



*ORDINANCE NO. 08-717*

**An Ordinance Amending Appendix A Zoning,  
Article 18 Non-Conforming Situations,  
Section 18.2 Non-Conforming Lots(g) Reduction of Required  
Lot Area When Lost to Shore Erosion**

The Town Council of the Town of Carolina Beach hereby amends the Zoning Ordinance, Appendix A Non-Conforming Situations, Section 18.2 Non-Conforming Lots(g) Reduction of Required Lot Area When Lost to Shore Erosion, as follows:

**Ad the following language in the box**

**Sec. 18.2. Non-conforming lots.**

(g) *Reduction of required lot area when lost to shore erosion.* Where lots abut the estuarine 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.

- For sound-front lots, a fifty (50) percent reduction in the front yard shall apply where appropriate provisions are made for off-street parking.
- Where the Carolina Beach building line creates a reduction in lot area that supersedes the CAMA sixty-foot setback line a fifty (50) percent reduction in the front yard setback may apply where appropriate provisions are made for off-street parking.

• For ~~Sound-front and~~ oceanfront lots where the average setback distance for existing buildings on all lots located wholly or partly within two hundred (200) feet on any lot, and within the same zoning district and fronting on the same side of the same street as such lot, is less than the minimum setback required in the zoning district, the setback on the lot may be less than the required setback, but not less than the existing average setback distance of all lots within the two (200) feet and in no instance shall the setback be reduced to less than fifty (50%) percent. When lots within such two hundred (200) feet are vacant, the vacant lots shall be considered as having the minimum required setback for the purpose of computing the average setback distance. The front yard setback reduction shall apply where appropriate provisions are made for off street parking.

The below bolded language is identical in meaning to the language in the box, but has been reworded for clarification:

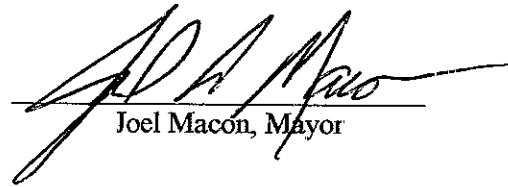
**For oceanfront lots, the front yard setback may be reduced to no less than the calculated average front setback distance for existing buildings on all lots located wholly or partly within two hundred (200) feet. Calculating average front setback shall be subject to the following criteria:**

- 1. All lots being in the same zoning district.**
- 2. All lots shall front on the same side of the same street.**
- 3. All lots shall be considered as having the minimum required setback if the lot is vacant.**
- 4. In no instance shall the calculated average front setback be reduced to less than fifty (50%) percent of the original setback.**

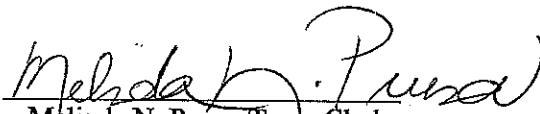
Lots which have lost area due to estuarine tidal waters or Carolina Beach Erosion Control and Hurricane Wave Protection Projects may be developed in accordance with all applicable permitted uses of the zoning district in which located, provided that the actual lot area above the mean high water level shall be utilized when computing the density for multi family dwellings per lot. The zoning administrator shall make the determination of actual lot area. Appeals to the decision of the zoning administrator shall be made to the board of adjustment in accordance with the provisions of article 21.

(Ord. No. 02-514, 9-17-02; Ord. No. 04-558, 7-13-04; Ord. No. 05-603, 10-11-05; Ord. No. 05-617, 12-13-05)

Adopted this 8<sup>th</sup> day of January 2008.

  
Joel Macon, Mayor

Attest:

  
Melinda N. Prusa, Town Clerk

