

# CAROLINA BEACH

Planning and Zoning Meeting

Thursday, June 12, 2025 — 6:00 PM

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



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## AGENDA

### CALL TO ORDER

### APPROVAL OF MINUTES

1. May 8, 2025 – P&Z Minutes

### STAFF REPORT ON RECENT COUNCIL MEETINGS

### STAFF REPORT ON RECENT DEVELOPMENTS

### PUBLIC HEARING

2. Text Amendment to amend Article 3, Sec. 3.20 Fence Regulations. Applicant: Pleasure Island Holdings, LLC.
3. Text Amendment to amend Article 3: Zoning and Article 7: Definitions of the UDO to address water-oriented businesses and personal watercraft sales and rental. Applicant: Town of Carolina Beach

### NON-AGENDA ITEMS

### ADJOURNMENT



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Gloria Abbotts, Senior Planner

**DEPARTMENT:** Community  
Development

**MEETING:** Planning & Zoning Commission – June 12, 2025

**SUBJECT:** May 8, 2025 – P&Z Minutes

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**Action:**

Approve the May 8, 2025 Minutes

# CAROLINA BEACH

Planning and Zoning Commission

Thursday, May 8, 2025 - 6:00 PM

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



## MINUTES

### CALL TO ORDER

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

### PRESENT

Chairman Wayne Rouse  
Vice Chairman Jeff Hogan  
Commissioner Melanie Boswell  
Commissioner Ethan Crouch  
Commissioner Todd Piper  
Commissioner Bill Carew  
Commissioner Lynn Conto

### ALSO PRESENT

Community Development Director Jeremy Hardison  
Senior Planner Gloria Abbotts  
Planner Haley Anderson

### CONFLICT OF INTEREST

*Members of Planning and Zoning shall not vote on recommendations, permits, approvals, or other issues where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member or a member has a close familial, business, or other associational relationship. No member shall be excused from voting except upon those matters as noted, above, or upon those others involving the consideration of his own financial interest or official conduct. (160D-109)*

### APPROVAL OF MINUTES

1. April 10, 2025 – P&Z Minutes

### **ACTION:** Motion to approve the minutes

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

*Motion passed unanimously*

### STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Hardison reported the following during the past month:

### Permitting

- 56 permits (renovation, repair, grading, additions, fences, etc.)
- 9 residential new construction
- 5 certificates of occupancy

### Demos

- 611 Canal Drive (single-family home)

### Project update

- The Sunny Day Flooding Project group had an open house and will make a presentation at Council's July 22 workshop.

### New businesses

- Island Burgers, 254 North Lake Park Boulevard
- K38, 1000 North Lake Park Boulevard, Suite 101 (Proximity)

### Upcoming

- Council May 13: designating public parking for private business (Carolina Beach Inn) and mini golf bar Conditional Zoning
- Council June 17: Special Use Permit modification – 401 Marina Street
- Council accepting a construction bid for 2nd Street extension
- Council opposing Senate Bills 495, 497, 499, and 688 and House Bill 765
- Board of Adjustment May 22: 817 Canal Drive variance
- Planning and Zoning Commission June 12: pool fence text amendment and Unified Development Ordinance (UDO) discussion
- Embassy Suites representatives said after their last community meeting that they would revise their plans based on comments received, but the Town has not yet seen these plans and nothing has been submitted. Vice Chairman Hogan said they have planned another community meeting on May 14 at SeaWitch.

### PUBLIC COMMENT

William Wickliffe of 210 Harper Avenue read a letter from his neighbor, Mark Gates of 206 Harper Avenue, that he and neighbor Rebecca Triplett of 212 Harper Avenue have endorsed. The letter voiced opposition to the rezoning of 204 Harper Avenue due to concerns about a negative impact on the neighborhood, family, and Town as a whole. **# The letter** said **that** parking is already a serious issue, and **that** converting this property to commercial will intensify the problem and further burden existing limited parking infrastructure in the Town. The letter further stated that the rezoning would set a dangerous precedent for future commercial encroachment into residential areas, leading to a cascading effect that could irreparably change the character of the neighborhood and Town. In addition, it cited concerns about traffic, safety, noise, flooding, and surrounding property values, and it pointed out that Council voted against this the last time it was presented.

### PUBLIC HEARING

2. Zoning Map Amendment to Consider a Request to Rezone 204 Harper Avenue from Mixed Use (MX) to Central Business District (CBD)

Applicant: STLNC, LLC

Vice Chairman Hogan recused himself from this matter.

Applicant STLNC, LLC, has submitted a petition to consider rezoning 204 Harper Avenue from Mixed Use (MX) to Central Business District (CBD) zoning. The neighboring property to the east is under the same ownership, formerly Welcome Inn (205, 207, and 209 North Lake Park Boulevard), and is currently in the CBD. The applicant has requested the rezoning to have consistent zoning and land uses for the entire property, so all business-related decisions and operations fall under the same zoning guidelines.

For consistency and the purpose of redevelopment, it is best practice for the entirety of a property to be within the same zoning district. Redevelopment of the property would require recombination of the property. One of the standards for creating zoning districts is to follow plotted lot lines. Guidance for the interpretation of zoning district boundaries comes from Section 1.7 of the UDO. Previously, 204 Harper Avenue had a single-family structure, and the adjacent common ownership parcels were formerly Welcome Inn. The adjacent use to the west is single-family, to the north is a multi-family structure, and across the street to the south is a hotel.

#### HISTORY

The property has been ~~in~~ under the same ownership for over 50 years. The single-family house and Welcome Inn were built in the 1930s. In 2023, the structures were demolished after a new hotel was approved for the site in 2022. The hotel had not started construction, and the property was recently purchased. The permit for the hotel authorization expired September 14, 2024.

The 1984 zoning ordinance and zoning map had both properties, 204 Harper Avenue and the property where Welcome Inn was, in B-1: Central District. In 2000, 204 Harper Avenue was rezoned to MX, and the Welcome Inn property was rezoned to CBD.

#### TECHNICAL REVIEW COMMITTEE (TRC) COMMENTS

Staff discussed the preference for zoning lines to follow contiguous property ownership but did note the expansion of the CBD into a district that allows for single-family residential. The property to the north does have a permanent 10-foot access easement that would create a buffer between the single-family homes and any new development. Changing the property from MX to CBD does present the potential for increased water and sewer capacity needs because the CBD allows for higher density.

#### LAND USE PLAN

The property is shown on the Future Land Use Map as Mixed Use Commercial and is described as a higher-density area with a mix of uses, within the district and individual buildings. Residential uses are allowed only on upper stories; ground floor is encouraged to be active. 4- to 5-story structures are possible, unless a property is adjacent to low- or medium-density residential with attractive street facades. NCGS 160D states that if a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any Future Land Use Map in the approved plan, and no additional request or application for a plan amendment is required.

Ms. Abbotts presented the details, including a review of the history of the property, surrounding uses, dimensional standards, and permitted uses. She said staff recommends approval of the zoning map amendment and Land Use Plan amendment.

Commissioner Crouch asked what the basis for staff's recommendation is. Ms. Abbotts said this is because the property has been in same ownership for a long period of time, and staff believes it is best land-use practice to have similarly owned properties in one zoning district.

**ACTION:** Motion to open the public hearing

Motion made by Chairman Rouse, seconded by Commissioner Boswell

Voting Yea: Chairman Rouse, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Attorney Ned Barnes of 814 Carolina Beach Avenue North, who represents the applicant, reviewed **how the** ways they contend the proposed rezoning is consistent with the Land Use Plan. He said the rezoning would bring the property into conformity with adjacent lots that are zoned CBD, offering compatibility with the surrounding area, and it would not impact public services. Mr. Barnes said Mr. Gates' property at 206 Harper Avenue has been granted a 10-foot easement, creating a setback, so he's protected in that sense. He said somehow the one parcel converted from B-1 to MX, and the applicant is just asking for it to be restored to what it was.

**ACTION:** Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Commissioner Boswell

Voting Yea: Chairman Rouse, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Commissioner Carew asked if anything has changed materially since the first time the Commission heard this a year ago. Ms. Abbotts said no.

Commissioner Piper said at the meeting last year, Mr. Gates, who will be more affected than anybody, said he had no objection to the rezoning. Commissioner Piper said if Mr. Gates is good with it, then he's good with it.

Commissioner Crouch said Mr. Gates and other neighbors on Harper Avenue are categorically opposed to the request now. Commissioner Crouch said the westerly creep of the CBD is going to be an ongoing pressure, and anything that can be done to head this off to protect residential neighborhoods is a win for the overall community. He said the request is not in accordance with the Town's Future Land Use Plan, and for that reason he will strongly recommend denial of it.

Chairman Rouse said he recalls that Mr. Gates was present during the meeting last year and specifically wanted to ensure that his easement did not go away. Chairman Rouse said this is a permanent easement, and because of the side setback where it's located, Mr. Gates actually has a bigger setback

and therefore less westward creep than if the applicant built something else. He said he is voting in favor of the request.

Commissioner Conto said the applicant has been a good steward in partnering with the Town to do parking vs. choosing other more profitable options for the property.

**ACTION:** Motion for denial based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents and potential impacts on surrounding areas  
Motion made by Commissioner Crouch  
*Motion died for lack of a second*

**ACTION:** Motion of approval whereas in accordance with the provisions of the North Carolina General Statutes, the Planning and Zoning Commission does hereby find and determine that the adoption of the zoning map amendment for 204 Harper Avenue is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts on the surrounding area are mitigated by the approved conditions; a statement approving the proposed zoning map amendment and declaring that this also amends the Land Use Plan to meet the vision of the community is taken into consideration in the zoning amendment  
Motion made by Commissioner Boswell, seconded by Commissioner Conto  
Voting Yea: Chairman Rouse, Commissioner Boswell, Commissioner Piper, Commissioner Carew, Commissioner Conto  
Voting Nay: Commissioner Crouch  
*Motion passed 5-1*

3. Text Amendment to Amend Article 3: Zoning and Article 7: Definitions of the UDO to Address Water-Oriented Businesses and Personal Watercraft Sales and Rental  
Applicant: Town of Carolina Beach

During the UDO rewriting process, staff and the Commission identified the need to address water-oriented businesses in the ordinance. To facilitate a more focused discussion, this text amendment is being introduced currently, after the UDO has been adopted.

The goal of this text amendment is to clarify water-oriented businesses and related uses. Prior to this text amendment, there were multiple uses that were similar with different requirements and parking calculations. Staff presented a text amendment last month for the Commission's review. Since the April meeting, staff and the Commission have held two workshops to discuss the text amendment.

The following changes have been made to the proposed ordinance since April:

1. Table of uses
  - a. Removed boats from the automotive category.
  - b. Boats and personal watercraft (PWC) rental is Conditional Zoning (CZ).
  - c. Boat sales and repair are permitted by right with standards.
  - d. Removed the rental and repair of any item and clarified the definition of retail sales to include repair.

## 2. Off-street parking

- a. Removed boats from automotive.
- b. Boat rentals require 1.5 spaces per boat.
- c. Commercial marinas require .75 spaces per wet slip plus requirements for dry stack and all other uses on site.
- d. Dry stack facilities require 1 per 2 spaces to align with the requirement for commercial marinas.

## 3. Added standards for boat and PWC rental

- a. The business shall operate in a permanent on-site building.
- b. All boat slips must be shown on the site plan.
- c. All other standards are consistent with the automotive development standards.

## 4. Added standards for commercial marinas

- a. Parking, restrooms, refuse, water, electricity, and sewer pumpouts are required.
- b. Slips used for charter boats, dive boats, dinner cruises, scenic cruises, boat taxis, etc., must be identified on the site plan. Any changes to the site plan require major modification to the CZ permit for the marina.

## 5. Definitions

- a. Clarified in automotive definition that rental of boats, PWC, golf carts, mopeds, e-bikes, and scooters shall not be included.
- b. Added a definition for public marinas operated by a government entity.
- c. Added a definition of wet boat slip because it is used in the off-street parking table. A single watercraft in or over water, whether it is residential, commercial, or transient, constitutes a wet boat slip.
- d. Clarified that private marinas/docks/piers are for residential use only.

## Historical commercial marina parking requirements for wet storage:

- Existing: 1 per 1 space
- Pre-UDO change: 1 per 1 space
- 2007 Town text amendment: 1 per 1 space
- 2005 applicant text amendment: 1 per 3 spaces
- Pre-2005: 1 per 1 space

The Town changed commercial marina parking back to 1 per 1 space in 2007 because the specific project that the ordinance was changed for was never built. Staff is concerned that the proposed parking requirements do not ~~line-up~~ align with the requirements of surrounding communities.

The text amendment is in general conformity with the Land Use Plan. The recreational and working waterfront are major drivers in the Town's economy, and the plan recommends preserving traditional water-dependent uses such as marinas.

Ms. Abbotts presented the details.



Commissioner Piper said he thinks slip length should be addressed, and when designing and submitting a site plan it should have everything the Town will want to know so **that** things don't come up after the fact. He said there could be a dive boat use, but that could switch to a bigger dive boat that holds more people. Commissioner Piper said this is a gray area, and he likes to know all the rules upfront.

**ACTION:** Motion to open the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

*Motion passed unanimously*

Olin Furr of 440 Oceana Way handed out information to Commissioners and highlighted some points from staff's presentation. He said it's important to clarify as much as possible in this amendment and offered some suggestions regarding wording. He said he appreciates the work on this and thinks it's a good start, but he believes there are many more changes that can be refined. Mr. Furr said the Town should not be in a hurry to vote on this because there is a lot at stake to get this right.

**ACTION:** Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

*Motion passed unanimously*

Commissioner Carew said he likes where Commissioner Piper is going in terms of specificity. He said there is a lot more that needs to be added, otherwise this could become an enforcement nightmare. Commissioner Carew said he keeps going back to Brunswick County's rule of 1.5 parking spaces per slip, and he thinks doing it across the board makes it simpler instead of setting up the next problem.

Commissioner Boswell said she can get on board with 1.5 spaces per slip straight across, but she agrees that they need to define rentals.

Commissioner Conto said a rule of 1.5 spaces per slip makes it very simple and cut and dry.

Chairman Rouse said 1.5 is twice what they had considered and asked if everyone is good with that.

Commissioner Carew suggested that if CZ is required for any individual use and there were none of those in a marina, then the marina could go with the lower parking ratio, but the minute you add one of those other uses then you trigger 1.5 parking spaces per slip.

Commissioner Conto said she wants to make sure whatever they do eliminates communities battling against each other as a future possibility. She said people should be able to work cohesively together to get through this.

Commissioner Piper said creating a marina with wet slips is challenging regarding regulations, permitting, and expenses. He said the cost to permit and construct docks is getting so expensive that it makes more sense to negotiate with existing marinas and purchase part of their docks for commercial operations rather than construct something new. Commissioner Piper said he likes the suggestion Commissioner Carew offered for .75 parking spaces per slip, but the minute slips are leased to a commercial for-profit operation it becomes 1.5 spaces per slip.

Commissioner Conto said she worries about the Town being able to enforce this.

Commissioner Carew said he is in favor of coming up with one standard for a commercial marina that only leases to private individuals, but a second standard would be triggered for the entire marina once they decide to conditionally zone for any one or more of the conditional uses, such as boat rentals and dive boats. He said he thinks .75 parking spaces per wet slip is fine if it's just a marina leasing space to individuals, but if they decide to conditionally zone for any of the other uses, the entire marina goes to 1.5 spaces per wet slip.

Commissioner Piper said he is on board with this, but he doesn't feel one dive shop occupying a slip should affect the entire marina. He thinks the increased parking requirement should apply only to the one slip that has the commercial use.

Vice Chairman Hogan said he thinks the increased parking requirement should apply to the entire marina, not just the slips with the commercial uses. He said staff is not able to go to every marina every day to regulate this, and there could be abuse of the rules. Vice Chairman Hogan said the minute there is a commercial use, the parking requirement should go from .75 to 1.5 parking spaces per slip.

Commissioner Conto said she would be in favor of this also.

Commissioner Crouch said the Town needs to get ahead of this issue by putting a set of rules in place that is understandable to the general public and enforceable by Town staff. He said he's not sure what the exact number should be and will defer to others on that.

Commissioner Boswell said she agreed it needs to be enforceable and easy to understand. She said she can understand Commissioner Piper's point but doesn't think it would be enforced. She said she likes the idea of 1.5 parking spaces per slip across the board for any commercial marina because it is the easiest route for staff, marinas, and the public. Commissioner Boswell said it will be hard to make a motion tonight because they have discussed so many changes.

Commissioner Carew said he thinks they should eliminate the loophole of floating platforms being excluded from any of the square footage count. He said he also thinks it would be a mistake to try to vote on this tonight.

Commissioner Crouch said it sounds like they are close ~~on~~ to some consensus, and Commissioners just want to put their eyes on a consolidated set of changes before they vote. Other Commissioners agreed.

Commissioners detailed some other minor changes they would like to see in the text amendment.

Commissioner Conto said it is important to get rid of as much ambiguity as possible now.

**ACTION:** Motion to table the hearing until June 12, 2025

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

Motion passed unanimously

#### **DISCUSSION ITEMS**

##### 4. UDO Discussion Update

Staff planned to present a list of changes and areas for discussion after 1 year of administering the new UDO. Ms. Abbotts said Commissioners can start the discussion now and continue it in June or wait until June to begin.

Chairman Rouse asked if there needs to be a rush on this. Ms. Abbotts said no. Chairman Rouse suggested they start this discussion in June. No one objected.

#### **NON-AGENDA ITEMS**

None

#### **ADJOURNMENT**

Chairman Rouse adjourned the meeting at 7:45 PM.



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Haley Anderson, Planner

**DEPARTMENT:** Planning & Development

**MEETING:** Planning & Zoning – June 12<sup>th</sup>, 2025

**SUBJECT:** **Text Amendment** to amend Article 3, Sec. 3.20 Fence Regulations

Applicant: Pleasure Island Holdings, LLC.

### BACKGROUND:

The applicant, Pleasure Island Holdings, LLC., is applying for a text amendment to modify Article 3, Sec. 3.20 Fence Regulations. The applicant is pursuing this text amendment because they would like to allow some flexibility for fencing located in a front setback that is required for a commercial pool. The town ordinance requires fencing located within the front setback be no taller than 48" and the NC Building Code requires pool fencing be at least 48" and it can be difficult to install a prefabricated fence that meets the 48" height requirement.

The applicant's proposed text amendment provides an exception to the 4' fence height requirements for fencing located within a front setback. The text amendment consists of the following changes:

3. No fence shall exceed four (4) feet in height when located in the front yard setback, except for fencing required for nonconforming commercial pools located within a front setback which shall meet the following:
  - a) Not exceed five (5) feet in height.
  - b) Maximum opacity of 50%.

The current Town Ordinance restricts all pools from being located within the front setback of a zoning district. There are a total of eight (8) nonconforming commercial pools currently located within the front setback of a zoning district whose fencing would be required to be no taller than 4' (or 48") tall. The problem occurs when a nonconforming commercial pool updates their fence barrier with prefabricated fencing materials. These prefabricated fences are designed to meet NC Building Code.

**LAND USE PLAN:**

The text amendment is in general conformity with the CAMA Land Use Plan. The proposed flexibility in fence height follows the Land Use Plan's sentiment to encourage the improvement and renovation of existing structures where a teardown/rebuild is not the best possible outcome. The Land Use plan also allows exploring options to allow older structures to reinvent themselves within the limits of public safety and welfare can help preserve the quirky beach town character that defines Carolina Beach.

**STAFF COMMENTS:**

Staff supports the proposed text amendment. There are a limited number of legal non-conforming commercial pools existing within the municipal limits that would be impacted by the proposed text amendment. The amendment allows flexibility for the fencing to exceed 48" to easily meet the barrier fencing requirements for NC Building code.

**ACTION REQUESTED:**

Consider recommending approval or denial of the text amendment.

**MOTION:**

Approval – to amend Article 3, Sec. 3.20 Fence Regulations.

Denial – to amend Article 3, Sec. 3.20 Fence Regulations.

**ATTACHMENTS:**

Attachment 1 – Text Amendment Application

Attachment 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: Pleasure Island Holdings, LLC Phone #: (910) - 264 - 6506

Street Address: 300 S. Lake Park Blvd

City: Carolina Beach State: NC Zip: 28428

Email: ladd@reachprop.com

### REQUESTED TEXT AMENDMENT

Town Code Section(s) Requested to be Amended:  
Article 3. Sec. 3.20 FENCE REGULATIONS

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:

Current sign ordinance has strict maximum height of 48" along streets. This creates major conflict in case of a pool which county health department requires minimum of 48" for safety.

Requesting narrowly drafted text amendment to allow commercial business/operation with a with pool within setback of road to have fence up to 56" (which would allow for 54" fence that pool safety experts suggest along with up to 2" buffer for installation).

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: LSG Date: 4/9/2025

### 3.20 FENCE REGULATIONS

#### A. PURPOSE

All fences shall be considered structures as defined in this ordinance. This section provides standards for the erection, construction, location, and maintenance of fences and ensures that hazardous or nuisance situations do not result from said erection, construction, location or maintenance; and, furthermore, the provisions of this article shall be applicable to all fences constructed on property located within the municipal limits of the town.

#### B. PERMITTED LOCATION OF FENCES

Fences are permitted in the required setbacks subject to the provisions provided herein. All fences shall be located at least 36 inches from fire hydrants. Fences may be erected on the property line at the property owner's risk. No "as-built" surveys are required by the town for fences.

#### C. LOCATION OF FENCES TO PREVENT HAZARDOUS TRAFFIC SITUATIONS

No fence shall be erected in any location that interferes within a sight distance triangle of motorists utilizing public or private roadways. 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.

#### D. HEIGHT RESTRICTIONS

##### 1. Measurement.

- a) Height shall be measured at the highest point, not including columns or posts, after any fill or grading of the site. The point of measurement shall be along the outside of the fence adjacent to the abutting property. If the fence is adjacent to a right-of-way, the height shall be measured from the grade at the right-of-way line.
- b) Columns or posts shall not extend more than 18 inches above the built height of the fence. Columns or posts shall be separated by a horizontal distance of at least four (4) feet, except at gates.
- c) Any retaining wall or berm below the fence shall be considered as part of the overall height of the fence. Bulkheads that are adjacent to estuarine waters are exempt from this regulation.
2. ~~With the exception of fences located in the industrial zoning district,~~ no fence shall exceed six (6) feet in height , except for fences located in the industrial zoning district.
3. No fence shall exceed four (4) feet in height when located in the front yard setback ~~, except for fencing~~ required for nonconforming commercial pools located within a front setback which shall meet the following:
  - a) Not exceed five (5) feet in height.
  - b) Maximum opacity of 50%.
4. Exemptions. Town facilities, utilities, and all uses specifically identified as having an allowance for fencing exceeding six (6) feet shall be exempt from the height requirements provided herein.

#### E. ZONING PERMIT REQUIRED FOR ALL FENCES

No fence shall be erected by any person until a permit for same has been issued by the UDO Administrator. A building permit shall also be required for all fences exceeding six (6) feet in height. Properties located in an area of environmental concern (AEC) require a CAMA permit. Sand fences and silt fences are exempt from these permit requirements.

#### F. MAINTENANCE REQUIRED

All fences shall at all times be kept in good repair. If at any time a fence should become unsafe or poorly maintained, the Building Inspector or Code Enforcement Officer shall notify the owner of such condition, and, upon failure of the owner to correct such situation within a 30-day period, the Building Inspector or Code Enforcement Officer shall take appropriate legal action to have such fence repaired or removed.

#### G. CONSTRUCTION STANDARDS

All fences permitted in all districts shall meet the structural requirements of the State Building Code and other wind resistant construction requirements that may be specified or suggested by the Building Inspector. Fences shall be constructed so that the finished (sheathed) side is oriented toward adjoining lots or the public right-of-way.

#### H. NONCONFORMING FENCES

Fences erected before the adoption of the ordinance from which this section is derived, which violate the provisions of this article, shall be considered nonconforming. If more than 50% of a nonconforming fence is destroyed or removed for any reason, then only that portion of the fence shall comply with the provisions of this article.

#### I. GATED STREETS AND DRIVES

1. Permits shall be obtained and are subject to approval by the town. All gates shall meet the following requirements:
  - a) Shall not be located in an improved public access easement or public right-of-way.
  - b) A vehicle turnaround shall be provided before the gate entrance. The turnaround shall be a minimum of 20 feet from the curb line or end of the abutting street.
  - c) Gate setback: Minimum of 60 feet from curb line or end of abutting street.
  - d) All gates will be required to open away from, not toward, a vehicle entering the development.
  - e) Pedestrian access shall be provided.
  - f) The gate entrance shall be illuminated.
  - g) Emergency access shall be approved by the Town of Carolina Beach Fire Marshal and meet the North Carolina State Fire Prevention Code.
  - h) Opening gate requirements:
    - i) Single gate width: Minimum clear width of 22 feet from curb face to curb face for one-way or two-way traffic.
    - ii) Dual gate width: Minimum clear width of 14 feet per lane from curb face to curb face on both travel lanes.
  - i) The closing of town streets and facilities for safety and maintenance reasons shall be exempt from the requirements above.

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





## AGENDA ITEM COVERSHEET

**PREPARED BY:** Gloria Abbotts, Sr Planner

**DEPARTMENT:** Community Development

**MEETING:** Planning & Zoning – June 12, 2025

**SUBJECT:** **Text Amendment** to amend Article 3: Zoning and Article 7: Definitions of the UDO to address water-oriented businesses and personal watercraft sales and rental.

Applicant: Town of Carolina Beach

### BACKGROUND:

During the UDO rewriting process, staff and the Planning and Zoning Commission identified the need to address water-oriented businesses in the ordinance. To facilitate a more focused discussion, this text amendment is being introduced currently, after the UDO has been adopted.

The goal of this text amendment is to clarify water-oriented businesses and related uses. Prior to this text amendment, there were multiple uses that were similar with different requirements and parking calculations. Staff presented a text amendment in April for P&Z review. Since the April meeting, staff and P&Z have held three workshops, and regular meeting in May to discuss the text amendment.

The following changes have been made to the proposed ordinance:

1. Table of uses
  - a. Removed boats from the automotive category.
  - b. Boats and personal water craft rental is Conditional Zoning.
  - c. Boat sales and repair are permitted by right with standards.
  - d. Boat taxis are permitted by right only in the CBD.
  - e. Removed the rental and repair of any item and clarified the definition of retail sales to include repair.
  - f. Water oriented businesses with a capacity of less than 15 people are permitted by right in CBD and MB-1.
  - g. Water oriented businesses with a capacity of 15 people or more are permitted by right only in the CBD.
2. Off-street parking
  - a. Removed boats from automotive.
  - b. Boat rentals require 1.5 spaces per boat or PWC.

- c. Commercial marinas require 1 space per wet slip plus requirements for dry stack and all other uses on site.
  - d. Dry stack facilities require 1 per 2 spaces to align with the requirement for commercial marinas.
  - e. Water oriented uses with a capacity of less than 15 people require 1 space per wet boat slip.
- 3. Added standards for Boat and PWC Rental
  - a. The business shall operate in a permanent on-site building.
  - b. All boat slips must be shown on the site plan.
  - c. All other standards are consistent with the automotive development standards.
- 4. Added standards for Commercial Marinas
  - a. Parking, restrooms, refuse, water, electricity, and sewer pump outs are required.
- 5. Definitions
  - a. Clarified in automotive definition that rental of boats, personal water craft, golf carts, mopeds, e bikes, and scooters shall not be included.
  - b. Added a definition for public marinas operated by a government entity.
  - c. Added a definition of wet boat slip because it is used in the off-street parking table. A single water craft in or over water, whether it is residential, commercial, or transient, constitutes a wet boat slip.
  - d. Added a definition of boat taxi.
  - e. The boat and personal water craft rental definition clarifies that boats can be rented from a marina, dry stack, or dry storage.
  - f. Clarified that the water oriented uses businesses definition is for commercial boats that are used for off-site activities in a commercial or public marina.

#### **Historical Commercial Marina Parking Requirements for Wet Storage:**

Existing: 1 per 1 space

Pre UDO Change: 1 per 1 space

2007 Town Text Amendment: 1 per 1 space

2005 Applicant Text Amendment: 1 per 3 spaces

Pre 2005: 1 per 1 space

The town changed the commercial marina parking back to 1 per 1 space in 2007 because the specific project that the ordinance was changed for was never built. Staff are concerned that the proposed parking requirements do not line up with the requirements of the surrounding communities.

#### **LAND USE PLAN:**

The text amendment is in general conformity with the CAMA Land Use Plan. The recreational and working waterfront are major drivers in the town's economy. The plan recommends preserving traditional water dependent uses like marinas.

#### **ACTION REQUESTED:**

Consider recommending approval or denial of the text amendment.

**MOTION:**

Approval – to amend Article 3: Zoning and Article 7: Definitions to address water-oriented businesses and personal watercraft sales and rental.

Denial – to amend Article 3: Zoning and Article 7: Definitions to address water-oriented businesses and personal watercraft sales and rental.

### 3.4 TABLE OF USES

Table 3.2: Table of Uses	P = Permitted by Right; CZ = Conditional Zoning (Use Standard noted); PS = Permitted Use with a Use Standard														Use Standard
Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CB D	NB	HB	MB-1	T-1	I-1	
Nonresidential Uses (Section 3.9)															
Automotive, <del>major</del> (including motorcycles, RVs, and other consumer motor vehicles)										CZ	PS			PS	3.9.C
Automotive, minor									PS	PS	PS	PS		PS	3.9.D
Boat and personal water craft (PWC) <del>sales and</del> rental									P CZ		P CZ	P CZ	P CZ	P CZ	3.9.E
Boat <u>and personal water craft (PWC) sales and</u> repair facility											PS	PS		PS	3.9.G <u>F</u>
Boat Taxi									P PS						
Marinas, docks and/or piers, <del>public or</del> commercial	CZ				CZ		CZ		PS			CZ			3.9.N
<del>Rental of any item, the sale of which is permitted in the district</del>									P		P	P			
<del>Repair of any item, the sale of which is permitted in the district</del>									P		P	P			
Retail Sales								P	P	P	P	P		P	
Water oriented businesses <u>less than 15-person capacity</u>									CZ P			CZ P			
<u>Water oriented businesses greater than or equal to 15-person capacity</u>									P						

### 3.9 NONRESIDENTIAL USE STANDARDS

#### C. AUTOMOTIVE, ~~MAJOR~~ (including motorcycles, RVs, and other consumer motor vehicles)

- ~~1. All work shall be conducted entirely within an enclosed structure so as to protect surrounding properties and uses from objectionable characteristics of repair activity.~~
- ~~2.~~ 1. No outside storage of junk vehicles or parts shall be permitted.
- ~~3. In applicable districts, wrecked or inoperable automobiles actually in process of repair may be stored outside, provided that such vehicles shall be concealed from view by a fence, wall, or vegetative buffer at least six (6) feet high and offering 100% opacity.~~
2. Limitations shall be placed on outdoor repair areas to protect surrounding properties and uses from any objectionable characteristics resulting from repair activities.
  - a) The size of outdoor repair area shall not exceed 30% of the lot.
  - b) Minimum setbacks for outdoor repair areas shall be 15 feet from all property lines.
  - c) Any outdoor repair areas shall be completely shielded from streets and adjacent properties by buildings and/or fencing that is at least six (6) feet high and offers 100% opacity.
- ~~4. Vehicle sales and rental lots shall be subject to the following:~~
  - ~~a)~~ d) No encroachments of displayed vehicles within 20 feet from the street right-of-way or within areas designated as vehicle sight distance at street or driveway intersections.
  - e) Provide egress and ingress to and from the property in a forward movement.
  - ~~c) All display surface areas to be paved or stoned and proper drainage provided.~~
  - ~~d) Provide buffering of vegetation or fencing, or combination thereof, along all side and rear property lines in conformance with this ordinance.~~
  - f) All lighting shall be directed to the interior of the property so as not to cause impact upon adjacent properties or to street rights-of-way.
  - ~~f) No establishment shall contain outdoor storage of junk vehicles, vehicles in disrepair, or other items associated thereto.~~
  - g) Areas utilized for wash areas shall provide for the proper drainage and retention of water runoff. No water shall leave the site. Any wash areas shall be comprised of a hardscape surface not to include gravel, turf, or vegetative ground cover. Washing, vacuuming, drying, and polishing facilities may not be located in any required setback or buffer area.

- ~~h) All structures shall be subject to the requirements of the zoning districts, building codes, and other applicable regulations of the town.~~

#### ~~D. AUTOMOTIVE, MINOR~~

##### ~~1. Car wash facilities shall be subject to the following requirements:~~

~~a) Car wash facilities shall only be permitted as an accessory to an automotive use in the CBD and NB zoning districts. No principal use car wash shall be permitted in those respective zoning districts.~~

~~b) Vacuuming, drying, and polishing facilities may not be located in any required setback or buffer area.~~

~~c) At least two (2) staging spaces and one (1) drying space per wash bay shall be provided.~~

~~d) Hours of operation may be from 8:00 AM to 9:00 PM only, when adjoining a residential zoning district.~~

~~e) All vehicular accessible areas on the lot shall be at least 100 feet from any interior lot line separating the lot from a residential zoning district.~~

~~f) Security light must be shielded from adjacent residential zoned properties to prevent undue bright lights from shining onto/into dwellings.~~

~~2. Minor automotive establishments engaged in repair work shall be prohibited from the storage of vehicles on-site for more than 10 days, otherwise such use shall be deemed a major automotive use or outdoor storage yard.~~

#### ~~E. D. BED AND BREAKFAST INNS~~

#### E. BOAT AND PERSONAL WATER CRAFT (PWC) RENTAL

1. Any operation, whether as principal or accessory, that plans to rent boats and PWC, shall meet the following requirements:

a) No rental item shall be permitted to encroach into any public right-of-way or site triangle in accordance with the off-street parking design and construction standards for vision clearance.

b) All exterior display areas shall be paved or stoned with proper drainage provided.

c) All lighting shall be directed to the interior of the property and shall not impact adjacent properties or public rights-of-way.

d) Rental, maintenance, and all related functions shall be conducted within a permanent on-site building on land having restrooms facilities for patrons and employees.

e) All boat slips (wet slips, dry slips, dry stacks) shall be shown on the site plan.

#### F. BOAT AND PERSONAL WATER CRAFT (PWC) SALES AND REPAIR FACILITY

1. Limitations shall be placed on outdoor repair areas to protect surrounding properties and uses from any objectionable characteristics resulting from repair activities.
  - a) The size of outdoor repair area shall not exceed 30% ~~lot coverage~~ of the lot.
  - b) Minimum setbacks for outdoor repair areas shall be 15 feet from all property lines.
  - c) Any outdoor repair areas shall be completely shielded from streets and adjacent properties by buildings and/or fencing that is at least six (6) feet high and offers 100% opacity.
  - d) No outside storage of junk boats, trailers, or parts shall be permitted.

#### N. MARINA, COMMERCIAL

##### 1. Any operation shall meet the following requirements:

- a) Parking shall be provided in accordance with the requirements of this Article.
- b) Restroom facilities shall be provided for the exclusive use of the commercial marina patrons.
- c) Properly screened and adequately sized solid waste disposal facilities shall be provided for the exclusive use of commercial marina patrons.
- d) Water, electricity, & sewer pump out shall be provided.
- e) If any accessory uses conduct business in an office, it shall be in a permanent on site building on land.

### 3.24 OFF-STREET PARKING

Table 3.6 Minimum Off-Street Parking Spaces Required	
Types of Uses	Number of Required Parking Spaces
Nonresidential uses	
Automotive <u>(including motorcycles, RVs, and other consumer motor vehicles)</u> <del>, major and minor</del>	<del>2 per station + 4 per service bay</del> <u>1 per 200 square feet of actual retail/sales area and 1 per 500 square feet of indoor repair area</u>
<u>Boat and personal water craft (PWC) rental</u>	<u>1.5 per boat or PWC</u>
<u>Boat and personal water craft (PWC) sales and repair services</u>	1 per 200 square feet of actual retail/sales area and 1 per 500 square feet of indoor repair area
Commercial marina	1 per wet boat <del>storage space</del> <u>slip</u> , 1 per 2 dry storage <u>space</u> , 1 per service bay + required for all other on-site uses
Dry stack storage facilities	1 per <del>5</del> <u>2</u> dry storage space

<u>Water oriented uses (less than 15 person capacity)</u>	<u>1 per wet boat slip</u>
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### 7.3 DEFINITIONS

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this ordinance.

*Automotive, ~~major~~* means establishments engaged in vehicle sales (including motorcycles, RVs, and other consumer motor vehicles), automotive rental, towing, washing, servicing and ~~major~~ repair such as transmission, engine repair, bodywork, and repainting. Retail items customarily sold at service stations are included. Rental of boats and personal watercraft (PWC), golf carts, mopeds, e-bikes, and scooters shall not be included.

~~*Automotive, minor* means establishments that are primarily engaged in washing cars, fuel dispensing, tire sales, minor repair such as diagnostic work, lubricating, wheel alignment, and inspections, but no vehicle sales or rental. Retail items customarily sold at service stations are included.~~

*Boat (vessel) and personal watercraft (PWC)* means watercraft of any type or size specifically designed to be self-propelled, whether by engine, sail, oar, paddle, or other means, used to travel from place to place by water. A boat or vessel shall also include any machine designed or intended to travel over water by self-propulsion.

*Boat taxi* means a vessel that provides transportation for passengers in waterways for a fee or other form of payment.

*Boat repair and sales facility* means a facility where boats are repaired and ~~stored until repairs are completed~~ sold.

*Boat and personal water craft (PWC) ~~sales and~~ rental* means a maritime ~~retail sales and rental~~ establishment in which boats are rented ~~or sold~~ from a dry stack, dry storage, or wet slip.

*Marina, docks and/or piers, commercial* means any marina, pier, or dock which caters to the general public, provides goods or services for sale, and/or, if located in a private residential development, makes available marina facilities to other persons besides occupants of said residential development shall be regarded as a commercial marina. Fishing piers available to the general public are included as part of this use type.

*Marina, docks and/or piers, private residential* means a boat basin with facilities for berthing, securing or storing various types of watercraft for the exclusive purpose of the residential owners or renters thereof rather than the public at large.

*Marina, docks, and/or piers, public* means any marina, pier, or dock owned/operated by a government entity, which caters to the general public.

*Retail sales* means use types involved in the sale, repair, or lease of new or used products to the general public. Accessory uses may include offices, display of goods,



limited assembly, processing, or repackaging of goods for on-site sale. Retail sales does not include the following:

- 1.Repair and service establishments, including automotive and marine related uses.
- 2.Bars, taverns, restaurants, wine/beer shop with on-site consumption, and similar eating establishments.
- 3.Personal service establishments.
- 4.An establishment that involves the sale, distribution, or presentation of materials, or activities emphasizing sexually explicit content.

*Water oriented businesses* means any commercial boat ~~that can be rented for off-site use or offers~~ used for off-site activities from the property, within a public or commercial marina. Examples shall include but not be limited to the following uses or activities: charter boats, ~~boat rentals~~, dive boats, dinner cruises, scenic cruises, ~~boat taxi~~, etc.

*Wet boat slip* means a space used to moor, store, or park a single watercraft in or over water. Includes residential, commercial, and transient slips.