



**TOWN OF ATLANTIC BEACH**  
**Planning & Inspections**  
125 WEST FORT MACON ROAD  
ATLANTIC BEACH, NORTH CAROLINA  
PHONE (252) 726-4456      FAX (252) 727-7043

**ATLANTIC BEACH PLANNING BOARD**

**NOTICE**

The Atlantic Beach Planning Board will meet on **Tuesday June 11, 2006** at **6:00 pm** in the Atlantic Beach Town Meeting Hall.

**AGENDA**

**MINUTES:**      NONE

**NEW BUSINESS:**

1. **Request for Rezoning (RZ-06-03)** – 304 & 306 Money Island Drive. Wally Courie. Petition for zoning change from **RC** (Resort Commercial) to **RA-2** (Medium Density Residential).
2. **Request for Rezoning (RZ-06-04)** – 220 & 222 West Atlantic Boulevard. Donald O. Smith. Petition for zoning change from **RC** (Resort Commercial) to **RA-2** (Medium Density Residential).
3. **Review and Recommendation** – Draft language for ordinance amendment to allow covered sections of docks, under defined criteria, over waters within the Town of Atlantic Beach.
4. **Review and Discussion** – Update and Progress Report CAMA Land Use Plan  
Dale Holland, Holland Consulting Planners
5. **Open Comments**

**OLD BUSINESS**

**ADJOURNMENT:**



**TOWN OF ATLANTIC BEACH**  
**Planning & Inspections**  
125 WEST FORT MACON ROAD  
ATLANTIC BEACH, NORTH CAROLINA  
PHONE (252) 726-4456 FAX (252) 727-7043

## *Petition For Rezoning*

Case # :     RZ-06-03    

Fee Paid :     \$200.00 6/5/06    

**Applicant Name:**     Wally Courie      
**Applicant's Address:**     400 Money Island Drive      
    Atlantic Beach, North Carolina 28557    

**Telephone:**     (252) 725-5051     **Contact Name:**     Wally Courie    

**Property Address:**     304 & 306 Money Island Dr.     **Property Owner:**     Wally Courie      
**Tax Parcel ID:**     6385.13-22-0823     **Owner's Address:**     PO Box 339      
    Atlantic Beach, NC 28512    

**Current Zoning:**     RC (Resort Commercial)    

**Protective Overlay:**     None     **Flood Zone:**     Zone VE-11    

**Requested Zoning:**     RA-2 (Medium Density Multi-Family Residential District)    

**Nature of Request:** The applicant is requesting the property addressed as 304 & 306 Money Island Drive be rezoned from **RC Resort Commercial Zoning District** to **RA-2 Medium Density Multi-Family Residential District**. The property is currently owned by Walley Courie and at present the property is partially used as a gravel parking area, specifically for the Island Grille. The approximately .38 acre (16,546 sf) parcel is located on the north/west corner of Money Island Drive and Caswell Street and has frontage on both streets (see attached location map). Although the parcel is presently used as a parking facility the applicant is seeking the RA-2 zoning district to allow more flexibility for the overall residential development of the property. As we have seen over the past year, this is a very consistent change occurring in the vicinity of this property, as residential development surrounds the property on all sides, including in the RC Resort Commercial district designations. As with any rezoning request, the proposed use should not be a consideration of the request, but all allowed uses in the proposed district.

**Zoning District Comparisons:** The RC Resort Commercial District is considered to be one of the commercial business districts of the Town and allows for a wide variety of commercial uses by right and several uses by the approval of a Special Use Permit from the Board of Adjustment. The Atlantic Beach Zoning Ordinance in *Art. V Section 18-81 (9)* defines the RC Resort Commercial District as “a limited business district, it is intended that permitted uses shall be oriented to those businesses and services associated with those tourist related activities which reflect a family atmosphere.”

The RA-2 District is intended as “A district in which the principal use of the land is for single-family, duplex, triplex and four family dwellings.” (*ABZO Art. IV Section 18-81 (4)*).

Permitted Uses for districts are listed in *Article VI Section 18-121* of the Zoning Ordinance, and **Table 1** provides a side-by-side comparison of the two districts.

**TABLE 1 RC Resort Commercial / RA-2 Medium Density Residential District Comparisons**

<b><u>RC Resort Commercial District</u></b>	<b><u>RA-2 Medium Density Residential</u></b>
<p><b>Permitted uses</b></p> <ul style="list-style-type: none"> <li>a. Accessory buildings, customary.</li> <li>b. Administrative office facilities.</li> <li>c. Antique shop.</li> <li>d. Arcades.</li> <li>e. Art museums.</li> <li>f. Audio and/or video recording studio.</li> <li>g. Bakery goods sales shop.</li> <li>h. Banks.</li> <li>i. Barber/beauty shops.</li> <li>j. Beachwear sales.</li> <li>k. Book/magazine/newspaper store.</li> <li>l. Churches.</li> <li>m. Concessions.</li> <li>n. Convenience stores</li> <li>o. Drugstores.</li> <li>p. Exhibition building, galleries or show room, dairy bar/ice cream parlor.</li> <li>q. Fishing piers.</li> <li>r. Fishing tackle shop.</li> <li>s. Flower shop.</li> <li>t. Food stores.</li> <li>u. Gift shop.</li> <li>v. Hobby shop.</li> <li>w. Hotels/motels. (SR#7)</li> <li>x. Indoor commercial recreation.</li> <li>y. Jewelry store.</li> <li>z. Leather goods store.</li> <li>aa. Marinas.</li> <li>bb. Massage and bodywork therapy practices licensed pursuant to NC General Statutes 90-623.</li> <li>cc. Maze.</li> <li>dd. Medical offices.</li> <li>ee. Municipal buildings.</li> <li>ff. Novelty shops.</li> <li>gg. Photo studios.</li> <li>hh. Public beach access facilities and related public parking.</li> <li>ii. Restaurants, sit-down.</li> <li>jj. All retail sales or rental businesses other than the sale, repair or rental of jet skis and water vessels.</li> <li>kk. Sporting goods store.</li> <li>ll. Travel bureaus.</li> <li>mm. Sewer system - Type A.</li> </ul>	<p><b>Permitted uses</b></p> <ul style="list-style-type: none"> <li>a. Churches.</li> <li>b. Clubs, provided that the chief activity is not one customarily carried on as a business, i.e., Boy's Club, Jaycees, Women's Club.</li> <li>c. Customary accessory buildings.</li> <li>d. Customary home occupations.</li> <li>e. Duplex, triplex, and four-family dwellings.</li> <li>f. Greenhouses which are incidental to the residential use and conducted on a nonprofit basis only.</li> <li>g. Grounds and facilities for community and recreational facilities which are operated on a nonprofit basis.</li> <li>h. Guest houses.</li> <li>i. Libraries.</li> <li>j. Public schools and private schools.</li> <li>k. Public utility distribution lines, transformer stations, transmission lines and towers, but not service or storage buildings.</li> <li>l. Single-family residential dwellings, conventional or modular.</li> <li>m. Sewer system--Type A.</li> </ul>
<p><b>(2) Special uses</b></p> <ul style="list-style-type: none"> <li>a. Adult oriented businesses subject to other regulations outlined within this section and properly licensed in accordance with the regulations outlined within chapter 9, article VII licenses and business regulations of the Town of Atlantic Beach Code of Ordinances. (SR #5)</li> <li>b. Amusement rides.</li> <li>c. Beach bingo.</li> <li>d. Bowling lanes.</li> <li>e. Buildings for the storage of property commonly</li> </ul>	<p><b>(2) Special uses.</b></p> <ul style="list-style-type: none"> <li>a. Planned unit development (PUD). (SR#1)</li> <li>b. Sewer system--Type B.</li> </ul>

<p>known as cubicle storage buildings or mini warehouse storage buildings provided that all storage is within the building enclosure and no storage is allowed on the exterior of such buildings.</p> <ul style="list-style-type: none"> <li>f. Delicatessen.</li> <li>g. Dinner theatres.</li> <li>h. Dry cleaning and commercial laundry.</li> <li>i. Go-cart and other small motorized vehicle tracks.</li> <li>j. Indoor theatres.</li> <li>k. Laundromat or coin-operated laundry.</li> <li>l. Miniature golf.</li> <li>m. Parking areas.</li> <li>n. Planned unit development. (SR#1)</li> <li>o. Public utility buildings.</li> <li>p. Single family dwellings, duplexes, triplexes, and quadraplexes, excluding mobile homes, and group housing consistent with SR #2.</li> <li>q. Skating and skateboard rinks.</li> <li>r. Taverns.</li> <li>s. Teenage clubs. (SR#12)</li> <li>t. The sale, rental or repair of jet skis and other water vessels (SR#9).</li> <li>u. Youth centers (SR#10).</li> <li>v. Sewer system--Type B.</li> <li>w. Sewer system--Public.</li> </ul>	
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Subject Property:  
304 & 306 Money Island Drive

### Location Map: Case # RZ-06-03

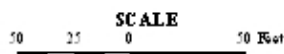
**Nature of Request:** Request for property rezoning from RC Resort Commercial to RA-2 Medium Density Residential.

**Applicant:** Wally Courie, Owner / Agent

**Property Address:** 304 & 306 Money Island Drive

**Parcel ID #:** 6385.13-22-0823

**Zoning District:** RC Resort Commercial



Map created by Atlantic Beach  
Planning & Inspection Department

**Date:**  
July 11, 2006

**Analysis:** As can be seen from the comparisons there is are considerably more uses and higher intensity uses that can be allowed in the RC Resort Commercial District than can be allowed in the RA-2 District. Residential uses within an RC Commercial zoning district are allowed only by approval of a special use permit issued by the Zoning Board of Adjustment. Since this process requires some significant investment up front many of these marginal commercial properties are now beginning to request a rezoning of the property rather than the special use process. We have seen several applications for such requests with the past two years, and the ZBA has received several special use applications. Some of the Special Use applications have been requested in this general vicinity. More recently, in September of 2005 the Planning Board reviewed multiple requests from the Bradley family to change zoning classifications from RC to one of the adjoining residential districts.

To address these special use and rezoning requests the Planning Board and staff attempted to draft language that would allow residential development within the commercial zoning districts in conjunction with the underlying commercial activities. This mixed-use development would allow for current market development residential units while still protecting the town's commercial districts. However, language agreeable with the desires of Town Council has yet to be drafted. Even so, in this particular area this approach may not be the most practical. Again most of the uses are residential in nature and the complete conversion of the neighborhood to residential development may be more consistent with the overall development patterns.

Historically this section of town developed with a variety of commercial businesses located along Money Island Drive with the major commercial development being the pier and pier house. Since many of the properties along Money Island Drive were operated as commercial operations at one time, when the Town began establishing zoning districts, these properties were given a commercial zoning designation. Within the past several years most of these commercial uses have changed to residential development with only a few of the commercial operations remaining.

The area around this parcel is developed mainly with residential uses. The Sportsman's Pier located at the end of Money Island Drive, and the Island Grill at the corner of Money Island and Glenn Street are the only remaining commercial activities operating in the vicinity. The Sportsman's Pier property was actually one of the properties rezoned in the September 2005 request, and plans are being developed to convert the property into residential housing of some type.

**Staff Recommendations:** The area is developed with a variety of uses ranging from single-family residential cottages, duplex structures, a mobile home park, a fishing pier and a small restaurant. By far the predominant use of land in the area is residential in nature, and the lots are arranged in a fashion that is more conducive to residential development. As staff has mentioned on multiple occasions, there is a surplus of general and resort commercial property in the Town of Atlantic Beach. The Board of Adjustments has received multiple requests to grant special use permits to allow residential uses in commercial districts, and the Planning Board has reviewed several rezoning applications for properties such as these. Staff feels that it would be beneficial to the Town to consider alternative approaches to addressing the issue of residential development in commercial districts. However, in this particular case continued use of these properties as commercial properties appears to not a practical development pattern for the area. Staff would recommend that the RA-2 rezoning request be considered for approval.

**Planning Board Recommendations (July 11, 2006):**

Approval of Request:

Opposed: None

Absent:

**Space Reserved for Courie Application  
Page 1**

**Space Reserved for Courie Application  
Page 2**



## TOWN OF ATLANTIC BEACH

### Planning & Inspections

125 WEST FORT MACON ROAD

ATLANTIC BEACH, NORTH CAROLINA

PHONE (252) 726-4456 FAX (252) 727-7043

## *Petition For Rezoning*

Case # :     RZ-06-04    

Fee Paid :     \$200.00 6/20/06    

Applicant Name:     Donald O. Smith    

Applicant's Address:     308 Parkway    

    Greensboro, North Carolina 27401    

Telephone:     (336) 373-0477    

Jeanette Holland, Holland Realty

Contact Name:     (252) 504-2400    

Property Address:     220 & 222 W. Atlantic Blvd.    

Property Owner:     Alta Walters    

Tax Parcel ID:     6375.16-83-6050 & 6090    

Owner's Address:     PO Box 3003    

    Atlantic Beach, NC 28512    

Current Zoning:     RC (Resort Commercial)    

Protective Overlay:     None    

Flood Zone:     Zone X    

Requested Zoning:     RA-2 (Medium Density Multi-Family Residential District)    

**Nature of Request:** The applicant is requesting the two properties addressed as 220 & 222 West Atlantic Boulevard be rezoned from **RC Resort Commercial Zoning District** to **RA-2 Medium Density Multi-Family Residential District**. The properties are currently owned by Gary and Alta Walters and at present one lot is developed as a residential dwelling and the other is simply vacant but associated with the existing dwelling. However, both of the lots are nonconforming in size and therefore are considered to be one parcel, not eligible for resubdivision. Combined, the parcels are approximately .22 acre (9,551 sf) and are located on the north/east corner of West Atlantic Boulevard and Raleigh Avenue (see attached location map). The lot has frontage on both streets and also abuts one of the remaining Town alleyways that run through the area. Although the parcel is presently used as a residential lot the applicant is seeking the RA-2 zoning district to allow more flexibility for the overall residential development of the property. As we have seen over the past several years, this is a very common request in some of the more marginal commercial property designations, especially as the residential development market continues to increase. Residential development surrounds the property on all sides, including in the adjoining properties that also carry the RC Resort Commercial district designation. As with any rezoning request, the proposed use should not be a consideration of the request, but all allowed uses in the proposed district.

**Zoning District Comparisons:** The RC Resort Commercial District is considered to be one of the commercial business districts of the Town and allows for a wide variety of commercial uses by right and several uses by the approval of a Special Use Permit from the Board of Adjustment. The Atlantic Beach Zoning Ordinance in *Art. V Section 18-81 (9)* defines the RC Resort Commercial District as "a limited business district, it is intended that permitted uses shall be oriented to those businesses and services associated with those tourist related activities which reflect a family atmosphere."

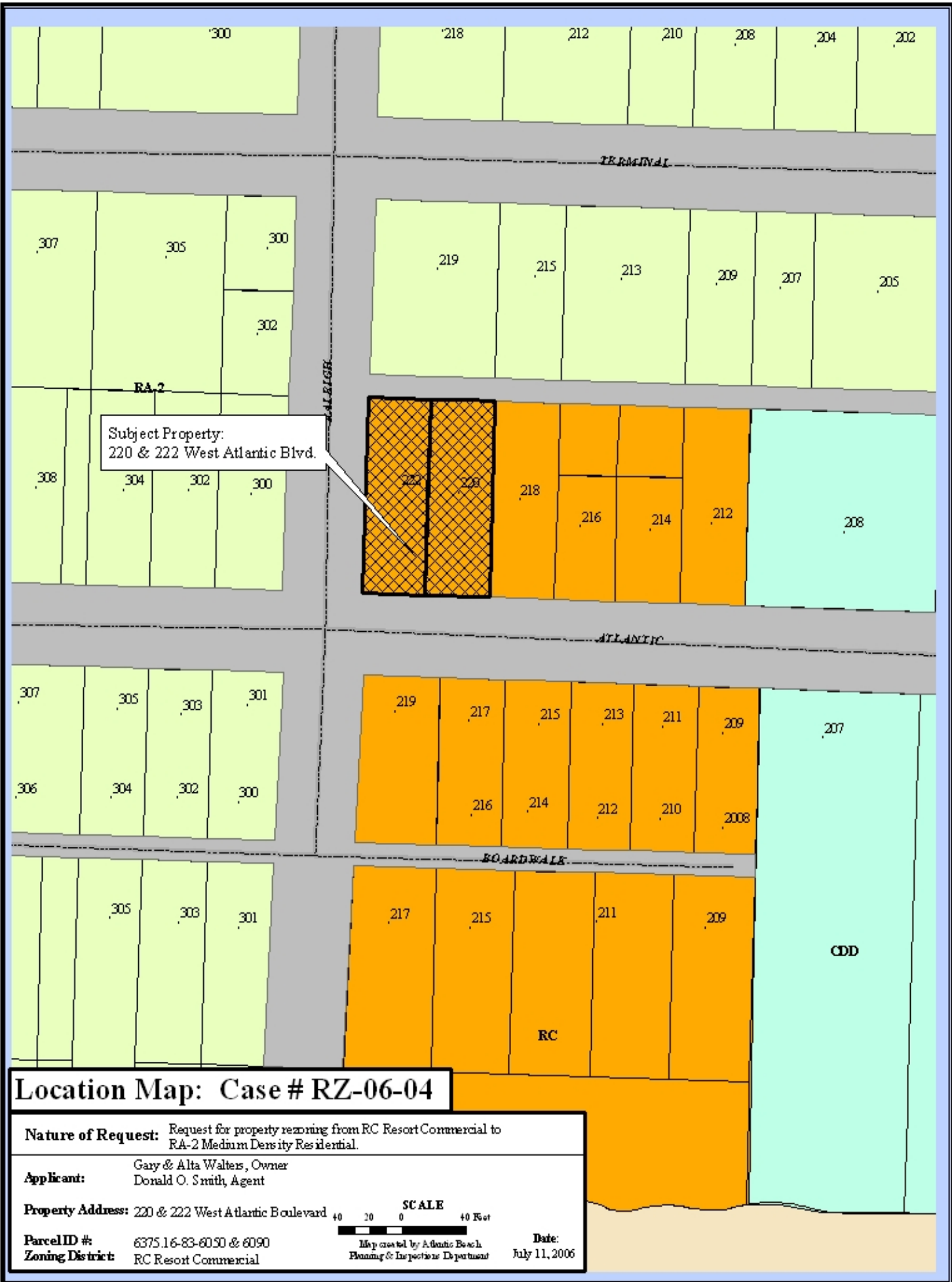
The RA-2 District is intended as "A district in which the principal use of the land is for single-family, duplex, triplex and four family dwellings." (*ABZO Art. IV Section 18-81 (4)*).

Permitted Uses for districts are listed in *Article VI Section 18-121* of the Zoning Ordinance, and **Table 1** provides a side-by-side comparison of the two districts.

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<p>known as cubicle storage buildings or mini warehouse storage buildings provided that all storage is within the building enclosure and no storage is allowed on the exterior of such buildings.</p> <ul style="list-style-type: none"> <li>f. Delicatessen.</li> <li>g. Dinner theatres.</li> <li>h. Dry cleaning and commercial laundry.</li> <li>i. Go-cart and other small motorized vehicle tracks.</li> <li>j. Indoor theatres.</li> <li>k. Laundromat or coin-operated laundry.</li> <li>l. Miniature golf.</li> <li>m. Parking areas.</li> <li>n. Planned unit development. (SR#1)</li> <li>o. Public utility buildings.</li> <li>p. Single family dwellings, duplexes, triplexes, and quadraplexes, excluding mobile homes, and group housing consistent with SR #2.</li> <li>q. Skating and skateboard rinks.</li> <li>r. Taverns.</li> <li>s. Teenage clubs. (SR#12)</li> <li>t. The sale, rental or repair of jet skis and other water vessels (SR#9).</li> <li>u. Youth centers (SR#10).</li> <li>v. Sewer system--Type B.</li> <li>w. Sewer system--Public.</li> </ul>	
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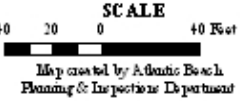
### Location Map: Case # RZ-06-04

**Nature of Request:** Request for property rezoning from RC Resort Commercial to RA-2 Medium Density Residential.

**Applicant:** Gary & Alta Walters, Owner  
Donald O. Smith, Agent

**Property Address:** 220 & 222 West Atlantic Boulevard

**Parcel ID #:** 6375.16-83-8050 & 8090  
**Zoning District:** RC Resort Commercial



**Date:** July 11, 2006

**Analysis:** As can be seen from the comparisons there is are considerably more uses and higher intensity of uses that can be allowed in the RC Resort Commercial District than allowed in the RA-2 District. Residential uses within an RC Commercial zoning district are allowed only by approval of a special use permit issued by the Zoning Board of Adjustment. Since this process requires some significant investment up front many of these marginal commercial properties are now beginning to request a rezoning of the property rather than the special use process. We have seen several applications for such requests with the past two years, and the ZBA has received several special use applications. Some of the Special Use applications have been requested in this general vicinity. More recently, in September of 2005 the Planning Board reviewed multiple requests from the Bradley family to change zoning classifications from RC to one of the adjoining residential districts.

To address these special use and rezoning requests the Planning Board and staff attempted to draft language that would allow residential development within the commercial zoning districts in conjunction with the underlying commercial activities. This mixed-use development would allow for current market development residential units while still protecting the town's commercial districts. However, language agreeable with the desires of Town Council has yet to be drafted. Even so, in this particular area this approach may not be the most practical. Again most of the uses are residential in nature and the complete conversion of the neighborhood to residential development may be more consistent with the overall development patterns.

Historically this section of town developed with a variety of commercial businesses located along Money Island Drive with the major commercial development being the pier and pier house. Since many of the properties along Money Island Drive were operated as commercial operations at one time, when the Town began establishing zoning districts, these properties were given a commercial zoning designation. Within the past several years most of these commercial uses have changed to residential development with only a few of the commercial operations remaining.

The area around this parcel is developed mainly with residential uses. The Sportsman's Pier located at the end of Money Island Drive, and the Island Grill at the corner of Money Island and Glenn Street are the only remaining commercial activities operating in the vicinity. The Sportsman's Pier property was actually one of the properties rezoned in the September 2005 request, and plans are being developed to convert the property into residential housing of some type.

**Staff Recommendations:** The area is developed with a variety of uses ranging from single-family residential cottages, duplex structures, a mobile home park, a fishing pier and a small restaurant. By far the predominant use of land in the area is residential in nature, and the lots are arranged in a fashion that is more conducive to residential development. As staff has mentioned on multiple occasions, there is a surplus of general and resort commercial property in the Town of Atlantic Beach. The Board of Adjustments has received multiple requests to grant special use permits to allow residential uses in commercial districts, and the Planning Board has reviewed several rezoning applications for properties such as these. Staff feels that it would be beneficial to the Town to consider alternative approaches to addressing the issue of residential development in commercial districts. However, in this particular case continued use of these properties as commercial properties appears to not a practical development pattern for the area. Staff would recommend that the RA-2 rezoning request be considered for approval.

**Planning Board Recommendations (July 11, 2006):**

Approval of Request:

Opposed: None

Absent:

**Space Reserved for Smith Application  
Page 1**

**Space Reserved for Smith Application  
Page 2**

**Space Reserved for Smith Application  
Letter of Agency**

**ARTICLE IV.  
ESTABLISHMENT OF ZONING DISTRICTS**

**Sec. 18-81. Primary zoning districts established; purposes set forth.**

- (10) *RS recreational sound district.* The RS district is established as a district in which the principal use of land and water is for recreational purposes only.

*Applicability.* All of the canals, creeks, ponds, waterways, channels, sounds and other bodies of water within the municipal limits of the Town of Atlantic Beach and the extraterritorial jurisdiction of the Town of Atlantic Beach to include all islands not presently zoned, as located on the north side of Highway 58 and extending from Pine Knoll Shores to Fort Macon State Park are hereby zoned and classified as RS recreational sound district.

**ARTICLE VI.  
Listing of Permitted and Special Uses by District**

**Sec. 18-122. Business districts.**

- (c) *RS recreational sound district.*

(1) *Permitted uses.*

- a. Boat lifts (SR# 13).
- b. Boat ramps.
- c. Bulkheads and other shoreline stabilization.
- d. Docks (SR# 13).
- e. Mooring piles.
- f. Navigational markers.
- g. Piers (SR# 13).
- h. Marinas. (SR#6)
  1. Marinas shall only be a permitted use, in a plat submitted to the building inspector, which is in the RS recreational sound district, when the adjoining or abutting lands are zoned resort/commercial or general business.
  2. Marinas shall remain a special use in the submerged land as shown on the plat submitted to the building inspector, in the RS recreational sound district if they do not adjoin or abut lands zoned resort/commercial or general business.

(2) *Special uses.*

- a. Marinas. (SR#6)
- b. Public water accesses.
- c. Utility lines.

**Sec. 18-124. Special requirements to the list of permitted and special use.**

**(m) SR #13 – Boat Lifts / Dock /Pier/Boat lift covers.**

1. The decks of docks and piers shall not be constructed higher than five (5) feet above mean high tide level at the proposed construction site as determined by a registered surveyor or engineer locating mean high tide and an elevation five (5) feet above mean high tide.
2. Boat Lifts (no cover). Boat lifts located within the recreational sound zoning area which abut, adjoin or serve a residential lot, residential structure(s) or residential areas, shall be permitted provided the following conditions are met:
  - a. Once completed the maximum elevation of the vessel (excluding antennas and outriggers) while being supported by such lift shall not exceed twenty (20) feet in height as measured from mean high tide at the site of the boat lift. The mean high tide shall be determined by as determined by a registered surveyor or engineer locating mean high tide and an elevation twenty (20) feet above mean high tide.
3. Roofs, canopies, shelters, framing and similar elevated structures or similar appurtenances are specifically prohibited along all of the canals, creeks, ponds, waterways, channels, and other similar narrow and/or maintained bodies of water within the town limits.
4. Roofs, canopies, shelters, framing and similar elevated structures or similar appurtenances are permitted along lots which do not abut any of the canals, creeks, ponds, waterways, channels, and other similar narrow and/or maintained bodies of water, but instead have direct access to the navigatable waters of Bogue Sound, provided the following conditions are met:
  - a. The width of the property line along the water is a minimum of sixty-five (65) feet.
  - b. The total length of the dock or pier must be required to be in excess of 275 linear feet, measured in a strait line from shoreline to structure area, in order to reach the channel portion of the water.
  - c. Piers must not extend into any channel portion of the water body.
  - d. Piers extending more than 100 feet past the marsh vegetation or the shoreline must not extend beyond the length of existing piers used for similar purposes along the same shoreline.
  - e. The covered portion of the dock shall be no closer than 275 linear feet to the shoreline or bulkhead, measured in a strait line from shoreline to structure edge.
  - f. The covered portion of the dock shall be no greater than 256 sf in size, nor have an exterior dimension (eave to eave) in excess of sixteen (16) feet measured width or depth.
  - f. Only one covered area per dock is allowed.
  - g. The entire covered area must be in compliance with the adjoining riparian setback requirements as established and defined by the North Carolina Coastal Area Management Act (CAMA).
  - h. Covered area shall not be enclosed in any fashion and shall remain open from the deck to the top of the support structures except for minimum framing requirements. This shall not preclude the installation of railings or benches provided, neither shall rise greater than 36” from the top of decking where located, and railings may not be solid in nature with a minimum of 4” vertical spacing.
  - i. Once completed the maximum peak of the structure shall not exceed twenty (20) feet in height as measured from mean high tide at the site of the boat lift. The mean high tide shall be determined by a registered surveyor or engineer locating mean high tide and an elevation twenty (20) feet above mean high tide.



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**Planning & Inspections**  
125 WEST FORT MACON ROAD  
ATLANTIC BEACH NORTH CAROLINA  
PHONE (252) 726-4456 FAX (252) 727-7043

*Memorandum*

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**Date:** July 11, 2006  
**To:** Planning Board Members  
**From:** Lee E. Smith, Planning Director  
**RE:** CAMA Land Use Plan Progress Report

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Mr. Dale Holland of Holland Consulting Planners, Inc. will be present to provide us with the following updated material for the CAMA Land Use Plan.

Revised Land Use Map showing Cottage District Boundaries, and potential surface flood areas.  
Additional and or revised Policies and Implementation Actions

These items will come in a separate packet mailed directly from the Land Use Plan consultant.

If you have any questions or comments please feel free to contact me.