

CAROLINA BEACH

Planning and Zoning Meeting

Thursday, May 08, 2025 – 6:00 PM

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



AGENDA

CALL TO ORDER

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

STAFF REPORT ON RECENT COUNCIL MEETINGS

STAFF REPORT ON RECENT DEVELOPMENTS

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
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

DISCUSSION ITEMS

4. UDO Discussion Update

NON-AGENDA ITEMS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Senior Planner

DEPARTMENT: Community
Development

MEETING: Planning & Zoning Commission – May 8, 2025

SUBJECT: April 10, 2025 – P&Z Minutes

Action:

Approve the April 10, 2025 Minutes

CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, April 10, 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 (*arrived after item 2*)

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. March 13, 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 Carew, Commissioner Conto

Motion passed 6-0

STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Hardison reported the following:

Project updates

- **Ocean Boulevard sidewalk:** This project is way ahead of schedule and is coming along nicely. It should be completed by the end of this month.
- **Lake pump house:** A bid has been awarded to a contractor. The contract has been approved, and the contractor will be ready to start in 10 days.
- **Lake Park bathroom:** Design is ready, and work should start within the next month. The new facility will be between the playground and shelter, not where the existing restrooms are.
- **Boardwalk bathroom:** This project is on pause for the summer season and will pick up after Labor Day, with expected completion before January.
- **South Lake Park Boulevard sidewalk:** This is a project of the NC Department of Transportation, and the Town has been contributing to it. It has been delayed with design, and the hope is that it will start in the fall.

Permitting

- 68 permits (renovation, repair, grading, additions, fences, etc.)
- 6 residential new construction
- 7 certificates of occupancy

Demos

- 405 Fayetteville Avenue (single-family home; fire damage)
- 1501 South Lake Park Boulevard (single-family home)

New businesses

- Oceanside Art and Gifts, 105 Carolina Beach Avenue North
- Beach Break Donuts, 1009 North Lake Park Boulevard, Unit C3

Upcoming

- Council date TBD: Special Use Permit modification for 401 Marina Street
- Board of Adjustment April 22: Oceana appeal
- Planning and Zoning Commission May 8: 204 Harper Avenue rezoning and Unified Development Ordinance (UDO) update discussion

Council

- Tabled designated public parking for private business – Carolina Beach Inn
- Adopted Bicycle and Pedestrian Plan

Chairman Rouse asked if the Rainbow Bridge pet memorial initiative is a Town project or all volunteers. Mr. Hardison said it's a volunteer project.

PUBLIC COMMENT

Olin Furr of 440 Oceana Way handed out some information to Commissioners and said he wanted to talk about the agenda item regarding water-oriented businesses and personal watercraft sales and rental. He said he was hopeful after the March 13 meeting that parking requirements would be increased for boat rentals due to parking issues around marinas, but the amendment proposed tonight will make things worse because it does not clarify anything. Mr. Furr said it doesn't address water-

oriented businesses but just deletes that use completely and doesn't facilitate a more focused discussion.

Mr. Furr said parking is one of the most significant factors in zoning and community development, and if the Town doesn't get this right it will cause damage to adjacent property owners. He said the text amendment is not totally in conformity with the Land Use Plan and has nothing to do with preserving uses such as marinas. Mr. Furr cited four community goals in the Land Use Plan that he said are not met by the text amendment, and he said locals have lost access to parking at the neighborhood's community beach on the Intracoastal Waterway due to the situation. He said the man that donated the property to the Town said it was not to be used for commercial purposes, so when the neighborhood complained about parking at the beach area being filled with marina customers he had no choice but to close it because he didn't want businesses to take it over.

Mr. Furr said activities should not encourage future intensification in the area, but that's what is going on there now. He said what is being proposed tonight does not address problems with current parking requirements for uses at the marina. Mr. Furr said the water-oriented businesses category requires Conditional Zoning approval because each business will have unique parking needs and more robust activity that needs to be vetted. He said a charter boat, boat club, and dinner cruise all need more than one parking space per wet slip, and the category was created to keep parking from being inundated like it is now. Mr. Furr said tonight's text amendment is negligence and asked the Commission to deny the proposed ordinance change and instruct staff to create realistic parking requirements that will protect communities from the current parking chaos.

PUBLIC HEARING

2. Conditional Zoning to Consider a Bar/Tavern in the Highway Business District at 1360 Bridge Barrier Road
Applicant: Secret Sand Castles Unlimited, LLC

Applicant Secret Sand Castles Unlimited, LLC, applied for a Conditional Zoning (CZ) application for a bar/tavern in the Highway Business (HB) district. The existing use of the property is an approved miniature golf course that is under construction. The applicant proposes to provide on-premise wine and beer. According to the ordinance, if alcohol is served on-premise and the establishment does not meet the criteria for a standard restaurant, it is classified as a bar. Alcoholic Beverage Control (ABC) stipulates that a restaurant must have food sales constituting at least 30% of sales to avoid being classified as a bar. A bar is allowed through the approval of CZ district in HB.

The existing approval for the site is a mini golf course with 18 holes. The project also includes a tiki hut area with an office, bar, covered patio, storage, and bathrooms. The applicant has an active building permit for the project, and it meets the current code, including lot coverage and setback requirements. The addition of beer and wine sales is proposed is within the current footprint. The sale of alcohol will take place at the tiki hut only. The proposal meets the requirement that all new bars/and taverns shall be located a minimum of 200 feet from churches, schools, and residential districts.

The applicant is providing a 10-foot Type B landscape buffer around the perimeter of the property; this buffer is required for any project that is greater than 10,000 square feet of impervious surface. The

applicant proposes to reshape and widen the existing curb that leads to the site and connect a new sidewalk to the existing sidewalk that runs along Bridge Barrier Road.

Parking must be provided on site for all uses. The parking requirement for bars is 1 per 110 square feet of indoor gross floor area, and the parking for mini golf is .5 spaces per hole. The minimum number of required spaces is 19. The applicant will provide a total of 24 parking spaces on site; 8 parking spaces are for golf carts. Up to 20% of the required parking may be utilized for golf cart/low-speed vehicle parking. In utilizing this exemption, the applicant will have to install a bike rack with a minimum of 4 spaces.

Proposed conditions

1. The use and development of the subject property shall comply with all regulations and requirements of any other Federal, State, or Local law, ordinance, or regulations.
2. Provide a bike rack with a minimum of 4 spaces.
3. Lighting shall be angled downward as to not disturb neighboring properties.
4. Any proposed signage will have to meet all standard zoning requirements in the future.
5. The refuse collection site must be enclosed on 3 sides by a minimum 6- foot opaque fence.

As part of the application process, a community meeting is required. The applicant held the required meeting on February 15, 2025. No one attended, so there were no concerns or changes to the plan.

The project is in general conformity with the 2020 Land Use Plan, and staff recommends approval of the project as proposed.

Ms. Abbotts presented the details. She showed photos of the site and adjacent properties, reviewed site data, and went over criteria that must be considered in the decision.

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 Carew, Commissioner Conto

Motion passed 6-0

Applicant representative Mike Matsinger of 409 Spencer Farlow Drive said they are excited to open the business and want to fit within the landscape of the Town. He said he hopes it will be a venue that attracts tourists, locals, and people in the greater Wilmington area, and he plans to give back to the community through fundraising for local organizations and opening up to organizations that support people who normally would not have the ability to play mini golf. Mr. Matsinger stressed that they only want to serve beer and wine and not liquor.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

Commissioner Carew, Commissioner Conto
Motion passed 6-0

Commissioner Conto said she thinks this is a beautiful and fun project that is very well done, so she's excited about it.

Commissioner Carew said he likes the project and thinks adding beer and wine is a good match, with the area being appropriate for this.

Chairman Rouse said mini golf courses are required to be 50% accessible with the Americans with Disabilities Act (ADA). He asked how much of this course will be ADA accessible.

Mr. Matsinger said they will have 9 holes that are ADA accessible, but the rest of the course is designed so there is space on every hole for somebody in a wheelchair to be able to play if someone is willing to push the wheelchair through the course.

ACTION: Motion that 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 Conditional Use District to allow for a bar located at 1360 Bridge Barrier Road 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 recommended by staff Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell
 Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Carew, Commissioner Conto
Motion passed 6-0

Commissioner Piper joined the meeting.

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 has reorganized the text to group similar uses together into categories that clearly state parking requirements and development standards for each activity.

The automotive use category includes all establishments engaged in vehicle sales, repair, and servicing with the proposed addition of boat sales, boat repair, and car washing. The rental of boats and personal watercraft (PWC), golf carts, mopeds, e-bikes, and scooters are a separate use with separate use standards and parking requirements. Additionally, the text amendment addresses what constitutes

a wet boat slip. Wet boat slips include residential, commercial, and transient slips for the purposes of calculating required parking.

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. She reviewed proposed off-street parking standards: automotive – 1 parking space per 200 square feet of retail sales area and 1 parking space per 500 square feet of indoor repair area; commercial marina – 1 parking space per wet boat slip, 1 parking space per 2 dry storage spaces, and 1 parking space per service bay plus required for all other on-site uses that are not water-dependent. Ms. Abbotts said all other standards remain unchanged, including 1 parking space per 5 dry storage spaces for dry stack storage facilities.

Vice Chairman Hogan asked why there are different parking standards for dry storage spaces at a commercial marina versus a dry stack storage facility, saying that dry storage is dry storage. Mr. Hardison said a dry stack storage facility would be a boat storage yard not associated with a marina or without access to water, so that's why it's a separate category. Vice Chairman Hogan said there is a dry stack storage facility on Saint Joseph Street, and on weekends there are cars all along the right-of-way because there is not enough parking for all the people going out in their boats. He said people who have their boats in dry storage typically don't have a trailer but want access to the water, so he thinks 1 parking space per 5 dry storage spaces is not enough. Mr. Hardison said this parking requirement came about through an amendment by an individual applicant, but if the Commission wants to make dry storage space parking requirements consistent at dry stack storage facilities and commercial marinas, that can be done during review of this ordinance. Vice Chairman Hogan said he would be in favor of that.

Ms. Abbotts said rental of boats, golf carts, mopeds, e-bikes, and scooters are in a separate category from automotive. She said the marina definition now includes examples of permitted activities such as boat and PWC rentals, charter boats, dive boats, and dinner cruises. She said water-oriented businesses as a definition was removed because this is captured in other areas, and transient slips are now included in the calculation for a commercial marina's parking.

Ms. Abbotts highlighted what other communities are doing, explaining that some of those parking requirements are 1 parking space per 2 or even 3 wet boat slips. She said Southport allows boat slips to be used as required parking if there is some sort of eating and drinking establishment on site. Ms. Abbotts said staff recommends approval of the text amendment as proposed.

Chairman Rouse said the Town has heard about how putting more than one boat in a wet slip has created issues with parking. Ms. Abbotts said her interpretation of this definition is that a slip is a space used to park a single watercraft, and the number of boats staff sees is how many parking spaces would be needed. Chairman Rouse asked what would happen if the boats aren't there that day and staff doesn't actually see them. Commissioner Crouch said a cleat may be used to tie off more than one boat, and he questioned whether a tender or dinghy would be counted.

Mr. Hardison said in a commercial marina, anywhere a boat could be placed on that docking facility would need to be identified, and staff would make sure the site was consistent with what was approved. He said if the marina doubles up slips that were not approved under the plan, then that would be a violation.

Commissioner Boswell asked why this was not brought up during the lengthy UDO process. She asked if the matter can be tabled and discussed further in a workshop because she would like the group to go through it line by line with Town staff. She said this feels rushed, and she's not comfortable with approving this tonight.

Mr. Hardison said it was not brought up during the UDO process because it was more of a task than just a five-minute conversation while flipping through pages.

Chairman Rouse said there has been wordsmithing of what one slip is, and this has resulted in parking issues, so this needs to be resolved. He said the Commission should take more time to do it and agreed that a workshop would be appropriate.

Commissioner Carew asked if staff looked at the difference in intensity of use for a watercraft rental business versus just a marina. Mr. Hardison said Freedom Boat Club operates in Topsail Island, and Ms. Abbotts said that local ordinance just stated that adequate parking for a marina was needed. Mr. Hardison said it did not give a specific standard.

Commissioner Crouch said he appreciates the recommendation to table this matter and set up a workshop to address the issue, so he thinks getting into the variations tonight would not be the best use of the Commission's time at this point.

Commissioner Conto suggested bringing back Wes MacLeod from Cape Fear Council of Governments to act as a reference.

ACTION: Motion to table this and do a Commission workshop with Town staff and any other resources that staff can make available

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

NON-AGENDA ITEMS

Mr. Hardison asked if the workshop should be a special date or done during a regular meeting.

Commissioner Boswell said she thinks it should be a special workshop that is open to the public.

Chairman Rouse said it could take longer than a regular meeting and can be done a little earlier in the day. He thinks it's possible that it may take more than one workshop.

Commissioner Piper asked if things that are currently operating would be grandfathered in. Chairman Rouse said that's the way the ordinances are written now. Commissioner Piper said it would be helpful for staff to compile a list of land that may be suitable for this type of expansion in the future. Mr.

Hardison said he thinks this will be brought up sooner rather than later, and any changes would apply to any existing marina with modifications or changes.

ADJOURNMENT

Chairman Rouse adjourned the meeting at 7:10 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Community
Development

MEETING: Planning & Zoning – May 8, 2025

SUBJECT: Zoning Map Amendment to consider a request to rezone 204 Harper Avenue from Mixed Use (MX) to Central Business District (CBD).
Applicant: STLNC, LLC

BACKGROUND:

The 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, formally the Welcome Inn (205, 207, 209 N. Lake Park Blvd), and is currently in the CBD. The applicant has requested the rezoning to have consistent zoning and land uses for the property, they would like to see the same zoning apply to 204 Harper Ave, so all business-related decisions and operations fall under the same zoning guidelines.

For consistency and for the purpose of redevelopment it is best practice for the entirety of a property to be within the same zoning district. Redevelopment of the property would require the recombination of the property. One of the standards for creating zoning districts is to follow plotted lot lines. Guidance for the interpretation of zoning district boundaries comes from Sec. 1.7 (attachment 1) of the UDO. Previously 204 Harper Avenue had a single-family structure with the adjacent common ownership parcels was formally the Welcome Inn. The adjacent use to the west is a 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 the same ownership for over 50 years. The single-family house and Welcome Inn were built in the 30's. 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, of 204 Harper Ave and the property where the Welcome Inn was in the B-1: Central District. In 2000, 204 Harper Ave was rezoned to MX and the Welcome Inn property was rezoned to CBD.

District Purpose and Permitted Uses:

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

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

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

Dimensional Standards:

<i>Zoning District</i>	<i>Primary Permitted Uses</i>	<i>Min. Lot Size</i>	<i>Min. Lot Width⁵</i>	<i>Min. Front Yard</i>	<i>Min. Rear Yard</i>	<i>Min. Side Yards (Corner Lot-Min 12.5 ft.)⁵</i>	<i>Max. Density</i>	<i>Max. Height</i>	<i>Max. Lot Coverage</i>	<i>Max. Impervious Coverage</i>
MX	Mixed Use	5,000 sq. ft.	50 ft.	20 ft.	10 ft. ³	7.5 ft. ³	17 units/acre	50 ft.	40%	65%
CBD	Commercial Uses and Services, Entertainment	None	None	None	None, or same as abutting residential use or district	None, or same as abutting residential use or district	NA	50 ft. ⁴	None	None

The MX Zoning District requires setbacks and has a maximum lot coverage in all areas throughout the district, and a 65% limit on impervious coverage. Much of the CBD has no setbacks, no lot coverage requirement, and no impervious coverage limit. Although the dimensional standards for both districts are different, properties in the CBD areas must have a rear and side setback that is the same as the residential zoning district it abuts. Landscaping standards are also required if a CBD parcel is adjacent to residential to mitigate the transition between the business and residential use.

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' access easement which would create a buffer between the single-family homes and any new development. Changing the property from MX to CBD does increase 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 allowed only on upper stories; ground floor encouraged to be active. 4-5 story structures possible, unless 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.

ACTION REQUESTED:

Consider recommending approval or denial of a zoning map amendment to rezone 204 Harper Ave from the MX zoning district to the CBD.

Staff recommends approval of the rezoning.

MOTION:

Approval - whereas in accordance with the provisions of the NCGS, Planning and Zoning does hereby find and determine that the adoption of the Zoning Map Amendment for 204 Harper Ave is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

A statement approving the proposed Zoning Map Amendment and declaring that this also amends the plan, to meet the vision of the community taken into consideration in the zoning amendment.

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

ATTACHMENTS:

1. 1.7. Interpretation of zoning district boundaries.
2. 3.4. Table of uses.

ATTACHMENT 1

1.7 Interpretation of zoning district boundaries.

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

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

ATTACHMENT 2

3.4. Table of uses.

P = Permitted.

CZ = May be permitted with conditional zoning

S = May be permitted by special use permit

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

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

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

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

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

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

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

Vehicle sales lot and rental lot (See section 40-261)		
Water oriented businesses		CZ
Wholesale sales		P
Wine and beer shops (Retail/Off-Premise)		P
Wireless telecommunications facilities	See article X of this chapter	
Manufacturing, Assembly and Processing (See section 40-261)		
Beverages, bottling works		
Breweries (See section 40-261)		P
Flammable liquid storage, >1,000 gallons aboveground only (See section 40-261)		
General assembly and repair		
Ice manufacture, sales and storage		
Manufacturing and assembly, processing, and packaging, except those uses identified in section 40-261		
Planned development, industrial		
Sign painting and sign fabrication		
Storage yard, outdoor (See section 40-261)		
Recreational vehicle/boat storage, yard (See section 40-261)		
Towing service impound yard		

Warehouses, storage. Large and mini		
Woodworking shops		

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



RECEIVED
JAN 27 2025

Amendment Number: _____

PETITION FOR A ZONING MAP AMENDMENT

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

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

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

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

- ☒ Minor Rezoning
☐ Major Rezoning

Rezoning of property less than 1 acre in size.
Rezoning of property one acre or greater in size.

Petitioner

Petitioner's Full Name: STL NC LLC Phone #: (828)-290-3875
Street Address: 120 Chadwick Ave #19
City: Hendersonville State: NC Zip: 28792
Email: sallyatsns@gmail.com

Requested Zoning Map Change

Address(s) of Requested Site: 204 Harper Ave Carolina Beach
Property Identification Numbers (PIN) R09006-002-006-000
Acreage/Sq. Ft: 1.17 acres Existing Zone: MX Requested Zone: CBD
Signature of Petitioner: Sally Stundant Date: 1/27/25

PURPOSE OF ZONING DISTRICTS

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

204 Harper

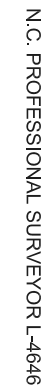
Petition For A Zoning Map Amendment:

1. The four lots that connect to the east of the proposed change are all zoned CBD.
2. This will bring all four parcels of this tract into one zoning type instead of 75% of the parcel in the CBD and 25% in the Mixed Use.
3. This will consolidate the parcel as all one zoning type. There are no detriments known.
4. This will unify this tract of land and give more consistency as per the Land Use Plan.
5. No impacts due to this rezoning.
6. Two lots that touch this parcel are Mixed Use and the other 4 or 5 parcels are all CBD. This will bring more unity to the parcel and the area surrounding it.
7. This is in compliance with the Land Use Plan

204 Harper Ave

Item 2.







Certification for Planning & Zoning

I, Andrea I. Deopp-Norris, certify that as required in the General Statutes of the State of North Carolina, that all required notification procedures have been met for the following P&Z **Mtg**: 5/8/25

Meeting Date: May 8, 2025

Project	Address	Applicant	Notices Date	Sunny- point Date	Signs Date	Advertisements Date
Text Amend Article 3 & 7 UDO	Water-Oriented Busi & Personal Watercraft Sales & Rentals	Town of Carolina Beach	4/25/2025	4/25/2025		4.28.25 & 5.7.25
Zoning Map Amend-Rezone	204 Harper Ave	STLNC, LLC	4/25/2025	4/25/2025	4/28/2025	4.28.25 & 5.7.25

TCB = Town of Carolina Beach

CUP MOD = Conditional Use Permit Modification

CUP = Conditional Use Permit

AZO = Amend Zoning Ordinance

ACO = Amend Code of Ordinances

Andrea I. Deopp-Norris - 4.25.25



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Community Development

MEETING: Planning & Zoning – May 8, 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 last month for P&Z review. Since the April meeting, staff and P&Z 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 water craft rental is Conditional Zoning.
 - 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 pump outs 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 requires major modification to the Conditional Zoning Permit for the Marina.
- 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.

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	CBD	NB	HB	MB-1	T-1	I-1	
Nonresidential Uses (Section 3.9)															
Automotive, major (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) sales and rental									P CZ		P CZ	P CZ	P CZ	P CZ	3.9.E
Boat sales and personal water craft (PWC) and repair facility											PS	PS		PS	3.9.G F
Marinas, docks and/or piers, public and private	P	P	P		CZ P				P			P			
Marinas, docks and/or piers, public or commercial	CZ				CZ		CZ		PS			CZ			3.9.N
Rental of any item, the sale of which is permitted in the district									P		P	P			
Repair of any item, the sale of which is permitted in the district									P		P	P			
Retail Sales								P	P	P	P	P		P	
Water oriented businesses									CZ			CZ			

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.
 - ~~e) 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 having restrooms facilities for patrons and employees.
- e) Any rental item that is viewable by a patron, whether inside or outside, shall be considered "displayed for rent" and shall meet the requirements for on-site parking where applicable. Display areas may be indoors or outdoors, but shall not be located in required parking or landscape buffer areas.

f) It shall be the responsibility of the operator to ensure that all federal, state, and local safety and motor vehicles laws are adhered to.

g) All boat slips 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) The 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 a major modification to the conditional zoning.

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>) , major and minor	2 per station + 4 per service bay <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 <u>.75</u> per wet boat storage space slip , 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 5 <u>2</u> dry storage space

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 repair facility means a facility where boats are repaired and stored until repairs are completed.

Boat and personal water craft (PWC) sales and rental means a maritime retail sales and rental establishment in which boats are rented or sold.

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. Examples of uses shall include but not be limited to the following on or off-site activities/services: charter boats, dive boats, dinner cruises, scenic cruises, boat taxis, etc.

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 boat that can be rented for off-site use or offers off-site activities from the property. Examples shall include but not be limited to the following uses or activities: charter boats, boat rentals, dive boats, dinner cruises, boat taxi, etc.~~

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



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Senior Planner

DEPARTMENT: Community
Development

MEETING: Planning & Zoning Commission – May 8, 2025

SUBJECT: UDO Discussion Update

ACTION:

Staff will present a list of changes and areas for discussion after 1 year of administering the new UDO.

2.26 SUMMARY DEVELOPMENT APPROVAL PROCEDURES**A. PURPOSE**

A generalized submittal deadline and decision timeframe is [available from the UDO Administrator](#). ~~provided for various development approval types. This table is provided for summary purposes and should accompany the actual binding ordinance text contained in this article which provides all applicable requirements.~~

Table 2.1 Submittal Deadline and Action Timeline			
Application Type	Number of Plan/Schematic Copies	Deadline for Submittal	Generalized Timeline for Action on Complete Application [1]
Zoning Permit, Sign Permit, Floodplain Permit, Tree Removal Permit	One (1) digital	NA	30 days
Minor and Major Site Plan	One (1) digital	14 days prior to TRC meeting	30 days
Special Use Permit (major change)	One (1) digital	30 days prior to TRC meeting	60 days
Exempt Plat, Expedited Minor Subdivision Plat	One (1) digital	NA	14 days
Minor Subdivision Preliminary Plat	One (1) digital	14 days prior to TRC meeting	30 days
Major Subdivision Preliminary Plat	One (1) digital	30 days prior to TRC meeting	75 days
Minor and Major Subdivision Final Plat	One (1) digital	14 days prior to TRC meeting	30 days
Text Amendment, Zoning Map Amendment (Rezoning)	One (1) digital	30 days prior to TRC Meeting	60–90 days [2]
Conditional Zoning District, Planned Unit Development (greater than four (4) units)	One (1) digital	30 days prior to TRC Meeting	75–90 days [2]
1. Any such timeline provided is not binding. See ordinance text for specific approval timeline requirements. This is provided for reference purposes.			

~~2. — Final decisions for any legislative action are at the discretion of the Town Council, including a determination whether to pursue action on any duly submitted application. Applicants for any legislative decision are not guaranteed action on any proposed application.~~

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	10	NA	50	60%	None

					residential district					
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%
T-1	Hotels and Motels 15 units or less	20,000	100	20	10	7.5	32 units/acre	50	40%	65% [5] <u>80%</u>
	Hotels and Motels Greater than 15 units	25,000	50	20	10	7.5	60 units/acre	50	40%	65% [5] <u>80%</u>
	Restaurants/Businesses	6,000	50	20	10	7.5	N/A	50	40%	65% [5] <u>80%</u>
	Residential	6,000	50	20	10	7.5	29 units/acre	50	40%	65% [5]
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	65% [5] <u>80%</u>

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.
- ~~5. In the T-1 zoning district, the impervious coverage percentage may exceed 65% but not more than 80%.~~

3.16 IMPERVIOUS COVERAGE

A. PURPOSE

1. Development and redevelopment that increases the impervious coverage in the Town of Carolina Beach alters the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge.
2. These changes in impervious coverage contribute to stormwater runoff and increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment.
3. Therefore, the Town of Carolina Beach establishes this set of impervious coverage limitations.

B. APPLICABILITY

1. ~~With the exception of the CBD and HB zoning district,~~ all development activities within any ~~other~~ zoning district shall be subject to the impervious coverage limitations provided in this ~~section~~ this article. The impervious coverage limitations are applicable in addition to any specific stormwater management requirements of Article 6.
- ~~2. Development may not exceed 65% impervious surface coverage of total lot area and the total amount of impervious surface must remain below the maximum impervious surface coverage allowed by any other regulatory agency.~~
- ~~2.3.~~ Lots with existing impervious coverage ~~exceeding 65%~~ that exceeds the allowance may remove and replace their existing impervious coverage surface, but there shall be no expansion above the current impervious coverage percentage existing on the lot. For example, if a lot has an existing impervious coverage percentage of 85% then such lot owner may be permitted to remove and replace the existing impervious materials on the site up to 85% coverage, regardless of replacement location on the site. In such instances, a building stormwater, or zoning permit must be applied for and issued within a period of 180 days following removal of impervious material.

C. IMPERVIOUS COVERAGE PLAN

An impervious coverage plan shall be required prior to the issuance of any permits for new construction, redevelopment, or renovation/expansion projects where the impervious surface coverage is increased by greater than 325 square feet. For redevelopment whereby the impervious coverage expansion is less than 500 square feet, such plan may be a scaled plan prepared by the owner or any applicable professional. For all other impervious coverage additions, the plan must be prepared by a licensed surveyor, landscape architect, architect, or professional engineer. Removal and replacement requests for impervious coverage nonconformities shall require plan submittal from a licensed surveyor, landscape architect, architect, or professional engineer.

3.23 DRIVEWAYS

- A. Purpose. The purpose of this section is to provide standards for driveway placement and design in order to safely provide access to streets while minimizing interference to traffic flow.

- B. Applicability. The standards detailed in this section apply to any proposed driveway connecting to a town-maintained road. All driveways connecting to a state-maintained road will be required to meet both town and state driveway standards.
- C. Driveway design standards. These standards apply to all driveways connecting private property to public streets. All driveways **aprons** shall be paved from the street edge to the property line per the design standards listed below. In no case shall a driveway have a width that exceeds 36 feet per lot, regardless of street frontage.

Table 3.9 Driveway Design Standards				
Use	Max width [1]	Flare	Thickness	Material
Residential Single/Two-Family	36 feet	3 feet x 3 feet	6 inches	Asphalt or Portland Cement Concrete, 3000psi
All other uses	36 feet [3]	10 feet x 30 feet, or as required to meet truck turning radius	6-8 inches	Asphalt or Portland Cement Concrete, fibrous, 4000psi[2]
[1] The net width of all driveways shall not to exceed the allowable maximum width at any point within the right-of-way. This measurement is determined at the property line/right-of-way line. There is no maximum width requirement beyond the street right-of-way line.				
[2] All driveways aprons shall be constructed of asphalt or Portland Cement Concrete with a 3000psi minimum. High intensity, commercial uses may be required to use fibrous concrete with a 4000psi minimum upon review and direction by the Operations Director.				
[3] Width must also be in accordance with Appendix D of the current North Carolina Fire Code.				

3.24 OFF-STREET PARKING

A. PURPOSE

1. The purpose of this section is to:
 - a) Provide off-street parking standards which will alleviate traffic congestion in the streets and promote safe and unrestricted traffic flow.
 - b) Provide for the efficient storage of vehicles while minimizing the detrimental effects of off-street parking on adjacent properties.
 - c) Control the impacts of stormwater drainage and soil erosion and promotes visual enhancement through adequate landscaping.

- d) Ensure the proper and adequate development of off-street parking throughout the town and its environs.

B. APPLICABILITY

1. The off-street parking standards contained herein shall apply to all new construction and uses, changes of use, expansions, additions and renovations to existing structures and uses.
2. Exemption of parking requirements in the Central Business District. Where properties are located within the CBD, except for hotels, motels, and bed and breakfast inns, off-street parking requirements are not applicable if public parking spaces are located within 500 feet of the use as measured in a straight line from the closest point of the building to the closest public parking space. Where such use does not have building, then the measurement shall be from the property line of said use.

E. GENERAL PROVISIONS AND REQUIREMENTS

1. Minimum parking space size. The minimum size parking space for 90-degree parking or other diagonal parking spaces shall be nine (9) feet in width and 18 feet in length. Parallel parking spaces shall not be less than eight (8) feet in width and 22 feet in length. Golf cart spacing may be six (6) feet in width by 14 feet in length.
2. For nonresidential uses only, except for hotels, motels, and bed and breakfast inns, up to 20% of the required parking may be utilized for golf cart/low-speed vehicle parking or compact vehicle parking. Each space shall be designated, "compact vehicle or golf cart/LSV only." In utilizing the 20% exception, all nonresidential uses must provide a bicycle rack with a minimum of four (4) spaces.

3.49 RECONSTRUCTION, MAINTENANCE, FULL OR PARTIAL DEMOLITION AND RENOVATION OF NONCONFORMING SITUATIONS

- A. Intent: Nonconforming uses created by a change in regulations may continue to exist and shall be subject to all other provisions of this article. Nonconforming regulations pertaining to fences are found in the fence section within Division 2 of this article. The Town strongly values the improvement of nonconforming structures as long as those improvements are not associated with negative impacts to adjacent properties. To help manage the multitude of issues with improving nonconforming structures some latitude for design improvements can be utilized.
- B. Any building or structure for which normal repair, renovation, demolition and reconstruction, or routine maintenance is proposed in an amount less than 100% of the current tax or certified appraised value of the building or structure, regardless of the reason for such repair or maintenance, shall meet the following:
 1. No increase in the density with which the building or structure was originally constructed,
 2. No increase in building height except when elevating a structure to meet Article 5: Flood Damage Prevention,
 3. If the repairs exceed 50% of the current tax or certified appraisal value but not greater than 100%, then the structure must comply with setback provisions where abutting a non-street lot line in addition to complying with the minimum off-street parking requirements, and

4. No additional nonconformities are created except for the following:
 - a. For buildings or structure that are nonconforming due to exceeding lot coverage, an additional 2% lot coverage may be added if the following are met:
 - i. No additional nonconformities result from the added lot coverage.
 - ii. Any additional lot coverage shall be associated with an on-site reduction in impervious area. The reduction shall be two times the size of the lot coverage area added (i.e. 100 sf added lot coverage requires an additional 200 sf pervious area to be added).
 - iii. Any pervious materials allowed by Town Code may be utilized for the reduction of impervious areas.
 - iv. Additional lot coverage shall only be added to the principal building(s).
 - v. Additional lot coverage shall not encroach any further toward a property line than the existing principal building(s).
- C. In the event normal repairs, renovations, full or partial demolition will result in new construction to a nonconforming structure exceeding 100% of the current tax or certified appraised value of the building or structure in any period of 12 consecutive months (except as otherwise allowed in subsection (E) of this section), regardless of the reason for such repairs, renovations, full or partial demolition, or maintenance, the owner shall be entitled to undertake new construction using the same building density with which the building or structure was originally constructed, provided that the following provisions are met:
 1. The number of living units or non-residential spaces are not increased.
 2. No additional nonconformities are created.
 3. All current minimum setbacks are met for the zoning district in which the structure is located.
 4. Maximum building height of the structure shall not exceed those of the zoning district in which it is located.
 5. Landscaping and buffer requirements shall meet the minimum requirements of the zoning district in which it is located.
 6. All parking requirements shall meet the minimum requirements of the district in which it is located.
 7. Lot coverage shall not exceed that of the original construction that is being replaced.
 8. All stormwater requirements of the town shall be met.
- D. In any event, normal repair, renovation, or new construction shall be consistent with regulations as established by the State Building Code, state division of coastal management, the Federal Emergency Management Act, the flood damage prevention ordinance or any other state, or federal regulation that would supersede the provisions of this article.
- E. Any nonconforming structure or structures containing a nonconforming or conforming use which was lawful on the adoption date of this article or was made unlawful by subsequent changes to the Carolina Beach Town Code can be rebuilt in the event it is damaged or destroyed, whether in whole or in part, by fire, wind, flood, or other calamity or catastrophic

event. Any such restoration, reconstruction, or repair shall be subject to the following requirements:

1. The construction shall be based upon and be substantially similar to the prior structure with no increase in nonconforming uses or nonconforming situations.
 2. The footprint of the foundation shall not be increased.
 3. Any such work shall comply with the electrical, plumbing, heating/air-conditioning, and building code in effect at the time of the construction work. Said restoration, reconstruction, or repair shall meet all other regulations as specified by the state division of coastal management, the Federal Emergency Management Act, the flood damage prevention ordinance or any other state, or federal regulation that would supersede the provisions of this article.
 4. Reconstruction of a structure in accordance with this subsection (E) may cause new height nonconformities in order to meet all state and federal flood regulations. In this scenario, the structure may exceed height regulations of the district by no more than what is required to meet flood requirements.
 5. The number of living units or nonresidential spaces shall not be increased and no additional nonconformities shall be created.
- F. Reconstruction of a nonconforming building, structure or use under the provisions of subsection (E) of this section shall be subject to the following restrictions:
1. A letter of intention to reconstruct with certification of the original building or footprint is required to be delivered to the Building Inspector and UDO Administrator within 180 days from the date the building was damaged or destroyed. Prior to such letter of intent, buildings shall be made safe so as not to endanger the public or jeopardize public safety. Said 180-day period may be extended by an action of the Town Council.
 2. A building permit is to be obtained from the Building Inspector within 365 days from the date the building or structure was damaged or destroyed, and if the building permit is not obtained within the 365 days, the reconstruction will have to be conforming. Any extensions to this time may be granted by the Town manager for up to 365 additional days, if the applicant provides a letter giving reason why the building permit has been unobtainable.

3.6 ACCESSORY USE STANDARDS

A. ACCESSORY USE OR STRUCTURE, GENERAL STANDARDS

1. These general standards apply to allow accessory uses and structures.
2. In no case shall there be more than one (1) customary accessory building on the lot except for the exemptions provided herein.
 - a) The following shall be exempted from the one (1) customary accessory building:
 - i) Fence.
 - ii) Flagpole.
 - iii) Dog house not to exceed 16 square feet.
 - iv) Pump house not to exceed 16 square feet.

- v) Playhouse not to exceed 36 square feet nor eight (8) feet in height.
 - vi) Private swimming pools and their associated decks, fencing, and equipment.
 - vii) Structural beach crossover.
 - viii) Marinas.
 - ix) Electric (EV) charging station.
 - b) The exemptions shall not have sewer, electrical, and plumbing, except for marinas, beach crossovers, pools, and pump houses, where applicable.
 - c) These exemptions are not considered as part of the lot coverage for bulk purposes. Impervious coverage limitations are still applicable.
- B. ACCESSORY USE OR STRUCTURE, NONRESIDENTIAL**
- 1. Accessory structures associated with nonresidential uses shall:
 - a) Be included when calculating the total allowable lot coverage.
 - b) Not be permitted within any required front or side yard, or within five (5) feet of the rear lot line.
 - c) Not exceed the size of the primary structure.
 - d) Not be used as a dwelling unit.
- C. ACCESSORY USE OR STRUCTURE, RESIDENTIAL**
- 1. Accessory structures associated with residential uses shall:
 - a) Be included when calculating the total allowable lot coverage, and shall not constitute a proportionate size greater than 25% of the principal building's lot coverage, regardless of the lot size.
 - b) Be limited to 15 feet in height.
 - c) Not be permitted within any required front or side yard, or within five (5) feet of the rear lot line.
 - d) Not be occupied, leased, rented, or otherwise used for profit, income, or for gain.
 - e) Not be used as a dwelling unit.
 - f) Contain no more than three (3) internal plumbing fixtures (water heater is exempt).
 - g) Meet State Building Code requirements if any dimension is greater than 12 feet.
- 3.13 - DIMENSIONAL REQUIREMENTS**
- D. SETBACK EXCEPTIONS**
- 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.

3.8 PLANNED UNIT DEVELOPMENT STANDARDS

A. PURPOSE

1. Residential, business, and industrial planned unit developments are intended to encourage innovation, flexibility of design, and better land use by allowing deviations from the standard requirements of the town's specific zoning districts. The purpose of providing for these uses is to promote:
 - a) Improved compatibility of new development with existing residential neighborhoods, commercial enterprises, and industrial uses.
 - b) Flexibility of design to take greatest advantage of a site's natural and developmental qualities.
 - c) Accumulation of large areas of usable permanent open space to preserve important natural resources.
 - d) Efficient use of land that may result in lower development and public service cost.
2. All proposed planned unit developments units shall comply with the dimensional requirements, density specifications, and lot coverage requirements for the district in which the use is to be located. With the exception of townhouse lots, any lots created within a planned unit development shall be subject to the minimum lot size for the district in which the site is located.
3. No principal structure shall be located closer than 15 feet to another principal structure on site.
4. Where a planned unit development proposes structures to be located on the same lot and behind another existing or proposed structure, a minimum 12 foot ~~permanent access-easement~~ drive aisle shall be established and perpetually maintained to grant access to the adjoining street frontage and driveway connection.
5. Planned unit developments shall not be permissible where a property is subject to an existing nonconforming situation. Any existing nonconforming situation shall be ameliorated prior to the issuance of a zoning permit for a planned unit development.

3.15 FILL AND GRADE

A. PURPOSE

To prevent the unrestricted placement of fill material and to reduce the potential for increased flooding conditions throughout the planning jurisdiction, the Town of Carolina Beach hereby establishes this set of fill, grade, and excavation requirements.

B. FILL, GRADING, AND EXCAVATION

1. No lot, parcel, or tract of land may be disturbed by grading, filling, and excavation without a town fill and grade permit.
2. Permits for fill and grade shall be accompanied by a scaled grading plan depicting elevation change prepared by a licensed surveyor, landscape architect, or professional engineer.
3. The amount of fill added to a lot shall not be greater than one (1) foot above the crown of the highest adjoining street or access easement or even with the highest adjacent lot. For lots where the adjacent lot elevation exceeds one (1) foot above the crown of the adjoining street, then the fill added to the subject property may not exceed that of the highest adjacent lot or four (4) feet above the crown of the highest adjoining ~~lot~~ street, whichever is less. Fill shall be added based upon the existing grade of each lot. The CBD and HB zoning districts shall be exempt from these requirements.

3.47 NONCONFORMING LOTS

- A. Use by right when all setbacks can be met. Where the owner of a lot of record identified as nonconforming by the county tax parcel identification numbers as they exist on December 13, 2005, does not own sufficient land to enable the owner to conform to the dimensional requirements established by this chapter, such lot may be developed as a single-family residence, provided the lot can be used in conformance with all of the regulations (other than the area or width requirements) applicable to the district in which the lot is located, such use may be made as of right. Nonconforming lots created by transfer on or after December 14, 2005, shall not be developed.
- B. Recombination of lots required when possible. Whenever this article creates a nonconforming lot, and the owner of the nonconforming lot also owns land having continuous frontage to it, and a portion of this other land can be combined with the nonconforming lot to create a conforming lot (without thereby creating other nonconformities), the owner of the nonconforming lot, or his successor in interest, shall combine the lots in accordance with the town's subdivision ordinance to create one (1) or more conforming lots prior to developing the property. This section does not apply to those parcels identified as nonconforming lots of record as of July 14, 2004, and any subsequent nonconforming lots of recorded created between July 14, 2004, and December 14, 2005.
- C. Odd lots groupings. Where lots of record having the same street front have been combined in odd-numbered contiguous groups (3, 5, 7, etc.) existing conformities within the group (i.e. a minimum of two (2) adjoining lots) shall be maintained and the remaining single lot may be developed as a nonconforming lot as provided in subsection (a) of this section.
- D. Subdivide platted lots. Where original platted lots in common ownership create an area over the minimum lot size, but will not meet the lot size or frontage requirements when subdivided, then the owner may subdivide the platted lots in accordance with the town's subdivision ordinance to create lots that are no more than 25% less than the minimum lot size for that district.
- E. Reduction of required lot area when lost to shore erosion. Where lots abut the estuarine tidal waters as defined by this ordinance or by the Carolina Beach Erosion Control and Hurricane Wave Protection Projects and where lot depth has been lost due to the encroachment of such waters, making such lot area non-conforming to the zoning district

requirements, the existing lot area may be considered conforming to meet the minimum lot area requirements of the zoning district in which located. However, the front and side yards of the zoning district shall apply.

- F. Reduction of required lot area. Where lots abut estuarine and/or ocean tidal waters, as defined in this ordinance, and where lot depth has been lost due to the encroachment of such waters, making such lot area nonconforming to the zoning district requirements, the existing lot area may be considered conforming to meet the minimum lot area requirements of the zoning district in which located. However, the front and side setbacks of the zoning district shall apply. Lots which have lost area due to estuarine and ocean tidal waters or Carolina Beach Erosion Control and Hurricane Wave Protection Projects may be developed in accordance with all applicable permitted uses of the zoning district in which located, provided that the actual lot area extending to the Carolina Beach development/building line or Kure Beach's Beach Re-nourishment Easement Line shall be utilized when computing the density for multifamily dwellings per lot. The UDO Administrator shall make the determination of actual lot area.
- G. For sound-front lots, a 50% reduction in the front yard may be permitted where full compliance with off-street parking requirements can be met.
- H. Where the Carolina Beach development/building line creates a reduction in lot area that results in a non-conforming lot a 50% reduction in the front yard setback may apply where full compliance with off-street parking requirements can be met.
- I. Lots which have lost area due to estuarine tidal waters or Carolina Beach Erosion Control and Hurricane Wave Protection Projects may be developed in accordance with all applicable permitted uses of the zoning district in which located, provided that the actual lot area above the mean high water level shall be utilized when computing the density for multifamily dwellings per lot. The UDO Administrator shall make the determination of actual lot area subject to appeal.