



AGENDA ITEM COVERSHEET

PREPARED BY: Haley Moccia, Planner **DEPARTMENT:** Planning & Development

MEETING: Planning & Zoning Commission – October 10th, 2024

SUBJECT: **Text Amendment** to amend Article 7, Sec. 7.3 Definitions.

Applicant: North Pier Holdings, LLC.

BACKGROUND:

The applicant, North Pier Holdings, LLC., is applying for a text amendment to add a definition for Building Footprint in Article 7, Sec. 7.3 Definitions of the Unified Development Ordinance (See Attachment 1). The applicant is pursuing this text amendment to add clarity for the citizens and residence of the Town of Carolina Beach on what is considered part of a building footprint.

The applicant’s proposed definition is:

Building footprint means where the enclosed area of a building comes out of the ground. It is the literal footprint of the exterior walls of the enclosed area of the building as they touch the earth. This does not include porches, terraces, overhangs, awnings, driveways, or parking lots. (See Attachment 2)

Historically, Town staff have interpreted building footprint to be the building’s exterior walls, elevated decks, covered decks, staircases, chimneys, cantilevers, roof overhang, attached garages, attached storage areas, and elevators.

The UDO mentions the term “building footprint” a total of 4 times, and it mentions the term “footprint” a total of 10 times (See Attachment 3). The table below details how each section references the term “building footprint” and the term “footprint.”

UDO SECTIONS USING "BUILDING FOOTPRINT AND "FOOTPRINT"		
Term Used: Building Footprint		
Sec. 3.7	Residential PUDs (Units >4)	Allows the height of a building to be increased above 40' if reductions in the building footprint are made.

Sec. 3.9	Mixed Use Building Section	A certain percentage of non-residential use is required to be located and dedicated to the first floor of a multi-use building (commercial on the bottom and residential on the upper floors) and this percentage is based on the building footprint.
Sec. 3.9	Flood ordinance Section	Describes when certifications are required based of an accessory structure's footprint.
Sec. 3.49	Nonconforming Section	Allows structures to be repaired or reconstructed in the same building footprint.
Term Used: Footprint		
Sec. 2.14	Minor Site Plan Section	A site plan is required when modifying an existing structures footprint.
Sec. 3.49	Nonconforming Section	When a structure is substantially damaged by a fire, flood, or other event, the owner has 180 days to provide a letter certifying the original footprint of the building.
Sec. 5.125	Accessory Structure in SFHA	If the footprint of the structure located in a flood zone is larger than 150 sf and costs less than \$3,000, no elevation of the structure or floodproofing is required.
Sec. 5.130	Requirements for VE Flood Zones	A qualified design professional must certify a structure - that is not structurally attached to and which is located outside of the footprint of a building - would be built in a way that would not reflect high wave action onto neighboring properties.
Sec. 7.3	Definitions	The Site Plan, Minor definition defines proposed development as single-family residential uses and residential structures consisting of four (4) or fewer dwelling units or for renovation/rehabilitation projects that will modify an existing structure's footprint.

The text amendment proposed by the applicant would put more limitations on the renovations of nonconforming structures. The spirit and intent of this section is to allow a homeowner or business owner the ability to make their structure “whole”, to be able to rebuild or repair what they currently have. For example, there is a nonconforming house on a small nonconforming lot. This house consists of 2 stories with a small, enclosed living area and large exterior elevated decks. The applicant’s text amendment would only allow that homeowner the ability to rebuild the enclosed area, not the exterior structurally attached elevated decks and staircases. They would have to potentially sacrifice part of the enclosed area for staircase access and would have a much smaller home than what they have existing.

Land Use Plan:

The land use plan does not mention building footprint explicitly, but it does state the following: “It is the explicit desire of the community that the Future Land Use Map (FLUM) not prevent the

possibility of constructing a single family home or rebuilding a structure, and the FLUM should not be construed to do such.”

STAFF RECOMMENDATION:

Town staff does not recommend approval of the text amendment because of the ramifications to the nonconforming sections which would prevent structure’s ability to be rebuilt or renovated to the existing dimensions of the building. Additionally, the text amendment would be inconsistent when compared to how other communities have defined building footprint (see Attachment 4).

ACTION REQUESTED:

Consider recommending approval or denial of the text amendment.

Staff recommends denying the text amendment.

MOTION:

Approval – to amend Article 7, Sec. 7.3 Definitions.

Denial – to amend Article 7, Sec. 7.3 Definitions.

Attachments:

Attachment 1 – Text Amendment Application

Attachment 2 – Proposed Text Amendment Language

Attachment 3 – Terms Used In UDO

Attachment 4 – Other Community Definitions