PLANNING BOARD
REGULAR MEETING AGENDA
Tuesday, March 10, 2026, at 6:00 pm
Town Boardroom – 125 West Fort Macon Road

1. **CALL TO ORDER**
2. **EXCUSE ABSENT BOARD MEMBER(S) IF NECESSARY**
3. **NEW BUSINESS**

A) ZTA 26-01 Flag Size Amendment

Zoning text amendment is proposed in response to House Bill 926 which became law on October 6, 2025, which prevents local governments from limiting the size of flags of the United State or the State of North Carolina.

Actions Needed:

1) Conduct a public hearing; and
2) Review and provide a recommendation on the proposed text amendments to include the adoption of a Statement of Consistency.

B) ZTA 26-02 Height Limitations and Setbacks Amendment

Zoning text amendments are proposed to modify the height limit, as well as modify the front, rear and side yard setbacks in all the CIRCLE zoning districts.

Actions Needed:

1) Conduct a public hearing; and
2) Review and provide a recommendation on the proposed text amendments to include the adoption of a Statement of Consistency.

4. **OLD BUSINESS**
5. **PLANNING BOARD/STAFF COMMENTS**
6. **ADJOURNMENT**

PLANNING & INSPECTIONS DEPARTMENT
Post Office Box 10, Atlantic Beach, NC 28512

(252) 726-4456
Fax (252) 726-7043

Elisabeth Webster
planner2@atlanticbeach-nc.com

Memorandum

To: Planning Board
From: Elisabeth Webster, Planning and Development Director
Date: March 10, 2026
Subject: ZTA-26-01: Flag Size Amendment

Overview: On October 6, 2025, House Bill 926 became law, without Governor Steins's signature, preventing local governments from restricting the size of official government flags on private property. Chapter 18, Flags of the Town's ordinance currently limits flags to 60 square feet in size. Staff are proposing to modify the UDO to specify that flags of the official governmental flags are exempt from the 60 square foot limit.

Below is the proposed text change:

F. *Signs Permitted without a Sign Permit.* The following signs may be installed without a sign permit, but are subject to the standards in this section and may be required to obtain building permit approval.

1. *Governmental Signage.* Temporary or permanent signs erected and maintained by or required by the Town, Carteret County, the State of North Carolina, or the Federal government, including, but not limited to:
    a. Signs posted by or under the authority of Municipal, County, State, or Federal authorities for crime prevention, public safety, health, zoning, and identification; or
    b. Signs or flags erected by any government advertising Town-sponsored events, Town-related information or used decoratively.
2. *Safety Signage.* Safety signs shall be allowed, provided:
    a. The aggregate sign face area for all safety signage on a lot shall not exceed 32 square feet;
    b. No single safety sign shall exceed two (2) square feet of sign face area;
    c. No lot shall include more than sixteen (16) individual safety signs (for the purposes of this section, a two-sided sign shall be counted as a single sign);
    d. The top of a safety sign shall be no more than five (5) feet above the adjacent grade; and
    e. Safety signs shall not be illuminated.
3. *Flags.* Flags shall be allowed provided:
    a. A maximum of two (2) flags shall be allowed per business or residence;
    b. No individual flag shall exceed sixty (60) square feet in area;
        i. Official governmental flags are exempt from 18.5.10(F)(3)(b) 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.

ii. 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.

c. Flags shall not unreasonably distract a driver of a motor vehicle by interfering with a sight line or sight distance triangle; and
d. Flag poles shall not exceed thirty (30) feet in height.

4. *Temporary Signage.* Each lot shall be allowed up to one (1) temporary sign per street frontage, subject to the following standards:
    a. Temporary signage on residentially-zoned lots shall not exceed six (6) square feet of sign area per sign;
    b. Temporary signage on lots zoned for mixed-use or commercial uses shall not exceed 32 square feet of sign area per sign;
    c. Temporary signs shall not be illuminated; and
    d. Temporary signs may remain in place for up to thirty (30) days per lot. This thirty-day period may be renewed by the UDO Administrator up to twelve (12) times per lot per year.
5. *Political Signs.* Political signs (campaign and election signs) are permitted without a permit, provided that:
    a. The party responsible for erecting the sign shall be held responsible for any violations;
    b. No political signs are allowed on Town-owned property (this does not apply to Town right-of-way); and
    c. Sign placement and duration shall be in accordance with G.S. 136-32.

PLANNING BOARD STATEMENT OF CONSISTENCY

ZTA-26-01 Flag Size Amendment

This Statement of Consistency is hereby adopted in accordance with NC G.S. 160D-604 for the proposed text amendments to Article 18 of the Unified Development Ordinance (UDO).

WHEREAS, the Planning Board met on March 10, 2026, to discuss the appropriateness of amending the ordinance regarding the limitation of size of official governmental flags and made the following findings and conclusions: These amendments are consistent with the Town of Atlantic Beach CAMA Core Land Use Plan, hereinafter referred to as the Plan;

WHEREAS, this amendment is consistent with HB 926, which became law on October 6, 2025.

WHEREAS, discussion of the ordinance amendment was advertised in the Carteret County News Times on February 18, 2026, and February 25, 2026; and

WHEREAS, a public hearing was conducted at the March 10, 2026, Planning Board Meeting during which interested parties and staff were given the opportunity to comment on the proposed changes; and

On the basis of foregoing findings, conclusions, and reasoning, the Town of Atlantic Beach Planning Board does hereby recommend approval of the proposed text amendments, as proper, consistent with the most recently adopted CAMA Core Land Use Plan, and with the other plans of the Town, specifically HB 926; and finds that the amendments are reasonable in scope and approach pursuant to such plans and are in the public interest.

Adopted this the 10th day of March 2026.

_____

Curt Winbourne, Acting Chairman

_____

Katrina Tyer, Town Clerk

PLANNING & INSPECTIONS DEPARTMENT
Post Office Box 10, Atlantic Beach, NC 28512

(252) 726-4456
Fax (252) 726-7043

Elisabeth Webster
planner2@atlanticbeach-nc.com

Memorandum

To: Planning Board
From: Elisabeth Webster, Planning and Development Director
Date: March 10, 2026
Subject: ZTA-26-02: Height Limitations and Setbacks Amendment

Overview: At a recent council work session, it was desired to change the current setbacks and height limits in the CIRCLE District.

The CIRCLE-A District currently has a height limitation of 155 feet, and the CIRCLE-A-1 District has a height limitation of 185. The proposed text amendment would lower the height limitation of both the CIRCLE-A and the CIRCLE A-1 District to 90 feet.

In the CIRCLE Districts there are multiple setbacks that are currently 0. The proposed text amendment would change the street setback from Major Roadways from 0 to 10-feet as well as increasing the minimum side setback from 0 to 5-feet and increasing the minimum rear setback from 0 to 10-feet.

Below is the proposed text change:

18.3.5. Commercial Districts.

A. *General Purpose and Intent.* The commercial zoning districts are established for the general purpose of ensuring there are lands in the Town that provide a wide range of office, retail, service, and related uses to meet household and business needs. More specifically they are intended to:

1. Provide appropriately located lands for the full range of business uses needed by the Town's residents, businesses, and workers, consistent with the Town's adopted policy guidance;
2. Establish the "Circle" area as the core of the Town's civic, retail, office, institutional, commercial, and entertainment areas;
3. Strengthen the Town's economic base and provide employment opportunities close to home for residents of the Town and surrounding communities;
4. Create suitable environments for various types of business uses, and protect them from the adverse effects of incompatible uses;
5. Accommodate vertical mixed-use buildings with retail, service, office, institutional, and other uses on the ground floor and residential units above the nonresidential space;
6. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets;

7. Promote the health and well-being of residents by encouraging physical activity, interconnectivity through pedestrian facilities, and greater social interaction; and

8. Minimize the impact of business development on residential districts and uses and sensitive natural environments.

B. *Commercial Circle (CIR).*

Commercial Circle (CIR)	**1. Purpose**
	The CIR district is established to preserve and protect the traditional core of the Town as the primary civic, business, and cultural destination for visitors and residents. Vertically integrated mixed uses with retail and other street-activating uses on the ground floor of buildings with residential and office uses on the upper floors are appropriate in the CIR district. Building height and use intensity should be highest at the core of the district and gradually decline toward the district edges for greater compatibility with surrounding lands. The district is intended to function as a "park once" environment where residents and customers use central parking facilities and walk among the uses. Development in the CIR district shall take place only in accordance with the standards in this table and other relevant standards of this Ordinance.

2. Dimensional Standards		
Ref #	**Standard**	**Requirement [1]**
Ⓐ	Minimum Lot Area - Uses Served by Public or Private Sanitary Sewer	None
Ⓑ	Minimum Lot Area - Uses Not Served by Public or Private Sanitary Sewer	[2]
Ⓒ	Maximum Gross Residential Density (units per acre)	50 [3] [4]
Ⓓ	Maximum FAR	[5]
Ⓔ	Minimum Area per Residential Unit (square feet)	600
Ⓕ	Minimum Street Setback from Major Roadways (feet) [6]	~~0~~ 10
Ⓖ	Maximum Street Setback from Major Roadways (feet) [6]	15
Ⓗ	Minimum Street Setback for all Other Roadways (feet)	10
Ⓘ	Maximum Street Setback for all Other Roadways (feet)	25
	Minimum Setback from CIR District Boundary [7] (feet)	10 [8]
Ⓙ	Minimum Side Setback (feet)	~~0 [9]~~ 5
Ⓚ	Minimum Rear Setback (feet)	~~0 [10]~~ 10
Ⓛ	Maximum Height (feet)	[11]

Ⓜ	Maximum Impervious Surface Coverage (% of lot area)	40 [12]
[1] Portions of lots within or abutting AEC or Ocean Hazard areas shall be subject to applicable CAMA setbacks.		
[2] As required by Carteret County Health Department for an on-site septic system.		
[3] Development shall not exceed the maximum allowable FAR, even if additional residential density is available.		
[4] Maximum density may be increased up to fifty-five (55) units/acre based on inclusion of nonresidential floor area.		
[5] See Section 18.3.5.B.a, FAR Requirements in the CIR District.		
[6] Major roadways include the portions of Fort Macon Road, Atlantic Boulevard, East Drive, and West Drive located within the CIR district boundary.		
[7] When the district boundary follows a street the street setback standards shall apply.		
[8] District setbacks may be reduced to five (5) feet for single-family detached development.		
~~[9] In cases where the lot abuts an unbuilt public right-of-way, an alleyway, a bike path, or a public walkway, the minimum side setback shall be five (5) feet.~~		
~~[10] Nonresidential development on a lot abutting an unbuilt public right-of-way, an alleyway, a bike path, or a public walkway, shall maintain a minimum side setback of five (5) feet.~~		
[11] See Section 18.3.5.B.7.c, Height Requirements in the CIR District.		
[12] Lots that include stormwater management devices prepared in accordance with a stormwater management master plan meeting the Town's minimum requirements or that are subject to a State stormwater permit have no impervious surface coverage limitations.		

PLANNING BOARD STATEMENT OF CONSISTENCY

ZTA-26-02: Height Limitations and Setbacks Amendment

This Statement of Consistency is hereby adopted in accordance with NC G.S. 160D-604 for the proposed text amendments to Article 18 of the Unified Development Ordinance (UDO).

WHEREAS, the Planning Board met on March 10, 2026, to discuss the appropriateness of amending the ordinance regarding the height limitations as well as front, rear, and side yard setbacks in the all the CIRCLE District and made the following findings and conclusions: These amendments are consistent with the Town of Atlantic Beach CAMA Core Land Use Plan, hereinafter referred to as the Plan;

WHEREAS, discussion of the ordinance amendment was advertised in the Carteret County News Times on February 18, 2026, and February 25, 2026; and

WHEREAS, a public hearing was conducted at the March 10, 2026, Planning Board Meeting during which interested parties and staff were given the opportunity to comment on the proposed changes; and

On the basis of foregoing findings, conclusions, and reasoning, the Town of Atlantic Beach Planning Board does hereby recommend approval of the proposed text amendments, as proper, consistent with the most recently adopted CAMA Core Land Use Plan, and with the other plans of the Town, and finds that the amendments are reasonable in scope and approach pursuant to such plans and are in the public interest.

Adopted this the 10th day of March 2026.

_____

Curt Winbourne, Acting Chairman

_____

Katrina Tyer, Town Clerk

PLANNING BOARD
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town of Atlantic Beach Planning Board will hold a public hearing on **Tuesday, March 10, 2026, at 6:00 pm** in the boardroom at 125 West Fort Macon Road. The purpose of the public hearing is to review, discuss, and hear public comment, both oral and written, regarding the following:

1) ZTA-26-1: Flags. A zoning text amendment is proposed to allow flags of United States of America and the flag of the State of North Carolina to be flown in accordance with changes made by HB 926; and

2) ZTA-26-2: Height Limitation and Setbacks. Zoning text amendments are proposed related to height limitations as well as front, rear, and side yard setbacks in the all the CIRCLE District.

Please contact the Planning Department with questions and/or comments at (252) 726-4456.

Posted this 25th day of February 2026
Published in the Carteret News Times on February 25 and March 4