



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Gloria Abbotts, Sr Planner

**DEPARTMENT:** Community Development

**MEETING:** Town Council 4/14/26

**SUBJECT:** Text Amendment to Unified Development Articles 2 and 3 for ordinance clarification and consistency with state statutes.  
Applicant: Town of Carolina Beach

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### **BACKGROUND:**

The purpose of this text amendment is to provide clarity to certain sections of the UDO after a year of implementing the new ordinance changes, and to ensure compliance with recent updates to state statutes.

The following changes have been made to the proposed ordinance:

1. Session Law 2025-94 states that there shall be no waiting periods for the resubmission of denied or withdrawn applications for zoning map amendments, text amendments, and other development applications. The section of the ordinance that stated that applicants had to wait 12 months has been removed.
2. Applicants with an existing Special Use Permit and wish to seek major changes may choose between the Special Use Permit process or the Conditional Zoning process.
3. The complaints regarding violations section has been updated to be consistent with the general statutes for public record law.
4. Planned Unit Developments located on a single lot are not required to establish a permanent access easement. However, a 12-foot drive aisle must be maintained for any structures proposed behind existing or proposed construction to guarantee access to the adjacent street.
5. The dimensional standards table and impervious surface sections have been updated to clarify that T-1 and I-1 have a maximum impervious surface coverage of 80%.
6. The fill section has been updated to clarify that fill may not exceed 4' above the crown of the highest adjoining street if an adjacent lot's elevation exceeds 1' above the crown of the adjoining street.
7. The signage section has been updated to comply with Session Law 2025-94 to clarify that official government flags are not a sign requiring a permit.
8. The fence ordinance section has been updated to comply with Section 160D-702, which does not allow local governments to regulate "building design elements." In 2009, the ordinance was amended to state that fences shall be constructed so that the finished

(sheathed) side is oriented toward adjoining lots/the right-of-way. This has been removed as it regulates the appearance and design of fences.

9. The nonconforming section has been updated to clarify that if a lot is over the allowed impervious surface percentage, the impervious surface area can be replaced up to that percentage within a period of 180 days of removal of the impervious surface.

Planning and Zoning recommended unanimous approval.

**LAND USE PLAN:**

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

**ACTION REQUESTED:**

Consider recommending approval or denial of the text amendment.

**MOTION:**

Approval – to amend Unified Development Articles 2 and 3 for ordinance clarification and consistency with state statutes.

Denial – to amend Unified Development Articles 2 and 3 for ordinance clarification and consistency with state statutes.

**ATTACHMENTS:**

1. Proposed Text Amendment Language
2. SL2025-94