



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Jeremy Hardison

**DEPARTMENT:** Planning

**MEETING:** Planning and Zoning – February 10, 2022

**SUBJECT:** Text Amendment – to amend.

- 1) Chapter 40 Sec 40-70 & 72, add multi-family uses to the Neighborhood Business (NB) zoning district with reduced setbacks.
- 2) Chapter 40 Sec 40-74, increase the density in Neighborhood Business (NB) zoning district.
- 3) Chapter 40 Sec 40-72, allow parking areas serving the use to be located in a different zoning district.

Applicant: Hamby Beach Properties, LLC

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### **BACKGROUND:**

The applicant, Hamby Beach Properties, LLC applied for a text amendment to the following sections of the zoning ordinance.

- 1) Chapter 40 Sec 40-70 & 72, add multi-family uses to the Neighborhood Business (NB) zoning district with reduced setbacks.
- 2) Chapter 40 Sec 40-74, increase the density in Neighborhood Business (NB) zoning district.
- 3) Chapter 40 Sec 40-72, allow parking areas serving the use to be located in a different zoning district.

The applicant is requesting the amendment to redevelop property that he owns located in the Neighborhood Business (NB) Zoning District. If the text amendment is approved as proposed the redevelopment could consist of multi-family uses with a maximum density of 32 residential units, reduced front yard setbacks and it would allow parking/loading areas to occur on non-contiguous lots in a different zoning district.

The NB zoning district is located in two different sections of the town 1) on the west side of S. Lake Park Blvd between the Lake and the Carolina Sands neighborhood and 2) on the corner of Carolina Beach Ave N and Sandpiper Ln where the Grocery Cupboard historically has been located (see zoning map link below). The purpose of the NB zoning district is established to accommodate and provide for the development of small, pedestrian-oriented shopping and service activities providing necessity goods and personal services to the immediate neighborhood. This district also provides for single-family detached homes and related residential uses. Such districts should be located at the intersection of a major street or collector roads. Uses in NB districts should have architecture and site layouts which are compatible with nearby residential structures and uses. The intent of the district is intended to discourage any use which, because of its character, would not be in harmony with the residential community or which would be detrimental to the surrounding residential uses. The proposed amendment is limited to the NB zoning district. It would not impact the entire town but would affect all properties within that zoning district.

**Zoning Analysis of the Amendments**

- 1) Chapter 40 Sec 40-70 & 72, add multi-family uses to the Neighborhood Business (NB) zoning district with reduced setbacks.

The proposed amendment would allow two-family dwellings (duplex) and multi-family dwellings in the NB zoning district. Current residential uses allowed in the NB zoning district are single-family only. The NB district allowed uses in the area between the Lake and Carolina Sands were last evaluated by the Commission in 2006. To keep the existing residential areas intact duplexes and multifamily residences were specifically prohibited while allowing the existing commercial uses to conform with providing goods and services to the immediate neighborhood. There are 26 properties in this area that consist of commercial uses such as a retail, laundromat, auto repair, office, convenient store, and 3 restaurants. The residential uses consist of 14 single-family homes and one duplex that is non-conforming but could be rebuilt per our non-conforming ordinance. The other area of town that is zoned NB is one property on the corner of Sandpiper and Carolina Beach Ave N. that consist of one building that contains a convenient store and coffee shop with three attached residential units and a detached single-family dwelling.

The application also proposes to reduce the required front yard setback from 20' to 10' for multi-family projects. The minimum outside of the Central Business District is 20' front yard setback in all other zones except for the multi-family (MF) zoning district which is 10'. The reason MF has a reduced setback from other zones is that it is located ocean front and the properties have a limited building footprint because of the ocean front setback restrictions in this area. The purpose of the front setback is to have a butting street line from traffic and manage congestion while creating open space.

- 2) Chapter 40 Sec 40-74, increase the density in Neighborhood Business (NB) zoning district.

The current density in the NB district is 8.7 units per acre. This would allow a unit for every 5,000 sq. ft. The minimum lot size in the NB district is 5,000 sq. ft., therefore would only allow a single-family dwelling per lot. The applicant is proposing to increase the density to 76 units per acre with a cap of 32 units per lot. Based on a 5,000 sq. ft. lot this would yield 9 units, but to qualify for the density the proposal is for lots over 15,000 sq. ft. The properties in this area are all individual 50' lots with the exception of the properties below listed in the table. The proposal would allow 4 units per lot permitted by right (staff approved) and over four units would be approved thorough Conditional Zoning (Town Council approval).

Use	Lot Sq. ft. (tax records)	76 units per acre =
Veggie Wagon	8,420 (would not qualify)*	15 units
Melissa's laundry	18,735	32 units (capped)
Superior Auto	22,565	32 units (capped)
Butts N Such	12,380 (would not qualify)*	22 units
Scotchman	12,390 (would not qualify)*	22 units
The Spot	12,500 (would not qualify)*	22 units
Vinney's	19,705	32 units (capped)

\*The proposed density increase only applies to lots that are over 15,000 sq ft.

Below is the current allowance of density per zoning district. The T-1 zoning district is the highest defined density for multi-family of 29 units per acre.

Zoning District	Primary Permitted Uses	Min. Lot Size	Residential Density	Max.
C	Conservation District Single-Family	80,000 sq. ft.	0.5 units/acre	
R-3	Single-Family	12,000 sq. ft.	3.6 units/acre	
R-2	Single-Family	7,000 sq. ft.	6.2 units/acre	
R-1B	Single-Family	5,000 sq. ft.	8.7 units/acre	
NB	Neighborhood Goods and Services	5,000 sq. ft.	8.7 units/acre	
R-1	Single-Family Two-Family	5,000 sq. ft.	15 units/acre	
MH	Manufactured Homes Single-Family/Two-Family	5,000 sq. ft.	15 units/acre	
MF	Multi-Family Single-Family/Two-Family	5,000 sq. ft.	17 units/acre	
MX	Mixed Use	5,000 sq. ft.	17 units/acre	
T-1	Single/Multi-Family	6,000 sq. ft.	29 units/acre	

Zoning Map Link - <https://www.carolinabeach.org/Home/ShowDocument?id=1208>

3) Chapter 40 Sec 40-723, allow parking areas serving the use to be located in a different zoning district.

The applicant is proposing to allow by conditional zoning parking lots that are non-contiguous and located in a different zoning district up to 200 feet from the use in the NB district. Currently parking and loading areas serving uses in the same zoning district on non-contiguous lots are allowed with the Conditional Zoning approval. The Central Business District would allow this by right, because of the nature of the boardwalk, but would be limited to parking areas within the CBD. The ordinance only allows parking lots located in the same district that are associated with the use they are serving so that impacts from that particular use is located with that district that allows for that specific use.

#### Land Use Plan

The Land Use Plan has the Neighborhood Business zoning district classified as High Density Residential/Light Commercial. Future characteristics of the area are multi-story residential units located with walking distance of activity centers with some commercial and single-family structures. An identified concern in the plan was to only increase density above the existing standards if it also maintains the quality of life and environment.

The plan also speaks to the area to enhance the function of Lake Park Blvd. The placement of structures in regards to setbacks on the lot may give more options and flexibility to provide improvements to the corridor of Lake Park Blvd.

## **Recommendation**

### **Multi-family & Density**

The proposal is to add multi-family structures and to increase the density to 76 units per acre in the NB district. The Land Use Plan does identify this area as high density similar to the T-1 zoning district which carries a density requirement of 29 units per acre. If the Commission would like to change the density requirement staff recommends not to exceed the T-1 district standards of 29 units per acre vs 76 units per acre. Staff recommendation at this time is to not increase the density in this area with the overall trend of development upwards and the existing areas that multi-family structures are currently allowed until adequate infrastructure is in place. For potential upcoming development trends the town would like to be able to meet future water supply needs for the entire town. The town is in the planning process of upgrading its water storage, but presently the Town is challenged during consecutive peak days in the summer season. Similar to most utility providers serving vacation destinations, the water demand is noticeably seasonal and often comes with challenges. The water supply and storage must be geared towards satisfying consecutive peak day demands experienced over Memorial Day Weekend, the July 4<sup>th</sup> holiday, Labor Day Weekend, and other peak summer periods. While the town can absorb the already increased demand staff does not recommend increasing density until the infrastructure can be upgraded (approximately 24 months). Once the infrastructure is in place staff recommendation is that the town can then revisit density calculations.

### **Reduced Setbacks along Lake Park Blvd**

Staff is not against the concept of moving buildings closer to the street to develop an active streetscape while moving the parking to the rear of the building. This would have the potential to enhance functionality and appearance of Lake Park Blvd by eliminating driveway cuts off of Lake Park Blvd by accessing properties off of side roads and allowing upgraded pedestrian facilities as depicted in the Land Use Plan.

### **Parking areas serving the use to be located in a different zoning district.**

Staff does not recommend amending the ordinance to allow parking lots serving uses in different zoning districts. This would cause conflicts between uses that are not allowed in different zoning districts especially between commercial uses and their associated parking in residential zoned areas.

### **ACTION REQUESTED:**

Consider the amendment and make a motion for recommendation or denial.

### **MOTION OPTIONS:**

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the following ordinance amendment to Chapter 40 Sec 40-70, 72 & 74 to add multi-family uses, with reduced setbacks and increase the density and to allow non-contiguous parking areas serving the use to be located in a different zoning district with in the Neighborhood Business (NB) zoning district is consistent with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.

Denial - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the denial of the following ordinance amendment to Chapter 40 Sec 40-70, 72 & 74 to add multi-family uses, with reduced setbacks and increase the density and to allow non-contiguous parking areas serving the use to be located in a different zoning district with in the Neighborhood Business (NB) zoning district is inconsistent with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.