

2.13 MODIFICATION, 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.~~

There shall be no waiting period for the resubmission of a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval.

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 request the project be considered through the conditional zoning process.

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.

3.8 PLANNED UNIT DEVELOPMENT STANDARDS

A. PURPOSE

1. Residential, business, and industrial planned unit developments are intended to encourage innovation, flexibility of design, and better land use by allowing deviations from the standard requirements of the town's specific zoning districts. The purpose of providing for these uses is to promote:
 - a) Improved compatibility of new development with existing residential neighborhoods, commercial enterprises, and industrial uses.
 - b) Flexibility of design to take greatest advantage of a site's natural and developmental qualities.
 - c) Accumulation of large areas of usable permanent open space to preserve important natural resources.
 - d) Efficient use of land that may result in lower development and public service cost.
2. All proposed planned unit developments units shall comply with the dimensional requirements, density specifications, and lot coverage requirements for the district in which the use is to be located. With the exception of townhouse lots, any lots created within a planned unit development shall be subject to the minimum lot size for the district in which the site is located.
3. No principal structure shall be located closer than 15 feet to another principal structure on site.
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. Planned unit developments shall not be permissible where a property is subject to an existing nonconforming situation. Any existing nonconforming situation shall be ameliorated prior to the issuance of a zoning permit for a planned unit development.

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

CB D	Commercial Uses and Services, Entertainment	None	None	None	None, or same as abuttin g reside ntial district	None, or same as abuttin g reside ntial district	NA	50 [4]	None	None
NB	Single-family, Neighborhood Goods and Services	5,000	50	20	10	7.5	8.7 units/a cre	50	40%	65%
HB	Highway Commercial	10,000	100	30	15, or 20 if abuttin g a reside ntial district	10	NA	50	60%	None
MB- 1	Water-Oriented Businesses, Single- family/Two- family	10,000	100	30	10	10	17 units/a cre	50	40%	65%
MX	Residential, Commercial Services, Tourism Accommodatio ns	5,000	50	20	10	7.5	17 units/a cre	50	40%	65%
T-1	Hotels and Motels 15 units or less	20,000	100	20	10	7.5	32 units/a cre	50	40%	65% [5] 80%
	Hotels and Motels Greater than 15 units	25,000	50	20	10	7.5	60 units/a cre	50	40%	65% [5] 80%

	Restaurants/Businesses	6,000	50	20	10	7.5	N/A	50	40%	65% <u>80%</u>
	Residential	6,000	50	20	10	7.5	29 units/acre	50	40%	65%
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	65% <u>80%</u>

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%.~~

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.

3.16 IMPERVIOUS COVERAGE

A. PURPOSE

1. Development and redevelopment that increases the impervious coverage in the Town of Carolina Beach alters the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge.
2. These changes in impervious coverage contribute to stormwater runoff and increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment.
3. Therefore, the Town of Carolina Beach establishes this set of impervious coverage limitations.

~~B.~~ **APPLICABILITY**

- ~~1. With the exception of the CBD and HB zoning district, all development activities within any other zoning district shall be subject to the impervious coverage limitations provided in this section this article. The impervious coverage limitations are applicable in addition to any specific stormwater management requirements of Article 6.~~
- ~~2. Development may not exceed 65% impervious surface coverage of total lot area and the total amount of impervious surface must remain below the maximum impervious surface coverage allowed by any other regulatory agency.~~
- ~~3. Lots with existing impervious coverage exceeding 65% 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.~~

~~G.~~ **B. IMPERVIOUS COVERAGE PLAN**

An impervious coverage plan shall be required prior to the issuance of any permits for new construction, redevelopment, or renovation/expansion projects where the impervious surface coverage is increased by greater than 325 square feet. For redevelopment whereby the impervious coverage expansion is less than 500 square feet, such plan may be a scaled plan prepared by the owner or any applicable professional. For all other impervious coverage additions, the plan must be prepared by a licensed surveyor, landscape architect, architect, or professional engineer. Removal and replacement requests for impervious coverage nonconformities shall require plan submittal from a licensed surveyor, landscape architect, architect, or professional engineer.

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.~~

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:

- a) Governmental signs.
- b) Window/door signs.
- c) Any sign required by a government agency (e.g., address number sign).
- d) Residential signage.
- e) Temporary commercial yard signage.
- f) Any temporary signage unless stated otherwise in this article.
- g) Any sign that is not designed for view by vehicular traffic may be displayed as long as the signage does not violate any of the prohibited sign regulation.

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.

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

- A. No increase in the extent of nonconformity. Except as specifically provided in this section, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.
- B. Nonconformity may extend throughout a completed building. Subject to subsection (e) of this section, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this article, was manifestly designed or arranged to accommodate such use. A nonconforming use may not be extended to additional buildings or to land outside the original building.
- C. Physical alteration or addition of new structures. Physical alteration of structures or the placement of new structures on open land are unlawful if they result in:
 1. An increase in the total amount of space devoted to a nonconforming use.
 2. Greater nonconformity with respect to dimensional restrictions such as yard requirements or height limitations. For example, a structure may not be enlarged whereby there is further encroachment into a required setback.
- D. Nonconformity may not be increased to cover more land. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.
- E. Increase in volume, intensity, or frequency of nonconforming use may be allowed. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to

changes in the degree of activity rather than changes in kind and in no violations of other subsections.

F. Repairs and maintenance are encouraged. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged

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.