



CAROLINA BEACH
Planning and Zoning Meeting Agenda
Thursday, December 13, 2018 @ 6:30 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

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CAROLINA BEACH

Planning and Zoning Minutes
Thursday, November 8, 2018 @ 6:30 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Planning and Zoning was held on Thursday, November 8, 2018 at 6:30 PM at Council Chambers.

PRESENT: Keith Bloemendaal, Deb LeCompte, Mike Hoffer, Jerry Kennedy, Wayne Rouse, and Melanie Boswell

ABSENT:

ALSO PRESENT: Assistant Director of Planning & Zoning Jeremy Hardison and Assistant Town Manager Ed Parvin

. CALL TO ORDER

Meeting was called to order at 6:30 p.m. by Chairman Bloemendaal.

. APPROVAL OF MINUTES

a. Planning and Zoning - August 9, 2018 Meeting Minutes.

Commissioner LeCompt made a motion to approve the minutes.
Commissioner Rouse seconded, all were in favor (6-0).

. STAFF REPORT ON RECENT COUNCIL MEETINGS

Mr. Parvin reported on the most recent Town Council Meeting which is coming up on November 13, 2018. There aren't any items on the agenda from the Planning Department, due to the Hurricane, we haven't had any meeting since August.

. STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Hardison reported on the most recent activities in the Planning and Development Department.

. Public Comment

No one signed up for public comment.

. PUBLIC DISCUSSION

a. Conditional Use Permit: Conditional Use Permit at Carolina Beach Marina and Yacht Club to operate a floating bar located at 401 Marina St. Pin # 313115.64.8036.000 Applicant: Carolina Beach Yacht

Club and Marina

Mr. Hardison reported on the CUP for Carolina Beach Yacht Club and Marina. This will be for an expansion for a barge and boat docks as well as adding an on premise bar for alcoholic beverages. Existing uses at this time are a 69 boat slip marina, store and a residential unit above the store, fueling and an existing off-site 56 space parking lot.

The applicant, Carolina Beach Yacht Club and Marina, is requesting a Conditional Use Permit (CUP) to add on premise alcohol at the marina. Carolina Beach Yacht Club and Marina, formally Joyner Marina and Oceana was recently purchased. The Marina is located at 401 Marina St. and is in the MB-1 zoning district. The property currently has a two-story building that contains an office, retail and a residential unit. There are 69 existing wet boat slips associated with the marina. [The applicant would like to install a 40' x 120' barge on the east of the existing fuel docks to expand the marina store to the barge and erect a 40' X 16' building that will contain a concession stand, dockhand office, retail and a horseshoe bar that will provide hot dogs, sandwiches, beer and wine.](#) An establishment that is serving on-premises alcohol that is not a standard restaurant is classified as a bar. Bars can be approved under a Conditional Use Permit in the MB-1 zoning district. The barge will be register as a vessel with the NC wildlife. The applicant is also expanding the fuel docks by 160' X 12' to the north and will provide two more additional gas fuel dispensers. The existing building will be utilized as an office and storage with an existing residential unit above. The property is located in a flood zone.

Specific standards. Applicant must make provisions for:

(1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

No change is proposed to access the lot. There is an existing drive to get to the marina and an additional approved parking lot inside the gate of Oceana Subdivision that accommodates the boat slips. They are proposing to access 13 newly designed parking spots off the connector road between Florida Ave and Georgia Ave. This area is designated as an access easement right-of-way as shown on the attached easement plat.

(2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

The required parking is provided below

Parking requirements

Existing Boat Slips – 69, 1 per boat slip = 69 spaces

Proposed retail space – 320 sq. ft., 1 per 200 sq. ft. = 1.6

Eating & Drinking Establishment - 320 sq. ft. of inside, 1 per 110 = 2.9

2,600 sq. ft. outdoor, 1 per 220 sq. ft. = 11.8 spaces

One residential unit - 1,200sq. ft. = 1 per 1,000sq. ft. = 1.2

Office space - 600 sq. ft., 1 per 300 sq. ft. = 2

Existing retail in building - 933 sq. ft., 1 per 200 sq. ft. = 4.7

Existing parking = 81 spaces

Proposed additional parking = 93.2 spaces = 94 spaces

Total parking provided = 95

(3) Refuse and service area, with particular reference to the items in (1) and (2) above;

Trash and recycling containers will service the site and will be enclosed.

(4) Utilities, with reference to locations, availability, and compatibility;

The new building will connect to the existing utilities and no upgrades are required

(5) Screening and buffering with reference to type, dimensions, and character;

The addition will require additional parking spaces. A landscape buffer is required for those new spaces along the Town's right-of-way easement.

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

No additional signage is proposed

(7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land;

No new upland structures are proposed

General conditions.

(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;

The use has served as a commercial marina for 25 years serving the boating community. This is the first time they will be offering on-premise alcohol. They will be serving by the water and will be over 330 feet from the residential district. The minimum requirement is 200 feet from any residential district.

(2) That the use meets all required conditions and specifications;

After review by staff the plan has been determined to meet all conditions and specifications except for the landscaping requirements by the additional parking spaces.

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

The proposed use is in keeping with the character of the MB-1 area.

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies

The desired Future Land Use of the Marina Mixed Use area includes commercial uses that includes water-oriented restaurants and services

No Questions for Mr. Hardison

Public Comment -

Ned Barnes resides at 814 Carolina Beach Ave N. spoke for the Marina and is in favor of the CUP proposal he feels all the requirements have been met. Applicant: Chad Cook resides at 20607 Bethel Church Road, Cornelius, North Carolina.

James Sanders resides at 418 Marina St - spoke he was not aware of this CUP until about a week ago. He is not happy that there is a marina - feels that this is not conducive to a residential area. Shows map boards of the existing area. Feels the parking needs to be corrected. They have a lot of issues with the existing permit. In summary we want this to be in harmony with our area, at present this is a marina in a residential area. Would like the existing agreement to be right before we get into another one.

Alan Perry resides at 403 Marina St. which is 410 feet from the marina. He is not happy with this

CUP - and is totally against it. States a few issues he has - dumpster placement - after 25 years of being a marina why start consumption on the premises now - the barge is huge with outside seating - cooking and the smells will be blowing onto his front porch - he is concerned with the drinking aspect. Asked how many days in advance is the public to be notify of a meeting? Mr. Hardison replied 15 days. He feels they had no chance to prepare for this.

Nick Habash resides at 308 Florida his main concern is storm water run off. There is storm water issues when it rains even a small amount we end up with a river by my property and there is no storm water system to catch it.

David Smith lives and has a business on the island he is against this and does not want this to pass. Is concern about boating and the consumption of alcohol - area is not lighted well enough - asked the members to consider what he has mentioned.

Mel - lives at 309 Georgia Ave. - feels that the marina has not been kept up and there is no pride in the marina community, it's an eye sore and doesn't want to see what it could look like if this is approved along with, the noise the trash and the traffic. Loves Carolina Beach and is here because he wants to be here. He is totally against this.

Gerald DeMaio resides at 426 Oceana Way - we have made this our home and would not have purchased our property if they knew this would be happening. He is concerned with the light and noise pollution and how the property would be run. He's asking that the members greatly consider this with a lot of thought and really look at how this would impact the community of Carolina Beach.

Elizabeth Burton resides at 400 Virginia Ave - is on the board of directors and feels she represents most of the people in Spinnaker Point. She feels this would greatly impact them and having a barge there is not what we want. Has had issues with the marina people telling the folks they can use their (Spinnaker's) privately owned facilities. They are a private/gated community and wants to stay that way.

James Sanders 418 Marina St - brags about CB - it's quiet and peaceful. He lives in a residential area but it's more like a commercial area. In addition to his previous concerns is the noise level and the traffic.

Chad Cooke - owner of the marina. He has been working months to improve the marina. They have renovated the docks and restrooms. Believes parking is an issue. They are trying to get this plan approved but everything is in limbo we can't move ahead and then have to change things in 30 or 60 days. He's disappointed that the community feels that they are not trying to improve the marina and that they don't have the residences best interest in mind, they do. The barge is to make the docks more stable, they want to move the ship store closer to the barge to be more convenient for the boaters.

Allen Perry - 403 Marina St. Barge is huge 40X160 feet and feels this will be an issue with noise as well as the amount of people - feels at low tide it will be stuck for some time. Would like the members to take a closer look and don't rely on pictures. There is supposed to be a closed head marina but it is not operating correctly and this is an issue. Bulkhead needs to be addressed.

Infrastructure needs to be addressed first before any expansions.

David King - 414 Oceana Way - lives in the private/gated community and feels that this is going to increase traffic and will affect the maintenance. The roads and gate are 100% their responsibility so any maintenance gets paid by the HOA.

Gerald DeMaio resides at 426 Oceana Way - If the owners were concerned about the neighborhood and quality of life and to be good neighbors then why didn't the owners approach the HOA's and discuss some kind of plan.

Chairman Bloemendaal made a motion to close the public hearing.
Commissioner LeCompt seconded, all were in favor (6-0).

Questions for Mr. Hardison -

Chairman Bloemendaal asked Mr. Hardison a few questions - is the Oceana neighborhood parking within the marina and beyond the gate and those that would be coming in would need access to the code. This is correct an easement was granted to access the marina inside the gate. Where is the current and future trash to be stored - it's by the fuel tanks. Would they need a CUP if they were only going to serve food and soda - no they would not. Regarding live music - they would have to meet the noise ordinance. Regarding handicapped accessibility is that a requirement - for the improvement as a barge it is not because it is a vessel.

Commissioner Rouse - Is the triangle parking area in the marina zone - it is not - it is a deed with an easement in a residential area. It is considered non-conforming now. What can the marina do by right in regards to a restaurant - you can have an eating establishment, you can have alcohol if you are classified by ABC law as a standard restaurant, which has requirements and there are distinctions between private clubs and restaurants. If there wasn't a barge involved but wanted a restaurant would they still have to go through this process - yes because it would then be looked at as a bar.

Commissioner LeCompte asked are the parking spaces for the Air-b&b - is not aware of any Air-b&b. Someone mentioned there is a boat that is operating as an Air-b&b. There was mention of the Pedal Pub that has 16 passengers, are they also using the marina and was that calculated into the spaces - The parking calculations is based off the number of boat slips. Feels that the marina should have talked with the HOA members and would have been a good start as a courtesy to the community .

Commissioner Kennedy needs clarification on why we are here for the CUP to serve alcohol on premise is that correct - with this proposal yes and they are allowed a CUP.

Commissioner Rouse asked are we here because it's over the water versus inside for a restaurant - they still would have to go through this process either way because they would not be classified as a restaurant by ABC.

Mr. Hardison - you are here to approve or disapprove for a bar on premise.

Commissioner Hoffer asked don't they require hours of operation part of the CUP - they do not and we can not regulate when alcohol is being served and they can serve up to 2am.

Mr. Parvin stated the same, we were told that we can not regulate the sale of alcohol.

Commissioner Rouse staff is recommending approval of this to council correct - Mr. Hardison they meet the specific standards in the ordinance.

Chairman Bloemandaal acknowledged the public and appreciates the comments regarding this issue and giving them feedback. We are regulated by the quasi-judicial rules that we go by the 4 General Standards and the 7 Specific Standards and we approve or disapprove based on those only. Some of the issues that were brought up would have to be taken up with the town as far as enforcement goes.

Commissioner Kennedy added that she feels this is the most compatible and respectful group of opponents she has come across.

Commissioner Hoffer stated Marina St is a private street but the marina owns the parking area which is a deed of easement. Is the parking adequate.

Mr. Hardison this area is looked at as existing and is non-conforming. They are not doing more than substantial improvements so we are looking at the addition and where the parking is going to be located and to make sure that it does conform to the ordinance.

Commissioner Bosewell and Hoffer and LeCompte are reviewing the 3rd picture board from James Sanders.

Chairman Bloemandaal asked about the parking spots on Georgia Ave at the turn, the proposed parking spaces. Mr. Hardison responded they are proposing a gravel parking area.

Commissioner Rouse asked are we to review and/or approve the parking in the private area.

Mr. Hardison that is existing, there is an encroachment into the private drive which would be a civil matter that would be between the marina and the HOA. Staffs position is that those spaces inside the gate are existing.

Commissioner Kennedy this a grand-fathered in piece of property that didn't get completed. CUP is based solely on the right to serve alcohol on premise.

Commissioner Rouse asked if this has gone before any other committee other than TRC - No other just TRC and staff.

Chairman Bloemandaal read over the 7 Specific Standards as well as the 4 General Conditions.

Commissioner Kennedy added that with what the property owners have said there are a lot more issues then what we are voting on.

Commissioner Rouse is going along with what the town is recommending and to let council take a look at all the other factors.

Commissioner Hoffer is against this and feels this is not in harmony with the area.

Commissioner Boswell feels it is not in harmony with the area and would have to vote against this.

Chairman Bloemendaal read - the desired future land use of the marina mixed-use area includes commercial uses that include low intensity water oriented restaurants and services, is this in our Land Use Plan. Mr. Hardison replied, that is correct. Asked both commissioners why this particular isn't in harmony. Commissioner Hoffer responded that's why bars can be approved under a conditional use permit.

Commissioner LeCompte is leaning towards saying no too, does not see how a bar could enhance a residential community. Feels there needs to be a lot of discussion between the marina owner and the homeowners.

Commissioner Kennedy her understanding is they can comply with the North Carolina restaurant regulations and go that way. The only reason its a bar is they don't provide the full kitchen so we don't accommodate a bar but we would accommodate a low key restaurant. If we deny the CUP specifically because of the bar they can have a restaurant in the area. They already have an off premise permit to sell alcohol.

Commissioner Hoffer added the location and character of the use and yes it is subjective and there's a reason why it's subjective. Need to consider the terrain, open water and sound carries if this was in a different area where there would be some trees he might feel a little differently.

After the motion was made at 8:20 the meeting went to break for 5 mins.

ACTION: Commissioner Hoffer made a motion - I move that we deny based on #4 – that the location and character of the use if developed according to the plan as submitted and approved will not be in harmony with the area in which it is to be located and in general conformity with the town Land Use Plan and policies.
Commissioner Boswell seconded the motion.

This will go to Town Council on December 11th for the final vote.

Vote: 3 to 3

- b. Text Amendment: To amend Chapter 40 Article III Sec. 40-72, Article IX Sec. 40-361, and Article XVIII Sec. 40-548 to allow for the operation of a distillery in the Highway Business (HB) Zoning District (Commercial 1 – 2007 LUP) of the Town of Carolina Beach - Applicant Max Sussman

Mr. Murphy reported on the Text Amendment for the distillery. Applicant is asking to amend the text amendment.

Background: Max Sussman approached the Town of Carolina Beach in August to inquire about the

opening a distillery to sell a Carolina Beach themed rum. Planning Staff informed him that current zoning ordinance did not allow for that use and that he would be required to apply for a Text Amendment in order for the activity to be permitted in the Town. Mr. Sussman submitted his application (Attachment 1) on August 30th, 2018 intending to be reviewed by TRC in September. Unfortunately, due to Hurricane Florence September TRC was unable to meet, so Mr. Sussman's Text Amendment proposal was not able to be heard until October.

In October, Staff met with Mr. Sussman to hear his proposal to amend Chapter 40 Article III Sec. 40-72, Article IX Sec. 40-361, and Article XVIII Sec. 40-548 to allow for a distillery to operate only in the HB zoning district in the Town of Carolina Beach. This is the commercial zoning district which runs along North Lake Park Boulevard from the Bridge to Wilson Avenue. Staff informed him that, in addition to amending the Zoning Ordinances, he would also have to follow the guidelines set forth for the operation of a distillery in § 18B-1105 (Attachment 2.1) and § 18B-1114.7 (Attachment 2.2), apply for an ABC Commercial Permit (Attachment 2.3), and adhere to any other State, County, or Local restrictions on Distilleries.

It should be noted that distilleries are opening around the state and they are all handled slightly differently, but most cities, counties, and municipalities place the majority of the enforcement and management back on the State/ABC (Attachment 2.4). For instance, Kinston, the home of Mother Earth Brewing, simply directs the use back to G.S. 18B-1105. Manteo and Durham both place a limit on the maximum annual sales for a craft or micro distillery, but have no other specific restrictions. Some examples of recent distillery news can be found in Attachment 2.5.

Several changes have been made to the guidelines for Distilleries and associated activities (Attachments 3 and 3.1) which open up more opportunity for small-scale distilling operations to succeed. The "Brunch Bill" adopted on June 30th of 2017 allowed for the annual sale of 5 bottles to one consumer in a 12-month period, as opposed to the 1 bottle allotment previously allowed. This change has made craft or micro distilleries more economically viable.

Staff Recommendation:

Staff recommends that the use of Distillery be added as a by-right use in the HB Zoning District as it is in line with the current LUP and Zoning Ordinances of Carolina Beach. Staff recommends placing no additional restrictions beyond those already placed upon them by NC G.S. and the ABC, and the Zoning Requirements placed on every development in the HB zoning district.

Questions for Mr. Murphy -

Commissioner Kennedy asked could they expand if needed - yes they could do that but it would have to be amended.

Chairman Bloemendaal asked the sale will be allowed but not the consumption, correct - that is correct and tastings will be permitted, which would be Rum only. If approved the applicant could distill whatever liquor they so desired, correct - yes sir, it is not limited.

Chairman Bloemendaal made a motion to open the public hearing.

All in favor (6-0).

Applicants: Max Sussman - 833 Settlers Lane and Chris Stellaccio - 781 Settlers Lane - the building inspector has been helpful in guiding them along with Miles reaching out to us. Everything they plan to do is within the state laws according to Chief Spivey. One, ounce per spirit once a day is

allowed and can only sell 5 bottles per person per calendar year which will be registered on a state form and they will have to track ID's. They are not looking to be a bar or add one but what they have done was created a craft and would like to share it with the island and they feel it would be a good addition.

Chairman Bloemandaal asked how would this work logistically.

Chris Stellaccio responded it would have to be sold in the same location which they are still doing research to find one. He shared the reason for choosing Rum, one being there is no waste in distilling this liquor so what is not consumed they can use to clean the equipment.

Chairman Bloemandaal made a motion to close the public hearing.

Commissioner Rouse second all in favor (6-0)

Commissioner Rouse asked if staff is recommending this - Miles responded yes, they are.

Commissioners Discussion - manufacturing a product/it's another example of innovation and nice to see it coming to our island/feels this is a good thing that we need to expand into this type of business.

ACTION: Chairman Bloemandaal made a motion that we approve the text amendment to Chapter 40 Article III Sec. 40-72, Article IX Sec. 40-361, and Article XVIII Sec. 40-548 to allow for the operation of a distillery in the Highway Business (HB) Zoning District by right it's in consistent in goals of the objectives of the adopted Land Use Plan and other long range plans.
Commissioner Rouse seconded the motion.

Vote: (6-0)

- c. Tabled - Text Amendment: Consider a text amendment to Chapter 40, Article III Sec 40-73 Dimensional Standards for the various zoning districts to amend yard requirements for structures exceeding maximum height regulations and amend of the 2007 CAMA Land Use Plan Policies.
Applicant: Charles Poindexter

Applicant was unable to attend

ACTION: Chairman Bloemandaal made a motion that we table Text Amendment to consider a text amendment to Chapter 40, Article III Sec 40-73 Dimensional Standards for the various zoning districts to amend yard requirements for structures exceeding maximum height regulations.
Commissioner LeCompte seconded the motion.

Applicant asked for the item to be tabled until December 13, 2018 due to a prior appointment out of town.

Vote: (6-0)

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. **NON-AGENDA ITEMS**

Chairman Bloemandaal wanted to discuss the information that he received regarding the P&Z Board being represented at the monthly Town Council meeting. Commissioner LeCompte and Rouse have volunteered, at least one of them will need to attend the monthly Town Council meetings. Commissioner LeCompte will not be able to attend Novembers meeting.

Commissioner LeCompte asked for updates on Publix

Mr. Hardison updates on Publix - they are trying to get the building permit issued, they had to revise their drawings to the building inspector, finalizing some drainage issues with water/sewer, they have finished the asbestos removal and they are planning on demoing next week.

Chairman Bloemandaal asked about the old Harris Teeter site regarding a rumor he heard - somebody wants to go back to a residential site.

Mr. Hardison replied yes he has heard that but it is zoned as commercial. Nothing has been submitted at this time.

. **ADJOURNMENT**

Chairman Bloemandaal made a motion to adjourn at 8:50 p.m.

Commissioner LeCompte seconded the motion, all were in favor (6-0)



AGENDA ITEM

Meeting: Planning and Zoning - 13 Dec 2018

Prepared By: Jeremy Hardison

Department: Planning

Adopt a resolution to amend the Land Use Plan policy #31 (A) to change how the one of one setback rule is applied for buildings over 50'. Applicant: Pelican Point CB, LLC

BACKGROUND:

The applicant, Pelican Point CB, LLC is requesting an amendment to the height limit policies of the 2007 Land Use Plan. Last December, P&Z heard a similar text amendment which requested that certain appurtenances be permitted to extend above the height limit set in the 2007 LUP and CB Zoning Ordinances.

Current regulations allow certain commercial areas to reach a height greater than the standard 50' limit. However, to extend their height, up to a maximum of 60', the building must increase their standard setback on both sides and in the front by 1' for every additional foot above 50'. So, if the proposed structure was 56' tall that would mean that it is 6' over the standard limitation. This would require that each side and the front setbacks be extended by 6'. This type of addition results in an additional 12' of side setback, as there will be 6' added to both sides.

10' (general side setback) + 6' (feet over height limit) = 16' (new side setback)

10' (general side setback) + 6' (feet over height limit) = 16' (new side setback)

6' Left Side + 6' Right Side = 12' Total Added to Side Setbacks

The applicant is requesting that the current ordinance be changed to allow for the addition to the side setbacks to be added together cumulatively to equal the total required increase and not be required to be split evenly on both sides. So, instead of 6' being added to both of the side setbacks, you may have a scenario like the one shown below. Again, the structure is 56' in height and will require an additional foot added to each side and front setbacks for every foot over 50, or 6' added to each setback.

10' (right side setback) + 2' (of the total 12' applied to side setbacks) = 12' (new right side setback)

10' (left side setback) + 10' (of the total 12' applied to side setbacks) = 20' (new left side setback)

10' Left Side + 2' Right Side = 12' Total Added to Side Setbacks

The cumulative addition of the required increase in setback distance

permits the structure to shift in orientation to some degree, while it still meets the total increase in side setback required. The applicant is requesting this to add flexibility in design when a larger scale building needs to be adjusted to meet fire and building codes.

The increase in height for the one for one setback may occur with a Conditional Use Permit in the following zones HB, T-1 MF, MB-1 and MX zones. There is no proposed change for the front setback nor the rear setback.

ACTION REQUESTED:

Adopt or deny a resolution that the Town of Carolina Beach amends its CAMA Land Use Plan, as it relates to the one to one setback policy when buildings exceed the 50' height requirement.

**COMMITTEE
RECOMMENDATION:**

TRC reviewed the amendment and is in favor of the proposal that the front setback policy will remain the same from the street view and the overall net effect of the side setback will be the same.

ATTACHMENTS:

[Application](#)
[Resolution LUP Amendment](#)

Amendment Number: 18LP-02



PETITION FOR A LAND USE PLAN AMENDMENT

Petitions shall be submitted for review to the Department of Planning and Development located at 1121 N. Lake Park Blvd., Carolina Beach, NC 28428. Only complete petitions will be processed.

PETITIONER

Petitioner's Full Name: Pelican Point CB, LLC Phone #: 910)-620-4672

Street Address: 462 N. Lake Park Blvd

City: Carolina Beach State: NC Zip: 28428

Email: _____

REQUESTED LAND USE PLAN AMENDMENT

Land Use Plan Section(s) Requested to be Amended:
ZONING

Please provide a reason for the amendment to the Land Use Plan Section(s) stated above

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council (4) Coastal Resource Commission. The petitioner or a representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for a schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

I understand that the \$800 fee for review is nonrefundable.

Signature of Petitioner: [Signature] Date: 10-16-18

Text Amendment Overview

I have spoken with several area developers and builders and the driving force behind wanting appurtenances to not count against the existing building height requirements is that the living spaces that people have become used to have changed.

Everyone prefers more ceiling height than the old standard of 8 feet. In fact, the new standard has become 9 feet.

By allowing builder / developers to *not* have to count elevator shafts and other rooftop items against the height (and therefore the side setbacks), it enables us to have more interior ceiling height without having to raise the whole height of the building, which IS allowed as long as you can meet setback, so we believe that this allowance would actually encourage builders and developers to not make the overall building any higher, thereby maintaining views and keeping the towns skyline in check.

Looking at a building that is 50 feet high, but has one corner of the building that is maybe 8 feet higher for the elevator shaft is completely different than the whole building being 58 feet high. Visually you can't really tell that the appurtenances are higher as they blend into the building from most angles.

Also, as the aging structures on the island have to be replaced, the lot sizes are not going to allow for much vertical construction because the site(s) won't meet the height / side setback rule where you must provide an additional foot of side setback on all sides for each additional foot of vertical height.

In summary, we believe that this will be beneficial for the town, developers, builders, but most importantly for residents and end users of Carolina Beach because we will be able to deliver a more desirable product which means more marketable which means increased tax base for the Town.

Charles Poindexter
Developer
Harbor View

Proposed Text Amendment
Building Height / Elevator Shafts

I would like to propose a Text Amendment to the Land Use Plan regarding elevator shafts on buildings other than Hotels.

According to the current land use plan, Hotels elevator shafts are allowed to extend up to ten (10) feet above the roof top of the building with no impact to required setbacks regarding the height of the structure.

I would like to propose that the same allowance be given for condominium and or apartment buildings.

we can limit by square footage and/or unit count or occupancy?

Whatever other limitations you want.



Resolution No. 18-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CAROLINA BEACH, NORTH CAROLINA, AUTHORIZING AN AMENDMENT TO THE 2007 CAMA LAND USE PLAN

WHEREAS, the Town of Carolina Beach desires to amend its CAMA Land Use Plan, specifically the policy related to Building Height for Appurtenances, and

WHEREAS, the CAMA Land Use Plan currently states; and

2007 Town of Carolina Beach CAMA Land Use Plan
II Management Topic: Land Use Compatibility

Land Use Compatibility Policies

- 30) With the exception of Commercial 2, the Town shall support and implement maximum building heights throughout the community not to exceed fifty (50) feet.
 - (A) Exceptions to this height may be permitted up to sixty (60) feet maximum with one additional foot on the front and both side setbacks for each additional foot in height for land classification areas: Mixed use 1 north of Commercial 2; Commercial 1; North Pier Commerce; Residential 5; Marina Mixed Use; Mixed Use 3 east of Carolina Beach Avenue South; and Industrial.

WHEREAS, the Town of Carolina Beach desires to amend the CAMA Land Use Plan to state; and

2007 Town of Carolina Beach CAMA Land Use Plan
II Management Topic: Land Use Compatibility

Land Use Compatibility Policies

- 31) With the exception of Commercial 2, the Town shall support and implement maximum building heights throughout the community not to exceed fifty (50) feet.
 - (A) Exceptions to this height may be permitted up to sixty (60) feet maximum with one additional foot on the [required](#) front [setback](#) and [one additional foot added cumulatively both to the required](#) side setbacks for each additional foot in height for land classification areas: Mixed use 1 north of Commercial 2; Commercial 1; North Pier Commerce; Residential 5; Marina Mixed Use; Mixed Use 3 east of Carolina Beach Avenue South; and Industrial.

WHEREAS, on December 13, 2018 the Planning & Zoning Commission recommended _____ of the draft amendment to the CAMA Land Use Plan; and

WHEREAS, the Town of Carolina Beach conducted a duly advertised public hearing on the draft amendment to the CAMA Land Use Plan at the Regular Meeting of the Town Council on December 11, 2018; and

WHEREAS, at the Regular Meeting on December 11, 2018 the Town Council of the Town of Carolina Beach, North Carolina found the draft amendment to be consistent with the Town Council desired vision for the future and approved to adopt the draft amendment; and

WHEREAS, the adopted draft amendment will be submitted as required by State law to the District Planner for the Division of Coastal Management under the North Carolina Department of Environmental Quality and forwarded to the Coastal Resources Commission; and

WHEREAS, a review of the adopted draft amendment will be scheduled; and the Division of Coastal Management will certify the draft amendment;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Carolina Beach, North Carolina, that in the CAMA Land Use Plan be amended as follows:

2007 Town of Carolina Beach CAMA Land Use Plan

II Management Topic: Land Use Compatibility

Land Use Compatibility Policies

32) With the exception of Commercial 2, the Town shall support and implement maximum building heights throughout the community not to exceed fifty (50) feet.

- (A) **Exceptions to this height may be permitted up to sixty (60) feet maximum with one additional foot on the required front setback and one additional foot added cumulatively both to the required side setbacks for each additional foot in height for **land classification areas:** Mixed use 1 north of Commercial 2; Commercial 1; North Pier Commerce; Residential 5; Marina Mixed Use; Mixed Use 3 east of Carolina Beach Avenue South; and Industrial.**

BE IT FURTHER RESOLVED that the Town Council of the Town of Carolina Beach, North Carolina, has adopted the draft amendment; and

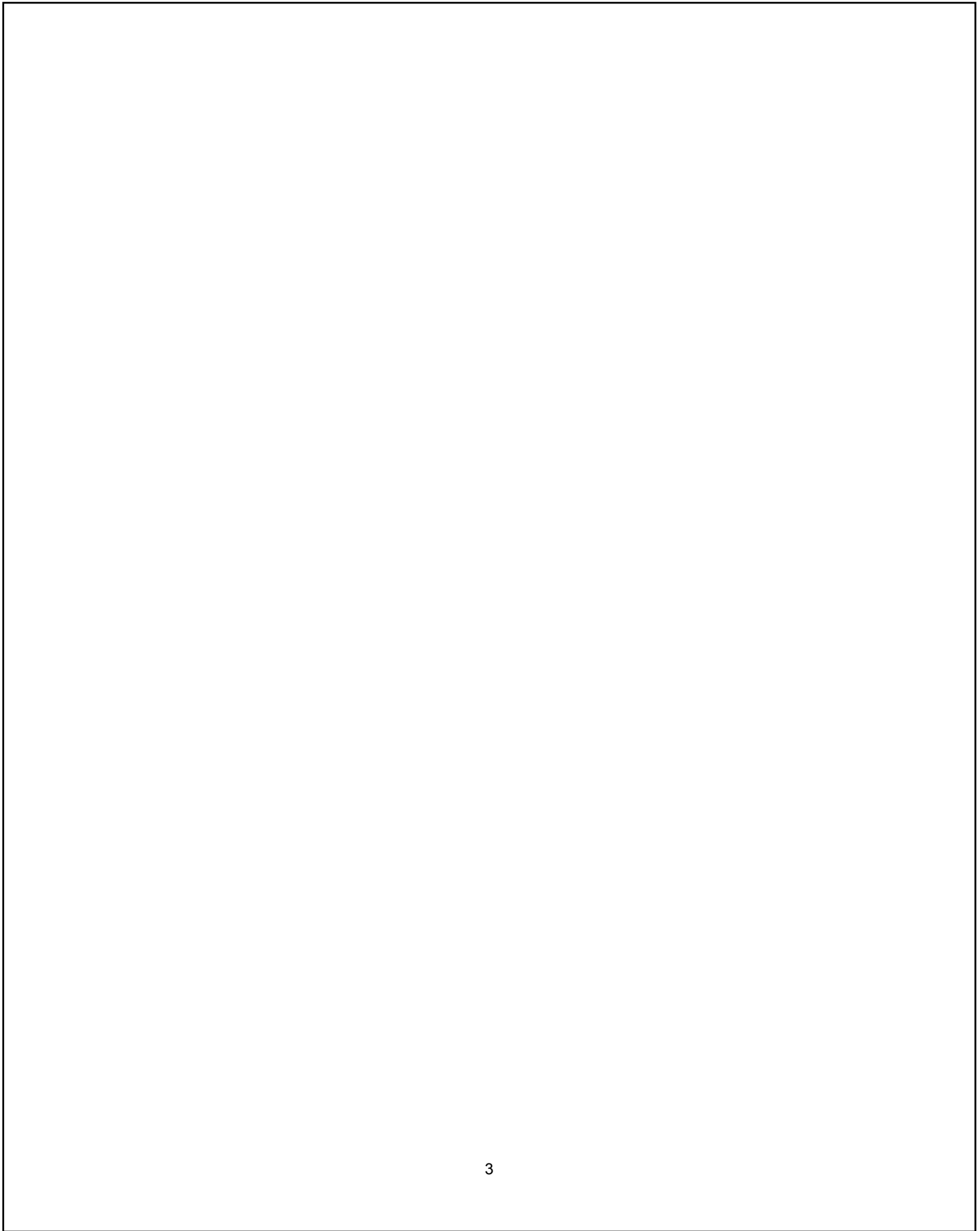
BE IT FURTHER RESOLVED that the Town Manager of the Town of Carolina Beach is hereby authorized to submit the adopted CAMA Land Use Plan draft amendment to the State for certification as described above.

Adopted this 8th day of January 2018.

Joseph Benson
Mayor

Attest:

Kim Ward
Town Clerk





AGENDA ITEM

Meeting: Planning and Zoning - 13 Dec 2018

Prepared By: Jeremy Hardison

Department: Planning

Amend Chapter 40 Article XVIII, Sec 40-73 to amend yard requirements for structures exceeding maximum height regulations Applicant: Pelican Point CB, LLC

BACKGROUND:

The applicant, Pelican Point CB, LLC is requesting an amendment to the side yard setback requirements when a building exceeds the 50' height limit. The zoning ordinance will need to change as well as the Land Use Plan.

ACTION REQUESTED:

Session Law 2017-10 (SB 131) revised the requirements in G.S. §153A-341 and §160A-383 concerning statements a governing board shall adopt when considering a zoning amendment. The revised requirements are applicable to all zoning amendment applications filed on or after October 1, 2017. Under the changes in the new law, a governing board's statement of approval for a zoning amendment will also be deemed an amendment to the comprehensive plan and the governing board shall not require any additional request or application for amendment to the comprehensive plan. As used in the section, a comprehensive plan includes a unified development ordinance and any other applicable officially adopted plan.

Local governments within the 20-coastal counties are subject to the land use planning requirements under Article 7 of the Coastal Area Management Act of 1974 (G.S. §§113A-108 through 113A-111) and the Coastal Resources Commission's (CRC) rules for land use plans (15A NCAC 07B.0700 and .0800.) CAMA plans require local adoption along with state certification and would therefore be considered a "comprehensive plan" as defined in the revisions to G.S. §153A-341 and §160A-383.

CAMA requires that land use plans and plan amendments be available for public inspection for a period of at least 30 days following publication of notice. If the planning staff determines that a zoning amendment application is inconsistent with the CAMA plan, the planning staff should

prepare a written document identifying the areas of the CAMA plan that would have to be amended with the zoning application.

Approval - whereas in accordance with the provisions of the NCGS 160A-383, the Commission does hereby find and determine that the adoption of the following ordinance amendment is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans or
A statement rejecting the proposed zoning amendment and describing its inconsistency with the plan; or
A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long range planning documents.

**COMMITTEE
RECOMMENDATION:**

TRC reviewed the amendment and is in favor of the proposal that the front setback policy will remain the same from the street view and the overall net effect of the side setback will be the same.

ATTACHMENTS:

[Application](#)
[Proposed Ord](#)

Amendment Number: 18T-03



PETITION FOR A TEXT AMENDMENT

Petitions shall be submitted for review to the Department of Planning and Development located at 1121 N. Lake Park Blvd., Carolina Beach, NC 28428. Only complete petitions will be processed.

PETITIONER

Petitioner's Full Name: Pelican Point CB, LLC Phone #: (910) 620-4672
Street Address: 402 N. Lake Park Blvd
City: Carolina Beach State: NC Zip: 28428
Email: ccpi1@mac.com

REQUESTED TEXT AMENDMENT

Town Code Section(s) Requested to be Amended:

Please provide a general proposal for the amendment to the Town Code Section(s) stated above which you believe will result in improved regulations for all the residents of the Town of Carolina Beach

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council. The petitioner or a representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for a schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

I understand that the \$350 fee for review is nonrefundable.

Signature of Petitioner: [Signature] Date: 9-5-18

Building Height Appurtenance



ORDINANCE NO. 18-

Amend Chapter 40 Article III, Sec 40-73 to amend yard requirements for structures exceeding maximum height regulations

Chapter 40 Zoning

ARTICLE III. - ZONING DISTRICT REGULATIONS

Sec. 40-73. - Dimensional standards for the various zoning districts.

- (9) *Yard requirements for structures exceeding maximum height regulations.* Yards may be increased as a condition of approval for structures exceeding maximum height requirements. Where structures are permitted to exceed the 50 feet maximum height regulation the following shall apply:
 - a. The minimum required front yard ~~may~~ shall be increased by one foot for each foot in height exceeding the maximum height requirements.
 - b. The minimum required side yard shall be increased by one foot cumulatively for each foot in height exceeding the maximum height requirements.

Adopted this 8th day of January, 2018.

Joseph Benson, Mayor

Attest: _____
Kimberlee Ward, Town Clerk



AGENDA ITEM

Meeting: Planning and Zoning - 13 Dec 2018

Prepared By: Miles Murphy

Department: Planning

Amend Chapter 40 Article VI Landscaping to Encourage Tree Preservation

BACKGROUND:

In October of 2018, Planning and Zoning held a joint session with Town Council to discuss Tree Preservation in Carolina Beach. A survey presentation was conducted to acquire some opinions of all those able to attend. Staff then took the survey responses and comments made by all participants and crafted three draft ordinances based on the most popular methods of promoting tree preservation in CB.

ACTION REQUESTED:

Make a motion to forward a recommendation to Council or give staff direction to bring back an ord.

**COMMITTEE
RECOMMENDATION:**

Staff does not have a recommendation, but rather is looking for guidance and feedback on the proposed ordinances.

ATTACHMENTS:

[Proposed Tree Ordinances](#)
[Tree Presentation](#)

ARTICLE VI. - LANDSCAPING AND DEVELOPMENT SPECIFICATION STANDARDS

ORDINANCE NO. 18-

Text Amendment: To amend the Chapter 40 Article VI Sec. 40-175, Sec. 40-177, to update the ordinance to provide protections for heritage trees.

ARTICLE VI. – Landscaping and Development Specification Standards^[5]

Sec. 40-175. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Buffer yard means the width of the area for the required installation of landscaping and screening materials around the entire perimeter of all lot uses excluding single-family residences and two-family dwellings.

Caliper means a standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch Caliper size, and 12 inches above the ground for larger sizes.

Deciduous means those plants that annually lose their leaves.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, clearing, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Evergreen means those plants that retain foliage throughout the year.

Ground cover means a prostrate plant growing less than two inches in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Many ground covers survive in poor soils, shade and other adverse conditions.

Ground cover material means any natural or artificial material such as bark chips, pine needles, stone, rock, wood mulch or similar materials used at the base of plants for the purpose of retaining water, minimizing weed growth or purely aesthetic purposes.

Heritage Tree means a live oak tree, with a caliper larger than 12"

Intensive commercial means a business use that has a gross floor area of greater than 10,000 square feet.

Landscaping means the process or product of site development, including grading, installation of plant materials, and seeding of turf or ground cover.

New construction means any construction other than renovation to existing structures where the size or intensity is not increased, which requires a building permit issued by the town, or which results in an increase of impervious surfaces or which requires the placement of fill soil or materials, including, but not limited to, multifamily, non-residential and parking lot construction.

Planter means a structure or area consisting of at least one understory tree surrounded by flowers and shrubs.

Planting area means a ground surface free of impervious material, which is utilized for landscape purposes.

Shrub means a woody plant or bush with a minimum height of 12 inches and maximum of ten feet. It is distinguished from a tree by having several stems rather than a single trunk.

Street tree means a tree planted along the street behind the right-of-way.

Street yard means a planting area parallel to a public or private street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

Tree, canopy, means any tree that is normally more than 40 feet in height with a spread of at least 15 feet at maturity that provides shade from its foliage mass; also individual or tree groups forming an overhead cover. Canopy trees should be located so as to minimize potential interference with utilities and avoid sight obstructions. New canopy trees shall be at least 2½ inches in diameter measured six inches above the ground and at least eight feet in height.

Tree, understory, means any tree that is normally less than 25 feet in height with a spread of at least five feet at maturity, but that still provides shade and a degree of protection to the earth and vegetation beneath it. Multiple trunk understory trees shall have at least three trunks and be at least six feet in height.

Vision clearance. In order to maintain an acceptable and safe line of sight for motor vehicle drivers, no fences, walls, posts, signs, lights, shrubs, trees or other type of obstructions not specifically exempted shall be permitted in the space between 30 inches in height from the grade of the street. A sight distance triangle shall be the visually unobstructed area of a street/driveway corner as determined by measuring a distance of 30 feet along the intersecting curb lines, or edges of pavement of the intersecting street/driveway if curbs are not present, and connecting the two points by a straight line to form a triangular shaped area over the corner.

(Code 1986, app. A, § 8.5; Ord. No. 05-598, 7-12-2005; Ord. No. 06-634, 5-9-2006; Ord. No. 07-670, 1-9-2007; Ord. No. 09-785, 5-12-2009)

Sec. 40-177. - Tree/landscape plan.

- (a) Required. A tree/landscaping plan shall be required for all clearing, grading, or other earth disturbing activity proposals. The plan must contain the information set forth in subsection (b) of this section (the required tree/landscape plan can be incorporated into the general site plan).
- (b) Landscape plan submittal requirements. The landscape plan shall contain the following information:
 - (1) General location, type, and quantity of existing plant materials.
 - (2) Existing plant materials and areas to be left in natural state.
 - (3) Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
 - (4) Locations, size and labels for all proposed plants.
 - (5) Plant lists with common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
 - (6) Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courtyards or paved areas.
 - (7) Planting and installation details as necessary to ensure conformance with all required standards.
 - (8) Location and type of irrigation system, if applicable.
 - (9) Location of any proposed buildings.
 - (10) Layout of parking and traffic patterns.
 - (11) Location of overhead and underground utilities.
 - (12) Location of signage.
 - (13) Connections to existing streets.
 - (14) Zoning designation of adjacent properties.
 - (15) Landscape plan shall be drawn to scale and include a north arrow and necessary interpretive legends.
- (c) Information guide and plant selection list. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- (d) [All new construction will be required to identify any heritage trees and either protect them or replace 1 heritage tree per 5000ft² of lot size.](#)
- (e) [No new construction nor expansions of a preexisting footprint may remove a heritage tree without replacement as dictated in \(e\).](#)

(Code 1986, app. A, § 8.8; Ord. No. 05-598, 7-12-2005)

Adopted this ___ day of _____.

Joseph Benson, Mayor

Attest: _____

Kimberlee Ward, Town Clerk

ARTICLE VI. - LANDSCAPING AND DEVELOPMENT SPECIFICATION STANDARDS



ORDINANCE NO. 18-

Text Amendment: To amend the Chapter 40 Article VI Sec. 40-175, Sec. 40-177, to update the ordinance to provide protections for heritage trees.

ARTICLE VI. – Landscaping and Development Specification Standards^[5]

Sec. 40-175. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Heritage Tree means a live oak tree, with a caliper larger than 12"

Sec. 40-177. - Tree/landscape plan.

- (a) Required. A tree/landscaping plan shall be required for all clearing, grading, or other earth disturbing activity proposals. The plan must contain the information set forth in subsection (b) of this section (the required tree/landscape plan can be incorporated into the general site plan).
- (b) Landscape plan submittal requirements. The landscape plan shall contain the following information:
 - (1) General location, type, and quantity of existing plant materials.
 - (2) Existing plant materials and areas to be left in natural state.
 - (3) Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
 - (4) Locations, size and labels for all proposed plants.
 - (5) Plant lists with common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
 - (6) Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courtyards or paved areas.
 - (7) Planting and installation details as necessary to ensure conformance with all required standards.
 - (8) Location and type of irrigation system, if applicable.
 - (9) Location of any proposed buildings.
 - (10) Layout of parking and traffic patterns.

- (11) Location of overhead and underground utilities.
 - (12) Location of signage.
 - (13) Connections to existing streets.
 - (14) Zoning designation of adjacent properties.
 - (15) Landscape plan shall be drawn to scale and include a north arrow and necessary interpretive legends.
- (c) Information guide and plant selection list. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- (d) [All new construction or expansions of building footprint will receive a reduced stormwater fee for preserving a heritage tree.](#)

(Code 1986, app. A, § 8.8; Ord. No. 05-598, 7-12-2005)

Adopted this ___ day of _____.

Joseph Benson, Mayor

Attest: _____

Kimberlee Ward, Town Clerk

ARTICLE VI. - LANDSCAPING AND DEVELOPMENT SPECIFICATION STANDARDS



ORDINANCE NO. 18-

Text Amendment: To amend the Chapter 40 Article VI Sec. 40-175, Sec. 40-177, to update the ordinance to provide protections for heritage trees.

ARTICLE VI. – Landscaping and Development Specification Standards^[5]

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- (a) Required. A tree/landscaping plan shall be required for all clearing, grading, or other earth disturbing activity proposals. The plan must contain the information set forth in subsection (b) of this section (the required tree/landscape plan can be incorporated into the general site plan).
- (b) Landscape plan submittal requirements. The landscape plan shall contain the following information:
 - (1) General location, type, and quantity of existing plant materials.
 - (2) Existing plant materials and areas to be left in natural state.
 - (3) Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
 - (4) Locations, size and labels for all proposed plants.
 - (5) Plant lists with common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
 - (6) Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courtyards or paved areas.
 - (7) Planting and installation details as necessary to ensure conformance with all required standards.
 - (8) Location and type of irrigation system, if applicable.
 - (9) Location of any proposed buildings.
 - (10) Layout of parking and traffic patterns.
 - (11) Location of overhead and underground utilities.
 - (12) Location of signage.
 - (13) Connections to existing streets.

- (14) Zoning designation of adjacent properties.
- (15) Landscape plan shall be drawn to scale and include a north arrow and necessary interpretive legends.
- (c) Information guide and plant selection list. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- (d) [All new construction or expansions of building footprint will be required to pay a fee for the removal of any heritage trees.](#)

(Code 1986, app. A, § 8.8; Ord. No. 05-598, 7-12-2005)

Adopted this ___ day of _____.

Joseph Benson, Mayor

Attest: _____

Kimberlee Ward, Town Clerk



Tree Ordinance Proposal

A Draft Ordinance Based on Feedback Received from
the Joint PZ and TC Meeting

December 13th, 2018

Miles Murphy - Planner

Current CB Landscaping Requirements (Trees)

Article VI – Landscaping and Development Specification Standards

- This article is established for the purpose of regulating, controlling, preserving and setting forth methods of continued maintenance assurances of all regulated vegetation located within the municipal limits of the town, and furthermore establishes authority to regulate and control the degree of impervious surfaces constructed on properties and the placement and configuration of fill soil and materials on properties located within said municipality.

Buffer Yard

- The width of the area for the required installation of landscaping and screening materials around the entire perimeter of all lot uses excluding single-family residences and two-family dwellings.

Tree Survey Feedback Summary

1. Should CB focus on Tree Preservation
 - a. Yes – 60%
 - b. Only in parks, etc. – 40%
2. Why to protect trees/greenspaces?
 - a. Improve Aesthetics – 28%
 - b. Reduce stormwater/erosion – 21.4%
3. What species is a Heritage Tree?
 - a. Live Oak – 42.3%
 - b. Cyprus and Magnolia – 7.69%
4. An incentive to protect heritage trees?
 - a. Yes – 85.7%
5. What should that incentive be?
 - a. Permit Fee Reduction
 - b. Reduced Setbacks

Tree Survey Feedback Summary - Continued

1. Should tree plantings be required when construction is over and what type of construction?
 - a. Yes – 46.6% → 100% All new res/com construction
 - b. Case by Case. – 40%
2. What should be planted?
 - a. Grass and Shrubs / Canopy Trees – 38%
3. How many trees based on lot size?
 - a. 1 per 5000ft² – 66.7%
4. Size of replacement trees?
 - a. 3” Caliper – 72.7%

Tree Survey Feedback Summary - Continued

1. Impervious surfaces should be?
 - a. Reduced as much as possible – 75%
2. Given potential to cause damage in storms, should trees be encouraged?
 - a. Yes, hardy, local species – 69.2%
3. Reduced imperious should be incentive by?
 1. Set rate until a standard % is reached.

Proposed Ordinance Change 1 - Replace

Sec. 40-17. – Definitions

Heritage Tree means a live oak tree, with a caliper larger than 12"

Sec. 40-177. - Tree/landscape plan.

- (a) *Required.* A tree/landscaping plan shall be required for all clearing, grading, or other earth disturbing activity proposals. The plan must contain the information set forth in subsection (b) of this section (the required tree/landscape plan can be incorporated into the general site plan).
- (b) *Landscape plan submittal requirements.* The landscape plan shall contain the following information:
- 1-15 Requirements
- (c) *Information guide and plant selection list.* A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- (d) All new construction will be required to identify any heritage trees and either protect them or replace 1 heritage tree per 5000ft² of lot size.
- (e) No new construction nor expansions of a preexisting footprint may remove a heritage tree without replacement as dictated in (d).

Proposed Ordinance Change 2 - Incentive

Sec. 40-17. – Definitions

Heritage Tree means a live oak tree, with a caliper larger than 12"

Sec. 40-177. - Tree/landscape plan.

- (a) *Required.* A tree/landscaping plan shall be required for all clearing, grading, or other earth disturbing activity proposals. The plan must contain the information set forth in subsection (b) of this section (the required tree/landscape plan can be incorporated into the general site plan).
- (b) *Landscape plan submittal requirements.* The landscape plan shall contain the following information:
- 1-15 Requirements
- (c) *Information guide and plant selection list.* A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- (d) All new construction or expansions of building footprint will receive a reduced stormwater fee for preserving a heritage tree

Proposed Ordinance Change 3 – Removal Fee

Sec. 40-17. – Definitions

Heritage Tree means a live oak tree, with a caliper larger than 12"

Sec. 40-177. - Tree/landscape plan.

- (a) *Required.* A tree/landscaping plan shall be required for all clearing, grading, or other earth disturbing activity proposals. The plan must contain the information set forth in subsection (b) of this section (the required tree/landscape plan can be incorporated into the general site plan).
- (b) *Landscape plan submittal requirements.* The landscape plan shall contain the following information:
- 1-15 Requirements
- (c) *Information guide and plant selection list.* A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- (d) All new construction or expansions of building footprint will be required to pay a fee for the removal of any heritage trees.

Discuss!