



**TOWN OF CAROLINA BEACH**

1121 N. Lake Park Boulevard  
Carolina Beach, North Carolina 28428

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**PLANNING & ZONING COMMISSION AGENDA**

January 13, 2011

7:00 P.M.

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- ITEM #1**      **Call to Order & Roll Call**
- ITEM #2**      **Approvals of the Minutes:** December 9, 2010
- ITEM #3**      **Staff Report on Recent Council Meeting(s)**
- ITEM #4**      **Public Discussion**

**ITEMS FOR PUBLIC COMMENT**

- ITEM #5**      **Text Amendment:** Review allowances for Efficiency rooms in Hotels/Motels  
**Articles amended:** Article 3.8-1 Table of Permitted Uses; Article 12.2 Development Standards for Particular Uses, and Article 23 Definitions  
**Applicant:** Town of Carolina Beach  
**Zoning:** This amendment is being considered for all commercial zoning districts that allow Hotels/Motels. Allowances may be modified/expanded during meeting deliberations.
- ITEM #6**      **Discussion:** At the request of Town Council the Planning and Zoning Commission will continue discussions on options for accessory dwelling housing units with standards in the Town's residential areas.

# MINUTES

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**ITEM #1 Call to Order & Roll Call****7:05 pm**

Commissioner Reynolds calls the meeting to order.

Commissioners Present:

Sarah Efir  
Greg Reynolds  
Brett Keeler  
Tom Bridges  
Jessica Keenan

Commissioners Absent:

Leah Garcia  
Jim Rees

Staff Present: Gary Ferguson, Planning Director; Ed Parvin, Senior Planner; Kaysie Pralle, Secretary

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**ITEM #2 Approval of the Minutes****7:06 pm**

**MOTION**

Commissioner Eifrd made the motion to approve the December 09<sup>th</sup> 2010 minutes. Commissioner Keener seconds the motion. **Motion passes unanimously (7-0).**

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**ITEM #3 Staff Report on Recent Council Meeting(s)****7:07 pm**

Mr. Ferguson reviewed Town Council's decision's on:

- The ability of the Town to issue permits on illegal lots within Town limits.
- The sign regulations, approving option one.
- Shower enclosures and the allowable dimensions
- Grandfathering in the drive-thru's for McDonalds, Hardees and existing banks

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**ITEM #4 Public Discussion****7:27 pm**

None.

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**ITEM #5 Text Amendment**

**Text Amendment:** Review allowances for Efficiency rooms in Hotels/Motels

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**ED PARVIN PRESENTS HIS MEMO****7:27 pm**

**SUMMARY OF THE REQUEST**

Town staff received a request from David Pierce (owner of Drifter's Reef) to create a hotel with efficiency units in the HB zoning district. Hotels are allowed by conditional use permit in the HB zoning district, but hotels with efficiency rooms are only allowed in the T-1 zoning district. The current allowance for efficiency rooms was created in the summer of 2008 when a hotel owner in the T-1 zoning district requested to expand their hotel by adding units with kitchen accommodations. Hotel rooms had a specific prohibition from having kitchen facilities which still exists today. The new ordinance adopted in 2008 created an allowance for hotel rooms with efficiency rooms in the T-1 zoning district only. At that time staff presented options to allow efficiency rooms under a narrow scope to specifically address hotels with efficiency rooms in the T-1 zoning district.

Now, staff is asking Town Council to consider if any limits should be put on hotels with efficiency rooms. For example, if the popular efficiency hotel “Extended Stay” wanted to locate in Carolina Beach would there be any additional concerns?

As a clarification for this memorandum there is no distinction in the Town of Carolina Beach’s ordinances between a hotel and a motel. Knowing this, the words hotel and motel can be used interchangeably. The definition reads as follows:

Hotel (motel): A *building* providing sleeping accommodations commonly available on a daily basis for pay to transient and permanent guests or tenants, in six (6) or more rooms. Dining rooms, restaurants or cafes, if existing, shall be conducted in the same *building* or *buildings* in connection therewith.

Hotels are currently allowed in the CBD, MX, HB, T-1, and I-1.  
See attachment 2 to view a list of hotels and survey information compiled by staff in 2006.

### **HOTELS IN OTHER COMMUNITIES**

Staff looked at Kure Beach, Atlantic Beach, Wrightsville Beach, and Kill Devil Hills to see how they regulate hotel rooms. No other communities seem to have concerns with allowing efficiency rooms. Kill Devil Hills and Wrightsville Beach do specifically state that efficiency rooms are allowed (see attachment #3).

### **LONG RANGE PLANNING**

The 2007 Land Use Plan (LUP) does not talk specifically about the allowance of efficiency hotel rooms. Several policies do indirectly support this proposal.

1. The LUP discusses reinforcing the communities existing commercial areas. Many hotels are currently designed to operate with kitchen facilities. These rooms seem to be catered to tourist who may be looking to vacation longer than one night. Many of the hotels in Carolina Beach have traditionally included kitchens
2. The LUP policies discuss the need to diversify the local economy. Allowance of efficiency hotel rooms would “diversify” the economy by giving more housing options for people staying at Carolina Beach. The increase in options for people looking to stay at Carolina Beach promotes the area as a tourist destination and the “resort market niche” as mentioned in the LUP.
3. Finally, the allowance of efficiency hotel rooms provides additional accommodating facilities for recreational and transient boaters as discussed in the LUP.

### **OPTIONS**

1. Continue to limit the allowance of efficiency rooms to T-1 on a limited basis
2. Remove the prohibition of kitchen facilities in the hotel room definition and begin allowing hotels to accommodate efficiency rooms without restrictions.

### **STAFF RECOMMENDATION**

Based on the consistency with the LUP and limit of concerns seen with allowing efficiency rooms in hotels, staff recommends adopting the ordinance listed in attachment #1 which is consistent with option 2 above.

### **BUILDING CODE CONSISTENCY**

This evaluation is based on the 2009 North Carolina State Building Code and Commentary. A hotel room typically does not have a kitchen. However, the code does not state that a hotel room can not have a kitchen. The code is more concerned that if it is an apartment type use, a kitchen is provided. The code is geared more to the time of stay of the occupants. The word transient is used to prescribe this. Transient is

considered as less than 30 days of stay. There could be a change of use from R1 to R2 if the length of stay is extended to an annual lease or more than 30 days. The code calls transient hotels a R1 occupancy. If we were to have a kitchen in the unit and a more permanent length of stay, this would change the occupancy to R2, which is for apartments and non transient hotels. Section 3406.1 states in part that “Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.” An apartment type use would be considered less hazardous. Section 3409.4 could require some building elements be altered to remove existing barriers to the disabled.

## **DISCUSSION**

**7:30 pm**

There was a general discussion regarding the allowance of an existing hotel to allow for addition of efficiency units.

Mr. Ferguson options/concerns:

- Parking issues with visitors staying for longer periods of time

## **MOTION**

**7:35 pm**

Commissioner Keeler made the motion to approve the text amendment as presented by staff with the addition of option number two. Commissioner Keenan seconded the motion. **The motion passed unanimously (5-0).**

Commissioner Garcia joined the meeting at 7:37 pm.

## **ITEM #6**

**Discussion:** At the request of Town Council the Planning and Zoning Commission will continue discussions on options for accessory dwelling housing units with standards in the Town’s residential areas.

## **ED PARVIN PRESENTS HIS MEMO**

**7:38 pm**

### **OVERVIEW OF THE ISSUE**

The Planning and Zoning Commission (P&Z) members have shown interest in continuing discussions on creating more allowances for accessory dwelling units. Prior to delving into the possibilities for allowing accessory dwelling units it may be beneficial to:

- (1) review how this discussion has developed over the past several months; and
- (2) ask very direct questions to get an idea of what additional allowances should be made for our residential areas.

### **#1 THE DEVELOPING DISCUSSION**

At first the P&Z and Town Council had been discussing what constitutes a building and what should be the minimum required to connect two buildings and still consider it one building. At the August 12, 2010 P&Z meeting the Commission unanimously recommended a permissive ordinance which allowed for building connections by breezeways in residential areas. The principle reason for this was it provided needed flexibility in building design which would result in more attractive looking housing designs. In addition, the Commission also requested staff to examine what other similar communities are doing in allowing “mother-in-law suites” or accessory apartments in their residential zoning districts.

On October 12, 2010 Town Council had a chance to review the language for building connections. In this meeting they determined that single family homes could only have attached buildings by carports and breezeways to make them one building in the MF, MX, NB, MB-1, and T-1 zoning districts. During the discussions Town Council made it clear that they did not want to change any allowances to the R-1B, R-2, R-3, R-1, MH, and C zoning districts.

P&Z met on October 14 intending to discuss allowances for accessory dwelling units (see staff write up in [appendix #1](#)). After hearing about the October 12 Town Council meeting P&Z was concerned that they should not be discussing accessory dwelling units since Town Council just stated they did not want to change the allowances in most residential areas. To get clarification, Brett Keeler came to the December 14, 2010 Town Council meeting as a representative from the P&Z. Brett’s question to Town Council was “should P&Z continue discussing allowances for accessory dwelling units?” Town Council said yes as long as what moved forward did not impact R-3. R-1B and R-2 seemed to be a concern at earlier meetings, but R-3 was specifically mentioned by Town Council in December.

**#2 QUESTIONS TO GIVE DIRECTION TO THE DISCUSSION**

Each question below is asked by staff with the idea that P&Z will come to the next meeting with answers ready to share with all. Included with each question is some background information to help the reader understand the question and why it is being asked.

**QUESTION #1**

**ARE THERE STILL CONCERNS ABOUT BUILDING CONNECTIONS? IF YES, PLEASE STATE YOUR CONCERNS.**

This needs to be asked since the building connections started the discussion on accessory dwelling units. Town Council has already voted and decided on this issue. In staff’s eyes this issue has been resolved and is completely separate from the issue of number of units. Building connections strictly deals with how a single family home is designed and does not broach the issue of two units.

**NUMBER OF UNITS ON ONE LOT**

Moving on to the issue of accessory dwelling units such as mother in law suites: it may be beneficial to start by stating what is allowed in Carolina Beach today. Since this is a discussion focused on allowing two residential dwellings on one lot, first we should identify our residential zones. They include: R-1, R-1B, R-2, R-3, C, MH, MF, and MX (NOTE: the Conservation zone is being removed from this discussion as this area, in staff’ opinion, is not relevant since it only consists of CB Lake, Freeman Park, and the property behind Virginia Avenue).

As most are aware we have three zones that only allow single family homes (R-1B, R-2, and R-3). Out of the three zones only R-2 allows for a planned unit development (PUD), (see [appendix 2](#) to view Article 16 which spells out the PUD allowance). A PUD is also allowed in R-1, MH, MF, and MX. So this leaves R-1B, and R-3 as areas that do not allow for the flexibility of a PUD. What does this mean? Essentially a PUD allows you to reduce setbacks and gives you some flexibility in designing development on a lot (i.e. build 2 detached single family homes on one piece of property). Knowing now that you can build two dwelling units on a lot in all residential zones except R-3 and R-1B it may be time for another question.

**Question #2**

**WHERE WOULD YOU SUPPORT ALLOWANCES FOR TWO DWELLING UNITS ON ONE LOT? CHECK ALL THAT YOU SUPPORT?**

	<u>SIZE (ACRES)</u>	<u>VACANT LOTS</u>	<u>TOTAL LOTS</u>
<u>___</u> R-1	376	514	1616
<u>___</u> R-1B	103	106	474

<input type="checkbox"/> R-2	168	97	531
<input type="checkbox"/> R-3	244	137	642
<input type="checkbox"/> MH	91	210	543
<input type="checkbox"/> MX	52	56	256
<input type="checkbox"/> MF	22	5	91

\*4153 total lots; 785 vacant lots that allow for 2 or more dwelling units and 340 remaining that allow for one dwelling unit.

There are some standards/allowances for Carolina Beach PUDs that are similar to what other communities are requiring for accessory dwelling units (i.e. landscaping/setbacks). The standards for accessory dwelling units in other communities are actually much more detailed than what exists for our PUDs.

Typically a town has a PUD ordinance to allow for some clustering of units in exchange for providing open space on a lot. Carolina Beach’s PUD is simply an allowance to build more units on a lot with some additional allowances, and with the caveat that you must go through the CUP process. Since our PUD works very similar to the way many other communities lay out allowances for accessory dwelling units, solving the concerns about accessory dwelling units may be served by rewriting the allowances under Article 16.

It needs to be noted that if you develop a PUD in Carolina Beach consisting of two units on one lot, there are no distinctions between the two dwelling units. In other words, an accessory dwelling unit a.k.a. granny flat or mother in law quarters is not defined in Carolina Beach, but would simply be a second dwelling unit on a lot. Since it is “accessory” this implies there would be some additional limitations on the unit. Again, Carolina Beach has not visited this but you can view ways municipalities have regulated accessory dwelling units under [appendix 1](#).

Question #3

**WOULD YOU SUPPORT ADDITIONAL REGULATIONS FOR THE ZONING DISTRICTS WHERE YOU SUPPORT ALLOWING TWO DWELLING UNITS? IF YES, CHECK ALL THAT APPLY:**

- height limits
- reduced setbacks
- landscaping requirements
- increased lot coverage allowances
- location of the entrance
- architectural style
- modified parking standards
- square footage limits
- on-site owner requirement
- other, please specify

Changing regulations for PUD may not in and by itself spark property owners to start building two detached dwelling units vs. one attached building with two units. Why do I say this and for that matter why are more folks not taking advantage of the PUD allowance now? The answer in part is many have, but many may have chose to build a duplex vs. two single family homes because of the long conditional use process. This may have particularly been the case during the housing boom when property owners were trying to maximize allowances on their lots as fast as possible. Whatever land use the community desires to see more of should also be the use that is easiest to be approved. Right now that development is an attached two family dwelling.

QUESTION #4

## **SHOULD TWO DETACHED DWELLING UNITS BE ALLOWED BY RIGHT VS. CONDITIONAL USE PERMIT?**

### **DENSITY**

It should be clear by now that what is being described by PUDs is not an allowance for a change in density, although it should be mentioned that there is an allowance under the current PUD language to increase density by 1.25%. For this discussion we are just talking about having two detached units vs. two attached units on one lot. Knowing this, you should also be aware that the Town has spent considerable time developing densities for lots in different zoning districts. What was designed for Carolina Beach is a little different than what you typically see in other communities. In most town's there is simply a minimum lot size and you can have "X" number of units per lot. At Carolina Beach there is a minimum lot size, but there is also a density that cannot be exceeded. In some cases they appear a little strange such as R-2 allows 6.2 units per acre and R-1B allows 8.7 units per acre. Let's look at R-1B:

The minimum lot size is 5000 square feet and 8.7 units are allowed per acre (43,560 sq. ft).  $5000/43560 = .1147842 \times 8.7 = .9986225$ . Clearly 8.7 was chosen to limit the number of dwelling units to one. The same occurs in R-2:  $(7000/43560) \times 6.2 = .996326$ . Likewise we can look at MF and MX which has a minimum lot size of 5000 square feet and 15 units are allowed per acre.  $5000/43560 = .1147842 \times 17 = 1.95$ . Just as 8.7 and 6.2 were chosen to limit R-1B and R-2 to 1 unit, 17 was chosen to limit lots in MF and MX to 2 units.

### **QUESTION #5**

#### **DO WE CARE ABOUT WHAT FORM UNITS TAKE ON A LOT AS LONG AS THE DENSITY IS NOT EXCEEDED?**

Under the PUD you have to go through the CUP process to get two detached units on a duplex buildable lot. There may be a concern that if you are reducing setbacks then Town Council should review the proposal. For example, should developments such as Seagrove require Town Council approval? It may not be the best example as this neighborhood has one principal building per lot, but there were allowances for reduced setbacks on the front and sides of the buildings that can only be granted under a PUD.

### **DWELLING UNITS**

Now that we have discussed density in term of placing one or two dwelling units on a lot in residential areas, there may be questions as to what exactly is a "dwelling unit?" In Carolina Beach's zoning ordinance a *dwelling unit* or *housing unit* is defined as: one or more rooms together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly or longer basis, and physically separated from any other housing unit which may be in the same structure, and containing permanent provisions for living, sleeping, eating, cooking, and sanitation facilities for not more than one family.

So by breaking down this definition the following must be included to be considered a dwelling unit:

1. Living
2. Sleeping
3. Eating
4. Cooking
5. Sanitation
6. Physical separation between units

If one or more of these aspects are missing then you no longer have a dwelling unit, right? Well yes, but how do you define each one of the aspects. Carolina Beach's and many other municipalities define a dwelling unit in a similar fashion. Also similar to Carolina Beach other municipalities do not define each individual aspect of a dwelling unit. For example, how do you define a kitchen? When most coastal municipalities are questioned

they point to the 220 current for the stove, but if you add this into a definition then someone could have a full kitchen and all other aspects of a dwelling unit without being considered a dwelling unit!

What typically happens is each unit is reviewed by staff to determine if it is manifestly arranged as a separate unit. For instance, if it looks like accommodations for all aspects of a dwelling unit are there, then staff would call it a dwelling unit. There was concern at the December Town Council meeting about leaving this discretion up to staff. Time for more questions!

Question #6

**SHOULD CAROLINA BEACH REDEFINE A DWELLING UNIT?**

Question #7

**SHOULD CAROLINA BEACH SPECIFICALLY DEFINE ALL ASPECTS OF A DWELLING UNIT?**

Question #8

**IF YOU ANSWERED YES TO 6 OR 7 PLEASE PROVIDE HOW THESE TERMS SHOULD BE DEFINED:**

Dwelling unit

Living

Sleeping

Eating

Cooking

Sanitation

Physical separation between units

### **ACCESSORY BUILDINGS**

First it needs to be clear to all as to the difference between an accessory building and an accessory dwelling unit? As defined by the zoning ordinance:

*Accessory use, structure or building:* A use or *structure* on the same *lot* with, and of a nature customarily incidental and subordinate to, the principal use or structure.

See [appendix #3](#) to view the current regulations on accessory use, structure or buildings. Basically, accessory buildings are limited on height; size in comparison with what is allowed for the principal structure; and shall not allow for human habitation. Based on these regulations the intent was to limit accessory buildings to things like detached garages and storage sheds. It should be noted that the standard for accessory structures were reviewed and adopted as recently as February 10, 2009. Knowing all this it is time for another question.

Question #6

**WOULD YOU SUPPORT CHANGES TO OUR CURRENT ZONING ORDINANCE TO ALLOW SPACE FOR HUMAN HABITATION IN ACCESSORY BUILDINGS?**

Staff would consider any part of a “*dwelling unit*” as space for human habitation.

If you answered yes to the above, please answer the next two questions. If you answered no, please skip these two questions.

Question #7

**WHAT PARTS OF A DWELLING UNIT WOULD YOU SUPPORT ALLOWING IN THE ACCESSORY BUILDING? CHECK**

**ALL THAT YOU SUPPORT.**

- Living
- Sleeping
- Eating
- Cooking
- Sanitation
- Support Garage apartments that contain all aspects of a dwelling unit.

Question #2

**WHERE WOULD YOU SUPPORT ALLOWANCES FOR HUMAN HABITATION IN ACCESSORY BUILDINGS? CHECK**

**ALL THAT YOU SUPPORT?**

- R-1
- R-1B
- R-2
- R-3
- MH
- MX
- MF

Although present and past Town Councils have tried to preserve the R-1B, R-2, and R-3 areas as single family, these zoning districts seem to be the ones that are constantly being looked at for adding in more density. R-2 and R-3 do have the larger lots that would make them ideal for accommodating an accessory dwelling unit allowance, but does the Town want to change the character of these areas? They were designed as separate zoning districts to allow for a different housing option from within the community.

Creating the different zoning districts gives property owners choices about what type of area they want to live in and what the expectations will be as to what will occur next door. For instance, we have been discussing removing allowances of vehicle oriented businesses from the more pedestrian oriented CBD. Just like the CBD would not be a good zoning district to locate a drive thru establishments, the R-3 may not be the place for multiple units. The memo in appendix 1 is dedicated to reviewing the allowances in single family neighborhoods. At the end staff gives recommendations against changing these areas for the following reasons:

1. Changing the character of the Town's single family residential areas is not supported by the 2007 Land Use Plan.
2. The citizens that own property in the R-3 area bought in that location with the expectation that they were buying land or homes in a neighborhood that would remain single family on 12,000 sq. ft. lots.
3. There is still land to build in Carolina Beach that supports two plus family homes on small lots. Many of these areas are designed to accommodate affordable housing (i.e. large MH districts).
4. Creating more density in the R-3 area would lead to higher build out scenarios for the Town which results in more need for services (i.e. police, fire, water, sewer, trash, etc.). The wastewater treatment plant is of particular concern as several upgrades are in progress today just to keep up with the current density.
5. Reduces the variety/diversity of housing options in Carolina Beach. Without the R-3 all neighborhoods will be on lots approximately 5-7000 square feet.

## LAND USE PLAN REVIEW

Number of units allowed on a lot:

- The 2007 Land Use Plan states in policy 23 that “The Town will encourage moderate density (5,000 to 12,000 sq. ft. lots) single-family homes as the predominant housing form at Carolina Beach.” Fifty-one percent (51%) of the acreage and sixty percent (60%) of the residential lots in Carolina Beach allow for two-family development on one lot. Creating more two family lots in the existing single family neighborhood areas would be in direct conflict with this policy.

Density:

Preserving single family areas is emphasized in the general goals that introduce the policy statement for Carolina Beach where it states: **Retain the traditional character and density of single family neighborhoods.** Also policy 86(D) states: **The Town shall not approve any development or redevelopment that would degrade the small town character of the Town’s traditional single family districts.** The Town set the densities in R-3, R-2, and R-1B to allow one unit on a lot and this is supported again by the LUP.

What constitutes a dwelling unit:

The land use plan is silent concerning how a dwelling unit should be defined and also silent on allowances for accessory buildings. The land use plan does put single and two family dwellings in a different category than multi-family dwelling simply by defining multi-family units as a “triplex or greater.” The land use plan states that the R-1b, R-2, and R-3 areas are for “single family units only.” In R-3 lot sizes for single family dwellings are listed as no less than 12,000 square feet.

## DISCUSSION

**7:39 pm**

There was a general discussion regarding accessory dwelling housing units in the Town’s residential areas.

Planning Commission options/concerns:

- Flexibility within the definition of a single family dwelling unit to allow for creative design
  - o Ability to have more than one kitchen within the unit if there is an internal connection to the main dwelling
- Restricting the size of the accessory dwelling unit on the same lot
- Ensure that both structures are the same size and parking standards remain as is
- Two detached dwelling units be allowed by right
- No concerns about what form units take on a lot as long as the density is not exceeded

Mr. Ferguson options/concerns:

- To focus on a second family dwelling unit on the same lot
- To maintain the focus of the LUP, the Planning Department should possibly recommend the construction of two separate housing units on a lot, as opposed to duplex units
- The option of reducing the setbacks for two dwelling units on the same lot, or the option of reducing the setbacks for all residential zoning districts
- The ability of homeowners

The commission, by consensus, agreed to hold a joint workshop with the Town Council at the March P&Z meeting, to discuss the options provided by staff.

## MOTION TO ADJOURN

**9:27 pm**

Commissioner Efirm made a motion to adjourn the meeting. **Motion passed unanimously (6-0).**