



Text Amendment to Amend Lot Coverage and Height Limitations

- Amend Chapter 40 Sec 40-73 – Dimensional standards for the various zoning districts
- Amend Chapter 40 Sec. 40-74. Dimensional standards for lots and principal structures
- Amend Chapter 40 Sec. 40-426. - Reconstruction, maintenance, full or partial demolition and renovation of nonconforming situations.

Applicant: North Pier Holdings, LLC

Background

- Applicant: North Pier Holdings, LLC.
- The Applicant owns and is currently renovating two buildings at 1800 Canal Dr.
- Reason for the proposed text amendments:
 - The applicant has added a 4th story and proposes relocating an elevator to serve the 4th story (Height Amendments)
 - The applicant is adding a sprinkler system to the buildings which requires the addition of a riser room (Lot Coverage Amendments)

Proposed Text Amendments

Building Height Text Amendments:

- Sec. 40-73. - Dimensional standards for the various zoning districts. – (9)
- Sec. 40-74. Dimensional standards for lots and principal structures.
 - Allows the height of a structure to exceed the maximum height allowed by the zoning district for the addition of an elevator if they meet the following:
 - Multi-family structures with more than ten (10) units,
 - Located in the R-1, MF, and T-1 zoning districts.

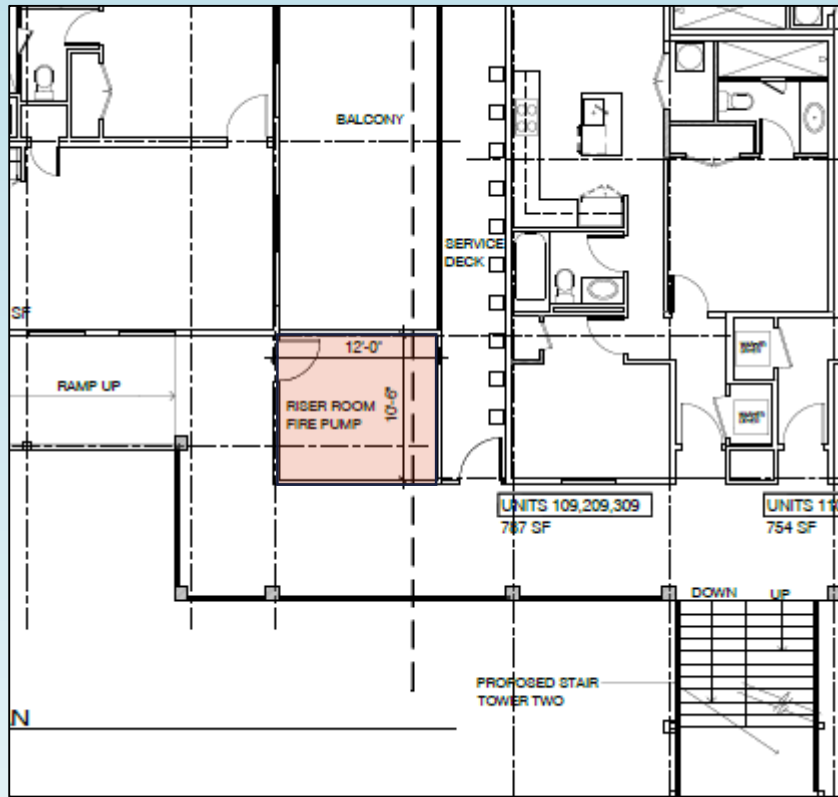
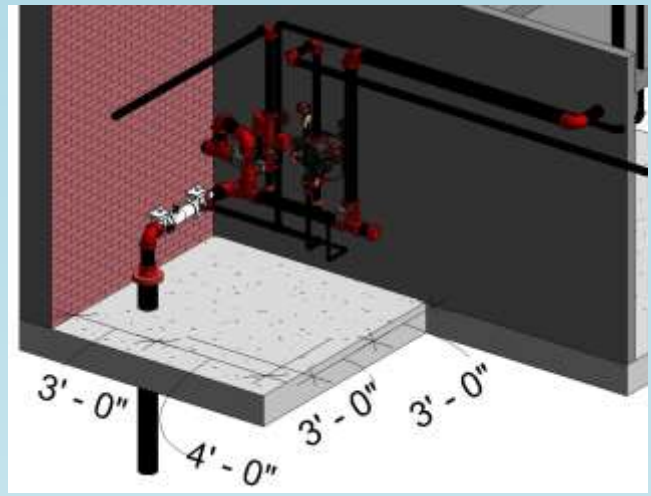
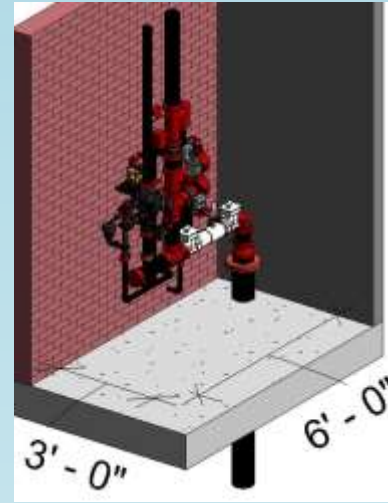
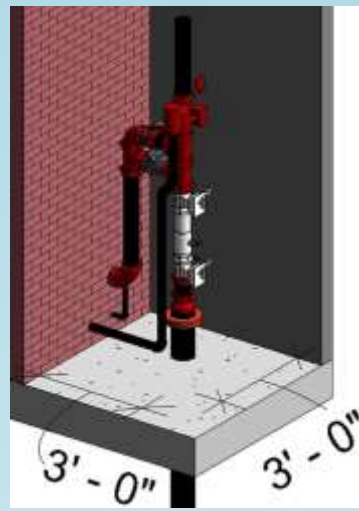
Lot Coverage Text Amendments:

- Sec. 40-73. - Dimensional standards for the various zoning districts – (12)
- Sec. 40-426. Reconstruction, maintenance, full or partial demolition and renovation of nonconforming situations.
 - Allows an exception to exceed the maximum lot coverage for all zoning districts for the addition of a riser room if they meet the following:
 - Multi-family structures with more than ten (10) units
 - Riser room size would be determined by the manufacturer spec sheets and must be certified by a professional engineer.

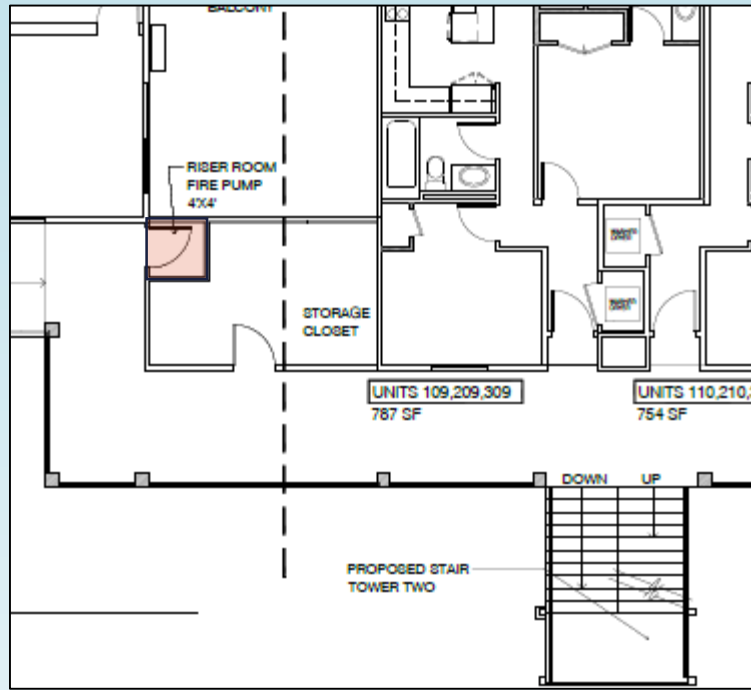
Building Height for Elevator



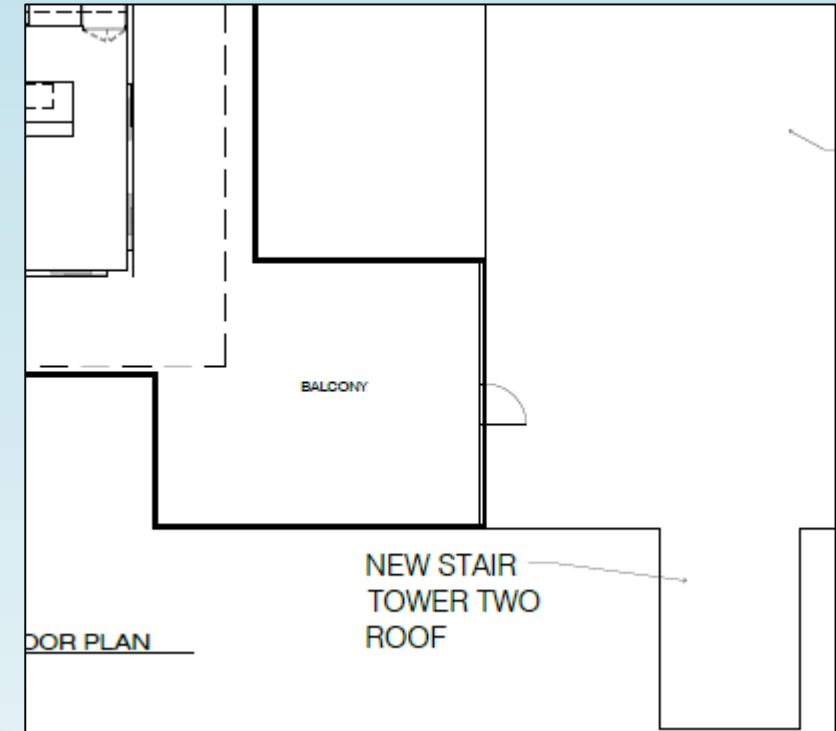
Riser Room – Lot Coverage



First Floor – Riser room Equipment



2nd & 3rd Floor – Small area for pipes.
Remaining area for storage closet.



Penthouse 4th Floor – Gets used as a
balcony

Building Height: Amend Chapter 40 Sec. 40-73. - Dimensional standards for the various zoning districts.

(9) ~~Yard~~ Requirements for existing structures exceeding maximum height regulations. ~~Yards may be increased as a condition of approval for structures exceeding maximum height requirements. Where~~ Multi-family structures in the R-1, MF, and T-1 zoning districts with more than ten (10) units are permitted to exceed the 50 feet maximum height regulation only when necessary for the installation or expansion of an elevator. ~~the following shall apply:~~

- ~~a. The minimum required front yard shall be increased by one foot for each foot in height exceeding the maximum height requirements.~~
- ~~b. The minimum required side yard shall be increased by one foot cumulatively for each foot in height exceeding the maximum height requirements.~~

Building Height: Amend Chapter 40 - Sec. 40-74.

Dimensional standards for lots and principal structures

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁶	Min. Front Yard	Min. Rear Yard	Min. Side Yards* (Corner Lot—Min. 12.5 ft.) ⁴	Residential Max. Density	Max. Height	Max. Lot Coverage
R-1	Single-Family Two-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	15 units/acre	50 ft. ^{1, 2}	40%
R-1B	Single-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	8.7 units/acre	50 ft. ¹	40%
R-2	Single-Family	7,000 sq. ft.	70 ft.	25 ft.	10 ft.	7.5 ft.	6.2 units/acre	45 ft.	40%
R-3	Single-Family	12,000 sq. ft.	80 ft.	25 ft.	10 ft.	7.5 ft.	3.6 units/acre	40 ft.	40%
C	Conservation District Single-Family	80,000 sq. ft.	200 ft.	30 ft.	20 ft.	20 ft.	0.5 units/acre	50 ft. ¹	15%
MH	Manufactured Homes Single-Family/Two-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	15 units/acre	50 ft. ¹	40%
MF	Manufactured Homes Single-Family/Two-Family	5,000 sq. ft.	50 ft.	10 ft.	10 ft.	7.5 ft.	17 units/acre	50 ft. ²	40%
MX	Mixed Use	5,000 sq. ft.	50 ft.	20 ft.	10 ft. ³	7.5 ft. ³	17 units/acre	50 ft.	40%

Table footnotes:

1. Portions of this district may be located in an overlay district as shown on the Town's official zoning map and listed as part of this section. Maximum height of this district may be different than listed.
2. See section 40-73(9), **yard requirements**, for structures exceeding maximum height regulations.
3. Front yard setback is 50 feet if abutting a major thoroughfare.
4. Landscaping buffer requirements in article VI of this chapter may be greater than the required side yard setbacks.

Building Height: Amend Chapter 40 - Sec. 40-74. Dimensional standards for lots and principal structures

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁶	Min. Front Yard	Min. Rear Yard	Min. Side Yards* (Corner Lot—Min. 12.5 ft.) ⁴	Residential Max. Density	Max. Height	Max. Lot Coverage
CBD	Commercial Uses and Services, Entertainment	None	None	None	None, or same as abutting residential use or district	None, or same as abutting residential use or district	NA	50 ft. ⁴	None
NB	Neighborhood Goods and Services	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	8.7 units/ acre	50 ft. ^e	40%
HB	Highway Commercial	10,000 sq. ft.	100 ft.	30 ft.	15 ft., or 20 ft. if abutting a residential district	10 ft.	NA	50 ft. ^e	60%
MB	Water-Oriented Businesses, Single-Family/Two-Family	10,000 sq. ft.	100 ft.	30 ft.	10 ft.	10 ft.	N/A ⁶	50 ft. ^e	40%
T-1	Hotels and Motels 15 units or less	20,000 sq. ft.	100 ft.	20 ft.	10 ft. ³	7.5 ft.	32 units/acre	50 ft. ²	40%
	Hotels and Motels Greater than 15 units	25,000 sq. ft.	50 ft.				60 units/acre		
	Restaurants/Businesses	6,000 sq. ft.	50 ft.						
	Single/Multi-Family	6,000 sq. ft.	50 ft.				29 units/acre		
I-1	Industrial	None. (Min. district size: 5 acres)	None	30 ft. ³	None. *20 ft. if lot line abuts a residential lot or use ³	None *20 ft. if lot line abuts a residential lot or use ³	None	50 ft. ^e	None
HOD	See underlying districts for use and dimensional requirements	N/A	N/A	N/A	N/A	N/A	N/A	45 ft.	N/A

Table footnotes:

1. Portions of this district may be located in an overlay district as shown on the Town's official zoning map and listed as part of this section. Maximum height of this district may be different than listed.
2. See section 40-73(9), [yard requirements](#), for structures exceeding maximum height regulations.
3. Front yard setback is 50 feet if abutting a major thoroughfare.
4. In this district, the standard 50-foot building limitation may be exceeded for sprinklered structure and maximum building height shall be solely based on conditional zoning review.
5. Landscaping buffer requirements in article VI of this chapter may be greater than the required side yard setbacks.

Lot Coverage: Amend Chapter 40 - Sec. 40-73- Dimensional standards for the various zoning districts.

(12) Exceptions to lot coverage requirements. Multi-family structures with more than ten (10) units may exceed the maximum lot coverage requirements of the district to allow for structures to accommodate riser rooms for fire suppression equipment. Such additional lot coverage shall not exceed the minimum additional size required for a riser room by manufacturers specifications as designated by certified professional engineer.

Lot Coverage: Amend Chapter 40 - Sec. 40-426. Reconstruction, maintenance, full or partial demolition and renovation of nonconforming situations

- a) Except for fences, which are regulated by article VII of this chapter, nonconforming uses created by a change in regulations may continue to exist and shall be subject to all other provisions of this article.
- b) Any building or structure for which normal repair, renovation, partial demolition and reconstruction or routine maintenance is proposed in an amount less than 50 percent of the current tax or certified appraised value of the building or structure, regardless of the reason for such repair or maintenance, shall be entitled to do so using the same building footprint and density with which the building or structure was originally constructed, provided the number of living units or nonresidential spaces are not increased and no additional nonconformities are created. 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.
- c) In the event normal repairs, renovations, full or partial demolition will result in new construction to a nonconforming structure exceeding 50 percent of the current tax or certified appraised value of the building or structure in any period of 12 consecutive months (except as otherwise allowed in subsection (e) of this section), regardless of the reason for such repairs, renovations, full or partial demolition or maintenance, the owner shall be entitled to undertake new construction using the same building density with which the building or structure was originally constructed, provided that the following provisions are met:
 - 1) The number of living units or non-residential spaces are not increased.
 - 2) No additional nonconformities are created.
 - 3) All current minimum setbacks are met for the zoning district in which the structure is located.
 - 4) Maximum building height of the structure shall not exceed those of the zoning district in which it is located.
 - 5) Landscaping and buffer requirements shall meet the minimum requirements of the zoning district in which it is located.
 - 6) All parking requirements shall meet the minimum requirements of the district in which it is located.
 - 7) Lot coverage shall not exceed that of the original construction that is being replaced. 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.

Historic Considerations:

Height Ordinance:

- Historically, Carolina Beach, prior to 2002, allowed a building height of 35' with an additional allowance for roof pitch, chimneys, decks, walkways or any other pertinent structure.
- In 2002, Carolina Beach Town Council changed the allowable building height to no more than 50' (including all appurtenances) in some zoning districts for uniformity and ease of ordinance implementation by town staff.
- The Town Council agreed anything above 50 feet will require sprinkler systems and must be reviewed and approved under a conditional use permit by Town Council.

Lot Coverage Ordinance:

- *Lot coverage* means that portion of a lot occupied by any semi-pervious or impervious structure or structures, either at ground level or the equivalent thereto when a structure is elevated on pilings, excepting parking areas and areas covered by the eaves of roofs.
- The lot coverage limitations for the various zoning districts have been unyielding ordinances, established for over 40 years.
- The lot coverage limitations vary depending on the zoning district and can range from 40% in most zoning districts (residential and some commercial) up to 60% for the Highway Business zoning district and 100% for the Central Business District.

2002 P&Z Meeting – Building Height Text Amendment

- A builder proposed increasing the building height from 35' to 45' to allow livable area above 35'.
- The existing ordinance allowed building height to be measured to the top of the living area and the attic, roof pitch, and other appurtenances could go beyond 35'.
- The Town was having issues where builders would try and circumvent the ordinance by finish out the attic space into livable space after receiving the CO.
- All the height allowances for appurtenances made it difficult for staff to administer the ordinance.
- During P&Z discussion, the town Fire Chief did not want the height of buildings to exceed 50' due to complications with the ladder and electrical lines and would prefer a max height of 45'.
- After member discussion, the P&Z board recommended having a hard 50' building height limit that accommodated all appurtenances and living areas to simplify the ordinance.

2002 Town Council – Building Height Text Amendment

- The P&Z board recommended the council consider a change to the ordinance to allow:
 - The total maximum height of 50' for unsprinkled structures. Requests for beyond 50' (allowed for sprinkled structures) must be approved under conditional use permits.
- There were no public comments and minimal council member discussion.
- The text amendment was passed unanimously by Town Council.

Land Use Plan:

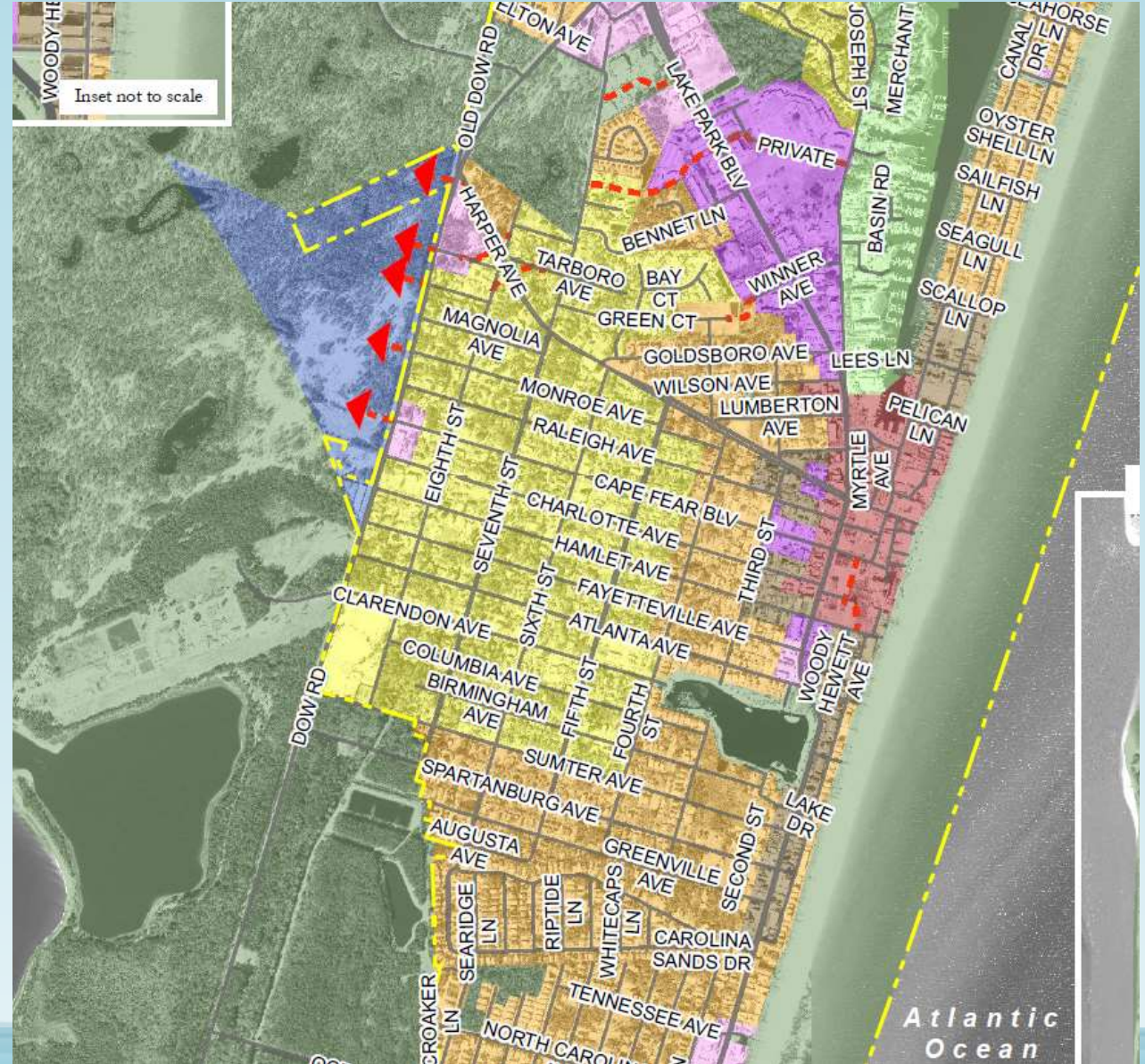
NOT in general conformity with the Land Use Plan.

Building Height exception does not conform to the following:

1. Redevelopment
 - “Increased building heights (especially in or near the downtown area) may conflict with the character of existing areas.”
2. Family-friendly community
 - lower structure heights are viewed positively as a contributing factor to a family-friendly community.

Lot Coverage exception does not conform to the following:

1. Community Goals #4
 - States a desire of the community to reduce overall nonconformities in the town.



Staff Concerns – Changes to Building Height

1. Directly contradicts the historical standard for building height being limited to 50', with exception to some commercial zoning districts.
2. The use of “more than 10 units” as a limiting factor is an arbitrary number. There are 42 buildings consisting of more than 10 units and there are a total of 81 multi-family buildings consisting of anywhere from 3-10 units.
3. Anything over 50' in the current zoning ordinance is required to be approved by conditional zoning. The ordinance they propose would allow the approval of an elevator to exceed 50' without conditional zoning approval.

Staff Concerns – Changes to Lot Coverage

1. The current zoning ordinance is very strict with maximum lot coverage and does not allow any expansions. The applicant's text amendment would allow staff the power to permit this lot coverage exception by right.
2. It does not address the upper floor usage of the space the riser room below occupies.
3. Staff understands the applicant would like to include limitations on which structures can take advantage of this text amendment but using “more than 10 units” as a limiting factor is an arbitrary number.

Sec. 40-426. Reconstruction, maintenance, full or partial demolition and renovation of nonconforming situations

1. The applicant is proposing this amendment for clarification of the allowance in the non-conforming section of the ordinance.

Staff Ordinance Recommendations – Building Height

Sec. 40-73. - Dimensional standards for the various zoning districts.

(9) ~~Yard~~ Requirements for existing 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 50 feet maximum height regulation for an elevator shaft the following shall apply:

- ~~a. The minimum required front yard shall be increased by one foot for each foot in height exceeding the maximum height requirements.~~
- ~~b. The minimum required side yard shall be increased by one foot cumulatively for each foot in height exceeding the maximum height requirements.~~
- a. No changes have been made to the building height since the original construction.
- b. Permitted for multi-family structures in the R-1, MF and T-1 zoning districts with Conditional Zoning approval.
- c. To access habitable floors only (not to access roof top decks or other uses).

Staff Ordinance Recommendations – Lot Coverage

Sec. 40-73. - Dimensional standards for the various zoning districts.

(12) Exceptions to lot coverage requirements. Multi-family structures may exceed the maximum lot coverage requirements of the district to allow for structures to accommodate riser rooms for fire suppression equipment. The following standards shall apply.

a. Shall not exceed the minimum size required for a riser room by manufacturers specifications as designated by certified professional engineer.

b. Allocated square footage for the riser room on upper floors shall not be used for any other purpose not attributed to fire suppression system.

c. Conditional Zoning approval required.

Board Options:

1. Board could approve the applicant's text amendments. – All Amendments would be approved individually.
2. Board could approve staff's recommended amendments.
3. The board can approve or modify separate amendments at their discretion.
4. Deny proposed amendments.
5. Board could give further direction or have further discussion of amendments and request hearing the updated text amendments in a future P&Z meeting.

P&Z recommended denial of all text amendments. Staff recommends option 4, but if the board is considering changing the ordinance, then staff recommends option 2.

Motion

Approval

The council, whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following ordinance amendment to amend:

Building Height:

- Sec. 40-73. - Dimensional standards for the various zoning districts.
- Sec. 40-74. Dimensional standards for lots and principal structures.

Lot Coverage:

- Sec. 40-73. - Dimensional standards for the various zoning districts.
- Sec. 40-426. Reconstruction, maintenance, full or partial demolition and renovation of nonconforming situations.

Denial –to amend:

Building Height:

- Sec. 40-73. - Dimensional standards for the various zoning districts.
- Sec. 40-74. Dimensional standards for lots and principal structures.

Lot Coverage:

- Sec. 40-73. - Dimensional standards for the various zoning districts
- Sec. 40-426. Reconstruction, maintenance, full or partial demolition and renovation of nonconforming situations.

Further Direction/Discussion

