



AGENDA ITEM COVERSHEET

PREPARED BY: Haley Moccia, Planner

DEPARTMENT: Planning &
Development

MEETING: Town Council – April 9th, 2024

SUBJECT: **Text Amendments** to amend Chapter 40:
Sec. 40-73. - Dimensional standards for the various zoning districts,
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 text amendments to exceed lot coverage for the addition of a riser room for fire suppression and to allow an elevator to exceed the 50' height limitation for three zoning districts.

The applicant owns 1800 Canal Drive, which is located within the R-1 Zoning district. The condominium structures located on this lot were constructed beginning in 1984 and 1985 and consist of two (2), cosmetically attached but structurally independent, three-level, piling-supported wood frame buildings. Combined, the structures contained 42 individual residential units. To date, a building permit has been issued for the renovation and repair of the buildings and to add four (4) penthouse units to the top of building 2, the reconstruction of the breezeways, and the relocation of the elevators and staircases. The proposed number of units overall decreased from 42 units to 40 units.

Building Height

The reason for the proposed text amendments to the Town's building height regulations is due to complications during the construction process and the existing nonconforming status of the building. The applicant added a 4th story onto one of the buildings which increased the structure height from the existing 37' to 50'. According to the applicant, the text amendment is needed because it was realized after the penthouses had been added, that the elevator shaft would need to exceed 50' to be able to service the 4th floor penthouses.

Lot Coverage

The reason for the lot coverage text amendments was because the applicant needs to add a riser room to be able to install the required sprinkler system. The applicant was given the option by staff to reconfigure any demoed square footage and reallocate the demoed square footage into other additions as long as they did not exceed the original existing lot coverage.

PROPOSAL:

Height Exception Text Amendments:

The applicant proposes changing this section to allow the height of a structure to exceed the maximum height allowed by the zoning district for multi-family structures, if they have more than ten (10) units, in the R-1, MF, and T-1 zoning districts. The height allowance would pertain specifically to the installation or expansion of an elevator (See Attachment 2).

Lot Coverage Text Amendments:

The text amendments would allow exceptions to exceed the lot coverage maximum for all zoning districts (See Attachment 2). This exception to lot coverage is specifically for multi-family structures with more than ten (10) units to accommodate riser rooms for fire suppression equipment. The size of the riser room allowed would be determined by the manufacturer spec sheets for the riser equipment and must be certified by a professional engineer.

HISTORIC CONSIDERATIONS:

Height Ordinance:

Historically, Carolina Beach, prior to 2002, allowed a building height of 35' with an additional allowance for roof pitch and other appurtenances. In 2002, a local builder proposed changing the roof height ordinance to allow for greater height or at least living space within the allowed height requirements of 35 feet with an additional 10 feet for roof pitch. The application was heard in the September P&Z meeting and November Town Council Meeting.

There was much discussion during the 2002 P&Z meeting. Staff stated the problem with the 35' height limit was an issue of how the height was measured. Since there were many allowances, it made it difficult for staff to administer the ordinance. Prior to this meeting, 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'. During public discussion, a property owner stated it was common practice for many owners to finish out the attic space into livable space after receiving the CO. The property owner suggested having a maximum height of 45 or 50' to include all appurtenances. 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'. From the discussion that occurred in the P&Z meeting, the P&Z board recommended having a hard 50' building height limit that accommodated all appurtenances and living areas to simplify the ordinance.

The text amendment then went to Town Council in November 2002. The Planning Director, Ms. Daughtridge, stated the P&Z board recommends the council consider a change to the ordinance to allow total maximum height of 50' for unsprinkled structures. Additionally, 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.

Lot Coverage Ordinance:

The lot coverage limitations for the various zoning districts have been unyielding ordinances, established well before the 2000s. 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.

LAND USE PLAN:

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

The building height text amendment proposals are 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 positively as a contributing factor to a family-friendly community.

The lot coverage text amendments are 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 lot coverage text amendments would allow all buildings, including nonconforming buildings, to exceed their current lot coverage for the addition of a riser room. In this specific situation, the building directly impacted by the approval of the lot coverage text amendments is considered nonconforming. The Zoning district in which the parcel is located allows a maximum lot coverage of 40%. The current lot has 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.

STAFF CONCERNS:

Building Height Text Amendments (See Attachment - 2):

Sec. 40-73. - Dimensional standards for the various zoning districts. – (9)

Staff Concerns:

1. Directly contradicts the historical standard for building height being limited to 50', with exception to the CBD.
2. This would allow other buildings to take advantage of the allowance of adding another floor to their building and then using the text amendment to breach the 50' height limitation for elevators. There are currently 42 (11 + unit) buildings located in the R-1, MF, and T-1 zoning districts. These existing 42 multi-family buildings could potentially take advantage of the proposed height allowance.
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. As stated above, there are 42 buildings consisting of more than 10 units. Additionally, there are a total of 81 multi-family buildings consisting of anywhere from 3-10 units. It would be difficult for staff to explain why an 11-unit building can increase the height of their elevator and not a 10-unit building.
4. Anything over 50' in the current zoning ordinance is required to be approved by conditional zoning. The ordinance they propose would give that power to staff to permit by right.

Sec. 40-74. Dimensional standards for lots and principal structures.

Staff Concerns:

1. The removal of “yard requirements” above is supported by Town staff because the term is not utilized and will be removed from the ordinance through the current Unified Development Ordinance proposal.
2. Staff also support the removal of table footnote #2 in the table.

Lot Coverage Text Amendments:

Sec. 40-73. - Dimensional standards for the various zoning districts – (12)

Staff Concerns:

1. The current zoning ordinance is very strict with maximum lot coverage and does not allow any expansions no matter the situation. 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. The riser room equipment usually occupies a first story enclosure and then the stories above only need a small area (usually 4’x4’) for standpipes. These standpipes supply water vertically to all sprinkler systems installed on each floor. The remaining floors above the riser room are usually used for closet storage because the footprint space is already allocated by the riser room on the 1st floor and there are empty rooms above the riser room because the standpipes take up a much smaller space. Therefore, the exception of lot coverage for riser rooms also allows other uses for the unused area above the riser room level.
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.

Staff Concerns:

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

OPTIONS:

1. Applicant’s amendments to allow height exception and lot coverage exception.
2. Staff’s recommended amendments (See Attachment - 3)
3. Leave the ordinance as is.

RECCOMENDATION:

The Planning and Zoning Board denied all text amendment proposals. Town staff also recommends denying all proposed text amendments, but if the council does consider changing the ordinance, staff recommends approval of the staff recommended amendments (Option 2).

ACTION REQUESTED:

Consider recommending approval or denial of the text amendments.

Staff recommends denial of the text amendments as proposed.

P&Z recommended unanimous denial of all text amendments.

MOTION:

Approval –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.

ATTACHMENTS:

Attachment 1 –Text Amendment Application

Attachment 2 - Applicant Recommended Text Amendments

Attachment 3 - Staff Recommended Text Amendments

Attachment 4 – 2002 P&Z Minutes – Building Height Discussion

Attachment 5 – 2002 Town Council Meeting – Building Height Decision