



# Text Amendment to Articles 2 and 3 of the UDO for ordinance clarification and consistency with state statutes.

Applicant: Town of Carolina Beach

Town Council  
April 14, 2026

# 1. Session Law 2025-94 – waiting periods

## 2.13 PERMIT MODIFICATION, AND REVOCATION, ~~AND RESUBMISSION~~ ~~OF A DENIED PERMIT~~

### ~~C. RESUBMISSION OF A DENIED PETITION~~

- ~~1. Whenever an application for a permit or approval authorized by this ordinance is denied, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered within a 12 month period unless explicitly specified by this ordinance or the applicant clearly demonstrates that:
  - ~~a) Circumstances affecting the property that is the subject of the application have substantially changed or new information is available that could not with reasonable diligence have been previously presented. A request to be heard on this basis must be filed in writing with the UDO Administrator.~~~~
- ~~2. Once a petition for rezoning or ordinance text amendment has been denied, no resubmission of the same request for rezoning or ordinance text amendment may be filed within 12 months from the date of such denial by the Town Council, unless the Town Council shall unanimously find that changing conditions in the area or new information concerning the property requested for rezoning warrant a resubmission for change in this chapter or map. Provided that the 12 month waiting period shall not be applicable or otherwise be involved in the filing of a new application for rezoning all or any part of the property previously considered by the Planning and Zoning Commission or the Town Council where the new application requests rezoning to a different zoning district classification. Nevertheless, not more than two (2) applications may be filed for rezoning and/or part of the same property within any 12 month period.~~

## 2. Existing SUP, applicants may choose CZ

### 2.14 SPECIFIC REVIEW PROCEDURES

#### D. SPECIAL USE PERMIT

1. Special use permits (S.U.P.) add flexibility to this ordinance. Subject to high standards of planning and design, certain property uses may be allowed in certain districts where these uses would not otherwise be acceptable. By means of controls exercised through the special use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any adverse effects they might have on surrounding properties.
2. Special use permits shall only be considered where a major change of a previously issued conditional or special use permit is proposed. Special use permits seeking major changes may be granted by the Town Council as applicable. Applicants proposing a major change to an existing special use permit may opt to have the project be considered through the conditional zoning process (Section 2.21).

# 3. Anonymous Complaints

## 2.29 ADMINISTRATION, ENFORCEMENT, AND REVIEW

### C. COMPLAINTS REGARDING VIOLATIONS

Whenever the UDO Administrator receives a complaint alleging a violation of the ordinance, he/she shall investigate the complaint, take whatever action is warranted, and inform the complainant what actions will be taken. Complaints can be accepted in any manner and shall be ~~confidential~~ subject to GS Chapter 132 Public Records. The building inspector shall be responsible for enforcement matters pertaining to the Town and State Building Code.

# 4. PUD Drive Aisle

## 3.8 PLANNED UNIT DEVELOPMENT STANDARDS

4. Where a planned unit development proposes structures to be located on the same lot and behind another existing or proposed structure, a minimum 12 foot ~~permanent access easement~~ drive aisle shall be established and perpetually maintained to grant access to the adjoining street frontage and driveway connection. The drive aisle shall not exceed a length of 150 feet from the front property line.

# 5. Impervious coverage in T-1 and I-1

## 3.13 DIMENSIONAL REQUIREMENTS

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
T-1	Hotels and Motels 15 units or less	20,000	100	20	10	7.5	32 units/acre	50	40%	<del>65%</del> <sup>[5]</sup> 80%
	Hotels and Motels Greater than 15 units	25,000	50	20	10	7.5	60 units/acre	50	40%	<del>65%</del> <sup>[5]</sup> 80%
	Restaurants/Businesses	6,000	50	20	10	7.5	N/A	50	40%	<del>65%</del> <sup>[5]</sup> 80%
	Residential	6,000	50	20	10	7.5	29 units/acre	50	40%	65% <sup>[5]</sup>
I-1	Industrial	None.	50	30	None. 20 if lot line abuts a residential district.	None. 20 if lot line abuts a residential district.	None	50	None	<del>65%</del> <sup>[5]</sup> 80%

5. In the T-1 zoning district, the impervious coverage percentage may exceed 65% but not more than 80%.

# 6. Fill typo

## 3.15 FILL AND GRADE

### B. FILL, GRADING, AND EXCAVATION

3. The amount of fill added to a lot shall not be greater than one (1) foot above the crown of the highest adjoining street or access easement or even with the highest adjacent lot. For lot where the adjacent lot elevation exceeds one (1) foot above the crown of the adjoining street, then the fill added to the subject property may not exceed that of the highest adjacent lot or four (4) feet above the crown of the highest adjoining ~~lot~~ street, whichever is less. Fill shall be added based upon the existing grade of each lot. The CBD and HB zoning district shall be exempt from these requirements.

# 7. Fences – finished side

## 3.20 FENCE REGULATIONS

### G. CONSTRUCTION STANDARDS

All fences permitted in all districts shall meet the structural requirements of the State Building Code and other wind resistant construction requirements that may be specified or suggested by the Building Inspector. ~~Fences shall be constructed so that the finished (sheathed) side is oriented toward adjoining lots or the public right-of-way.~~

# 8. SL 2025-94 – signs

## 3.29 GENERAL SIGNAGE

### E. SIGNS NOT REQUIRING A PERMIT

1. The following types of signs are exempt from permit requirements whether for residential or nonresidential use and subject to the requirements provided herein:

h) Official governmental flags including the flag of the United States of America, the flag of nations recognized by the United States of America, the flag of the State of North Carolina, the flag of any state or territory in the United States, and the flag of a political subdivision of any state or territory of the United States.

# 9. Nonconforming impervious

## **3.48 – EXTENSION OR ENLARGEMENT OF NONCONFORMING SITUATIONS, INCLUDING LAND USES AND BUILDINGS**

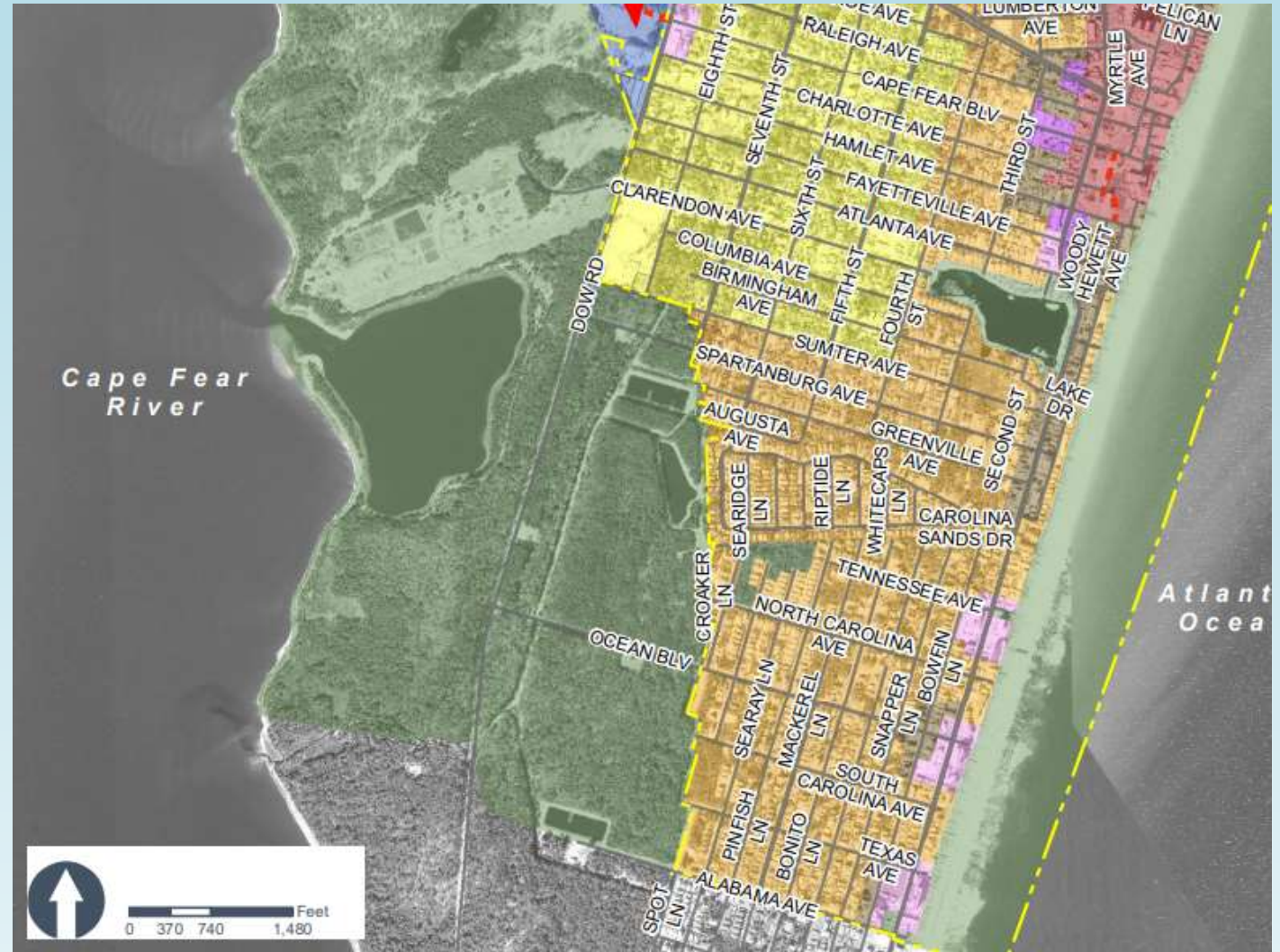
G. Impervious coverage. Lots with existing impervious coverage that exceeds the allowance may remove and replace their existing impervious coverage surface, but there shall be no expansion above the current impervious coverage percentage existing on the lot. For example, if a lot has an existing impervious coverage percentage of 85% then such lot owner may be permitted to remove and replace the existing impervious materials on the site up to 85% coverage, regardless of replacement location on the site. In such instances, a building stormwater, or zoning permit must be applied for and issued within a period of 180 days following removal of impervious material.

# Land Use Plan:

The text amendment is in general conformity with the CAMA Land Use Plan.

Goal 4: Continue to reduce overall nonconformities in the town, but also respect existing uses and entitlements, and the rebuilding of structures.

P&Z recommended unanimous approval



# Motion

## **Approval**

The Council, whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following text amendment to Articles 2 and 3 for ordinance clarification and consistency with state statutes is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

## **Denial**

The Council, whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following text amendment to Articles 2 and 3 for ordinance clarification and consistency with state statutes is inconsistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.