

CAROLINA BEACH

Town Council Workshop

Tuesday, October 28, 2025 — 9:00 AM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



AGENDA

CALL TO ORDER

DISCUSSION ITEMS

- [1.](#) Employee Recognition
- [2.](#) Text Amendment discussion to amend Beach Services to address safety issues and ATVs on the beach. Applicant: Town of Carolina Beach
- [3.](#) Adopt Procurement Policy for Federal and State Grants
- [4.](#) Discuss options for the Saint Joseph Street right-of-way parking. Applicant: Town of Carolina Beach
- [5.](#) Private Parking in the Right of Way
- [6.](#) Review Implementation of One-Way Plan for Canal Drive
- [7.](#) Text Amendment discussion to amend side setback exceptions. Applicant: Town of Carolina Beach

COUNCIL COMMENTS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council Workshop – 10/28/2025

SUBJECT: Employee Recognition

BACKGROUND:

The following employees will be recognized for their years of service:

Darius Grady	Public Utilities	5 years
Tim Murphy	Parks and Recreation	20 years



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Community Development Director **DEPARTMENT:** Community Development

MEETING: Town Council – October 28, 2025

SUBJECT: **Text Amendment** discussion to amend Beach Services to address safety issues and ATVs on the beach.
Applicant: Town of Carolina Beach

BACKGROUND:

Staff learned at the August 2025 Town Council Retreat that Beach Services was the most dominant concern expressed to Town Council by community members, visitors, staff, and the actual beach service providers. The issues have been present for years but have continued to increase as the level of beachgoers increases. During the Town Council retreat the issues that had been expressed were identified:

1. Concerns about motorized vehicles on the beach. Speed, reckless operation, and operation outside the emergency travel lane.
2. Line of sight and access issues from guards not having clear view of the water due to structures erected on the beach (umbrellas, canopy's, shibumi, etc)
3. Unattended rigid structures on the beach. Umbrellas, canopies etc. Residents have expressed concerns after seeing reports of injuries at other locations during a waterspout or thunder squall.
4. Equitable Access issues. Residents and visitors often arrive to the public trust beach to find unattended umbrellas, canopies "staking out" the ridge in front of the high water mark.
5. Trash left on the beach.

After our staff leadership met with Town Council we met with the staff assigned to work on the beach from Police, Fire, Public Works, and Community Development. At this meeting we asked them to identify the issues they were having.

1. Safety Concerns with ATV's on the beach.
2. Trash from rentals on the beach.
3. Unmonitored/unused chairs
4. Visibility of the beach
5. Constant complaints. Enforcement and permitting staff would like more objective/cleaner regulations.

Our final group meeting was with the actual beach service providers. We gave them the top five issues:

1. ATV's

2. Visibility of lifeguards on the beach
3. Objective Enforcement
4. Trash on the Beach
5. Managing Inventory

While Beach Services provides a great amenity for beachgoers there are issues that are causing more and more user conflicts and safety concerns.

Based on the Council survey results staff incorporated the highest percentage of each category into the draft ordinance. Both are attached.

ACTION REQUESTED:

Give staff direction to bring back an ordinance for adoption at the November 12th Town Council meeting.

1. Motorized Vehicles on the Beach – ATV Limits

Please select one:

- ☐ No ATVs allowed on the beach.
- 80% ☐ Beach Services ATVs are allowed only from 7:00–9:00am and 5:00–8:00pm.
- ☐ Only one ATV per beach service permit is allowed.
- 20% ☐ One ATV north of Hamlet and one south of Hamlet
- ☐ No change
- ☐ Other (give details)_____

2. Visibility & Placement of Beach Equipment

(Check all that apply)

- 40% ☐ Equipment must be oriented **parallel to the beach in a single line.**
- 60% ☐ 20 foot break after 10 beach service equipment (chair/umbrella/tent)
- 40% ☐ Develop a threshold that all beach services must be west of and no closer to the lifeguard stand. (i.e. nothing forward of the lifeguard stands or closer to the lifeguard stands as defined by the warning flags)
- 20% ☐ Prohibit **canopies and tents.**
- 20% ☐ No change
- 40% ☐ Other (give details)
1. 20' break after 5 umbrellas
 2. 10 X 10 must be against emergency lane only

3. Objective Permitting and Enforcement

Please select what you would support

(Check all that apply)

- 80% ☐ Publish and distribute a **code of conduct/rules** with permits.
- 80% ☐ Post **violations and fees** clearly.
- 60% ☐ Define violations in rates and fees schedule.
- 80% ☐ Work with the beach service providers to create a video that would be required to be watched by beach service employees and could be displayed on the Town website for educating beachgoers.
- 0% ☐ No change
- 0% ☐ Other (give details)_____

4.Trash on the Beach

Please select what you would support

(Check all that apply)

80% ☐ Require **reusable, non-detachable ID systems** (painted numbers, barcodes, QR stickers).

80% ☐ Prohibit disposing of equipment in **town containers**.

40% ☐ Prohibit reservation tags that are detachable

0% ☐ No change

0% ☐ Other (give details)_____

5. Managing Inventory

Please select what you would support

40% ☐ **Umbrellas must be closed** when unattended.

40% ☐ Clearly define and mark the emergency lane. The emergency lane shall be preserved for vehicular movement. No encroachments of beach equipment allowed on the east or west side of the emergency lane.

80% ☐ Require removal of all equipment when the Town issues a **wind advisory, squall warning, or severe weather alert**.

40% ☐ Education for beachgoers on safety regulations

0% ☐ No change

20% ☐ Other (give details) An attendant is required on the beach strand during business hours limited to Hamlet - Harper

Chapter 28 WATERCRAFT, BEACHES AND COASTAL PARKS¹

ARTICLE I. IN GENERAL

Sec. 28-1. Allowable vending and beach services on public property within the town or managed by the town; restrictions.

- (a) *Non-motorized carts.*
 - (1) A maximum of ten permits shall be authorized by the Town to sell food, beverages and sundries.
 - (2) Each permit shall allow one non-motorized cart to access the municipal beach strand and/or Freeman Park.
- (b) *Motorized vehicles (Freeman Park only).*
 - (1) No more than six permits shall be authorized by the town to sell fishing equipment, food, beverages, camping equipment, firewood, sundries, and beach apparel, such as hats, t-shirts and sunglasses.
 - (2) Each permit shall allow a maximum of one vending vehicle accessing Freeman Park.
 - (3) All vending vehicles in Freeman Park shall display a valid Freeman Park entry pass.
 - (4) Only standard operational 4x4 vehicles that are legally licensed, insured, properly inspected, have a Freeman Park permit, and in compliance with state statutes, particularly the operational and safety standards, shall operate under a beach services permit within Freeman Park. No golf carts, gators, motorcycles, ATVs, trailers (including boats and campers) shall be utilized for beach services operations within Freeman Park unless otherwise approved by the Town Manager or his designee.
- (c) *Regulations for all activities.*
 - (1) Deliveries and vending of alcoholic beverages is strictly prohibited.
 - (2) Hours of operation shall be limited from sunrise to sunset [unless otherwise denoted](#)
 - (3) Permit holders shall be responsible for depositing trash generated into trash receptacles during all hours of the operation.
 - (4) No outdoor storage of equipment shall be allowed except as permitted under subsection (d) of this section.
 - (5) All food products or beverages must be permitted by the New Hanover County Health Department or other permitting agencies as applicable. The applicant shall provide a copy of the certificate or the exemption from the county environmental health department and maintain a copy displayed while vending.
 - (6) Any subsequent ordinance changes to this section that are adopted by town council shall apply to this permit.

¹State law reference(s)—Certain municipalities' ordinances regarding swimming, watercraft operation, and littering, G.S. 160A-176.2.

- (7) All permit holders shall maintain a log of activities stating at a minimum: date, time started, time stopped. This log shall be available for inspection by the department of planning and development on an annual basis upon request for a permit renewal. If operations did not occur on 50 percent or more of the days between June 1 and August 31 then the permit shall automatically require town council review prior to reinstatement.
 - (8) A copy of the issued permit shall be available at all times while operating.
 - (9) No permit holder shall operate in a stationary location for more than 30 minutes.
 - (10) Absolutely no beach activities, equipment, or business operations are allowed on the beach at any time within 20 feet from the easternmost edge of the dune slope or vegetative line. Depending on conditions, emergency personnel may impose greater setbacks on a case-by-case basis.
- (d) *Regulations for beach services.*
- (1) A maximum of three permits shall be authorized by the town.
 - (2) Rental items shall be limited to beach chairs, umbrellas, surfboards, body boards, cabana tents, or any other beach rental item as approved by the Town Manager or his designee.
 - (3) Any vehicles and trailers used in connection with beach service shall be similar type all-terrain vehicles (ATV) as is used by the Police Department, and shall satisfy all OSHA and EPA requirements regarding emissions, noise, and impacts to the beach. Each license shall be limited to two ATVs. Drivers of ATVs shall be properly licensed and trained to operate said vehicles in a manner consistent with established police department standards.
 - (4) Access to the beach by an ATV shall be limited to Ocean Boulevard, Hamlet Avenue, and Starfish Lane.
 - (5) Items should be for transient delivery only and not displayed for rent or have any advertisement on the beach strand other than the embroidered company information on the rental items.
 - (6) Beach service operators shall not solicit beach patrons verbally or in an aggressive manner to rent items.
 - (7) Beach deliveries and pickups utilizing an ATV shall [meet the following](#):
 - i. [From April 1 to September 30 ATVs shall only be operated between the hours of 7:00-9:00am and 5:00-8:00pm on the beach strand](#)
 - ii. [From October 1 to March 31 ATVs shall be limited from sunrise to sunset.](#)
 - iii. [Upon notification by Town officials, \(i.e. during severe weather events\), ATVs may be used outside of the permitted operating hours to remove rental items.](#)
 - (8) Rental chairs and rental umbrellas may be stored on the ocean beach. The location and the method of storage shall be approved by the Town Manager subject to the following standards.
 - i. The applicant shall submit a notarized agreement holding the town harmless with regard to any theft, loss, damage or injury as a result of the licensees' operation and storage of material on the beach.
 - ii. The storage of product will only be allowed beginning April 1 and ending on September 30 and is subject to other state and federal laws.
 - iii. No more than three storage area locations per beach service permit.
 - iv. No more than one 4x4 wood post per storage area. The post shall be located at the toe of the dune and outside of the emergency lane.

- v. The Town Manager may, at any time and for any reason, suspend the right to store material on the public beach. At the direction of the Town Manager, the chairs and umbrellas shall be removed or moved to another location on the beach strand within 24 hours of verbal or written notice.
 - vi. An attendant may assist customers with deliveries without utilizing an ATV with rental items at the storage areas outside of the hours of operation.
 - (9) Reservation ID's shall be non-detachable (i.e. painted numbers, barcodes, QR stickers etc....)
 - (10) Beach equipment shall not be disposed of in any town refuse containers.
 - (11) The area 20' (emergency lane) from the easternmost edge of the dune slope or vegetative line shall be preserved for vehicular movement only.
 - (12) Beach Services shall meet the requirements of Sec. 28-119. Placing obstructions on the public beach.
- (e) *Permit issuance.*
- (1) All permits shall be reviewed and issued by the Department of ~~Planning and~~ Community Development. Only complete applications meeting all the criteria of this section shall be accepted for a vending permit.
 - (2) Existing vendors shall submit a request for permit renewal on or before March 1 of each year. All vending permits shall expire on March 31 of the following year.
 - (3) Existing vendors shall be required to update their original submittal with any changes that have occurred since their last approval. Upon completion, the vendor shall sign a new one-year vending permit with the town.
 - (4) No vendor shall apply for or obtain more than one of each type of vending permit (i.e. one motorized and one non-motorized).
 - (5) Rules will be printed on the permit with violation reference and fees.
- (f) *Wait lists.*
- (1) Vendors shall be considered in the order in which an application was accepted by the town.
 - (2) The list of applicants shall be kept on file in the Department of Planning and Development.
 - (3) A "new vendor" wait list shall be restarted every first business day of the calendar year.
- (g) *Submittal.* All vendors shall address the following criteria in their vending submittal:
- (1) Full names of the applicant printed and signed.
 - (2) Vendor's address, email, and telephone number.
 - (3) Detailed list of items to be sold.
 - (4) Equipment to be utilized in the activity. The applicant shall describe in detail where all materials, vehicles and/or carts will be stored during hours that they are not in use.
 - (5) Copy of valid North Carolina driver's license (as applicable).
 - (6) Permit fees shall be paid at submittal or as soon as a permit becomes available. Permit fees shall be designated in the budget ordinance or by Town Council.

- (7) Applicants shall acquire and provide a copy of liability insurance naming the Town of Carolina Beach as an additional insured entity for not less than \$1,000,000.00.
- (h) *Permit revocation.*
- (1) A vending permit shall be revoked immediately by the citing town official upon receipt of three violations. A permit may be reinstated after review by Town Council at the request of the vendor. The vendor shall make available their vending log and a written explanation of the violations.
 - (2) All vendors shall maintain compliance with all rules and regulations as described in chapter 14, article II of the Town Code of Ordinances. Any violations of these rules shall automatically render the permit null and void.

(Code 1986, § 8-47(1)—(4); Ord. No. 10-833, 5-11-2010; Ord. No. 10-839, 6-22-2010; Ord. No. 11-863, 4-12-2011; Ord. No. 14-964, 1-9-2015; Ord. No. 19-1109, 2-12-2019; Ord. No. 23-1202, 4-11-2023)

Editor's note(s)—Ord. No. 19-1109, 2-12-2019, amended the title of § 28-1 to read as herein set out. The former § 28-1 title pertained to allowable vending and soliciting on public property within the town or managed by the town; restricting.

DIVISION 3. OBSTRUCTIONS ON THE BEACH²

Sec. 28-118. Definitions.

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

Awning means a rooflike covering extending over a certain area and used as a shelter.

Beach equipment means any personal items that are designed or manufactured for use, or actually used, on the beach or in the adjacent tidal waters. Examples include, with limitations, chairs, lounges, umbrellas, cabanas, tents, canopies, awnings, horseshoes and stakes, sailboats, kayaks, paddle vessels, sailboards, surfboards, fishing gear, sporting equipment, rafts, flotation devices, beach toys, baskets, bags, towels, coolers and other personal effects. Beach equipment shall not include municipal trash containers, signage or structures placed by a governmental agency, items placed by a bona fide conservation agency or organization (such as signs or protection devices for turtle nests or equipment approved for use by duly licensed mobile vendors).

Cabana means a collapsible shelter resembling a cabin with at least one open side.

Canopy means an ornamental roof like structure supported by more than one pole providing shade and/or protection from weather events.

Obstructions means anything located in public space or actions in the public space that inhibits accessibility.

Public beach includes the beach areas that extend from the mean high water mark landward to various natural indicators including, but not limited to, the first line of stable, natural vegetation; the toe of the frontal dune; and/or the rock revetment.

²Editor's note(s)—Ord. No. 18-1084, adopted April 10, 2018, amended the title of Div. 3 to read as set out herein. The former Div. 3 title pertained to unattended beach equipment prohibited.

Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

Tent means a collapsible shelter of fabric stretched and sustained by poles and used for camping or other recreational outdoor activities.

Town means, in a geographical sense, the area of the town inside its corporate limits, to include the extraterritorial jurisdiction (ETJ) and all beach and shoreline areas within the same.

Umbrella means a collapsible shade for protection against weather consisting of fabric stretched over hinged ribs radiating from a center pole.

(Code 1986, § 10-75; Ord. No. 08-755, 9-9-2008; Ord. No. 18-1084, 4-10-2018)

Sec. 28-119. Placing obstructions on the public beach.

(a) Beach equipment.

- (1) Except as provided by a specific provision of this Code, all beach equipment must be removed from the beach by its owner or permitted user on a daily basis. All personal items and beach equipment unattended and remaining on the public beach between sunset and sunrise will be classified as abandoned property and will be removed and disposed of by the town.
- (2) So as not to impede or restrict the free and unconstrained use and occupancy of the public beach by the public and in order to assist police, lifeguards and fire personnel in responding to emergency calls, absolutely no beach equipment is allowed on the beach at any time within 20 feet from the easternmost edge of the dune slope or vegetative line. Depending on conditions, emergency personnel may impose greater setbacks on a case-by-case basis.
- (3) A business that rents beach equipment may not place or erect said equipment strictly for advertising purposes only. Such business shall abide by all rules and regulations pertaining to their particular license that has been issued and must adhere to the installation and removal policies as outlined within this section.
- (4) All beach equipment shall be set at least 20 feet from any sea turtle nest. No beach equipment shall be placed seaward of a sea turtle nest for a distance of ten feet north and south of a direct line between the sea turtle nest and the Atlantic Ocean.
- (5) No beach equipment may be placed within a 25-foot perimeter of an emergency access or any public beach access point. Depending on conditions, emergency personnel may impose greater setbacks on a case-by-case basis.
- (6) No beach equipment may be placed directly in front of a lifeguard stand seaward of the stand for a distance of ten feet north and south of a direct line between the stand and the Atlantic Ocean. Depending on conditions, emergency personnel may impose greater setbacks on a case-by-case basis.

(b) Structures on the public beach.

- (1) It shall be unlawful to place structures or obstructions on the public beach, or to commit any act that is an obstruction on the public beach.
- (2) Structures associated with public safety, town authorized recreation activities, beach crossovers, piers, sand fencing permitted under CAMA regulations, or approved as a special event under article IX are exempt on the public beach.

(Code 1986, § 10-76; Ord. No. 08-755, 9-9-2008; Ord. No. 18-1084, 4-10-2018)

Editor's note(s)—Ord. No. 18-1084, adopted April 10, 2018, amended the title of § 28-119 to read as set out herein. The former § 28-119 title pertained to placing obstructions on beach.

Sec. 28-120. Penalties.

- (a) Any person violating the provisions of section 28-120 shall be subject to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within 15 days after having been cited for violation of the ordinance. In accordance with G.S. 160A-175(b), a violation of the section enumerated herein shall not be subject to the penalty provisions of G.S. 14-4 and shall not be considered a breach of the penal laws of the state.
- (b) A violation of any remaining section of this chapter is a misdemeanor punishable in accordance with the provisions of G.S. 14-4. The fine for such violation shall not exceed \$500.00.
- (c) A violation of any remaining section of this chapter shall subject the offender to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule. If any person fails to pay a civil penalty within 15 days after being cited for a violation, the town may seek to recover the penalty in a civil action in the nature of debt.
- (d) The provisions of this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.
- (e) Each day's continuing violation of any provisions of this chapter shall be a separate and distinct offense.

(Code 1986, § 10-77; Ord. No. 08-755, 9-9-2008; Ord. No. 17-1058, § 4, 7-11-2017)

Secs. 28-121—28-138. Reserved.

Budget



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 10/28/2025

SUBJECT: Adopt Procurement Policy for Federal and State Grants

BACKGROUND:

Recipients of funds for Federal Grants which includes the AIA Grant are required to have a Board adopted Procurement Policy that meets Federal and/or State procurement requirements.

ACTION REQUESTED:

Approval of the policy listed above.



Town of Carolina Beach Procurement Policy

Table of Contents

Section 1: Purpose	3
Section 2: Code of Conduct.....	3
Section 3: Pre-Solicitation Requirements	3
Section 4: Solicitation Requirements.....	5
Section 5: Bidding Requirements Uniform Guidance	6
Section 6: Contract Award	9
Section 7: Prohibited Contracts	11
Section 8: Contract Administration.....	11
Section 9: Awarding Agency or Pass-Through Entity Review	12
Section 10: Compliance with Policy Provisions.....	12
Appendix A: State Bidding Requirements.....	14
Appendix B: Purchase Order Requirements	19

Procurement Policy

Section 1: Purpose

Application of Policy. The purpose of this policy is to establish guidelines for the procurement of goods, apparatus, supplies, materials, equipment, professional and non-professional services, and construction or repair work that is funded, in whole or in part, with federal financial assistance.

The Town of Carolina Beach shall comply with the standards established in this policy, as well as with state law and any other policies and procedures adopted by the Town. The requirements of the Policy also apply to any subrecipient of federal financial assistance. In the case of a conflict in governing law or local policy, the Town shall follow the most restrictive rule.

Compliance with Federal Law. Unless otherwise directed in writing by the federal awarding agency, or by a state agency acting as a passing-through entity, all procurements that involve the expenditure of federal financial assistance (federal awards) shall be conducted in accordance with the federal procurement requirement identified in 2 C.F.R. §§ 200.318–.327, of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the Uniform Guidance).

Section 2: Code of Conduct

The Town has adopted standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents who are engaged in the selection, award, and administration of federal award contracts.

Section 3: Pre-Solicitation Requirements

Prior to any procurement transaction, the following pre-solicitation requirements shall be considered.

1. **No Evasion.** No contract may be intentionally divided into two or more separate purchases with the intent to avoid federal or state competitive procurement requirements.
2. **Interlocal Agreements.** The Town shall explore the feasibility of entering into state and local intergovernmental agreements, cooperative agreements, or inter-entity agreements when procuring common goods and shared services. Competition requirements may be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.¹

¹ [2 C.F.R. § 200.318\(e\)](#).

3. **Surplus Property.** The Town shall avoid the acquisition of unnecessary or duplicative items and shall explore the feasibility of purchasing federal surplus property in lieu of purchasing new equipment and property.²
4. **Value Engineering.** The Town shall consider opportunities to use value engineering in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering involves analyzing each contract item or task to ensure it is essential and is provided at the lowest overall cost.³
5. **Domestic Preferences.** To the greatest extent practicable, the Town will provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States, including but not limited to iron, aluminum, steel, cement, and other manufactured products.⁴
6. **Contracting with Minority-Owned, Women-Owned, Veteran-Owned, Small Businesses and Labor Surplus Firms.** When possible, take steps to ensure assure that minority businesses, small businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms are considered for contracts.⁵ Consideration means:
 - a. these business types are included on solicitation lists and solicited whenever they are deemed eligible as potential sources.
 - b. dividing, when economically feasible, project requirements into separate procurements to permit maximum participation.
 - c. establishing delivery schedules that encourage participation.
 - d. identifying firms through the U.S. Small Business Administration (SBA)⁶ and the U.S. Department of Commerce's Minority Business Development Agency⁷ of the Department of Commerce.
 - e. requiring the prime contractor, if subcontracts are to be awarded, to make reasonable efforts to apply this section to subcontracts.⁸
7. **Cost or Price Analysis.** Prior to awarding a contract, Town shall perform a cost or price analysis in connection with every procurement above the Simplified Acquisition Threshold, including contract modifications.⁹ The method and degree of analysis will vary depending on the facts. The independent estimate shall be conducted *before*

² [2 C.F.R. § 200.318\(f\).](#)

³ [2 C.F.R. § 200.318\(g\)](#)

⁴ [2 C.F.R. § 200.322\(a\);](#)

⁵ [2 C.F.R. 200.321.](#) , [13 C.F.R. Part 121.](#)

⁶ <https://www.sba.gov/>.

⁷ <https://www.mbd.gov/>.

⁸ [2 C.F.R. § 200.321;](#) [45 C.F.R. § 75.330.](#)

⁹ [2 C.F.R. § 200.324.](#)

receiving bids or proposals.

- a. A price analysis involves the evaluation of the total proposed price without an evaluation of its separate cost elements and proposed profit. A price analysis is used to verify that the overall price for a specific item is fair and reasonable.
 - b. A cost analysis involves the evaluation of the separate elements that make up the total cost of a contract (e.g., labor, materials, profit, etc.). The cost analysis is required for new contracts and contract modifications or change orders, even when the change order results in a lower contract price.
8. **Procurement of Recovered Materials.** [Recipients and Subrecipients that are a state agency or a political subdivision of a state] shall comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act.¹⁰

Section 4: Solicitation Requirements

1. **Full and Open Competition.** Procurements shall be conducted in a manner that provides full and open competition to ensure objective supplier performance and eliminate unfair competitive advantage.¹¹ The Town shall remain alert to organizational conflicts which would jeopardize the negotiation process and limit competition. Examples of situations that may restrict competition include:
 - a. placing unreasonable requirements on firms in order for them to qualify to do business.
 - b. requiring unnecessary experience and excessive bonding or encourage or participate in non-competitive practices among firms or affiliated companies.
 - c. awarding non-competitive consultant retainer contracts except as expressly provided by funding-source regulations.
 - d. specifying (1) that only a “brand name” product be used instead of allowing an “equivalent product” to be offered, though a “brand name or equivalent” description may be used to define the performance or other salient requirements of procurement or (2) the specific features, performance, or other relevant requirements of the named brand that must be met by offerors; or
 - e. any arbitrary actions that limit or restrict competition.¹²
2. **Contractors Excluded from Bidding.** To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications,

¹⁰ [2 C.F.R. § 200.323.](#)

¹¹ [2 C.F.R. 200.219\(f\)](#)

¹² [2 C.F.R. § 200.319\(b\).](#)

requirements, statements of work, or invitations for bids or requests for proposals are excluded from competing for the underlying procurement contract.¹³

3. **Prequalification.** The Town shall ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. The prequalified list shall be routinely updated. The Town shall consider objective factors that evaluate price and cost to maximize competition. Potential bidders shall not be precluded from qualifying during the solicitation period.¹⁴
4. **Product Descriptions.** All solicitations shall incorporate a clear and accurate description of the technical requirements for the property, equipment, or service to be procured. In competitive procurements, these descriptions shall not contain features which unduly limit competition. The description may include a statement of the qualitative nature of the property, equipment, or service and, when necessary, the minimum essential characteristics and standards to which the property, equipment, or service must conform. It shall conform if it is to satisfy its intended use.

Detailed product specifications shall be avoided whenever possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description of features may be used to define the performance or other salient requirements of procurement. The solicitation shall identify any additional requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.¹⁵

Section 5: Bidding Requirements

Federal Procurement Procedures

The Town shall comply with the procurement methods set forth in the Uniform Guidance at 2 CFR § 200.320 when entering into purchase, service, and construction contracts and repair contracts that will be funded, in whole or in part, with a federal award. The Town shall also comply with state law and local policy when soliciting bids and awarding contracts. In event of a conflict of law, the most restrictive requirement will be followed.

1. **Informal Procurement Methods:** When the value of the procurement will not exceed the simplified acquisition threshold (SAT) of \$250,000, the Town may conduct the procurement using one of the informal procurement methods: micro-purchases or simplified acquisitions.
 - a. **Micro-purchase:** (contracts costing less than \$10,000)

¹³ [2 C.F.R. § 200.319\(b\).](#)

¹⁴ [2 C.F.R. § 200.319\(e\).](#)

¹⁵ [C.F.R. § 200.319\(d\).](#)

The micro-purchase procurement method may be used when the aggregate amount of the purchase/contract is below the micro purchase threshold (\$10,000).¹⁶ Micro-purchases may be awarded without competition provided the price term is considered to be fair and reasonable based on market conditions. When making a micro-purchase, the Town shall:

- i. Obtain price or rate quote from at least one qualified vendor or contractor.
- ii. Document in writing that the price or rate quote is fair and reasonable; and
- iii. To the extent practical, distribute micro-purchases equitably among qualified suppliers.¹⁷

b. **Simplified Acquisitions:** (Contracts above the micro-purchase threshold - \$250,000)

The simplified acquisition method is used for procurements in which the aggregate dollar amount is higher than the micro-purchase threshold but does not exceed the SAT (currently \$250,000). This method does not require formal advertisement.

- i. Obtain an adequate number of price or rate quotations from vendors or contractors (quotes may be received in any format, including email, phone, fax);
- ii. Maintain documentation of price the price and rate quotes; and
- iii. Award the contract on to the lowest cost responsible bidder.¹⁸

2. **Formal Procurement Methods:** For procurements that cost \$250,000 or more, the Town shall conduct the procurement in accordance with one of the formal procurement methods: sealed bids or proposals.

a. **Sealed Bids:** (Contracts costing \$251,000 or more)

The sealed bid method shall be the Town's preferred method for procuring construction and repair contracts, provided the following conditions are present: (1) a complete, adequate, and realistic specification or purchase description is available; (2) two or more responsible bidders are willing and able to compete effectively for the business; and (3) the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When the sealed bid method is used, the Town shall satisfy the following conditions:

- i. Solicit sealed bids from an adequate number of qualified sources and provide bidders with sufficient time to prepare a response prior to the

¹⁶ [2 C.F.R. § 200.320\(a\)\(1\)](#)

¹⁷ [2 CFR § 200.320\(a\)\(1\).](#)

¹⁸ [2 CFR § 200.320\(a\)\(2\)](#)

date set for bid opening. The Town attempts to acquire a minimum of three bids.

- ii. Publicly advertise the Invitation for Bid (IFB).
- iii. When possible, solicit price quotes from M/WBE/Veteran vendors and suppliers as provided under 2 C.F.R. § 200.321.
- iv. Include in the IFB any specifications and pertinent attachments, and clearly define the items or services in order to allow the bidder to properly respond.
- v. Publicly open bids at the time and place prescribed in the IFB.
- vi. Award a firm, fixed-price contract in writing to the lowest responsive and responsible bidder.
- vii. Document and provide a justification for all bids it rejects.¹⁹

b. Competitive Proposals: (Contracts costing \$250,000 or more for which the sealed bid method is not appropriate)

The Town shall use the competitive proposal method when the cost of the contract is above \$250,000 and when the sealed bids method is not appropriate. The Town is required to use the proposals method for qualification-based procurements in the selection of architectural and engineering (A/E) professional services. In the procurement of A/E professional services, the price will be negotiated after the most qualified firm is selected. When the competitive proposals method is used, the Town shall satisfy the following conditions:

- i. Publicly advertise the request for proposal (RFP) or request for qualifications (RFQ). Formal advertisement in a newspaper is not required provided the method of advertisement will solicit proposals from an “adequate number” of qualified firms.
- ii. When possible, consider M/WBE/Veteran vendors and suppliers as provided under 2 C.F.R. § 200.321.
- iii. Identify evaluation criteria and relative importance of each criterion (criteria weight) in the RFP or RFQ.
- iv. Consider all responses to the publicized RFP to the maximum extent practical.
- v. Establish a written method for conducting technical evaluations of proposals and selecting the winning firm.
- vi. Award the contract on a fixed-price or cost-reimbursement basis to the most responsible firm with the proposal that is most advantageous to the Town, taking into account price and other factors identified in the proposal. Price may not be an evaluation factor for (A/E) service contracts.
- vii. **A/E Service Contracts:** For qualification-based procurement in the selection of architectural and engineering (A/E) professional services, qualifications are evaluated, and the most qualified offeror is selected,

¹⁹ [2 CFR § 200.320\(d\)\(1\)](#)

subject to negotiation of fair and reasonable compensation. Price shall not be solicited in the RFQ, or used as an evaluation criterion, in awarding A/E professional service contracts.²⁰

3. **Noncompetitive Procurements.** Noncompetitive procurements are allowed only under the following conditions.
 - i. **Micro-purchases.** The aggregate dollar amount of the procurement does not exceed the micro-purchase threshold.
 - ii. **Sole source.** Item is available from only one source. The requesting department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.
 - iii. **Public Exigency or Emergency.** A public exigency or emergency will not permit delay the delay resulting from competitive bidding.
 - iv. **Agency Approval.** A federal agency or pass-through entity provides written approval.
 - v. **Inadequate Competition.** A contract may be awarded without competitive bidding when competition is determined to be inadequate after a minimum of two attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.²¹

Section 6: Contract Award

1. **Responsible Contractors.** Contracts shall only be awarded to responsible, responsive contractors/firms possessing the ability to perform successfully under the terms and conditions of the proposed procurement. “Responsible” refers to the character or quality of the bidder, with consideration being given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. “Responsive” refers to the bidder’s compliance with all required specifications in the formal solicitation.

The Town shall consider contractor integrity, public policy compliance, proper classification of employees,²² past performance records, and financial and technical resources when conducting a procurement transaction.²³ The Project Manager shall be responsible for maintaining documentation of this consideration.

²⁰ [2 CFR § 200.320\(b\)\(2\).](#)

²¹ [2 CFR § 200.320\(c\).](#)

²² See the Fair Labor Standards Act, 29 U.S.C. 201, chapter 8.

²³ The requirement to consider the responsible contractor factors is part of the OMB 2024 update to the Uniform Guidance. Units should document that they considered these factors in determining if a contractor is responsible. This will be required for federal awards made on or after October 1, 2024.

2. **Suspension and Debarment.** Before awarding a contract, the Town shall verify that a potential contractor is not debarred or suspended using the System for Award Management (SAM.gov). If a contractor has been debarred, suspended, or is otherwise excluded from participation in a federal award program, the contractor may not be awarded the contract. The Project Manager shall maintain documentation of this verification.
3. **Bid Rejections.** Bid submissions and/or proposals may be deemed non-responsive, or contractors may be determined to be non-responsible, for any sound documented reason(s). The documentation will state the reason(s) why each bidder failed to satisfy the responsive, responsible contractor standard for a particular procurement.
4. **Estimated Costs.** The Town shall use estimated costs in negotiating contract terms only to the extent that the cost estimates included in negotiated prices are allowable under the 2 C.F.R. Part 200, Subpart E, "Cost Principles."²⁴
5. **Bonding Requirements.** A federal agency or pass-through entity may determine it will accept the recipient or subrecipient's bonding policy for construction or facility improvement contracts or subcontracts above the simplified acquisition threshold (\$250,000). If such determination has not been made, Town shall require that contractors meet the minimum bonding requirements listed below.

To be submitted with the bidding documents:

A bid guarantee from each bidder equivalent to five percent (5%) of the bid price.²⁵ The bid guarantee must consist of a firm commitment, such as a bid bond, certified check, or other negotiable instrument accompanying a bid, as assurance that the bidder shall, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

To be submitted at the time of contract award:

A performance bond on the part of the contractor that is for 100 percent (100%) of the contract price.²⁶ A performance bond is a bond executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

A payment bond on the part of the contractor that is for 100 percent (100%) of the contract price. A payment bond is a bond executed in connection with a contract to assure payment as required by law of all persons supplying labor and

²⁴ [2 C.F.R. § 200.324\(c\).](#)

²⁵ [2 C.F.R. § 200.325\(a\).](#)

²⁶ [2 C.F.R. § 200.325\(b\).](#)

material in the execution of the work provided for under the contract.²⁷

Section 7: Prohibited Contracts

1. **“Costs-Plus-a-Percentage-of-Costs” and “Percentage of Construction Costs” Contracts.** A “costs plus a percentage of cost” contract and a “percentage of construction cost” contracts are prohibited.²⁸
2. **Time-and-Materials Contracts Disfavored.** The Town shall only enter into time and materials contracts if it has determined in writing that no other contract type is suitable for a given procurement. Time and materials contracts prescribe cost as the sum of (a) actual cost of materials and (b) direct labor hours charges at fixed hourly rates that reflect wages, general and administrative expenses, and profit. Use of time and materials contracts shall require an established price ceiling to ensure that the agreement does not allow for an open-ended contract price with no profit incentive for the contractor to control costs or labor efficiency. These contracts shall be subject to frequent oversight to ensure that the contractor employs efficient methods and effective cost controls.²⁹

Section 8: Contract Administration

1. **Contract Oversight.** The Project Manager shall provide proper oversight to ensure that contractors and firms perform the contract requirements in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
2. **Contract Clauses.** All procurement contracts shall contain the applicable provisions described in Appendix II to 2 C.F.R. Part 200, “Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.”³⁰
3. **Record Retention.** The Town shall maintain records sufficient to detail the history of each procurement, including the rationale for the method of procurement and selection of contract type, the basis for the contractor selection or rejection, and the basis for the contract price.³¹ These records should include, but are not limited to, supporting documentation showing the rationale for the procurement method; written price or rate quotations, such as catalog price, online price, email or written quotes, copies of advertisements, requests for proposals, and bid sheets or bid proposal packets; bid rejection and award letters; purchase orders; executed contracts; and any other supporting documentation or financial records relating to the procurement transaction.
4. **Retention Period.** Unless a federal award prescribes a different record retention period,

²⁷ [2 C.F.R. § 200.326.](#)

²⁸ [2 C.F.R. § 200.324\(d\).](#)

²⁹ [2 C.F.R. § 200.318\(j\).](#)

³⁰ [2 C.F.R. § 200.327; Appendix II to 2 C.F.R. Part 200.](#)

³¹ [2 C.F.R. 200.318\(i\).](#)

all financial records, supporting documents, statistical records, and all other records pertinent to a federal award shall be retained for a period of three years from the date of submission of the final financial report. For federal awards that are renewed quarterly or annually, three years from the date of the submission of the quarterly or annual financial report, respectively.³² An exception to the standard retention period may exist if any of the following circumstances is satisfied:

- a. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
- b. When notified in writing by the federal awarding agency or pass-through entity that the retention period has been extended.
- c. Records for real property and equipment shall be retained for three years after final disposition.
- d. Retention requirement does not apply when records are transferred to or maintained by the federal agency.
- e. Records for program income earned after the period of performance must be retained for three years from the end of the fiscal year in which the program income is earned.

Section 9: Awarding Agency or Pass-Through Entity Review

1. **Agency Review.** Upon request of the awarding federal agency, the Town shall make available technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for acquisition.³³ The Town shall make the pre-procurement and procurement documents available upon request of the federal awarding agency or pass-through entity when any of the circumstances set forth in 2 C.F.R. § 200.325(b) are satisfied.³⁴

Section 10: Compliance with Policy Provisions

1. **Penalties Imposed by Federal Awarding Agency.** If it has been determined that the Town has failed to comply with the U.S. Constitution, federal statutes, regulations, or

³² [2 C.F.R. 200.334.](#)

³³ [2 C.F.R. § 200.325\(a\).](#)

³⁴ [2 C.F.R. § 200.325\(b\).](#)

the terms and conditions of a federal award, the federal awarding agency or pass-through entity may impose additional conditions as described in [2 C.F.R. § 200.208](#). In cases in which noncompliance cannot be remedied by the imposition of additional conditions, the federal awarding agency or pass-through entity may take one or more of the following actions: temporarily withhold cash payments, disallow costs, suspend, or terminate the award, initiate suspension or debarment proceedings, withhold further federal awards for the project or program, or take other remedies legally available.³⁵

³⁵ [2 C.F.R. § 200.339](#).

Appendix A

State Procurement Procedures

The Requesting Department shall solicit bids in accordance with the requirements under this Section of the Policy based on the type and cost of the contract.

- A. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing less than \$10,000** shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:
 1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
 2. To the extent practicable, purchases must be distributed among qualified suppliers.
- B. Service Contracts costing up to \$250,000** (except for A/E professional services) and **Purchase Contracts costing \$10,000 up to \$90,000** shall be procured using the Uniform Guidance “simplified acquisition” procedure (2 C.F.R. § 200.320(b)) as follows:
 1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the Requesting Department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
 2. When possible, solicit participation from M/WBE/veteran vendors and suppliers as suggested under 2 C.F.R. § 200.321.
 3. Cost or price analysis is not required prior to soliciting bids.
 4. Award the contract on a fixed-price basis (a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible).
 5. Award the contract to the lowest responsive, responsible bidder.
- C. Purchase Contracts costing \$90,000 and above** shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:
 1. Cost or price analysis is required prior to soliciting bids.
 2. Complete specifications or purchase descriptions must be made available to all bidders.
 3. The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”

4. When possible, solicit participation from M/WBE/veteran vendors and suppliers as suggested under 2 C.F.R. § 200.321.
5. Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. Award the contract to the lowest responsive, responsible bidder on a fixed-price basis. Governing board approval is required for purchase contracts unless the governing board has delegated award authority to an individual official or employee. Any and all bids may be rejected only for “sound documented reasons.”

D. Service Contracts (except for A/E professional services) **costing \$250,000 and above** may be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)) when the “sealed bid” procedure is not appropriate for the particular type of service being sought. The procedures are as follows:

1. A Request for Proposals (RFP) must be publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an “adequate number” of qualified firms.
2. When possible, solicit participation from M/WBE/veteran vendors and suppliers as suggested under 2 C.F.R. § 200.321.
3. Identify evaluation criteria and relative importance of each criterion (criteria weight) in the RFP.
4. Consider all responses to the publicized RFP to the maximum extent practical.
5. Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
6. Award the contract to the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP. Governing board approval is not required.
7. Award the contract on a fixed-price or cost-reimbursement basis.

E. Construction and repair contracts costing less than \$10,000 shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:

1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
2. To the extent practicable, contracts must be distributed among qualified suppliers.

F. Construction and repair contracts costing \$10,000 up to \$250,000 shall be procured using the Uniform Guidance “simplified acquisition” procedure (2 C.F.R. § 200.320(b)) as follows:

1. Obtain price or rate quotes from an “adequate number” of qualified sources (“adequate number” is not defined)
2. When possible, solicit participation from M/WBE/veteran vendors and suppliers as suggested under 2 C.F.R. § 200.321.

3. Cost or price analysis is not required prior to soliciting bids, although price estimates may be provided by the project designer.
4. Award the contract on a fixed-price or not-to-exceed basis.
5. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required.
6. Maintain documentation of the bids.

G. Construction and repair contracts costing \$250,000 up to \$500,000 shall be procured using the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Publicly advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids (formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained.
4. When possible, solicit participation from M/WBE/veteran vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders. Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.
8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required. Any and all bids may be rejected only for “sound documented reasons.”

H. Construction and repair contracts costing \$500,000 and above shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate should be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Formally advertise the bid in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”

4. When possible, solicit participation from M/WBE/veteran vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed and in paper form. A minimum of 3 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders (a bid that does not include a bid bond cannot be counted toward the 3-bid minimum requirement). Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.
8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is required and cannot be delegated. The governing board may reject and all bids only for "sound documented reasons."

I. Construction or repair contracts involving a building costing \$300,000 and above must comply with the following additional requirements under state law:

1. Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
2. Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
3. The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).

J. Contracts for Architectural and Engineering Services costing under \$250,000 shall be procured using the state "Mini-Brooks Act" requirements (G.S. 143-64.31) as follows:

1. Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
2. When possible, solicit participation from M/WBE/veteran vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Evaluate the qualifications of respondents based on the evaluation criteria developed by the Purchasing Department and/or Requesting Department.
4. Rank respondents based on qualifications and select the best qualified firm. Price cannot be a factor in the evaluation. Preference may be given to in-state (but not local) firms.
5. Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successfully, repeat negotiations with the second-best qualified firm.
6. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

K. Contracts for Architectural and Engineering Services costing \$250,000 or more shall be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)(5)) as follows:

1. Publicly advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
2. When possible, solicit participation from M/WBE/veteran vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Identify the evaluation criteria and relative importance of each criterion (the criteria weight) in the RFQ.
4. Proposals must be solicited from an “adequate number of qualified sources” (an individual federal grantor agency may issue guidance interpreting “adequate number”).
5. Must have a written method for conducting technical evaluations of proposals and selecting the best-qualified firm.
6. Consider all responses to the publicized RFQ to the maximum extent practical.
7. Evaluate the qualifications of respondents to rank respondents and select the most qualified firm. Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project.
8. Price cannot be a factor in the initial selection of the most qualified firm.
9. Once the most qualified firm is selected, negotiate fair and reasonable compensation. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
10. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

Appendix B

Purchase Orders

G.S. 159-289(a) requires that a pre-audit certificate signed by the finance officer appear on a purchase order before it becomes an obligation of the governmental unit. We therefore need to follow the below guidelines in processing purchase orders:

- (1) Before an item is ordered a completed purchase order needs to be submitted to the finance office with required information:

Vendor Name and Address
Order Date
Department and Person Placing Order
Description of Item/Items to be purchased
Department Code
Amount including freight and sales tax

- (2) The Department Head's Signature on the purchase order
- (3) The Purchase Order is then submitted to the Finance Department to verify funds.
Any purchase order submitted before 4:00 PM will be returned to you the following morning, any purchase order received after that time will be verified the next day.
- (4) The manager reviews and approves the purchase orders.
- (5) Once both the Finance Director and the Town Manager have approved the purchase order it will be signed and returned. You may then place your order. The original copy will be withheld in the Finance Department and a copy will be returned to you.
- (6) When the bill is received for your purchase order, attach it to your copy of the purchase order and submit to the finance department for processing of payment.

*Emergency Work- In the event of an emergency, the definition of emergency being- the health, welfare and safety of persons or property- you may obtain signatures after ordering. This only applies with the above definition of an emergency.

The above rules apply for purchases over \$200.

Purchases of \$200 or Less

When you purchase items for \$200 or less, you may do so without prior approval. You only need to submit the account and sales tax numbers on the bill, obtain department head signature and return to the finance department for processing.

Adopted this the _____ day of _____, 2025.

Albert L Barbee, Mayor



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Community Development Director

DEPARTMENT: Community Development

MEETING: Town Council – October 28, 2025

SUBJECT: Discuss options for the Saint Joseph Street right-of-way parking.
Applicant: Town of Carolina Beach

BACKGROUND:

Council directed staff to bring back options to review for the right-of-way along Saint Joseph Street.

Staff will present on the following options:

1. Designate Parking along St. Joseph St where applicable.
Adopt an ordinance to prohibit parking outside of designated parking areas along St. Joseph Street.
2. Designate St. Joseph Street for residential parking only.
3. Prohibit parking in the right-of-way on St. Joseph Street.

ACTION REQUESTED:

Give staff direction to bring back an ordinance to regulate parking in the right-of-way along Saint Joseph Street.

St Joseph Street Parking



TOWN COUNCIL WORKSHOP
10.28.25

1. Residential

Item 4.



2. Commercial

Item 4.





CBBY



Neapolitan





Item 4.



Image © 2025 Airbus



Options

1. Designate Parking along St. Joesph St where applicable.

Prohibit parking outside of designated parking areas along St. Joseph Street.

2. Designate St. Joesph Street for residential parking only.
3. Prohibit parking in the right-of-way on St. Joseph Street.

Parking prohibited north of Publix





AGENDA ITEM COVERSHEET

PREPARED BY: Ed H. Parvin, Deputy Manager

DEPARTMENT: Executive

MEETING: Town Council 10/28/2025

SUBJECT: **Text Amendment** to amend Sec 16-164 Paid parking program and other forms of parking Applicant: Town of Carolina Beach

BACKGROUND:

The Town Code has a longstanding ordinance that allows for public right-of-way to be utilized for private parking. This code seemed to work well in the 80's and 90's but has caused more and more concern as the Town becomes more populated. Under the current ordinance signs were put up stating a certain parking space in the public right of way was designated for private use. This was only allowed under certain conditions which included:

1. The applicant has to live in the house as a year-round resident

There is no mechanism in place to monitor the ownership and who is living in the homes with this allowance.

2. If a multi-unit rental structure they also have to be a year round resident

3. The home must have been built before 1980 and stayed in continuous use as a residence since that time.

In most cases this can be verified through Town and County records.

4. No off-street parking option is available on the applicant's property

To make this more objective it could say if there is space for a 9'X18' parking space on private property the allowance shall not be issued.

5. No private parking arrangement can be made with property within 500 feet.

This should not be a criteria for an ordinance without a more objective standard for staff to enforce.

6. Police and Fire verify the proposed parking space will not create a safety concern.

Again, the criteria should be more objective. For instance, any space created should meet all parking requirements in the Town Code (i.e. can't be in a drive aisle, can't block driveways or fire hydrants, distance from intersection, etc.)

7. Each property limited to one parking space for one adult year round resident
Extremely difficult to enforce as we are not managing who lives in the home.

8. In no instance shall more than two spaces be issued for one piece of property.
Assuming that if there is a multifamily structure then only two spaces can be issued regardless of the number of units.

In order to try to substantiate the eight criteria staff created an affidavit that must be signed by the party requesting the parking space (see attachment 1). However, managing the information is extremely cumbersome and based on our records none of the criteria were actually put into practice when the spaces were given out in the 80's and 90's. Over the years we have eliminated most of the spaces. There are only a few left (see attachment 2).

Enforcement of the parking is also extremely difficult. We don't know what cars are or are not allowed to park in these spaces so it's impossible to know if the car should be there. Over the years we have talked to the owners in these situations and discovered they would just have the car towed from the public parking space. This is a huge liability for everyone and not a practice that we should continue or put our residents in the position to deal with while on public property.

At TRC staff has researched better ways to manage these situations. Other communities have similar issues and in these instances the residents must search for a public parking space near their home. Since we do have a parking program that allows for residential passes, another option could be to offer a residential pass for each property built prior to 1980 that does not have the ability to accommodate any parking on-site.

ACTION REQUESTED:

To accommodate the existing nonconforming homes that do not have the ability to add parking on site, staff recommends the issuance of a residential parking pass vs designating public right of way. This will simplify administration and oversight of the ordinance while still making accommodations for the property owners.

MOTION:

Motion to have staff bring back an ordinance to allow for the issuance of a residential pass for properties where:

1. The residence was legally constructed prior to 1980 and no off-street parking was accommodated on-site, and
2. There is not enough room for a driveway cut that will accommodate a minimum of one 9'X18' parking space on the private lot.

ATTACHMENTS:

Attachment 1 – Affidavit

Attachment 2 – Location of existing spaces

Attachment 3 – Proposed ordinance

ATTACHMENT #1 Affidavit**State of North Carolina****AFFIDAVIT****County of New Hanover****Address of Property Affected by Affidavit: 206 Harper****Parcel Identification Number: 313010.45.9755.000**

I _____ hereby certify that:

PROPERTY OWNER (PRINT NAME)

1. *I am a year-round occupant of this residence, and*
2. *This property is utilized to support a home that was built prior to 1980, and*
3. *There is no opportunity to create off-street parking on the property either by driveway or through a private agreement for off-site parking within 500 feet of the residence.*

PROPERTY OWNER (SIGNATURE)STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, _____, a Notary Public for said County and State, do hereby certify that
_____, Affiant, personally appeared before me this day and, being duly sworn,
acknowledged the due execution of the foregoing instrument.

Witness my hand and official notary seal, this the ____ day of _____, ____.

Notary Public

My Commission Expires: _____

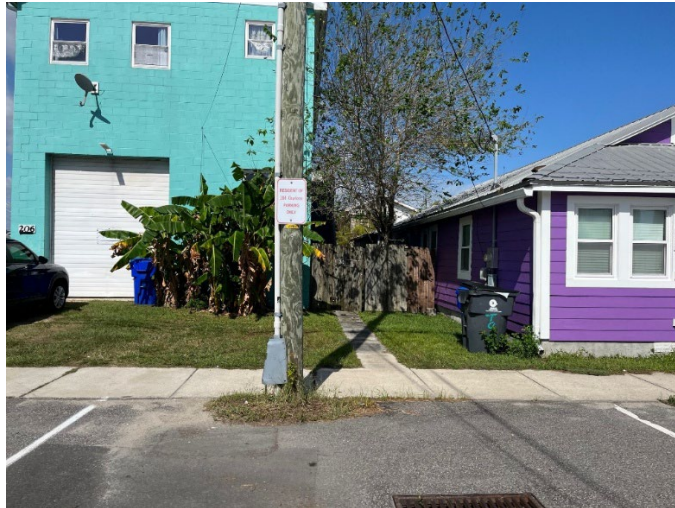
Resident on-street parking. The special residential exception is primarily intended to assist owner-occupied, single-family residents where existing development on nonconforming lots or uses create parking hardships. It is not intended to alleviate parking requirements for poorly planned rental property nor to serve as guest parking in residential areas.

- (1) Reasonable consideration for special residential exceptions to allow parking in no parking or time limited parking areas will be given by the Town Manager when the following criteria can be met:
 - a. Applicant is a year-round resident in a nonconforming single-family dwelling or multi-unit rental structure established before 1980 and continuously in use for those purposes since established, provided subsection [(d)1.a. through d.] of this section are also met.
 - b. No off-street parking option is available on the applicant's property or by private arrangement within 500 feet of the property. (Documentation of private efforts to otherwise accommodate parking needs is required.)
 - c. Chief of Police and Fire Chief verifies that on-street parking will not pose substantial safety problems for emergency vehicles.
 - d. Parking requests for more than one vehicle per adult year-round resident otherwise meeting the above criteria will not qualify for exceptions. In no instance shall more than two public spaces be allocated for a single property.

All submitted affidavits will be researched by staff prior to the issuance of a parking space. Any intentional false statements are a criminal offense and may result in penalties.

ATTACHMENT #2 Existing designated parking

204 Charlotte



[← See all properties](#)



[Overview](#) [Amenities](#) [Policies](#) [Location](#)

202 Charlotte



805 South Lake Park Blvd



7 Sailfish



ATTACHMENT #3 Ordinance _____

Sec. 16-164. Paid parking program and other forms of parking.

- (a) *Designated parking.* except for those that may qualify for residential exceptions based on written criteria established by the Town Manager, time limited public parking areas for marked, on-street spaces are designated as follows:
 - (1) *Two-hour paid parking.* The Town has two-hour paid parking spaces and two-hour unpaid parking spaces in various locations throughout the Town. The two-hour maximum parking per space per block is implemented to encourage turnover of these spaces. These locations are identified on the Official Carolina Beach Parking Map which is adopted and amended by the Town Council from time to time.
 - (2) *Daily on-street parking spaces.* The Town has installed parking signage in various on-street parking locations throughout the Town. Designated parking may have reduced buffers from conflicts (i.e., intersections, crosswalks, etc.) only after review and approval by the Town Manager and/or their designee. Daily on-street parking spaces require that payment be made at all times when the vehicle is occupying a space except for those times outside of enforcement periods. These signed locations are identified on the Carolina Beach Parking Map which is adopted and amended by the Town Council from time to time. Below are other regulations for paid parking spaces:
 - a. An approved payment inclusive of a registered license plate shall be made during the enforcement time periods to be valid.
 - b. Parking for time periods greater than 24 continuous hours in duration is prohibited unless otherwise specified by the Carolina Beach Annual Budget Rates and Fees Schedule.
- (b) *Designated parking spaces in public parking lots.*
 - (1) The Town owns or leases numerous parking lots throughout the Town. These parking lots are typically equipped with pay stations, and/or pay by cell phone signage with payment instructions. Motorists that park in these lots must pay for the privilege of parking during times and dates of enforcement. Fees for paid parking lots are set forth by the Carolina Beach Annual Budget Rates and Fees Schedule and subject to periodic change by the Town Council.
 - (2) Town issued passes are valid in identified public parking lot locations. Parking passes will be valid for not more than 24 consecutive hours in public parking lots. Pay by the day vehicles must be removed by 8:00 a.m. the next morning. Lots are subject to the following provisions:
 - a. Time must be on the space during enforcement time periods to be valid.
 - b. Parking for time periods greater than 24 continuous hours in duration is prohibited (i.e., no residential overflow).
- (c) *Undesignated parking.*
 - (1) Town issued parking passes shall be required in all undesignated right of ways that are located in the following location:
 - a. Lake Park Blvd going west to the Town limits, and begins at and includes Alabama Ave going north to include and terminating at Atlanta Ave; and
 - b. Third Street going west to the Town limits, and begins at and includes Atlanta Ave going north to include Goldsboro Ave and Harper Ave.
- (d) *Resident on-street parking.*

A residential unit may request one free residential parking pass if:

- 3. The residence was legally constructed prior to 1980 and no off-street parking was accommodated on-site, and

4. There is not enough room for a driveway cut that will accommodate a minimum of one 9'X18' parking space on the private lot.

5. ~~The special residential exception is primarily intended to assist owner-occupied, single-family residents where existing development on nonconforming lots or uses create parking hardships. It is not intended to alleviate parking requirements for poorly planned rental property nor to serve as guest parking in residential areas.~~

~~(1) Reasonable consideration for special residential exceptions to allow parking in no-parking or time limited parking areas will be given by the Town Manager when the following criteria can be met:~~

~~a. Applicant is a year-round resident in a nonconforming single-family dwelling or multi-unit rental structure established before 1980 and continuously in use for those purposes since established, provided subsection [(d)1. a. through d.] of this section are also met.~~

~~b. No off-street parking option is available on the applicant's property or by private arrangement within 500 feet of the property. (Documentation of private efforts to otherwise accommodate parking needs is required.)~~

~~c. Chief of Police and Fire Chief verifies that on-street parking will not pose substantial safety problems for emergency vehicles.~~

~~d. Parking requests for more than one vehicle per adult year-round resident otherwise meeting the above criteria will not qualify for exceptions. In no instance shall more than two public spaces be allocated for a single property.~~

(e) *Taxi only parking area.* The designation and location of such locations shall be approved by the Town Manager.

(f) *Police parking areas.* The designation and such locations shall be approved by the Police Chief.

(Ord. No. 22-1185, 10-11-2022)

Private Parking in Public ROW

TOWN COUNCIL WORKSHOP
10.28.25

Current Code

- A public parking space may be designated for private use if:
 1. It is an owner occupied home
 2. It is an owner occupied multi-family home
 3. The structure has been utilized as a residential dwelling since before 1980.
 4. No off-street parking option is available on the applicant's property or by private arrangement within 500 feet of the property.
 5. Fire and Police verify no safety issues are created by allowing the on-street parking.
 6. One vehicle per adult year-round residence. In no instance shall more than 2 be issued.

Issues

1. Year round resident: Tracking who lives in the home and how the home is difficult as some of these homes are rented for short or long periods of time.
2. The ordinance does not objectively state what it means to not be able to park a car on the private property.
3. Anyone could make an agreement to accommodate parking within 500 feet. Its unclear why this is a criteria.
4. It is unclear what Fire and Police are evaluating?

Current Situation

- 3 Single Family Residences have signage
- One two-family residence has two signs
- At least one home is utilized for short term rentals as advertisements on VRBO
- One home is under contract to be redeveloped to accommodate parking underneath
- It is unclear if the other two homes are year round residences.

Enforcement

- When asking one occupant about how they ensure the sign is enforced they commented that they have other vehicles towed out of the public right of way.
- The Police and/or parking staff have no way of knowing if a car is associated with a true year-round resident.

Solution

- Free residential pass for properties where:
- The residence was legally constructed prior to 1980 and no off-street parking was accommodated on-site, and
- There is not enough room for a driveway cut that will accommodate a minimum of one 9'X18' parking space on the private lot.

Notification/Sunset of the current signs for the four residences

- Allow “X” time before sign is removed after a new ordinance is adopted
- Require signs to be removed as soon as ordinance adopted
- Other?



AGENDA ITEM COVERSHEET

PREPARED BY: Ed Parvin, Deputy Town Manager

DEPARTMENT: Executive

MEETING: Town Council 10/28/2025

SUBJECT: Review Implementation of One-Way Plan for Canal Drive

BACKGROUND:

Staff will present options for changing a portion of Canal Drive to a one-way traffic pattern.

ACTION:

Discussion



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Community Development Director

DEPARTMENT: Community Development

MEETING: Town Council – October 28, 2025

SUBJECT: **Text Amendment** discussion to amend side setback exceptions.
Applicant: Town of Carolina Beach

BACKGROUND:

On March 17, 2025, the Board of Adjustment heard a variance request for reduced setbacks on an existing nonconforming lot with an existing structure. The variance was granted for reduced setbacks on all sides of the structure. On May 22, 2025, a similar variance request was heard by the Board of Adjustment for reduced setbacks and was denied by the Board. Both requests also included exceeding maximum coverage and impervious surface coverage.

One of the goals of the UDO updates that Planning and Zoning wanted to make after adoption included looking at setback exceptions for smaller lots. Staff has compiled a list of the number of lots that would benefit from the setback exception. The minimum lot width for most of the zoning districts in the Town is 50 feet. 72 lots are below the 50-foot minimum requirement.

Road Frontage Width	Number of Lots
30 feet or less	26
31 to 40 feet	29
41 feet or greater	17

The proposed ordinance was written to allow for a reduction of the side setback to be no less than 5 feet when the width of the lot is less than 30 feet. Roof overhangs shall be the only encroachment permitted in the 5-foot setback area with a maximum encroachment of 1.5 feet. All other encroachments (HVAC, utility stairs, cantilevers, outdoor showers, etc.) would have to be in the rear or front setback area.

The proposed ordinance was reviewed at TRC in October. Fire is not in favor of reducing the setbacks no matter the width of the lot due to safety concerns. Smaller setbacks increase the difficulty of servicing a 3-story building with a ladder if the setback is less than 7.5' wide. Most of the lots with smaller road frontage are in a flood zone and would have to have the first floor of living space elevated to meet flood requirements.

ACTION REQUESTED:

Give staff direction to bring back an ordinance for consideration at the November 13th Planning and Zoning meeting.

3.13 DIMENSIONAL REQUIREMENTS

A. GENERAL

1. The following dimensional standards shall be regarded as the minimum required for each zoning district. The minimum lot sizes, widths, setbacks, or other open spaces required by this ordinance, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon, unless specifically authorized by this ordinance.
2. The location of required front, side, and rear setbacks on irregularly shaped lots shall be determined by the UDO Administrator. Such determinations shall be based on the spirit and intent of the district regulations to achieve spacing and locations of buildings or groups of buildings on individual lots. This provision shall be adhered to, particularly in the case of lots which have lost land surface area due to the actions of tidal waters.

Table 3.3 Dimensional Standards for Lots and Principal Structures, Residential Districts									
Zoning District	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Front Setback (feet)	Min. Rear Setback (feet) [2]	Min. Side Setback (feet) [2][3]	Residential Max. Density	Max. Height (feet) [1]	Max. Lot Coverage	Max. Impervious Coverage
R-1	5,000	50	20	10	7.5	15 units/acre	50 [4]	40%	65%
R-1B	5,000	50	20	10	7.5	8.7 units/acre	50	40%	65%
R-2	7,000	70	25	10	7.5	6.2 units/acre	45	40%	65%
R-3	12,000	80	25	10	7.5	3.6 units/acre	40	40%	65%
C	80,000	200	30	20	20	0.5 units/acre	50	15%	65%
MH	5,000	50	20	10	7.5	15 units/acre	50	40%	65%
MF	5,000	50	10	10	7.5	17 units/acre	50	40%	65%

1. Maximum height may differ if the structure is located within the height overlay district contained on the town's official zoning map.
2. Landscaping buffer requirements of this ordinance may be greater than the required side or rear yard setbacks.
3. All corner lots shall not have less than a 12.5 foot setback on a side street lot line.
4. The building height maximum may be exceeded by up to eight (8) feet when renovating existing multi-family residential structures of more than 35 units when the additional height is directly attributable to ensuring compliance with the North Carolina Elevator requirements for adequate overhead clearance. Building height allowance does not include elevator equipment.

Table 3.4 Dimensional Standards for Lots and Principal Structures, Other Districts

Zoning District	Primary Permitted Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Front Setback (feet)	Min. Rear Setback (feet) [2]	Min. Side Setback (feet) [2][3]	Residential Max. Density	Height (feet) [1]	Max. Lot Coverage	Max. Impervious Coverage
CBD	Commercial Uses and Services, Entertainment	None	None	None	None, or same as abutting residential district	None, or same as abutting residential district	NA	50 [4]	None	None
NB	Single-family, Neighborhood Goods and Services	5,000	50	20	10	7.5	8.7 units/acre	50	40%	65%
HB	Highway Commercial	10,000	100	30	15, or 20 if abutting a residential district	10	NA	50	60%	None
MB-1	Water-Oriented Businesses, Single-family/Two-family	10,000	100	30	10	10	17 units/acre	50	40%	65%
MX	Residential, Commercial Services, Tourism Accommodations	5,000	50	20	10	7.5	17 units/acre	50	40%	65%
T-1	Hotels and Motels 15 units or less	20,000	100	20	10	7.5	32 units/acre	50	40%	65% [5]
	Hotels and Motels Greater than 15 units	25,000	50	20	10	7.5	60 units/acre	50	40%	65% [5]
	Restaurants/Businesses	6,000	50	20	10	7.5	N/A	50	40%	65% [5]
	Residential	6,000	50	20	10	7.5	29 units/acre	50	40%	65% [5]
I-1	Industrial	None.	50	30	None. 20 if lot line abuts a	None. 20 if lot line abuts a	None	50	None	65% [5]

					residential district.	residential district.				
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1. Maximum height may differ if structure is located within the height overlay district contained on the town's official zoning map.
2. Landscaping buffer requirements of this ordinance may be greater than the required side or rear yard setbacks.
3. Except within the CBD district, all corner lots shall not have less than a 12.5 foot setback on a side street lot line.
4. In the CBD district, the maximum 50-foot height limitation may be exceeded for sprinklered structure(s) which shall be subject to a conditional zoning approval.
5. In the T-1 zoning district, the impervious coverage percentage may exceed 65% but not more than 80%.

B. ADDITIONAL DIMENSIONAL REQUIREMENTS

1. In addition to the dimensional standards set forth by zoning district, the following special dimensional standards are established:
 - a) Corner lots. Except within the CBD district, all corner lots shall not have less than a 12.5 foot setback on a side street lot line. Accessory structures on corner lots shall also be subject to this requirement.
 - b) Front setbacks on through lots. On through lots, the minimum front setbacks for the respective zoning districts shall apply wherever such lots have frontage on a street.
 - c) Sight distance at intersections. On corner lots abutting to vehicular traffic rights-of-way, no planting, fence, wall, sign, or structure or other type of obstructions not specifically exempted shall be permitted in the space between 30 inches above ground level and 10 feet above ground level within a sight distance triangle that abuts a right-of-way. 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 (2) points by a straight line to form a triangular shaped area over the corner. One (1) support post not to exceed five (5) square feet may be utilized in the sight triangle to support the cantilever floors above. Structures deemed essential for public utilities, as determined by the Public Works or Public Utilities Director, may be exempt.
 - d) Jurisdictional wetlands shall not be considered a part of a lot or open space for the purpose of meeting open space or density requirements, except where modified (i.e., filled or drained) by permission from U.S. Army Corps of Engineers or the state division of coastal management.

C. REDUCTION OF FRONT YARD SETBACK

1. A front yard setback may be reduced to no less than the calculated average front yard setback distance for existing buildings on all lots located wholly or partly within 200 feet, as measured from each side lot line, of the subject property. Calculating the average front yard setback shall be subject to the following criteria:
 - a) All lots being in the same zoning district.
 - b) All lots shall front on the same side of the same street.
 - c) All lots shall be considered as having the minimum required front yard setback if the lot is vacant.
 - d) In no instance shall the calculated average front yard setback be reduced to less than 50% of the required setback.

D. REDUCTION OF SIDE YARD SETBACK

1. A side yard setback may be reduced to no less than five feet when the width of the lot is less than thirty feet.
 - a) Roof overhangs shall be the only permitted setback exception in the reduced setback and shall have a maximum encroachment of 1.5'.
 - b) Flag lots shall be required to meet the minimum setback requirements for the district.

~~D.~~ E. SETBACK EXCEPTIONS

1. Allowable intrusions into required yard setbacks. Any structure or portion of a structure may be located within a setback area up to 30 inches above the ground level of the graded lot. Examples include a platform deck without guardrails, a raised wooden sidewalk, and/or pool decking.

2. It is not the intent of this provision to allow or encourage structures to overbuild on lots but, rather, to provide for minor architectural embellishments and necessary mechanical appurtenances within required setbacks that are consistent with the State Building Code.

Table 3.5 Setback Exceptions	
Type	Distance of allowed encroachment (feet)
Heating and air conditioning units, heat pumps and meters with or without platforms	4
Utility platform stairs and support post	3
Cantilevered architectural features cumulatively not more than 25% per side of the building*	2.5
Roof overhangs	2.5
Roof overhangs with cantilevers	3
Termination of a set of stairs	2.5
Outdoor shower enclosures	4
Electric car charging station	4

*Cantilevers, excluding roof overhangs, shall be the only intrusion in the table above that is used in determining lot coverage. In addition, where front setbacks have been reduced as result of this article, no front cantilevers shall be allowed.

3. Fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard setback.
4. One (1) trellis may be permitted per lot that encroaches into a setback area as long as it meets the following regulations:
 - a) Maximum trellis height nine (9) feet.
 - b) Twenty-four inches spacing between all horizontal cross rafters on the top of the trellis with no other temporary or permanent structural members allowed, including lattice, cloth, fabric canvas, etc.
 - c) Vertical supports shall not occupy more than 10% per side of the structure. The purpose of this condition is to maintain openness of the trellis structure.
 - d) A trellis shall be freestanding with no connections to other structures.
 - e) A trellis may encroach four (4) feet into either the side or rear yard, but not both.
 - f) Where a trellis is placed in the side yard, the rear yard setback for that zoning district shall be observed. Where a trellis is placed in the rear yard, the side setback for that zoning district shall apply.

E. F. HEIGHT REGULATIONS

1. With the exception of a conditional zoning proposal within the CBD zoning district, structures shall not exceed 50 feet in height.
2. Within the CBD zoning district, any proposed structure which exceeds 50 feet in height shall be equipped with sprinkler fire suppression systems, and plans of said proposal shall be submitted for review and approval as a conditional zoning request.
3. Structures in the height overlay district as defined by the official town zoning map shall not exceed 45 feet in height.
4. Exceptions to height requirements. Exceptions to the building heights are as follows:

- a) Regulations, including height limitations, for wireless telecommunication towers and facilities as provided in this ordinance.
- 5. Setback requirements for structures exceeding maximum height regulations. Setbacks 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 setback shall be increased by one (1) foot for each foot in height exceeding the maximum height requirements.
 - b) The minimum required side setback shall be increased by one (1) foot cumulatively for each foot in height exceeding the maximum height requirements.

~~F.~~ G. DEVELOPMENT LINE AND/OR CAROLINA BEACH BUILDING LINE

No individual or privately owned structure shall encroach over the Carolina Beach Development Line as recorded in deed book 62, page 145 in the New Hanover County Register of Deeds. Allowed exceptions are limited to beach crossovers, piers, and sand fencing permitted under CAMA regulations. This is the oceanfront setback line required for the Town of Carolina Beach.

~~G.~~ H. STRUCTURAL BEACH CROSSOVER

1. Structural Beach Crossover. It is the intent of this section to recognize that there is a need for allowances to be granted to protect the dunes system with proper location and design of structures while preserving scenic and natural ecological conditions of the barrier dune and beach systems. Structural beach crossover shall be permitted across sand dunes so long as they are designed and constructed in a manner that entails negligible alteration on the sand dune subject to the following regulations:
 - a) The crossover shall be no greater than six (6) feet in width.
 - b) Height above grade shall be at least 12 inches, but no more than an average of 18 inches.
 - c) Handrails and guardrails shall be open on any private access and shall be limited to 42 inches in height, unless otherwise required by the State Building Code.
 - d) Horizontal development shall meet the following:
 - i) Maximum 200 square feet west of the CAMA static vegetation line.
 - ii) Maximum 40 square feet east of the CAMA static vegetation line.
 - iii) Horizontal development shall not cumulatively exceed 200 square feet.
 - e) East of the CAMA static vegetation line, no vertical development shall be allowed with the exception of handrails up to 42 inches.
 - f) The crossover shall be raised on posts or pilings of five (5) feet or less depth, so that wherever possible only the posts or pilings touch the frontal dune.
 - g) Public crossovers, municipal boardwalks, and fishing piers are exempt from the beach crossover requirements.

(Ord. No. 24-1230, 7-9-2024)