12-2025)

Attachment 3 Sample of Dimensional Changes

Standards

Current

Table 3.4 Dimensional Standards for Lots and Principal Structures, Other Districts

Zoning District	Primary Permitted Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Front Setback (feet)	Min. Rear Setback (feet) [2]	Min. Side Setback (feet) [2][3]	Residential Max. Density	Height (feet) [1]	Max. Lot Coverage	Max. Impervious Coverage
MX	Residential, Commercial Services, Tourism Accommodations	5,000	50	20	10	7.5	17 units/acre	50	40%	65%

Proposed

Zoning District	Primary Permitted Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Front Setback (feet)	Min. Rear Setback (feet) [2]	Min. Side Setback (feet) [2][3]	Residential Max. Density	Height (feet) [1]	Max. Lot Coverage	Max. Impervious Coverage
CT	Commercial Services, <u>Residential</u>	5,000	50	5	10	0	29 units/acre	50	60%	None

3.2 ZONING DISTRICTS ESTABLISHED

To regulate the height and size of buildings; to regulate the intensity of land usage; to regulate areas for open space; to regulate the location of land uses; to provide for the improved environment; and to promote the health, safety, and general welfare of its citizens, the town and its extraterritorial planning jurisdiction are hereby divided into the following zoning districts:

Table 3.1: Zoning Districts	
District	General Purpose
R-1	Residential District
R-1B	Residential District
R-2	Residential District
R-3	Residential District
C	Conservation District
MH	Residential, Manufactured Home District
MF	Residential, Multifamily District
MX	Mixed Use, Transitional District
CT	Commercial Transition
CBD	Central Business District
NB	Neighborhood Business District
HB	Highway Business District
MB-1	Marina Business District
T-1	Tourist District
I-1	Industrial District
FP	Floodplain Overlay District
HOD	Height Overlay District

3.3 ZONING DISTRICTS DESCRIBED

- A. R-1, Residential District (Single- and Two-family Dwellings).
1. Purpose. The R-1 district is established to provide for moderate to high-density single-family and two-family residential use.
 2. Intent. The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district.
- B. R-1B, Residential District (Single-family Dwellings).
1. Purpose. The R-1B district is established to provide for moderate density, single-family residential use.
 2. Intent. The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district.
- C. R-2, Residential District (Single-family Dwellings).
1. Purpose. The R-2 district is established to provide for moderate density single-family residential use and other compatible uses.
 2. Intent. The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district.
- D. R-3, Residential District (Single-family Dwellings).
1. Purpose. The R-3 district is established to provide for moderate to low density single-family residential use and other compatible uses.
 2. Intent. The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district.
- E. C, Natural Resources Conservation District.
1. Purpose. This district is established to preserve the economic, aesthetic, and unique and irreplaceable natural resource assets of the land, vegetation, surface waters, and underground waters of this district, while also providing for an environmentally compatible setting for appropriately designed and located single-family residential development. In doing so, the public health and safety and welfare shall be preserved.
- F. MF, Multifamily Residential District.
1. Purpose. This district is established to provide for moderate to high-density single-family and multifamily residential uses and other compatible uses of varying types and designs. It functions as an alternative housing type near or in direct relationship to single-family detached housing while in harmony with and maintaining the integrity of the residential district.
 2. Intent. The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district.
- G. MH, Residential District (Mobile Homes, Single- and Two-family Dwellings).

1. Purpose. This district is established to provide for moderate to high-density mobile home, single, and two-family residential uses and other compatible uses.
 2. Intent. The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district. [Note—The connection of mobile homes to form multiple units is prohibited.]
- H. MX, Mixed Use Transitional District.
1. Purpose. This district is established to provide for an area of transitional land uses between intensified use districts or elements and residential districts. This district includes an area of mixed land uses between the intensive, commercial, central part of town and the quiet residential areas and may also be employed as a transitional area between busy major thoroughfares and quieter residential areas.
 2. Intent. The regulations of the district seek to maintain a modest scale of structures, as well as a pedestrian-oriented nature, so that uses in the district may provide a suitable transition from commercial to residential areas. Permitted uses include a mixture of single-family homes, two-family dwellings, and small-scale office and institutional uses. Small hotels and motels and multifamily housing of modest density and size may also be permitted in this district.
- I. T-1, Tourist District.
1. Purpose. This district is established to provide land for the town's tourist industry, and as a complementary district to the CBD Central Business District.
 2. Intent. The primary land uses intended for this zoning district are moderate- to high-density residential development, as well as hotels, motels, and restaurants.
- J. NB, Neighborhood Business District.
1. Purpose. This district is established to accommodate and provide for the development of small, pedestrian-oriented shopping and service activities providing necessity goods and personal services to the immediate neighborhood. This district also provides for single-family detached homes and related residential uses. Such districts should be located at the intersection of a major street or collector. Uses in NB districts should have architecture and site layouts which are compatible with nearby residential structures and uses.
 2. Intent. The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community or which would be detrimental to the surrounding residential uses.
- K. CBD, Central Business District.
1. Purpose. This district is established to accommodate, protect, rehabilitate, and maintain the traditional Central Business District and boardwalk area of the town. This area accommodates a wide variety of pedestrian-oriented, commercial and service activities, including retail, business, office, professional, financial, entertainment, and tourism.
 2. Intent. The regulations of this district are intended to encourage the use of land for concentrated development of permitted uses while maintaining a substantial relationship between land uses and the capacity of the town's infrastructure. Developments which would significantly disrupt the historic balance between pedestrians and automobiles within the district, thereby destroying the pedestrian-oriented nature of the area, are specifically discouraged. Large, off-street parking areas are encouraged to locate outside the district. Similarly, buildings and structures should have pedestrian-oriented activities at ground level.
- L. HB, Highway Business District.

1. Purpose. This district is established to accommodate businesses oriented toward the motoring public and which require a high volume of traffic.
 2. Intent. The regulations of this district are intended to support businesses that serve the entire community and beyond. For the most part, they are located on major thoroughfares so that they can be conveniently reached by automobile and to avoid sending heavy automobile traffic through smaller streets or residential areas. Certain wholesale activities are also permitted in HB district.
- M. MB-1, Marina Business District. This district is established to reserve areas along the water's edge for maritime uses, water dependent uses, and water-oriented uses. This district also provides for certain residential and other non-water dependent uses which are closely aligned with water-oriented uses. Land uses, which would wall off the public from public trust waters, are specifically discouraged.
- N. [CT, Commercial Transitional District](#)
1. [Purpose. This district is established to provide for an area of transitional land uses between intensified use districts or elements and residential districts. This district includes an area of mixed land uses between the intensive, commercial, central part of town and the quiet residential areas and may also be employed as a transitional area between busy major thoroughfares and quieter residential areas.](#)
 2. [Intent. The regulations of the district seek to maintain a modest scale of structures, as well as a pedestrian-oriented nature, so that uses in the district may provide a suitable transition from commercial to residential areas." The district permits a mix of residential, small-scale office, retail, lodging, and moderate-density multifamily uses that are compatible with adjacent neighborhoods.](#)
- ~~N~~ [O](#). I-1, Industrial District. This district is established to provide for warehousing, storage, and light industrial activities compatible with a small, tourist-oriented, environmentally sensitive, coastal community. Light industries are generally characterized as having small physical plants, lower land requirements, and higher worker-to-land ratios. Such industries typically generate few objectionable impacts in terms of noise, lights, heavy truck traffic, fumes, smoke, dust, odor, or other similar characteristics. Furthermore, any negative environmental impacts associated with these industries may generally be mitigated through proper site planning, buffering, and operations management. This district is located in areas that are readily accessible from major thoroughfares, so as to minimize traffic impacts on non-industrial areas of the community.
- ~~P~~ [P](#). FP, Floodplain Overlay District.
1. Purpose; intent. The 100-year floodplain as depicted on the latest National Flood Insurance Program's (NFIP) flood insurance rate map is hereby incorporated by reference as part of the official zoning map for the town. Development within the 100-year floodplain must conform with all provisions of Article 5, Flood Damage Prevention. It is the intent of the Town Council to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in Special Flood Hazard Areas (SFHA) through compliance with Article 5, Flood Damage Prevention.
- ~~P~~ [Q](#). Height Overlay District (HOD). This district is established to preserve the character of the town's traditional single-family residential neighborhoods. This area can be described as having a high concentration of permanently occupied homes in comparison to seasonal units. The regulations of this district limit height to 45 feet.

(Ord. No. 24-1230, 7-9-2024)

3.13 DIMENSIONAL REQUIREMENTS

A. GENERAL

1. The following dimensional standards shall be regarded as the minimum required for each zoning district. The minimum lot sizes, widths, setbacks, or other open spaces required by this ordinance, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon, unless specifically authorized by this ordinance.
2. The location of required front, side, and rear setbacks on irregularly shaped lots shall be determined by the UDO Administrator. Such determinations shall be based on the spirit and intent of the district regulations to achieve spacing and locations of buildings or groups of buildings on individual lots. This provision shall be adhered to, particularly in the case of lots which have lost land surface area due to the actions of tidal waters.

Table 3.3 Dimensional Standards for Lots and Principal Structures, Residential Districts									
Zoning District	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Front Setback (feet)	Min. Rear Setback (feet) [2]	Min. Side Setback (feet) [2][3]	Residential Max. Density	Max. Height (feet) [1]	Max. Lot Coverage	Max. Impervious Coverage
R-1	5,000	50	20	10	7.5	15 units/acre	50 [4]	40%	65%
R-1B	5,000	50	20	10	7.5	8.7 units/acre	50	40%	65%
R-2	7,000	70	25	10	7.5	6.2 units/acre	45	40%	65%
R-3	12,000	80	25	10	7.5	3.6 units/acre	40	40%	65%
C	80,000	200	30	20	20	0.5 units/acre	50	15%	65%
MH	5,000	50	20	10	7.5	15 units/acre	50	40%	65%
MF	5,000	50	10	10	7.5	17 units/acre	50	40%	65%

1. Maximum height may differ if the structure is located within the height overlay district contained on the town's official zoning map.
2. Landscaping buffer requirements of this ordinance may be greater than the required side or rear yard setbacks.
3. All corner lots shall not have less than a 12.5 foot setback on a side street lot line.
4. The building height maximum may be exceeded by up to eight (8) feet when renovating existing multi-family residential structures of more than 35 units when the additional height is directly attributable to ensuring compliance with the North Carolina Elevator requirements for adequate overhead clearance. Building height allowance does not include elevator equipment.

Table 3.4 Dimensional Standards for Lots and Principal Structures, Other Districts

Zoning District	Primary Permitted Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Front Setback (feet)	Min. Rear Setback (feet) [2]	Min. Side Setback (feet) [2][3]	Residential Max. Density	Height (feet) [1]	Max. Lot Coverage	Max. Impervious Coverage
CBD	Commercial Uses and Services, Entertainment	None	None	None	None, or same as abutting residential district	None, or same as abutting residential district	NA	50 [4]	None	None
NB	Single-family, Neighborhood Goods and Services	5,000	50	20	10	7.5	8.7 units/acre	50	40%	65%
HB	Highway Commercial	10,000	100	30	15, or 20 if abutting a residential district	10	NA	50	60%	None
MB-1	Water-Oriented Businesses, Single-family/Two-family	10,000	100	30	10	10	17 units/acre	50	40%	65%
MX	Residential, Commercial Services, Tourism Accommodations	5,000	50	20	10	7.5	17 units/acre	50	40%	65%
<u>CT</u>	<u>Commercial Services, Residential</u>	<u>5,000 sq. ft.</u>	<u>50</u>	<u>5</u>	<u>10</u>	<u>None, or same as abutting residential district</u>	<u>29 units/acre</u>	<u>50</u>	<u>60%</u>	<u>None</u>
T-1	Hotels and Motels 15 units or less	20,000	100	20	10	7.5	32 units/acre	50	40%	80%
	Hotels and Motels Greater than 15 units	25,000	50	20	10	7.5	60 units/acre	50	40%	80%

	Restaurants/Businesses	6,000	50	20	10	7.5	N/A	50	40%	80%
	Residential	6,000	50	20	10	7.5	29 units/acre	50	40%	80%
I-1	Industrial	None.	50	30	None. 20 if lot line abuts a residential district.	None. 20 if lot line abuts a residential district.	None	50	None	80%

1. Maximum height may differ if structure is located within the height overlay district contained on the town's official zoning map.
2. Landscaping buffer requirements of this ordinance may be greater than the required side or rear yard setbacks.
3. Except within the CBD district, all corner lots shall not have less than a 12.5 foot setback on a side street lot line.
4. In the CBD district, the maximum 50-foot height limitation may be exceeded for sprinklered structure(s) which shall be subject to a conditional zoning approval.

B. ADDITIONAL DIMENSIONAL REQUIREMENTS

1. In addition to the dimensional standards set forth by zoning district, the following special dimensional standards are established:
 - a) Corner lots. Except within the CBD district, all corner lots shall not have less than a 12.5 foot setback on a side street lot line. Accessory structures on corner lots shall also be subject to this requirement.
 - b) Front setbacks on through lots. On through lots, the minimum front setbacks for the respective zoning districts shall apply wherever such lots have frontage on a street.
 - c) Sight distance at intersections. On corner lots abutting to vehicular traffic rights-of-way, no planting, fence, wall, sign, or structure or other type of obstructions not specifically exempted shall be permitted in the space between 30 inches above ground level and 10 feet above ground level within a sight distance triangle that abuts a right-of-way. A sight distance triangle shall be the visually unobstructed area of a street/driveway corner as determined by measuring a distance of 30 feet along the intersecting curb lines, or edges of pavement of the intersecting street/driveway if curbs are not present, and connecting the two (2) points by a straight line to form a triangular shaped area over the corner. One (1) support post not to exceed five (5) square feet may be utilized in the sight triangle to support the cantilever floors above. Structures deemed essential for public utilities, as determined by the Public Works or Public Utilities Director, may be exempt.
 - d) Jurisdictional wetlands shall not be considered a part of a lot or open space for the purpose of meeting open space or density requirements, except where modified (i.e., filled or drained) by permission from U.S. Army Corps of Engineers or the state division of coastal management.

C. REDUCTION OF FRONT YARD SETBACK

1. A front yard setback may be reduced to no less than the calculated average front yard setback distance for existing buildings on all lots located wholly or partly within 200 feet, as measured from each side lot line, of the subject property. Calculating the average front yard setback shall be subject to the following criteria:
 - a) All lots being in the same zoning district.
 - b) All lots shall front on the same side of the same street.
 - c) All lots shall be considered as having the minimum required front yard setback if the lot is vacant.
 - d) In no instance shall the calculated average front yard setback be reduced to less than 50% of the required setback.

D. SETBACK EXCEPTIONS

1. Allowable intrusions into required yard setbacks. Any structure or portion of a structure may be located within a setback area up to 30 inches above the ground level of the graded lot. Examples include a platform deck without guardrails, a raised wooden sidewalk, and/or pool decking.
2. It is not the intent of this provision to allow or encourage structures to overbuild on lots but, rather, to provide for minor architectural embellishments and necessary mechanical appurtenances within required setbacks that are consistent with the State Building Code.

Table 3.5 Setback Exceptions	
Type	Distance of allowed encroachment (feet)
Heating and air conditioning units, heat pumps and meters with or without platforms	4

Utility platform stairs and support post	3
Cantilevered architectural features cumulatively not more than 25% per side of the building*	2.5
Roof overhangs	2.5
Roof overhangs with cantilevers	3
Termination of a set of stairs	2.5
Outdoor shower enclosures	4
Electric car charging station	4

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

3. Fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard setback.
4. One (1) trellis may be permitted per lot that encroaches into a setback area as long as it meets the following regulations:
 - a) Maximum trellis height nine (9) feet.
 - b) Twenty-four inches spacing between all horizontal cross rafters on the top of the trellis with no other temporary or permanent structural members allowed, including lattice, cloth, fabric canvas, etc.
 - c) Vertical supports shall not occupy more than 10% per side of the structure. The purpose of this condition is to maintain openness of the trellis structure.
 - d) A trellis shall be freestanding with no connections to other structures.
 - e) A trellis may encroach four (4) feet into either the side or rear yard, but not both.
 - f) Where a trellis is placed in the side yard, the rear yard setback for that zoning district shall be observed. Where a trellis is placed in the rear yard, the side setback for that zoning district shall apply.

E. HEIGHT REGULATIONS

1. With the exception of a conditional zoning proposal within the CBD zoning district, structures shall not exceed 50 feet in height.
2. Within the CBD zoning district, any proposed structure which exceeds 50 feet in height shall be equipped with sprinkler fire suppression systems, and plans of said proposal shall be submitted for review and approval as a conditional zoning request.
3. Structures in the height overlay district as defined by the official town zoning map shall not exceed 45 feet in height.
4. Exceptions to height requirements. Exceptions to the building heights are as follows:
 - a) Regulations, including height limitations, for wireless telecommunication towers and facilities as provided in this ordinance.
5. Setback requirements for structures exceeding maximum height regulations. Setbacks may be increased as a condition of approval for structures exceeding maximum height requirements. Where structures are permitted to exceed the 50 feet maximum height regulation the following shall apply:

- a) The minimum required front setback shall be increased by one (1) foot for each foot in height exceeding the maximum height requirements.
- b) The minimum required side setback shall be increased by one (1) foot cumulatively for each foot in height exceeding the maximum height requirements.

F. DEVELOPMENT LINE AND/OR CAROLINA BEACH BUILDING LINE

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

G. STRUCTURAL BEACH CROSSOVER

1. Structural Beach Crossover. It is the intent of this section to recognize that there is a need for allowances to be granted to protect the dunes system with proper location and design of structures while preserving scenic and natural ecological conditions of the barrier dune and beach systems. Structural beach crossover shall be permitted across sand dunes so long as they are designed and constructed in a manner that entails negligible alteration on the sand dune subject to the following regulations:
 - a) The crossover shall be no greater than six (6) feet in width.
 - b) Height above grade shall be at least 12 inches, but no more than an average of 18 inches.
 - c) Handrails and guardrails shall be open on any private access and shall be limited to 42 inches in height, unless otherwise required by the State Building Code.
 - d) Horizontal development shall meet the following:
 - i) Maximum 200 square feet west of the CAMA static vegetation line.
 - ii) Maximum 40 square feet east of the CAMA static vegetation line.
 - iii) Horizontal development shall not cumulatively exceed 200 square feet.
 - e) East of the CAMA static vegetation line, no vertical development shall be allowed with the exception of handrails up to 42 inches.
 - f) The crossover shall be raised on posts or pilings of five (5) feet or less depth, so that wherever possible only the posts or pilings touch the frontal dune.
 - g) Public crossovers, municipal boardwalks, and fishing piers are exempt from the beach crossover requirements.

(Ord. No. 24-1230, 7-9-2024)

3.4 TABLE OF USES

- A. Generally. Table 3.2 sets forth the permitted, conditional zoning, and special uses allowed in each zoning district.
1. Permitted by right (P). The letter "P" in the zoning district column opposite the listed use means the use is permissible by right in the zoning districts in which it appears.
 2. Permitted use with standards (PS). Uses with additional standards are denoted with a "PS."
 3. Conditional zoning (CZ). The letters "CZ" in the zoning district column opposite the listed use means that conditional zoning, as set forth in Section 2.21 of this ordinance, must be obtained before the use may be created. Use standards may also be required for certain conditional zoning uses.
 4. Special use permit (S). The letter "S" in the zoning district column opposite the listed use means that a special use permit, as set forth in Section 2.14(C) of this ordinance, must be obtained before the use may locate in the district in which it appears.
 5. Prohibited. A use specifically prohibited in the table of permissible uses for every zoning district. Any use listed as prohibited has been reviewed and considered as having a detrimental impact on the health and safety of the community.
- B. Use designation.
1. If a "P" or "CZ" or "PS" does not appear in a zoning district column opposite a listed use, the use is not permitted in that zoning district.
 2. Uses not listed. The uses listed may not address all possible uses. In determining if a use is permitted, the UDO Administrator shall consider which category of expressed uses most closely matches the use proposed and apply the regulations pertaining to that category to the proposed use. No interpretation shall be made which would change the character of a zoning district relative to the purpose of such zoning district and the other uses allowed.
 - a) Interpretation of unlisted uses. Where a proposed use is not specifically listed in the table of permissible uses, the UDO Administrator may permit the proposed use upon a determination that the proposed use has an impact similar in nature, function, and/or duration similar to another permitted use listed in the table of permissible uses. The UDO Administrator shall give due consideration to the purpose and intent statements in this section concerning the base zoning district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.
 - b) Standards for determining unlisted uses. In determining the use which most closely matches the proposed use, the UDO Administrator shall consider all relevant characteristics of the proposed use, including but not limited to the following:
 - i) The volume and type of sales, retail, wholesale, etc.
 - ii) The size and type of items sold and nature of inventory on the premises.
 - iii) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution.
 - iv) Any dangerous, hazardous, toxic, or explosive materials used in the processing.

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- v) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside, or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders).
 - vi) The type, size, and nature of buildings and structures.
 - vii) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes.
 - viii) Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures, and communications towers or facilities.
 - ix) The impact on adjacent lands created by the proposed use.
 - x) If requested, the applicant shall submit evidence to the UDO Administrator of the anticipated traffic, noise, light, or odor of the proposed use. Reports prepared by the applicable professional trade may be required (e.g. transportation engineer, environmental scientist, etc.).
- c) Decision by zoning administrator. A final determination on the proposed use shall be provided in writing to the applicant and subject to appeal by the Board of Adjustment.

Table 3.2: Table of Uses		P = Permitted by Right; CZ = Conditional Zoning (Use Standard noted); PS = Permitted Use with a Use Standard														Use
Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	CT	
Accessory Uses (3.6)																
Accessory structure or use, nonresidential									PS	PS	PS	PS	PS	PS	PS	3.6
Accessory uses and structures, residential	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6
Home occupations, customary	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6
Outdoor display									PS	PS	PS	PS	PS	PS	PS	3.6
Outdoor seasonal sales	PS	PS	PS	PS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6
Swimming pools, private	PS	PS	PS	PS	PS	PS	PS	PS		PS		PS	PS		PS	3.6
Temporary healthcare structures	PS	PS	PS	PS	PS	PS	PS	PS		PS		PS	PS		PS	3.6
Temporary storage container	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6
Trailer, temporary construction	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.6
Residential Uses (3.7)																
Dwelling, multifamily (Triplex; quadraplex; Units <= 4)							P	P				P	P		P	
Dwelling, multifamily (Units > 4)							CZ	CZ				CZ	CZ		CZ	3.7
Dwelling, single-family detached	P	P	P	P	P	P	P	P		P		P	P		P	
Dwelling, two-family	P					P	P	P				P	P		P	
Family care home	PS	PS	PS	PS	PS	PS	PS	PS		PS		PS	PS		PS	3.7
Manufactured home, on standard, single-family lot (Class AA, A, and B)						P										3.7
Manufactured home (Class C)	Prohibited															
Planned Unit Development (Section 3.8)																

Planned unit development, business									CZ	CZ	CZ	CZ	CZ		<u>CZ</u>	3.8
Planned development, industrial														CZ		3.8
Planned unit development, residential Units <= 4	PS		PS			PS	PS	PS			PS	PS	PS		<u>PS</u>	3.8
Planned unit development, residential) Units > 4	CZ		CZ			CZ	CZ	CZ			CZ	CZ	CZ		<u>CZ</u>	3.8
Nonresidential Uses (Section 3.9)																
Adult entertainment establishment														CZ		3.9
Aircraft takeoff and landing zone	Prohibited															
Animal care facility											P					
Animal care facility with outdoor area											CZ					3.9
Art galleries								P	P	P	P	P			<u>P</u>	
Auction sales									P		P					
Automotive (including motorcycles, RVs, and other consumer motor vehicles)										CZ	PS			PS		3.9
Bakery, retail								P	P	P						
Bakery, wholesale											P			P		
Bed and breakfast inn	CZ						CZ	CZ	CZ	CZ	CZ		CZ		<u>CZ</u>	3.9
Boat and personal water craft (PWC) sales and rental								P		P	P	P	P			
Boat repair facility											PS	PS		PS		3.9
Body piercing and tattoo facility											CZ					
Bus terminal								P		P						
Cemeteries, public and private														CZ		3.9
Commercial indoor recreation								P		P						
Commercial outdoor recreation								CZ		CZ				PS		3.9

Contractors offices, no outdoor storage									P		P			P		
Day nurseries, day care centers and preschools	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ	CZ	CZ	PS	PS	PS	<u>CZ</u>	3.9
Drop-in child care providers	CZ	CZ	CZ	CZ		CZ	PS	PS	PS	PS	PS	PS	PS	PS	<u>PS</u>	3.9
Drive-in/through facility											P					
Dry stack storage facilities												PS				3.9
Ear piercing facility											P					
Exterminator service business offices, no outdoor storage of materials or equipment									P		P			P		
Fire stations, emergency services, nonprofit	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ			CZ	<u>CZ</u>	
Funeral homes and crematoriums									P		P					
Gardens, arboretums nurseries, and greenhouses									P	P	P			P		
Government/public facilities and utilities	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	<u>PS</u>	3.9
Group care/rehabilitation facility											CZ			CZ		
Laundries and dry cleaning									P	P	P					
Libraries	CZ		CZ	CZ				P	P	P	P				<u>P</u>	
Live entertainment complex									CZ		CZ					
Fishing piers; public and private									CZ							
Medical and dental clinics								P	P		P			P	<u>P</u>	
Meeting facilities	CZ	CZ	CZ	CZ		CZ	CZ	CZ	P		P			P	<u>CZ</u>	
Mixed use nonresidential-residential								PS	PS	PS	PS	PS	PS		<u>PS</u>	3.9
Motels and hotels								CZ	CZ		CZ		CZ	CZ	<u>CZ</u>	

Motels and hotels, operated with a marina												CZ					
Multi-use facility								P	P	P	P	P	P	P	P	<u>P</u>	
Museums					P				P		P		P	P	<u>P</u>		
Offices, general								P	P	P	P	P	P	P	<u>P</u>		
Parking lot, commercial—permanent									CZ						<u>CZ</u>	3.9	
Parking lot, town operated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>		
Parking, municipal decks									P								
Parking, private decks									CZ								
Personal service establishment								CZ	P	P	P			P	<u>CZ</u>		
Pet shops and pet supply stores									P		P						
Post offices									P		P			P			
Religious institution	CZ	CZ	CZ	CZ		CZ	CZ	CZ	P		CZ				<u>CZ</u>		
Rental of golf carts, mopeds, e-bikes and scooters								PS	PS	PS	PS	PS		PS	<u>PS</u>	3.9	
Retail sales								P	P	P	P	P		P	<u>P</u>		
Rooming house	Prohibited																
Schools, commercial for specialized training									P		P			P			
Schools, public and private	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ			CZ	<u>CZ</u>		
Seafood production and/or processing and/or dockage, wholesale and retail												CZ		CZ			
Shooting range														CZ		3.9	
Shopping centers/big box								CZ	CZ	CZ	CZ	CZ	CZ	CZ	<u>CZ</u>		
Swimming pools, public	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		<u>CZ</u>	3.9	
Tennis courts, commercial									CZ		CZ					3.9	
Tennis courts, private	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ	<u>CZ</u>	3.9	
Utilities, private	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	P	P	P	P	P	P	<u>CZ</u>		
Wholesale sales									P		P	P		P			

Recreational vehicle/boat storage, yard												PS	PS		PS		3.1
Towing service impound yard, salvage operation												CZ			PS		3.1
Warehouses, mini storage, Self-service storage facility															P		
Woodworking shops															P		

(Ord. No. 24-1230, 7-9-2024; Ord. No. 25-1261, 8-12-2025)

3.27 LANDSCAPE AND BUFFER REQUIREMENTS

A. PURPOSE

This article is established for the purpose of regulating, controlling, preserving, and setting forth methods of continued maintenance assurances of all regulated vegetation located within the municipal limits of the town, and furthermore establishes authority to regulate and control the degree of impervious surfaces constructed on properties and the placement and configuration of fill soil and materials on properties located within said municipality.

B. AUTHORITY

North Carolina General Statutes 160A-174(a), 160D-923, 143-214.7, and 143-215.51 (G.S. 160A-174(a), 160D-923, 143-214.7 and 143-215.51).

C. BENEFITS OF TREES AND LANDSCAPING

1. The town finds it important to adopt an ordinance to preserve and protect trees since numerous benefits are derived from this practice, including the following:
 - a) Maintains the visual character of the community and contributes to the aesthetic quality of property and enhances its value.
 - b) Screens objectionable views within and between uses.
 - c) Reduces glare, heat, and assists in noise abatement, maintaining the climatic balance and decreasing wind velocity.
 - d) Contributes to the process of air purification and oxygen regeneration.
 - e) Assists in the stabilization and fertilization of soil and in the prevention of soil erosion.
 - f) Contributes to the process of groundwater recharge and stormwater runoff retardation and protecting against flood hazards and erosion.
 - g) Promotes energy conservation by maximizing the shading and cooling effects of trees.
 - h) Provides a haven for birds, reptiles, and mammals that in turn help control the insect population.
 - i) Provides nuts and fruits for wildlife.
 - j) Provides important psychological, sociological, and aesthetic counterpoints to the manmade urban setting.

D. APPLICABILITY

In order to adhere to the above-described functions, these regulations shall be applicable to any and all regulated vegetation and to all areas proposed for the reduction of ground absorption area through the construction of impervious surfaces and to all areas proposed for land elevation and modification of configuration by the deposition of fill soil or materials as specified herein or as may be described by subsequent applicable regulations of the town.

E. BUFFER YARD AND STREET YARD LANDSCAPING

1. For proposed new construction or expansion. A buffer yard, as defined herein, shall be provided for all new construction or expansion that is proposed in any amount equal to 50% or more of the current tax or appraised value. However, no buffer yard improvements shall be required for those portions of existing lot frontage used for driveways constructed in accordance with town regulations.

2. Required landscape types. It is required that buffer and street yards be landscaped by meeting the requirements of Type A—E set forth in this section. Any side or rear yard that abuts a residential use or residential district shall provide for a six (6) foot fence with 80% opacity. A landscaping/buffer yard information guide and plant selection list is available from the UDO Administrator.

Table 3.9 Buffer and Street Yard Types and Widths		
Buffer and Street yard Types	Uses	Buffer/Street Yard Size/width (feet)
Type A	Nonresidential use 10,000 square feet or less impervious surface or area	5
	Multifamily, planned unit development (3-5 units)	5
Type B	Multifamily, planned unit development (6 + units)	10
	Nonresidential use greater than 10,000 square feet of impervious surface or area	10
Type C	Industrial or manufacturing	15
Type D	Central business district (CBD), Commercial Transition district (CT) , new construction only	0
Type E	Single-family and two-family	0

- a) Type A. For every 50 linear feet, or fraction thereof, the buffer yard shall contain one (1) canopy tree or two (2) understory trees, and three (3) shrubs.
- b) Type B. For every 50 linear feet, or fraction thereof, the buffer yard shall contain two (2) canopy trees or four (4) understory trees, and six (6) shrubs.
- c) Type C. For every 50 linear feet, or fraction thereof, the buffer yard shall contain two (2) canopy trees or four (4) understory trees, and six (6) shrubs.
- d) Type D. For every 50 linear feet of frontage, or fraction thereof, the street yard shall contain one (1) 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.
 - i) [In the CBD any side or rear yard that abuts a residential district shall provide for a Type B landscape buffer yard.](#)
 - ii) [In the CZ any side or rear yard that abuts a residential use shall provide for a Type A landscape buffer yard.](#)
- e) Type E. For every 25 linear feet of frontage, or fraction thereof, the lot shall contain a minimum of one (1) tree. At planting each tree shall be a minimum of:
 - i) Six (6) feet tall.
 - ii) Two (2) inches in caliper.

3. Preservation of vegetation. If vegetation exists in the proposed buffer yard area, the UDO Administrator may grant credit toward meeting buffer yard requirements for preservation of the vegetation provided their caliper or height is equal to or exceeds the specifications herein described.
4. Planting and replacement of vegetation. All buffer yards shall be landscaped with a combination of live vegetation, ground cover, grass, trees, and/or shrubs. Vegetation to be planted pursuant to this section shall be indigenous with or compatible to the town area and be approved by the UDO Administrator.
5. Minimum size at planting. All shrubs be 12 inches high, understory trees six (6) feet high, and canopy trees 2.5 inches caliper.

F. TREE/LANDSCAPE PLAN

1. Required. A tree/landscaping plan shall be required for all clearing, grading, or other earth disturbing activity proposals. The plan must contain the information set forth in this section (the required tree/landscape plan can be incorporated into any applicable development approval application).
2. Landscape plan submittal requirements. The landscape plan shall contain the following information:
 - a) General location, type, and quantity of existing plant materials.
 - b) Existing plant materials and areas to be left in natural state.
 - c) Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
 - d) Locations, size, and labels for all proposed plants.
 - e) Plant lists with common name, quantity, spacing, and size of all proposed landscape material at the time of planting.
 - f) Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courtyards or paved areas.
 - g) Planting and installation details as necessary to ensure conformance with all required standards.
 - h) Location and type of irrigation system, if applicable.
 - i) Location of any proposed buildings.
 - j) Layout of parking and traffic patterns.
 - k) Location of overhead and underground utilities.
 - l) Location of signage.
 - m) Connections to existing streets.
 - n) Zoning designation of adjacent properties.
 - o) Landscape plan shall be drawn to scale and include a north arrow and necessary interpretive legends.
3. Information guide and plant selection list. A landscaping/buffer yard information guide and plant selection list is available from the UDO Administrator.

(Ord. No. 24-1230, 7-9-2024)

3.31 COMMERCIAL AND NONRESIDENTIAL SIGNAGE

A. APPLICABILITY

The following permanent and temporary signs shall be permitted in all districts where associated with a permitted commercial or nonresidential use(s) on the same property.

B. ATTACHED SIGNS

1. Attached signs shall be allowed on all sides of a business. The total allowable building face signage shall not exceed 25% of the front building face and may be apportioned among any/all building faces. A building face shall be measured from ground level at the foundation to the roof overhang (or junction of roof and front wall line) and from side-to-side of building.
2. If utilized, projecting signage shall have a clearance of at least 10 feet between the adjacent ground level and the lowest portion of the sign. No attached sign shall project more than four (4) feet from the building facade. In the CBD, where buildings are adjacent to a right-of-way, a projecting sign shall be allowed to encroach up to two (2) feet into the right-of-way subject to required ground level clearance.
3. Canopy/awning signs shall be considered as attached signs. In no instance shall a canopy/awning sign exceed the canopy awning area.

C. DIRECTIONAL SIGNS

1. On-premises directional signs.
 - a) On-premises directional signs shall be limited to not more than four (4) square feet and shall not exceed three (3) feet in height.
 - b) For every driveway cut, two (2) directional signs shall be allowed on private lot adjacent to the right-of-way.

D. PERMANENT FREESTANDING SIGNS

1. Unless stated elsewhere in the article, no business/property or lot shall have more than one (1) freestanding sign.
2. A permanent freestanding sign shall have a minimum setback of 10 feet from all lot lines.
3. Maximum size equals one-half a square foot of sign area per one (1) linear foot of road frontage or 25 square feet per commercial and/or residential unit located on the development site, whichever is greater, but not to exceed the below requirements.

Table 3.10 Nonresidential Sign Area and Height	
Maximum Area (Square Footage) per Face	
Type of Development	Max. Area Per Face (square feet)
Multi-family Residential	50
Nonresidential up to 2,500 square feet of building area	50
Nonresidential 2,500 to 15,000 square feet of building area	64
Nonresidential greater than 15,000 square feet of building area	100
Maximum Height	
Zoning District	Height (feet)
CBD, NB, MB-1, T-1, MF, CT and MX	20

E. TEMPORARY SIGNS WHICH REQUIRE A SIGN PERMIT

1. Each business shall be allotted one (1) temporary freestanding or attached sign year-round. Permits for temporary signage shall be issued annually with the following limitations:
 - a) A-frame signs not exceeding eight (8) square feet per side in area with a maximum height of four (4) feet.
 - b) Portable signs not exceeding 10 square feet and five (5) feet in height.
 - c) Banner signs not exceeding 24 square feet and eight (8) feet in height.
 - d) Commercial flagging shall be limited to 24 square feet in area and shall have the same height restrictions as permanent freestanding signs.
 - e) Feather flags shall be limited to 20 square feet and 10 feet in height.
2. Temporary signs may be placed on public sidewalks in the CBD. In all other districts, such signs may be placed up to the right-of-way but shall not encroach into the right-of-way. No temporary sign shall be placed where the unobstructed space for the passageway of pedestrians is reduced to less than four and one-half (4.5) feet.

(Ord. No. 24-1230, 7-9-2024)