



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning &
Development

MEETING: Planning & Zoning Commission – April 13th, 2023

SUBJECT: **Text Amendment** to amend Chapter 40, Art. XVII. – Definitions to amend the definition of Gross floor area, outdoor.
Applicant: Town of Carolina Beach

BACKGROUND:

Town Council requested that staff look at the definition of Gross floor area, outdoor, in regard to the parking requirements for eating and drinking establishments. The current ordinance allows no parking for outdoor gross floor area (GFA) if the establishment is within 500 feet of public parking. Additionally, a 50% reduction in the parking requirement shall apply to outdoor GFA if the establishment is not within 500 feet of public parking. Currently, gross floor area, outdoor is defined as any unenclosed areas where business is conducted. Additionally, the area shall be considered enclosed if any type of vertical surface other than typical mesh screening has been installed, whether temporary or permanent. Vertical surfaces shall include plastic roll downs, or similar devices that prevent the free flow of air and weather into the commercial area. Gross floor area is measured from the exterior building walls of the use and includes all floors where the business is conducted.

The current eating and drinking establishment parking requirements were adopted in 2008 changing the parking requirement from parking spaces per seats to a gross floor area calculation. The distinction between open areas was created to limit confusion on what was considered open and enclosed.

Proposal:

The new language defines gross floor area, outdoor as any unheated areas where business is conducted. Any outdoor areas shall meet NC building code. This new definition allows for eating and drinking establishment owners to temporarily enclose any outdoor areas without the requirement of adding additional parking. An outdoor GFA would be considered indoor GFA if renovations permanently created heated space for the establishment. This allows eating and drinking establishments to operate during the off-season while also giving staff clear guidance for enforcement of the minimum parking regulations. Enforcement of the current ordinance is difficult as eating and drinking establishments must continue to be monitored to ensure

adequate parking is installed if open areas are converted to enclosed areas. This negative effect was presented when the ordinance was changed in 2008.

Recommendation:

Staff proposes to clarify the definition language to give clearer guidance on the distinction between indoor and outdoor gross floor areas.

Land Use Plan:

The text amendment is in general conformity with the 2020 Land Use Plan by promoting a healthy year-round economy.

ACTION REQUESTED:

Consider recommending approval or denial of the text amendment.

MOTION:

Approval – to amend Chapter 40, Art. XVIII. Definitions. to amend the definition of Gross floor area, outdoor.

Denial – to amend Chapter 40, Art. XVIII. Definitions. to amend the definition of Gross floor area, outdoor.