

**Surf City Planning Board
November 8, 2018**

Members Present:

Larry Bartholomew, Chairman
Rick Benton
Renee Rhodes
Gary Cavanaugh
Jimmy Campbell
Steve Pasquantonio
Chuck Strickland

Town Staff:

Mike Dickson, GIS Technician
Steve Padgett, Building Inspector
Patricia Arnold, Administrative Assistant
Teresa Batts, Council Liaison
Jeff Johnson, Police Captain
Allan Libby, Tourism Director

Others Present:

David Ward
Mo Afify
Anita Afify
Marcus Norton
Janet Norton

- A. Call to Order- Chairman Bartholomew**
- B. Approval of Minutes – October 15, 2018**

Mr. Campbell made a motion to approve the minutes. Mr. Cavanaugh seconded the motion and it carried.

- C. Zoning Text Amendment – Unbuildable Oceanfront lots.**

Mr. Dickson stated that there has been some confusion of late as to whether lots on the oceanfront can have decks and crossovers constructed on them if they do not have a home or other principal structure on the lot. The council has requested that we review and recommend an ordinance to clarify construction on these unbuildable for single family home lots.

Staff recommends approval of the following text amendment as reviewed by our Town Attorney to clarify uses allowed and add guidelines for construction on unbuildable oceanfront lots.

5.18 Unbuildable Oceanfront Lots

- 5.18.1** *Compliance.* Decks and crossovers shall be permitted provided that they meet all state, federal and the following local requirements:
- 5.18.2** *Permit required.* A deck or crossover shall not be permitted until a zoning permit and building permit have been approved.
- 5.18.3** *Size.* All decks and crossovers are limited to a single level. Uncovered decks are limited to 500 square feet and covered decks are limited to 200 square feet
- 5.18.4** *Parking.* A 24 foot wide access driveway may be constructed for the owner's access to the deck or crosswalk.

- 5.18.5 *Uses.* Property may not be used for construction of pools, overnight stays, RV hook-ups, or any commercial uses.
- 5.18.6 *Addressing.* Addresses shall be posted on the street side and the Oceanside of any deck structure.
- 5.18.6 *Lighting.* All lighting shall be located on the interior rails of the decking or under a roof structure. No lighting shall shine directly onto the beachfront.

Add the following definition:

Unbuildable Oceanfront Lot: Any lot that does not allow for the construction of a single family home under the CAMA regulations.

Mr. Norton, 1909 N Shore Dr, presented to the board an ordinance that he would like adopted. He stated that the original ordinance he had drafted in August of this year but a lot had been taken out and modified.

Unbuildable Oceanfront Lots

Action Requested: Amend the Town of Surf City Zoning Ordinance to allow a deck and/or crossover walkway to be permitted on an otherwise unbuildable oceanfront lots.

Background: On oceanfront lots deemed unbuildable by CAMA regulations, the Town of Surf City Zoning ordinance does not have decks and crossover walkways specified within the Table of Permitted Uses nor are there Supplemental District Regulations describing development standards.

Recommendation: Replace the initial draft with the following:

2.4 Application of district regulations.

Regulations for each district shall be enforced and interpreted according to the following rules:

- 1) *Permitted uses.* Uses are permitted by right.
- 2) *Conditional uses.* Uses are permitted subject to the additional conditions imposed and approved by the town council.
- 3) *Accessory structures* are permitted in all residential, commercial, and governmental zoning districts only if a principal structure has been constructed on the same lot, (see Section 4.19 Table of Permitted Uses – Accessory Building), except as provided in Section 5.18. All accessory structures shall maintain the same front yard set back setback (spelling correction) as the principal structure for the district in which they are constructed and meet all other requirements for accessory building setbacks as listed in there their (spelling correction) primary zoning district. Uses accessory to residential developments shall not involve the conduct of any business, trade, or industry except for home occupations as defined herein. Residential uses accessory to agricultural, business, and industrial district uses shall comply with all the provisions of the residential district.

3.4 Definitions.

Lot types:

* *Corner lot.* A lot located at the intersection of two (2) or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than one hundred thirty-five (135) degrees.

* *Interior lot.* A lot other than a corner lot with frontage on only one (1) street.

* *Through lot.* A lot other than a corner lot with frontage on more than one (1) street.

* ***Unbuildable Oceanfront lot.*** An oceanfront lot for which a principal structure cannot be permitted in accordance with standards within the CAMA regulations.

SECTION 5.0 SUPPLEMENTAL DISTRICT REGULATIONS.

5.18 Unbuildable Oceanfront Lot Structures – On an otherwise unbuildable oceanfront lot, a single deck, gazebo (commercial), and/or crossover walkway may be permitted as an Accessory Use (see Section 2.4.3) to a contiguous residential or commercial principal structure located on a contiguous lot including lots that would be contiguous except for a street separating the two lots and uses. Lots zoned residential may have such an accessory structure totaling up to 100 square feet of deck, or sheltered deck, and/or a pedestrian only walkway having up to 5 feet in width for beach access from the contiguous (including across a street) residential principal structure. Lots zoned commercial may have an accessory structure comprising up to 500 total square feet of deck, gazebo, and sheltered area, and/or a pedestrian only walkway having up to 5 feet in width for beach access from the contiguous (including across a street) commercial principal structure. That portion of the walkway that is built on the same plane as the deck structure shall be included in the calculation of total square feet of the deck structure. All lighting, both residential and commercial shall comply with Section 5.10 Outdoor Lighting. All activities associated with oceanfront lot structures and/or vehicles parked at such decks, shall comply with Article II Noise standards. Any noise emanating generally per Section 11-21 is unlawful, and noise declared unreasonably loud and disturbing per Sections 11-22 is prohibited between the hours of official sunset and sunrise. Noise standards are enforceable following normal Town of Surf City procedures as described in Section 11-26. Addresses for any structure permitted under this section shall be posted on the street side and the ocean side and attached in a prominently visible part of the structure. Any change that results in an unbuildable oceanfront lot structure permitted under this section to no longer meet the standards for an accessory use shall require the structure to comply with Section 7.0 Nonconforming Situations. On an unbuildable oceanfront lot that is not contiguous to a residential or commercial structure and therefore cannot permit an accessory use, may permit a pedestrian only crossover walkway having up to 5 feet in width for beach access.

Mr. Benton doesn't require or prohibit parking. He asked what if lot is vacant.

Mr. Norton stated that no, crossover but not deck. After house was built then deck could be built.

Mr. Padgett stated that what the Council brought was what CAMA regulations. Mr. Norton's is stricter.

Mr. Benton asked if the two decks that were built was it CAMA and town permitted

Mr. Padgett stated yes.

Mr. Ward asked if they had a second row house and sell the house what happens to the lot.

Mr. Norton said that it would become nonconforming.

Mr. Benton made a motion to table the amendment to allow time for the board to look at the proposed ordinance and to get recommendation from staff and town attorney. Mr. Pasquantonio seconded the motion and it carried.

D. Access Realty/A’N’A Builders Office Site Plan Approval

Owner:	Mohamad Afify
Agent:	Stroud Engineering
Acreage:	2.1
Project:	Access Realty/ A’N’A Construction
Proposed Use:	Office
Zoning:	C-3 Commercial
Location:	14223 Hwy 50/210
Stormwater:	State stormwater review

Mr. Dickson stated that the applicant is seeking site plan approval for an 11,900 square feet of total office space plus a 2400 square foot storage building. The use for the building is to provide office space for a realtor and building contractor. Parking lot connectivity will be constructed to the neighboring properties including Faith Harbor Church, the vacant tract toward s the water and the property in the rear.

Sidewalks will need to be reconstructed in a small portion as preexisting boardwalk exists for pedestrians in this area currently.

Landscaping, sidewalks, architecture, and lighting have all been designed in compliance with the town ordinances.

Turnarounds for the fire department are being provided for emergencies with a fire hydrant being added along the road frontage as well. Water and sewer can be provided via the existing utility lines in front of the property.

All departments completed tier review and found the site to be in compliance with the ordinances.

Staff recommends approval of this subdivision as it meets the requirements of the ordinance.

At the last meeting the question was asked how the metal storage building was going to look.

Mr. Afify stated that Todd had advised him that if he needed one element the same on both buildings, so he turned the siding so that they would look the same. Mr. Afify provided new drawings to show the storage elements better.

Mr. Campbell ask if they had to do anything special for the storage building since it was commercial.

Mr. Padgett stated that all engineered and plans were reviewed by all town departments.

Ms. Arnold read the zoning ordinance 4.4(C2) 5 that stated that all accessory buildings shall be of materials that are visually compatible in appearance with the principle structure.

Mr. Benton made a motion to approve the site plan. Mrs. Rhodes seconded the motion and it carried.

E. Adjourn

Mrs. Rhodes made a motion to adjourn. Mr. Benton seconded the motion and it was carried at 6:18 pm.

Larry Bartholomew, Chairman

Patricia Arnold, Administrative Assistant