



Text Amendment to Add a Building Footprint Definition

Amend Article 7, Sec. 7.3 Definitions.

Applicant: North Pier Holdings, LLC

NOVEMBER 12, 2024

Background

- Applicant: North Pier Holdings, LLC.
- Reason for the proposed text amendment:
 - To provide clarity to the citizens and residents of Carolina Beach regarding what is considered part of the building footprint.

Proposed Text Amendment

Building Footprint Definition:

Article 7, Sec. 7.3 Definitions.

Building footprint means where the enclosed area of a building comes out of the ground. It is the literal footprint of the exterior walls of the enclosed area of the building as they touch the earth. This does not include porches, terraces, overhangs, awnings, driveways, or parking lots.

The Town UDO currently has no definition for Building Footprint.

UDO SECTIONS USING "BUILDING FOOTPRINT" & "FOOTPRINT"

Term Used: Building Footprint

Sec. 3.8	Residential PUDs (Units >4)	Allows the height of a PUD building to be increased above 40' if reductions in the building footprint are made.
Sec. 3.9	Mixed Use Building Section	This section states "The first habitable floor shall have 50% of the building footprint dedicated to a nonresidential use."
Sec. 3.9	Mixed Use Building Section	Required commercial space is reduced to 25% for mixed use buildings located in a VE flood zone.
Sec. 3.49	Reconstruction of Nonconforming Uses Section	Allows structures to be repaired or reconstructed in the same building footprint as long as the construction cost does not exceed 100% the as is market value of the structure.

Term Used: Footprint

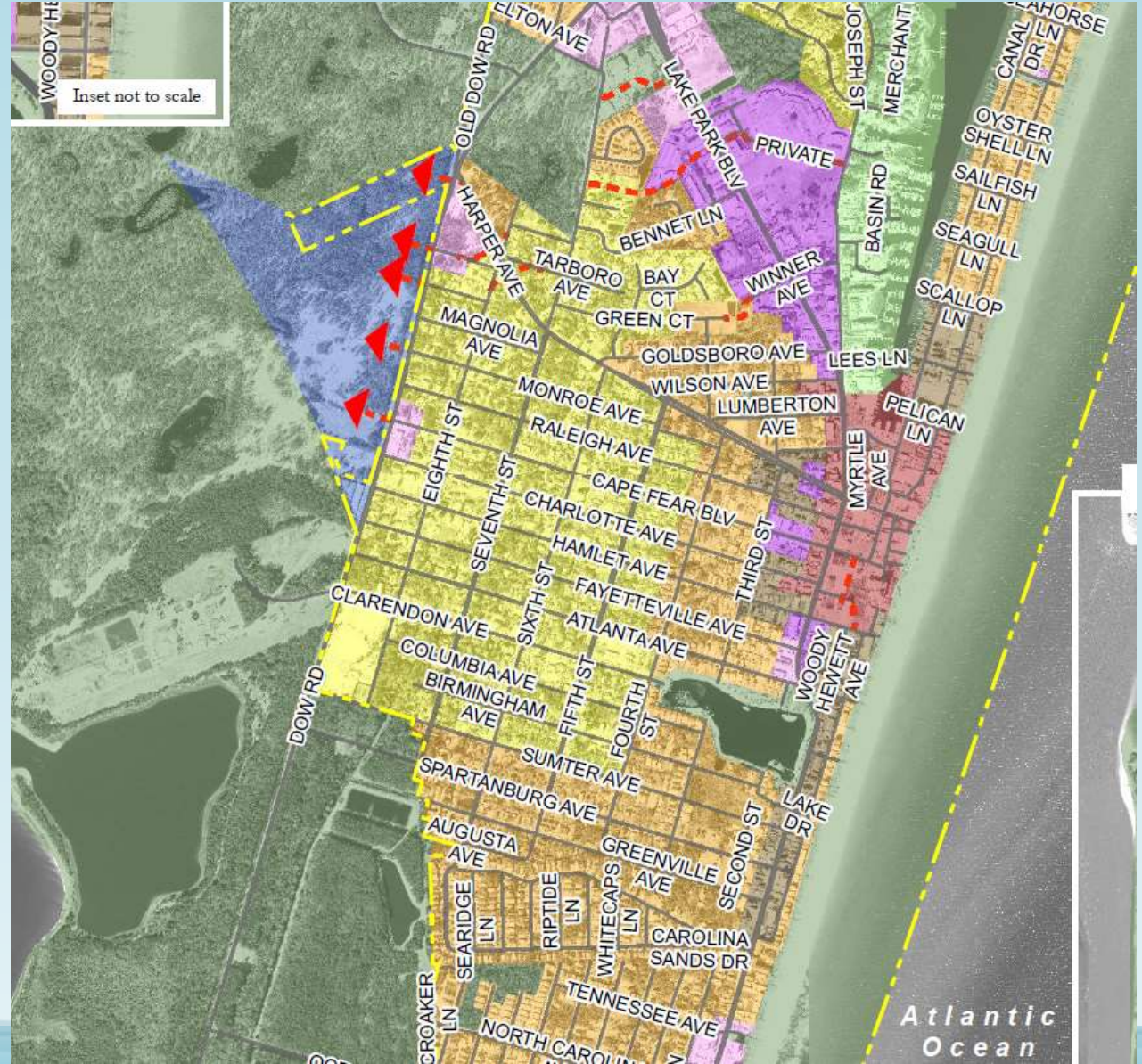
Sec. 2.14	Minor Site Plan Section	A site plan is required when modifying an existing structures footprint.
Sec. 3.49	Nonconforming Section	When a structure is substantially damaged by a fire, flood, or other event, the owner has 180 days to provide a letter certifying the original footprint of the building.
Sec. 5.125	Accessory Structure in SFHA	An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$3,000.00 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards.
Sec. 5.130	Requirements for VE Flood Zones	A qualified design professional must certify a structure - that is not structurally attached to and which is located outside of the footprint of a building - would be built in a way that would not reflect high wave action onto neighboring properties.
Sec. 7.3	Definitions	The Site Plan, Minor definition defines proposed development as single-family residential uses and residential structures consisting of four (4) or fewer dwelling units or for renovation/rehabilitation projects that will modify an existing structure's footprint.

Land Use Plan:

The land use plan does not mention building footprint explicitly, but it does state the following:

“It is the explicit desire of the community that the Future Land Use Map (FLUM) not prevent the possibility of constructing a single family home or rebuilding a structure, and the FLUM should not be construed to do such.”

Goal 4: Continue to reduce overall nonconformities in the town, but also respect existing uses and entitlements, and the rebuilding of structures.



Planning & Zoning Recommendations

- P&Z voted to recommend denial of the proposed text amendment
- They had the following comments during discussion:
 - Concerned with the unintended consequences to the nonconforming ordinance section if the proposed definition was adopted.
 - The Town just adopted an updated UDO - a building footprint definition was not a suggested change during the extensive review process.
 - Members noticed no close NC coastal communities have this definition in their ordinances.
 - Members are hesitant to recommend this definition since it accommodates a particular circumstance and could have other potential ramifications in other areas of the UDO.

Staff Concerns

1. Town staff does not recommend approval of the text amendment because they believe the amendment would have large ramifications to the nonconforming section which would prevent a structure's ability to be rebuilt or renovated to the existing dimensions of the building.
2. The text amendment is inconsistent compared to other community's building footprint definitions.

Council Options:

1. Council could approve the applicant's modified text amendment.
2. Council can approve or modify the amendment at their discretion.
3. Deny proposed amendments.
4. Council could give further direction or have further discussion of amendments.

Motion

Approval

The Council, Whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following ordinance amendment to amend – Article 7. Section 7.3 Definitions - is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

Denial

The Council, Whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following ordinance amendment to amend – Article 7. Section 7.3 Definitions - is inconsistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

Further Direction/Discussion