

# CITIZENS FOR CAROLINA BEACH

## Our Mission Statement

Actively promote positive revitalization and community enrichment for  
Carolina Beach

**Our vision** is of a community that respects and holds dear its small town characteristics while responsibly managing inevitable change. The community we envision has **strong residential districts** with paved roads and covered drainage ditches, **safe for our children to play**. It has a clean and adequate water supply and waste and storm water systems that protect both our health and homes. It has a unique downtown area adjoining our boardwalk that is once again an exciting, inviting and economically vibrant destination, not only for visitors but for our own citizens. It has roads that promote safe and efficient flow of traffic and are pedestrian and bicycle friendly. It has **broad beautiful beaches** that are maintained and re-nourished. There is a protected, clean and actively maintained sound and inlet inviting recreational use and support our **proud charter fishing fleet**. It is a community where wetlands and natural resources are protected for future generations. It is a town with low crime, respected for its foresight and planning. Our town is not only an inviting vacation destination; **it is home**.

PAID FOR BY:

CITIZENS FOR CAROLINA BEACH

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*We'll be Back Next Week*

[www.citizensforcarolinabeach.com](http://www.citizensforcarolinabeach.com)

The LUP amendment process simply does not provide for an efficient method of updating. Having such would be a necessity if our LUP were truly intended to be a ruling document. Since the LUP was adopted, we have updated our ordinance hundreds of times. Every time we update the ordinance and do not carry that intent over to the LUP, the relationship between these two documents is compromised, and as a result, that relationship becomes less and less meaningful. There is no question that a decade worth of stand-alone ordinance changes has taken a toll on the continuity of these documents. Conflicts within the LUP text are so numerous that it is not uncommon to see people at town meetings defending opposite sides of an issue, both pointing to sections within the LUP that support their arguments.

So, what's the point? **Our elected officials should stop manipulating the law.** Council and P&Z members should stop citing excerpts from our decade old LUP, as if such were law. They need to accept the fact that our ordinance is the only legal zoning document our town has. Our elected officials need to understand and respect the fact that our ordinance is law, and they need to fulfill their promise to uphold that law.

For reference: [www.carolinabeach.org](http://www.carolinabeach.org) and [www.dcm2.enr.state.nc.us](http://www.dcm2.enr.state.nc.us)

## Out of Step with the Law

All towns have an ordinance or some similar mechanism designed and drafted to provide legal zoning guidelines for their community. Ordinances provide a legal means of controlling zoning related activities, including methods of enforcement. Some ordinances also include reference to other town plans, such as, a comprehensive plan or land use plan (LUP).

The intent of a LUP is to provide a general vision for the community. Once created, a LUP is a resource that town staff, elected officials, planning boards, and citizens alike, can look to as a general idea of the community's vision regarding the town's development and welfare. **The key phrase here is general vision.** A LUP is not intended to be an ordinance or a master town plan, nor is it intended to be specific enough in nature to supplant the zoning ordinance. A LUP's only purpose is to provide a general community vision.

Our current zoning ordinance includes reference to our 1997 LUP. This was our town's first LUP. We began drafting our LUP in 1995, and it was adopted in 1997. This makes our LUP between nine and eleven years old, depending on where you measure it's beginning from. The LUP was written as a seven year plan, and was due for a major update in 2004. While there have been some amendments to the plan, the current council has yet to file the updated plan completed and adopted by the previous administration.

While amendments may be a necessity, amending isolated portions of any large document can easily have the unintended result of changing the meaning or intent of other portions of the document. While both our LUP and our zoning ordinance have undergone changes throughout the years, only our ordinance is updated on a regular basis. There's a good reason for this. First, **the ordinance is law, the LUP is not.** Secondly, the ordinance can be easily updated by our Council. The LUP cannot. LUP amendments rely on submittals to other agencies, which makes for a long and arduous process.

The only connection the LUP has to enforceable law is a section in or ordinance that states that projects shall be in general conformity with the LUP. To say the least, that's a subjective reference written ten years ago, when some continuity between these two documents may have actually existed. That level of continuity simply does not exist today, and our town cannot function effectively on a ten year old vision, or when our elected officials place more value on an outdated LUP than they do our regularly updated ordinance.

This doesn't mean the LUP is useless. It still provides some general vision and direction, and if applied correctly and fairly, it can be a valuable tool. But it should not be used in place of the ordinance. We are a community and society based on the rule of law. If our elected officials refuse to recognize that fact, as citizens, **we all stand to lose.** Our rights under the law are only as good as the implementation of that law, and our right to due process hearings is not something that should take second position to personal politics.

**What should be done?** First, Council should provide an operational definition for the term *general conformity*. It is not fair for our boards to base due process hearings on such an ambiguous and undefined standard. Secondly, our Council must recognize the LUP for what it is; an outdated decade old document that was to have been replaced two years ago. The LUP is not only out of context with the ordinance, it is out of context within itself. Thirdly, Members of both Council and P&Z should halt the practice of making legal findings of fact based solely on the old LUP or personal interpretation. Common sense needs to prevail. There is no fairness or logic in denying a citizen's request simply because of some obscure, outdated, or conflicting LUP reference, when that request meets every legal requirement. This isn't about what's right for developers, this is about our rights as citizens and we should all be concerned when our elected officials opt to play fast and loose with our legal rights.