

# Ordinance 26-1286

Town of Carolina Beach  
Town Council



AN ORDINANCE TO AMEND ARTICLE 3, SEC. 3.4 TABLE OF USES AND 3.9 NONRESIDENTIAL USE STANDARDS OF THE UDO TO ALLOW RETAIL AS AN ACCESSORY USE FOR HOTELS AND MOTELS IN THE MF DISTRICT.

## 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)															
Motels and hotels							<u>CZ</u>	CZ	CZ		CZ		CZ	CZ	

## 3.9 NONRESIDENTIAL USE STANDARDS

### P. MOTELS AND HOTELS

#### 1. Retail is permitted as an accessory use with the following standards:

- a) Retail areas shall be in a communal area for guests of the hotel, i.e. the lobby, dining area/venue, pool, or recreation area.
- b) Retail areas shall not constitute more than 25% or less of the gross-floor area of the communal area.
- c) Off-Premise sales of alcohol shall be limited to the lobby and/or interior dining area.

### P-Q. PERMANENT COMMERCIAL PARKING FACILITY

1. Parking lot purpose. The purpose of allowing freestanding parking lots is to augment Central Business District (CBD) businesses that have limited or no parking due to the layout of the CBD and boardwalk area, to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to increase public access to beach and sound front areas.
2. Goals. The regulations in this section are set forth to accomplish the following:
  - a) Protect the adjacent properties from any negative impacts associated with developed/impervious areas.
  - b) Promote development of long-term viable uses in the town's Central Business District.
  - c) Stay consistent with the landscaping and development goals of this Article.
  - d) Increase the public health and safety of the residents and visitors.
  - e) Ensure the property's intended use is clearly delineated on-site.

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3. Parking lots are permitted to accommodate two (2) axle vehicle parking. Parking lot design shall meet all minimum requirements of off-street parking and loading requirements of this Article, and building code requirements including ADA requirements for handicap spaces.
4. Parking lot requirements:
  - a) Landscaping shall be installed in accordance with a "Type A" buffer yard as defined in the landscaping and development specification standards of this Article.
  - b) Number of accessible handicap parking spaces shall be provided in compliance the North Carolina State Building Code.
  - c) Trash receptacles shall meet the following.
    - i) To be maintained as to not impact adjoining properties (i.e. smell, debris).
    - ii) The number of trash receptacles shall be located on-site equivalent to the number of handicap spaces. Trash receptacles shall be a minimum of 55 gallons contained in a secured structure.
  - d) Concrete or asphalt aprons shall be installed from the property line to the connecting street.
  - e) Signage required.
    - i) Towing signage shall be posted in accordance with Chapter 16, Article VII of the Town's General Code.
    - ii) A minimum of two (2) foot by two (2) foot permanent sign posted at all entrances and pay stations stating that town decals, stickers, license plates, and any other identification of permission by town are not accepted in the lot.
    - iii) Signs shall include the operator and the operator's contact information.
    - iv) The sign structure displaying the required information shall be clearly displayed in letters not less than one (1) and one-half-inch (1.5) in height on a contrasting background.
    - v) Additional allowed signage shall be installed accordance with the requirements of this Article.
5. Shall meet all Stormwater Management Regulations.
6. Any temporary commercial parking lot which operated in 2021 shall be considered a nonconforming use and will be required to comply with requirements one (1) through four (4) stated above immediately but shall have 24 months from the adoption of this text amendment to meet requirement five (5) and all applicable stormwater regulations.

## Q-R. RENTAL OF GOLF CARTS, MOPEDS, E-BIKES, AND SCOOTERS

1. Any operation, whether as principal or accessory, that plans to rent golf carts, mopeds, and/or scooters 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 and 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.

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- 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 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) A minimum of \$1,000,000 liability insurance policy shall be secured by the operator and the town shall be named as an additional insured party.
- g) It shall be the responsibility of the operator to ensure that all federal, state, and local safety and motor vehicles laws are adhered to.
- h) 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.

## ~~R-S~~ SHOOTING RANGE

1. This section is intended to regulate the establishment and operation of shooting range facilities. Such recreational and training complexes, due to their potential noise impacts and safety concerns, merit careful review to minimize adverse effects on adjoining properties. Further, the regulations of this section have been made with reasonable consideration among other things, as to the character of the town and its areas and their peculiar suitability for these businesses and recreational facilities.
2. All new shooting facilities shall be designed, constructed, and operated in strict compliance with National Rifle Association (herein referred to as the NRA) standards, specifically the most recent edition of "The Range Manual, A Guide to Planning and Construction," In addition, construction standards shall comply with all appurtenant North Carolina Building Codes and verified by a professional engineer.
3. Outdoor shooting stations shall be prohibited within the planning jurisdiction of the town. Only indoor ranges shall be permissible.
4. Distance from occupied dwelling. All shooting range stations shall be located at least 500 feet from a residential district as measured in a straight line distance from the closest point of the proposed building to the nearest property line of a residential district. A shooting range lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a residence within the 500 feet separation requirement.
5. The permittee shall be required to carry a minimum of \$1,000,000 of liability insurance. Such insurance shall name the town as an additional insured party and shall save and hold the town, its elected and appointed officials, and employees acting within the scope of their duties harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any property damage arising out of use of the range, or in any way arising out of the acts or omissions of the permittee, his/her group, club, or its agents or representatives. The town shall be notified of any policy changes or lapses in coverage.
6. Permit display. Permits shall be kept and displayed in a readily visible location on the shooting range facility and at all times be available for public inspection.

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7. Changes or expansions. If any shooting range facility is intended to be substantially changed or expanded to include types of ranges, operations, or activities not covered by an approved permit or otherwise cause nonconformance with this section, a new permit for the entire facility shall be secured.
8. Abandonment and discontinuance. When an existing shooting range is discontinued without the intent to reinstate the range use, the property owner shall notify the town of such intent by providing written notice to the UDO Administrator.
9. Hours of operation shall be limited to 10:00 AM to 9:00 PM.

## S. I. SWIMMING POOLS, PUBLIC

1. Public or shared use swimming pools shall meet all applicable requirements of the town, the county, and the county health department (Rules Governing Public Swimming Pools 15A-NCAC 18A.2500).
2. The developer shall submit plans, drawn to scale, depicting all elements associated with the swimming pool, including size, volume, depth, decking or walkway, mechanical, plumbing, proposed method of water supply, sewage and other wastewater disposal, drainage, method and description of discharge area, and relation to lot and other structures, as applicable.
3. The plan shall show evidence of all applicable approvals of the town, the county, and the county health department prior to transmittal to the approval commissions and/or council, and issuance of a conditional zoning.
4. All outdoor swimming pools shall be enclosed by fencing and contain adequate walk or deck around the pool perimeter in compliance with county health department standards (rules governing swimming pools, 15A NCAC 18A.2500. For the purposes of this article loose gravel or stone, sod, grass, artificial turf, or similar groundcovers shall not be utilized as the perimeter materials of a pool. Poured concrete, decking, and pavers are the preferred perimeter materials for pools.

## T. U. TENNIS COURTS

Provisions shall be made to compensate for impervious surfaces and drainage runoff containment, and meeting the requirements of the town. Lighting, if used, shall be shielded so as not to shine on adjoining properties.

## U. V. UTILITIES, PRIVATE

1. Utility stations or substations, not including service or storage yards, and radio, television, telephone communication towers. Utility stations, including telephone repeater stations; relay stations; water supply reservoirs, wells, filter beds, sewage treatment plants and pumping stations, electric power, and gas substations, but not including service or storage yards or radio, television, telephone communication (i.e., cellular telephone) towers or co-located antennae. Such utility stations shall be subject to the following standards of development:
  - a) Suitable fencing shall be required to protect the public, along with enough landscaping and planting to effectively screen the activity from surrounding residential property. Other conditions may be attached by the reviewing board to prevent nuisance to surrounding property, because of noise, smoke, gas, odor, heat or vibration, the emission of which shall not be permitted in any residential district.
  - b) Suitable off-street parking space for maintenance, service, or other vehicles shall be provided.

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- c) Minor structures, such as hydrants, telephone or light poles, pole transmitters or transformers, or similar equipment, shall not be subject to these regulations.
  - d) The provisions of this section shall apply to public utility transmitting or relay stations, provided that no such station shall be permitted on a site less than one (1) acre in area, and provided further that no site shall have a horizontal dimension less than twice the height of the tallest structure on the site.
  - e) In residential districts, all buildings shall be in character with surrounding residences.
2. Utility transmission lines. Transmission lines for use by a public utility serving the local or regional area, including telephone, electric light, and power lines, shall be subject to the following standards:
- a) The provisions of this section shall not apply to telephone, electric light, and power lines carrying less than 33,000 volts and usually located along public highways, or to local underground conduits, cables, gas, sewer, and water mains or pipes.
  - b) It is clearly demonstrated that the establishment of the particular use in the area is necessary for the operation of the public utility system, or required to supply utility service to the local area.
  - c) The location and construction of any transmission line shall be such as not to endanger the public or surrounding property. A right-of-way of sufficient width shall be required to permit the safe construction and maintenance of the transmission line and to prevent any hazard to surrounding property. On a one- or two-circuit transmission line, the distance from the tower base to the nearest boundary of the transmission line, right-of-way shall be no less than 25 feet; on a three- or four-circuit transmission line, the distance from the tower base to the nearest boundary of the transmission line right-of-way shall be no less than 50 feet. When subject to a conditional zoning request, suitable fencing or landscaping of a tower base may be required when, in the opinion of the reviewing board, it is necessary to protect the public or conserve the values of surrounding property.
  - d) Gas booster stations or storage tanks shall not be permitted in residential districts.
  - e) Any sub-station along such transmission lines shall be subject to the requirements for utility stations set forth in this article.

(Ord. No. 24-1230, 7-9-2024; Ord. No. 25-1261, 8-12-2025)

Be it ordained by the Town Council of the Town of Carolina Beach. Adopted this 14<sup>th</sup> day of April, 2026.

TOWN OF CAROLINA BEACH

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Albert L. Barbee, Mayor

ATTEST:

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Kimberlee Ward, Town Clerk