



**ORDINANCE AMENDING ARTICLE 5, ARTICLE 8 AND THE APPENDIX
OF THE UNIFIED DEVELOPMENT ORDINANCE
OF THE CODE OF ORDINANCES
TOWN OF ATLANTIC BEACH, NORTH CAROLINA**

WHEREAS, the Town of Atlantic Beach recently updated most land use regulations; and

WHEREAS, the text in Article 8, Marinas, was not integrated into the development process outlined for all other land uses; and

WHEREAS, the Town is interested in keeping all land use ordinances streamlined and current; and

WHEREAS, the Marina regulations had not been streamlined with various state and federal regulations in recent year; and

WHEREAS, the text amendments in Article 5, Article 8 and the Appendix will clearly outline the procedures for regulating and developing marinas;

THEREFORE, BE IT HEREBY ORDAINED by the Town of Atlantic Beach that the Unified Development Ordinance of the Town of Atlantic Beach, North Carolina is amended as attached.

Adopted on a motion of Mayor Pro Tem Harry Archer, seconded by Councilmember Trish Ide, and approved on a vote of five (5) in favor and zero (0) against.

This nineteenth day of January, 2010

TOWN OF ATLANTIC BEACH

By: _____
A. B. Cooper, III, Mayor

ATTEST:

Kelly L. Cyrus, Town Clerk

ARTICLE 5. ZONING DISTRICTS

Uses	Primary Zoning Districts										Overlay District			Supplemental Regulations
	R-1(C)	R-1(5)	R-1(7)	R-1M	R-2	R-3	RS	CDD	CB	GB	RMU	COD*		
Interior decorating office								PS	P	P		PS	Section 6.8	
Jewelry, luggage, and leather goods								PS	P	P		PS	Section 6.8	
Landscaping and grounds maintenance offices						P		PS	P	P		PS	Section 6.8	
Laundromat or coin-operated laundry								PS	P	P		PS	Section 6.8	
Leather goods store								PS	P	P		PS	Section 6.8	
Legal services (law offices, etc.)						C		PS	P	P	C	PS	Section 6.8	
Libraries								PS	P	P	C	PS	Section 6.8	
Liquor/wine stores								PS	P	P		PS	Section 6.8	
Management, scientific, and technical consulting services								PS	P	P	C	PS	Section 6.8	
Manufactured home parks							CS						Section 6.18	
Marinas							PS		PS			PS	Section 6.19	
Massage and bodywork therapy practices licensed pursuant to NCGS 90-623							C	PS	P	P	C	PS	Section 6.8	
Maze								PS	P	P		PS	Section 6.8	
Medical, dental, or related laboratories							CS	PS	PS	PS	CS	PS	Section 6.8, 6.20	
Medical/health care offices							CS	PS	PS	PS	CS	PS	Section 6.8, 6.20	
Miniature golf								PS	PS	PS	C	PS	Section 6.8	
Motion picture production, sound recording									P	P		PS		
Municipal buildings								P	P	P	P	PS		

* Refer to Article 6, Section 6.1.

NOTE: CDD regulations shall supercede all other zoning standards. 5-14

ARTICLE 8

MARINAS

Section 8.1	Authority; Jurisdiction 8-1
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SECTION 8.1 AUTHORITY; JURISDICTION

In order to promote the health, safety, morals, and general welfare of the community and pursuant to the provisions of GS 160A-391, et. seq., the following provisions shall govern marinas within the town.

Wet slips existing as an accessory to a single-family residential home or a duplex dwelling shall be regulated by the Coastal Area Management Act and shall not be subjected to the regulations in this article. Newly constructed marinas or marinas wishing to expand the number of boat slips or make improvements over 50% are subject to these regulations.

SECTION 8.2 CLASSIFICATION

Marinas shall be classified as follows:

- (A) Class A Marina. A marina which exists as an accessory to or in conjunction with a commercial use. Hotels, motels, condominiums, condotels, inns, and dwellings containing three (3) or more units with boat slips that are not associated with a unit by declaration are considered to be a commercial use for the purpose of this article. There shall be no permanent residing on boats in a Class A Marina.
- (B) Class B Marina. A marina which exists as an accessory to a mobile home park or a condominium complex or a dwelling containing three (3) or more units in which boat slips are associated with a dwelling by declaration and may not be rented, leased or sold separately. There shall be no permanent residing on boats in a Class B Marina.
- (C) Class C Marina. A marina which exists as the only use of the parcel. A Class C marina is a “stand alone” marina which may include accessories to a marina including the following: Convenience stores, fuel sales, oil sales, the sale of convenience items, maintenance areas and repair shops, boat painting areas, mechanic areas, motor vehicle and/or watercraft sales, storage buildings, storage units, trailer parking, fish cleaning stations, trash receptacles/dupsters, offices, limited residential areas, drystacks, accessories to drystacks, and boat launching stations. Other customary accessories to a marina may be approved by the Planning Board in its review process. A Class C Marina is capable of

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storing more than three (3) boats that are not associated with a dwelling by declaration and are not an accessory to another commercial use. There shall be no permanent residing on boats in a Class C Marina.

SECTION 8.3 AREA REQUIREMENTS

The area requirements of marinas are as follows:

- (A) Area, yard, impervious surfaces and height requirements shall be governed by the underlying zone as listed in Article 5, Section 5.6.

SECTION 8.4 PARKING

Parking for marina customers shall be provided for the various classes of marinas as follows:

- (A) Class A Marina
 - (1) Parking must be provided to accommodate the underlying commercial use as outlined in Section 9.6. An additional ½ parking space per boat slip shall be required on the property.
- (B) Class B Marina
 - (1) In a Class B Marina boat slips are associated with the dwelling unit or mobile home and no additional parking is required outside of the requirements set forth in applicable articles for those uses.
- (C) Class C Marina
 - (1) Parking areas to accommodate marina users and employees shall adhere to design requirements set forth in this article.
 - (2) There shall be provided one (1) parking space for each employee on the largest shift.
 - (3) If the marina has a launching ramp, there shall be a minimum of two (2) boat trailer spaces. A boat trailer space shall be a minimum of twelve (12) feet by thirty-eight (38) feet with such space having access so that the vehicle pulling the trailer and the trailer will have sufficient space to park and maneuver in and out of such spaces.
 - (4) There shall be one (1) automobile parking space for each slip or space in the water available for storing or keeping boats. These spaces shall be in addition to automobile spaces provided for dry storage of boats as well as those spaces provided when a launching ramp is located on the premises.

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- (5) On land storage of boats (on dry stacks or otherwise) shall require one (1) automobile parking space for each three (3) boat storage spaces in addition to any automobile spaces required for wet storage and automobile/trailer spaces required in the event a launching ramp is located on the premises.
- (6) Additionally, there shall be provided one (1) parking space for each five hundred (500) square feet of floor space for accessory, retail or repair buildings located on the premises.
- (7) Street or highway right-of-ways shall not be used for the storage of boats, trailers or automobiles.
- (8) Offsite parking may be used when approved by the Planning Board in its review process.

SECTION 8.5 RESTRICTIONS ON ITEMS NEAR INTERSECTIONS

Refer to Section 2.18

SECTION 8.6 SIGNS, LIGHTING, POLLUTION, AND DOCK CONSTRUCTION

Signs, lighting, pollution control and dock construction shall be as follows:

- (A) *Signs.* Refer to Article 11.
- (B) *Lighting.* Refer to Article 9 Part III.
- (C) *Pollution control.* Each marina shall comply with all regulations of the federal and state governments concerning pollution control including but not limited to applicable regulations of the Coastal Area Management Act, state and county health regulations.
- (D) *Dock construction.* Docks, wharves, bulkheads, piers and boat slips shall be constructed in accordance with Volume I of the North Carolina Building Code and shall comply with all federal and state regulations concerning types of material and location of dock, piers and piling.

SECTION 8.7 PLAN APPROVAL

- (A) The pre application meeting and sketch plan outlined in Article 14.2 shall be followed.

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- (B) All applications for a marina permit shall be reviewed by the Technical Review Committee as explained in Article 3 Part 3. Marina permits will follow the same process as a major site plan. Section 14.6 Planning Board Review and Town Council Approval shall be followed. Site plans should be submitted in accordance with Section 14.4.3 and follow the review process listed in Section 14.6. Development plan requirements set forth in Article 15 shall be followed. In addition, the following shall be shown on the plan:
- (1) Name of marina.
 - (2) Name and address of owner or developer.
 - (3) Scale of north arrow.
 - (4) Date of marina plan.
 - (5) Engineer or architect's certificate and seal.
 - (6) Sketch vicinity map.
 - (7) Dimension and bearing of exterior property lines.
 - (8) Map book and page number of property as recorded with the county register of deeds.
 - (9) Roads and streets.
 - (10) Parking spaces, motor vehicle/boat trailer spaces and their location within the marina.
 - (11) Method of surfacing roads.
 - (12) Location of all existing structures.
 - (13) Location of all proposed structures.
 - (14) Location and intensity of area lighting.
 - (15) Location of all slips, docks, piers, wharves and bulkheads.
 - (16) Method of surfacing of parking spaces.
 - (17) Location and dimensions of boat ramps.
 - (18) Location of septic tanks and drain fields if public sewer is not provided at the facility.
 - (19) Number and location of toilet facilities.
 - (20) Location and plan of development of fueling facilities and storage of petroleum products.
 - (21) Zoning classification of the property.
 - (22) Use of adjacent property and names and addresses of adjacent property owners.
 - (23) Any proposed dredging locations
 - (24) Fire hydrant locations
 - (25) Pump-out locations
 - (26) Proposed hours of operation
 - (27) Proposed landscaping and buffering
 - (28) Trash receptacle locations and dimensions
- (C) Prior to final Planning Board review the agent must provide a valid CAMA permit issued by the Division of Coastal Management. Any other state permits required must be submitted to the Zoning Administrator prior to this review as well.

ARTICLE 8. MARINAS

The following definition shall replace the current definition of marina in Appendix A of the UDO:

“A facility for the storing, servicing, fueling, berthing and securing of boats that may include eating, sleeping and retail facilities for owners, crews and guests, and the sale of motor vehicles and/or watercraft and associated accessories.”