

CAROLINA BEACH

Planning and Zoning Meeting

Thursday, July 10, 2025 – 6:00 PM

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



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. June 12, 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. 3.6 Accessory Use Standards. Applicant: Ashley Hunter
3. Zoning Map Amendment to consider a request to rezone 301 Canal Dr from Marina Business (MB-1) to Central Business District (CBD). Applicant: Town of Carolina Beach

ITEMS OF BUSINESS

4. Appoint a Chair and Co-chair of the Planning & Zoning Commission

NON-AGENDA ITEMS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Senior Planner

DEPARTMENT: Community
Development

MEETING: Planning & Zoning Commission – 7/10/25

SUBJECT: June 12, 2025 – P&Z Minutes

Action:

Approve the June 12, 2025 Minutes

CAROLINA BEACH

Planning and Zoning Commission

Thursday, June 12, 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

APPROVAL OF MINUTES

1. May 8, 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

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

Demos

- 406 Ocean Boulevard (single-family home)

- 501 Greenville Avenue (single-family home)

BeBot (provided by Keep New Hanover Beautiful)

- Post-Memorial Day cleanup done on June 1
- Post-Beach Music Festival cleanup happening this week
- Next cleanup is scheduled for after Fourth of July weekend

New businesses

- Leaf & Love, 1010 South Lake Park Boulevard
- Kass's Laundry, 702 South Lake Park Boulevard

Upcoming

- Council special meeting June 17: canceled; new date TBD
- Planning and Zoning Commission July 10: text amendment for accessory structures and Unified Development Ordinance (UDO) update

Mr. Hardison said the rezoning for Harper Avenue passed during Tuesday's Council meeting.

PUBLIC HEARING

2. Text Amendment to Amend Article 3, Section 3.20 Fence Regulations
Applicant: Pleasure Island Holdings, LLC

Applicant Pleasure Island Holdings, LLC, is applying for a text amendment to modify Article 3, Section 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 to be no taller than 48 inches, and the NC Building Code requires pool fencing to be at least 48 inches, and it can be difficult to install a prefabricated fence that meets the 48-inch height requirement.

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

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 feet (or 48 inches). The problem occurs when a nonconforming commercial pool updates its fence barrier with prefabricated fencing materials. These prefabricated fences are designed to meet NC Building Code.

The text amendment is in general conformity with the Coastal Area Management Act (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 supports the proposed text amendment. There are a limited number of legal nonconforming 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 inches to easily meet the barrier fencing requirements for NC Building Code.

Ms. Anderson presented the details. She said sometimes a 48-inch section of prefabricated fencing can be found, but that doesn't account for sections being lifted off the ground a little for installation.

Chairman Rouse asked what the rationale is for going up to 5 feet. Ms. Anderson said the applicant was asking for 54 or 56 inches, but staff thought using a round, whole number instead of measuring by inches seems better and provides more flexibility, especially because it will still keep opacity for being able to see. She said the Commission may reduce the number.

Commissioner Crouch asked if there is the potential for the opacity to be in conflict with Building Code requirements. Ms. Anderson said she doesn't think 50% opacity goes against this, adding that the current wrought-iron fence on the site has more visibility than 50%. Commissioner Crouch said he wants to avoid unintended consequences.

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

Applicant representative Ladd Gasparovic, a partner with Pleasure Island Holdings, LLC, said the current ordinance does not allow for any wiggle room. He said pool industry experts say 54 inches is much safer because fences at that height have another cross bar across the top and are sturdier. Mr. Gasparovic said it makes sense to change the current regulations to a little more than 54 inches, and he thinks this would solve a problem without creating other issues.

Commissioner Carew asked if 56 inches would be sufficient. Mr. Gasparovic said this would cut it close, so he suggested at least 57 inches when you take risers into consideration.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

Commissioner Piper, Commissioner Carew, Commissioner Conto
Motion passed unanimously

Commissioner Carew said he is in favor of anything that's lower than 5 feet, so he likes the idea of 58 inches instead of 60.

Chairman Rouse said he supports the staff recommendation of 60 inches because Ms. Anderson has been to the site numerous times.

Ms. Anderson said 58 inches could be fine, but 60 inches would definitely cover it and create wiggle room that might be needed in some situations.

Commissioner Piper said 60 inches is fine with him. He said if concrete settles, you need to keep the top rail level, and you could unintentionally have a corner that's 59 inches to achieve this.

Commissioner Conto said she agrees with 60 inches.

Commissioner Crouch said you don't want to create a problem with the line of sight, and opacity is a bigger issue than 1 or 2 inches off the top. He said 60 inches is fine, and the opacity gives the line of sight needed to safely navigate the corners.

Commissioner Boswell said she agrees with Commissioner Piper's expertise and thinks 60 inches is OK.

Vice Chairman Hogan and Chairman Rouse both said they also agree with 60 inches.

ACTION: Motion that the Commission, whereas in accordance with the provisions of the North Carolina General Statutes, does hereby find and determine that the adoption of the following text amendment for Article 3, Section 3.20 Fence Regulations is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell

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

Motion passed unanimously

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 in April for the Commission's review. Since the April

meeting, staff and the Commission have held three workshops and a 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. Boat and personal watercraft (PWC) rental is Conditional Zoning (CZ).
- c. Boat sales and repair are permitted by right with standards.
- d. Boat taxis are permitted by right only in the Central Business District (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 the 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 pumpouts are required.

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. Added a definition of boat tax.
- e. The boat and PWC rental definition clarifies that boats can be rented from a marina, dry stack, or dry storage.

f. Clarified that the water-oriented 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 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 align with the requirements of surrounding communities.

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, and the plan recommends preserving traditional water-dependent uses such as marinas.

Ms. Abbotts presented the details.

Chairman Rouse suggested that any text amendment consider rezoning half of the Town Marina because it is located in 2 different zoning districts, something that occurred over time, as well as making parking along Saint Joseph Street undesignated. Ms. Abbotts said the Commission could include that as part of its recommendation, but these issues would be a separate process from the text amendment tonight.

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

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 thanked Commissioners for their hard work on this matter. He said if they get everything they've talked about tonight covered, they will have done an excellent job of solving parking issues and securing neighborhoods and future development.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

Motion passed unanimously

Chairman Rouse said the Commission has met on this during multiple occasions for many hours trying to get it right.

Commissioner Carew said he thinks they may have overdone it on the dry stack parking requirement when they took it from 1 parking space per 5 slips to 1 parking space per 2 slips. He said the problem isn't really the ratio but simply the availability of parking, and it's more of an enforcement issue.

Vice Chairman Hogan questioned whether a dry stack facility with 50 boats would only have 10 people using their boats on a weekend.

Commissioner Carew said facilities are not using the parking spaces they have, pushing cars to park along the street.

Commissioner Crouch said Commissioners have talked about ratios many times, so he is amenable to whatever the consensus is. He said he thinks they have done the best they can and will support whatever the Commission decides.

Commissioner Conto said she isn't sure that tightening the ratio would change anything and agreed it's an enforcement and not an ordinance issue.

Vice Chairman Hogan said he's not sure he's ready to change back to 1 parking space per 5 slips. He said he lives near one of the dry stack facilities and knows more than 20% of people with boats there are going out at once.

Commissioner Piper agreed it's an enforcement issue and said when additional marinas come they will bring forth a proposal and ask for less strict parking, so at that time the Town would try to fine tune the parking requirement. He said he would like to stick with the ratio of 1 parking space per 2 slips for a dry stack facility.

Commissioner Boswell said she is more comfortable sticking with 1 parking space per 2 slips for a dry stack facility, keeping in mind that any future commercial marina business owners would have to come before the Town.

ACTION: The Planning and Zoning Commission, whereas in accordance with the provisions of the North Carolina General Statutes, does hereby find and determine that the adoption of the following ordinance amendment to amend Article 3 Zoning and Article 7 Definitions of the UDO to address water-oriented businesses is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans with the added 2 stipulations that we recommend that Saint Joseph Street is changed to undesignated parking in the right-of-way and also recommend as a Board that all of the Town Marina be rezoned to CBD, Central Business District

Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell

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

Commissioner Piper, Commissioner Carew, Commissioner Conto
Motion passed unanimously

ITEMS OF BUSINESS

4. UDO Update Discussion

Ms. Abbotts presented a list of proposed changes for discussion after 1 year of administering the new UDO:

- 1) Update submittal deadline section and add flexibility to change meeting dates.
- 2) Update Dimensional Standards Table to clarify 80% allowance for impervious surface coverage in T-1 and I-1.
- 3) Create an allowance for double-frontage driveways.
- 4) Hotels must provide parking even if they are in CBD and may not use golf cart exemption – clarify which businesses can use the 500-foot exemption for parking.
- 5) Clarify nonconforming section – what can be done under 50%, 50%-100%, over 100% of the cost?
- 6) Create allowance for staircase /access in setbacks for homes being elevated with Federal Emergency Management Agency (FEMA) grants.
- 7) Clarify accessory structures section – what can be exempted?
- 8) Remove the requirement for an easement for Planned Unit Developments (PUDs), only a 12-foot minimum driveway.
- 9) Setback exceptions for small lots under 5,000 square feet.
- 10) Fix various typos.

Chairman Rouse said for the items that are likely to require workshops and can wait, he would prefer to tackle those in the fall or winter when there are fewer demands on business owners. He said he thinks item 9 is one of the earlier ones to review and should be a priority because it affects a lot of properties, including nonconforming lots. Chairman Rouse said this would help staff and decrease the number of Board of Adjustment meetings, and he suggested talking to Kure Beach officials to determine their logic in coming up with a formula.

Mr. Hardison said an 11th item for the list would be rezoning the Town Marina to CBD. He said they will have to advertise and have a public hearing.

Chairman Rouse asked if there would be a public hearing on undesignated parking on Saint Joseph Street. Mr. Hardison said yes, all of those items are in the zoning ordinance and would be required to have a public hearing to make any changes.

NON-AGENDA ITEMS

Commissioner Carew asked for clarification on the following scenario: If boat rentals were part of a water-oriented business previously, why wouldn't they have to be conditionally zoned when they show up at a marina?

Mr. Hardison said if a business is already approved as a commercial marina, charters and other water-oriented uses can come and go in that marina. He said having a water-oriented use outside of a commercial marina would require a Special Use Permit.

Commissioner Carew said for him it caused some confusion that water-oriented businesses and marinas are defined as separate things.

Mr. Hardison said a charter being able to operate in a commercial marina was part of a staff interpretation before he was hired. He said once staff makes an interpretation, it can't go back on that or treat somebody differently, so the interpretation has to stand unless there's an ordinance change or if they appeal that interpretation and the Board of Adjustment overrules it. He said this was a historic interpretation of how the Town treated charters, so if you wanted a fishing charter then you could operate in a commercial marina without having to go through CZ if the marina already went through that. Mr. Hardison added that water-oriented businesses didn't have a parking requirement, so coming up with parking ratios was one of the things this amendment was trying to clarify.

Commissioner Conto reminded everyone of fireworks tonight at 9:00.

ADJOURNMENT

Chairman Rouse adjourned the meeting at 7:06 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Haley Anderson, Planner

DEPARTMENT: Planning & Development

MEETING: Planning & Zoning – July 10th, 2025

SUBJECT: **Text Amendment** to amend Article 3, Sec. 3.6 Accessory Use Standards

Applicant: Ashley Hunter

BACKGROUND:

The applicant, Ashley Hunter, is applying for a text amendment to modify Article 3, Sec. 3.6 Accessory Use Standards (See Attachment 1). The applicant is pursuing this text amendment because they wish to build an accessory structure on their property that is inconsistent with the current ordinance regulations. She proposes the following changes:

1. to allow larger lots the ability to have more than one accessory structure,
2. base the size of the accessory structure(s) on the size of the lot instead of the size of the primary structure, and
3. increase the height allowed for the structures (See Attachment 2).

Number of Accessory Structures

The applicant desires two separate accessory structures. This would apply to all accessory structures, residential and nonresidential. They would like to build a garage and office space and keep their existing storage shed. The current ordinance states there can be only one accessory building per lot, with limited exceptions (See Attachment 3).

Size of Accessory Structures

Based on the current ordinance, the size of the accessory structure is limited by the size of the primary structure. The applicant proposes an amendment that the size of an accessory structure would be based off lot size rather than the footprint of the home. Lots with smaller homes would be more limited in the size of their accessory structure, regardless of the size of the lot. Basing the size of the accessory structure on the lot size would be more equitable for adjacent property owners within a residential zoning district because the lots have similar characteristics, but could not exceed the lot coverage of the primary structure. This amendment applies to all residential accessory structures.

Height of Accessory Structure

The applicant also desires to increase the height allowed because they would like to match the roof pitch of their single-family home which she stated would be difficult to accomplish with the current 15' accessory structure height limitation.

The current Town Ordinance permits (See Attachment 3):

- only one accessory structure per lot,
- requires the accessory structure be no more than 25% the size of the primary structure, and
- limits the total height of the structure to 15' in height.

HISTORIC CONTEXT

Number of Accessory Structures

At least since 2000, the number of accessory structures has been limited to one structure per lot.

Accessory Structure Size

With the adoption of the 2000 ordinance, accessory structures were allowed to be up to 25% of the allowable lot coverage. At the time, lot coverage in residential districts was capped at 40% the size of the lot. At some point between 2000 and 2004, a table footer was added that stated:

*In any case, accessory structures may not constitute a proportionate size greater than 25% of the actual developed area, regardless of lot size.

In 2009, a text amendment was proposed by staff to require an accessory structure be no larger than 25% the size of the primary structure size. This change was made because the ordinance did not define developed area, but it did define principal structure.

(b) **Table 3.9.2 Lot Coverage Standards for Accessory Structures in Residential Districts**
(1) *Within Residential (R) Districts and the MX-1 Mixed Use District.*
Accessory structures shall conform to the following standards in the designated zone districts:

Zoning District	Lot Size	Maximum Allowable Lot Coverage of Structures	40% Maximum Allowable Lot Coverage	75% of Max. Allowable Lot coverage allocated to Single-Family Dwelling	25% of Maximum Allowable Lot Coverage allocated to Accessory Building*
R-1	5,000 sq. ft.	40%	2,000 sq. ft.	1,500 sq. ft.	500 sq. ft.
R-1B	5,000 sq. ft.	40%	2,000 sq. ft.	1,500 sq. ft.	500 sq. ft.
R-2	7,000 sq. ft.	40%	2,800 sq. ft.	2,100 sq. ft.	700 sq. ft.
R-3	12,000 sq. ft.	40%	4,800 sq. ft.	3,600 sq. ft.	1,200 sq. ft.
C	80,000 sq. ft.	6%	4,800 sq. ft.	3,600 sq. ft.	1,200 sq. ft.
MH	5,000 sq. ft.	40%	2,000 sq. ft.	1,500 sq. ft.	500 sq. ft.
MF	5,000 sq. ft.	40%	2,000 sq. ft.	1,500 sq. ft.	500 sq. ft.
MX	5,000 sq. ft.	40%	2,000 sq. ft.	1,500 sq. ft.	500 sq. ft.

*In any case, accessory structures may not constitute a proportionate size greater than 25% of the actual developed area, regardless of lot size.

Accessory Structure Height

Prior to 2005, accessory structures were permitted to be one story in height, with no specific maximum height limit. In 2009, a request was heard to increase accessory structure heights to 25' to accommodate a loft office on top of a storage shed. Staff recommended capping the height at 15 feet, as taller structures could potentially allow for unpermitted improvements. Town Council was concerned anything above 15' could create upstairs apartments or mother-in-law suites which could increase residential density. Therefore, Town Council removed the one-story restriction and established a 15-foot height limit for accessory structures.

LAND USE PLAN:

The text amendment is in general conformity with the CAMA Land Use Plan. The plan does not specifically touch on specifics related to accessory structures and their height, size, or number. Goal 4 of the Land Use Plan does state a desire to reduce overall nonconformities in the town but also respect existing uses and entitlements and the rebuilding of structures. There are parcels in the town that have more than one accessory structure which have potentially existed since before the accessory structures were limited to one per lot. There could be instances where the proposed text amendment may reduce nonconformities.

STAFF COMMENTS:

Staff is in general in support of the proposed text amendment. Staff has been working with the applicants on this and have crafted a language staff is comfortable in regards to the number of structures and the size of the structures. However, staff has concerns regarding the increase in the height of the accessory structures. Historically the town has been restrictive with the height of accessory structures in an effort to limit the illegal conversion of these structures to living area or accessory dwelling units. Staff does also recognize there is a desire from homeowners to use these second stories as office space or to use the increased height allowance to add a roof pitch that better matches the primary structure roof pitch.

ACTION REQUESTED:

Consider recommending approval or denial of the text amendment.

MOTION:

Approval – to amend Article 3, Sec. 3.6 Accessory Use Standards

Denial – to amend Article 3, Sec. 3.6 Accessory Use Standards

ATTACHMENTS:

Attachment 1 – Text Amendment Application

Attachment 2 – Proposed Text Amendment Language

Attachment 3 – Current Ordinance Language

Attachment 4 – Other Municipality Ordinances

**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: Ashley Hunter Phone #: (910)- 520 - 1311

Street Address: 221 Teakwood Drive

City: Carolina Beach State: NC Zip: 28428

Email: ashleyhunter4pcmail@yahoo.com

REQUESTED TEXT AMENDMENT

Town Code Section(s) Requested to be Amended:
3.6 ACCESSORY USE STANDARDS

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

See below / attached

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

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

Signature of Petitioner: _____

Ashley Hunter

Date: _____

19 May 2025

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~~ structure shall be allowed for every 5,000 sf of lot area on the lot except for the exemptions provided herein.
 - a) The following shall be exempted from the lot coverage requirements and the limit of the number of accessory structures ~~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~~ cumulative size greater than ~~25~~10% of the ~~principal building's lot coverage, regardless of the lot size, but shall not exceed the size of the lot coverage of the primary structure.~~
 - b) Be limited to ~~15-20~~ feet in height or shall not exceed the building height of the primary structure, whichever is less.
 - 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.

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

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.

ACCESSORY STRUCTURE LIMITATIONS IN NEARBY COMMUNITIES

	Height	Number	SF	Lot Coverage
Wrightsville Beach	12.5 ft or 14 ft for detached garages	No limit	100sf (10x10) or 200sf (10x20) for detached garages	None
Wilmington	Height of primary structure or 35ft, whichever is less	2 (4 if lot is 4+ acres)	Total SF of accessory structures cannot exceed 100% of primary heated SF	Cannot cover more than 30% of the required side or rear yard
Topsail Beach	Structures shall conform to zoning district dimensional standards	1 plus detached garage	No limit.	None
Kure Beach	1 story with a height limit of 15 ft	No limit	No limit	None
Atlantic Beach	Structures shall conform to zoning district dimensional standards	No limit. Impervious limit of 40% in residential areas	50% of the principal structure's gross floor area, or 600 SF, whichever is greater	None
Surf City	Height of the principal structure	No limit. Lot coverage limit of 40%	10% of the total lot area, or 1,200 square feet, whichever is greater. Cannot cumulatively exceed gross floor area of primary structure	Principal and accessory dwelling unit together shall not exceed the max building/impervious surface requirements



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Community
Development

MEETING: Planning & Zoning – July 10, 2025

SUBJECT: Zoning Map Amendment to consider a request to rezone 301 Canal Dr from Marina Business (MB-1) to Central Business District (CBD).
Applicant: Town of Carolina Beach

BACKGROUND:

The Town Marina located at 301 Canal Drive is in two zoning districts, Marina Business and Central Business District. The western side of the marina is in the CBD and the eastern side is in Marina Business. Through the recent text amendment process for water oriented uses that Town staff worked on with Planning and Zoning, certain uses were identified as more intense and are only allowed in the Central Business District to accommodate the parking demand. Planning and Zoning has requested consistent zoning and land uses for the entirety of the property, so all operations fall under the same zoning guidelines.

For consistency it is best practice for the entirety of a property to be within the same zoning district. 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 of the UDO (attachment 1). The adjacent uses are all in the CBD except for 308 N Lake Park and 400 N Lake Park to the north of the marina.

History:

The 1960 Development Plan for Carolina Beach recommends that the Town Marina be used for commercial type craft and that small boat and private docking be located to the north on the west shore of the sound. The 1984 Zoning Map does not designate a zoning district for the Town Marina.

When the zoning map was drawn and adopted in 2000, the CBD District line was not drawn consistent with the 1997 Land Use Plan. In 2004, the Town rezoned 33 parcels from T-1 to CBD, from Canal Dr to 200' south of Dolphin Lane (see attachment 2). The development that was occurring in this area was consistent with the CBD requirements. This was an effort to promote the extension of the boardwalk and revitalize the area with commercial and pedestrian-oriented

uses. The Town wanted to encourage business and family-oriented development to year-round residents and visitors, especially surrounding the boardwalk and marina/boat basin. Because there was an emphasis on the boardwalk area and the marina. The portion of the Town Marina was not included because only private property was considered at the time.

The 2007 Land Use Plans shows the entire Marina Property in Conservation (along with the entirety of Myrtle Grove Sound) and the 2020 Land Use Plan shows the Marina located in the Downtown Business Character Area which is consistent with the CBD.

District Purpose and Permitted Uses:

The Marina Business District, MB-1, is established to reserve areas along the water's edge for maritime uses, water dependent uses, and water-oriented uses. This district also provides for certain residential and other non-water dependent uses which are closely aligned with water-oriented uses. Land uses, which would wall off the public from public trust waters, are specifically discouraged.

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 Marina Business District does allow for certain business uses like art galleries, boat repair, dry stacks, mixed use commercial-residential, hotels, offices, standard restaurants and eateries, and general retail, but does not allow for more intense uses like bars and taverns, or commercial parking lots. The MB-1 district is considered commercial but does allow for residential uses and has been developed with mostly residential uses. CBD only allows residential in a mixed-use development.

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.)</i>	<i>Max. Density</i>	<i>Max. Height</i>	<i>Max. Lot Coverage</i>	<i>Max. Impervious Coverage</i>
MB-1	Water-Oriented Businesses, Single-	10,000	100 ft.	30 ft.	10 ft.	10 ft.	17 units/acre	50 ft.	40%	65%

	family/Two-family									
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 ft.	None	None

The MB-1 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.

Land Use Plan

This rezoning is consistent with the land use plan. The property is shown on the Future Land Use Map in the Downtown Business Area. This is described as the boardwalk commercial area and central recreation district of town with an active pedestrian-scaled environment.

ACTION REQUESTED:

Consider recommending approval or denial of a zoning map amendment to rezone 301 Canal Dr from the MB-1 zoning district to the CBD.

Staff recommend approval of the rezoning.

MOTION:

Approval - whereas in accordance with the provisions of the NCGS, Planning and Zoning does hereby find and determines that the adoption of the Zoning Map Amendment for 301 Canal Dr 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. 2004 T-1 to CBD rezoning.

ATTACHMENT 1

1.7 Interpretation of zoning district boundaries.

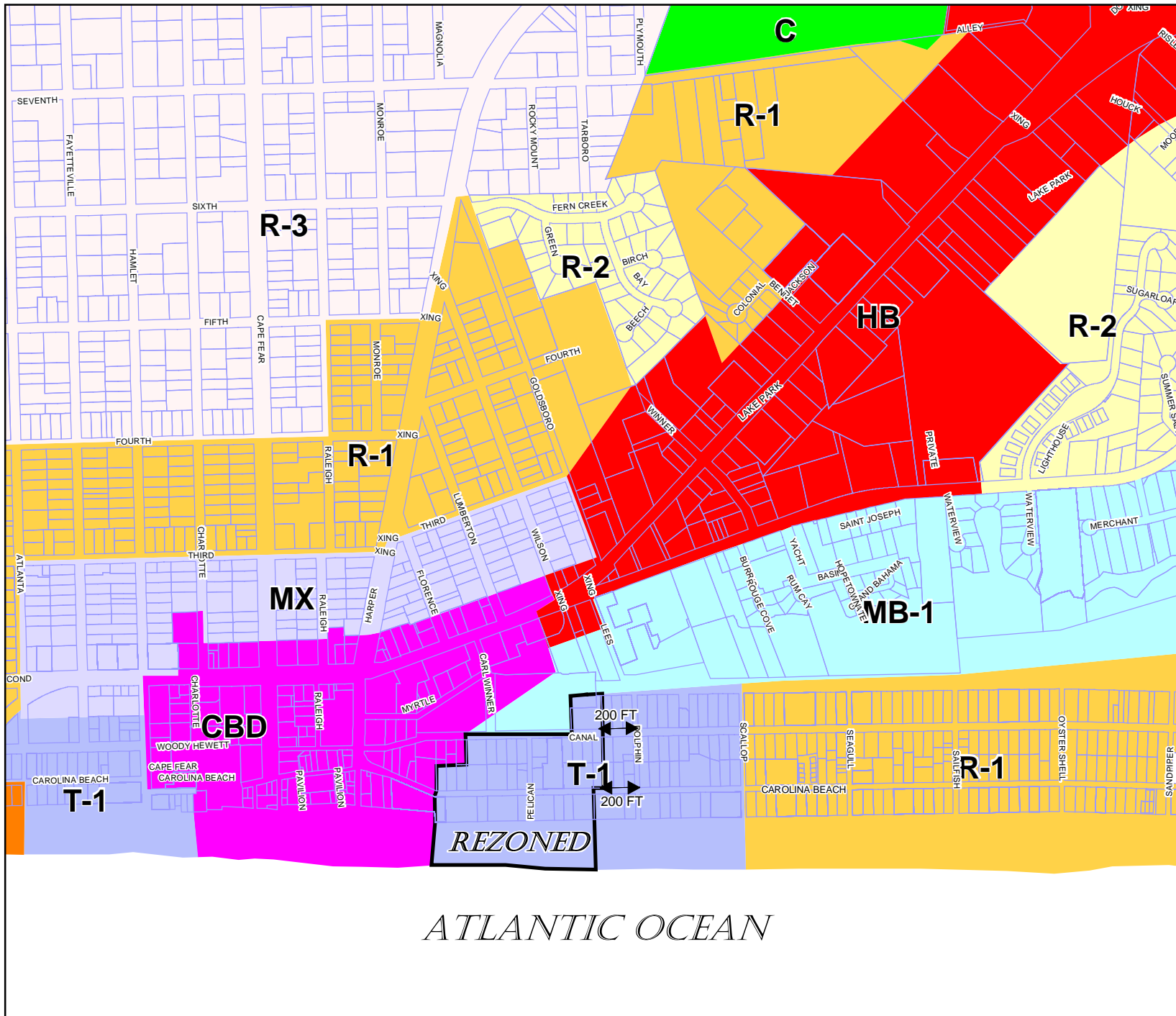
The UDO Administrator shall decide the exact location of any zoning district boundary lines whenever uncertainty exists about the boundary lines shown on the official zoning maps, subject to appeal to the board of adjustment. The determination of the exact location of a zoning district boundary shall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



TOWN OF CAROLINA BEACH
NORTH CAROLINA

**PROPOSED
AREA TO BE
REZONED
TO
CENTRAL BUSINESS
DISTRICT**



Legend

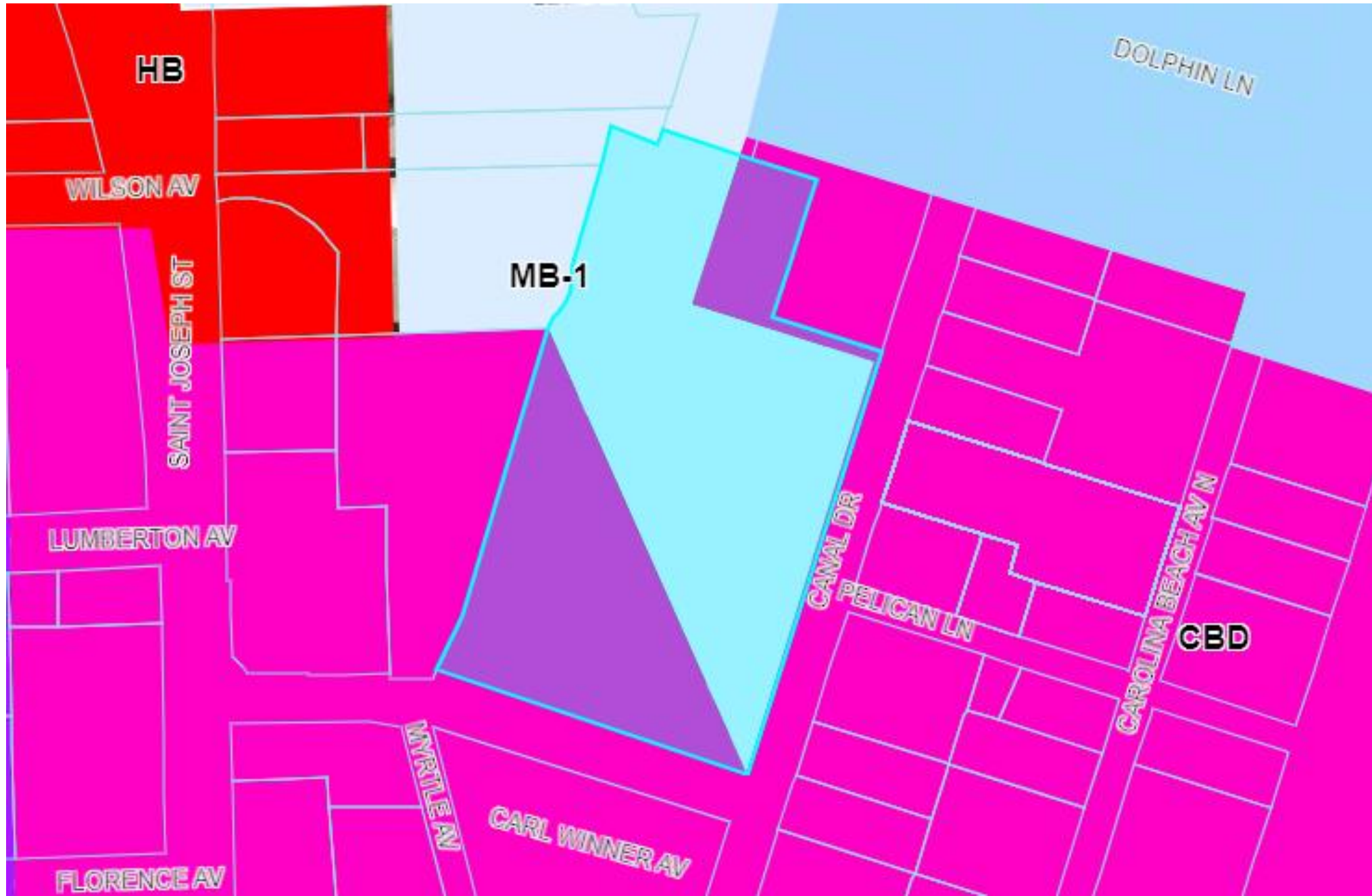
	R-1 - Residential
	R-1B - Residential
	R-2 - Residential
	R-3 - Residential
	MH - Mobile Home
	MF - Multi Family
	CBD - Central Business District
	HB - Highway Business
	NB - Neighborhood Business
	T-1 - Tourist
	MB-1 - Marina Business
	MX - Mixed Use
	I-1 - Industrial
	C - Conservation

0 85 170 340 510 680 Feet



301 Canal Drive

Item 3.





AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Senior Planner

DEPARTMENT: Community
Development

MEETING: Planning & Zoning Commission – 7/10/25

SUBJECT: Appoint a Chair and Co-chair of the Planning & Zoning Commission

Action:

The Commission will need to appoint a Chair and Co-chair.