



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Jeremy Hardison, Planning & Development Director

**DEPARTMENT:** Planning & Development

**MEETING:** Planning & Zoning – 9/8/2020

**SUBJECT:** Consider amending Chapter 40 to Sec. 40-72 & Sec. 40-548 to address floating homes

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### **BACKGROUND:**

Oceana Marina Association Inc. & Oceana Owners Association Inc. applied to amend the Harbor & Marina ordinance to prohibit floating structures. The association wanted to amend the ordinance because “waterfront properties need to be protected from floating homes on rafts or barges whether privately moored or in a marina”. Their petition stated that the Town’s regulations of floating homes are “ambiguous”. The petition came as a result of a Vassal with the hull ID number NC49051G805 docked at the Carolina Beach Yacht Club on July 26, 2020 (Attachment 1). The Carolina Beach Yacht Club is located at 401 Marina St adjacent to the Oceana Subdivision and Marina.

Staff recommendation after consulting with the town attorney is to address the use in the Zoning Ordinance to address impacts on adjoining properties.

The current Harbor and Marina ordinance defines Floating Homes as a house built on a floating platform without means of propulsion. Floating Homes are prohibited in Carolina Beach. In 2007 the town adopted a Harbor Management Plan that stated the area of public trust waters within the Town of Carolina Beach is limited and unsuitable for certain uses such as the permanent occupation by floating homes. The plan defined Floating Homes as a house built on a floating platform without a means of propulsion. The plan prohibited floating homes because;

1. Of the potential to obstruct other uses of public trust waters
2. They can contribute to problems with waste discharge and can pose unnecessary navigational hazards.
3. The location of floating homes in the harbor area is a detrimental use of public trust waters.

As a result of the adoption of the Harbor Manage Plan the town amended its Harbor & Marina Regulations which included prohibiting floating homes and defining them as a house built on a floating platform without means of propulsion.

The town received a complaint from the applicant on 6/26/20 stating that a floating home was located at the Marina. Upon investigating the complaint, it was found that the Vassal with the Hull ID number NCZ49051G805 had two outboard motors and demonstrated that it did not meet the definition of floating home because it had propulsion. Subsequently, it was found that the vessel moved into a boat slip and now has removed the propulsion mechanisms and was issued a violation notice on 7/28/20.

The State Division of Coastal Management (DCM) has a more robust definition that incorporates floating homes in a broader term of floating Structures (attachment 2). DCM does not prohibit them but does regulate them. It is up to the local jurisdiction on how they would like to regulate floating structures, or they can prohibit them outright. The town currently allows living aboard a boat. It would have to occur at marinas with designated pump out facilities in approved boat slips.

**Recommendation:**

Adopt the defination of floating structures to mirror the states difinition that would incumpass floating homes and prohibit floating strucutres.

The current Land Use Plan has a policy statement that prohibits floating homes.