



**CAROLINA BEACH**  
**Planning and Zoning Meeting Agenda**  
**Thursday, May 14, 2020 @ 6:30 PM**  
**Council Chambers**  
**1121 N. Lake Park Boulevard**  
**Carolina Beach, NC 28428**

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1. CALL TO ORDER	
2. APPROVAL OF MINUTES	
a. Consider Approving March 12, 2020 Meeting Minutes	2 - 8
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<p>Recommend to adopt the amendment that it is in accordance with provisions of North Carolina General Statute. It is consistent with goals and objectives of the adopted land use plan and other long range plans and in the public interest.</p>	
7. NON-AGENDA ITEMS	
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## **AGENDA ITEM**

Meeting: Planning and Zoning - 14 May 2020

Prepared By: Andrea Deopp-Norris

Department: Planning

### **Consider Approving March 12, 2020 Meeting Minutes**

**BACKGROUND:** Review and consider approving the meeting minutes from March 12, 2020.

**ATTACHMENTS:** [P&Z Mtg 3.12.20 \(A&B\)](#)

# CAROLINA BEACH

Planning and Zoning Commission Meeting Minutes  
 Thursday, March 12, 2020 @ 6:30 PM  
 Council Chambers  
 1121 N. Lake Park Blvd  
 Carolina Beach, NC 28428

## **ASSEMBLY**

A Planning and Zoning Commission was held on Thursday, March 12, 2020, at 6:30 PM at Council Chambers.

PRESENT: P&Z Chairman Keith Bloemendaal, P&Z Commissioner Wayne Rouse, P&Z Commissioner Melanie Boswell, P&Z Commissioner Deb LeCompte and P&Z Commissioner John Ittu.

ABSENT: P&Z Commissioner Mike Hoffer and P&Z Commissioner Jeff Hogan.  
 ALSO PRESENT: Director of Planning & Development Jeremy Hardison.

### **1. CHAIRMAN BLOEMENDAAL CALLED THE MEETING TO ORDER**

### **2. APPROVAL OF MINUTES**

a. Planning and Zoning – February 13, 2020 – Meeting Minutes.

#### **ACTION:**

Commissioner Rouse made a motion to approve the minutes.  
 Commissioner LeCompte seconded, all were in favor (5-0).

### **STAFF REPORT ON RECENT COUNCIL MEETINGS & ON RECENT DEVELOPMENTS**

Town Council –

- CUP – 1230 LPBN – Bryant Real Estate PUD – (5-0) In Favor.
- CUP – 1012 LPBS – Ralph Roof PUD – (5-0) In Favor.

#### **Permitting**

- 43 Permits (renovation, repair, grading, additions, fence)
- 6 Residential New Construction
- 5 Certificates of Occupancy
- 3 Demos

#### **Code Enforcement**

- 16 Complaints Received
- 10 Resolved

#### **New Businesses**

- Carolina Surf Brand – 8 Pavilion Unit 7
- RW Mason Roofing – 1309 Bridge Barrier
- Bojangles officially submitted an application

#### **Up Coming –**

- North Carolina King Tide Event
- CENSUS 2020 – Make Carolina Beach Count!

### 3. DISCUSSION ITEMS

- a. Consider a Conditional Use Permit located at 522 N. 7<sup>th</sup> St for a 12-unit Residential Planned Unit Development Applicant: Marlow Development

Chairman Bloemendaal recused himself – conflict of interest – his company was to be hired for part of the construction. Commissioner LeCompte (Vice Chairman) stepped in for the Chairman.

Mr. Murphy reported on the CUP for 522 N 7<sup>th</sup> St 12 Units – Residential Planned Unit. Design - landscaping buffer has been met – drive aisles and parking meet standards for zoning requirements and fire access – open space (76.62%) and lot coverage (23.68%) requirements are met – state stormwater permit required – all units meet 15' minimum separation requirements 15.5' is the smallest separation – all units are 3-4 bedrooms and provide the minimum of 3 required parking spaces per unit.

#### General conditions –

- 1- The density falls within the standard R-1 density requirements and the proposed structure follows the setback requirements.
- 2- The proposed CUP meets all required conditions and specifications.
- 3- The proposed structure/use will conform with the neighboring properties.
- 4- The desired Future Land Use of the Residential 1 are includes a predominance of single-family and duplex units. Lot coverage will not be allowed to exceed 40%. Provision of infrastructure to undeveloped and un-served areas will be the expense of the developer.

#### Specific standards –

- 1- Ingress and egress will remain via N. 7<sup>th</sup> Street - The design will accommodate 2-way traffic and sufficient parking for each townhome - A 4' wide sidewalk is requested to be installed on either side of the drive aisle along 7<sup>th</sup> Street.
- 2- Parking will be contained on the property.
- 3- Trash will be collected via standard residential manner.
- 4- Utilities will be provided by Duke and the Town as they are already existing through the access easement - State stormwater permit is required.
- 5- A 10' landscape buffer is required for this type of development.
- 6- No signage is proposed at this time and any signage will have to meet all standards zoning requirements in the future.
- 7- There is no required yard or open space beyond general zoning standards for a residential PUD - Minimum of 15' between structures - Minimum of 25% of open space - Below maximum of 40% lot coverage.

\*The requirement for a side setback is actually 10' due to the landscape buffer requirement. This is stricter than the general zoning district requirement\*

Staff Recommendation - Staff recommends the approval of the proposed Business CUP with the inclusion of a 4' sidewalk extension along the 7th street Right of Way.

Commissioner Rouse asked if TRC has seen this. Mr. Murphy replied yes, that is why we recommend it.

Commissioner Boswell asked about the setbacks. Mr. Murphy explained sidewalks are not required other than 7<sup>th</sup> St.

Commissioner LeCompte made a motion to open the public hearing. All were in favor.

Susan Keelin representing attorney, introduced the applicant Quinn Marlow.

Quinn Marlow solely owner and operator of Marlow Construction - Power Point of his project -

- Solely owned and operated by Quinn Marlow. Based in Carolina Beach.
- We build spec and custom homes.
- We build a wide variety of price ranges.
- Went to school for Hospitality and a Masters in Business Administration.
- Strong reputation of building well built houses and having great relationships with our clients and buyers.
- We engineer all our buildings
- Registered Architect Hart Marlow (brother) is the designer that is based out of Brooklyn NY
- Contemporary design that creates a home not just a house.
- Investors are other professionals in the industry.

Impact on the Community –

- Based and live on the Island.
- Use local sub-contractors on the island and in Wilmington - Electrical contractor CB - Plumbing contractor CB - Roofing contractor CB
- Use local services to conduct business - Real estate attorney - Financial team - Nest Realty - Engineer professional - Surveyor
- Use local material sourcing.

Currently under construction in Carolina Beach – with photos of all and future projects -

- 213 South 4th Ave Kure Beach Units 1 and 2
- 217 South 4th Ave Kure Beach Units 1 and 2
- 803 South 6<sup>th</sup> Street Carolina Beach Units 1 and 2
- 517 Sumter Ave Carolina Beach Units 1 and 2
- 519 Sumter Ave Carolina Beach Units 1 and 2

Commissioner Ittu asked how many different designs will there be. Mr. Marlow replied there are 3 designs.

Commissioner Boswell asked about the driveways. Mr. Marlow replied they will be concrete.

**Public that spoke for and against -**

- Patricia Keenan resides at 406 Oceana Way and is an agent for Nest Real estate. She is all for this project, regarding public safety she doesn't feel this will be an issue.
- Ward Sinor is against this project.
- Inaudible - lives at 520 7<sup>th</sup> St and is against this project and feels this is a safety risk and asked will there be rentals. Doesn't feel this is in harmony, feels it will have a great impact on price of the houses in the neighborhood.
- Inaudible – lives at 104 Island Palms Dr is against this project.
- Val – lives at 108 Old Marineers Way asked were there any studies done – traffic or environmental. Will there be off street parking – Mr. Marlow replied not planning on that. She asked about the pond/stormwater – Mr. Marlow stated it will be contained on site. Wanted to know the proposed price for the units and will they have decks. Mr. Marlow replied, 3 bedroom homes from \$390,00 - \$400.00 and yes there will be decks. She is concerned with ingress/egress, traffic, the possibility of vacation rentals. Mr. Marlow stated there is no regulation, but this is going to be an HOA.
- Matt – lives at 108 Old Marineer Way he is concerned about the traffic and the safety issues.
- Skip Sprague – lives at 102 Island Palms Dr. He's not against the development but is against the Multi-units. Feels the traffic will be an issue and feels there are not enough parking spaces. He bought his home because it's quiet.
- Inaudible – She is concerned with the possibility of short-term rentals, homes like this could devalue the neighborhood.
- Keith Boswell – lives at 107 Island Palm Dr. Feels this is not in harmony and agrees with the rest of the speakers.

- Todd Piper – lives at 415 Clarendon. Regarding the LUP, HOA’s they can’t prevent owner from doing anything other than if there is an ordinance in place.
- Karen Graybush – lives at 518 Sumter and lives across from where Mr. Marlow is developing and is happy with his building.
- Ethan – Feels this is not in harmony and should not be granted.
- Susan Keelin, Mr. Marlow’s attorney wanted to address some issues that were brought up.
  - Mr. Marlow understand the concerns.
  - Development could be longer.
  - Regarding the LUP – height and density is consistent
  - 11,000 Ft Print – 22,000 (2 story)
  - Single Family – R1 (High Density)
  - Mr. Marlow is willing to discuss any concerns regarding this project.
  - Reiterated what Karen Graybush had to say about the quality of Mr. Marlow’s work.

Commissioner LeCompte made a motion to close the public hearing. All were in favor.

**Commissioners Discussion -**

Commissioner Boswell asked who owns the property. They won’t be able to take ownership until this had been approved. She asked for the definition of a CUP. Mr. Murphy replied this type of permit requires extra review by staff and Town Council. She is concerned this is not in harmony, public safety with the narrow ingress/egress, possible flooding to the adjacent property owners.

Commissioner Rouse feels he can’t support this because it is not in harmony.

Commissioner Ittu stated the development has increase on the island as well as the traffic. Ingress/egress is not in harmony with the neighborhood.

Commissioner LeCompte added she can’t see this fitting in.

**ACTION:** Commissioner Rouse made a motion to deny the CUP as it fails to sufficiently meet the general condition that it is not in harmony with the surrounding area. All were in favor to deny (4-0).

b. CAMA Land Use Plan Draft Review

Mr. Hardison gave an overview of the suggested changes he’d heard for the proposed Land Use Plan and reviewed the process for getting to the current draft. He said based on direction tonight, he would get back to the consultant to incorporate those changes into a new draft that would go before Town Council.

Mr. Hardison said the latest draft included language to indicate the goal is to reduce nonconformities but also respect existing zoning. He said if a nonconforming structure is destroyed by something out of the property owner’s control, such as wind or fire, the owner can rebuild what was there.

Mr. Hardison stressed that the Land Use Plan is a guidance document that does not require zoning to automatically change, but he emphasized that the Land Use Plan map would be taken into consideration for future rezoning decisions. He said only Town Council, or a property owner can petition to rezone property, not a third party.

Much of the discussion centered around the Land Use Plan map for the Canal Drive area. The current draft calls for low-density residential in that area, but current zoning is medium density. Chairman Bloemendaal said the area should remain medium density for future uses. He questioned why changes would be necessary for an area that is primarily already built out. Mr. Hardison said there were concerns about flooding that led to the low-density classification in the Land Use Plan.

Commissioner Rouse asked whether classifying the area low-density in the Land Use Plan would make existing uses nonconforming. Mr. Hardison said if the zoning was changed to reflect the Land Use Plan, then existing properties would become nonconforming. Commissioner Rouse said this opens up concerns about insurance and financing. He said he doesn't want to change the Land Use Plan map to something that is not reflective of what is there today when the area is almost built out.

Commissioner Boswell asked whether the area could remain medium density on the Land Use Plan map. She said changing to low density is trying to go back and do something that should've been done 30 years ago. Mr. Hardison asked if this was a majority consensus. Several Commissioners said yes.

Chairman Bloemendaal said he has concerns about the entire Land Use Plan map. He said he is not in favor of what he considers sweeping changes for many areas, including making Wilmington Beach low density.

Commissioner Rouse said he has had numerous residents approach him to ask why the Land Use Plan is changing so much. Chairman Bloemendaal and Vice Chairman LeCompte said they have had the same experience.

The next area that Mr. Hardison mentioned was Wilmington Beach west of Bonito Lane. The current draft of the Land Use Plan map classifies this area as low density. Chairman Bloemendaal said he thinks this changes the harmony of the area and isn't sure where that suggestion originated. Mr. Hardison said it likely stemmed from a suggestion made during an open house. It was the consensus of Commissioners to leave the area as it is.

The next area of discussion was the Central Business District. Chairman Bloemendaal said the Town has worked hard over the past 20 years to build that area and it's now thriving, so it should be left alone. Commissioner Rouse said with two classifications a lot of properties would need to be changed, and he questioned why two classifications would be necessary. It was the consensus of Commissioners to leave the area as it is.

Mr. Hardison mentioned the dividing line between classifications on Sumter Avenue as another area of concern. Chairman Bloemendaal said he is not in favor of changing that and had heard the same from multiple residents in that area.

Commissioner Rouse asked why there are two classifications so close to each other in the area near the lake. He said he thinks the Town would be short-sighted by not offering mixed use because without it the only thing the properties in that area can be is what they are now. He said having mixed use would open up possibilities for the future and give more options without taking away from a property owner.

The next area of discussion was the Gateway Corridor Overlay. Mr. Hardison said this area was proposed to make the Lake Park Boulevard corridor look nicer and beautify the area once it's redeveloped. Chairman Bloemendaal said the document mentions unified aesthetics while also wanting to retain the quirky factor of the Town, and he said you can have quirky and unified aesthetics at the same time and doesn't see how that works with what we already have, including The Fat Pelican.

Chairman Bloemendaal said pushing buildings to the front and putting parking in the rear does not fit in with the Highway Business District. Commissioner Rouse said he agreed. Commissioner Ittu said these decisions should be driven by the market and what a property owner wants to do. This was the consensus of Commissioners.

Chairman Bloemendaal also mentioned some language centered on restricting development in the flood-prone area. He said he does not like that language but doesn't necessarily have a problem with the statement. He said he doesn't want to restrict someone on their private land but is not opposed to encouraging the Town to purchase land to turn into conservation area. Mr. Hardison said the policy statement could be reworded. It was the consensus of Commissioners that the current language is too prohibitive.

Chairman Bloemendaal asked whether the document would come back to Commissioners again. Mr. Hardison said it was up to them. Chairman Bloemendaal said they should see a new draft with changes before the next meeting in April so they can formally vote on whether to recommend approval of the Land Use Plan to Town Council.

Chairman Bloemendaal opened the floor for public comment.

Thomas Tucker said he appreciated all the work that went into the Land Use Plan and is pleased with it.

Todd Piper said he would like to see the Sumter Avenue area stay the same as what's there now. He said the line that is currently there splits single-family homes and duplexes and asked why would this be changed when single-family homes have always been there. Commissioner Rouse said people in that area were upset about the proposed change. Mr. Murphy said it is easier to divide along a line owned by the public, such as a road, rather than on private property. An unidentified woman said it would be better if harsh lines that break through communities were corrected. She said straight lines are easy but not necessarily right.

Ethan Crouch said most of the comments from tonight were acceptable to him with one exception: changes to the Central Business District. He said he had concerns about the T-1 classification allowing for 10-story hotels and wanted support for trying to protect the small-scale nature of the area. He said the Land Use Plan is supposed to reflect the future of the area and that this is an opportunity to get the document to conform with the desires of the community. He recommended leaving the Central Business District alone.

Commissioner Rouse asked for specifics about the rest of the process. Mr. Hardison said he will get together with the consultant to make changes, and the document with changes highlighted will come back before Commissioners for discussion at the April meeting, where there would be a public hearing and then a vote on a recommendation to Town Council. Vice Chairman LeCompte asked Town staff to make sure the public knows there have been updates.

#### **4. ADJOURNMENT**

Chairman Bloemendaal made a motion to adjourn at 9 PM. Motion passed unanimously.





## AGENDA ITEM

Meeting: Planning and Zoning - 14 May 2020

Prepared By: Gloria Abbotts

Department: Planning

### **Text Amendment: Amend Article III Sec. 40-72. – Table of Permissible Uses, Article IX Sec. 40-261. – Development Standards for Particular & Article XVIII Sec.40-548. – Definitions to consider a registration program for short-term rentals**

<b>BACKGROUND:</b>	Based on Room Occupancy Tax data received from New Hanover County, there are 1,007 active Short-Term Rentals in Carolina Beach. The Town will track short-term rentals through the use of a registration program. The purpose of this ordinance is to easily identify which structures should be paying occupancy taxes and make sure property owners are aware of current regulations.
<b>BUDGET IMPACT:</b>	There will be a \$25 fee associated with the registration.
<b>ACTION REQUESTED:</b>	Recommend to adopt the amendment that it is in accordance with provisions of North Carolina General Statute. It is consistent with goals and objectives of the adopted land use plan and other long range plans and in the public interest.
<b>COMMITTEE RECOMMENDATION:</b>	Staff recommends that the proposed ordinance be adopted as written with no additional changes or restrictions.
<b>ATTACHMENTS:</b>	<a href="#">CB - STR Ordinance Draft 4</a> <a href="#">STR Application Draft 2</a> <a href="#">STR Ordinance PPT</a>

LeAnn Pierce  
Mayor  
  
Steve Shuttleworth  
Council Member  
  
Lynn Barbee  
Council Member



Jay Healy  
Mayor Pro Tem  
  
JoDan Garza  
Council Member  
  
Bruce Oakley  
Town Manager

**Town of Carolina Beach**  
1121 N. Lake Park Blvd.  
Carolina Beach, NC 28428  
Tel: (910) 458-2999  
Fax: (910) 458-2997

**Short-Term**

**Rental(s)**

**ORDINANCE NO \_\_\_\_\_**

**Amend Article III Sec. 40-72. – Table of Permissible Uses, Article IX Sec. 40-261. – Development Standards for Particular & Article XVIII Sec.40-548. – Definitions**

**Article III  
Sec. 40-72. - Table of permissible uses.**

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
<b>Accessory Uses</b>														
<u>Short-Term Rental (STR) see article IX</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

**Article IX  
Sec. 40-261. - Development standards for particular uses.**

(hh) Short-Term Rental (STR).

GENERAL

The purpose of this ordinance is to track short term rentals (STRs) to ensure collection of room occupancy tax and ensure STRs are aware of current regulations.

Procedures and rules relevant to the quantification and tracking of STRs:

- 1) ADMINISTRATION The following procedures shall act as the registration requirements for STRs operating in Town:
  - a) Registration
    - i) Any rental which is available for a rental period of less than 31 days shall register as an STR. This shall be an annual registration for each property offered for short-term rental.
    - ii) The length of stay must be a minimum of one full night or 24 hours.
    - iii) The property owner(s) shall register an STR.
    - iv) STRs shall register with New Hanover County for Room Occupancy Tax.
    - v) The registration fee is defined in the town’s annually adopted rates and fee schedule.
    - vi) The annual STR registration fee is due on July 1 of each year. A renewal form will be mailed to all registered STRs prior to the expiration of the current registration.

- b) Display of Registration Number
  - i) Upon registration, the New Hanover County Room Occupancy Tax Registration number shall be provided by the applicant for their STR
  - ii) This number shall be clearly displayed on any rental advertisement for the STR
- 2) REQUIREMENTS
  - a) At no time shall the operation of an STR alter or change the unit density.
  - b) Homestays are allowed as long as interconnectivity remains. At no time shall a room being used as an STR be physically restricted, by locking of doors or altering of internal layout, from accessing the rest of the dwelling it is located in as this action creates an additional unit.
  - c) Parking for the STR must be fully contained on property and be consistent with the permitted use of the property, i.e. a 3-bedroom home requires three 9'x18' parking spaces in accordance with Sec. 40-150.
  - d) Refuse
    - i) The town shall not be responsible for the picking up of garbage and refuse on the ground around containers not properly kept.
    - ii) Such litter must be picked up and placed in the garbage containers, and if sufficient containers are not available, the owner must provide such containers in accordance with section 26-5.
  - e) Must comply with Chapter 18 Article V. Noise Control Ordinance.
- 3) ENFORCEMENT Failure to meet regulations in Sec. 40-261 is enforceable by Chapter 40 Article XV. Administration, Enforcement and Review.

**Article XVIII**

**Sec. 40-548. - Definitions.**

Guest (STR) means the person(s) renting a residential dwelling unit, a room or a vessel for compensation for fewer than thirty-one (31) consecutive days.

Owner means the owner of record of the property as recorded with the New Hanover County Register of Deeds.

Registration number means the authorization number provided to the applicant by New Hanover County upon registration of a short-term rental.

Short-Term Rental (STR) means the rental of residential property for vacation, leisure, recreation, or other purposes to guests not to exceed thirty-one (31) consecutive days.

Homestay means the rental of individual bedrooms within a dwelling unit that serves as a host's principal residence, that provides lodging for pay, for a maximum of thirty-one (31) days, that does not include serving food, and to which the definition of family does not apply. Interconnectivity must be maintained within a unit operating as a homestay.

Whole House Rental means the rental of an entire dwelling unit that provides lodging for pay, for a maximum continuous period of thirty-one (31) days, and does not include the serving of food.

Adopted this 9<sup>th</sup> day of June, 2020.

\_\_\_\_\_  
LeAnn Pierce, Mayor

Attest: \_\_\_\_\_

Kimberly Ward, Town Clerk



Permit # \_\_\_\_\_  
Received \_\_\_\_\_

**TOWN OF CAROLINA BEACH**

1121 N. Lake Park Boulevard  
Carolina Beach, North Carolina 28428  
910-458-8218

**Short-Term Rental Registration**

A **Short-Term Rental:** Applicants must submit this completed form to The Town of Carolina Beach Planning Department for approval for any of the following:

- When a Short-Term Rental is first established
- When it is time for the annual renewal
- When a full or partial change to the structure, units, or rooms rented occurs and changes the STR
- When the number of rooms or units used as STRs increases

Full procedures related to STRs may be found in Chapter 40 – Zoning – Article 18 of the ToCB Ordinances

New    Renewal    Adding a room/unit

**Rental Property Address:** \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Property Owner's Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

New Hanover County ROT Tax #: \_\_\_\_\_

Areas for Rent – Rooms: \_\_\_\_\_ Units: \_\_\_\_\_ Entire Residence: \_\_\_\_\_

**Please Print**

***I, \_\_\_\_\_, the undersigned applicant, am applying for a Short-Term Rental Registration at the location of \_\_\_\_\_.***

***I hereby acknowledge the conditions for operating a short-term rental and will adhere to the following regulations:***

- a) At no time shall the operation of an STR alter or change the unit density.
- b) Homestays are allowed as long as interconnectivity remains. At no time shall a room being used as an STR be physically restricted, by locking of doors or altering of internal layout, from accessing the rest of the dwelling it is located in as this action creates an additional unit.
- c) Parking for the STR must be fully contained on property and be consistent with the permitted use of the property, i.e. a 3-bedroom home requires three 9'x18' parking spaces in accordance with Sec. 40-150.
- d) Refuse
  - i) The town shall not be responsible for the picking up of garbage and refuse on the ground around containers not properly kept.
  - ii) Such litter must be picked up and placed in the garbage containers, and if sufficient containers are not available, the owner must provide such containers in accordance with section 26-5.
- e) Must comply with Chapter 18 Article V. Noise Control Ordinance.
- f) Must comply with all other Town, State, and Federal Regulations for the operation of a short-term rental.

I accept the conditions under which I am being allowed to operate a short-term rental in the Town of Carolina Beach.

\_\_\_\_\_  
*Signature of Owner* *Date*

**PLEASE DO NOT WRITE BELOW THIS LINE**

\*\*\*\*\*

**Zoning Administrator** \_\_\_\_\_ *Date* \_\_\_\_\_

*Comments:* \_\_\_\_\_ *Cost \$* \_\_\_\_\_

**Building Inspector** \_\_\_\_\_ *Date* \_\_\_\_\_

*Comments:* \_\_\_\_\_ *Cost \$* \_\_\_\_\_

**Total fees \$** \_\_\_\_\_ **4.22.20**



Text Amendment:  
Amend Article III Sec. 40-72. – Table of Permissible  
Uses, Article IX Section 40-261 & Article XVII. –  
Development Standards for Particular Uses to  
consider a registration program for short-term  
rentals

MAY 14<sup>TH</sup>, 2020

# Background

- 1,007 Active Short-Term Rentals in Carolina Beach
- Tracking Short-Term Rentals through the use of a registration program
- Easily identify which structures should be paying ROT



# Article III

## Sec. 40-72. - Table of permissible uses.

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Accessory Uses														
Short-Term Rental (STR) <u>see article IX</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P

# Article IX

## Sec. 40-261. - Development standards for particular uses.

- (hh) Short-Term Rental (STR).
- GENERAL
- The purpose of this ordinance is to track short term rentals (STRs) to ensure collection of room occupancy tax and ensure STRs are aware of current regulations.
- Procedures and rules relevant to the quantification and tracking of STRs:
- ADMINISTRATION The following procedures shall act as the registration requirements for STRs operating in Town:
  - Registration
    - Any rental which is available for a rental period of less than 31 days shall register as an STR. This shall be an annual registration for each property offered for short-term rental.
    - The length of stay must be a minimum of one full night or 24 hours.
    - The property owner(s) shall register an STR.
    - STRs shall register with New Hanover County for Room Occupancy Tax.
    - The registration fee is defined in the town's annually adopted rates and fee schedule.
    - The annual STR registration fee is due on July 1 of each year. A renewal form will be mailed to all registered STRs prior to the expiration of the current registration.
  - Display of Registration Number
    - Upon registration, the New Hanover County Room Occupancy Tax Registration number shall be provided by the applicant for their STR
    - This number shall be clearly displayed on any rental advertisement for the STR

## REQUIREMENTS

- At no time shall the operation of an STR alter or change the unit density.
- Homestays are allowed as long as interconnectivity remains. At no time shall a room being used as an STR be physically restricted, by locking of doors or altering of internal layout, from accessing the rest of the dwelling it is located in as this action creates an additional unit.
- Parking for the STR must be fully contained on property and be consistent with the permitted use of the property, i.e. a 3-bedroom home requires three 9’x18’ parking spaces in accordance with Sec. 40-150.
- Refuse
  - The town shall not be responsible for the picking up of garbage and refuse on the ground around containers not properly kept.
  - Such litter must be picked up and placed in the garbage containers, and if sufficient containers are not available, the owner must provide such containers in accordance with [section 26-5](#).
- Must comply with Chapter 18 Article V. Noise Control Ordinance.
- ENFORCEMENT Failure to meet regulations in Sec. 40-261 is enforceable by Chapter 40 Article XV. Administration, Enforcement and Review.

# Article XVIII

## Sec. 40-548. - Definitions.

- Guest (STR) means the person(s) renting a residential dwelling unit, a room or a vessel for compensation for fewer than thirty-one (31) consecutive days.
- Owner means the owner of record of the property as recorded with the New Hanover County Register of Deeds.
- Registration number means the authorization number provided to the applicant by New Hanover County upon registration of a short-term rental.
- Short-Term Rental (STR) means the rental of residential property for vacation, leisure, recreation, or other purposes to guests not to exceed thirty-one (31) consecutive days.
- Homestay means the rental of individual bedrooms within a dwelling unit that serves as a host's principal residence, that provides lodging for pay, for a maximum of thirty-one (31) days, that does not include serving food, and to which the definition of family does not apply. Interconnectivity must be maintained within a unit operating as a homestay.
- Whole House Rental means the rental of an entire dwelling unit that provides lodging for pay, for a maximum continuous period of thirty-one (31) days, and does not include the serving of food

# Staff Recommendation

- Staff recommends that the proposed ordinance be adopted as written with no additional changes or restrictions.