



**CAROLINA BEACH**  
**PLANNING AND ZONING MEETING**  
**AGENDA • AUGUST 10, 2017**

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<b>Council Chambers</b>	<b>Regular Meeting</b>	<b>6:30 PM</b>
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**1121 N. LAKE PARK BLVD.  
CAROLINA BEACH, NC 28428**

- 1. CALL MEETING TO ORDER**
- 2. APPROVAL OF MINUTES**
  - a. Planning and Zoning - Regular Meeting - Jul 13, 2017 6:30 PM
- 3. STAFF REPORT ON RECENT COUNCIL MEETING(S)**
- 4. STAFF REPORT ON PLANNING & DEVELOPMENT ACTIVITIES**
- 5. PUBLIC DISCUSSION**
  - a. Text Amendment: Consider a text amendment to Chapter 40, Article III to amend the dimensional criteria for accessory structures. Applicant: Town of Carolina Beach  
*(Requested by Abby Lorenzo, Planning and Zoning)*
- 6. NON-AGENDA ITEMS**
- 7. ADJOURNMENT**



# CAROLINA BEACH

## PLANNING AND ZONING MEETING

### MINUTES • JULY 13, 2017

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**Council Chambers**
**Regular Meeting**
**6:30 PM**


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**1121 N. LAKE PARK BLVD.  
CAROLINA BEACH, NC 28428**

#### 1. CALL MEETING TO ORDER

#### 2. APPOINT CHAIRMAN & VICE CHAIRMAN

The new Commissioners introduced themselves.

Commissioner Grady made a motion to nominate Commissioner Bloemendaal as Chairman. Commissioner Kennedy seconded the motion. All in favor.

As there were no other nominations, Commissioner Bloemendaal was elected Chairman.

Commissioner Grady made a motion to nominate Commissioner Toppin as Vice Chairman.

Chairman Bloemendaal mad a motion to nominate Commissioner Rouse as Vice Chairman.

The Commissioner voted. Commissioner Toppin received four votes, Commissioner Rouse received three votes. Commissioner Toppin is now Vice-Chairwoman.

1. Appointments: The Commission will appoint a Chairman and Vice-Chairman for a one year term. -

*(Requested by Jeremy Hardison, Planning and Zoning)*

#### 3. APPROVAL OF MINUTES

- a. Planning and Zoning - Regular Meeting - Jun 8, 2017 6:30 PM -

Commissioner Grady made a motion to approve the minutes of the previous meeting. Commissioner Kennedy seconded the motion. All in favor (7-0).

#### 4. STAFF REPORT ON RECENT COUNCIL MEETING(S)

Mr. Parvin reported on the most recent Town Council Meeting. Town Council approved the CUP's for both the Marina Boatyard on Basin Rd and the Business Planned Unit Development to be located at 1326 N. Lake Park Blvd.

Commissioner Toppin asked the time period allowed for the Marina Boatyard to come into compliance. Mr. Parvin responded 30 days.

#### 5. PUBLIC DISCUSSION

- a. Text Amendment: Consider amending Chapter 40 Article III to allow for Automobile Repair Garages by right in the Neighborhood Business Zoning District Applicant: Town of Carolina Beach -

*(Requested by Jeremy Hardison, Planning and Zoning)*

Minutes Acceptance: Minutes of Jul 13, 2017 6:30 PM (APPROVAL OF MINUTES)

Commissioner Grady asked Mr. Hardison why the ordinance couldn't also be changed to bring two family dwellings into compliance too, as it is supported by the Land Use Plan. Mr. Hardison explained that it could be a condition of their recommendation.

Commissioner Toppin asked if the owner of the auto repair shop had asked to have their business brought into compliance. Mr. Hardison explained that he had not.

Commissioner Kennedy clarified that the goal of this amendment was to bring the business in conformance. Mr. Hardison responded yes. Commissioner Kennedy stated she supports Commissioner Grady's suggestion to include two family as part of the amendment.

Commissioner LeCompte asked if the amendment in 2006 was an oversight. Mr. Parvin explained that there was a push by the Planning Board to approve as written. Mr. Hardison added that at that time there was no mention of the automobile repair shop business.

Commissioner Toppin asked how the 15 existing single family homes were permitted. Mr. Hardison responded that they were permitted to the current zoning code that was adopted in 2000.

Commissioner Grady asked for clarification on what "grandfathering in" means. Mr. Hardison explained that it meant the use was nonconforming and no expansion could be permitted.

Joel Macon, 614 Monroe Ave. Explained to the Commissioners that the property where Superior is located has been purchased by the owners of Superior. Their business has exceeded the size of the existing shop. Would like to expand their business. The new Owners were unaware their business was a nonconforming use.

Commissioner Toppin stated that she feels a business owner wishing to change the zoning should have to follow the text amendment process and come before the Commission.

Chairman Bloemendaal asked for clarification if the Text Amendment had been brought forward in the correct way. Mr. Parvin explained that Council often directs staff to analyze and proposes changes to the code.

Commissioner Hoffer asked if text amendments should be project based. Mr. Hardison responded that the amendment is for the entire district.

Chairman Bloemendaal made a motion to close the public hearing. It was seconded by Commissioner Kennedy.

Commissioner LeCompte feels this text amendment corrects an oversight by the Town.

Commissioner Toppin is okay with the proposed amendment but uncomfortable with the approach that brought the amendment before the Board. Also noted that uses such as a daycare require a conditional use permit and are not permitted by right.

Commissioner Rouse and Commissioner LeCompte agreed there was an oversight by the Town to make a once conforming business nonconforming.

Commissioner Hoffer feels that just because the Land Use Plan states "Commercial Services" it could refer to many different things, not necessarily an automobile repair shop. Believes there was a reason this area was zoned NB and also does not think an amendment should be passed for one project.

Mr. Parvin offered the option of a condition specifically for NB prohibiting the use within a certain distance from S. Lake Park.

Commissioner Hoffer offered that option so that Superior would be made conforming but also prohibit automobile shops from within 50' of the S. Lake Park corridor.

Chairman Bloemendaal feels the best compromise is for the requirement of a CUP.

Commissioner Hoffer supports that option with the 50' buffer.

Commissioner Kennedy made a motion to approve the amendment to Chapter 40 Article III, Sec 40-172 Table of Permitted Uses to allow for automobile repair shops by conditional use permit in the Neighborhood Business District. Whereas in accordance with the provisions of the NCGS 160A-383, the Commission does hereby find and determine that the adoption of the following ordinance amendment is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans. The motion was seconded by Chairman Bloemendaal. (6-1) Motion carried.

**6. DISCUSSION ITEMS**

Jeremy Hardison presented a report on current happenings in the Planning and Development Department.

**7. NON-AGENDA ITEMS**

**8. ADJOURNMENT**

Commissioner Rouse made a motion to adjourn. The motion was seconded by Commissioner Kennedy. All in favor (7-0).

**9. CALL TO ORDER**

Attendee Name	Title	Status	Arrived
Mary Grady		Present	
Greg Reynolds		Absent	
Keith Bloemendaal		Present	
Ked Cottrell		Absent	
Johnie Davis		Absent	
Jerry Kennedy		Present	
Nan Toppin		Present	

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Kimberlee Ward, Town Clerk

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Date Approved

Minutes Acceptance: Minutes of Jul 13, 2017 6:30 PM (APPROVAL OF MINUTES)



## Planning and Zoning

1121 N Lake Park Blvd  
Carolina Beach, NC 28428

**SCHEDULED**

Meeting: 08/10/17 06:30 PM  
Department: Planning and Zoning  
Category: Ordinance  
Prepared By: Abby Lorenzo  
Department Head: Abby Lorenzo

**P&Z AGENDA ITEM (ID # 2345)**

DOC ID: 2345

# **Text Amendment: Consider a text amendment to Chapter 40, Article III to amend the dimensional criteria for accessory structures. Applicant: Town of Carolina Beach**

## **BACKGROUND:**

At the March 9<sup>th</sup> Planning and Zoning Commission meeting, Staff was asked to prepare a discussion on the Town's current Accessory Structure regulations for residential uses. The Commissioners voiced concerns that the regulations were too restricting in allowing property owners to fully utilize their property. Staff researched and facilitated a discussion at the June 8<sup>th</sup> P&Z meeting. Each of the eight criteria for residential accessory structures, and five criteria for commercial accessory structures, were reviewed in detail. The Commissioners asked staff to analyze and revise the language for the following regulations:

**Accessory buildings associated with residential uses shall not constitute a proportionate size greater than 25% of the principal building's lot coverage, regardless of the lot size.** The Commissioners felt that this was too restrictive on larger lots that may have the available lot coverage to build an accessory building exceeding 25% of the principle structure's footprint. It was directed to staff that the size of an accessory structure should be determined based on available lot coverage and the principle structure's footprint. Upon review of recent permits for accessory buildings, Staff found that for 5,000sf and 6,250sf lots, remaining lot coverage amounts typically limited the allowable size of accessory buildings. The 25% of the principle structure's footprint requirement usually governed on large lots where there was a greater amount of remaining lot coverage. Applicants of larger parcels have worked around the 25% limit by attaching larger accessory structures, such as garages, to principle structures when possible. Others have increased the footprint of the principle structure by attaching porches and decks, thus increasing the allowable 25% footprint for their proposed accessory building. These additional steps property owners must take in order to work around the requirements add additional cost to the property owner. Allowing the size of residential accessory buildings to be limited to the footprint of the principle structure and remaining allowable lot coverage would be consistent with the existing commercial accessory building requirements.

**Accessory structures associated with residential uses shall be limited to 15' in height.** The Commissioners questioned why this regulation was necessary if accessory structures could be permitted with finished space such as offices and gyms outside the special flood hazard. They felt the height of an accessory structure should be limited to the maximum height of the zoning district. The 15' height restriction was amended in 2009 in order to restrict accessory buildings to 1-story in height with storage above. The intent of the change was to allow owners to have an additional storage space above the first story while deterring possible second-story, occupied space areas. A common request from property owners is the allowance for an office or other usable space above a detached garage. In order to permit

a structure of this type exceeding 15', the building must be attached by exterior walls and a roof to the primary structure. By attaching with an enclosed and roofed section, the building becomes part of the principle structure and then thus subject to the height restriction of the zoning district. The height of commercial accessory structures is limited only by the allowable height of the zoning district. Increasing the allowable height of accessory buildings to 25' would accommodate the possibility of additional usable space over storage or garage areas.

**Accessory structures shall not be occupied, leased, rented or otherwise used for profit, income or for gain.** Commissioners voiced the opinion that finished space within an accessory structure should be allowed to be utilized for occupied space such as additional bedroom for guests. During the TRC review of the proposed ordinance revisions, the Fire Inspector stated that he was not in support of the use of accessory buildings as additional occupied space for sleeping. His concerns were from a life safety point of view with the uncertainty of responding to a fire in an accessory structure as to whether or not there could be persons sleeping inside.

**Contain no more than three internal plumbing fixtures.** This requirement was added under a text amendment in 2015 to bring an accessory structure with an impermissible gym and bathroom into compliance. Limiting the total number of plumbing fixtures inhibits an owners ability to create an additional unit within an accessory structure, as well as creates an enforceable standard for staff. Per NCGS 160A-381(h), local ordinances cannot specifically regulate room types within single-family units and their associated accessory structures. Allowing for a specific, limited number of fixtures, allow the owner to choose what fixtures, if any, they would like to have in their accessory structure. Increasing the allowed number of fixtures could potentially result in provisions meeting the code's definition of a dwelling unit.

The current accessory structure regulations also limit the allowable number of accessory buildings per property to one. Although the code specifically references 'building', there are numerous types of accessory structures that could exist on site which include trellis/pergolas, outdoor kitchens, play yard equipment, and freestanding decks. Although exempt from the one customary accessory building rule, accessory structures are still required to meet zoning setbacks. Additionally it is proposed that accessory buildings for institutional uses (i.e. Town properties, schools, libraries) be exempt from the requirements for accessory buildings.

**BUDGET IMPACT:**

**COMMITTEE RECOMMENDATION/ACTION:**

**STAFF RECOMMENDATION/ACTION REQUESTED:**

Staff recommends the approval of the amendments to Chapter 40 Zoning, Sec. 40-75 Accessory Structures. Although accessory structures or buildings are not directly addressed in the 2007 Land Use

Plan, there are specific references within the plan to "retain the traditional character and density of single family neighborhoods and areas". The proposed amendment is consistent with maintaining and not increasing density.

Approval - whereas in accordance with the provisions of the NCGS 160A-383, the Commission does hereby find and determine that the adoption of the following ordinance amendment is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans.

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

**ATTACHMENTS:**

- Sec.\_40\_75.\_\_\_\_Dimensional\_standards\_for\_accessory\_structures.(DOCX)
- Proposed Amendment (DOCX)

Sec. 40-75. - Dimensional standards for accessory structures.

- (a) Accessory structures associated with residential uses shall:
- (1) Be included when calculating the total allowable lot coverage, and shall not constitute a proportionate size greater than 25 percent of the principal building's lot coverage, regardless of the lot size;
  - (2) Not be limited to 15 feet in height;
  - (3) Not be permitted within any required front or side yard, or within five feet of the rear lot line;
  - (4) Not be occupied, leased, rented or otherwise used for profit, income or for gain;
  - (5) Not be used as a dwelling unit;
  - (6) Contain no more than three internal plumbing fixtures (water heater is exempt);
  - (7) Maintain a residential appearance and shall not produce impacts detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking, or other activities;
  - (8) Meet state building code requirements if any dimension is greater than 12 feet;
- (b) Accessory structures associated with nonresidential uses shall:
- (1) Be included when calculating the total allowable lot coverage;
  - (2) Not be permitted within any required front or side yard, or within five feet of the rear lot line;
  - (3) Not exceed the size of the primary structure;
  - (4) Not be used as a dwelling unit;
  - (5) Require a building permit and meet state building code requirements.
- (c) Swimming pools setbacks.
- (1) Setbacks for swimming pools less than 30 inches above the ground level of the graded lot:
    - a. Front yard: As required for the zoning district.
    - b. Side yard: Five feet.
    - c. Corner yard: Five feet.
    - d. Rear yard: Five feet.
  - (2) Setbacks for swimming pools more than 30 inches above the ground level of the graded lot:
    - a. Front yard: As required for the zoning district.
    - b. Side yard: Five feet.
    - c. Corner yard: 7.5 feet.
    - d. Rear yard: Five feet.
- (d) Exemptions.
- (1) The following shall be exempted from the one customary accessory building:
    - a. Fence;
    - b. Flagpole;
    - c. Dog house not to exceed 16 square feet;
    - d. Pump house not to exceed 16 square feet;
    - e. Playhouse not to exceed 36 square feet nor eight feet in height;



- f. Private swimming pools and their associated decks, fencing and equipment;
  - g. As may be allowed for under article XI of this chapter (conditional use permit approval process).
- (2) The exemptions shall not have sewer, electrical and plumbing, except for pools and pump houses.
- (3) These exemptions are not considered as part of the lot coverage.

(Code 1986, app. A, § 3.9-2; Ord. No. 00-463, 10-10-2000; Ord. No. 02-523, 11-12-2002; Ord. No. 03-543, 7-8-2003; Ord. No. 05-588, 5-17-2005; Ord. No. 09-775, 2-10-2009; Ord. No. 11-976, 9-13-2011; Ord. No. 14-932, 5-13-2014; Ord. No. 15-969, 1-13-2015)

Dimensional standards for accessory structures.



ORDINANCE NO.

Amend Chapter 40 Article III, Sec 40-75, Dimensional standards for accessory structures.

Sec. 40-75. - Dimensional standards for accessory structures.

- (a) Accessory ~~structures~~ buildings associated with ~~residential~~ all uses shall:
- (1) Be included when calculating the total allowable lot coverage; ~~and shall not constitute a proportionate size greater than 25 percent of the principal building's lot coverage, regardless of the lot size;~~
  - ~~(2) Be limited to 15 feet in height;~~
  - (2) Not exceed the footprint of the principal structure;
  - (3) Not be permitted within any required front or corner side ~~or side~~ yard, or within five feet of the side or rear lot ~~line~~ lines;
  - ~~(4) Not be occupied, leased, rented or otherwise used for profit, income or for gain;~~
  - ~~(5)~~(4) Not be used as a dwelling unit;
  - ~~(6) Contain no more than three internal plumbing fixtures (water heater is exempt);~~
  - ~~(7) Maintain a residential appearance and shall not produce impacts detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking, or other activities;~~
  - ~~(8)~~(5) Be required to obtain a building permit if any dimension is greater than 12 feet or if the building is for a commercial use;
- (b) Accessory ~~structures~~ buildings associated with ~~non~~ residential uses shall also:
- (1) Be limited to 25 feet in height;
  - (2) Not be occupied, leased, rented or otherwise used for profit;
  - (3) Contain no more than three internal plumbing fixtures (water heater is exempt);
  - (4) Shall not produce impacts detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking, or other activities;
  - ~~(1) Be included when calculating the total allowable lot coverage;~~
  - ~~(2) Not be permitted within any required front or corner side or side yard, or within five feet of the side or rear lot line lines;~~
  - ~~(3) Not exceed the size of the primary structure;~~
  - ~~(4) Not be used as a dwelling unit;~~
  - ~~(5) Require a building permit and meet state building code requirements.~~

(c) Swimming pools setbacks.

- (1) Setbacks for swimming pools less than 30 inches above the ground level of the graded lot:
  - a. Front yard: As required for the zoning district.
  - b. Side yard: Five feet.
  - c. Corner yard: Five feet.
  - d. Rear yard: Five feet.
- (2) Setbacks for swimming pools more than 30 inches above the ground level of the graded lot:
  - a. Front yard: As required for the zoning district.
  - b. Side yard: Five feet.
  - c. Corner yard: 7.5 feet.
  - d. Rear yard: Five feet.

(d) Exemptions.

- (1) The following shall be exempted from the requirements for the one customary accessory building:
  - ~~a. Fence;~~
  - ~~b. Flagpole;~~
  - c. Dog house not to exceed 16 square feet;
  - d. Pump house not to exceed 16 square feet;
  - e. Playhouse not to exceed 36 square feet nor eight feet in height;
  - ~~f. Private swimming pools and their associated decks, fencing and equipment;~~
  - g. As may be allowed for under article XI of this chapter (conditional use permit approval process).
- (2) The exemptions shall not have sewer, electrical and plumbing, except for pools and pump houses.
- (3) These exemptions, in addition to private swimming pools and their associated decks and equipment, are not considered as part of the lot coverage.
- (4) Accessory structures for Institutional Uses shall be exempt from the requirements of this section.

Adopted this 12<sup>th</sup> day of September 2017.

\_\_\_\_\_  
Dan Wilcox, Mayor

Attest: \_\_\_\_\_

Kimberlee Ward, Town Clerk

Attachment: Proposed Amendment (2345 : Accessory Structures)