



AGENDA ITEM COVERSHEET

PREPARED BY: Haley Moccia, Planner

DEPARTMENT: Planning &
Development

MEETING: Planning & Zoning Commission – February 8th, 2024

SUBJECT: **Text Amendment** to amend Chapter 40, Sec. 40-74. Dimensional standards for lots and principal structures, and Sec. 40-426. - Reconstruction, maintenance, full or partial demolition and renovation of nonconforming situations.
Applicant: North Pier Holdings, LLC.

BACKGROUND:

The applicant, North Pier Holdings, LLC., is applying for two text amendments.

The first text amendment pertains to Sec. 40-74. Dimensional standards for lots and principal structures to allow exceptions to building height in the following residential zoning districts: R-1, R-1B, R-2, R-3, MH, And MF. The text amendment proposes allowing an additional 10' in building height for elevators. The applicant is pursuing this text amendment because they added a 4th story to a non-confirming multi-family building, located at 1800 Canal Dr., in the R-1 zoning district and do not have enough allowable height for the top of the elevator shaft. According to the applicant, the elevator shaft would be the only aspect of the building exceeding the zoning district height and is needed to allow the elevator to service the 4th floor units.

Historically, Carolina Beach prior to 2002 allowed a building height of 35' with an additional 10 feet for roof pitch. In 2002, Carolina Beach Town Council changed the allowable building height to 50' in some zoning districts for uniformity and ease of ordinance implementation by town staff. Town Council agreed that anything above 50 feet will require sprinkler systems and must be reviewed and approved under a conditional use permit.

Additionally, the existing buildings at 1800 Canal were 3 stories and a total of 37' in height. As is, the applicant could have added anew elevator to the existing building with plenty of height for an elevator shaft. The applicant added a 4th story, comprising of 4 penthouses, which increased the building height to 50'. The applicant then ran into the issue of not being able to add an elevator to the building to service the 4th floor due to the elevators requiring extra elevator shaft head room.

The second text amendment is to amend Sec. 40-426. - Reconstruction, maintenance, full or partial demolition and renovation of nonconforming situations. This text amendment would allow an increase in the maximum lot coverage of nonconforming buildings specifically for riser rooms needed for fire suppression systems. The applicant proposes allowing an increase to the lot coverage of a non-conforming building if the expansion of the lot coverage is directly attributable to the addition of improvements for fire suppression, including sprinkler systems.

The applicant is pursuing this text amendment because they are required to add a riser room to the building for fire suppression sprinkler systems. The applicant is currently renovating two buildings at 1800 Canal Dr. They demoed 4 staircases and 1 elevator on the buildings. Staff allowed the applicant to redesign the building as long as they did not increase encroachments into the setbacks, did not exceed building height, and did not expand lot coverage. Specifically, regarding lot coverage, the applicant was allowed to reallocate the areas of the building that were demoed as long as the total proposed lot coverage did not exceed the existing lot coverage of 15,776 sf. The existing lot coverage of the lot at 1800 Canal was 47% (15,776 sf), which already exceeds current allowable lot coverage. This text amendment would permit existing nonconformities to expand even further.

Proposal:

The first text amendment, Sec. 40-74. – Dimensional standards for lots and principal structures, proposes: The standard building height limitation may be exceeded by up to 10 feet when renovating an existing residential structure that is three stories or more when the height is directly attributable to the addition of an elevator. This notation pertains to the following residential zoning districts: R-1, R-1B, R-2, R-3, MH, and MF.

The second text amendment, Sec. 40-426. – Reconstruction, maintenance, full or partial demolition and renovation of nonconforming situations, proposes: Notwithstanding the foregoing, lot coverage may exceed that of the original construction if the expansion of the lot coverage is directly attributable to the addition of improvements for fire suppression, including sprinkler systems. This language is added to two paragraphs in this section.

Land Use Plan:

Both proposed text amendments are not in general conformity with the Town's 2020 Land Use Plan.

The building height text amendment proposal is in opposition of the Redevelopment section of the 2020 Land Use Plan – *“Increased building heights (especially in or near the downtown area) may conflict with the character of existing areas.”* Additionally, in the Family Friendly Community section of the Land Use Plan, lower structure heights are viewed as a contributing factor to a family-friendly community.

The lot coverage text amendment is also in opposition to the Community Goals section of the Land Use Plan. Goal #4 states a desire of the community to reduce overall nonconformities in the town, but also respect existing uses and entitlements, and the rebuilding of structures. The buildings at 1800 Canal Dr, are considered nonconforming for a variety of factors, including exceeding the allowable lot coverage for the zoning district. The R-1 zoning district, in which this parcel is located, allows 40% lot coverage. The existing buildings have a lot coverage of 47%. Proposing expansions to lot coverage for an already non-conforming structure would not adhere to the intent of Goal #4 in the Land Use Plan.

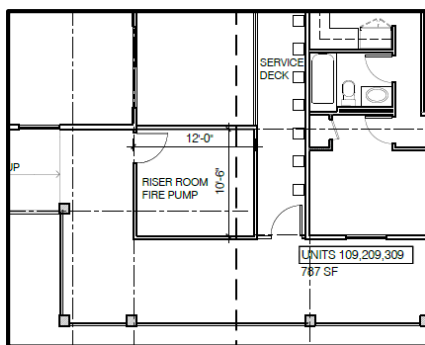
ACTION REQUESTED:

Consider recommending approval or denial of the text amendment.

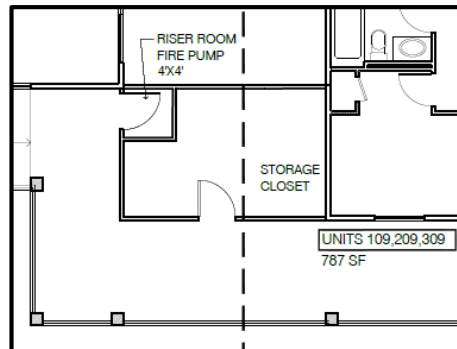
Staff recommends denying both text amendments. Reasoning for the staff recommendation to deny both text amendments include the following:

- Both proposed text amendments do not conform to the Town’s 2020 Land Use plan.
- The current and historical ordinance has only, specifically, allowed Hotels in the CBD district to exceed the 50’ building height limitation through conditional zoning. No residential areas have ever allowed building height to exceed 50’.
- The original height of the building was 37’. The applicant could have added an elevator to the existing 3 stories and had plenty of height left for elevator shaft requirements. The applicant added a 4th story to a nonconforming building and then ran into the issue of the elevator needing to go beyond the 50’ height limitation.
- There is no specific square footage allowance for the size of riser rooms or what is needed to meet building code requirements. The plans proposed for the variance for 1800 Canal showed a Riser room on the 1st floor that was 12’ x 10.5’, but then that area above the riser room, except for a 4’x4’ area for the riser room pump, was used for storage and a large penthouse balcony. This means the text amendment would grant a riser room needed on only 1 floor, but the additional floors would use the additional lot coverage for other uses besides fire suppression.

○ Example:



First floor riser room.



2nd & 3rd floor storage closet with small fire pump

MOTION:

Approval – to amend Chapter 40, Sec. 40-74. Dimensional standards for lots and principal structures, and Sec. 40-426. - Reconstruction, maintenance, full or partial demolition and renovation of nonconforming situations.

Denial – to amend Chapter 40, Sec. 40-74. Dimensional standards for lots and principal structures, and Sec. 40-426. - Reconstruction, maintenance, full or partial demolition and renovation of nonconforming situations.