

**MINUTES OF THE REGULAR MEETING  
OF THE TOWN COUNCIL  
TOWN OF CAROLINA BEACH**

**November 12, 2002**

The Town Council of the Town of Carolina Beach met in regular session on November 12, 2002 at 7:30 p.m. in the Council Room at the Municipal Administration Building, 1121 N. Lake Park Blvd., Carolina Beach, North Carolina. The following were present: Mayor, Ray Rothrock; Mayor Pro Tem, Dennis Barbour; Councilwoman, Pat Efird and Councilman, Joel Macon. Also present were Town Manager, Calvin R. Peck, Jr., and Town Clerk, Lynn N. Prusa. Councilman Doetsch was not present.

Mayor Rothrock called the meeting to order.

Mayor Rothrock made a motion to excuse Councilman Doetsch from the meeting. **MOTION CARRIED UNANIMOUSLY.**

***ADOPT THE AGENDA***

Mayor Pro Tem Barbour made a motion to adopt the agenda. **MOTION CARRIED UNANIMOUSLY.**

***RECOGNIZE INDIVIDUALS FOR THEIR SELFLESS ACTS OF HEROISM IN OCEAN RESCUE***

On October 5, 2002, a tragic incident occurred causing the death of one individual due to drowning while swimming in turbulent waters off Carolina Beach. Three young men voluntarily attempted to help this individual and his wife prior to EMS arriving. Fortunately, due to the heroic efforts of these young men, the victim's wife was successfully rescued. Councilwoman Efird recognized Sam Smith, Chase Blackburn, and Blake Kennedy and presented them with a Certificate of Appreciation for their "selfless act of heroism". Unfortunately, Blake Kennedy was not present to receive his certificate at the meeting.

***PUBLIC DISCUSSION***

There were no public comments.

***CONSENT AGENDA***

Mayor Pro Tem Barbour made a motion to approve the consent agenda as follows:

Approval of the Minutes:

|                 |                    |
|-----------------|--------------------|
| Regular Meeting | September 14, 2002 |
| Special Meeting | September 26, 2002 |
| Regular Meeting | October 8, 2002    |

Approval of Budget Transfers and/or Amendments:

Clerk

Approve budget transfer for \$1,204.00 from account #104300.56 (Preventative Maintenance) to account #104100.16 (Legislative/Maintenance & Repair of Equipment) to cover unexpected maintenance and repair costs.

Approve budget transfer for \$2,474.27 from account #104300.56 (Preventative Maintenance) to account #104300.16 (Clerk/Maintenance & Repair of Equipment) to cover unexpected maintenance and repair costs.

Marina/Public Buildings

Approve budget transfer for \$34.00 from account #255500.16 (Maintenance and Repairs) into account #105000.03 (Public Buildings/Overtime) to cover employee payroll costs for making the necessary repairs to a transformer at the marina.

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Set a public hearing date for December 10, 2002 at 7:30 p.m. or soon thereafter to amend the Budget Ordinance, Appendix "C" (Rates and Fees – Special Pick-ups).

Set a public hearing date for December 10, 2002 at 7:30 p.m. or soon thereafter to consider a request for a Conditional Use Permit at 1401 N. Lake Park Blvd., Unit 4D for a Chinese Restaurant.

Adopt Resolution No. 02-740, a Resolution of Intent to Close Public Street or Alley described as a 15' unnamed alley in the center of Block 5, Ocean Heights Subdivision and set a public hearing date for December 12, 2002.

Amend the Personnel Handbook, Article IX Employee Benefits, Section 13 - Direct Deposit to make payroll by direct deposit mandatory for all employees' salaries.

Adopt a Memorandum of Understanding for cooperative, comprehensive, and continuing transportation planning between area jurisdictions.

**MOTION CARRIED UNANIMOUSLY.**

***PUBLIC HEARING – REQUEST FOR A CONDITIONAL USE PERMIT TO RELOCATE PIZZA HUT DELIVERY UNIT RESTAURANT FROM ITS FORMER LOCATION TO 1401 N. LAKE PARK BLVD., UNIT 32 (SNOW'S CUT CROSSING SHOPPING CENTER)***

Jane Daughtridge, Planning & Development Director, explained that this is a Conditional Use Permit to relocate the Pizza Hut delivery unit to 1401 N. Lake Park Blvd., Unit 32 (Snow's Cut Crossing Shopping Center). She said that this proposal is for a delivery and take-out unit with no seating and all the public services are already in place. She advised that the Planning & Zoning Commission heard this request for a Conditional Use Permit on September 12, 2002. They recommend approval based on the findings that the proposal meets all the conditions and standards outlined in Article 14 of the Zoning Ordinance for Conditional Use Permits and that it is in compliance with the policies in the 1997 Land Use Plan.

The following conditions for approval are:

- (a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
- (b) That the use meets all required conditions and specifications;
- (c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (d) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Carolina Beach and its environs.

**Denial** should be directly related to one or more of the finds listed above (a-d). Reasons for denial must be specifically stated by Council.

Mayor Rothrock made a motion to open the public hearing. **MOTION CARRIED UNANIMOUSLY.**

There were no public comments.

Mayor Rothrock made a motion to close the public hearing. **MOTION CARRIED UNANIMOUSLY.**

Mayor Pro Tem Barbour made a motion to approve the Conditional Use Permit to relocate Pizza Hut Delivery Unit Restaurant from its former location to 1401 N. Lake Park Blvd., Unit 32 (Snow's Cut Crossing Shopping Center) with no additional conditions other than the standard. **MOTION CARRIED UNANIMOUSLY.**

***PUBLIC HEARING – CONSIDER APPROVAL OF 3% ROOM OCCUPANCY TAX (ROT) IN COMPLIANCE WITH HOUSE BILL 1707 (SESSION LAW 2002-138)***

Mayor Rothrock stated that we have worked on this for three years and the beach communities have worked to get an additional 3% Room Occupancy Tax (ROT) in order to use that money in support of tourism. He explained that this has gone through the legislators and they have passed it so now the communities have the opportunity to put it in place. He said that Carolina Beach is the first to consider this because we are the first to meet. Further, Mayor Rothrock continued by saying that the New Hanover County Commissioners have voted unanimously to form a Tourism Development Authority (TDA). The new authority will take the place of the existing Cape Fear Coast Convention Center and Visitor's Bureau (CVB) and a new board of directors will be elected based on nominations from local elected officials to fill those positions with representatives. He said the new CVB will become the new TDA and the money collected will go through TDA and disbursed to the beach communities. Mayor Rothrock said that for the last 39 months, we have been averaging out the money that has come into Carolina Beach and we would receive approximately \$305,000 over a 5-month period beginning February to the end of June. In addition, Mayor Rothrock explained that 50% of that would be approximately \$102,000 and we have thoughts that most of that money would go toward funding the lifeguard salaries or other infrastructure for tourists.

Mayor Rothrock made a motion to open the public hearing. **MOTION CARRIED UNANIMOUSLY.**

Lawrence Huhn, resident of 715 Carolina Beach Avenue North and owner of the Bed/Breakfast Beacon House, asked if this is the time to stick on us another tax. He feels it is unfair for one industry to carry such a burden because tourists visit restaurants, fishing boats, retail stores, gas stations, park in the parking lots, etc. and the lodging industry is not the only one that benefits from tourism.

Judith Grizzel, representative for the CVB, said the Board of Directors for the CVB supported the ROT for the county as a whole and as of January 1, 2003, we will become New Hanover County Tourism Development Authority. Ms. Grizzel announced that the positions for the board will be advertised this week and a new board of directors will be appointed.

Robert Vitale, resident of 107 Summersalt Lane and rental property owner at Atlantic Towers, believes that the 3% ROT increase will not be good for Carolina Beach because it is going to drive our revenues down. He explained that it might not happen the first year, but when people come and find out about the additional tax, they are going to shop around and find a cheaper beach to vacation. He also feels that that one industry should not support this infrastructure. It should be spread across on all the businesses of Carolina Beach, not just hotels/motels.

Mayor Rothrock added that the revenue for the ROT does not pay for all those services mentioned because some of that money goes into the General Fund so not one industry is paying for a sole service. In addition, Mayor Rothrock said the town received a letter from Joe Coen, resident and business owner in Carolina Beach. Mayor Rothrock read the letter aloud from Mr. Coen. Mr. Coen does not feel that the additional 3% ROT would take business away from Carolina Beach and believes that the new tax and the new TDA will act in the best interest of all the people in Carolina Beach.

Councilwoman Efird made a motion to close the public hearing. **MOTION CARRIED UNANIMOUSLY.**

Councilwoman Efird made a motion to approve Resolution No. 02-742 to enact an additional 3% Room Occupancy Tax (Exhibit 1). **MOTION CARRIED UNANIMOUSLY.**

***PUBLIC HEARING – CONSIDER AN AMENDMENT TO ZONING ORDINANCE, ARTICLE 3, PARAGRAPH 7A AND TABLE 3.9.1, FOOTNOTE 1. (HEIGHT RESTRICTIONS)***

Ms. Daughtridge, Planning & Development Director, reviewed the staff memorandum submitted concerning the amendment to the Zoning Ordinance, Article 3, Paragraph 7A and Table 3.9.1. Footnote 1 (Height Restrictions). She explained that the Planning & Zoning Commission began a discussion on the existing height restriction of 35 feet with an additional 10 feet allowed for roof pitch. Currently, the requirement does not allow for heated space above 35 feet and there is speculation that owners routinely finish the additional space into a living area later. At their August meeting, these discussions raised the question of whether or not it mattered what took place in the additional 10 feet since the total structure created the total obstruction for the surrounding area without regard to the inside activities. It was noted that with the new appearance standards, the issue of roof pitch has taken on its own identity.

In the interim, Ms. Daughtridge advised that the town had received a request from Mr. Johnnie Davis to amend the ordinance to allow for an increase in maximum height from the current 35 feet + 10 feet to a total height standard of 45 or 50 feet, without regard to inside finishes. She further explained that at the August meeting, the current rule is difficult to administer and people try to get around it all the time and staff would prefer to see a definite limit beyond which nothing can be built — not chimneys, antenna or other embellishments — and not leave so many variables over which to argue.

In addition, Ms. Daughtridge said that they received input from the Fire Chief and they suggested that for non-sprinklered structures the town should not consider allowing residential structures to go beyond an absolute maximum of 50 feet. The residential height restriction in Kure Beach is currently 35 feet with possible exceptions for domes, spires, cooling towers and other appurtenant features. This issue is addressed in the 1996 Land Use plan, which states that the town at that time was seeking to “retain its original character as a ‘low profile,’ family-oriented beach community.” The plan noted that as height increases, density also increases, which results in increased demand on public systems. At the time, the town had limitations on

water supply and wastewater treatment capacity such that limiting height was “well justified.” In situations where the height was allowed to exceed 35 feet, there was an additional setback requirement of 1 foot per 1 foot of additional height. Ms. Daughtridge said that the Planning & Zoning Commission heard this item at its September 12, 2002 meeting and they recommend amending the ordinance as follows:

Allow total maximum height of 50 feet for unsprinklered structures. Requests for heights beyond 50 feet (allowed only for sprinklered structures) must be approved under conditional use permits.

Councilman Macon made a motion to open the public hearing. **MOTION CARRIED UNANIMOUSLY.**

There were no public comments.

Mayor Rothrock made a motion to close the public hearing. **MOTION CARRIED UNANIMOUSLY.**

Mayor Pro Tem Barbour made a motion to adopt Ordinance No. 02-523 to allow total maximum height of 50 feet for unsprinklered structures and requests for heights beyond 50 feet (allowed only for sprinklered structures) must be approved under Conditional Use Permits (Exhibit 2). **MOTION CARRIED UNANIMOUSLY.**

***OLD BUSINESS CONTINUED “ACTION ONLY” – CONSIDER AMENDMENTS TO APPENDIX A ZONING, ARTICLE 18 NON-CONFORMING SITUATIONS***

Ms. Daughtridge, Planning & Development Director, said that the Planning & Zoning Commission is going to take up this issue of amending Appendix A Zoning, Article 18 Non-Conforming Situations on Thursday, November 14, 2002 as part of a larger discussion that has grown out of a joint meeting with Council concerning bars/taverns. She advised that Council is free to take action on this now or set it aside and wait to hear what recommendations come from the Planning & Zoning Commission.

Mayor Rothrock asked if the Planning & Zoning Commission would have their recommendations to them before the December meeting? Ms. Daughtridge feels that this is a large issue and it might take a couple of meetings. Mayor Rothrock suggested that Council move this item to January or February. Ms. Daughtridge stated that this is a complicated issue and we do not want to rush it. Mayor Rothrock made a motion to set a public hearing date for January 14, 2003 to consider the amendments to Appendix A Zoning, Article 18 Non-conforming Situations and to re-advertise it. **MOTION CARRIED UNANIMOUSLY.**

***PROJECTS UPDATE***

Steve Pagely, Public Utilities Director, gave a brief update concerning all of the town’s projects. He began by saying that the I/I project is coming to completion, but there are still some inspections to be done on the storm drain work. He said the water tank on Alabama Avenue is moving forward with no problems and all the filters are in. Mr. Pagley said we are continuing to work on the police station and all the grade work is in. They are ready to put down the flooring and have installed the generator. Mayor Rothrock asked about the duct bills? Mr. Pagley said that all the duct bills are in place except for on Sand Dollar Lane.

In addition, Mr. Peck, Town Manager, said that there are some change orders to be approved in continuing with the Police and Municipal Building contract. He reviewed the 7 change orders to Summit Companies Police and Municipal Building contract as follows:

|        |   |              |
|--------|---|--------------|
| CO #34 | Construct Ground Sign                         | +\$16,142.00 |
| CO #35 | Complete duct installation to “Holding Cells” | +\$ 1,416.70 |

|                  |   |                     |
|------------------|---|---------------------|
| CO #36           | Installation of Washing Machine Box in Rm. 127                      | +\$ 1,162.70        |
| CO #37           | Install carrier lavatory supports at Rms. 140 & 141                 | +\$ 417.27          |
| CO #39           | Additional landscaping around equipment at North end of Bldg.       | +\$ 1,002.07        |
| CO #40           | Addition of Multi-colored coating to Visitors' Center               | +\$ 1,134.24        |
| CO #41           | Elec. changes for relocation of outlets from behind cabinets/equip. | +\$ 489.00          |
| <b>TOTAL ADD</b> |   | <b>+\$21,763.98</b> |

|                                  |                  |
|----------------------------------|------------------|
| Original Contract Amount         | \$4,372,243.00   |
| Amount of Previous Change Orders | \$ (\$17,910.34) |
| Amount of These Change Orders    | \$ 21,763.98     |
| Revised Contract Amount          | \$4,376,097.64   |

Mr. Peck recommended that Council approve Change Orders #34, 35, 36, 37, 39, 40 and 41.

A motion was made by Councilman Macon to approve Change Orders #34, 35, 36, 37, 39, 40 and 41.  
**MOTION CARRIED UNANIMOUSLY.**

***ITEMS NOT ON THE AGENDA***

Brian Roberts, Fire Chief, announced that the open house for the new fire department building will be on December 14, 2002 from 10:00 a.m. to 3:00 p.m. Mayor Rothrock said he is working on a list of people to invite and if he missed someone to invite to let him know.

Mark Dunford, Police Chief, announced that the police department would be deleting their non-emergency telephone number. Charlie Grissom, Chairman of the Police Advisory Committee, said that as of the first of the year, the police telephone number, 458-8200, will be deleted, but it would be put on a rotor automated system telling them to contact 911 if it is an emergency. In addition, Mr. Grissom said we will have three additional numbers that will be on the automated system and given out to people who call about town services. Mr. Grissom continued by stating that we have to get the new telephone number out to the public and we could print a decal to disseminate to residents, citizens, businesses, etc. Mayor Rothrock feels we could get the new telephone number out to citizens through the media, town service and distributing the decals to the school. Chief Dunford mentioned that we have an account with Fairways Billboards and we will be advertising the new number for two months on the northernmost billboard. Also, it will be listed on the water/sewer bills next month. Mr. Grissom feels that we should put the new emergency number that will be 911 and the new non-emergency number on the decal.

Mayor Rothrock mentioned that he and Chief Dunford would be attending a meeting at Brunswick Nuclear Plant for a training exercise on Tuesday, November 19, 2002. He suggested that Chief Dunford schedule a tour of the New Hanover County 911 Center while they're downtown.

Ms. Daughtridge gave an update on the CVS project. She said that the building is complete, but they still have some roadwork improvements to do and it probably won't open until the first of the year. In addition, she advised that one of the projects that we have given to our UNCW student is to try to help us get an inventory of non-conforming signs. Recently, a letter was sent out to approximately 30 properties that have signs and were either not permitted in the file or known to be non-conforming. Ms. Daughtridge said that there are many others that are in conjunction with some things that are permitted, but they might need to do some maintenance or other issues and that may take some more research. She explained that we sent these properties a sign permit application and advised them that there is no fee to apply for a sign permit. We have

requested them to complete the application to give us the size of their sign and other information and if they do not respond then we will follow-up with a phone call and go out and measure.

Mayor Rothrock mentioned that we would need to make recommendations to the county as to who should serve on the TDA and represent Carolina Beach. He said that the representatives must serve and represent Carolina Beach under a certain category and/or capacity such as a hotel/motel owner, owner/operator of a restaurant, etc. Mayor Rothrock suggested that if anyone was interested, they should fill out an application and turn it into to the town then the Council could review the applications and make a recommendation to the county commissioners.

Mayor Rothrock advised that there would be a Lower Cape Fear Program Annual Report given on Thursday evening, November 21, 2002 and he plans to attend.

Mr. Peck reminded Council that the next workshop is next Thursday, November 21, 2002 at 5:00 p.m. In addition, he said he would be attending the North Carolina Shore & Beach Preservation meeting November 18, 2002 and November 19, 2002.

Al Clyburn, Town Attorney, requested that Council go into closed session concerning various litigation matters.

Mayor Rothrock made a motion to go into closed session concerning litigation matters. **MOTION CARRIED UNANIMOUSLY.**


Mayor Rothrock made a motion to return to open session. **MOTION CARRIED UNANIMOUSLY.** Mayor Rothrock advised the public of the closed session discussion. No one from the public was present.

Mayor Rothrock made a motion that the Town of Carolina Beach approve the requested easement and acknowledgement of rights concerning the 48 acres in the northern section of Carolina Beach by Spinnaker Pointe Homeowners' Association and Oceana Homeowners' Association. **MOTION CARRIED UNANIMOUSLY.**

## ***ADJOURNMENT***

There being no further business, Councilwoman Efirid made a motion to adjourn. **MOTION CARRIED UNANIMOUSLY.** The meeting adjourned at 8:40 p.m.

Respectfully submitted,



Lynn N. Prusa  
Town Clerk

APPROVED: 12-10-02



**RESOLUTION NO. 02-742**

***A Resolution of the Town Council of the Town of Carolina Beach, NC  
in Support of the Amendments to  
GS 160A-215 Uniform Provisions for Room Occupancy Taxes***

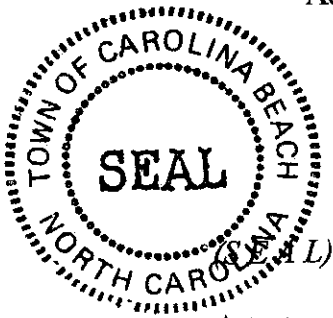
**WHEREAS**, the Town Council of the Town of Carolina Beach by an act of the General Assembly, Session Law 2002-138, is authorized to levy room occupancy taxes;

**WHEREAS**, a room occupancy tax may only be levied by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto;


**WHEREAS**, in compliance with G.S. 160A-215, a public hearing was held on November 12, 2002;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Carolina Beach, hereby levies a 3% room occupancy tax on short term rentals within the town limits of Carolina Beach, effective February 1, 2003.

Adopted this 12<sup>th</sup> day of November, 2002.



  
Ray P. Rothrock, Mayor

Attest:   
Melinda N. Prusa, Town Clerk



**ORDINANCE NO. 02-523****AN ORDINANCE AMENDING APPENDIX A ZONING ORDINANCE,  
ARTICLE 3 ZONING DISTRICT REGULATIONS,  
SEC. 3.9 DIMENSIONAL STANDARDS FOR THE VARIOUS  
ZONING DISTRICTS**

The Town Council of the Town of Carolina Beach hereby amends Appendix A Zoning District, Article 3 Zoning District Regulations, Section 3.9 Dimensional Standards for the Various Zoning Districts, as follows:

**3.9. Dimensional Standards for the Various Zoning Districts.**

(a) *Dimensional Standards Tables.* Immediately following the text below, are two tables which set forth the required area and dimensional standards associated with each district. The two tables are:

***Table 3.9.1 Dimensional Standards for Lots and Principal Structures******Table 3.9.2 Dimensional Standards for Accessory Structures***

(b) *Other Special Dimensional Standards.* In addition to the dimensional standards set forth in Tables 3.9.1 and 3.9.2, the following special dimensional standards are established:

- (1) *Corner lots.* Except within the CBD and NB districts, all corner lots not less than twelve and one half (12½) ft. on side street. Accessory structures shall also be subject to this requirement.
- (2) *Front yards on through lots.* On through lots, the minimum front yards for the respective zoning districts shall apply wherever such lot(s) have frontage on a street.
- (3) *Sight distance at intersections.* On corner lots, no planting, fence, wall, sign or structure shall obstruct the vision more than 3 ft. in height within a triangular area formed by 30 ft. measured along the intersecting streets rights of way and joined together by a connecting straight line. Structures deemed essential for public utilities, as determined by the Public Works or Public Utilities Director, may be exempt.
- (5) *Reduction of required lot area.* Where lots abut the estuarine and/or ocean tidal waters, as defined in Article 23, and where lot depth has been lost due to the encroachment of such waters, making such lot area non-conforming to the zoning district requirements, the existing lot area may be considered conforming to meet the minimum lot area requirements of the zoning district in which located. However, the front and side yards of the zoning district shall apply. Lots which have lost area due to estuarine and ocean tidal waters or Carolina Beach Erosion Control and Hurricane Wave Protection Projects may be developed in accordance with all applicable permitted uses of the zoning district in which located, provided that the actual lot area extending to the Carolina Beach Building Line or Kure Beach's Beach Re-nourishment Easement Line shall be utilized when computing the density for multi-family dwellings per lot. The Zoning Administrator shall make the determination of actual lot area.
- (6) *Allowable intrusions into required yard setbacks for residential zones.* Architectural embellishments such as roof overhangs, elevated heat pumps, heating and air-conditioning units, cantilevered balconies for decks, and bay or box windows may intrude into the required setbacks by no more than two and one-half (2½) feet. Only the toe or termination of a set of stairs may encroach two and one-half (2½) feet beyond the required setback. It is not the intent of this

provision to allow or encourage structures to overbuild on lots but, rather, to accommodate special situations relative to the second-floor and other upper floors, or structures.

(7) *Height regulations:*

- a. Structures shall not exceed ~~thirty-five (35)~~ **fifty (50)** feet in height in conjunction with Section 3.9 (8)a-d.
- b. Any proposed structure(s) which exceeds ~~thirty-five (35)~~ **fifty (50)** feet in height **shall be equipped with sprinkler fire suppression systems, and** plans of said proposal shall be submitted for review and approval as a Conditional Use Permit in compliance with the applicable process and with Section 3.9(9).

(8) *Exceptions to height requirements.* Exceptions to the building heights are as follows:

- ~~a. The exterior of parapet walls and cornices not more than five (5) feet above the maximum height established within the zoning district.~~
- ~~b. Appurtenant structures on roofs (skylights, domes, flagpoles, cooling towers and structures for housing elevator equipment, stairways, tanks, fans, air conditioning or similar equipment required for the operation or maintenance of buildings) may be erected above the maximum height requirements if placed on the roof of the buildings to which the such structure is of appurtenant.~~
- ~~c. Freestanding chimneys, tanks, smokestacks and similar structures which are structurally independent of the building located directly upon the land and are a necessity to the operation of the building, as determined by the building inspector, may be erected above the maximum height requirements subject to the provisions of paragraph (b)(2) above.~~
- a. Regulations, including height limitations, for cellular communication towers and similar such structures are set forth in Article 12 Development Standards for Particular Uses.

(9) *Yard Requirements for structures exceeding maximum height regulations.* Yards may be increased as a condition of approval for structures exceeding maximum height requirements, where structures are permitted to exceed the ~~thirty-five (35)~~ **fifty (50)** feet maximum height regulation, the minimum required yard ~~shall may~~ be increased by one (1) foot for each foot in height exceeding the maximum height requirements.

# Section 3.9.1 Dimensional Standards for Lots and Principal Structures

## Dimensional Standards for Lots and Principal Structures, Residential Districts

| Zoning District | Primary Permitted Uses                  | Min. Lot Size | Min. Lot Width <sup>6</sup> | Min. Front Yd. | Min. Rear Yard      | Min. Side Yards* (Corner Lot – Min. 12.5 ft) | Performance Residential Max. Density | Max. Height         | Max. Lot Coverage |
|-----------------|---|---------------|-----------------------------|----------------|---------------------|--|--------------------------------------|---------------------|-------------------|
| R-1             | Single-Family Duplex                    | 5,000 sq.ft.  | 50 ft.                      | 20 ft.         | 10 ft.              | 7.5 ft.                                      | 17 units/acre*                       | 50 ft. <sup>1</sup> | 40%               |
| R-1B            | Single Family                           | 5,000 sq. ft. | 50 ft.                      | 20 ft.         | 10 ft.              | 7.5 ft.                                      | 8.7 units/acre                       | 50 ft. <sup>1</sup> | 40%               |
| R-2             | Single-Family                           | 7,000 sq.ft.  | 70 ft.                      | 25 ft.         | 10 ft.              | 7.5 ft.                                      | 6.2 units/acre                       | 50 ft. <sup>1</sup> | 40%               |
| R-3             | Single-Family                           | 12,000 sq.ft. | 80 ft.                      | 25 ft.         | 10 ft.              | 7.5 ft.                                      | 3.6 units/acre                       | 50 ft. <sup>1</sup> | 40%               |
| C               | Conservation District Single Family     | 80,000 sq.ft  | 200 ft.                     | 30 ft.         | 20 ft.              | 20 ft.                                       | 0.5 units/acre                       | 50 ft. <sup>1</sup> | 15%               |
| MH              | Manufactured Homes Single-Family/Duplex | 5000 sq.ft.   | 50 ft.                      | 20 ft.         | 10 ft.              | 7.5 ft.                                      | 8.7 units/acre                       | 50 ft. <sup>1</sup> | 40%               |
| MF              | Multi-Family Single-Family/Duplex       | 5,000 sq.ft.  | 50 ft.                      | 10 ft.         | 10 ft.              | 7.5 ft.                                      | 17 units/acre                        | 50 ft. <sup>2</sup> | 40%               |
| MX              | Mixed Use                               | 5,000 sq.ft.  | 50 ft.                      | 20 ft.         | 10 ft. <sup>3</sup> | 7.5 ft. <sup>3</sup>                         | 17 units/acre*                       | 50 ft. <sup>1</sup> | 40%               |

## Dimensional Standards for Lots and Principal Structures, Other Districts

| Zoning District | Primary Permitted Uses                                       | Min. Lot Size                                 | Min. Lot Width <sup>5</sup> | Min. Front Yard     | Min. Rear Yard  | Min. Side Yards  | Max. Density             | Max. Height         | Max. Lot Coverage |
|-----------------|--|---|-----------------------------|---------------------|---|--|--------------------------|---------------------|-------------------|
| CBD             | Commercial Uses Services, Entertainment                      | None  | None                        | None                | None, or same as abutting residential use or district. <sup>3</sup>       | None, or same as abutting residential use or district. <sup>3</sup>      | NA                       | 50 ft. <sup>2</sup> | None              |
| NB              | Neighborhood Goods and Services                              | None  | None                        | 30 ft.              | None, or same as abutting residential use or district. <sup>3</sup>       | None, or same as abutting residential use or district. <sup>3</sup>      | NA                       | 50 ft. <sup>1</sup> | None              |
| HB              | Highway Commercial   | 10,000 sq.ft.                                 | 100 ft.                     | 30 ft.              | 20 ft. <sup>3</sup>   | 10 ft. <sup>3</sup>  | NA                       | 50 ft. <sup>1</sup> | 60%               |
| MB              | Water-Oriented Businesses, Single-Family, Duplex             | 10,000 sq.ft.                                 | 100 ft.                     | 30 ft.              | 10 ft. <sup>3</sup>   | 10 ft. <sup>3</sup>  | NA                       | 50 ft. <sup>1</sup> | 40%               |
| T-1             | Hotels and Motels Restaurants/Businesses Single/Multi-Family | 25,000 sq.ft.<br>6,000 sq.ft.<br>6,000 sq.ft. | 100 ft.<br>50 ft.<br>50 ft. | 20 ft.              | 10 ft. <sup>3</sup>   | 10 ft. <sup>3</sup>  | 60 units/acre<br>29/acre | 50 ft. <sup>2</sup> | 40%               |
| I-1             | Industrial   | None. (Min. district size: 5 acres )          | None.                       | 30 ft. <sup>4</sup> | *20 ft. if lot line abuts a residential lot or use. <sup>3</sup><br>None. | None<br>*20 ft. if lot line abuts a residential lot or use. <sup>3</sup> | None                     | 50 ft. <sup>2</sup> | None              |

Table Footnotes:

- 1 Maximum height thirty-five (50) ft. for all unsprinklered structures, including all portions of the structure and appurtenances, plus an additional ten (10) ft. for roof-pitch only. No portion exceeding height may be utilized as livable area. Height limits in this district are fixed and may not be increased through issuance of a conditional use permit.
- 2 In this district, the standard thirty-five (50) foot building height limitation may be exceeded for sprinklered structures upon review and approval of a conditional use permit. As a minimum requirement for a conditional use permit, any structure or building, the height of which exceeds thirty-five (35) ft., shall be set back an additional one (1) foot on all sides for every one (1) ft. of height above thirty-five (35) ft.
- 3 Where a non-residential use abuts a residential district or existing residence, a buffer shall be installed in the required setback area in accordance with the requirements of Article 8.
- 4 Front yard setback is fifty (50) feet if abutting a major thoroughfare.

## Section 3.9.2 Dimensional Standards for Accessory Structures

**(a) General Standards for Accessory Structures in Residential Districts.**

- (1) *Maximum Height of Accessory Structure:* One (1) Story
- (2) *Setbacks:* Accessory structures shall not be permitted within any required front or side yard, or within five (5) feet of the rear lot line.

**(b) Table 3.9.2 Lot Coverage Standards for Accessory Structures in Residential Districts**

(1) *Within Residential (R) Districts and the MX-1 Mixed Use District.*

Accessory structures shall conform to the following standards in the designated zone districts:

| Zoning District | Lot Size      | Maximum Allowable Lot Coverage of Structures | 40% Maximum Allowable Lot Coverage | 75% of Max. Allowable Lot coverage allocated to Single-Family Dwelling | 25% of Maximum Allowable Lot Coverage allocated to Accessory Building |
|-----------------|---------------|--|------------------------------------|--|---|
| R-1             | 5,000 sq.ft.  | 40%  | 2,000 sq.ft.                       | 1,500 sq.ft.   | 500 sq.ft.  |
| R-1B            | 5,000 sq. ft. | 40%  | 2,000 sq.ft.                       | 1,500 sq.ft.   | 500 sq.ft.  |
| R-2             | 7,000 sq. ft. | 40%  | 2,800 sq. ft.                      | 2,100 sq. ft.  | 700 sq. ft.   |
| R-3             | 12,000 sq.ft. | 40%  | 4,800 sq.ft.                       | 3,600 sq.ft.   | 1,200 sq.ft.  |
| C               | 80,000 sq.ft  | 6%   | 4,800 sq.ft.                       | 3,600 sq.ft.   | 1,200 sq.ft.  |
| MH              | 5,000 sq.ft.  | 40%  | 2,000 sq.ft.                       | 1,500 sq.ft.   | 500 sq.ft.  |
| MF              | 5,000 sq.ft.  | 40%  | 2,000 sq.ft.                       | 1,500 sq.ft.   | 500 sq.ft.  |
| MX              | 5,000 sq.ft.  | 40%  | 2,000 sq.ft.                       | 1,500 sq.ft.   | 500 sq.ft.  |

**(c) Standards for Accessory Structures in Non-Residential Districts**

(1) *Within the MB-1 Marina Business District:*

Accessory structures, in conjunction with single-family lots only, shall not exceed one (1) story in height and shall not be permitted within any required front or side yard, nor within five (5) feet of any lot line. Accessory structures may occupy no more than thirty (30)% of the area of the required rear yard.

(2) *Within the T-1 Tourist District:*

Accessory structures shall not exceed one (1) story in height. Accessory structures shall not be permitted within any required front or side yard, or within five (5) feet of any lot line. Accessory structures may occupy no more than thirty (30%) percent of the area of the required rear yard.


**(d) Lot Coverage Standards for Swimming Pools in all zoning Districts**

Private swimming pools and their associated decks, fencing, and equipment are exempted from the lot coverage requirements of this ordinance.

Adopted this 12<sup>th</sup> day of November, 2002.



  
Ray B. Rothrock, Mayor

Attest:   
Melinda N. Prusa, Town Clerk