

Ordinances referenced in the appeal application

Blue is new language from the UDO

Red is strikethrough language that was removed

Prior Ord. Sec. 40-329. (a)

2.14 SPECIFIC REVIEW PROCEDURES

D. SPECIAL USE PERMIT

15. The ~~official with responsibility under article XV of this chapter~~ UDO Administrator shall ensure compliance with plans approved by the Town Council and with any other conditions imposed upon the special use permit. ~~Enforcement of the plans approved by the Town Council and with any other conditions imposed upon the special use permit shall be pursuant to those procedures set forth in article XV of this chapter regarding administration, enforcement and review of approvals and subject to applicable administrative review and appeal procedures.~~ Further, ~~in the event of an article XV decision~~, finding a failure to comply with the plans approved by the Town Council and with any other conditions imposed upon the special use permit, and subject to applicable administrative review and appeal procedures, no building permits for further construction shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of ~~the Town's zoning~~ this ordinances.

Prior Ord. Sec. 40-330. (a)(2)

2.13 MODIFICATION, REVOCATION, AND RESUBMISSION OF A DENIED PERMIT

A. MODIFICATION OF PERMITS OR APPROVALS

2. Major changes to approved permits, plans, and conditions of development may be authorized only by the permit issuing authority in the same manner as outlined in this ordinance for original submission. Major changes include, but are not limited to:

b) Increase in intensity of the development; such as increase in density of units, whether residential, office, commercial, or industrial; an increase in number of off-street parking or loading spaces; an increase in height; or an increase in impervious surface area.

Prior Ord. Sec. 40-489. (b)

2.6 UDO ~~ZONING~~ ADMINISTRATOR

B. Under no circumstance is the UDO Administrator ~~zoning administrator~~ permitted to make changes in this ordinance or to grant exceptions to the actual meaning of any clause, standard, or regulation contained in this ordinance.

Prior Ord. Sec. 40-150. (a) 1,2,4

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

Prior Ord. Sect 40-150(b)

3.24 OFF-STREET PARKING

B. APPLICABILITY

1. The off-street parking standards contained herein shall apply to all new **buildings construction** and uses, changes of **ownership and uses**, expansions, additions and renovations to existing structures and uses.

Prior Ord. Sec 40-150(e)(1)

3.24 OFF-STREET PARKING

D. 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. ~~Notwithstanding the foregoing, the Technical Review Committee may modify the required parking space size based upon the minimum parking space dimensions recommended by the Urban Land Institute or other comparable national standard using factors that include, but are not limited to, whether sufficient area is available between the front wheel stop or barrier and the property line, walkway, parking drive/aisle, or landscaped area; the width of the parking space being sufficient for comfortable door opening clearance; the ease of maneuverability into and out of spaces; and the impact of the vehicle size on the desired angle of the parking space.~~

Prior Ord. 40-150(e)(7)(c)&(e)

3.24 OFF-STREET PARKING

F. Parking design and construction.

3. *Vision clearance.* In order to maintain an acceptable and safe line of sight for motor vehicle drivers, no parking spaces, fences, walls, posts, signs, lights, shrubs, trees or other type of obstructions not specifically exempted shall be permitted in the space between 30 inches above ground level and ten feet above ground level within a sight distance triangle. A sight distance triangle shall be the visually unobstructed area of a street/driveway corner as determined by measuring a distance of 30 feet along the intersecting curb lines, or edges of pavement of the intersecting street/driveway if curbs are not present, and connecting the two points by a straight line to form a triangular shaped area over the corner.

5. *Maneuvering.* All parking facilities shall be designed and constructed so that maneuvering shall take place entirely within the property lines of the facility and shall be arranged so that ingress and egress is by forward motion of the vehicle. Exceptions may be granted for maneuvering of vehicles that meet the following conditions and the required sidewalk and landscaping regulations shall be waived for those parking spaces.

1. Single- and multi-family dwellings.
2. Commercial establishments meeting the following criteria:
 - (i) Located on a non-through street.
 - (ii) Applicable NCDOT approval has been obtained and provided to Town.
 - (iii) Located in the Highway Business (HB) Zoning District

Prior Ord. Sec. 40-2.

PURPOSE AND VISION POLICY

- E. Purpose. The ~~zoning~~ land development regulations and zoning districts as set forth herein are designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue congestion of population; facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been designed with consideration given to the character of each district and its suitability for various uses, with a view toward conserving the value of buildings and property, and for encouraging the most appropriate use of land throughout the community.
- F. Vision policy. The ~~zoning~~ land development regulations and zoning districts as set forth herein are also intended to effectuate the general vision policy of the town, as set forth in the current Carolina Beach Land Use Plan adopted by the Town Council:

We, the residents, business, and property owners of the Town of Carolina Beach, shall seek to preserve and enhance our community as both an appealing destination resort and year-round place in which to live. We will continually strive to protect and nurture the natural and manmade features of our community which make it so unique. These features include our boardwalk/amusement area, marina and boat basin, Carolina Beach Lake, Carolina Beach State Park, and our stable, permanent single-family residential neighborhoods. As the inherent value of our community continues to increase over the coming years, and the forces of investment and change influence that growth, the town's mission shall be to positively direct growth such that the quality of each of these features is continually enhanced within the context of a small, family-oriented beach resort town.

Prior Ordinance 40-71

3.4 TABLE OF USES

- A. Generally. ~~The table in section 40-72~~ Table 3.2 sets forth the permitted, conditional zoning, and special uses allowed in each zoning district.
 - 1. Permitted by right (P). The letter "P" in the zoning district column opposite the listed use means the use is permissible by right in the zoning districts in which it appears.
 - 2. Permitted use with standards (PS). Uses with additional standards are denoted with a "PS."
 - 3. Conditional zoning (CZ). The letters "CZ" in the zoning district column opposite the listed use means that conditional zoning, as set forth in ~~article XVII~~ Section 2.21 of this ~~chapter ordinance~~, must be obtained before the use may be created. Use standards may also be required for certain conditional zoning uses.
 - 4. Special use permit (S). The letter "S" in the zoning district column opposite the listed use means that a special use permit, as set forth in ~~article XI~~ Section 2.14(C) of this ~~chapter ordinance~~, must be obtained before the use may locate in the district in which it appears.

5. Prohibited. A use specifically prohibited in the table of permissible uses for every zoning district. Any use listed as prohibited has been reviewed and considered as having a detrimental impact on the health and safety of the community.

B. Use designation.

1. If a "P" or "CZ" or "PS" does not appear in a zoning district column opposite a listed use, the use is not permitted in that zoning district.
2. Uses not listed. The uses listed may not address all possible uses. In determining if a use is permitted, the UDO Administrator shall consider which category of expressed uses most closely matches the use proposed and apply the regulations pertaining to that category to the proposed use ~~The permitted, not permitted or conditional status of any use not listed in the table of uses shall be determined by the zoning administrator based upon the administrator's comparison of similar uses as allowed in similar locations. The zoning administrator may refer any unlisted use to the board of adjustment for interpretation. The zoning Administrator's determination may also be appealed to the Board of Adjustment in accordance with the provisions of article XVI of this chapter.~~ No interpretation shall be made which would change the character of a zoning district relative to the purpose of such zoning district and the other uses allowed.
 - a) Interpretation of unlisted uses. Where a proposed use is not specifically listed in the table of permissible uses, the ~~zoning administrator~~ UDO Administrator may permit the proposed use upon a determination that the proposed use has an impact similar in nature, function, and/or duration similar to another permitted use listed in the table of permissible uses. The ~~zoning administrator~~ UDO Administrator shall give due consideration to the purpose and intent statements in this section concerning the base zoning district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.
 - b) Standards for ~~approving~~ determining unlisted uses. In determining the use which most closely matches the proposed use, the UDO Administrator shall consider ~~In order to determine if a proposed use(s) has an impact that is similar in nature, function, and duration to the other approved uses allowed in a specific zoning district, the zoning administrator shall assess~~ all relevant characteristics of the proposed use, including but not limited to the following:
 - i. The volume and type of sales, retail, wholesale, etc.
 - ii. The size and type of items sold and nature of inventory on the premises.
 - iii. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution.
 - iv. Any dangerous, hazardous, toxic, or explosive materials used in the processing.
 - v. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside, or outside the principal building; predominant types of items stored (such as business

- vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders).
- vi. The type, size, and nature of buildings and structures.
 - vii. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes.
 - viii. Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures, and communications towers or facilities.
 - ix. The impact on adjacent lands created by the proposed use.
 - x. [If requested, the applicant shall submit evidence to the UDO Administrator of the anticipated traffic, noise, light, or odor of the proposed use. Reports prepared by the applicable professional trade may be required \(e.g. transportation engineer, environmental scientist, etc.\).](#)
- c) Decision by zoning administrator. [A final determination on the proposed use shall be provided in writing to the applicant and subject to appeal by the Board of Adjustment.](#)
- i) ~~Typical use: Added to ordinance. In making the determination, the zoning administrator shall recommend a text amendment to this section if it is determined the proposed use is common or likely to recur frequently, or that omission of specific inclusion and reference in the table of permitted uses is likely to lead to public uncertainty and confusion. Until final action is taken on a proposed amendment, the interpretation of the zoning administrator shall be binding.~~
- ii) ~~Atypical uses. In making a determination whether to approve a proposed use that is not listed in the table of permissible uses, an unlisted use, the zoning administrator interpretation shall be binding. Aggrieved parties may appeal the interpretation to the BOA.~~

Prior Ord. 40-72
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		
40-261 Class AA, A, and B)																
Manufactured home (Class C)	Prohibited															
Attached single-family residential	-	-	-	-	-	-	P	P	-	P	-	P		P	-	
Planned Unit Development (Section 3.8)																
Planned unit development, business (See article XII of this chapter)									CZ	CZ	CZ	CZ	CZ			<u>3.8.B</u>
Planned development, industrial															CZ	<u>3.8.C</u>
Planned unit development, residential (See article XII of this chapter) Units <= 4	PS		PS			PS	PS	PS				PS	PS	PS		<u>3.8.D</u>
Planned unit development, residential (See article XII of this chapter) Units > 4	CZ		CZ			CZ	CZ	CZ				CZ	CZ	CZ		<u>3.8.E</u>
Nonresidential Uses (Section 3.9)																
Adult entertainment establishment (See sections 40-261, 40-548)															CZ	<u>3.9.A</u>
Aircraft takeoff and landing zone (See sections 40-261, 40-548)	Prohibited															
Animal care facility															P	
Animal care facility with outdoor area (See section 40-261)															CZ	<u>3.9.B</u>
Art galleries (See section 40-548)								P	P	P	P	P				
Auction sales									P		P					
Automotive, major Automobile repair garages, including engine overhauls, body and paint shops and similar operations in enclosed buildings (See sections 40-261, 40-548)											CZ	PS			PS	<u>3.9.C</u>
Vehicle sales lot and rental lot (See section											P				P	

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Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1		T-1	I-1
Automotive, minor Automobile service stations and convenience stores									PS	PS	PS				3.9.D
Car wash (See section 40-548)											P				
Bakery, retail, on- premises sales only									P	P	P				
Bakery, retail, off- premises sales/wholesale											P			P	
Bed and breakfast inn (See section 40-261)	CZ						CZ	CZ	CZ	CZ	CZ		CZ		3.9.E
Boat and personal water craft (PWC) sales and rental									P		P	P	P	P	
Boat repair facility											PS	PS		PS	3.9.G
Body piercing and tattoo facility											CZ				
Bus terminal									P		P				
Cafeteria or dining room for employees of permitted uses														CZ	
Cemeteries, public and private (See section 40-261)														CZ	3.9.I
Commercial indoor recreation, such as bowling alleys, etc.									P		P				
Arcades, rides, games in enclosed buildings									P		CZ				
Theaters, in enclosed structure									P		P				
Commercial outdoor recreation, such as miniature golf, golf driving ranges, par-3 golf courses, go-carts and similar enterprises (See section 40-261)									CZ		P CZ			PS	3.9.J
Outdoor amusements, carnival and rides									CZ		CZ				
Theaters, open-air drama									CZ		CZ			CZ	
Contractors offices, no outdoor storage									P		P			P	
Day nurseries, day care centers and preschools (See sections 40-261, 40- 548)	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ	CZ	CZ	PS	PS	PS	3.9.K

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Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	
Drop-in child care providers (See sections 40-261, 40-548)	CZ	CZ	CZ	CZ		CZ	PS	PS	PS	PS	PS	PS	PS	PS	3.9.L
Dwelling for caretaker on-premises where employed											P	P		P	
Drive-in/through facility											P				
Dry stack storage facilities												PS			3.9.M
Ear piercing facility											P				
Exhibition buildings									CZ		P			P	
Exterminator service business offices, no outdoor storage of materials or equipment									P		P			P	
Fire stations, emergency services, nonprofit	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ			CZ	
Funeral homes and crematoriums									P		P				
Gardens, arboretums nurseries, and greenhouses, items for sale									P	P	P			P	
Nursery, garden and landscaping, display and sales											P			P	
Government/public facilities and utilities (See section 40-261)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.9.P
Group care/rehabilitation facility										CZ				CZ	
Laundries and dry cleaning, delivered by customers									P	P	P				
Laundromats, self-service									P	P	P				
Libraries	CZ		CZ	CZ				P	P	P	P				
Live entertainment complex in enclosed buildings									CZ		CZ				
Marinas, docks and/or piers, private	P	P	P		CZ				P			P			
Marinas, docks and/or piers, public or commercial	CZ				CZ		CZ		P			CZ			
Fishing piers, public and private									P CZ						

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Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1		
Medical and dental clinics								P	P		P				P	
Meeting facilities	CZ	CZ	CZ	CZ		CZ	CZ	CZ	P		P				P	
Mixed use commercial nonresidential-residential (See section 40-261)								PS	PS	PS	PS	PS	PS			3.9.Q
Motels and hotels								CZ	CZ		CZ			CZ	CZ	
Motels and hotels, operated with a marina												CZ				
Multi-use facility								P	P	P	P	P	P	P	P	
Museums					P				P		P		P	P		
Offices, public, private or civic/general								P	P	P	P	P	P	P	P	
Parking lot, commercial—permanent (See section 40-261)									PS/CZ							3.9.R
Parking lot, town operated (See section 40-261)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parking, municipal decks									P							
Parking, private 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	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parking and loading areas serving uses in the same zoning district, on non-contiguous lot (See article V of this chapter)	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	P	CZ	CZ	CZ	CZ	CZ	CZ	
Personal service establishment								CZ	P	P	P				P	
Banks/financial institutions									P		P					
Barber shops									P	P	P					
Postal mailing services, commercial									P		P				P	
Photographic studio								P	P	P	P					
Printing/reprographics									P		P				P	
Radio, computer, television and appliance repairs and rental service									P		P					
Tenancies									P	P	P					

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Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	
Spa health club									P		P				
Studios, artist, designers, gymnasts, musicians, sculptors								CZ	P		P				
Pet shops and pet supply stores									P		P				
Post offices									P		P			P	
Religious institution Churches/places of worship/parish houses	CZ	CZ	CZ	CZ		CZ	CZ	CZ	P		CZ				
Rental of any item, the sale of which is permitted in the district									P		P	P			
Rental of golf carts, mopeds, e-bikes and scooters (See section 40-261)*								PS	PS	PS	PS	PS		PS	3.9.T
Repair of any item, the sale of which is permitted in the district									P		P	P			
General-Retail sales								P	P	P	P	P		P	
Furniture stores											P				
Rooming house	Prohibited														
Schools, commercial for specialized training									P		P			P	
Schools, public and private	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ			CZ	
Schools, private, general instruction	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ			CZ	
Seafood production and/or processing and/or dockage, wholesale and retail												CZ		CZ	
Shooting range														CZ	3.9.T
Shopping centers/big box								CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Swimming pools, public (See sections 40-261, 40-548)	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		3.9.U
Telephone exchange									P		P			P	
Tennis courts, commercial (See section 40-261)									CZ		CZ				3.9.W
Tennis courts, private (See section 40-261)	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ	3.9.W
Trailer, business									CZ						
Trailer park, travel (See section 40-548)															
Utilities, private (See section 40-261)	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	P	P	P	P	P	P	

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	
Water oriented businesses									CZ			CZ			
Wholesale sales									P		P	P		P	
Wireless telecommunications facilities (see article X of this chapter Division 4, Wireless Telecommunication)															
Eating and/or drinking establishments (Section 3.10)															
Bars and taverns (See section 40-261)									CZ		CZ	CZ	CZ	CZ	<u>3.10</u>
Beer shop (On-premise)									PS	PS	PS				<u>3.10</u>
Breweries (See section 40-261)									PS	PS	PS			PS	<u>3.10</u>
Distillery									PS		PS			PS	<u>3.10</u>
Event venue/bar									CZ		CZ				<u>3.10</u>
Ice cream stores								P	P	P	P				
Standard restaurants and eateries								P	P	P	P	P	P	P	
Wine shop (Retail/Off-premise)									PS	PS	PS	PS			<u>3.10</u>
Manufacturing, Assembly, Storage, and Processing (Section 3.11)															
Beverages, bottling works														P	
Flammable liquid storage, 1,000 gallons aboveground only (See section 40-261)														CZ	<u>3.11.A</u>
Ice manufacture, sales and storage											P			P	
<u>Manufacturing, artisan</u>									P	P	P			P	
General assembly and repair											CZ			P	
Manufacturing and assembly, processing, and packaging, except those uses identified in section 40-261														P	
Manufacturing incidental to retail business, sold on premises only, maximum of five manufacturing operators									P		P			P	
<u>Manufacturing, limited</u>											CZ			P	

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Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	
Sign painting and sign fabrication											P			P	
Recreational vehicle/boat storage, yard (See section 40-261)											PS	PS		PS	<u>3.11.B</u>
Towing service impound yard, salvage operation											CZ			PS	<u>3.11.B</u>
Warehouses, mini storage, Self-service storage facility- Large and mini														P	
Woodworking shops														P	

Prior Ord. Sect. 40-150 (d) (2)

D. GENERAL PROVISIONS AND REQUIREMENTS

~~(2) For types of uses not listed, the Planning Director shall have the authority to determine the appropriate number of required parking spaces based upon the maximum anticipated use.~~