

CAROLINA BEACH

Planning and Zoning Meeting

Thursday, March 12, 2026 – 6:00 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. January 8, 2026 Minutes

STAFF REPORT ON RECENT COUNCIL MEETINGS

STAFF REPORT ON RECENT DEVELOPMENTS

PUBLIC HEARING

2. Text Amendment to amend Article 3, Sec. 3.4 Table of Uses and 3.9 Nonresidential Use Standards of the UDO to allow retail as an accessory use for hotels and motels in the MF district. Applicant: Max Sussman
3. Text Amendment to Unified Development Articles 2 and 3 for ordinance clarification and consistency with state statutes. Applicant: Town of Carolina Beach

NON-AGENDA ITEMS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Senior Planner

DEPARTMENT: Community
Development

MEETING: Planning & Zoning – March 13, 2026

SUBJECT: January 8, 2026 Minutes

Action:

Approve January 8, 2026 Minutes

CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, January 8, 2026 - 6:00 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



MINUTES

CALL TO ORDER

Chairman Hogan called the meeting to order at 6:00 PM.

PRESENT

Chairman Jeff Hogan

Vice Chairman Bill Carew

Commissioner Melanie Boswell

Commissioner Ethan Crouch

Commissioner Todd Piper

Commissioner Lynn Conto

Commissioner Brad Jones

ALSO PRESENT

Community Development Director Jeremy Hardison

Senior Planner Gloria Abbotts

Planner Haley Anderson

APPROVAL OF MINUTES

1. December 11, 2025 Minutes

ACTION: Motion to approve the minutes

Motion made by Vice Chairman Carew, seconded by Commissioner Crouch

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Conto, Commissioner Jones

Motion passed unanimously

STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Hardison reported the following:

Permitting

- 43 permits (renovation, repair, grading, additions, fences, etc.)
- 7 residential new construction
- 5 certificates of occupancy

Demo

- 517 Greenville Avenue (single-family home), with plans to be subdivided for two duplexes or townhomes

New businesses

- Rutt's Cinnamon Rolls, 105 Carolina Beach Avenue North
- Smoker's Island Vape Shop, 1206 North Lake Park Boulevard, Unit F
- Reflect Boutique, 1000 North Lake Park Boulevard, Suite 111 (Proximity)

Updates and upcoming

- Council January 13: 205 Raleigh Avenue rezoning MX to CBD
- Planning and Zoning Commission February 12: Unified Development Ordinance (UDO) updates/statutory updates
- January 17: BeBot will be cleaning the beach beginning at 10:00 AM
- Staff is working on securing new monitors for the meeting room
- The Town has been approved for Tree City USA designation for 2025
- Publix intersection
 - Adding a traffic signal head on the fourth leg of the intersection exiting Ace Hardware
 - Adding signalized pedestrian crossings with marked crosswalks
 - Adding a protected left turn for the southbound approach

PUBLIC COMMENT

None

PUBLIC HEARING

2. Text Amendment to Amend Article 3, Sec. 3.4 Table of Uses and 3.9 Nonresidential Use Standards for Hotels in the MF District to Have Accessory Bars
Applicant: Max Sussman

Applicant Max Sussman is pursuing this text amendment to allow alcohol sales as an accessory use for hotels and motels within the Multi-Family (MF) zoning district.

Ms. Anderson presented the details. She explained that the proposal would add hotels and motels as a permitted use through Conditional Zoning (CZ) in MF. It would also allow hotels and motels in the district with more than 15 units to have accessory bars and retail uses within the hotel, limited to 25% of the gross floor area in areas such as lobbies, dining areas, pools, and recreation areas.

Ms. Anderson provided historical context, noting that before 2000, hotels, motels, and complementary uses were permitted in this district when it was designated as RA-5A. The 2000 ordinance update removed commercial uses and reduced density from 35 to 17 units per acre. This change made the three existing hotels in the district (Sea Ranch, The Oceaneer, and Golden Sands) non-conforming.

Staff supports the proposal, noting that it is in conformity with the Coastal Area Management Act (CAMA) Land Use Plan, which designates the area for medium-density residential and low-intensity commercial. Ms. Anderson explained that despite allowing hotels and motels in the district, the

reduced density requirement of 17 units per acre would make it difficult for new large hotels to be developed, as a 16-unit hotel would require 40,000 square feet of land.

Ms. Anderson noted that if a hotel or motel has already gone through the CZ process, it would not need to do it again to add a bar unless it was expanding. She said in this case a bar would be allowed by right as the text amendment is currently written, but the Commission could require them to go back through CZ. Ms. Anderson also pointed out that a new hotel or motel would have to go through CZ anyway.

ACTION: Motion to open the public hearing

Motion made by Chairman Hogan

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Conto, Commissioner Jones

Motion passed unanimously

Mr. Sussman of 608 South Lake Park Boulevard addressed the Commission, thanking staff for their assistance and explaining that the text amendment would allow The Oceaneer Hotel to include a small market for guests and provide event space. He emphasized that these hotels represented a \$20 million investment in the Town and preservation of local character. Mr. Sussman said this would allow them to elevate the visitor experience and clarified that they weren't seeking to create late-night bars but rather provide amenities like beer, wine, or cocktails for guests to enjoy at the pool or watching sunsets.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Chairman Hogan, seconded by Commissioner Boswell

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Conto, Commissioner Jones

Motion passed unanimously

Commissioner Conto praised those involved with the project but expressed opposition to the expansion of alcohol sales. She said of the three hotels this would pertain to, she sees this as only benefiting The Oceaneer, adding that she is fine with adding retail sales by right.

Commissioner Crouch said while he shares previous concerns, he is generally in support of the proposal because of the limited nature of the text amendment, adding that he is hopeful this would prevent any unintended consequences or wide-scale growth of bars in areas outside of the Central Business District (CBD). He said he thinks it will be a nice amenity for the hotel and is grateful for the investment.

Commissioner Piper said he doesn't have a problem with a self-service retail area that allows guests to grab a beer, but he has concerns about permitting the setup of portable bars for events.

Mr. Hardison commented that the current proposal would allow for a bar by the pool similar to that of the Hampton Inn.

Commissioner Boswell said she worried this might lead to future bars on beaches and questioned whether it was a form of spot zoning, adding that she is all for the retail component.

Commissioner Jones said he also supported retail sales but was concerned about what might happen with future ownership changes if bars were allowed.

Vice Chairman Carew said it feels like this text amendment is being used to craft something that is not intended to be part of what this district is, warning that there are always unintended consequences that can't initially be seen. He said this would be a great thing to have, but it does not feel right to him and would likely not have the support of adjacent properties. Vice Chairman Carew said they must look at the intention of the zoning map from 2000 and carry it forward as best as possible. He said he would like to say yes because of the entrepreneurs behind this proposal, but he thinks they need another way to get there.

Chairman Hogan noted that bars outside seem to be the holdup, so he asked if there can be a text amendment for beer and wine sales as retail only inside, and if they want to have bars outside then they can get an Alcohol Law Enforcement (ALE) permit. Mr. Hardison said the possibility of establishing two separate categories could be explored, with stricter parameters for bars that involve being served.

Commissioner Boswell suggested tabling the matter and bringing it back, adding there are too many gray areas with the way the text amendment is currently written.

Commissioner Crouch said it doesn't sound like there is consensus without major rewrites.

ACTION: Motion to reopen the public hearing

Motion made by Chairman Hogan, seconded by Commissioner Boswell

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Conto, Commissioner Jones

Motion passed unanimously

Chairman Hogan asked Mr. Sussman if he would rather the Commission table this item, giving him the opportunity to try to figure out a better way to have a text amendment come through, or vote now. He reminded him that the Commission is a recommending board, and Council may or may not follow the recommendation.

Mr. Sussman said the support of the Commission is important to what they are trying to accomplish, so he would like to revisit the matter with staff and try to get this to a point where everybody feels comfortable.

ACTION: Motion to close the public hearing

Motion made by Chairman Hogan, seconded by Commissioner Boswell

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Boswell, Commissioner Crouch,

Commissioner Piper, Commissioner Conto, Commissioner Jones
Motion passed unanimously

ACTION: Motion to table the item

Motion made by Vice Chairman Carew, seconded by Commissioner Boswell

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Boswell, Commissioner Crouch,
Commissioner Piper, Commissioner Conto, Commissioner Jones

Motion passed unanimously

NON-AGENDA ITEMS

Commissioner Boswell inquired about a wall being built on Lake Drive. Mr. Hardison confirmed it was not in the easement and that the owner had obtained necessary permits from the U.S. Army Corps of Engineers to fill wetlands and build a retaining wall.

Commissioner Conto asked about attendance for the February meeting. Commissioners confirmed there would be a quorum despite several planned absences.

ADJOURNMENT

Chairman Hogan adjourned the meeting at 7:00 PM.

The ordinance adopted in 1984 allowed hotels and motels within the area known today as the MF zoning district. The 1984 Zoning Map lists the area currently known as the MF zoning district as RA-5A (See Attachment 3). According to the Ordinance adopted November 29th, 1984, this zoning district was called RA-5A Multifamily Residential Zoning District.

Zoning District Description: In addition to single-and two-family dwellings, the residential zoning districts shall permit multifamily dwellings along with hotel and motel and complementary uses thereof.

The RA-5A zoning district also allowed more density (35 units per acre) compared to the existing MF zoning district (17 Units per acre).

2000 Ordinance & Zoning Map Update

There was a major overhaul of all the town ordinances and the zoning map in 2000. The RA-5A zoning district was redrawn, reduced in size, and was renamed the MF Zoning District (Residential Multifamily Zoning District).

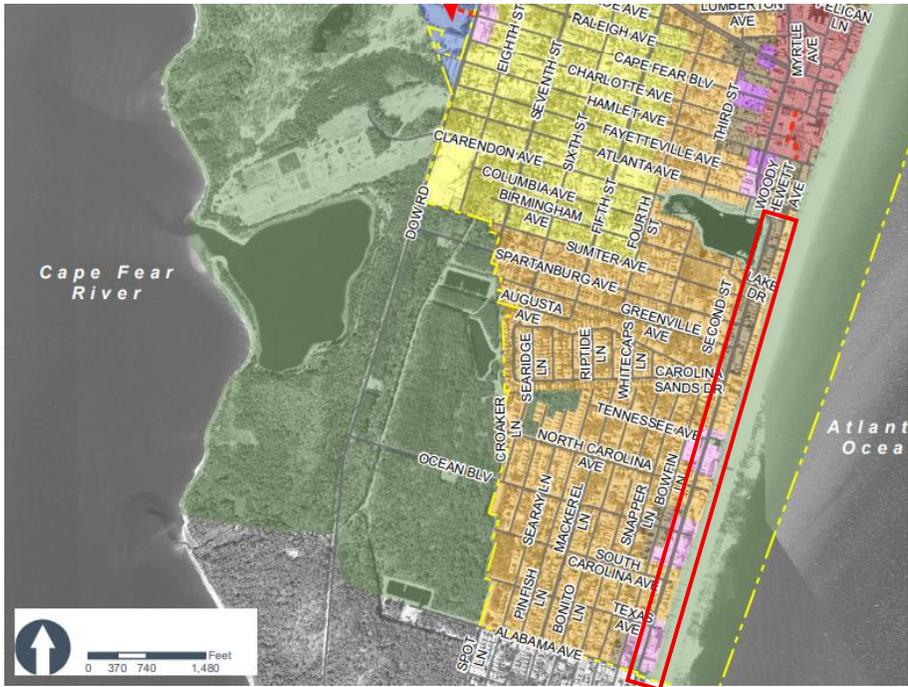
Purpose. This district is established to provide for moderate to high-density single-family and multifamily residential uses and other compatible uses of varying types and designs. It functions as an alternative housing type near or in direct relationship to single-family detached housing while in harmony with and maintaining the integrity of the residential district.

Intent. The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district.

With the major updates of the ordinance and zoning districts, the zoning district table of uses no longer allowed any commercial uses in this area and the density was reduced from 35 to 17 units per acre. Due to these changes, three hotels and motels became nonconforming. The proposed text amendment changes will now revert the hotel and motel use of these buildings back to conforming status.

LAND USE PLAN:

The text amendment is in general conformity with the CAMA Land Use Plan. The LUP map shows the area consisting of medium density residential and low intensity commercial. Since the LUP supports commercial businesses within this area, the proposed text amendment is in general conformity with the CAMA LUP.



Medium Density Residential

Mostly medium-sized lots (min. 5,000 sq ft) with primarily single family detached residences. Smaller-scale, attached residences (two-family homes and townhomes) allowed occasionally if contextually compatible. Some small-scale commercial, restaurants, or offices are encouraged at select locations with good access. Low- to medium-traffic streets with pedestrian facilities.



Low Intensity Commercial

Smaller-scale, lower intensity commercial uses that complement the neighborhood or a distinct node of activity. Structures (3 stories max.) have active ground floor uses. Streets serve pedestrians and automobiles; includes on-street parking wherever possible.



STAFF COMMENTS:

Staff is in support of the proposed text amendment. Staff have worked with the applicant on the proposed text amendment and have crafted an amendment staff is comfortable adding to the ordinance.

The retail use would allow the hotels to sell minor merchandise such as t-shirts, hats, and snack foods to guests staying in the establishment. It would also allow the sale of off-premise alcohol for patrons to purchase. Adding retail use for larger hotels and motels seems like a common

allowance with these types of establishments. Unfortunately, retail was not explicitly permitted in the current ordinance, so the use is sought to be added through a text amendment.

In addition, the proposed change to the land use table would allow new hotels and motels within the zoning district, but staff believe the impacts of this change will be mitigated because the density is restricted to 17 units per acre.

ACTION REQUESTED:

Consider recommending approval or denial of the text amendment.

MOTION:

Approval – to amend Article 3, Sec. 3.4 Table of Uses and 3.9 Nonresidential Use Standards

Denial – to amend Article 3, Sec. Sec. 3.4 Table of Uses and 3.9 Nonresidential Use Standards

ATTACHMENTS:

Attachment 1 – Text Amendment Application

Attachment 2 – Proposed Text Amendment Language

Attachment 3 – 1984 Zoning District Map

Attachment 4 – Existing Hotels/motel in CB Map

Attachment 5 – Off-Premise Alcohol ABC Statutes

Amendment Number: _____



PETITION FOR A TEXT AMENDMENT

Petitions shall be submitted for review to the Department of Planning and Development located at 1121 N. Lake Park Blvd., Carolina Beach, NC 28428. Only complete petitions will be processed.

PETITIONER

Petitioner's Full Name: MAX SUSSMAN Phone #: (757) 717 9393

Street Address: PO Box 330

City: Kure Beach State: NC Zip: 28449

Email: [REDACTED]

REQUESTED TEXT AMENDMENT

Town Code Section(s) Requested to be Amended:

Article 334 - table of uses

Please provide a general proposal for the amendment to the Town Code Section(s) stated above which you believe will result in improved regulations for all the residents of the Town of Carolina Beach:

provide on premise ABC for hotels/motels in the
mf district

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council. The petitioner or a representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for a schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

I understand that the fee for review is nonrefundable.

Fee: to be submitted with application in accordance with the Town's annually adopted Rates and Fee Schedule

Signature of Petitioner: [Signature] Date: _____

3.4 TABLE OF USES

Table 3.2: Table of Uses	P = Permitted by Right; CZ = Conditional Zoning (Use Standard noted); PS = Permitted Use with a Use Standard													Use Standard	
Uses of Land	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	
Nonresidential Uses (Section 3.9)															
Motels and hotels							<u>CZ</u>	CZ	CZ		CZ		CZ	CZ	

3.9 NONRESIDENTIAL USE STANDARDS

P. MOTELS AND HOTELS

- [1. Retail is permitted as an accessory use only within the footprint of a hotel or motel and shall be in a communal area for guests of the hotel, i.e. the lobby, dining area/venue, pool, or recreation area.](#)
- [2. Retail areas shall not constitute more than 25% or less of the gross-floor area of the communal area.](#)

P-Q. PERMANENT COMMERCIAL PARKING FACILITY

1. Parking lot purpose. The purpose of allowing freestanding parking lots is to augment Central Business District (CBD) businesses that have limited or no parking due to the layout of the CBD and boardwalk area, to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to increase public access to beach and sound front areas.
2. Goals. The regulations in this section are set forth to accomplish the following:
 - a) Protect the adjacent properties from any negative impacts associated with developed/impervious areas.
 - b) Promote development of long-term viable uses in the town's Central Business District.
 - c) Stay consistent with the landscaping and development goals of this Article.
 - d) Increase the public health and safety of the residents and visitors.
 - e) Ensure the property's intended use is clearly delineated on-site.
3. Parking lots are permitted to accommodate two (2) axle vehicle parking. Parking lot design shall meet all minimum requirements of off-street parking and loading requirements of this Article, and building code requirements including ADA requirements for handicap spaces.
4. Parking lot requirements:
 - a) Landscaping shall be installed in accordance with a "Type A" buffer yard as defined in the landscaping and development specification standards of this Article.
 - b) Number of accessible handicap parking spaces shall be provided in compliance the North Carolina State Building Code.
 - c) Trash receptacles shall meet the following.
 - i) To be maintained as to not impact adjoining properties (i.e. smell, debris).
 - ii) The number of trash receptacles shall be located on-site equivalent to the number of handicap spaces. Trash receptacles shall be a minimum of 55 gallons contained in a secured structure.

- d) Concrete or asphalt aprons shall be installed from the property line to the connecting street.
- e) Signage required.
 - i) Towing signage shall be posted in accordance with Chapter 16, Article VII of the Town's General Code.
 - ii) A minimum of two (2) foot by two (2) foot permanent sign posted at all entrances and pay stations stating that town decals, stickers, license plates, and any other identification of permission by town are not accepted in the lot.
 - iii) Signs shall include the operator and the operator's contact information.
 - iv) The sign structure displaying the required information shall be clearly displayed in letters not less than one (1) and one-half-inch (1.5) in height on a contrasting background.
 - v) Additional allowed signage shall be installed accordance with the requirements of this Article.
- 5. Shall meet all Stormwater Management Regulations.
- 6. Any temporary commercial parking lot which operated in 2021 shall be considered a nonconforming use and will be required to comply with requirements one (1) through four (4) stated above immediately but shall have 24 months from the adoption of this text amendment to meet requirement five (5) and all applicable stormwater regulations.

Q-R. RENTAL OF GOLF CARTS, MOPEDS, E-BIKES, AND SCOOTERS

1. Any operation, whether as principal or accessory, that plans to rent golf carts, mopeds, and/or scooters shall meet the following requirements:
 - a) No rental item shall be permitted to encroach into any public right-of-way or site triangle in accordance with and the off-street parking design and construction standards for vision clearance.
 - b) All exterior display areas shall be paved or stoned with proper drainage provided.
 - c) All lighting shall be directed to the interior of the property and shall not impact adjacent properties or public rights-of-way.
 - d) Rental, maintenance, and all related functions shall be conducted within a permanent building having restrooms facilities for patrons and employees.
 - e) Any rental item that is viewable by a patron, whether inside or outside, shall be considered "displayed for rent" and shall meet the requirements for on-site parking where applicable. Display areas may be indoors or outdoors, but shall not be located in required parking or landscape buffer areas.
 - f) A minimum of \$1,000,000 liability insurance policy shall be secured by the operator and the town shall be named as an additional insured party.
 - g) It shall be the responsibility of the operator to ensure that all federal, state, and local safety and motor vehicles laws are adhered to.
 - h) Rental of these items may be permitted in the designated zoning districts as an accessory use to other permitted commercial uses if parking and other standards can be met.

R-S. SHOOTING RANGE

1. This section is intended to regulate the establishment and operation of shooting range facilities. Such recreational and training complexes, due to their potential noise impacts and safety concerns, merit

careful review to minimize adverse effects on adjoining properties. Further, the regulations of this section have been made with reasonable consideration among other things, as to the character of the town and its areas and their peculiar suitability for these businesses and recreational facilities.

2. All new shooting facilities shall be designed, constructed, and operated in strict compliance with National Rifle Association (herein referred to as the NRA) standards, specifically the most recent edition of "The Range Manual, A Guide to Planning and Construction," In addition, construction standards shall comply with all appurtenant North Carolina Building Codes and verified by a professional engineer.
3. Outdoor shooting stations shall be prohibited within the planning jurisdiction of the town. Only indoor ranges shall be permissible.
4. Distance from occupied dwelling. All shooting range stations shall be located at least 500 feet from a residential district as measured in a straight line distance from the closest point of the proposed building to the nearest property line of a residential district. A shooting range lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a residence within the 500 feet separation requirement.
5. The permittee shall be required to carry a minimum of \$1,000,000 of liability insurance. Such insurance shall name the town as an additional insured party and shall save and hold the town, its elected and appointed officials, and employees acting within the scope of their duties harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any property damage arising out of use of the range, or in any way arising out of the acts or omissions of the permittee, his/her group, club, or its agents or representatives. The town shall be notified of any policy changes or lapses in coverage.
6. Permit display. Permits shall be kept and displayed in a readily visible location on the shooting range facility and at all times be available for public inspection.
7. Changes or expansions. If any shooting range facility is intended to be substantially changed or expanded to include types of ranges, operations, or activities not covered by an approved permit or otherwise cause nonconformance with this section, a new permit for the entire facility shall be secured.
8. Abandonment and discontinuance. When an existing shooting range is discontinued without the intent to reinstate the range use, the property owner shall notify the town of such intent by providing written notice to the UDO Administrator.
9. Hours of operation shall be limited to 10:00 AM to 9:00 PM.

S. I. SWIMMING POOLS, PUBLIC

1. Public or shared use swimming pools shall meet all applicable requirements of the town, the county, and the county health department (Rules Governing Public Swimming Pools 15A-NCAC 18A.2500).
2. The developer shall submit plans, drawn to scale, depicting all elements associated with the swimming pool, including size, volume, depth, decking or walkway, mechanical, plumbing, proposed method of water supply, sewage and other wastewater disposal, drainage, method and description of discharge area, and relation to lot and other structures, as applicable.
3. The plan shall show evidence of all applicable approvals of the town, the county, and the county health department prior to transmittal to the approval commissions and/or council, and issuance of a conditional zoning.

4. All outdoor swimming pools shall be enclosed by fencing and contain adequate walk or deck around the pool perimeter in compliance with county health department standards (rules governing swimming pools, 15A NCAC 18A.2500. For the purposes of this article loose gravel or stone, sod, grass, artificial turf, or similar groundcovers shall not be utilized as the perimeter materials of a pool. Poured concrete, decking, and pavers are the preferred perimeter materials for pools.

T.U. TENNIS COURTS

Provisions shall be made to compensate for impervious surfaces and drainage runoff containment, and meeting the requirements of the town. Lighting, if used, shall be shielded so as not to shine on adjoining properties.

U.V. UTILITIES, PRIVATE

1. Utility stations or substations, not including service or storage yards, and radio, television, telephone communication towers. Utility stations, including telephone repeater stations; relay stations; water supply reservoirs, wells, filter beds, sewage treatment plants and pumping stations, electric power, and gas substations, but not including service or storage yards or radio, television, telephone communication (i.e., cellular telephone) towers or co-located antennae. Such utility stations shall be subject to the following standards of development:
 - a) Suitable fencing shall be required to protect the public, along with enough landscaping and planting to effectively screen the activity from surrounding residential property. Other conditions may be attached by the reviewing board to prevent nuisance to surrounding property, because of noise, smoke, gas, odor, heat or vibration, the emission of which shall not be permitted in any residential district.
 - b) Suitable off-street parking space for maintenance, service, or other vehicles shall be provided.
 - c) Minor structures, such as hydrants, telephone or light poles, pole transmitters or transformers, or similar equipment, shall not be subject to these regulations.
 - d) The provisions of this section shall apply to public utility transmitting or relay stations, provided that no such station shall be permitted on a site less than one (1) acre in area, and provided further that no site shall have a horizontal dimension less than twice the height of the tallest structure on the site.
 - e) In residential districts, all buildings shall be in character with surrounding residences.
2. Utility transmission lines. Transmission lines for use by a public utility serving the local or regional area, including telephone, electric light, and power lines, shall be subject to the following standards:
 - a) The provisions of this section shall not apply to telephone, electric light, and power lines carrying less than 33,000 volts and usually located along public highways, or to local underground conduits, cables, gas, sewer, and water mains or pipes.
 - b) It is clearly demonstrated that the establishment of the particular use in the area is necessary for the operation of the public utility system, or required to supply utility service to the local area.
 - c) The location and construction of any transmission line shall be such as not to endanger the public or surrounding property. A right-of-way of sufficient width shall be required to permit the safe construction and maintenance of the transmission line and to prevent any hazard to surrounding property. On a one- or two-circuit transmission line, the distance from the tower base to the nearest boundary of the transmission line, right-of-way shall be no less than 25 feet; on a three- or four-circuit transmission line, the distance from the tower base to the nearest boundary of the transmission line right-of-way shall be no less than 50 feet. When subject to a conditional zoning request, suitable fencing or landscaping of a tower base may be required when, in the opinion of

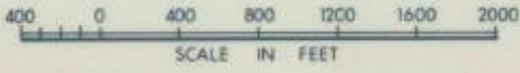
the reviewing board, it is necessary to protect the public or conserve the values of surrounding property.

- d) Gas booster stations or storage tanks shall not be permitted in residential districts.
- e) Any sub-station along such transmission lines shall be subject to the requirements for utility stations set forth in this article.

(Ord. No. 24-1230, 7-9-2024; Ord. No. 25-1261, 8-12-2025)

ZONING MAP

TOWN OF CAROLINA BEACH NORTH CAROLINA



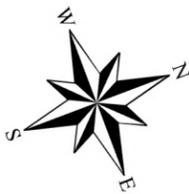
RESIDENTIAL

- RA - 5
- RA - 5A
- RA - 5B
- RA - 5T
- RA - 6
- RA - 6A
- RA - 6B
- RA - 7
- RA - 12
- RA - 20

BUSINESS

- A-1 AMUSEMENT
- B-1 CENTRAL DISTRICT
- B-2 NEIGHBORHOOD
- B-3 HIGHWAY
- MB -1 MARINA
- I-1 INDUSTRIAL
- T-1 TOURIST





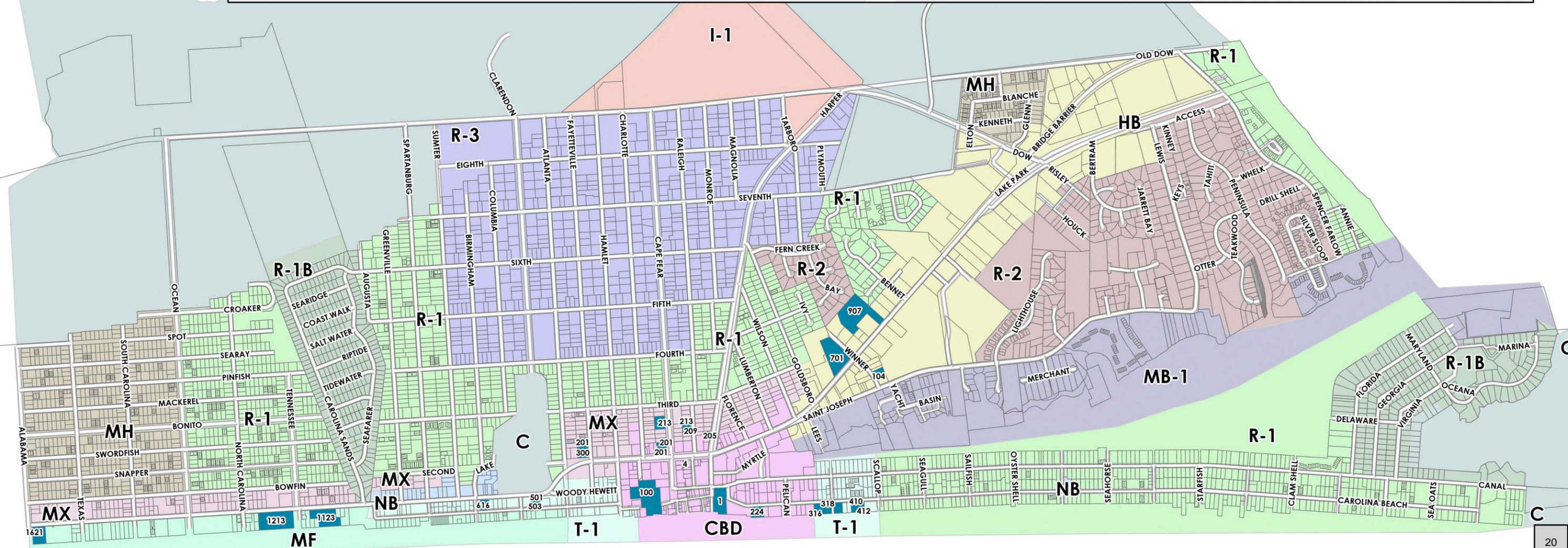
Carolina Beach Hotels/Lodging

Legend

Zoning

- C
- CBD
- HB
- I-1
- MB-1
- MF
- MH
- MX
- NB
- R-1
- R-1B
- R-2
- R-3
- T-1

OWN1	CB_Address	ZONING	OWN1	CB_Address	ZONING
TU INVESTMENTS LLC (CAROLINA BEACH MOTEL)	211 RALEIGH AVE	MX	GOLDEN SANDS RESORT LLC	1213 LAKE PARK BLV S	MF
TU INVESTMENTS LLC (CAROLINA BEACH MOTEL)	213 RALEIGH AVE	MX	1621 LAKE PARK BOULEVARD LLC (OCEANEER)	1621 LAKE PARK BLV S	MF
614 CB AVE S LLC (SALT WATER REAL ESTATE)	617 LAKE PARK BLV S	T-1	4 LAKE PARK BLVD NORTH LLC (WANDA INN)	4 LAKE PARK BLV N	CBD
TU INVESTMENTS LLC (CAROLINA BEACH MOTEL)	209 RALEIGH AVE	MX	BOARDWALK INN LLC	224 CAROLINA BEACH AVE N	CBD
CAROLINA BEACH INN LLC	205 HARPER AVE	MX	JAVA NORTH LLC (DOLPHIN LANE)	318 CAROLINA BEACH AVE N	T-1
GOLDEN BEACH VENTURES LLC (WINDSTAR)	907 LAKE PARK BLV N	HB	S & S BEACH ENTERPRISES LLC (SAVANNAH INN)	316 CAROLINA BEACH AVE N	T-1
PALM INVESTMENT INC (DRIFTERS REEF)	701 LAKE PARK BLV N	HB	BEACH HOUSE PARTNERS LLC	410 CAROLINA BEACH AVE N	T-1
ORN CHU H	616 CAROLINA BEACH AVE S	T-1	BEACH HOUSE PARTNERS LLC	412 CAROLINA BEACH AVE N	T-1
PLEASURE ISLAND HOLDINGS LLC (DRY DOCK)	300 LAKE PARK BLV S	MX	JAVA NORTH LLC (DOLPHIN LANE)	400 CAROLINA BEACH AVE N	T-1
PLEASURE ISLAND HOLDINGS LLC (DRY DOCK)	201 FAYETTEVILLE AVE	MX	BEACH HOUSE PARTNERS III LLC (STARLITE)	201 CAPE FEAR BLV	CBD
ISLAND BREEZE OF CB LLC	104 WINNER AVE	HB	BEACH HOUSE PARTNERS III LLC (STARLITE)	201 CAPE FEAR BLV	CBD
SEA & SUN LLC	501 LAKE PARK BLV S	T-1	RUSSO ROBERT J JR	213 CAPE FEAR BLV	MX
SEA & SUN LLC	503 LAKE PARK BLV S	T-1	CAROLINA BEACH HOSPITALITY LLC (HAMPTON)	1 HARPER AVE	CBD
SEA RANCH PROPERTIES LLC	1123 LAKE PARK BLV S	MF	APPLE EIGHT SPE CAROLINA BEACH LP (MARRIOTT)	100 CHARLOTTE AVE	CBD



§ 18B-1001. Kinds of ABC permits; places eligible.

(2) **Off-Premises Malt Beverage Permit.** - An off-premises malt beverage permit authorizes (i) the retail sale of malt beverages in the manufacturer's original container for consumption off the premises, (ii) the retail sale of malt beverages in a cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, and (iii) the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit also authorizes the permittee to transfer malt beverages, not more than four times per calendar year, to another off-premises malt beverage permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of malt beverages by off-premises malt beverage permittees, purchases of malt beverages by a retail permittee from another retail permittee for the purpose of resale, and sales of malt beverages by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of malt beverages may be transferred only if both the transferor and transferee are located within the territory designated between the brewery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The permit may be issued for any of the following:

- a. Restaurants.
- b. Hotels.
- c. Eating establishments.
- d. Food businesses.
- e. Retail businesses.
- f. The holder of a brewing, distillation, and fermentation course authorization under G.S. 18B-1114.6. A school obtaining a permit under this subdivision is authorized to sell malt beverages manufactured during its brewing, distillation, and fermentation program at one noncampus location in a county where the permittee holds and offers classes on a regular full-time basis in a facility owned by the permittee.

(4) **Off-Premises Unfortified Wine Permit.** - An off-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, (ii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, and (iii) the holder of the permit to ship unfortified wine in closed containers to individual purchasers inside and outside the State. The permit may be issued for retail businesses. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another off-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by off-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail

permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The permit may also be issued to the holder of a viticulture/enology course authorization under G.S. 18B-1114.4. A school obtaining a permit under this subdivision is authorized to sell wines manufactured during its viticulture/enology program at one non-campus location in a county where the permittee holds and offers classes on a regular full-time basis in a facility owned by the permittee. The permit may also be issued for a winery or a wine producer for sale of its own unfortified wine during hours when the winery or wine producer's premises is open to the public, subject to any local ordinance adopted pursuant to G.S. 18B-1004(d) concerning hours for the retail sale of unfortified wine. A winery obtaining a permit under this subdivision is authorized to sell wine manufactured by the winery at one additional location in the county under the same conditions specified in G.S. 18B-1101(5) for the sale of wine at the winery; provided, however, that no other alcohol sales shall be authorized at the additional location. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision.

§ 18B-300. Purchase, possession and consumption of malt beverages and unfortified wine.

- (a) Generally. – Except as otherwise provided in this Chapter, the purchase, consumption, and possession of malt beverages and unfortified wine by individuals 21 years old and older for their own use is permitted without restriction.
- (a1) Consumption on Premises During Time of Permit Revocation or Suspension. – It shall be unlawful to consume or for a permittee or his agent or employee to allow the consumption of malt beverages or unfortified wine on the premises of any business during the period of time that any on-premises permit issued to the business authorizing the sale and consumption of malt beverages or unfortified wine has been suspended or revoked by the Commission. The prohibition in this subsection does not apply to the premises upon which the business was located at the time the permit was suspended or revoked if the business ceases to operate in that location and the owner of the property is not the permittee, provided that the permittee is not engaged in any other business or other activity on the premises during the period of suspension or revocation.
- (b) Consumption at Off-Premises Establishment. – It shall be unlawful to consume, or for a permittee to allow the consumption of, malt beverages or unfortified wine on any premises having only an off-premises permit for the kind of alcoholic beverage being consumed.
- (c) Local Ordinance. – A city or county may by ordinance:

- (1) Regulate or prohibit the consumption of malt beverages and unfortified wine on the public streets in that city or county by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by that city or county;
- (2) Regulate or prohibit the possession of open containers of malt beverages and unfortified wine on public streets in that city or county by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by that city or county; and
- (3) Regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.

For the purposes of this subsection, an open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container. As provided by G.S. 18B-102(a), possession or consumption of alcoholic beverages is unlawful except as authorized by the ABC law. (1939, c. 158, s. 503; 1971, c. 872, s. 1; 1973, c. 1452, ss. 1-3; 1977, c. 176, ss. 2, 3; c. 693; 1979, c. 19, s. 2; c. 445, s. 4; c. 893, s. 11; 1981, c. 412, s. 2; 1983, c. 435, s. 32; 1985, c. 141, s. 1; 1995, c. 144, s. 1; c. 366, s. 2; 2001-79, s. 1; 2013-392, s. 1.)



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner **DEPARTMENT:** Community Development

MEETING: Planning & Zoning – March 12, 2026

SUBJECT: Text Amendment to Unified Development Articles 2 and 3 for ordinance clarification and consistency with state statutes.

Applicant: Town of Carolina Beach

BACKGROUND:

The goal of this text amendment is to clarify sections of the UDO after staff has been administering the new ordinance changes for a year since adoption and to comply with recent changes to the 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.

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, 3, and 7 for ordinance clarification and consistency with state statutes.

Denial – to amend Unified Development Articles 2, 3, and 7 for ordinance clarification and consistency with state statutes.

ATTACHMENTS:

1. Proposed Text Amendment Language
2. SL2025-94

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% [5] <u>80%</u>
	Residential	6,000	50	20	10	7.5	29 units/acre	50	40%	65% [5]
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% [5] <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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

SESSION LAW 2025-94
HOUSE BILL 926

AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

ALLOW AUTHORIZED ON-SITE WASTEWATER EVALUATOR TO PREPARE A SITE DENIAL LETTER FOR SUBSURFACE WASTEWATER SYSTEMS

SECTION 1.(a) Definitions. – For purposes of this section, "Application Submittal Rule" means 15A NCAC 02T .0604 (Application Submittal).

SECTION 1.(b) Application Submittal Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Application Submittal Rule as provided in subsection (c) of this section.

SECTION 1.(c) Implementation. – A letter from either the local county health department or an Authorized On-Site Wastewater Evaluator certified pursuant to Article 5 of Chapter 90A of the General Statutes denying the site for all subsurface systems shall be submitted to the Division by the applicant.

SECTION 1.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Application Submittal Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 1.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SURVEYOR RIGHT OF ENTRY

SECTION 2.(a) G.S. 89C-19.2 is repealed.

SECTION 2.(b) Article 22B of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-159.15. Limited right of entry by professional land surveyors.

(a) For the purposes of this section, the following terms are defined as follows:

- (1) Critical infrastructure. – As defined in 42 U.S.C. § 5195c.
- (2) Landowner. – The owner, lessee, or occupant of a parcel of land.
- (3) Practice of land surveying. – As defined in G.S. 89C-3.
- (4) Professional land surveyor. – As defined in G.S. 89C-3. For purposes of this section, this term includes any agents, employees, or personnel under the supervision of a professional land surveyor.

(b) A professional land surveyor shall have the right to enter upon the lands of others, if necessary to perform surveys for the practice of land surveying, including the location of property



corners, boundary lines, rights-of-way, and easements, and may carry with them their customary equipment and vehicles. An entry by a professional land surveyor to perform the practice of land surveying under this section shall not constitute trespass under this Article or Article 22A of this Chapter and shall not cause the professional land surveyor to be subject to arrest or a civil action by reason of the entry.

(c) Nothing in this section shall be construed as giving authority to a professional land surveyor to destroy, injure, damage, or move anything on the lands of another without the written permission of the landowner, and nothing in this section shall be construed as removing civil liability for such damage.

(d) No professional land surveyor shall have a civil cause of action against a landowner for personal injury or property damage incurred while on the land for purposes consistent with those described in subsection (b) of this section, except when such damages and injury were willfully or deliberately caused by the landowner.

(e) Nothing in this section shall be construed as giving authority to a professional land surveyor to do the following:

- (1) Enter lands traversed by an operating railroad or properties owned, held, used, or operated by a railroad or their subsidiaries.
- (2) Enter lands containing critical infrastructure."

SECTION 2.(c) This section applies to acts on or after its effective date.

AWARD ATTORNEYS' FEES FOR TRESPASS TO REAL PROPERTY OR SURVEYOR NEGLIGENCE

SECTION 2.5. G.S. 6-21 reads as rewritten:

"§ 6-21. Costs allowed either party or apportioned in discretion of court.

Costs in the following matters shall be taxed against either party, or apportioned among the parties, in the discretion of the court:

- ...
- (13) In actions for trespass upon real property.
- (14) In actions against any professional land surveyor as defined in G.S. 89C-3(9) or any person acting under the surveyor's supervision and control for physical damage or economic or monetary loss due to negligence or deficiency in performance of surveying or platting.

The word "costs" as used in this section includes reasonable attorneys' fees in whatever amounts the court in its discretion determines and allows. Attorneys' fees in actions for alimony, however, shall not be included in the costs as provided in this section but shall be determined and provided for in accordance with G.S. 50-16.4."

PROHIBIT INSPECTION DEPARTMENTS FROM CHARGING FEES FOR CERTAIN INSPECTION CANCELLATIONS

SECTION 3. G.S. 160D-1104 is amended by adding a new subsection to read:

"(d2) An inspection department shall not charge the permit holder a fee or fail an inspection of a building or structure subject to the North Carolina Residential Code, if the permit holder cancels a scheduled inspection more than one business day before the scheduled inspection."

LIMIT DESIGN METHODOLOGY AND CONSTRUCTION STANDARDS FOR CERTAIN MUNICIPAL STREETS

SECTION 4.(a) G.S. 160D-702 reads as rewritten:

"§ 160D-702. Grant of power.

- ...
- (c) A zoning or other development regulation shall not do any of the following:

- (1) Set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code.
- (2) Require a parking space to be larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking.
- (3) Require additional fire apparatus access roads into developments of one- or two-family dwellings that are not in compliance with the required number of fire apparatus access roads into developments of one- or two-family dwellings set forth in the Fire Code of the North Carolina Residential Code for One- and Two-Family Dwellings.
- (4) Establish or require pavement design standards for public roads or private roads that are more stringent than the minimum pavement design standards adopted by the Department of Transportation.

(d) For purposes of this section, the term "public road" shall mean any road, street, highway, thoroughfare, or other way of passage that is owned by a city or the Department of Transportation."

SECTION 4.(b) This section becomes effective January 1, 2026, and applies to projects initiated on or after that date.

EXPAND CULINARY ABC PERMIT

SECTION 5. G.S. 18B-1001(11) reads as rewritten:

"(11) Culinary Permit. – A culinary permit authorizes a permittee to possess up to 12 liters of either fortified wine or spirituous liquor, or 12 liters of the two combined, in the kitchen of a business and to use those alcoholic beverages for culinary ~~purposes.~~ purposes only. The permit may be issued for ~~either~~ any of the following:

- a. ~~Restaurants;~~ Restaurants.
- b. ~~Hotels;~~ Hotels.
- c. Cooking schools.
- d. Food businesses.
- e. Eating establishments.

A culinary permit may also be issued to a catering service to allow the possession of the amount of fortified wine and spirituous liquor stated above at the business location of that service and at the cooking site. The permit shall also authorize the caterer to transport those alcoholic beverages to and from the business location and the cooking site, and use them in cooking."

EXEMPT MODEL HOMES FROM FIRE PROTECTION WATER SUPPLY REQUIREMENT DURING CONSTRUCTION

SECTION 6.(a) Definitions. – For the purposes of this section, the following definitions apply:

- (1) Code. – The North Carolina State Building Code, and amendments to the Code, as adopted by the Councils.
- (2) Councils. – The Building Code Council and Residential Code Council.
- (3) Model home. – As defined in G.S. 160D-1501(a).
- (4) Water Supply Rules. – Section 3312.1, when required, of the North Carolina Fire Code, and Section 3313.1, where required, of the North Carolina Building Code.

SECTION 6.(b) Water Supply Rules. – Until the effective date of the rules to amend Water Supply Rules, the Office of the State Fire Marshal, the Councils, and State and local governments enforcing the Code shall implement Water Supply Rules as provided in subsection (c) of this section.

SECTION 6.(c) Implementation. – Notwithstanding Water Supply Rules, the fire code official is authorized to reduce the fire-flow requirements for an isolated model home at a subdivision project site where development of full-fire flow requirements is impractical or pending.

SECTION 6.(d) Additional Rulemaking Authority. – The Council shall adopt rules to amend Water Supply Rules to be consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rules adopted by the Council pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 6.(e) Additional Residential Code Council Rulemaking Authority. – The Residential Code Council shall adopt rules to amend the 2024 North Carolina State Building Code volumes specified within G.S. 143-138(a)(1) through (10) to make conforming changes to codes applicable to residential construction consistent with rules adopted by the Building Code Council as required by subsection (d) of this section. Rules adopted pursuant to this subsection are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this subsection shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 6.(f) Sunset. – This section expires when permanent rules adopted as required by subsections (d) and (e) of this section become effective.

ADVANCED TEACHING ROLES – LIMITED CLASS SIZE EXCEPTION AND TRACK ROLES IN STUDENT INFORMATION SYSTEM

SECTION 7.(a) Notwithstanding G.S. 115C-301 and G.S. 115C-310.7, for any ATR unit that received its final year of grant funding under G.S. 115C-310.11 in the 2024-2025 school year, the State Board of Education may authorize ATR schools within the ATR unit to exceed the maximum class size requirements for kindergarten through third grade for the 2025-2026 and 2026-2027 school years. For the purposes of this subsection, "ATR unit" and "ATR school" are as defined in G.S. 115C-310.3.

SECTION 7.(b) G.S. 115C-310.15 is amended by adding a new subsection to read:

"(d) The Department of Public Instruction shall create designations for teachers serving in advanced teaching roles in the student information system."

SECTION 7.(c) This section is effective when it becomes law.

END DUAL LICENSURE REQUIREMENTS FOR AUDIOLOGISTS

SECTION 8.(a) G.S. 93D-14 reads as rewritten:

"§ 93D-14. Persons not affected.

(a) Nothing in this Chapter shall apply to a physician licensed to practice medicine or surgery in the State of North Carolina.

(b) Any person who meets the requirements of ~~having both a doctoral degree in Audiology and holding a valid permanent unrestricted~~ license as an audiologist under Article 22 of Chapter 90 of the General Statutes of North Carolina is exempt from licensure under this Chapter. ~~A person who does not meet both requirements of having a doctoral degree in Audiology and holding a valid permanent license as an audiologist under Article 22 of Chapter 90 of the General Statutes of North Carolina must become a registered apprentice or be licensed by the Board before fitting or selling hearing aids in the State of North Carolina.~~

~~(e) Nothing in this Chapter shall be construed to exempt an audiology assistant or certified technician, working under the supervision of a licensee or a person exempt from licensure under this Chapter, from being subject to the provisions of this Chapter. Such a person,~~

~~before engaging in fitting or selling hearing aids, as defined in this Chapter, must be registered as an apprentice under a Registered Sponsor or be licensed by the Board.~~

(d) The provisions of this Chapter shall not apply to the activities and services of an audiology student pursuing a course of study in an accredited college or university, if these activities and services constitute a part of such person's course of study."

SECTION 8.(b) This section is effective when it becomes law.

LOCKED HEARING AID DISCLOSURES FOR HEARING AID FITTERS, DEALERS, AND AUDIOLOGISTS

SECTION 9.(a) Chapter 93D of the General Statutes is amended by adding a new section to read:

"§ 93D-7.1. Disclosure of locked hearing aid software; additional disclosures and record keeping.

(a) Definitions. – The following definitions apply in this section:

- (1) Locked hearing aid. – A prescription hearing aid or an over-the-counter hearing aid that uses either proprietary programming software or locked, nonproprietary programming software that restricts programming or servicing of the device to specific facilities or providers.
- (2) Locked, nonproprietary programming software. – Software that any provider or seller can render inaccessible to other hearing aid programmers.
- (3) Proprietary programming software. – Software used to program hearing aids that is supplied by a hearing aid distributor or manufacturer for exclusive use by affiliated providers or sellers. This software is locked and inaccessible to nonaffiliated providers or sellers.

(b) Disclosure of Locked, Nonproprietary or Proprietary Programming Software. – To the extent not inconsistent with federal law, any person licensed under this Chapter who engages in fitting or selling of locked hearing aids shall, at the time of purchase of any locked hearing aid, provide the purchasing patient with a written notice, in 12-point type or larger, stating:

"The locked hearing aid being purchased uses locked, nonproprietary or proprietary programming software and can only be serviced or programmed at specific facilities or locations."

The purchasing patient shall sign the notice at the time of purchase with physical or electronic signature. The licensee shall retain a copy of the signed notice in the patient's file for at least three years, subject to the conditions of subsection (d) of this section.

(c) Written Receipt of Sale. – Upon consummation of a sale of a locked hearing aid, in addition to complying with G.S. 93D-7, the licensee shall give to the purchasing patient a written receipt signed, with physical or electronic signature, by or on behalf of the licensee and the patient, containing all of the following information:

- (1) The date of consummation of the sale.
- (2) The make, model number, and serial number of the hearing aid sold.
- (3) Whether the locked hearing aid is new, used, or reconditioned.
- (4) The licensee's name and license number, and the name and license number of any other hearing aid dispenser, apprentice, temporary licensee, or trainee licensee who provided any recommendation or consultation regarding the purchase.
- (5) The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or post-fitting adjustments and servicing of the hearing aid sold.
- (6) The terms of any guarantee or written warranty made to the purchasing patient with respect to the locked hearing aid.

If multiple locked hearing aids are sold in a single transaction, a single written notice under subsection (b) of this section and a single written receipt under this subsection may be used to satisfy the requirements of this section, provided that the required information for each locked hearing aid sold is documented.

(d) Record Keeping. – The licensee shall maintain, for a period of at least three years after the sale of a locked hearing aid, the following records for each locked hearing aid transaction:

- (1) A copy of the written notice described in subsection (b) of this section as signed by the purchasing patient.
- (2) A copy of the written receipt described in subsection (c) of this section.
- (3) The results of any audiologic tests or measurements performed as part of the fitting and dispensing of the locked hearing aid or aids.
- (4) A copy of any written recommendations prepared as part of the fitting and dispensing of the locked hearing aid or aids.

These records shall be kept at the licensee's principal place of practice and shall be made available for inspection by the Board."

SECTION 9.(b) The North Carolina State Hearing Aid Dealers and Fitters Board may adopt rules to implement subsection (a) of this section.

SECTION 9.(c) This section becomes effective October 1, 2025.

SECTION 9.1.(a) Article 22 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-308. Disclosure of locked hearing aid software by audiologists; receipt and record requirements.

(a) Disclosure of Locked, Nonproprietary or Proprietary Programming Software. – To the extent not inconsistent with federal law, a licensed audiologist who engages in the fitting or selling of locked hearing aids, as defined in G.S. 93D-7.1(a)(1), shall, at the time of purchase of any locked hearing aid, provide the purchasing patient with a written notice in at least 12-point type stating:

"The locked hearing aid being purchased uses locked, nonproprietary or proprietary programming software and can only be serviced or programmed at specific facilities or locations."

The purchasing patient shall sign the notice at the time of purchase with physical signature or electronic signature. The audiologist shall retain a copy of the signed notice in the patient's file in addition to the record requirements of subsection (c) of this section.

(b) Written Receipt of Sale. – Upon the consummation of a sale of a locked hearing aid, in addition to complying with G.S. 93D-7, the audiologist shall give the purchasing patient a written receipt signed, with physical or electronic signature, by or on behalf of the audiologist and the patient, containing all of the following information:

- (1) The date of consummation of the sale.
- (2) The make, model, and serial number of the locked hearing aid sold.
- (3) Whether the hearing aid is new, used, or reconditioned.
- (4) The audiologist's name and license number. If any other hearing care professionals licensed under this Article, such as another audiologist or temporary licensee, provided any recommendation or consultation for the purchase, their name and applicable license number shall also be noted.
- (5) The address of the principal place of business of the audiologist, and the address and office hours at which the audiologist shall be available for fitting or post-fitting adjustments and servicing of the hearing aid sold.
- (6) The terms of any guarantee or written warranty made to the purchasing patient with respect to the locked hearing aid.

If multiple locked hearing aids are sold in a single transaction, a single written notice under subsection (a) of this section and a single written receipt under this subsection may be used to satisfy the requirements of this section, provided that the required information for each locked hearing aid sold is documented.

(c) Record Keeping. – A licensed audiologist shall maintain, for a period of at least three years after the sale of a locked hearing aid, the following records for each locked hearing aid transaction:

- (1) A copy of the written notice described in subsection (a) of this section as signed by the purchasing patient.
- (2) A copy of the written receipt described in subsection (b) of this section.
- (3) The results of any audiologic tests or measurements performed as part of the fitting and dispensing of the locked hearing aid or aids.
- (4) A copy of any written recommendations prepared as part of the fitting and dispensing of the hearing aid or aids.

These records shall be kept at the audiologist's principal place of practice and shall be made available for inspection by the Board."

SECTION 9.1.(b) The North Carolina Board of Examiners for Speech and Language Pathologists and Audiologists may adopt rules to implement subsection (a) of this section.

SECTION 9.1.(c) This section becomes effective October 1, 2025.

ALLOW BUYER'S AGENT COMPENSATION TO BE INCLUDED IN THE OFFER TO PURCHASE

SECTION 10.(a) Definitions. – For purposes of this section, "Offer and Sales Contracts Rule" means 21 NCAC 58A .0112 (Offer and Sales Contracts).

SECTION 10.(b) Offer and Sales Contracts Rule. – Until the effective date of the revised permanent rule that the Real Estate Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Offer and Sales Contracts Rule as provided in subsection (c) of this section.

SECTION 10.(c) Implementation. – A broker acting as an agent in a real estate transaction may use a preprinted offer or sales contract form containing provisions concerning the payment of a commission or compensation, including the forfeiture of earnest money, to a broker or firm.

SECTION 10.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Offer and Sales Contracts Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 10.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

PROHIBIT WAITING PERIODS FOR REILING OF DEVELOPMENT APPLICATIONS

SECTION 11. G.S. 160D-601 is amended by adding a new subsection to read:

"(e) Withdrawn or Denied Applications. – A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from reiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval."

LIMIT LOCAL GOVERNMENT AUTHORITY TO REGULATE THE DISPLAY OF AMERICAN FLAGS ON PRIVATE PROPERTY

SECTION 12.(a) G.S. 144-7 reads as rewritten:

"§ 144-7. Display of official governmental flags; public restrictions.

(a) A county, city, consolidated city-county, or unified government shall not prohibit an official governmental flag from being flown or displayed if the official governmental flag is flown or displayed:

- (1) In accordance with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended; and
- (2) Upon private or public property with the consent of either the owner of the property or of any person having lawful control of the property.

(b) Notwithstanding subsection (a) of this ~~section~~, section: (i) for the purpose of protecting the public health, safety, and welfare, reasonable restrictions on flag size, number of flags, location, and height of flagpoles are not prohibited, provided that such restrictions shall not discriminate against any official governmental flag in any ~~manner~~, manner; and (ii) with respect to the flag of the United States of America and the flag of the State of North Carolina, however, enforcement of a restriction as to a particular property shall require evaluation of and written findings of fact to document the public health, safety, and welfare concerns justifying enforcement of the ordinance at that particular property. If a traffic-based justification is asserted concerning such flag on a particular property, a site study conducted by the Department of Transportation shall be performed to evaluate whether traffic concerns will arise with manner or placement of the display of such flag at a particular location, and such flag shall only be prohibited if the Department of Transportation determines traffic concerns would in fact arise.

(c) For purposes of this section, an "official governmental flag" shall mean any of the following:

- (1) The flag of the United States of America.
- (2) The flag of nations recognized by the United States of America.
- (3) The flag of the State of North Carolina.
- (4) The flag of any state or territory of the United States.
- (5) The flag of a political subdivision of any state or territory of the United States."

SECTION 12.(b) This section is effective when it becomes law, and any citation, fine, penalty, action, proceeding, or litigation pending on that date that has resulted from application of an ordinance contrary to the provisions of this section is abated by this section.

ALLOW OFF-SITE FOOD SERVICE FOR WORKPLACE EVENTS

SECTION 13. G.S. 130A-248 is amended by adding a new subsection to read:

"(c4) Notwithstanding any provision of this Part, a permitted food establishment may serve food or drink in a workplace setting at an off-site location for the employees of that designated workplace and their invited guests. Food may be sold individually to employees or guests of the designated workplace. The food establishment shall notify the local health department before initiating off-site service at a designated workplace. The food establishment shall provide an off-site location schedule to the local health department upon the request of the local health department. The food establishment shall comply with all of the following requirements, and if the local health department inspects the off-site location, only these requirements shall be assessed:

- (1) All food served at the off-site location shall be prepared and cooked at the permitted food establishment. Food may be assembled during service at the off-site location with no further cooking.
- (2) Assembling and serving food or drink shall only take place indoors.

- (3) Food or drink shall be protected from contamination during transportation, display, assembling, and service.
- (4) Utensils used during food service shall be returned to the permitted food establishment to be washed, rinsed, and sanitized. The permitted food establishment shall provide extra serving utensils from the food establishment to the off-site location.
- (5) The food establishment shall utilize Time as a Public Health Control as required in Section 3-501.19 of the NC Food Code.
- (6) No permitted food establishment shall operate in the same location for more than three days in a seven-day period.
- (7) Food employees shall be employed by the holder of the food establishment permit and at least one food employee shall always be present from the time food or drink leaves the permitted establishment until the end of the serving period at the off-site location.
- (8) One food employee present at the off-site establishment location shall be a certified food protection manager as required in Section 2-102.12 in the NC Food Code.
- (9) Handwashing facilities shall be conveniently located, easily accessible, and supplied with water, soap, and single-use towels at the off-site location. Portable or plumbed handwashing facilities may be used. Handwashing facilities for food employees shall not be located in a restroom.
- (10) Customers or guests shall not be allowed to serve themselves."

EXTEND NOTICE REQUIRED BEFORE CONTESTED CASE HEARINGS

SECTION 14.(a) G.S. 150B-23(b) reads as rewritten:

"(b) ~~The parties to a contested case shall be given a notice of hearing not less than 15 days before the hearing by the Office of Administrative Hearings.~~ Not less than 30 days before the initial hearing date, the Office of Administrative Hearings shall give notice of the week and county in which the hearing will be held to the parties to a contested case. Not less than 15 days before the hearing, formal notice of the hearing shall be given to the parties in writing by the Office of Administrative Hearings. If prehearing statements have been filed in the case, the notice shall state the date, hour, and place of the hearing. If prehearing statements have not been filed in the case, the notice shall state the date, hour, place, and nature of the hearing, shall list the particular sections of the statutes and rules involved, and shall give a short and plain statement of the factual allegations. A party may waive notice in writing as to their notice."

SECTION 14.(b) G.S. 150B-38 reads as rewritten:

"§ 150B-38. Scope; hearing required; notice; venue.

(a) The provisions of this Article shall apply to:

- (1) Occupational licensing agencies.
- (2) The State Banking Commission, the Commissioner of Banks, and the Credit Union Division of the Department of Commerce.
- (3) The Department of Insurance and the Commissioner of Insurance.
- (4) The State Chief Information Officer in the administration of the provisions of Article 15 of Chapter 143B of the General Statutes.
- (5) The North Carolina State Building Code Council.
- (5a) The Office of the State Fire Marshal and the State Fire Marshal.
- (6) Repealed by Session Laws 2018-146, s. 4.4(b), effective December 27, 2018.

(b) Prior to any agency action in a contested case, the agency shall give the parties in the case an opportunity for a hearing without undue delay and notice not less than ~~15 days~~ 30 days before the hearing. Notice to the parties shall include all of the following:

- (1) A statement of the date, hour, place, and nature of the hearing.

- (2) A reference to the particular sections of the statutes and rules involved.
- (3) A short and plain statement of the facts alleged.

...."

ENCOURAGE ARTICLE 3A AGENCIES TO NEGOTIATE INFORMALLY

SECTION 15. G.S. 150B-22 reads as rewritten:

"§ 150B-22. Settlement; contested case.

(a) It is the policy of this State that any dispute between an agency and another person that involves the person's rights, duties, or privileges, including licensing or the levy of a monetary penalty, should be settled through informal procedures. In trying to reach a settlement through informal procedures, the agency may not conduct a proceeding at which sworn testimony is taken and witnesses may be cross-examined.

(b) If the agency and the other person do not agree to a resolution of the dispute through informal procedures, either the agency or the person may commence an administrative proceeding to determine the person's rights, duties, or privileges, at which time the dispute becomes a "contested case." A party or person aggrieved shall not be required to petition an agency for rule making or to seek or obtain a declaratory ruling before commencing a contested case pursuant to G.S. 150B-23.

(c) This section applies to agencies covered under both this Article and Article 3A of this Chapter."

SWIMMING POOL AMENDMENTS

SECTION 16. G.S. 130A-39(b) reads as rewritten:

"(b) A local board of health may adopt a more stringent rule in an area regulated by the Commission for Public Health or the Environmental Management Commission where, in the opinion of the local board of health, a more stringent rule is required to protect the public health; otherwise, the rules of the Commission for Public Health or the rules of the Environmental Management Commission shall prevail over local board of health rules. However, a local board of health may not adopt a rule concerning a private pool serving a single family dwelling otherwise exempt from regulation pursuant to G.S. 130A-280 or a rule concerning the grading, operating, and permitting of food and lodging facilities as listed in Part 6 of Article 8 of this Chapter and as defined in G.S. 130A-247(1), and a local board of health may adopt rules concerning wastewater collection, treatment and disposal systems which are not designed to discharge effluent to the land surface or surface waters only in accordance with G.S. 130A-335(c)."

SECTION 17. G.S. 130A-280 reads as rewritten:

"§ 130A-280. Scope, Scope and definitions.

(a) ~~This Article Part provides for the regulation of public swimming pools in the State as they may affect the public health and safety. As used in this Article, the term "public swimming pool" means any structure, chamber, or tank containing an artificial body of water used by the public for swimming, diving, wading, recreation, or therapy, together with buildings, appurtenances, and equipment used in connection with the body of water, regardless of whether a fee is charged for its use. The term includes municipal, school, hotel, motel, apartment, boarding house, athletic club, or other membership facility pools and spas, spas operating for display at temporary events, and artificial swimming lagoons. As used in this Article, an "artificial swimming lagoon" means any body of water used for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a method of disinfectant that results in a disinfectant residual in the swimming zone that is protective of the public health. This Article Part does not apply to any of the following:~~

- (1) A private pool serving a single family dwelling and used only by the residents of the dwelling and their ~~guests, guests,~~ regardless of whether their guests gain

use of the private pool through a sharing economy platform or pay a fee for its use. In all cases in which a fee is exchanged for access to a private pool serving a single family dwelling that is used only by the residents of the dwelling and their guests, the private pool shall be maintained in good and safe working order.

- (2) ~~A private pool serving a single family dwelling meeting the minimum requirements of this subdivision which is offered to, and used by, individuals on a temporary basis utilizing a sharing economy platform. For the purposes of this subdivision, a sharing economy platform means an online platform used to facilitate peer-to-peer transactions to acquire, provide, or share access to goods and services. For the purposes of this subdivision, a pool must meet all of the following minimum requirements:~~
 - a. ~~Pools must have proper fencing and barriers to prevent unsupervised access, especially by children. The fence should be at least 4 feet high with a self-latching gate.~~
 - b. ~~Pools must have clear and conspicuous signage posted around the pool area specifying pool rules, depth markers, and any potential hazards.~~
 - c. ~~Pools must be equipped with basic lifesaving equipment, including life rings and reaching poles.~~
 - d. ~~Pool decks and surrounding areas must have non-slip surfaces.~~
 - e. ~~Pools must have properly fitted covers for all submerged suction outlets.~~
 - f. ~~Pools must be well maintained with proper chemical balance and cleanliness to ensure safe and healthy swimming conditions.~~

(3) Therapeutic pools used in physical therapy programs operated by medical facilities licensed by the Department or operated by a licensed physical therapist, nor to therapeutic chambers drained, cleaned, and refilled after each individual use.

(b) Definitions. – The following definitions apply in this Part:

- (1) Artificial swimming lagoon. – Any body of water used for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a method of disinfectant that results in a disinfectant residual in the swimming zone that is protective of the public health.
- (2) Public swimming pool. – Any structure, chamber, or tank containing an artificial body of water used by the public for swimming, diving, wading, recreation, or therapy, together with buildings, appurtenances, and equipment used in connection with the body of water, regardless of whether a fee is charged for its use. The term includes municipal, school, hotel, motel, apartment, boarding house, athletic club, or other membership facility pools and spas, spas operating for display at temporary events, and artificial swimming lagoons.
- (3) Sharing economy platform. – An online platform used to facilitate peer-to-peer transactions to acquire, provide, or share access to goods and services."

ZONING REGULATIONS/UNIVERSITY PROPERTY

SECTION 18. G.S. 160D-913 reads as rewritten:

"§ 160D-913. Public buildings.

(a) Except as provided in G.S. 143-345.5 and this section, local government zoning and development regulations are applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions.

(b) Except as provided in G.S. 143-345.5, this Chapter shall not apply to the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, demolition, or use of any building or property by the State of North Carolina, ~~including if the project is managed by the State Construction Office, or The University of North Carolina or any of its constituent institutions, if the project is managed or authorized by The University of North Carolina, and the project is located in whole or in part in Buncombe, Orange, Watauga, or Wake County and the project is managed by the State Construction Office.~~County.

(c) Except as provided in G.S. 143-345.5, this Chapter shall not apply to the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, demolition, or use of any building or property when the project is managed by the Legislative Services Commission.

(d) Notwithstanding the provisions of any general or local law or ordinance, except as provided in Part 4 of Article 9 of this Chapter, no land owned by the State of North Carolina may be included within an overlay district or a conditional zoning district without approval of the Council of State or its delegate.

(e) For properties exempt from this Chapter under subsection (b) or (c) of this section, the State Construction Office or the Legislative Services Commission shall consult with the appropriate county or city with jurisdiction with regard to all of the following:

- (1) Water and sewer services to be provided to the project.
- (2) Stormwater implications of the project.
- (3) Impacts on traffic patterns and parking.
- (4) Perimeter buffering, landscaping, tree protection, and riparian buffer requirements.
- (5) Local environmental regulations adopted under Part 2 of Article 9 of this Chapter."

DOWNSTREAM INUNDATION MAPS

SECTION 19. G.S. 143-215.31 reads as rewritten:

"§ 143-215.31. Supervision over maintenance and operation of dams.

...
(a1) The owner of a dam classified by the Department as a high-hazard dam or an intermediate-hazard dam shall develop an Emergency Action Plan for the dam as provided in this subsection:

- ...
(6) Information included in an Emergency Action Plan that constitutes sensitive public security information, as provided in G.S. 132-1.7, shall be maintained as confidential information and shall not be subject to disclosure under the Public Records Act. For purposes of this section, "sensitive public security information" ~~shall include~~ includes: (i) Critical Energy Infrastructure Information protected from disclosure under rules adopted by the Federal Energy Regulatory Commission in 18 C.F.R. § 388.112; 18 C.F.R. § 388.112; (ii) Emergency Action Plans or downstream inundation maps for impoundments or dams owned or operated by an electric power supplier, as that term is defined under G.S. 62-126.3; and (iii) Emergency Action Plans or downstream inundation maps for impoundments or dams owned or operated by a unit of local government, as that term is defined under G.S. 159-44. Emergency Action Plans or downstream inundation maps not associated with impoundments or dams regulated by the Federal Energy Regulatory Commission, or owned or operated by a electric power supplier or a unit of local government do not constitute sensitive public security information under this section.

...."

NO SECOND BITE FOR STORMWATER PERMITTING REVIEW

SECTION 20. G.S. 143-214.7(b6) reads as rewritten:

"(b6) Permitting under the authority granted to the Commission by this section shall comply with the procedures and time lines set forth in this subsection. For any development necessitating stormwater measures subject to this section, applications for new permits, permit modifications, permit transfers, permit renewals, and decisions to deny an application for a new permit, permit modification, transfer, or renewal shall be in writing. Where the Commission has provided a digital submission option, such submission shall constitute a written submission. The Commission shall act on a permit application as quickly as possible. The Commission may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Commission considers necessary to evaluate the application. If the Commission fails to act on an application for a permit or for a renewal of a permit as specified in this subsection after the applicant submits all information required by the Commission, the application shall be deemed approved without modification. ~~The following provisions apply:~~The following provisions apply:

- (1) The Commission shall perform an administrative review of a new application and of a resubmittal of an application determined to be incomplete under subdivision (3) of this subsection within 10 working days of receipt to determine if the information is administratively complete. If complete, the Commission shall issue a receipt letter or electronic response stating that the application is complete and that a 70-calendar day technical review period has started as of the original date the application was received. If required items or information is not included, the application shall be deemed incomplete, and the Commission shall issue an application receipt letter or electronic response identifying the information required to complete the application package before the technical review begins. When the required information is received, the Commission shall then issue a receipt letter or electronic response specifying that it is complete and that the 70-calendar day review period has started as of the date of receipt of all required information. The Commission shall develop an application package checklist identifying the items and information required for an application to be considered administratively complete. After issuing a letter or electronic response requesting additional information based on the original submittal under this subdivision, the Commission shall not subsequently request additional information that was not previously identified as missing or required in that additional information letter or electronic response from the original submittal. The Commission may, however, respond to subsequent additional information letters or electronic responses with a request for additional information limited to information missing from that subsequent additional information letter or electronic response.

...."

MODIFY THE FALLS RESERVOIR WATER SUPPLY NUTRIENT STRATEGY RULES TO EXEMPT NEW RESIDENTIAL DEVELOPMENT DISTURBING LESS THAN 1 ACRE

SECTION 21.(a) Definitions. – For purposes of this section and its implementation, "Falls Lake New Development Rule" means 15A NCAC 02B .0277 (Falls Reservoir Water Supply Nutrient Strategy: Stormwater Management for New Development).

SECTION 21.(b) Falls Lake New Development Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission (Commission) is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Falls Lake New Development Rule as provided in subsection (c) of this section.

SECTION 21.(c) Implementation. – Except as required pursuant to federal law or permit, no stormwater permit, management plan, or post-construction stormwater controls shall be required under the Falls Lake New Development Rule or local ordinances adopted thereunder for single family and duplex residential dwellings that cumulatively disturb less than 1 acre, which is not part of a larger common plan of development. Notwithstanding any authority granted under the Falls Lake New Development Rule or pursuant to other statute or rule, no local government may establish requirements more restrictive than that established by this subsection.

SECTION 21.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Falls Lake New Development Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 21.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

ALLOW RENEWAL OR EXTENSION OF CONTRACTS FOR JOINT MUNICIPAL POWER AGENCIES

SECTION 22.(a) G.S. 159B-5 reads as rewritten:

"§ 159B-5. Joint ownership of a project; provisions of the contract or agreement with respect thereto.

...
Notwithstanding the provisions of any other law to the contrary, the initial term for any contracts with respect to the sale or purchase of capacity, output, power or energy from a project may extend for a period not exceeding shall not exceed 50 years from the later of either the effective date of the contract or the date a the project is estimated to be placed in normal continuous operation; and the operation and may be renewed or extended by the joint agency and the member municipality for additional periods not to exceed 50 years from the date of expiration of the preceding term. The execution and effectiveness thereof shall not be subject to any authorizations or approvals by the State or any agency, commission or instrumentality or political subdivision thereof except as in this Chapter specifically required and provided."

SECTION 22.(b) G.S. 159B-11 reads as rewritten:

"§ 159B-11. General powers of joint agencies; prerequisites to undertaking projects.

(a) Each joint agency shall have all of the rights and powers necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter, including, but without limiting the generality of the foregoing, the rights and powers:

- ...
(12) To acquire by private negotiated purchase or lease or otherwise an existing project, a project under construction, or other property, either individually or jointly, with one or more municipalities or joint agencies in this State or any state contiguous to this State owning electric distribution facilities or with any political subdivisions, agencies or instrumentalities of any state contiguous to this State or with other joint agencies created pursuant to this Chapter; to acquire by private negotiated purchase or lease or otherwise any facilities for the development, production, manufacture, procurement, handling, storage,

fabrication, enrichment, processing or reprocessing of fuel of any kind or any facility or rights with respect to the supply of water, and to enter into agreements by private negotiation or otherwise, for a period not exceeding fifty (50) years, for the development, production, manufacture, procurement, handling, storage, fabrication, enrichment, processing or reprocessing of fuel of any kind or any facility or rights with respect to the supply of ~~water; no water, which contracts may be renewed or extended for additional periods not to exceed 50 years from the date of expiration of the preceding term.~~ No provisions of law with respect to the acquisition, construction or operation of property by other public bodies shall be applicable to any agency created pursuant to this Chapter unless the legislature shall specifically so state.

...."

SECTION 22.(c) G.S. 159B-12 reads as rewritten:

"§ 159B-12. Sale of capacity and output by a joint agency; support contracts; other contracts with a joint agency.

(a) Any municipality which is a member of the joint agency may contract to buy from the joint agency power and energy for its present or future requirements, including the capacity and output of one or more specified projects. As the creation of a joint agency is an alternative method whereby a municipality may obtain the benefits and assume the responsibilities of ownership in a project, any such contract may provide that the municipality so contracting shall be obligated to make the payments required by the contract whether or not a project is completed, operable or operating and notwithstanding the suspension, interruption, interference, reduction or curtailment of the output of a project or the power and energy contracted for, and that such payments under the contract shall not be subject to any reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the joint agency or any other member of the joint agency under the contract or any other instrument. Any contract with respect to the sale or purchase of capacity or output of a project entered into between a joint agency and its member municipalities may also provide that if one or more of such municipalities shall default in the payment of its or their obligations with respect to the purchase of said capacity or output, then in that event the remaining member municipalities which are purchasing capacity and output under the contract shall be required to accept and pay for and shall be entitled proportionately to and may use or otherwise dispose of the capacity or output which was to be purchased by the defaulting municipality. Notwithstanding the provisions of any other law to the contrary, the initial term for any such contract with respect to the sale or purchase of capacity, output, power, or energy from a project may extend for a period not exceeding shall not exceed a period of 50 years from the later of either the effective date of the contract or the date a the project is estimated to be placed in normal continuous operation-operation and may be renewed or extended by the joint agency and the member municipality for additional periods not to exceed 50 years from the date of expiration of the preceding term.

(b) If any municipality which is a member of the joint agency has contracted to buy from the joint agency the capacity and output of one or more specified projects as contemplated by and containing characteristics authorized by subsection (a) of this section, and if the joint agency has acquired one or more projects and financed the acquisition of any project by issuing bonds pursuant to the provisions of this Chapter, and if the joint agency sells or otherwise disposes of any project, and if the proceeds of the sale or other disposition of any project, together with other moneys available to the joint agency for the purpose of paying the bonds, are not sufficient to pay or provide for the payment of the principal of, premium, if any, and interest on all of such bonds issued to finance the acquisition of the existing project or projects, the municipality may enter into a support contract with the joint agency to pay a proportionate share of the principal of, premium, if any, and interest on bonds issued by the joint agency to (i) refinance the bonds issued to finance the acquisition of any existing project being sold or otherwise disposed of that

are not defeased from other sources, (ii) finance any collateral posting requirements of replacement power supply arrangements entered into by the joint agency, and (iii) finance any required reserves and other costs associated with the support contracts and the issuance of the bonds authorized by G.S. 159B-14.

As a support contract authorized by this subsection is a replacement for and in lieu of the payment obligations authorized by subsection (a) of this section related to an existing project or projects, any support contract may provide that the contracting municipality is obligated to make the payments required by the support contract unconditionally and without offset, counterclaim, or otherwise, and notwithstanding the performance or nonperformance of the joint agency under the support contract, or of any other municipality entering into a similar support contract with the joint agency, or the delivery of or failure to deliver power or energy or the performance or nonperformance by any party under any related power supply contract. Any support contract entered into between a joint agency and its member municipalities may also provide that if any municipality defaults in the payment of its obligations under the support contract, the remaining member municipalities subject to the contract are required to pay a proportionate share of the defaulted payments.

Notwithstanding the provisions of any other law to the contrary, the obligations of the municipality under a support contract may extend for a period of ~~30~~50 years, except for accrued obligations as of the expiration of the period for which the contract may be continued until the accrued obligations are fully satisfied, and, with respect to administrative costs only, for a reasonable period of time thereafter. Such agreements may be renewed or extended for additional periods not to exceed 50 years from the date of expiration of the preceding term.

Obligations under a support contract shall not be taken into account in computing any debt or other limitation that may be imposed by law. Being on account of the refinancing of obligations incurred in connection with the acquisition of a project or projects, the obligations of the municipality under any support contract shall constitute an operating expense of its municipal electric system for all purposes of G.S. 159-47 and other purposes, save only as may have been duly contracted with bondholders of the municipality.

(c) Any municipality may contract with a joint agency, or may contract indirectly with a joint agency through a joint municipal assistance agency, to implement the provisions of G.S. 159B-11(19a) and (19b). Notwithstanding the provisions of any law to the contrary, including, but not limited to, the provisions of G.S. 159B-44(13), any contract between a joint agency and a municipality or a joint municipal assistance agency (or between a municipality and a joint municipal assistance agency) to implement the provisions of G.S. 159B-11(19b) may extend for a period not exceeding ~~30 years; provided, that any such contract~~ 50 years. Such agreements may be renewed or extended for additional periods not to exceed 50 years from the date of expiration of the preceding term. All such agreements in respect of a capital project to be used by or for the benefit of a municipality shall be subject to the prior approval of the Local Government Commission of North Carolina. In reviewing any such contract for approval, said Local Government Commission shall consider the municipality's debt management procedures and policies, whether the municipality is in default with respect to its debt service obligations and such other matters as said Local Government Commission may believe to have a bearing on whether the contract should be approved.

(d) Notwithstanding the provisions of any law to the contrary, the execution and effectiveness of any contracts authorized by this section shall not be subject to any authorizations or approvals by the State or any agency, commission or instrumentality or political subdivision thereof except as in this Chapter specifically required and provided.

Payments by a municipality under any contract authorized by this section shall be made solely from the revenues derived from the ownership and operation of the electric system of said municipality and any obligation under such contract shall not constitute a legal or equitable pledge, charge, lien, or encumbrance upon any property of the municipality or upon any of its

income, receipts, or revenues, except the revenues of its electric system, and neither the faith and credit nor the taxing power of the municipality are, or may be, pledged for the payment of any obligation under any such contract. A municipality or joint agency, pursuant to an agreement with a municipality, shall be obligated to fix, charge and collect rents, rates, fees and charges for electric power and energy and other services, activities permitted in this Chapter, facilities and commodities sold, furnished or supplied through the electric system of the municipality sufficient to provide revenues adequate to meet its obligations under any such contract and to pay any and all other amounts payable from or constituting a charge and lien upon such revenues, including amounts sufficient to pay the principal of and interest on general obligation bonds heretofore or hereafter issued by the municipality for purposes related to its electric system and payments pursuant to support contracts authorized by subsection (b) of this section. The willful or negligent failure by any municipality to comply with the obligations applicable to it shall constitute a failure or refusal to comply with the provisions of this Chapter for purposes of G.S. 159-181(c), and the financial powers of the governing board of the municipality that may be vested in the Local Government Commission pursuant to G.S. 159-181(c) shall include those powers incident to carrying out the requirements and obligations specified in this section.

Payments by any joint municipal assistance agency to any joint agency under any contract or contracts authorized by this section, shall be made solely from the sources specified in such contract or contracts and no other, and any obligation under such contract shall not constitute a legal or equitable pledge, charge, lien, or encumbrance upon any property of the joint municipal assistance agency or upon any of its income, receipts, or revenues, or upon any property of any municipality with which the joint agency or joint municipal assistance agency contracts or upon any of such municipality's income, receipts, or revenues in each case except such sources so specified. A joint municipal assistance agency shall be obligated to fix, charge and collect rents, rates, fees, and charges for providing aid and assistance sufficient to provide revenues adequate to meet its obligations under such contract.

Any municipality which is a member of a joint agency may furnish the joint agency with money derived solely from the ownership and operation of its electric system or facilities and provide the joint agency with personnel, equipment and property, both real and personal. Any municipality may also provide any services to a joint agency.

Any member of a joint agency may contract for, advance or contribute funds derived solely from the ownership and operation of its electric system or facilities to a joint agency as may be agreed upon by the joint agency and the member, and the joint agency shall repay such advances or contributions from proceeds of bonds, from operating revenues or from any other funds of the joint agency, together with interest thereon as may be agreed upon by the member and the joint agency."

SECTION 22.(d) This section is effective when it becomes law and applies to contracts executed before, on, or after that date.

APA EXEMPTION FOR RULES TO MODERNIZE WASTEWATER PERMITTING

SECTION 23.(a) Section 5.1 of S.L. 2024-44 reads as rewritten:

"MODERNIZE WASTEWATER PERMITTING TO SUPPORT ENVIRONMENTALLY SOUND ECONOMIC DEVELOPMENT

...

"SECTION 5.1.(d) No later than August 1, 2024, the Department of Environmental Quality (Department) and the Environmental Management Commission (Commission) shall develop and submit to the United States Environmental Protection Agency for USEPA's approval-input draft rules that establish methodologies and permitting requirements for the discharge of treated domestic wastewaters with low risk following site-specific criteria to surface waters of the State, including wetlands, perennial streams, and unnamed tributaries of named and classified streams and intermittent streams or drainage courses where the 7Q10 flow or 30Q2 flow of the receiving

water is estimated to be low flow or zero flow, or under certain conditions non-existent, as determined by the United States Geological Survey (USGS). Within ~~20-60~~ days of the date USEPA ~~approves the draft rules submitted pursuant to this subsection,~~ notifies the State that a rule must be formally adopted prior to submittal as a program revision for USEPA approval, the Commission shall initiate the process for temporary and permanent rules pursuant to Chapter 150B of the General Statutes. The draft rules submitted to USEPA for ~~approval~~ input shall include all of the following:

...
(2)

Criteria for permitting. –

- a. Applicants shall be required to demonstrate, through an analysis comparing the limits of the NPDES permit to the characteristics of the receiving water, that a proposed discharge meets criteria for a low-risk discharge as defined in this subsection. When a discharge is determined to be low-risk, the applicant shall ~~demonstrate using simple modeling of the applicant's choosing,~~ provided that the model chosen use a model that is utilized elsewhere in USEPA Region 4, such as the Streeter-Phelps model used in the State of Alabama, to show that the Sag, if any, in the DO of the receiving water will not exceed 0.1mg/l. The Department may, however, require the applicant to use different modeling upon issuing findings of fact that demonstrate that the model initially used by the applicant is unsuitable for the particular discharge and receiving water.
- b. Discharges to low flow or zero flow receiving waters shall be subject to the following conditions:

...

7. ~~The~~ All requirements of an NPDES permit shall be met. In addition to any other effluent limits for any other parameters required for an NPDES permit and to ensure the permit to be issued does not violate current State water quality standards approved by USEPA, the following effluent limits for these parameters of the NPDES permit shall generally apply except where (i) the applicant and Department agree to more stringent limits or (ii) complex modeling conducted pursuant to sub-sub-subdivision 8. of this sub-subdivision demonstrates that Sag in the DO content of the receiving water of 0.1 mg/l or less will occur and water quality standards are protected:

- I. Biological oxygen demand (BOD₅) shall not exceed 5.0 mg/l monthly average.
- II. NH₃, 0.5 mg/l monthly average, 1.0 mg/l daily maximum.
- III. Total nitrogen shall not exceed 4.0 mg/l monthly average.
- IV. Total phosphorus, 1.0 mg/l monthly average, 2.0 mg/l daily maximum.
- V. Fecal coliforms, 14 colonies/100ml or less.
- VI. Dissolved oxygen, 7.0 mg/l or greater.
- VII. Total suspended solids, 5.0 mg/l monthly average, 8mg/l daily maximum.
- VIII. Nitrate, 1.0 mg/l monthly average, 2.0 mg/l daily maximum.

The applicant shall submit simple modeling to support that these limits are being met and that a diminishment (Sag) of dissolved oxygen of more than 0.1mg/l is not projected to occur in the waters receiving the effluent. The Department may, however, require the applicant to use different modeling upon issuing findings of fact that demonstrate that the model initially used by the applicant is unsuitable for the particular discharge and receiving water.

- 8. If an applicant ~~proposes~~ requests less stringent effluent limits than those set forth in sub-sub-subdivision 7. of this sub-subdivision, the applicant shall conduct more complex modeling using ~~any~~ a model that is accepted elsewhere in USEPA Region 4 that the applicant elects to use to confirm that a Sag in the DO content of the receiving water of 0.1 mg/l or less will occur and water quality standards are protected. The Department may, however, require the applicant to use different modeling upon issuing findings of fact that demonstrate that the model initially used by the applicant is unsuitable for the particular discharge and receiving water.
- 9. The Department shall not require an applicant to obtain mapping data from the USGS as part of an application. In lieu, an engineer of record licensed in the State of North Carolina may prepare required mapping utilizing either USGS maps or other maps approved by the Department.
- 10. Within 30 days of the filing of an application for a wastewater discharge subject to this section, the Department shall (i) determine whether or not the application is complete and notify the applicant accordingly and (ii) if the Department determines an application is incomplete, specify all such deficiencies in the notice to the applicant. The applicant may file an amended application or supplemental information to cure the deficiencies identified by the Department for the Department's review. If the Department fails to issue a notice as to whether or not the application is complete within the requisite 30-day period, the application shall be deemed complete. Within 180 days of the filing of a completed application, the Commission shall either grant or deny the permit. If the Commission fails to act in the requisite time frame, ten percent (10%) of the application fee shall be returned to the applicant for each working day beyond the 180-day period.

"SECTION 5.1.(e) No later than September 1, 2024, the Department in conjunction with the North Carolina Collaboratory at the University of North Carolina at Chapel Hill (Collaboratory) shall convene a Wastewater General Permit Working Group (Working Group) consisting of Department and Collaboratory staff and a maximum of five consulting experts appointed by the Director of the Collaboratory in the fields of environmental regulation, wastewater regulation, water quality regulation, and wastewater treatment regulation, to develop the draft rules for the implementation of a Wastewater Treatment and Discharge General Permit process for the State. The Working Group shall report its findings to the Environmental Review Commission no later than March 15, 2025. ~~Following consideration by the Environmental Review Commission, and after~~ After making any changes required by the Environmental Review Commission, the Department shall develop and submit proposed rules to USEPA for its approval.

input. Within 20-60 days of the date USEPA ~~approves the draft rules submitted pursuant to this subsection,~~ notifies the State that a rule must be formally adopted prior to submittal as a program revision for USEPA approval, the Commission shall initiate the process for temporary and permanent rules pursuant to Chapter 150B of the General Statutes.

...
"SECTION 5.1.(g) Temporary and permanent rules adopted pursuant to this section are not subject to: (i) G.S. 150B-21.3(b1) and (b2); and (ii) G.S. 150B-21.3(b3) and G.S. 150B-19.4, as enacted by S.L. 2025-82."

SECTION 23.(b) This section is effective retroactive to July 8, 2024.

PERMITTING BY REGULATION FOR DISPOSAL SYSTEMS THAT DO NOT DISCHARGE TO SURFACE WATERS

SECTION 24.(a) Definitions. – For purposes of this section and its implementation, "Permitting by Regulation Rule" means 15A NCAC 02T .0113 (Permitting by Regulation).

SECTION 24.(b) Permitting by Regulation Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission (Commission) is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Permitting by Regulation Rule as provided in subsection (c) of this section.

SECTION 24.(c) Implementation. – Provided no ponding or runoff of discharge water occurs, discharges to the land surface of less than 5,000 gallons per day of water from fractional vapor-compression distillation of potable water, shall be deemed to be permitted pursuant to G.S. 143-215.1(b), and it shall not be necessary for the Division to issue individual permits or coverage under a general permit for construction or operation of these disposal systems provided the system does not result in any violations of surface water or groundwater standards, there is no direct discharge to surface waters, and all criteria required for the specific system are met.

SECTION 24.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Permitting by Regulation Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2). Rules adopted pursuant to this section are not subject to G.S. 150B-21.3(b3) and G.S. 150B-19.4, as enacted by S.L. 2025-82.

SECTION 24.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

REDUCE FREQUENCY OF OVERSIGHT FOR CERTAIN PUBLIC WATER SYSTEM SUPPLEMENTAL TREATMENT FACILITIES

SECTION 25.(a) Definitions. – For purposes of this section and its implementation, "Facility Oversight Rule" means 15A NCAC 18C .1303 (Facility Oversight).

SECTION 25.(b) Facility Oversight Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health (Commission) is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Facility Oversight Rule as provided in subsection (c) of this section.

SECTION 25.(c) Implementation. – The Department may grant written approval to reduce the standard frequency of operator oversight visits required under Subchapter 18C of Title 15A of the North Carolina Administrative Code to not less than once per calendar month for supplemental treatment facilities if the supplemental treatment facility meets all of the following conditions:

- (1) Complies with Subchapter 18C of Title 15A of the North Carolina Administrative Code.
- (2) Complies with one of the listed subdivisions in subsection (d) of the Facility Oversight Rule.
- (3) Feeds only disinfectant chemicals, as defined in Rule .0203 of Subchapter 18D of Title 15A of the North Carolina Administrative Code.
- (4) Ensures additional public health protection is provided using all of the following:
 - a. A physical emergency shutdown switch located on facility premises.
 - b. Automatic treatment system shutdown when the treatment facility system detects no water flow.
 - c. Automatic treatment system shutdown when the treatment facility system detects that the treatment chemical levels exceed the maximum residual disinfectant level for the disinfectant.
 - d. Monthly checks to ensure equipment is calibrated to manufacturer specifications.
 - e. Remote, real-time access to adequate chemical storage volumes, including remote alarms to indicate low chemical storage volumes.
 - f. Sensor mechanisms linked to remote alarms for high and low disinfectant residual, high water pressure, high water temperature, water leaks, and no flow.

SECTION 25.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Facility Oversight Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2). Rules adopted pursuant to this section are not subject to G.S. 150B-21.3(b3) and G.S. 150B-19.4, as enacted by S.L. 2025-82.

SECTION 25.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

PROTECT THE RIGHT TO RACE

SECTION 26.(a) Chapter 99E of the General Statutes is amended by adding a new Article to read:

"Article 10.

"Racing Facility and Racetrack Nuisance Immunity.

"§ 99E-90. Racing facility nuisance immunity.

(a) For purposes of this Article, the following definitions apply:

- (1) Area of the racing facility. – Within a 3-mile radius of the perimeter of the property or contiguous group of properties where a racing facility is located.**
- (2) Racing facility. – A designated area where competitive vehicle and motorsport races are conducted. The term includes the track, spectator areas, garages, and any associated grounds, buildings, or appurtenances used to operate the races.**

(b) A racing facility shall not be subject to any action brought by a surrounding property owner under any nuisance or taking cause of action if the developer of the racing facility obtained all permits required for construction of the racing facility and established a vested right in the development of the property or contiguous group of properties where the racing facility is located before the surrounding property owner either purchased the real property or constructed any building in the area of the racing facility.

SECTION 26.(b) This section is effective when it becomes law and applies to actions commenced on or after that date.

REQUIRE OCCUPATIONAL LICENSING BOARDS TO VERIFY APPLICANTS' SOCIAL SECURITY NUMBERS

SECTION 27. G.S. 93B-14 reads as rewritten:

"§ 93B-14. Information on applicants for licensure.

Every occupational licensing board shall require applicants for licensure to provide to the Board the applicant's social security ~~number.~~number, and the Board shall verify the authenticity of the applicant's social security number. This information shall be treated as confidential and may be released only as follows:

- (1) To the State Child Support Enforcement Program of the Department of Health and Human Services upon its request and for the purpose of enforcing a child support order.
- (2) To the Department of Revenue for the purpose of administering the State's tax laws.
- (3) To the Social Security Administration for the purpose of verifying the authenticity of the applicant's social security number."

EXPAND DEFINITION OF LOCAL AGENCY TO INCLUDE PUBLIC WORKS AUTHORITY FOR THE PURPOSES OF THE SETOFF DEBT COLLECTION ACT

SECTION 28. G.S. 105A-2(6) reads as rewritten:

"(6) Local agency. – Any of the following:

- a. A county, to the extent it is not considered a State agency.
- b. A municipality.
- c. A water and sewer authority created under Article 1 of Chapter 162A of the General Statutes.
- d. A regional joint agency created by interlocal agreement under Article 20 of Chapter 160A of the General Statutes between two or more counties, cities, or both.
- e. A public health authority created under Part 1B of Article 2 of Chapter 130A of the General Statutes or other authorizing legislation.
- f. A metropolitan sewerage district created under Article 5 of Chapter 162A of the General Statutes.
- g. A sanitary district created under Part 2 of Article 2 of Chapter 130A of the General Statutes.
- h. A housing authority created under Chapter 157 of the General Statutes, provided that the debt owed to a housing authority has been reduced to a final judgment in favor of the housing authority.
- i. A regional solid waste management authority created under Article 22 of Chapter 153A of the General Statutes.
- j. A public works authority or public utilities commission created pursuant to a local act of the General Assembly."

CLARIFY EXISTING USE RIGHTS ON PROPERTY

SECTION 29.(a) G.S. 160D-108 reads as rewritten:

"§ 160D-108. Permit choice and vested rights.

...

(c) Vested Rights. – Amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to any of the following:

- (1) Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with G.S. 143-755.
- (2) Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with G.S. 143-755.
- (3) A site-specific vesting plan pursuant to G.S. 160D-108.1.
- (4) A multi-phased development pursuant to subsection (f) of this section.
- (5) A vested right established by the terms of a development agreement authorized by Article 10 of this Chapter.

The establishment of a vested right under any subdivision of this subsection does not preclude vesting under one or more other subdivisions of this subsection or vesting by application of common law principles. A vested right, once established as provided for in this section or by common law, precludes any action by a local government that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the applicable land development regulation or regulations, except where a change in State or federal law mandating local government enforcement occurs after the development application is submitted that has a fundamental and retroactive effect on the development or use. A vested right obtained by permit or other local government approval shall not preclude the use or extinguish the existence of any other vested right or use by right attached to the property.

...."

SECTION 29.(b) G.S. 160D-705 reads as rewritten:

"§ 160D-705. Quasi-judicial zoning decisions.

...

(c) Special Use Permits. – The regulations may provide that the board of adjustment, planning board, or governing board hear and decide special use permits in accordance with principles, conditions, safeguards, and procedures specified in the regulations. Reasonable and appropriate conditions and safeguards may be imposed upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land.

The regulations may provide that defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification or revocation of a special use permit shall follow the same process for approval as is applicable to the approval of a special use permit. If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Any modifications approved apply only to those properties whose owners apply for the modification. The regulation may require that special use permits be recorded with the register of deeds. If a special use permit expires and does not vest, the current zoning classification or regulation for the property applies.

...."

SECTION 29.(c) G.S. 160D-203 reads as rewritten:

"§ 160D-203. Split jurisdiction.

(a) If a parcel of land lies within the planning and development regulation jurisdiction of more than one local government, for the purposes of this Chapter, the local governments may,

by mutual agreement pursuant to Article 20 of Chapter 160A of the General Statutes and with the written consent of the landowner, assign exclusive planning and development regulation jurisdiction under this Chapter for the ~~entire parcel land~~, including all development phases on the land, to any one of those local governments.

(b) In the event no mutual agreement or written consent under subsection (a) of this section exists, the landowner of land lying within the planning and development regulation jurisdiction of more than one local government may elect the planning and development regulations of the local government where the majority of the total acreage of the parcel of land is situated.

~~(c) Such a mutual agreement~~ This section shall only be applicable to planning and development regulations and shall not affect taxation or other nonregulatory matters. The mutual agreement under subsection (a) of this section shall be evidenced by a resolution formally adopted by each governing board and recorded with the register of deeds in the every county where the property land is located within 14 days of the adoption of the last required resolution."

SECTION 29.(d) G.S. 160D-102(18) reads as rewritten:

"(18) Landowner or owner. – ~~The holder~~ All holders of record of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals."

AUTHORIZE USE OF CERTAIN SUBSURFACE DISPERSAL PRODUCTS FOR WASTEWATER STORAGE AND DISPERSAL IN TRAFFIC-RATED AREAS UNDER PRIVATE OPTION PERMITS

SECTION 30. G.S. 130A-343 is amended by adding a new subsection to read:

"(j3) Authorize Certain Subsurface Dispersal Products for Use in Traffic-Rated Areas Under Private Option Permits. – A wastewater dispersal product approved pursuant to this section shall be approved for use in wastewater storage and dispersal under areas subject to vehicular traffic and traffic-bearing loads if a professional engineer, licensed pursuant to Chapter 89C of the General Statutes, certifies that the product has been designed with a compatible load rating and the product manufacturer has approved the product for use in traffic-rated areas. Wastewater permits issued pursuant to this subsection shall be issued by a professional engineer, licensed pursuant to Chapter 89C of the General Statutes, under G.S. 130A-336.1, or by an Authorized On-Site Wastewater Evaluator under G.S. 130A-336.2. For the purposes of this section, "traffic-rated areas" does not include Department of Transportation rated areas but does include driveways and private parking areas with impervious or pervious pavement areas."

SEVERABILITY AND EFFECTIVE DATE

SECTION 31.(a) If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application and, to this end, the provisions of this act are declared to be severable.

SECTION 31.(b) Except as otherwise provided, this act is effective when it becomes law.
In the General Assembly read three times and ratified this the 24th day of September, 2025.

s/ Ralph Hise
Presiding Officer of the Senate

s/ Howard Penny, Jr.
Presiding Officer of the House of Representatives

This bill having been presented to the Governor for signature on the 25th day of September, 2025 and the Governor having failed to approve it within the time prescribed by law, the same is hereby declared to have become a law.

This 6th day of October, 2025,

s/ Greg Johnson
Enrolling Clerk