



Town of Beaufort, NC
701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Board of Commissioners/Planning Board
Joint Meeting
4:00 PM Monday, August 25, 2025
Train Depot, 614 Broad Street

Call To Order

Roll Call

Agenda Approval

Presentations

- [1.](#) UDO Coastal Resilience Overlay District Draft

Adjourn



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**Board of Commissioners/Planning Board
Joint Meeting
4:00 PM Monday, August 25, 2025 – 614 Broad Street - Train Depot**

AGENDA CATEGORY: Presentation

SUBJECT: UDO Coastal Resilience Overlay District Draft

BRIEF SUMMARY:

The UDO Steering Committee has worked closely with staff and the consultant team since March to develop the draft Coastal Resilience Overlay District (CR-O), which aligns with the Non-Intensification Zone (NIZ) guidance of the Comprehensive and CAMA Land Use Plan. The consultants will present the draft for joint review by the Board of Commissioners and Planning Board.

REQUESTED ACTION:

Presentation and hold discussion on proposed material

EXPECTED LENGTH OF PRESENTATION:

SUBMITTED BY:

Michelle Eithner
Town Planner

BUDGET AMENDMENT REQUIRED:

N/A



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Memorandum

To: Town of Beaufort Board of Commissioners & Planning Board
From: Kelly Cousino, AICP; Tyson Smith, AICP;
 Caitlin Cameron, AICP, Assoc. AIA, LEED AP
Date: August 15, 2025
Subj: Draft Coastal Resilience Overlay District
Attachment: Community Input Summary 08-15-25
 Draft Coastal Resilience Overlay District 08-15-25

Introduction

The UDO Steering Committee has worked closely with staff and the consultant team since March to develop the draft Coastal Resilience Overlay District (CR-O) that the Board of Commissioners and Planning Board will review at a joint work session on August 25. This memorandum provides a brief summary of the input process and the draft overlay.

Meetings & Events

The Steering Committee discussed the CR-O five times between March and August, and will meet on August 18 to discuss language drafted by the consultant team concerning applicability of the overlay to existing single-family houses in the CR-O. All of the Committee's meeting materials, including slide decks and meeting minutes, may be accessed via the [Konveio website](#).

Town staff and the consultant team conducted two Community Conversation open house events (June 20 and July 22) and staffed a booth at the Olde Beaufort Farmers' Market (June 21). The Community Conversation events focused on potential regulations in the CR-O, while the Farmers' Market event included general outreach on the UDO project. The June events were very well attended, with approximately 75 attendees at the Community Conversation and approximately 167 individuals visiting the Farmers' Market booth.

Drafts of the CR-O reviewed by the Steering Committee were made available to the public via the Konveio website. Though only one person submitted comments on the CR-O to date, the June 13 draft had 81 views, and the July 28 draft had 14 views. We also received (both online and at the in-person events) more than two dozen general comments on the UDO. All comments received through August 14, 2025, are attached to this memorandum.

Draft Coastal Resilience Overlay District

The Committee considered both an overlay district and a point system as alternatives to implement resilience policies of the Town's Comprehensive & CAMA Land Use Plan, ultimately deciding that an overlay district is the best approach for the Town of Beaufort at this time.

The proposed CR-O regulates development in the Town and its extraterritorial jurisdiction through two subdistricts: the Non-Intensification Zone Subdistrict (CR-NIZ) and the Moderate Hazard Subdistrict (CR-M). The CR-NIZ corresponds to the planned Non-Intensification Zone, as defined in the CAMA Plan. The NIZ has the same boundaries as the Special Flood Hazard Areas identified on FEMA's Flood Insurance Rate Maps (FIRMs). The CR-M subdistrict corresponds to the Shaded X Zone identified on the FIRMs.

The Committee strongly feels the CR-O should reasonably accommodate existing buildings, having a minimal effect on existing detached single-family homes. For this reason, the overlay clearly specifies that if an existing, nonconforming detached single-family home is damaged or destroyed, it may be rebuilt to its "pre-event dimensions on its pre-event footprint," so long as compliance with building, flood, and historic district regulations is achieved.

Table 1 below summarizes the proposed CR-O standards by subdistrict. Three of the proposed standards apply differently in the two subdistricts; those applying in the more seaward CR-NIZ are stricter than those that apply in the CR-M, which of course is more distant from shorelines. Four of the proposed standards apply in both subdistricts, and two of the standards are optional and provide incentives for compliance.

We look forward to discussing this draft with you on August 25.

Table 1: Summary of CR-O Standards by Subdistrict

CR-O Standards	CR-NIZ	CR-M
Allowed Uses	As specified by the base zoning district , except that the CR-O prohibits new critical facilities and all new residential uses other than detached single-family houses	As specified by the base zoning district
Maximum Residential Density	5 dwelling units per acre	As specified by the base zoning district
Impervious Surface Coverage Limit*	30% (residential uses) 50% (non-residential uses)	40% (residential uses) 60% (non-residential uses)
Shoreline Management	Allows replacement of existing hardened structure and conversion of natural shorelines to hardened	
Shoreline Planting Area	Required for lots in R-8A, B-W, H-BD, and H-WBD that have frontage along a natural waterbody	
Shoreline Buffer*	Required if the lot has frontage along a natural waterbody	
Low Impact Development	Required if the development is subject to Town Code Chapter 54, Stormwater	
Stormwater Retrofit	Optional (incentive-based)	
Increased Construction Standards	Optional (incentive-based)	
*Certain zoning districts and land uses are proposed to be exempt from the impervious surface coverage limit and the shoreline buffer requirements.		



Community Input Summary

August 15, 2025



Town of Beaufort, NC | Unified Development Ordinance

J. Increased Construction Standards.²⁰**1. Applicability.**

- (a) **001 CR-NIZ Subdistrict.** Increased construction standards apply to new development in the CR-NIZ and to existing development that is proposed to be renovated, repaired, altered, or otherwise improved by more than 50% of its replacement value at the time of renovation, repair, alteration, or improvement.²¹
- (b) **CR-M Subdistrict.** Increased construction standards are not required in the CR-M. However, this Section establishes incentives for development that incorporates one or more increased construction standard.
2. **Required Points in CR-NIZ.** Each development in the CR-NIZ must achieve at least eight points using the techniques specified in Table 2.7.3-2: Increased Construction Standards.
3. **Incentives in CR-M.** Each development in the CR-M that incorporates one or more of the techniques specified in Table 2.7.3-2: Increased Construction Standards may use the incentive specified for that technique.²²

Table 2.7.3-2: Increased Construction Standards

Element	Description	Points (CR-NIZ)	Incentive (CR-M)
Structure	Principal structure meets the minimum requirements for FORTIFED Gold™ designation	8	Staff Site Plan Review [1], Expedited Permitting [2]
Structure	Principal structure meets the minimum requirements for FORTIFED Silver™ designation	7	Staff Site Plan Review [1], Expedited Permitting [2]

²⁰ These increased construction standards may be applied as a generally applicable development standard to areas beyond the overlay district, since the impacts these standards are intended to address may apply within and outside of the flood zone. The UDO Steering Committee will discuss the applicability of these proposed standards.

²¹ See discussion of N.C.G.S. 160D-601(d) above and note possible alternative compliance incentives.

²² Alternatively, incentives could be available for developments in the CR-M that achieve a certain number of points. For example, developments that achieve 8 points could receive expedited permitting and staff Site Plan Review.

#001

Posted by **allykristan** on **07/23/2025** at **11:05am** [Comment ID: 25] - [Link](#)

Suggestion

Agree: 0, Disagree: 0

This is great for storm readiness- is it possible to incorporate environmental storm-readiness aspects? Vegetation to hold the ground in place, large and healthy trees as a buffer from winds, etc.

Reply by **kellycousino** on **07/25/2025** at **5:28pm** [Comment ID: 32] - [Link](#)

Reply

Agree: 0, Disagree: 0

Thanks for your comment! We will pass it along to the Steering Committee members.

What is your biggest concern regarding zoning, growth, flooding, infrastructure, environment, or anything else related to land use and development?

1.

ID	Comment	Name
1	As a resident of a community that appears to be growing rapidly, my biggest concerns center around how we manage that growth in a way that protects our infrastructure, minimizes flooding risks, and reduces environmental impacts. While growth is inevitable—and I respect the rights of property owners to develop their land—a thoughtfully crafted Unified Development Ordinance (UDO) can help us balance those rights with the broader needs of the community. A well-designed UDO should guide development in a way that is sustainable, resilient, and responsive to current and future challenges related to land use. Thoughtful planning today can ensure that growth enhances our town rather than overwhelms it.	Sharon Harker
	Tree preservation!!!! (The Pine Knoll Shores UDO is an excellent role model to follow)	
2	Limiting short term/vacation rentals Decreasing pervious surface limits to increase impervious surface due to flooding and storm water runoff Prohibiting astroturf as a replacement for natural ground	Ally Kristan

What is your biggest concern regarding zoning, growth, flooding, infrastructure, environment, or anything else related to land use and development?

1.

ID	Comment	Name
	<p>As a generational conservationist I support both the UDO process and, more importantly, protecting vulnerable areas whether they are environmentally or topographically at risk.</p> <p>Nonetheless, I respectfully request further Board review of the UDO Vision, Principles, & Goals document (May 13, 2025 rev.)</p> <p>Specifically, I suggest that:</p> <ol style="list-style-type: none"> 1. The UDO Vision, Principles, & Goals document include a reference to page 200 of the Beaufort Comprehensive & CAMA Land Use Plan (October 9, 2023) which addresses approved mitigation methods, and 2. The NIZ video be edited to show a more representative diversity of the areas to be affected by the NIZ, and 3. Written Notice be provided to every landowner affected by the NIZ 	Bucky Oliver
3	<p>My request for further review is driven by the following considerations among others</p> <ul style="list-style-type: none"> • There appears to be consensus among the Commissioners, Staff and our consultant that the UDO Vision, Principles, & Goals document will provide guidance as the UDO's details are promulgated. So, it is important to get it right. • It appears that the NIZ will affect about \$1.3 Billion of existing taxable parcels in Beaufort and its ETJ. • The recent revaluation recognizes the material value diminution that occurs when zoning or overlay districts alone exist. • Among other effects, 42% of Beaufort's tax revenue would be at risk. • Home and business owners have expressed their concerns varying from "fear of not being able to rebuild" to "a taking". • County, State and other entities have inquired how the Airport, Gallants Channel and other investments would be affected. • Some BWOF Committee Members have wondered how State and other funding targets would react to Beaufort's "discouraging development" or "in these areas...public utilities ...be disconnected". 	

What is your biggest concern regarding zoning, growth, flooding, infrastructure, environment, or anything else related to land use and development?

1.

ID	Comment	Name
	<p>We look forward to participating this week in the Community Conversations around the UDO and specifically learning more about the NIZ and CR-O districts and how it will affect our Historic District and Structures moving forward.</p> <p>I would urge the committee to consider exemptions and or accommodations for our Town's Historic Structures and Historic District. It appears similar consideration and exemption designation is being given the Urban Waterfront Redevelopment Area in the Town's CAMA plan. I would argue our historic structures are equally important to the Town.</p> <p>My husband and I have restored and maintain four historic properties that are either in, or slightly in the CR-O, NIZ and M sub-districts. I am including some general questions about the CR-O districts I am hoping you can help answer. Additionally, I am providing specific property descriptions as case study examples of the practical application of the draft ordinance language to identify possible roadblocks to maintaining our treasured Historic Properties. If these examples do not reflect the Committee's intent, and I am interpreting the draft language incorrectly, I would appreciate your help in clarifying as we want to try and maintain and protect our historic properties as best we can in the face of climate change.</p>	Eric Lindstrom
4	<p>General Questions:</p> <ol style="list-style-type: none"> 1. Will all structures in the CR-O and sub districts CR-NIZ and CR-M become "Non-Conforming" when the ordinance is enacted? 2. Most of Beaufort's historic properties exceed the proposed lot coverage percentages required by CR-NIZ and CR-M districts. Has the Committee considered or identified how many Historic structures would not be able to be rebuilt if damaged or raised to achieve flood elevation heights under the proposed sub-districts and their required 30%-40% max. lot coverages? 3. The current UDO has "Non-Conforming" exemptions for single family residences allowing them to be re-built back to original footprint. Will those exemptions be maintained in the updated UDO and apply to homes in the CR-O District, or will they be superseded by the more stringent language of the CR-O and CR-NIZ and CR-M subdistricts? 4. Was any consideration given to allowing historic properties to be raised in their current configuration to meet or exceed the required flood elevation and/or meet a higher standard of construction as an alternative path? 5. What year will these restrictions go into effect? 6. Will new, rebuilt or enlarged homes be allowed to tie-into the Town's infrastructure, such as water & sewer in the CR-O Districts? 	

What is your biggest concern regarding zoning, growth, flooding, infrastructure, environment, or anything else related to land use and development?

1.

ID Comment

Name

Four Historic Structures - Case Study Applications of the proposed CR-O draft language:

125 Ann Street 1786 Jesse Piver Home CR-NIZ

This historic home had a complete rehabilitation in 2017-19, rebuilding the foundation and lifting the home to the then proposed, but never enacted, new flood elevation, 12" higher than the current elevation, thus resulting in a finished floor 2ft above what is required. The 200+ year old mortise & tendon constructed home was reinforced with anchors and straps complying with today's hurricane codes. Additionally, a 1200 gallon infiltration cistern was installed with all roof leaders and site drainage tied in and was designed to accommodate 5"+ of rainfall was voluntarily installed. This home would appear to meet all of the aspirational goals for resilient construction and stormwater runoff.

4 Impact: If the home is destroyed or damaged by more than 50% of its value, under the CR-O/CR-NIZ, 125 Ann Street could not be rebuilt back to its existing footprint without a reduction in size of nearly 40% based on the proposed 30% maximum lot coverage.

201 Ann Street 1817 James Davis House CR-NIZ

Located on one of the highest lots in the neighborhood with all corners of the property ranging from 7' to 12' above sea level/existing flood elevation, and a finished floor of the structure at 11' above sea level, the computer algorithms that generate the zone maps put this property either touching or split by the CR-NIZ/CR-M.

Impact: This home can never be enlarged or added to because it is touches the CR-NIZ & M districts. Additionally, if the home is destroyed or damaged by more than 50% of its value, under the CR-NZ, 201 Ann Street could not be rebuilt back to its existing footprint without a reduction in size of based on the proposed 40% maximum lot coverage.

What is your biggest concern regarding zoning, growth, flooding, infrastructure, environment, or anything else related to land use and development?

1.

ID Comment

Name

205 Moore Street 1830 Wheatley House CR-NIZ

This historic home is a long-term rental and had a complete interior renovation in 2024. It is in our 8-10 year plan to repair the foundation and leaning chimney, restoring it's front porch and lifting the home to be at or above the required flood elevation.

Impact: By my reading of the draft language and non-conforming regulations in the UDO, this 900sf home cannot be lifted to a new foundation above the flood elevation or added to because it is in the NIZ/CR-O district.

416 Pine Street 1910 The Scott's Store/Craig Gurganus House CR-M

This historic home is a long-term rental and had a complete interior renovation in 2020-01. It is in our 8-10 year plan to repair the foundation and lift the home in the process to be at or above the required flood elevation.

- 4 Impact: Draft language and non-conforming regulations in the UDO would prohibit this home from being lifted to a new foundation above the flood elevation because it is in the CR-O/CR-M district. Additionally, if the home is destroyed or damaged by more than 50% of its value, under the CR-O/CR-M, 416 Pine Street could not be rebuilt back to its existing footprint without a reduction in size of based on the proposed 40% maximum lot coverage proposed for the CR-M subdistrict.

Protecting our Historic Structures and preparing for climate change don't have to be mutually exclusive goals. As your committee continues to review the language of the CR-O districts I would encourage you to develop specific language that recognizes the unique character and in many cases non-conforming lots and structure locations of our historic district, identifying alternative compliance paths, opportunities, and incentives to help the owners of our historic structures to maintain, raise and fortify their structures, while preserving the and scale and character of our town.

- 5 Hi! I want to clarify my earlier comment that I worded poorly. I think we should increase the pervious surface requirements, making it so that there is MORE pervious surface and LESS impervious surface. With more frequent flooding events, "standard" requirements are no longer sufficient. We see what has happened in Professional Park, meeting st floods every heavy rain (sometimes preventing me from being able to drive out of my neighborhood which is dangerous) and the "best" solution is to raise the road. With more impervious surface required to begin with, we'd have less water pooling on asphalt and sidewalk and more water being observed by the earth, the way nature intended. We must be preventative, not reactive, to really build coastal resilience and preserve our wonderful community.

Ally Kristan

What is your biggest concern regarding zoning, growth, flooding, infrastructure, environment, or anything else related to land use and development?

1.

ID	Comment	Name
6	I'm especially concerned about marshland being filled in, bulkheaded and built on. CAMA isn't doing a very good job, especially in Beau Coast. Marshland serves a couple of important purposes: estuaries for marine life and other wildlife, runoff from rain, and hurricanes. Highly fertilized yards that allow chemicals to seep into our waterways and ground water are another problem. High density development is a real problem as we don't have roads and resources to handle such rapid growth. If we don't get this development under control then Beaufort will lose what makes it so special, it already has lost a lot of it. Wealthy people with second homes being allowed to remove sidewalks by placing brick ones on the opposite side of the road. And the second house from the end of Front Street on the right side towards Duke Marine Lab very often parks their vehicle there requiring pedestrians to walk in the road. Very bad president is being set. Beaufort Club needs upgrades to fix the flooding at our only entrance/exit onto Hwy 70. It floods even without a storm or a hurricane preventing residents from leaving and going to work. It's also a safety concern for emergencies. Since Beaufort Club is annexed into the town and we pay Beaufort taxes we should have sidewalks and bike paths from BC to town. The town needs to seek out opportunities with Trader Joe's, Walmart and others to serve our community, another gas station would also be helpful. Everyone driving 25-30 minutes to the other side of Morehead doesn't keep that money in Beaufort and it's a big inconvenience.	Karen Lilly
7	"tree survey" "no clear cut" "replant with native species"	Anonymous Input - June Outreach Events
8	"Keep all old oak trees" "fix sidewalks so we don't trip" "do our best to stop development" "Keep our waterfront nice" "no cement on walkways" "shoreline mgt."	Anonymous Input - June Outreach Events
9	"Beau Coast allowing too much density without requiring more trees" "More green space!"	Pam Patterson - June Outreach Events
10	"Biggest concern: (1) overdevelopment and increase of impervious surface (2) overflow of sewage b/c sewage treatment is over capacity"	Anonymous Input - June Outreach Events
11	"NOAA predicts storm surge between Orange & Moore Marsh & Pollock"	Anonymous Input - June Outreach Events
12	"Why is Town along BeauCoast NIZ medium zone to build new houses on Turner Creek where there is standing water (no high tide, no king tide)"	Anonymous Input - June Outreach Events
13	"we need much more rigid lot coverage limitations & impervious surface limitations." "The water that can be absorbed (where the water table allows for absorptions, needs to have a place to go."	Anonymous Input - June Outreach Events
14	"Trees... Keep & Plant more" "No Clear cutting" "Pervious Pavements"	Anonymous Input - June Outreach Events
15	"Flooding - clean water" "over building" "waste water"	Jay Bumpus - June Outreach Event

What is your biggest concern regarding zoning, growth, flooding, infrastructure, environment, or anything else related to land use and development?

1.

ID	Comment	Name
16	"construction standards & accountability -> ensure that development is both (1) in keeping with the character of Beaufort and (2) protects the fragile marine/estuarine environment"	Anonymous Input - June Outreach Events
17	"Reduce Restrict Control STR's" "several out-of-state owners chopped down all trees in front yards to park 4-5 SUVs" "1520 Ann had 5 vehicles parked last week."	Anonymous Input - June Outreach Events
18	"Keeping public green space & water access" "developing strong tree ordinance" "developing home building ordinance-no more big box mega homes on small lots" "strong regulations for large developments" "range of housing options (single, multi home dwellings"	Anonymous Input - June Outreach Events
19	"replace/rehabilitation of existing water/sewer infrastructure in NIZ"	Dick DeButts - June Outreach Events
20	"increased freeboard to reduce flooding and sea-level rise impacts"	Anonymous Input - June Outreach Events
21	"My biggest concern is the amount of trees that are getting cut down. Especially the old oak trees. The trees help prevent flooding And it seems contradictory that we go through so much 'red tape' every time something needs to be done to an old house. But there are no regulations to cutting down an old oak tree which probably pre-dates these houses"	Anonymous Input - June Outreach Events
22	"(1) preserving the character and peaceful atmosphere of Beaufort."	Anonymous Input - June Outreach Events
23	"The Historic District should be exempt from the NIZ rules." "The Front St commercial buildings are on '0' lot lines as built & should be allowed to build back"	Anonymous Input - June Outreach Events
24	My biggest concerns are overdevelopment, clear-cutting trees, destroying wetlands, flooding issues, etc. I think we definitely need to have a tree ordinance, regulations on impervious driveways, etc., limits on density of development, respecting the identified Non-Intensification Zones, and being very cautious about any development there. I also think new bulkheads should be living shorelines.	Harriet Altman

What is your biggest concern regarding zoning, growth, flooding, infrastructure, environment, or anything else related to land use and development?

1.

ID	Comment	Name
	<p>Hello,</p> <p>I could not attend the UDO meeting on July 22, due to commitments at work outside Carteret County.</p> <p>Below are 3 issues:</p>	
25	<p>1. The current land develop ordinance appears to allow buildings structures, garages, driveways, and out buildings, to, in total, cover the entire footprint of the lot. The Current 'apartment' buildings on Front Street (near Marsh St) are an example. This will increase flooding.</p> <p>2. The second issue is the height of buildings. It appears there is scope creep with respect to the tallest point that is allowed. Please clarify the code and force builders, Planning Staff, and the Planning Board to reject scope creep. Define the height without structure type exceptions.</p> <p>3. The third issue is VRBO/AirBnB rentals, short term rentals, that property owners are leveraging. The number of people and cars is hard to manage. It seems that backyards are now garages with rental apartments on top, since that is allowed - which links back to item 1. Street parking in residential neighborhoods remains an issue; traffic down Ann St is essentially one way depending on the direction of the driver.</p> <p>4. Is the Town leaving money on the table?</p>	Suzanne Lea
26	<p>Environment!</p> <p>Losing trees, losing the "small town" feel, overwhelming heat and flooding from replacing green cover with asphalt and concrete, unaffordable housing because of vacation rentals, loss of wildlife habitat :(Prevent it before it's too late! "Development" is often a euphemism for destruction of what we already have - Beaufort rocks right now!</p>	Anonymous Input - July Outreach Event

What is your biggest concern regarding zoning, growth, flooding, infrastructure, environment, or anything else related to land use and development?

1.

ID	Comment	Name
27	<p>The issue I see is that the guidance for applying the regulations and allowing or disallowing development is heavily weighted to discourage development in the NIZ. While studying how I might respond to my invitation to comment, I came across a new term that has a great deal of detail and studies to its credit.</p> <p>The term Sustainable Development is defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” There are two frameworks for sustainable development. One is eco-humanism, which considers humans in harmony with nature and promotes ethical stewardship and community-based sustainability efforts. In contrast, eco-modernism emphasises technological advancements that can solve environmental problems while sustaining economic growth. By embracing both ideologies, future sustainability efforts can be more inclusive, just, and effective in tackling global ecological and social issues.</p> <p>I know that many people have invested a considerable amount of time in researching and creating a guidance document and placing language supporting the eco-humanism position in the UDO itself. And even though the CAMA Regulations suggest mitigation supporting eco-modernism, reading through the papers, you get the clear impression that development in the NIZ is discouraged.</p> <p>My question is, we live in a world where as many people support one framework for development as do the other. Is it fair to community property owners to have an official document only edited every twenty or thirty years, heavily weighted in support of one side?</p> <p>Thank you for inviting me to comment.</p>	John Lampros



2.7.3: Coastal Resilience Overlay District

Board of Commissioners & Planning Board Review Draft
August 15, 2025



Town of Beaufort, NC | Unified Development Ordinance

Effect of S382 on Local Zoning Regulations

In December 2024, the North Carolina Legislature ratified Session Law 2024-57 ([Senate Bill 382](#)) which pertained primarily to disaster recovery funding for Western North Carolina communities in the wake of Hurricane Helene. However, the law also included provisions that profoundly limit the planning and zoning authority of local governments, though in what manner or to what extent exactly remains quite unclear. Nonetheless, despite the Governor’s veto, the law currently stands and is codified at [N.C.G.S. § 160D-601\(d\)](#).

The law prohibits “downzoning” of property unless the property owner provides explicit written consent to the downzoning. It defines *downzoning* as “a zoning ordinance that affects an area of land in one of the following ways:

1. By decreasing the development density of the land to be less dense than was ***allowed under its previous usage***.
2. By ***reducing the permitted uses*** of the land that are specified in a zoning ordinance or land development regulation to ***fewer uses*** than were allowed ***under its previous usage***.
3. By creating any type of ***nonconformity*** on land not in a ***residential zoning district***, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming ***improvement***, or nonconforming ***site element***.”

Prior to this change, third parties were prohibited from initiating a rezoning of another’s property, but not local government. Unfortunately, the bill used terminology that, though it may have particular meaning in a given jurisdiction, is not defined in the law or is out of logical context, leaving local governments in the state uncertain of its effect and of what it means for ongoing planning and zoning efforts. Some of these terms are highlighted above.

Response in opposition to the bill has been widespread and there appears to be legislative support for significant changes, clarifications, or corrections. In fact, the 2025-2026 Legislative Session has seen a number of bills filed in response to the downzoning provisions—including [House Bill 281](#), which would restore the ability of local governments in Carteret County to initiate downzonings without property owner consent, and [Senate Bill 587](#), which clarifies the definition of nonconformities.

As currently drafted, this proposed Coastal Resilience Overlay District implements Town policy as expressed in its Comprehensive & CAMA Land Use Plan and incorporates input and direction from the UDO Steering Committee. During its deliberations, the Committee and staff will consider whether or how to consider the 2024 bill’s impact on Town authority to address urgent resilience and critical public safety goals. As noted, local government planners and attorneys have posited different interpretations of the statute since its adoption, particularly alternative constructions of the term “nonconforming,” which may leave room for application of new restrictions, particularly outside of “residential zoning districts.”

The UNC School of Government Coates' Canons NC Local Government Law blog provides a helpful discussion of this new law and its potential implications for local zoning (see <https://canons.sog.unc.edu/2024/12/limits-on-down-zoning/>).

August 2025 Update

The North Carolina General Assembly (i.e., the Senate and House of Representatives) adjourned on July 31. The General Assembly adopted a [Joint Resolution](#) “adjourning the 2025 regular session of the General Assembly to a date certain and limiting the matters that may be considered upon reconvening.” They will reconvene on August 26 for a short session until August 28, followed by several more short sessions in 2025 and 2026.

The Joint Resolution limits the matters the General Assembly may consider. Generally, these matters are limited in scope and, with two exceptions, do not include pending bills. However, it appears they may be able to consider at least one of the bills related to the 2024 downzoning legislation during their September 2025 and April 2026 sessions. It appears the General Assembly could consider [S587](#), which restores the ability of local governments to initiate downzonings, but not [H281](#), which is specific to Carteret County and its municipalities.

Article 2: Zoning Districts..... 5
2.7. Overlay Zoning Districts..... 5
2.7.3. CR-O, Coastal Resilience Overlay District .. 5

2

Article 2: Zoning Districts

2.7. Overlay Zoning Districts

2.7.3. CR-O, Coastal Resilience Overlay District

A. **Purpose.** The purpose of the Coastal Resilience Overlay District is to:

1. Achieve goals expressed in the *Beaufort Comprehensive and CAMA Land Use Plan*;
2. Implement the “Resiliency Vision” expressed in *Resilient Beaufort*;
3. Protect and improve water quality;
4. Reduce the quantity of stormwater pollutants entering local waterways;
5. Reduce shoreline erosion;
6. Preserve wildlife habitat;
7. Prepare for effects of anticipated sea level rise;
8. Reduce flooding and subsequent property damage;
9. Encourage construction of buildings that are more resistant to damage from hurricanes, high winds, flooding, and hail and to avoid ongoing or repetitive structural and infrastructure damage and costs;
10. Minimize public and private losses due to flood and related conditions in the most vulnerable areas of the Town; and
11. Promote public, health, safety, and general welfare.

B. **District Boundary.**

1. *Generally.* The Coastal Resilience Overlay District, depicted in Figure 2.7.3-1, is comprised of two subdistricts:
 - (a) CR-NIZ, Non-Intensification Zone Subdistrict; and
 - (b) CR-M, Moderate Hazard Subdistrict.

2. *CR-NIZ, Non-Intensification Zone Subdistrict.* This subdistrict is coterminous with the Special Flood Hazard Area.¹
3. *CR-M, Moderate Hazard Subdistrict.* This subdistrict is coterminous with the Shaded X Zone within the Non-Special Flood Hazard Area.²
4. *Changes to District Boundary.* The boundary of the CR-O is expected to change over time as the Federal Emergency Management Agency (FEMA) revises the Flood Insurance Rate Maps (FIRMs). The Town may amend the UDO to reflect changes to FEMA-designated SFHAs and NSFHAs and subsequent changes to the CR-O boundary.

C. Applicability.

1. The overlay district applies to all lots located within the district boundary, including those in the Town's extraterritorial jurisdiction.
2. When a lot is located in both the CR-NIZ and CR-M subdistricts, the standards applicable to each subdistrict apply on the respective portions of the lot.³ If any portion of a structure is located in the CR-NIZ, the regulations applicable to the CR-NIZ apply to the entire structure.
3. Applicability of individual standards is specified in the paragraphs below pertaining to the particular standard.
4. When a standard applies to existing development that is proposed to be renovated, repaired, altered, or otherwise improved by more than 50% of its replacement value⁴ at the time of renovation, repair, alteration, or improvement:
 - (a) Replacement value of existing principal structures is determined using a qualified appraisal of the market value of the structure before the start of construction of the improvement; and
 - (b) Replacement value for other improvements (e.g., vehicle accommodation areas) is determined using cost estimates prepared by a professional that typically constructs or installs the type of improvement proposed for renovation, repair, alteration, or improvement.

¹ UDO Article 12 will include the Flood Damage Prevention Ordinance's current definition of SFHA.

² UDO Article 12 will define NSFHA.

³ This provision is a starting point for discussion purposes. The UDO Steering Committee will consider the applicability of the two subdistricts on split-zoned lots as well as the need to fine-tune overlay applicability according to historic and anticipated development patterns throughout the Town and ETJ.

⁴ This aligns with the Town's provisions for bringing nonconforming structures into compliance with current regulations.

D. Exception for Nonconforming Single-Family Houses.

1. When a nonconforming detached single-family house suffers substantial damage⁵ by fire, flood, wind, or other natural disaster or event beyond the owner's reasonable control, substantial improvements⁶ to the house are allowed to repair and restore it to its pre-event dimensions⁷ on the pre-event footprint⁸ if the improvements:
 - (a) Meet all applicable building codes;
 - (b) Meet or exceed the Regulatory Flood Protection Elevation (RFPE),⁹ unless a variance has been granted pursuant to [Section 6.3.4, Variance Procedures](#),¹⁰ of the Town's Flood Damage Prevention Ordinance; and
 - (c) If applicable, receive a Certificate of Appropriateness in accordance with [Section 7.5.3](#).¹¹

⁵ UDO Article 12 will carry forward the Flood Damage Prevention Ordinance's definition of *substantial damage*, which is "damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of substantial improvement.

Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred."

⁶ UDO Article 12 will carry forward the Flood Damage Prevention Ordinance's definition of *substantial improvement*, which is "any combination of repairs, reconstruction, rehabilitation, addition or other improvement of a structure, taking place during any one-year period whereby the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (1) Any correction of existing violations of state or community health, sanitary or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure."

⁷ The term *dimensions* includes both horizontal dimensions and vertical dimensions (i.e., setbacks and height).

⁸ This is a current provision in the Town's LDO (see Section 11, Paragraph D.6).

⁹ The Town's [Flood Damage Prevention Ordinance \(Sec. 151.05\)](#) defines *regulatory flood protection elevation* as "the elevation to which all structures and other development located within the Special Flood Hazard Areas must be elevated or floodproofed, if non-residential. Within areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one foot of freeboard. In areas where no BFE has been established, all structures and other development must be elevated or floodproofed, if non-residential, to two feet above the highest adjacent grade."

¹⁰ This is a cross-reference to the new UDO section that will establish the Flood Damage Prevention Ordinance's Variance procedure; the teal highlight is a reminder to verify the cross-reference once the UDO is drafted. The current cross-reference is [Section 151.28](#).

¹¹ This is a cross-reference to the new UDO section that will include the Certificate of Appropriateness procedure for historic district development (Section 23 in the LDO); the teal highlight is a reminder to verify the cross-reference once the UDO is drafted. The procedure is described Section 23 of the current LDO.

2. If a house is nonconforming with respect to height or would exceed the district height limit after a substantial improvement because an increase in elevation is required to comply with the Flood Damage Prevention Ordinance or the Building Code, it may be reconstructed to the greater of:
 - (a) Its height at the time of the substantial damage; or
 - (b) The base zoning district height limit plus one foot for each one foot the house is elevated above the RFPE, up to a maximum of three feet.

Figure 2.7.3-1: Coastal Resilience Overlay District Boundary

- E. **Allowed Uses.** Any use allowed by a lot's base zoning district may be established in the CR-O pursuant to its required approval procedure, except that:
1. New critical facilities¹² are prohibited in the CR-NIZ subdistrict;¹³ and
 2. New residential uses, other than detached single-family houses, are prohibited in the CR-NIZ subdistrict.
- F. **Residential Density.** New developments in the CR-NIZ subdistrict are limited to a maximum density of five dwelling units per acre.
- G. **Impervious Surface Coverage.**¹⁴

¹² UDO Chapter 12 will propose the following definition of *critical facility*: Public or private structures or other improvements essential for the delivery of vital services and for the protection of the community. In Beaufort, critical facilities include only the following **principal** uses:

Fire stations, police stations, rescue squads, and emergency operations centers; hospitals, long-term care facilities, and other healthcare facilities where the occupants may not be sufficiently mobile to evacuate in an emergency; emergency shelters; jails and other detention centers; preschools, elementary schools, and secondary schools; water supply facilities, wastewater treatment facilities (excluding wastewater pump and lift stations), power substations, and natural gas gate stations; and telecommunications towers unless no feasible alternative location for the tower exists."

¹³ Note paragraph (d)(2) in N.C.G.S. § 160D-601 regarding new State law limitations on reducing "permitted uses" to "fewer uses than were allowed under its previous usage."

¹⁴ Currently, the only zoning district that limits impervious surface coverage is RS-5. The limit is 50%. As proposed here, lots zoned RS-5 and located in the CR-O would be subject to a more restrictive impervious surface limit (if the lot contains a residential use). **Carteret County** does not limit impervious surface coverage, but other cities/towns in the region do. **Morehead City** has a 40% limit in most zoning districts except the Commercial Marina District where the limit is 50% and the two downtown districts where there is no limit. **Atlantic Beach** also has a 40% limit in most districts, except the least intensive residential district (1 acre lot size) where the limit is 10% and the two most intensive commercial districts where the limit is 75%. **Pine Knoll Shores** has a 35% limit in residential districts and a 25% limit in Special Flood Hazard Areas and "any other lot in residential property districts R-1, R-2, R-3, and R-4 with a seasonal high water table of 24 inches or less to grade." Finally, **Emerald Isle** requires a minimum percentage of "natural/vegetated area" in most zoning districts (35% in residential districts and 15% in commercial/mixed use districts). In Craven County, **New Bern** does not regulate impervious surface coverage, but **Havelock** regulates it in most zoning districts. The limits in residential districts range from 30% to 50%, except in the most rural district (5 acre minimum lot area) where it is 10%. Where regulated in other districts, the limit is 50%. In Onslow County, **Swansboro** does not regulate impervious surface or lot coverage but does require landscaping and buffers and regulates for maximum building area. In Dare County, **Duck** regulates lot coverage by zone; residential zones are limited to 30% lot coverage with up to 35% for enhanced stormwater management. Commercial zones lot coverage ranges from 50% to 60%. "Large Residences" are defined and are additionally required to maintain a 20% vegetative lot coverage (10% natural vegetation). **Nags Head** regulates lot coverage by zone; residential zones are limited to 30% + 300 sf or 33%, whichever is greater. Commercial and Mixed Use zones are increasingly permissive with lot coverage ranging from 40 to 55%. For lots abutting shoreline, lot coverage is limited to 30% within the estuarine area. Lot coverage increases are incentivized for increase stormwater measures and permeable pavement, and exceptions are given for shared-use drives and accommodation of alternative transportation.

1. *Applicability.* All lots in the CR-O are subject to this Section, except as provided in 2.7.3.G.2, Exemptions.¹⁵
2. *Exemptions.*
 - (a) Lots located in the following zoning districts are exempt from the impervious surface coverage limitation:
 - (1) H-BD;
 - (2) H-WBD; and
 - (3) R-8A.
 - (b) Developments that require a stormwater permit issued by the North Carolina Department of Environmental Quality are exempt from the impervious surface coverage limitation.
3. *CR-NIZ Subdistrict.*
 - (a) Lots located in the CR-NIZ that contain a residential use other than a detached single-family house are limited to a maximum 30% impervious surface coverage.¹⁶
 - (b) Lots located in the CR-NIZ that contain a detached single-family house are limited to a maximum impervious surface coverage of 2,500 square feet or 30% of the lot area, whichever is greater.
 - (c) Lots located in the CR-NIZ that contain a non-residential use or a mixture of uses are limited to a maximum 50% impervious surface coverage.
4. *CR-M Subdistrict.*
 - (a) Lots located in the CR-M that contain a residential use other than a detached single-family house are limited to a maximum 40% impervious surface coverage.
 - (b) Lots located in the CR-M that contain a detached single-family house are limited to a maximum impervious surface coverage of 2,500 square feet or 40% of the lot area, whichever is greater.

¹⁵ See discussion of N.C.G.S. § 160D-601(d) above.

¹⁶ On a lot zoned R-8 that meets the minimum dimensional standards (8,000 sf lot area and 60 ft lot width), the minimum required setbacks constitute approximately 54% of the lot. Under the current regulations, the remaining 46% of the lot could be covered by impervious surfaces. Under this proposed standard, only about two-thirds of the remaining 46% of the lot could be covered by impervious surfaces.

- (c) Lots located in the CR-M that contain a non-residential use or a mixture of uses are limited to a maximum 60% impervious surface coverage.

H. **Shoreline Management.**¹⁷

1. *Applicability.* All lots in the CR-O are subject to this Section.
2. *Hardened Shorelines.* An existing hardened shoreline may:
 - (a) Remain in place; and
 - (b) Be partially or fully replaced if its location is not changed by more than two feet in either direction (waterward or landward).
3. *Conversion of Natural Shorelines.* Property owners should not convert existing natural shorelines to hardened shorelines.¹⁸

I. **Shoreline Planting Area.**

1. *Applicability.* All lots in the CR-O with a base zoning district of R-8A, B-W, H-BD, and H-WBD that have frontage along a natural waterbody are subject to the shoreline planting area requirements described in this Section.
2. *Planting Area Width.* The shoreline planting area includes the landward portions of any parcel within 20 feet of the mean high-water line.
3. *Planting Requirements.* When a landowner chooses to install vegetation within the planting area, it must be:
 - (a) Native to North Carolina; and
 - (b) Selected from the Acceptable Plant Lists in Table 2.7.3-1, Table 2.7.3-2, Table 2.7.3-3, and Table 2.7.3-4

¹⁷ These provisions mainly apply in CR-NIZ since that's the primary CR-O subdistrict along the shoreline.

¹⁸ Typically, a regulatory document should avoid language encouraging, rather than requiring, a particular action. However, Town staff and the consultant team feel this is the best approach for this particular provision until the Town completes the estuarine shoreline management plan recommended in the CAMA Land Use Plan since shoreline hardening is the best solution in certain instances. The shoreline management plan would identify the areas where the Town should prohibit and allow hardened shorelines. Once it is complete, the Town could consider revisions to this provision in the CR-O.

J. Shoreline Buffer.¹⁹**1. Applicability.**

- (a) All lots in the CR-O that have frontage along a natural waterbody must maintain or establish a shoreline buffer, except as provided in 2.7.3.J.2, Exemptions.
- (b) Where a developed lot does not meet the shoreline buffer requirements, the buffer must be established in accordance with this Section if the principal structure on the lot is improved by 50% or more of its assessed value.
- (c) Where a vacant lot does not meet the shoreline buffer requirements, the buffer must be established in accordance with this Section when the lot is developed.

2. Exemptions.

- (a) Lots located in the following zoning districts are exempt from the requirement to maintain or establish a shoreline buffer, but they are subject to the shoreline planting area requirements specified in 2.7.3.I above:
 - (1) R-8A;
 - (2) B-W;
 - (3) H-BD; and
 - (4) H-WBD.
- (b) Lots containing or proposed to contain the following uses are exempt from the requirement to maintain or establish a shoreline buffer:
 - (1) Marinas;²⁰
 - (2) Water-dependent marine research facilities;²¹

¹⁹ See discussion of N.C.G.S. § 160D-601(d) above and note that compliance incentives could include reduced setbacks or an increased building height limit.

²⁰ The current LDO definition of *marina* is "any publicly or privately owned dock, basin, or wet boat storage facility constructed to accommodate more than ten boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haul-out facilities, and repair service."

²¹ UDO Article 12 will propose the following definition of *water dependent use*: "A use or portion of a use that requires location on a waterbody due to the intrinsic nature of its operations. A water-dependent use

- (3) Working docks;²² and
 - (4) Airports.
- 3. *Buffer Width.* A shoreline buffer must be at least 20 feet in width, measured landward from the mean high-water line.
- 4. *Existing Vegetation.* Where vegetation naturally exists along a shoreline, it must remain undisturbed except as otherwise provided in this Section.
- 5. *Planting Requirements.*
 - (a) Lots without existing vegetation must meet the planting requirements in this Paragraph. Lots with existing vegetation that does not meet the standards in this Paragraph must supplement with additional plantings.
 - (b) New plantings must be:
 - (1) Native to North Carolina;
 - (2) Arranged in a natural random pattern; and
 - (3) Selected from the Acceptable Plant Lists in Table 2.7.3-1, Table 2.7.3-2, Table 2.7.3-3, and Table 2.7.3-4.
 - (c) The use of turf grass within a shoreline buffer is prohibited.
 - (d) The planting requirement per 100 linear feet is:
 - (1) Three medium or large trees of 3-inch caliper with a minimum of two different species;
 - (2) Five small trees of 2-inch caliper with a minimum of three different species;
 - (3) Eighteen shrubs or vines, 3-gallon pots with a minimum of four different species; and

must need physical access to a surface water body to operate and cannot be located away from the water without loss of function.”

²² UDO Article 12 will propose the following definition of *working dock*: “A dock, pier, or wharf that is actively used for marine-related commercial, industrial, or institutional operations, including loading and unloading of goods or passengers, seafood landing and processing, fueling of vessels, vessel maintenance and repair, charter operations, and other water-dependent activities. A working dock is distinguished from recreational or residential docks by its function, facilities, and frequency of use in support of maritime commerce or water-based livelihoods.”

- (4) Twenty-five grasses, 1-gallon pots with a minimum of five different species.

Table 2.7.3-1: Shoreline Buffer Acceptable Plant List – Medium & Large Trees

Common Name	Botanical Name	Suitable for Lowland Areas
American Holly	<i>Ilex opaca</i>	
Bald Cypress	<i>Taxodium distichum</i>	✓
Carolina Cherry Laurel	<i>Prunus caroliniana</i>	
Eastern Red Cedar	<i>Juniperus virginiana</i>	✓
Hackberry	<i>Celtis laevigata</i>	✓
Live Oak	<i>Quercus virginiana</i>	✓
Loblolly Pine	<i>Pinus taeda</i>	✓
Southern Magnolia	<i>Magnolia grandiflora</i>	
Southern Red Cedar	<i>Juniperus virginiana</i> var. <i>silicicola</i>	✓
Sweetgum	<i>Liquidambar styraciflua</i>	✓
Water Oak	<i>Quercus nigra</i>	✓

Table 2.7.3-2: Shoreline Buffer Acceptable Plant List – Small Trees

Common Name	Botanical Name	Suitable for Lowland Areas
American persimmon	<i>Diospyros virginiana</i>	
Serviceberry	<i>Amelanchier canadensis</i>	
Southern Wax Myrtle	<i>Morella cerifera</i>	✓
Tea Olive	<i>Osmanthus americanus</i>	✓
Yaupon Holly	<i>Ilex vomitoria</i>	✓

Table 2.7.3-3: Shoreline Buffer Acceptable Plant List – Shrubs & Vines

Common Name	Botanical Name	Suitable for Lowland Areas
Adams Needle	<i>Yucca filamentosa</i>	
Brownsville tree	<i>Baccharis halimifolia</i>	✓
Coral Bean	<i>Erythrina herbacea</i>	
Coral Honeysuckle	<i>Lonicera sempervirens</i>	
Dwarf Palmetto	<i>Sabal minor</i>	✓
Inkberry	<i>Ilex glabra</i>	✓
Oakleaf hydrangea	<i>Hydrangea quercifolia</i>	
Sea oxeye daisy	<i>Borrichia frutescens</i>	✓
Seaside Goldenrod	<i>Solidago sempervirens</i>	✓
Spanish Dagger	<i>Yucca aloifolia</i>	✓
Swamp Milkweed	<i>Asclepias incarnata</i>	
Swamp Sunflower	<i>Helianthus angustifolius</i>	
Sweet Pepperbush	<i>Clethra alnifolia</i>	

Table 2.7.3-4: Shoreline Buffer Acceptable Plant List – Grasses

Common Name	Botanical Name	Suitable for Lowland Areas
Bear Grass	<i>Yucca filamentosa</i>	
Bitter Panicum	<i>Panicum amarum</i>	✓
Little Bluestem	<i>Schizachyrium scoparium</i>	
Pink Muhly Grass	<i>Muhlenbergia capillaris</i>	✓
Saltmeadow Cordgrass	<i>Sporobolus pumilus</i>	✓

6. *Invasive Species.*

- (a) Invasive species may be removed from a shoreline buffer. Invasive species are any of those listed as Rank 1, Rank 2, or Rank 3 on the most recent [North Carolina Ranked List of Invasive Plants](#) adopted by the North Carolina Invasive Plant Council.

- (b) The use of heavy equipment for vegetation removal is discouraged. If heavy equipment is used, measures should be taken to ensure existing (non-invasive) vegetation is not damaged in the process.
 - (c) Herbicides may be used to eradicate invasive plant species if the removal uses best management practices included in the [North Carolina Forestry Best Management Practices Manual](#) or the N.C. State Extension publication "[Accomplishing Forest Stewardship with Hand-Applied Herbicides](#)." Alternative techniques for plant removal, such as electric weed control, are allowed.
- 7. *Prohibited Elements.* The following elements are prohibited within a shoreline buffer:
 - (a) Impervious surfaces; and
 - (b) Walls.
- 8. *Allowed Uses.* The following uses are allowed within a shoreline buffer, unless the use is part of a new critical facility that is otherwise prohibited in the CR-NIZ (see 2.7.3.E, Allowed Uses):
 - (a) Pedestrian trails if the trail is:
 - (1) Constructed of pervious material or is an elevated boardwalk;
 - (2) Six feet or less in width and
 - (3) Oriented generally parallel to the shoreline;
 - (b) A pedestrian or vehicular access if the access:
 - (1) Is constructed of pervious material or is an elevated boardwalk;
 - (2) Leads to a water-dependent use, such as a dock, pier, bridge, or boat landing; and
 - (3) Is six feet or less in width (for pedestrian accesses) or 15 feet or less in width (for vehicular accesses);²³

²³ These widths align with [Coastal Resources Commission Rules](#). Note [Section 503.2.1: Dimensions](#) of the North Carolina State Building Code: Fire Prevention Code requires fire apparatus access roads to have a minimum unobstructed width of 20 feet and a minimum vertical clearance of 13 feet, 6 inches.

- (c) Erosion control structures as allowed by 2.7.3.H, Shoreline Management;
- (d) Stormwater drainage outfalls; and
- (e) Utility line penetrations that:
 - (1) Must necessarily cross a waterway without a reasonable alternative;
 - (2) Are the minimum width necessary;
 - (3) Run generally perpendicular to the shoreline.

K. Low Impact Development.

1. Purpose.

- (a) Low Impact Development (LID) is an ecologically friendly approach to site development and managing stormwater that aims to mitigate development impacts to land, water, and air on a site.
- (b) The approach emphasizes integration of site design and planning techniques that conserve natural systems and hydrologic functions and use or mimic natural processes for the infiltration, evapotranspiration, or reuse of stormwater and runoff on the site where it is generated.
- (c) LID techniques reduce the amount of untreated runoff discharged to surface waters by allowing stormwater to be absorbed and filtered by soil and vegetation before flowing into groundwater or surface water resources. This reduces stormwater maintenance costs and protects water quality.
- (d) Low Impact Development techniques are established to:
 - (1) Aid in creating drainage systems aligned with sound engineering principles;
 - (2) Reduce expenses linked to the construction and upkeep of engineered stormwater drainage systems by promoting natural drainage flow;
 - (3) Establish a mechanism for development that minimizes negative impacts on the natural surroundings;
 - (4) Counteract heat island effects; and

- (5) Create amenity and value and enhance the overall aesthetic of developments through incorporation of natural areas.
2. *Applicability.*²⁴ The use of LID techniques is required in CR-NIZ and CR-M for all new developments that are subject to Chapter 54, Stormwater.²⁵
3. *Standard.*
 - (a) Developments subject to this Section must use at least two LID techniques specified in 2.7.3.K.4 below to manage at least 50% of the development site's peak flow.
 - (b) An applicant must submit an engineer's certification verifying compliance with 2.7.3.K.3(a) above.
4. *LID Techniques.*
 - (a) LID techniques may include, but are not limited to, any of the following:²⁶
 - (1) Bioretention cells;
 - (2) Level spreaders and filter strips;
 - (3) Permeable pavement;
 - (4) Rainwater harvesting;
 - (5) Stormwater wetlands; and
 - (6) Rooftop runoff mitigation measures, such as green roofs and rooftop gardens.
 - (b) LID techniques must be designed, installed, and maintained in accordance with the [NCDEQ Stormwater Design Manual](#).

²⁴ See discussion of N.C.G.S. 160D-601(d) above and note that compliance incentives could include increased building height, reduced setbacks, and allowances for vegetated LID features to count towards required landscaping and/or open space.

²⁵ Chapter 54 applies to "new development activity in the town's corporate limits and in the town's extraterritorial zoning jurisdiction where land disturbing activity, whether part of initial development or subsequent build-out of the development, will (1) Disturb more than one acre of land in any residential zoning district, except for an individual single-family residential lot of record where the impervious surface on the lot will be less than ten percent of the surface area of the lot and no fill dirt is brought onto the lot; or (2) Disturb more than one-half an acre of land in any business or industrial zoning district."

²⁶ Revised to align with terminology used in the NCDEQ Stormwater Design Manual.

L. Stormwater Retrofit.²⁷

1. *Applicability.*
 - (a) This Section offers incentives for developed lots in the CR-O that, if they were undeveloped, would be subject to Chapter 54, Stormwater,²⁸ but do not meet the standards in that chapter.
 - (b) The incentives in this Section are available when the existing development is proposed to be renovated, repaired, altered, or otherwise improved by more than 50% of its replacement value at the time of renovation, repair, alteration, or improvement.
2. *Techniques.* Stormwater retrofit techniques must be appropriate for the site and serve to incrementally increase compliance with Chapter 54, Stormwater.
3. *Incentives.*
 - (a) Table 2.7.3-5: Incentives for Stormwater Retrofits specifies available incentives.
 - (b) Incentives are cumulative. For example, if three improvements are used, the incentive available for each improvement may be used.

Table 2.7.3-5: Incentives for Stormwater Retrofits

Improvement	Incentive
Vegetation added to existing retention/detention areas	Vegetation may count towards any landscaping required on the site
Installation of bioswales/rain gardens	Vegetation may count towards any landscaping required on the site
Installation of rainwater harvesting features	Width of shoreline buffer required by § 4.3.3 may be reduced by 1 foot for every 75 gallons ²⁹ of rainwater harvested, up to a maximum reduction of 5 feet

²⁷ N.C.G.S. § 143-214.7(b3)²⁸ Chapter 54 applies to "new development activity in the town's corporate limits and in the town's extraterritorial zoning jurisdiction where land disturbing activity, whether part of initial development or subsequent build-out of the development, will (1) Disturb more than one acre of land in any residential zoning district, except for an individual single-family residential lot of record where the impervious surface on the lot will be less than ten percent of the surface area of the lot and no fill dirt is brought onto the lot; or (2) Disturb more than one-half an acre of land in any business or industrial zoning district."²⁹ Rain barrels typically range in size from 55 to 95 gallons. Larger rainwater harvesting systems are available but less common, particularly in a residential application.

Improvement	Incentive
Removal of curbing to route stormwater into vegetated areas	Maximum impervious surface coverage may be increased by an area equivalent to the amount of impervious surface removed, up to a maximum increase of 5%
Impervious surface disconnection	Maximum impervious surface coverage may be increased by an area equivalent to the amount of impervious surface removed, up to a maximum increase of 5%
Replacement of impervious surfaces with pervious surfaces	Shoreline buffer required by § 4.3.3 may be reduced by an area equivalent to the amount of impervious surface removed, up to a maximum reduction of 750 square feet
Installation of underground stormwater control measures, such as sand filters	Maximum impervious surface coverage may be increased by the area of the underground SCM, up to a maximum increase of 5%
Full compliance with Chapter 54	For developments subject to Site Plan Review, final approval may be granted during a joint meeting between the BOC and Planning Board

M. Increased Construction Standards.³⁰

1. *Applicability.* This Section establishes incentives for development that incorporates one or more increased construction standard in new development or in existing development that is proposed to be renovated, repaired, altered, or otherwise improved by more than 50% of its replacement value at the time of renovation, repair, alteration, or improvement.
2. *Incentives.* Each development that incorporates one of more of the techniques specified in Table 2.7.3-6: Increased Construction Standards may use the incentive specified for that technique. Incentives are cumulative.

³⁰ These increased construction standards may be applied as a generally applicable development standard to areas beyond the overlay district, since the impacts these standards are intended to address may apply within and outside of the flood zone. The UDO Steering Committee will discuss the applicability of these proposed standards.

Table 2.7.3-6: Increased Construction Standards

Element	Description	Incentive
Freeboard [1]	Principal structure is elevated above the regulatory flood protection elevation (RPFE) ³¹	Maximum height may be increased by 1 foot for each 1 foot the structure is elevated above the RPFE, up to a maximum of 3 feet
Roof	Principal structure is constructed with roof materials that achieve Class 3 or Class 4 impact resistance, as defined by UL Standard 2218 ³²	Maximum impervious surface coverage may be increased by up to 2%
Roof	Principal structure uses a hipped roof form	Maximum impervious surface coverage may be increased by up to 2%
Openings	At least 75% of the windows and doors on the principal structure are impact-resistant ³³	Maximum impervious surface coverage may be increased by up to 2%
Storm shutters	At least 75% of the windows on the principal structure include operable storm shutters permanently installed on the structure	Maximum impervious surface coverage may be increased by up to 1.5%
Attic vents	Principal structure uses ridge vents rather than gable vents or uses vents certified as resistant to wind and water intrusion	Maximum impervious surface coverage may be increased by up to 1.5%

³¹ UDO Article 12 will include the Flood Damage Prevention Ordinance's current definition of RPFE.

³² UL Standard 2218 primarily measures resistance to hail. This region receives very little hail so, while the UL standard is not applicable, the increased impact resistance may provide some measure of resistance to debris other than hail. Note that ASTM 7158 H classification shingles for high wind zones (150mph) is required by the NC Building and Residential Codes.

³³ The Town Building Inspector notes that impact resistant materials may be cost prohibitive. The Building Code requires windows to have a minimum design pressure (DP) rating of DP50. This is a high level of wind resistance, though not necessarily impact resistance.

Element	Description	Incentive
Generators	Install a generator for power generation to keep critical functions (in residential buildings, this includes refrigerator, freezer, basic lighting, and healthcare appliances) working in the event of power failure	Maximum impervious surface coverage may be increased by up to 1.5%
Generators	Principal structure is wired to accommodate a generator	Maximum impervious surface coverage may be increased by up to 1%

[1] This applies only in CR-NIZ since it is the only area of the CR-O with a base flood elevation.