

TOWN OF HOLDEN BEACH, NORTH CAROLINA

CODE OF ORDINANCES

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CHAPTER 71: TRAFFIC SCHEDULES

Schedule

- I. Speed limits
- II. Stop intersections

SCHEDULE I. SPEED LIMITS.

(A) The streets or parts of streets described in this traffic schedule shall have the speed limits designated in the following table.

('85 Code, § 7-5) (Ord. 3-86, passed - - ; Am. Ord. 14-09, passed 8-12-14)

(B) In accordance with division (A) of this traffic schedule, the following speed limits shall be established for the following streets or parts of streets:

<i>Name of Street</i>	<i>Speed Limit (mph)</i>
S.R. 1116 (Ocean Boulevard, East and West)	35
Delanne Street	15
Dunescape Drive	15
Serenity Lane	15
Windswept Way	15
All other streets	25
And all other streets within the Holden Beach West Subdivision	25

('85 Code, Ch. VII, Sched. III) (Ord. 3-86, passed - - ; Am. Ord. 91-14, passed 8-5-91; Am. Ord. 93-01, passed 1-4-93; Am. Ord. 96-03, passed 5-20-96; Am. Ord. 99-06, passed 5-10-99; Am. Ord. 99-15, passed 7-26-99; Am. Ord. 99-23, passed 12-13-99; Am. Ord. 02-05, passed 4-8-02; Am. Ord. 14-09, passed 8-12-14; Am. Ord. 22-19, passed 8-16-22) Penalty, see § 70.99

PARKING PROHIBITED FROM 2:00 A.M. TO 5:00 A.M.	
<i>Location</i>	<i>Parking Zone</i>
Bendigo St.	H61
McCray St. (all zones)	H69, H70
Ocean Blvd. East	H64
Ave. A	H66
Ave. B	H67
Dunescape Dr.	H68
Ave. D	H71

(C) When an authorized or permitted parking area's access is conspicuously and obviously restricted or blocked by signs, barricades, barrier tape or any other traffic control device(s), parking shall be prohibited for the duration of the time that area remains blocked.

(D) *Exceptions.*

(1) The prohibitions in divisions (A), (B) or (C) above shall not apply to the temporary parking of any of the following:

(a) Emergency or government vehicles.

(b) Public and private utility vehicles.

(c) Private vehicles, when being used during the provision of an emergency.

(d) Private vehicles, when being used for any other bona fide governmental purpose.

(2) The prohibitions in division (A) above shall not apply to the temporary parking of any of the following:

(a) Private contractor or maintenance service vehicles while performing legitimate services at a specific location receiving services, except:

1. No vehicle may be left parked overnight (from dusk to dawn); and

2. All vehicles must be as far off the public street rights-of-way as possible; and

3. No vehicle may be left parked on any portion of any roadway; and

4. No vehicle may be parked on any portion of the sidewalk.

(3) The prohibitions in division (A) above shall not apply to the temporary parking of any of the following, but shall still require a valid parking permit as defined in this chapter:

(a) Parking shall be permitted in the rights-of-way for customers of businesses immediately adjacent to such location, except:

1. Shall not be within 25 feet of any intersection in any direction; and

2. Shall not be on any portion of the sidewalk; and

3. Shall not impede the flow of traffic.

(4) Parking is authorized without a permit in Bridgeview Park for direct use of the park and its facilities only. This applies to the parking area(s) immediately adjacent to and on the same side of the street as the park on Davis Street, Rothschild Street, and Brunswick Avenue West.

(5) Parking is authorized without a permit at the Holden Beach Town Hall when conducting official business in the Town Hall. This applies to the parking area(s) immediately adjacent to and on the

same side of the street as the Town Hall on Davis Street, Rothschild Street, and Brunswick Avenue West.

(6) Parking is authorized without a permit at the Halstead Park for direct use of the park and its facilities only. This applies to the parking area on the lot located at 125 South Shore Drive only.

(7) Parking is authorized without a permit at Sailfish Drive Park for direct use of the park and its facilities only. This applies to the parking area(s) immediately adjacent to and on the same side of the street as the park on Sailfish Drive only.

(8) Parking is authorized without a permit at Sand Dollar Drive Park for direct use of the park and its facilities only. This applies to the parking area(s) immediately adjacent to and on the same side of the street as the park on Sand Dollar Drive only.

(9) Parking is authorized without a permit in any designated handicap space in accordance with the definition(s) in § 72.01, when said vehicle displays a valid placard or registration plate.

(10) Parking is authorized without a permit on street rights-of-way in accordance with the following:

(a) In accordance with all of the provisions of divisions (B) and (C) above, and

(b) Only between 5:00 p.m. and 9:00 a.m., and

(c) On all streets except Ocean Boulevard West and Ocean Boulevard East between Jordan Boulevard and the intersection with McCray Street.

(11) Parking is authorized without a permit island wide during town events at the discretion of the town manager.

(Ord. 22-02, passed 3-8-22; Am. Ord. 22-07, passed 4-19-22; Am. Ord. 22-16, passed 6-21-22; Am. Ord. 24-06, passed 4-30-24; Am. Ord. 24-15, passed 10-15-24) Penalty, see § 72.99

§ 72.03 PARKING AUTHORIZED BY PERMIT ONLY.

(A) No person shall park a vehicle in any designated parking area or location without first obtaining a valid parking permit in accordance with the following, unless a specific exemption exists in § 72.02:

(1) Parking permits will be required between the hours of 9:00 a.m. and 5:00 p.m. each day.

(2) Separate rates will be available for hourly, daily, weekly, and annual permits.

(a) Hourly permits: per hour rate, up to four hours.

(b) Daily permits: per day rate, valid for the date of purchase only.

(c) Weekly permits: per week rate, valid for seven consecutive days including the date of purchase.

(d) Annual permits: annual rate covers one or two vehicles. Valid for the calendar year of purchase only.

(3) All rates associated with parking permits are listed in the Fee Schedule adopted by the Board of Commissioners, which shall be available at the office of the Town Clerk.

(4) Permits are valid only for the specific vehicle assigned during initial purchase and are non-refundable.

Parking Regulations

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<i>Street/Location (West to East)</i>	<i>Type of Space LSV=Low speed vehicle F=All vehicles BT=Attached boat trailer HC=Handicapped</i>	<i>Authorized Parking Area</i>	<i>Number of Spaces</i>		<i>Parking Zone</i>
			<i>Off- Street</i>	<i>On- Street</i>	
Neptune St.	LSV	Eastside only		2	H36
Davis St., Ocean Blvd. W to Brunswick Ave. W	F	Eastside only		2	H39
120 Davis St.	F	In lot	16		H40
Brunswick Ave. W, Davis St. to Jordan Blvd. (includes restrooms)	42 x F/2 x HC	Both sides of street		44	H41
Jordan Blvd. (OBW to Brunswick Ave)	21 x F/3 x HC	Both sides of street		24	H42
Jordan Blvd. (Brunswick to Pavilion)	22 x F/2 x HC	Both sides of street		24	H43
Pump Station 1 South (north of bridge, between BAW and Jordan Blvd.)	F	Both sides of street		24	H45
Southshore Dr., west of Jordan Blvd.	F	Both sides of street		12	H47
Southshore Dr., Carolina Ave. to Quinton St.	F	Both sides of street		15	H48
Carolina Ave., Southshore Dr. to Quinton St.	F	Both sides of street		20	H49
Brunswick Ave. E, Jordan Blvd. to Quinton St.	F	Both sides of street		18	H50
Quinton St.	15 x F/2 x LSV	Westside only		17	H51
114 Ocean Blvd. E	HC	In lot	6		H52
Ferry St., north of Ocean Blvd. E	LSV	Westside only		2	H54
Ferry St., south of Ocean Blvd. E	F	Both sides of street		15	H55
Holden St.	F	Westside only		10	H56
Ranger St., south of Ocean Blvd. E	LSV	Both sides of street		8	H57

Street/Location (West to East)	Type of Space <i>LSV=Low speed vehicle</i> <i>F=All vehicles</i> <i>BT=Attached boat trailer</i> <i>HC=Handicapped</i>	Authorized Parking Area	Number of Spaces		Parking Zone
			Off- Street	On- Street	
Elizabeth St., south of Ocean Blvd. E	LSV	Westside only		3	H58
Mullet St.	LSV	Both sides of street		2	H59
220 Ocean Blvd. E	F	In lot	12		H60
Bendigo St., south of Ocean Blvd. E	F	Both sides of street		8	H61
Blockade Runner Rd.	LSV	Westside only		2	H62
Ocean Blvd. E, McCray to Ave. A	F	Both sides of street		20	H64
Ave. A	F	Westside only		6	H66
Ave B	F	Both sides of street		10	H67
Dunescape Dr., south of McCray St.	LSV	Westside only		2	H68
McCray St., Dunescape Dr. east to Ave. D	F	Northside only, parallel only		16	H69
McCray St., east of Ave. D	F x 45/HC x 7	Northside of street only		52	H70
Ave. D	F	Both sides of street		16	H71

(Ord. 22-02, passed 3-8-22; Am. Ord. 22-07, passed 4-19-22; Am. Ord. 22-16, passed 6-21-22; Am. Ord. 24-02, passed 3-19-24; Am. Ord. 24-06, passed 4-30-24) Penalty, see § 72.99

§ 72.04 TOW-AWAY ZONES.

Vehicles may be towed at the discretion of any law enforcement officer in accordance with all current North Carolina General Statutes.

(Ord. 22-02, passed 3-8-22; Am. Ord. 22-07, passed 4-19-22; Am. Ord. 22-16, passed 6-21-22)

§ 72.99 PENALTY.

(A) *Criminal.* In accordance with G.S. § 14-4(b), SL 2021-138 (effective December 1, 2021), violation of a parking ordinance is an infraction and may carry a maximum fine of \$50.

CHAPTER 93: JUNKED VEHICLES AND EQUIPMENT

Section

- 93.01 Public access and view
- 93.02 Determination of junked vehicle or equipment
- 93.03 Restrictions enumerated
- 93.04 Responsibility of property owner
- 93.99 Penalty

§ 93.03 RESTRICTIONS ENUMERATED.

No junk vehicle, boat, boat trailer, or other equipment shall be permitted to be kept in any front, rear or side yard area as defined in the Chapter 157, Zoning Code, nor junk boat in any waterway within the town limits, for longer than 30 days. Any vehicle, trailer or boat that is in non-conformance at time of adoption shall be removed within 60 days of notification.

('85 Code, § 3-2.3) (Ord. 10-82, passed - - ; Am. Ord. 23-07, passed 3-14-23) Penalty, see § 93.99

§ 93.01 PUBLIC ACCESS AND VIEW.

It is declared to be in the public interest, safety, and welfare that abandoned vehicles, boats, and other equipment not be exposed to public access and view within the town limits.

('85 Code, § 3-2.1) (Ord. 10-82, passed - -)

§ 93.02 DETERMINATION OF JUNKED VEHICLE OR EQUIPMENT.

(A) Any vehicle, boat, trailer, or other equipment, the operation of which requires a license from or registration with the state or United States Government, shall be considered abandoned and classified as junk for the purposes of this chapter, if the vehicle, boat, boat trailer, or other equipment does not bear evidence of the currently valid license, current registration or documentation.

(B) Construction, materials handling, compressor, food or materials storage, display counters, furniture, and similar equipment which is not in an operable or usable condition and does not show evidence of regular care or use shall likewise be considered as abandoned and classified as junk for purposes of this chapter.

('85 Code, § 3-2.2) (Ord. 10-82, passed - - ; Am. Ord. 3-93, passed - -)

§ 93.04 RESPONSIBILITY OF PROPERTY OWNER.

The responsibility for compliance with the provisions of this chapter shall rest with the property owner.

('85 Code, § 3-2.4) (Ord. 10-82, passed - -)

§ 93.99 PENALTY.

(A) *Criminal*. Any person who violates any provision of this chapter shall be subject to the penalty provided in § 10.99(A) of this code of ordinances.

(B) *Civil*. In accordance with § 10.99(B) of this code of ordinances, any person who violates any provision of this chapter shall be subject to a civil fine of \$100 per offense.

('85 Code, 3-2.5) (Ord. 10-82, passed - - ; Am. Ord. 93-11, passed 9-7-93; Am. Ord. 02-08, passed 5-27-02)

CHAPTER 94: BEACH REGULATIONS

Section

General Provisions

- 94.01 Official vehicles allowed on strand
- 94.02 Privately-owned vehicles prohibited
- 94.03 Frontal dune policies and regulations
- 94.04 Definitions
- 94.05 Digging of holes on beach strand
- 94.06 Placing obstructions on the beach

Surf and Sailing Craft Regulations

- 94.15 Purpose
- 94.16 Surfboard defined
- 94.17 Time period applicable
- 94.18 Surfboard prohibited in certain areas

Fishing Regulations

- 94.30 Net fishing regulations
- 94.31 (Reserved)
- 94.32 Regulations for gill net fishing
- 94.99 Penalty

GENERAL PROVISIONS

§ 94.01 OFFICIAL VEHICLES ALLOWED ON STRAND.

This chapter shall not be construed in any manner to prohibit the use of law enforcement, beach patrol, rescue squad, Fire Department or other public or official vehicles in the performance of their duties, upon the beach strand or vehicular accessways to the beach strand, or wetlands.

('85 Code, § 11-1.1) (Ord. 6-83, passed - -)

§ 94.02 PRIVATELY-OWNED VEHICLES PROHIBITED.

Except as noted in § 94.01 of this chapter, no motor vehicles or other motor or engine-drive vehicles, or wind-powered wheeled vehicles, licensed or unlicensed, shall be allowed at any time upon the wetlands, beach strand, beach strand vehicular accessways, or the dunes adjoining the strand and accessways.

('85 Code, § 11-1.2) (Ord. 6-83, passed - -)
Penalty, see § 94.99

§ 94.03 FRONTAL DUNE POLICY AND REGULATIONS.

(A) *Definition.* For the purpose of this section, town's **FRONTAL DUNES** shall mean the dunes designated by the town's designee as the "frontal dunes"; otherwise, they are the first mounds of sand located landward of the ocean beach with sufficient vegetation, height, and configuration to offer protection from ocean storms. Considering the fact that oceanfront property limits extend to the mean high water mark, the frontal dune may be located on private property. The town's **FRONTAL DUNE** although similar may be different than the state's CAMA designated dune, so as to be located closest to the structure as possible to encourage maximum buffer from hazard.

(B) *Purpose of the frontal dune.* It is desirable to maintain a continuous frontal dune along the ocean-front of the island, extending from Lockwoods Folly Inlet to Shallotte Inlet. A continuous frontal dune thus maintained provides a single, ocean water surge flood control structure that serves to mitigate the effects of storms, that could by their very nature cause damage to public and private property. It is the intent of the town that the frontal dune be maintained to standard specifications and by sand renourishment, so that the above-mentioned protection can be provided.

(C) *Frontal dune policy and regulations.* The following policies and regulations apply: (penalty for failure to adhere is \$500.00 per violation).

(1) It shall be unlawful for any person or vehicle to cross the designated frontal dune, except for official town business or emergency access, unless such crossing is over a town approved ramp and/or stairs.

(2) *Frontal dune policy and restrictions.*

(a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

1. The walkway shall be constructed only of building materials approved by the North Carolina Residential Building Code. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a six-foot walkway.

2. The first step down to the beach strand shall be placed no farther seaward than the beginning of the downward slope of the CAMA frontal dune.

3. Steps shall be of open tread construction with a maximum riser height of eight and one-quarter inches and a minimum tread depth of nine inches, and shall meet the requirements of the North Carolina Residential Building Code.

4. In accordance with North Carolina State Division of Coastal Management's enforcement of the Coastal Area Management Act

(CAMA), the walkway access to the beach strand over the frontal dune shall be conclusively presumed to entail negligible alteration of the dune. In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune's capacity as a protective barrier against flooding and erosion.

5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

(b) Showers shall not be located on walkways over the dune south of its landward toe. Shower runoff must not drain onto any portion of the frontal dune or south of the landward toe.

(c) In those instances where a residence or other structure is located directly adjacent to the frontal dune, stormwater runoff from roofs shall be controlled by the property owner so as not to erode sand on any portion of the frontal dune.

(d) *Sand fences.*

1. The installation of sand fence along the oceanfront, when properly located and erected, is an effective method to control blowing sand which may lead to the formation of dunes. However, when improperly located and erected, sand fencing may interfere with emergency beach access, cause accumulation of debris, and discourage sea turtle nesting.

2. **SAND FENCING** is defined as a fence normally constructed of untreated and unpainted wood held together with twisted wire, with the fence being nailed to a minimum of one and one-half inch by three and one-half inch (two-by-four) posts that are spaced at intervals not less than five feet and are embedded no more than two feet into the sand, and extending no higher than four feet above grade.

3. No sand fence shall be erected without a no-cost sand fence permit issued by the town Inspections Department. The permit may be requested and returned by mail following completion.

4. All sand fencing shall be installed in individual lengths of ten feet or less, at an angle between 45 and 90 degrees to the shoreline, facing west. The lengths of sand fence will be spaced at least seven feet apart, parallel to each other, to allow sea turtles and pedestrians to pass through. This method of sand fencing encourages sand accretion and minimizes negative impacts to nesting sea turtles.

5. The Building Inspector shall have the authority to summarily remove, abate, or remedy a sand fence determined dangerous or prejudicial to the public safety whether by reason of its location, or its subsequent state of disrepair or damage. Any fence so removed will be delivered to its owner if known, and if not, will be disposed of by the Public Works Department in an appropriate manner.

(e) Property owners are encouraged to vegetate and fertilize the portion of the frontal dune on their property.

(f) An exception to this policy is that ocean front property owners or their agents may traverse on (or over) the specific portion of the frontal dune within the limits of their property (above the mean high water mark), so as to make minor dune repairs, plant vegetation, install sand fencing and otherwise maintain the frontal dune on their property so that it may afford the intended degree of flood protection per this section.

(Ord. 98-04, passed 4-27-98; Am. Ord. 99-04, passed 3-8-99; Am. Ord. passed 3-27-00; Am. Ord. 00-25, passed 12-11-00; Am. Ord. 02-08, passed 5-27-02; Am. Ord. 03-09, passed 11-24-03; Am. Ord. 17-04, passed 3-21-17; Am. Ord. 17-05, passed 4-18-17; Am. Ord. 20-17, passed 2-16-21; Am. Ord. 21-10, passed 6-15-21; Am. Ord. 22-28, passed 12-20-22; Am. Ord. 24-10, passed 6-18-24)

§ 94.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or implies a different meaning.

BEACH. The area between the mean low water mark of the Atlantic Ocean and the seaward toe of the frontal dune.

BEACH EQUIPMENT. Any personal items that are designed or manufactured for use, or actually used, on the beach or in the adjacent tidal waters. Examples include, without limitations: chairs, lounges, umbrellas, cabanas, tents, horseshoes and stakes, kayaks, paddle vessels, sailboards, surfboards, fishing gear, sporting equipment, rafts, floatation

devices, beach toys, baskets, bags, towels, coolers and any other personal property items. **BEACH EQUIPMENT** shall not include municipal trash containers, signage or structures or any items placed or permitted by a governmental agency (for example signs or protection devices for turtle nests).

SAND RENOURISHMENT. The placement and maintenance of sand onto the beach in order to nourish, renourish, protect, operate and maintain a public beach, including the right to deposit sand, alter the contour of the land, construct dunes and berms, plant vegetation on and prohibit access to the dunes and berms, to erect protective silt screens and fences, and to perform any other work necessary and incident to the maintenance of the dune system.

(Ord. 02-08, passed 5-27-02; Am. Ord. 10-08, passed 9-14-10)

§ 94.05 DIGGING OF HOLES ON BEACH STRAND.

(A) To help prevent personal injury and damage to property, it shall be unlawful for any person, firm or corporation within the corporate limits of the town to dig into the sand on any part of the beach strand greater than 12 inches deep, without having a responsible person attending the area to prevent any person or persons from walking into any existing hole and risking personal injury and to allow public safety vehicles the ability to respond to emergencies without the risk of damage to equipment or personal property.

(B) Prior to leaving the area, any hole greater than 12 inches deep shall be filled to be level with the surrounding area, leaving the area in the same general condition in which it was found.

(C) The violation of this section shall be punishable by a \$50 fine.
(Ord. 06-12, passed 10-24-06)

§ 94.06 PLACING OBSTRUCTIONS ON THE BEACH.

(A) All beach equipment must be removed from the beach by its owner or permitted user on a daily basis. All personal items and beach equipment unattended and remaining on the beach between the hours of 6:00 p.m. and 7:00 a.m. will be classified as abandoned property and shall be removed and disposed of by the town.

(B) All beach equipment shall be set at least ten feet from any sea turtle nest or dune vegetation.
(Ord. 10-08, passed 9-14-10)

SURF AND SAILING CRAFT REGULATIONS

§ 94.15 PURPOSE.

The town has determined that the safety and public needs of the persons utilizing the beach strand and adjacent waters near the fishing piers and other related structures require the regulation of certain uses of these areas. By Chapter 539, Session Laws 1973 of North Carolina, as amended, the towns of Brunswick County were conferred with the power to regulate surfing, swimming, and littering in coastal waters adjacent to town limits.

('85 Code, § 11-2.1) (Ord. 42, passed - - ; Am. Ord. 02-08, passed 5-27-02)

§ 94.16 SURFBOARD DEFINED.

This subchapter shall apply to the use of surfboards, sailboards, boogie boards, sailing craft, or other objects or things used for surfing as the term is commonly defined, and the term **SURFBOARD** shall hereinafter apply to all such items or things, for the purpose of this subchapter.

('85 Code, § 11-2.2) (Ord. 42, passed - -)

CHAPTER 112: PEDDLERS

Section

- 112.01 Definitions
- 112.02 Peddling prohibited
- 112.03 Exemptions
- 112.04 Permits for off-premises sales required
- 112.05 Specific regulations for off-premises sales on public beach
- 112.06 Liability of insurance
- 112.07 Permits for off-premises sales
- 112.08 Violations of permit
- 112.09 Appeals

- 112.99 Penalty

table in § 157.054 of the Town of Holden Beach Code of Ordinances.

PEDDLER. A person who travels from place to place with an inventory of goods, who sells the goods or offers the goods for sale and who delivers the identical goods he or she carries with him or her.

PEDDLING. The selling, bartering, or exchanging or the offering for sale of any tangible personal property, including but not limited to food and ice cream, upon or along the streets, highways, or public places of the town or from private property within or without the permission of the owner thereof, from any wagon, truck, pushcart, concession stand, or tent, or other movable receptacles of any kind.

§ 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS SALE. Any commercial activity in which any goods are offered for sale, but not including occasional sale of household goods by the owner.

ITINERANT MERCHANT. A merchant, other than a merchant with an established retail store in the town, who transports an inventory of goods to a building, vacant lot, or other location in the town and who at the location displays the goods for sale and sells the goods or offers the goods for sale.

OFF PREMISE SALES. Something sold from a legal business that's consumed or used away from the four walls of an established legal business within the corporate limits of the town as permitted under the

SALE. Any trade work or offer of trade for currency, credit, services or goods.

SERVICES. Any work or act rendered for sale.

TOWN. Town of Holden Beach.
('85 Code, § 3-8.2) (Ord. 30, passed - - ; Am. Ord. 22-17, passed 7-19-22)

§ 112.02 PEDDLING PROHIBITED.

Unlicensed sales prohibited.

(A) Pursuant to the authority granted under G.S. §§ 160A-178 and 160A-194, as amended, the activity peddling within the limits of the town is prohibited.

(B) No person shall offer off-premises sales of any goods in the town except from a business duly permitted pursuant to the applicable town ordinance.

(C) No itinerant merchant/peddler shall conduct any business sale, or offer to conduct any business sale, from any public road, other public thoroughfare, public beach, sidewalk, parking lot, or any other public property whatsoever, unless permitted. ('85 Code, § 3-8.1) (Ord. 30, passed - - ; Am. Ord. 22-17, passed 7-19-22) Penalty, see § 112.99

§ 112.03 EXEMPTIONS.

(A) *For charitable or religious purposes.* This chapter shall not apply to any activities which may fall within the above definition which are engaged in for the support of any recognized organized religious or charitable purpose.

(B) (1) *Off-premises sales.* Pushcarts only.

(2) Public trust areas of the corporate limits of the town as defined § 112.06. ('85 Code, § 3-8.3) (Ord. 30, passed - - ; Am. Ord. 22-17, passed 7-19-22)

§ 112.04 PERMITS FOR OFF-PREMISES SALES REQUIRED.

Required for selling of merchandise outside of the established business as defined under § 112.01. (Ord. 22-17, passed 7-19-22)

§ 112.05 SPECIFIC REGULATIONS FOR OFF-PREMISES SALES ON PUBLIC BEACH.

(A) No business as licensed for off-premises sales shall conduct business within the town without first having obtained the appropriate permit from the town and paid associated fees as listed in the town's fee schedule, as such may be amended from time to time. Off-premises sales are not required to obtain a business license.

(B) The permit will allow merchants to retail their merchandise provided that no sales of

merchandise shall be permitted between the hours of 6:00 p.m. and 10:00 a.m. Between the hours of 6:00 p.m. and 10:00 a.m., all merchandise offered for sale shall be removed from the Public Trust area or such merchandise shall be stored and properly secured within a fully enclosed structure or vehicle used in conjunction with the operation. Off-premises sales by merchants must renew permit annually.

(C) The permit shall be valid from April 1 through November 1. The maximum number of off-premises permits are limited to one per established merchant as approved and allowed under ordinance.

(D) Each permit will allow for up to five pushcarts and a copy of the permit must be displayed prominently in a conspicuous place, to be immediately identified by personnel for enforcement.

(E) A pushcart shall be designed for retail sales and mounted on at least two wheels that have a diameter of not less than eight inches. A pushcart shall be no larger than five and one-half feet in width, ten feet in length and eight feet in overall height; shall not be propelled by an internal combustion engine, electric motor, or other similar mechanical device; and when fully loaded with merchandise, shall be movable by one person. Any canopy or umbrella shall not overhang the pushcart by more than two feet. Pushcarts may include a cooking apparatus or grill top for the heating of pre-cooked foods only, in accordance with this section and state regulations. Pushcarts shall have no features which would be a nuisance or hazardous to public safety.

(F) No pushcart shall remain in the same location for longer than one hour during a 24-hour period.

(Ord. 22-17, passed 7-19-22)

§ 112.06 LIABILITY OF INSURANCE.

(A) By applying for a pushcart permit, any person or entity owning or operating such use agrees to indemnify, defend, save, and hold harmless the

town, its officers, agents, and employees from all claims, liability, lawsuits, damages and causes of action which may rise out of such activity. The owner or operator shall acquire and keep in full force and effect, at its own expense, insurance in the following amounts and types: The owner or operator shall provide proof upon application for permit of insurance. Commercial general liability in the amount of at least \$1,000,000 per occurrence for bodily injury and property damage. The town shall be named as an additional insured on the policy and an endorsement shall be issued as part of the policy evidencing compliance with this requirement. The town shall receive at least 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided.

(B) Any person or entity operating a pushcart shall provide and must have approved by the Town Planning Director, an original certificate of insurance as evidence that the above requirements have been met prior to the initiation of the pushcart operation. Failure to comply with all these requirements shall cause a suspension or revocation of all pushcart activities. The insurance shall be in effect for the duration of the permit.
(Ord. 22-17, passed 7-19-22)

§ 112.07 PERMITS FOR OFF-PREMISES SALES.

The Planning and Inspections Department is authorized to issue permits for off-premises sales of plants, fruits, vegetables, beverages, hotdogs, and other pre-cooked and pre-packaged foods including hamburgers, sandwiches, ice cream and snack type edibles, from pushcarts on Public Trust Land seaward of all vegetation and dunes stretching from the Lockwood Folly River Inlet to the Shallotte River Inlet as defined by the corporate limits of the town. Vendors shall comply with state, county and municipal health laws and ordinances. Cooking of raw food shall not be allowed on pushcarts; however, the

heating of pre-cooked foods shall be allowed. Alcoholic beverages shall not be sold from a pushcart. A sale to any person in or on a vehicle is prohibited.
(Ord. 22-17, passed 7-19-22)

§ 112.08 VIOLATIONS OF PERMIT.

Permits can be revoked by the town's Planning Department for any departure from the conditions of the permit, any fines as established for this section will automatically apply.
(Ord. 22-17, passed 7-19-22)

§ 112.09 APPEALS.

Appeals from the decision to deny, revoke or place conditions on the permit shall be to the Board of Commissioners, the appeal should be filed within ten days with the Town Clerk.
(Ord. 22-17, passed 7-19-22)

§ 112.99 PENALTY.

(A) *Criminal.* Any person who violates any provision of this chapter shall be subject to a penalty as provided in § 10.99(A) of this code of ordinances.

(B) *Civil.* In accordance with § 10.99(B) of this code of ordinances, any person who violates any provision of this chapter shall be subject to a civil fine of \$50 per offense.
('85 Code, § 3-8.4) (Ord. 30 passed - - ; Am. Ord. 93-11, passed 9-7-93; Am. Ord. 22-17, passed 7-19-22)

CHAPTER 130: GENERAL OFFENSES

Section

General Provisions

- 130.01 Discharge of firearms prohibited; exceptions
- 130.02 Hunting prohibited
- 130.03 Sale and consumption of alcoholic beverages prohibited
- 130.04 Public nudity

Fireworks Provisions

- 130.15 Sale or use of fireworks prohibited
- 130.16 Possession restricted
- 130.17 Supplement to state statutes

Littering Provisions

- 130.30 Littering prohibited
- 130.31 Persons causing or permitting litter

Price Gouging

- 130.40 Price gouging
- 130.99 Penalty

GENERAL PROVISIONS

§ 130.01 DISCHARGE OF FIREARMS PROHIBITED; EXCEPTIONS.

It shall be unlawful to discharge any air gun or firearm as defined by the US Bureau of Alcohol, Tobacco, Firearms and Explosives within the town limits except:

(A) In defense of life or property; or

(B) By law enforcement officers, animal control officers, or members of the armed services while acting in the performance of their duties; or

(C) During historic ceremonies or commemoration functions held for such purposes provided that no live ammunition shall be used or discharged: or

(D) When executing a state Depredation Permit issued by the NC Wildlife Resources Commission or a licensed Wildlife Control Agent, consistent with any restrictions imposed.

('85 Code, § 3-1.1) (Ord. 4, passed - - ; Am. Ord. 23-03, passed 2-21-23) Penalty, see § 130.99

§ 130.02 HUNTING PROHIBITED.

It shall be unlawful for any person or group of persons to do any hunting of wildlife with dogs or without dogs within the town limits.

('85 Code, § 3-1.2) (Ord. 4, passed - - ; Am. Ord. 93-07, passed 3-1-93) Penalty, see § 130.99

§ 130.03 SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED.

No person shall consume, serve, or drink wine, beer, whiskey, or alcoholic beverages of any kind on or in the public streets, boulevards, alleys, parks, sidewalks, or public buildings within the town, unless otherwise approved by the Board of Commissioners. ('85 Code, § 3-5.1) (Ord. 6, passed - - ; Am. Ord. 93-07, passed 3-1-93; Am. Ord. 13-08, passed 11-12-13) Penalty, see § 130.99

§ 130.04 PUBLIC NUDITY.

(A) It shall be unlawful for any female over the age of nine to willfully expose her breasts in any public area. For the purpose of this section, the term **EXPOSE HER BREASTS** shall mean the revealing of the female breast with less than a fully opaque covering on any portion thereof lower than the top of any part of the areola. ('85 Code, § 3-14.1)

(B) It shall be unlawful for any person over the age of five years to appear in any public area in such a state of dress or undress so as to expose to the view of others the human male or female pubic area, pubic hair, anus, vulva, or buttocks with less than a fully opaque covering. ('85 Code, § 3-14.2)

(C) For purposes of this section, a **PUBLIC AREA** is any area in the town limits ordinarily open to public use, including but not limited to the beach strand, commercial premises and parking areas, public parking and access areas, town rights-of-way, public parks, and city-owned property, and any areas within town limits that are visible under normal and usual lighting conditions, to anyone making ordinary use of those areas. ('85 Code, § 3-14.3)
(Ord. 91-13, passed 8-5-91) Penalty, see § 130.99

FIREWORKS PROVISIONS**§ 130.15 SALE OR USE OF FIREWORKS PROHIBITED.**

The sale or use of any fireworks including bottle rockets, roman candles, smoke bombs, or any other nonexplosive fireworks is found to be contrary to the general safety and welfare of the public interest, especially regarding fire hazards, and is prohibited, provided, however, that fireworks shall be permitted at public exhibitions with the specific approval of the Board of Commissioners and shall be under the supervision of experts in the handling and use thereof. ('85 Code, § 3-6.1) (Ord. 14-82, passed - - ; Ord. 8-86, passed 6-2-86; Am. Ord. 00-06, passed 3-13-00) Penalty, see § 130.99

§ 130.16 POSSESSION RESTRICTED.

Possession of fireworks by any person, for any purpose other than as may be permitted by state law, shall be prima facie evidence of violation of this subchapter.

('85 Code, 3-6.2) (Ord. 14-82, passed - -) Penalty, see § 130.99

§ 130.17 SUPPLEMENT TO STATE STATUTES.

This subchapter is supplementary to G.S. §§ 14-410 through 14-415.

('85 Code, § 3-6.3) (Ord. 14-82, passed - -)

LITTERING PROVISIONS**§ 130.30 LITTERING PROHIBITED.**

No person shall throw or deposit, or cause to be thrown or deposited, any glassware, cans, cups, containers, nor other products of glass, plastic, foam, aluminum, or other material, nor any other garbage, waste, or refuse of any kind on:

(A) The public beaches along the Atlantic Ocean, Lockwood's Folly Inlet, Shallotte Inlet, Atlantic Intracoastal Waterway, or any other waters or waterways in or adjacent to the town limits or the shore, marshlands, or other beaches adjacent to or within the town limits.

(B) Any street, road, roadway, public-way, or other right-of-way within the town limits.

(C) Any public property within the town limits.

(D) Any private property not owned by or controlled by the person, or where litter will or may leave that property onto another's property, either public or private.

(E) All persons transporting waste material, construction materials, or any manner of loose materials over the public or private roadways within the town shall insure that such materials are not lost or scattered on or along the rights-of-way of such roadways. Those materials shall be securely covered during transit in such manner as to prevent the loss thereof from the transporting vehicle.

('85 Code, §§ 3-7.1, 8-5.3) (Ord. 10-90, passed 5-15-90; Am. Ord. 92-03, passed 3-18-92; Am. Ord. 02-10, passed 7-8-02) Penalty, see § 130.99

Cross-reference:

Regulation of garbage and refuse, see Ch. 50

Regulation of construction litter, see § 151.40

§ 130.31 PERSONS CAUSING OR PERMITTING LITTER.

For the purposes of this subchapter or relevant companion sections, the person who causes or permits littering as defined in § 130.30 above, is defined as follows:

(A) *Litter from boats.* The owner of the boat, or the operator of the boat if the owner of the boat is not aboard.

(B) *Litter from passenger vehicles, trucks, or other types of wheeled devices whether mechanical, wind- or human-powered.* The owner of the vehicle or the operator of the vehicle if the owner is not in or on the vehicle.

(C) *Litter on construction sites.* The general contractor, or owner if there is no general contractor.

(D) *Litter adjacent to garbage racks, cans, or other garbage or refuse containers.* The owner, or the renter, guest, or user of the property containing the items.

('85 Code, § 3-7.2)

PRICE GOUGING

§ 130.40 PRICE GOUGING.

(A) The town has a responsibility for the health, safety and general welfare of the community, and the activity of price gouging during and following circumstances warranting the declaration of a state of emergency threatens the health, safety and general welfare of the community.

(B) Price gouging is prohibited in the town as follows:

(1) At any time within 30 days of any declaration of a state of emergency, no person, merchant or business within the town shall sell any goods at a price that is greater than 150% of the amount charged prior to the state of emergency, except as provided below.

(2) Sales of goods above pre-disaster levels shall be allowed only if the merchant can document by receipt or other form of verifiable paper-writing the increase in price to the merchant of the item in question. Nonresident merchants or vendors not doing business in the town prior to the declaration of the state of emergency need to document by receipt or other form of verifiable paper-writing the elevation price levels if the price charged by a particular item exceeds the general market value charged by resident merchants by 150%.

(Ord. 05-03, passed 4-11-05) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) (1) *Criminal.* Any person who violates any provision of this chapter for which no penalty is otherwise provided, shall be subject to the penalty provided in § 10.99(A) of this code of ordinances.

(2) *Civil*. In accordance with § 10.99(B) of this code of ordinances, any person who violates any provision of this chapter for which no civil penalty is otherwise provided shall be subject to a civil fine of \$50 per offense.

('85 Code, §§ 3-5.2, 3-6.4, 3-7.3, 3-14.4) (Ord. 6, passed - - ; Am. Ord. 91-13, passed 8-5-91; Am. Ord. 93-07, passed 3-1-93; Am. Ord. 93-11, passed 9-7-93)

(B) (1) *Criminal*. In accordance with § 10.99(A) of this code of ordinances, any person who violates any provision of §§ 130.01 or 130.02 of this chapter shall be subject to a fine not to exceed \$100 per offense.

(2) *Civil*. In accordance with § 10.99(B) of this code of ordinances, any person who violates any provision of §§ 130.01 or 130.02 of this chapter shall be subject to a civil fine of \$100 per offense.

(C) Pursuant to G.S. 75-15.2, when a violation of § 130.40 occurs, the court may, in its discretion, impose a civil penalty against the defendant of up to \$5,000 for each violation.

('85 Code, § 3-1.3) (Ord. 4, passed - - ; Am. Ord. 93-11, passed 9-7-93; Am. Ord. 05-03, passed 4-11-05)

CHAPTER 154: FLOOD DAMAGE PREVENTION

Section

General Provisions

- 154.01 Statutory authorization; findings of fact
- 154.02 Purpose; objectives
- 154.03 Definitions
- 154.04 Lands to which this chapter applies
- 154.05 Basis for establishing the special flood hazard areas
- 154.06 Establishment of floodplain development permit
- 154.07 Compliance
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Flood Hazard Reduction

- 154.20 General standards
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Administration

- 154.35 Designation of Floodplain Administrator
- 154.36 Floodplain development application, permit and certification requirements
- 154.37 Duties and responsibilities of the Floodplain Administrator
- 154.38 Variance procedures
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- 154.43 Violations to be corrected
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- 154.45 Order to take corrective action

- 154.46 Appeal
- 154.47 Failure to comply with order
- 154.48 Legal status provisions

- 154.99 Penalty

GENERAL PROVISIONS

§ 154.01 STATUTORY AUTHORIZATION; FINDINGS OF FACT.

(A) The legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Articles 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of the Town of Holden Beach, does ordain as follows:

(B) The flood prone areas within the jurisdiction of the town are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(C) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards. ('85 Code, § 8-4.1) (Ord. 28, passed - - ; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18; Am. Ord. 24-08, passed 6-18-24)

§ 154.02 PURPOSE; OBJECTIVES.

(A) It is the purpose of this chapter to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

(1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(B) The objectives of this chapter are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business losses and interruptions;

(5) To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

(6) Minimize damage to private and public property due to flooding;

(7) Make flood insurance available to the community through the National Flood Insurance Program;

(8) Maintain the natural and beneficial functions of floodplains;

(9) To help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

(10) To ensure that potential buyers are aware that property is in a special flood hazard area. ('85 Code, § 8-4.1) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 03-01, passed 2-24-03; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)

§ 154.03 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

ADDITION (TO AN EXISTING BUILDING).

An extension or increase in the floor area or height of a building or structure.

ALTERATION OF A WATERCOURSE. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

APPEAL. A request for a review of the floodplain administrator's interpretation of any provision of this chapter.

AREA OF SPECIAL FLOOD HAZARD. See ***SPECIAL FLOOD HAZARD AREA (SFHA).***

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a special flood hazard area, it may be obtained from engineering studies available from a federal or state or other source using FEMA approved engineering methodologies. This elevation, when combined with the freeboard, establishes the regulatory flood protection elevation.

BREAKAWAY WALLS. A wall that is not a part of the structural support of the building and is intended through its design and construction to collapse lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING. See ***STRUCTURE.***

CAMA. North Carolina's Coastal Area Management Act. This act, along with the Dredge

and Fill Law and the federal Coastal Zone Management Act, is managed through North Carolina Department of Environment and Natural Resources' (NCDENR's) Division of Coastal Management (DCM).

CBRS. Coastal Barrier Resources System.

CHEMICAL STORAGE FACILITY. A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

COASTAL AREA MANAGEMENT ACT (CAMA). North Carolina's Coastal Area Management Act, this act, along with the Dredge and Fill Law and the Federal Coastal Zone Management Act, is managed through North Carolina Department of Environmental Quality (NCDEQ) Division of Coastal Management (DCM).

COASTAL A ZONE (CAZ). An area within a special flood hazard area, landward of a V zone or land-ward of an open coast without mapped V zones; in a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (See Limit of Moderate Wave Action (LiMWA)).

COASTAL BARRIER RESOURCES SYSTEM (CBRS). Consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (Cobra) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by federal or state governments or private conservation organizations identified as otherwise protected areas (OPA).

COASTAL HIGH HAZARD AREA. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in § 154.05, as Zone VE.

DESIGN FLOOD ELEVATION (DFE). The base flood elevation, plus two feet.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DEVELOPMENT ACTIVITY. Any activity defined as development which will necessitate a floodplain development permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM). The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

DISPOSAL. As defined in G.S. § 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

ELEVATED BUILDING. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ENCROACHMENT. The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING BUILDING and EXISTING STRUCTURE. Any building and/or structure for which the "start of construction" commenced before May 26, 1972.

EXISTING MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE. The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS). An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs).

FLOOD PRONE AREA. See **FLOODPLAIN**.

FLOODPLAIN. Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ADMINISTRATOR. The individual appointed to administer and enforce the floodplain management regulations.

footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of **SUBSTANTIAL IMPROVEMENT**. **SUBSTANTIAL DAMAGE** also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any two-year period for which the cost equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and the alteration is approved by variance issued pursuant to § 154.38.

TECHNICAL BULLETIN AND TECHNICAL FACT SHEET.

(1) A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at § 60.3. The bulletins and fact sheets are intended for use primarily by state and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

(2) It should be noted that technical bulletins and technical fact sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive state or local regulations apply to the building or site in question. All applicable standards of the state or local building code must also be met for any building in a flood hazard area.

TEMPERATURE CONTROLLED. Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

VARIANCE. A grant of relief from the requirements of this chapter.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §§ 154.20 *et seq.* and §§ 154.35 *et seq.* is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION (WSE). The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WINDBORNE DEBRIS REGION. Areas within hurricane-prone regions within one mile of the coastal mean high water line where the basic wind speed is 110 miles per hour or greater, or where the basic wind speed is equal to or greater than 120 miles per hour or Hawaii.

('85 Code, § 8-4.2) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 03-01, passed 2-24-03; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 09-05, passed 3-10-09; Am. Ord. 15-01, passed 1-13-15; Am. Ord. 18-13, passed 8-6-18; Am. Ord. 24-08, passed 6-18-24)

§ 154.04 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all special flood hazard areas within the jurisdiction, including extra-territorial jurisdictions (ETJs) if applicable, of the town and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

('85 Code, § 8-4.3a.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)

§ 154.05 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated August 28, 2018 for Brunswick County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this chapter. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the town are also adopted by reference and declared a part of this chapter, and all revisions thereto.

('85 Code, § 8-4.3b.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 00-15, passed 6-26-00; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18; Am. Ord. 24-08, passed 6-18-24)

§ 154.06 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within special flood hazard areas determined in accordance with § 154.05.

('85 Code, § 8-4.3c.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18) Penalty, see § 154.99

§ 154.07 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this chapter and other applicable regulations.

('85 Code, § 8-4.3d.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18) Penalty, see § 154.99

Exception: elevators and accessible interior stairs may be finished if approved floodproof materials are used below the RFPE.

(2) Shall be constructed entirely of flood resistant materials, up to the regulatory flood protection elevation;

(3) Shall include, in Zone AE, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

(a) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(b) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;

(c) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(d) The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;

(e) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above;

(4) Shall allow, in Coastal High Hazard Areas (Zone VE), breakaway walls, open wood latticework or insect screening, provided it is not part

of the structural support of the building and is designed so as to breakaway, under abnormally high tides or wave action, without causing damage to the structural integrity of the building, provided the following design specifications are met:

(a) Material shall consist of open wood latticework or insect screening; or

(b) Breakaway walls shall meet the following design specifications:

1. Design safe loading resistance of each wall shall be not less than ten nor more than 20 pounds per square foot; or

2. Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by state or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.

(E) *Additions/improvements.*

(1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

(b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(2) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; and

(b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(4) Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(5) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a two year period, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the two year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this chapter. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

(a) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or

(b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(F) *Recreational vehicles*. Recreational vehicles shall either:

(1) *Temporary placement*. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

(2) *Permanent placement*. Recreational vehicles that do not meet the limitations of temporary placement shall meet all the requirements for new construction.

(G) *Temporary non-residential structures*. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval:

(1) A specified time period for which the temporary use will be permitted. Time specified should not exceed three months, renewable up to one year;

(2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(3) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(5) Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

(H) *Accessory structures.*

(1) When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:

(a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

(b) Accessory structures shall not be temperature-controlled;

(c) Accessory structures shall be designed to have low flood damage potential;

(d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(e) Accessory structures shall be firmly anchored in accordance with § 154.20;

(f) All service facilities such as electrical shall be installed in accordance with § 154.20; and

(g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with division (D) of this section.

(2) An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with § 154.36(C).

(3) *Tanks.* When gas and liquid storage tanks are to be placed within a special flood hazard area, the following criteria shall be met:

(a) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

(b) *Above-ground tanks, elevated.* Above ground tanks in flood hazard areas shall be elevated to or above the regular flood protection elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

(c) *Above ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of § 154.23 shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(d) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

1. At or above the regulatory flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(4) *Other development.*

(a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of § 154.23.

(b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of § 154.23.

(c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of § 154.23.

(I) *Tanks.* When gas and liquid storage tanks are to be placed within a special flood hazard area, the following criteria shall be met:

(1) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

(2) *Above-ground tanks, elevated.* Above ground tanks in flood hazard areas shall be elevated to or above the regular flood protection elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

(3) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of § 154.23 shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(4) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

(a) At or above the regulatory flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(J) *Other development.*

(1) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of § 154.23.

(2) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of § 154.23.

(3) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a

watercourse to the other side, that encroach into regulated floodways shall meet the limitations of § 154.23.

('85 Code, § 8-4.5b.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 03-01, passed 2-24-03; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18; Am. Ord. 20-11, passed 9-3-20; Am. Ord. 21-10, passed 6-15-21; Am. Ord. 24-08, passed 6-18-24) Penalty, see § 154.99

§ 154.22 STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All subdivision proposals shall be consistent with the need to minimize flood damage.

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(C) All subdivisions proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(D) Base flood elevation data should be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots of five acres.

('85 Code, § 8-4.5c.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18) Penalty, see § 154.99

§ 154.23 COASTAL HIGH HAZARD AREAS (ZONES VE).

Coastal high hazard areas are special flood hazard areas established in § 154.05, and designated as Zones VE. These areas have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, in addition to meeting all requirements of this chapter with the exception of floodway and non-encroachment area provisions, the following provisions shall apply:

(A) All development shall:

(1) Be located landward of the reach of mean high tide;

(2) Be located landward of the first line of stable natural vegetation; and

(3) Comply with all applicable CAMA setback requirements.

(B) All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation. Floodproofing shall not be utilized on any structures in coastal high hazard areas to satisfy the regulatory flood protection elevation requirements.

(C) All new construction and substantial improvements shall have the space below the lowest floor free of obstruction so as not to impede the flow of flood waters, with the following exceptions:

(1) Open wood latticework or insect screening may be permitted below the regulatory flood protection elevation for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with § 154.21(D). Design plans shall be submitted in accordance with § 154.36(A)(4); or

(2) Breakaway walls may be permitted provided they meet the criteria set forth in § 154.21(D). Design plans shall be submitted in accordance with § 154.36(A)(4).

(D) All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

(1) Water loading values used shall be those associated with the base flood.

(2) Wind loading values used shall be those required by the current edition of the North Carolina State Building Code.

(E) For concrete pads, including patios, decks, parking pads, walkways, driveways, pool decks, etc. the following is required:

(1) Shall be structurally independent of the primary structural foundation system of the structure and not adversely affect structures through redirection of floodwaters or debris; and

(2) Shall be constructed to breakaway cleanly during design flood conditions, shall be frangible, and shall not produce debris capable of causing damage to any structure (the installation of concrete in small segments, (approximately four feet by four feet), that will easily break up during the base flood event, or score concrete in four by four feet maximum segments acceptable to meet the standard): and

(a) Reinforcing, including welded wire fabric, shall not be used in order to minimize the potential for concrete pads being a source of debris; and

(b) Pad thickness shall not exceed four inches; or

(c) Provide a design professional's certification stating the design and method of construction to be used to meet the applicable criteria of this section.

(F) For swimming pools and spas, the following is required:

(1) Be designed to withstand all flood-related loads and load combinations.

(2) Be elevated so that the lowest horizontal structural member is elevated above the RFPE;

(3) Be designed and constructed to break away during design flood conditions without

producing debris capable of causing damage to any structure; or

(4) Be sited to remain in the ground during design flood conditions without obstructing flow that results in damage to any structure.

(5) Registered design professionals must certify to local officials that a pool or spa beneath or near a VE Zone building will not be subject to flotation or displacement that will damage building foundations or elevated portions of the building or any nearby buildings during a coastal flood.

(6) Pool equipment shall be located above the RFPE whenever practicable. Pool equipment shall not be located beneath an elevated structure.

(G) All elevators, vertical platform lifts, chair lifts, etc., the following is required:

(1) Elevator enclosures must be designed to resist hydrodynamic and hydrostatic forces as well as erosion, scour, and waves.

(2) Utility equipment in coastal high hazard areas (VE Zones) must not be mounted on, pass through, or be located along breakaway walls.

(3) The cab, machine/equipment room, hydraulic pump, hydraulic reservoir, counter weight and roller guides, hoist cable, limit switches, electric hoist motor, electrical junction box, circuit panel, and electrical control panel are all required to be above RFPE. When this equipment cannot be located above the RFPE, it must be constructed using flood damage-resistant components.

(4) Elevator shafts/enclosures that extend below the RFPE shall be constructed with breakaway walls and flood vents installed.

(5) Flood damage-resistant materials can also be used inside and outside the elevator cab to reduce flood damage. Use only stainless steel doors and door frames below the BFE. Grouting of door frames and sills is recommended.

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(6) If an elevator is designed to provide access to areas below the BFE, it shall be equipped with a float switch system that will activate during a flood and send the elevator cab to a floor above the RFPE.

(H) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in divisions (C), (D) and (F) of this section and § 154.36 on the current version of the North Carolina "National Flood Insurance Program V-Zone Certification" form.

(I) Fill shall not be used for structural support. Limited non-compacted and non-stabilized fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided it is demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the base flood elevation and not cause any adverse impacts by wave ramping and deflection to the subject structure or adjacent properties.

(J) There shall be no alteration of sand dunes which would increase potential flood damage.

(K) No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of this section have been satisfied.

(L) Recreational vehicles may be permitted in coastal high hazard areas provided that they meet the recreational vehicle criteria of § 154.21(F) and the temporary structure provisions of § 154.21(G). (Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18; Am. Ord. 20-11, passed 9-3-20; Am. Ord. 21-10, passed 6-15-21)

§ 154.35 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Building Inspector and Development Services Officer, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this chapter. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this chapter, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this chapter. ('85 Code, § 8-4.4a.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18; Am. Ord. 20-11, passed 9-3-20)

(10) A statement, if in Zone VE, that there shall be no fill used for structural support.

(11) A statement that all materials below BFE/RFPE must be flood resistant materials.

(C) Certification requirements.

(1) Elevation certificates.

(a) An elevation certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. The floodplain administrator shall review the certificated data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

(b) An elevation certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven day calendar period and prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(c) A final as-built elevation certificate (FEMA Form 086-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit

holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(2) Floodproofing certificate.

(a) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(b) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to

the issuance of a certificate of compliance/occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to certificate of occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to deny a certificate of compliance/occupancy.

(3) If a manufactured home is placed within Zone AE and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per § 154.21.

(4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(5) Certification exemptions. The following structures, if located within Zone AE are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

(a) Recreational vehicles meeting requirements of § 154.21;

(b) Temporary structures meeting requirements of § 154.21; and

(c) Accessory structures less than 150 square feet meeting requirements of § 154.21.

(D) A V-Zone certification with accompanying design plans and specifications is required prior to issuance of a floodplain development permit within coastal high hazard areas. It shall be the duty of the permit applicant to submit to the floodplain administrator said certification to ensure the design standards of this chapter are met. A registered professional engineer or architect shall develop or review the structural design, plans, and specifications for construction and certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this chapter. This certification is not a substitute for an elevation certificate.

(E) Determinations for existing buildings and structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

(1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this chapter is required. ('85 Code, § 8-4.4b.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18; Am. Ord. 24-08, passed 6-18-24)

§ 154.37 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The floodplain administrator shall perform, but not be limited to, the following duties:

(A) Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this chapter have been satisfied.

(B) Advise permittee that additional federal or state permits (wetlands, endangered species, erosion and sedimentation control, CAMA, riparian buffers, mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit.

(C) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(E) Prevent encroachments into floodways and non-encroachment areas unless the certification and

flood hazard reduction provisions of this chapter are met.

(F) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with § 154.36(C).

(G) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with § 154.36(C).

(H) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with § 154.36(C).

(I) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with §§ 154.21 and 154.36(C).

(J) Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this subchapter.

(K) When base flood elevation (BFE) data has not been provided in accordance with § 154.05, obtain, review, and reasonably utilize any base flood elevation (BFE) data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to this chapter, in order to administer the provisions of this chapter.

(L) When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with § 154.05, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this chapter.

(M) When the lowest ground elevation of a parcel or structure in a special flood hazard area is above the base flood elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.

(N) Permanently maintain all records that pertain to the administration of this chapter and make these records available for public inspection.

(O) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

(P) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(Q) Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for

refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.

(R) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(S) Follow through with corrective procedures of this chapter.

(T) Review, provide input, and make recommendations for variance requests.

(U) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with § 154.05, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify state and FEMA of mapping needs.

(V) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR). ('85 Code, § 8-4.4c.) (Ord. 31, passed - - ; Am. Ord. 5-87, passed 3-24-87; Am. Ord. 06-06, passed 5-22-06; Am. Ord. 18-13, passed 8-6-18)

CHAPTER 157: ZONING CODE

Section

Zoning District Regulations

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GENERAL PROVISIONS

§ 157.001 AUTHORITY.

(A) This chapter is adopted under the authority granted by G.S. §§ 160D-702 *et seq.* and amendments thereto. ('85 Code, § 15-2.1)

(B) The North Carolina General Statutes empower the town to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and the Town Commissioners deem it necessary for the purpose of promoting the health, safety, morals, or general welfare of the town to enact such a chapter, and the Town Commissioners have appointed a Planning and Zoning Board to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and the Planning and Zoning Board has divided the town into districts and has prepared regulations pertaining to such districts in accordance with the Land Use Plan and designed to lessen congestion throughout the town; to secure safety from fire, panic, and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, park, and other public requirements, and the Planning and Zoning Board has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town, and the Town Commissioners have given due public notice of hearings relating to zoning districts, regulations, and restrictions, and have held such legislative hearings, and all requirements of the General Statutes with regard to the preparation of the report of the Planning and Zoning Board and subsequent action of Town Commission have been met.

('85 Code, § 15-1) (Ord. 33, passed 10-5-81; Am. Ord. 21-10, passed 6-15-21)

(e) Prevent overcrowding, and avoid undue population concentration and urban sprawl.

(f) Stabilize and protect the natural beauty and property values.

(g) Lessen congestion in and promote the safety and efficiency of the streets and highways.

(h) Facilitate the adequate provision of public facilities and utilities.

(i) Preserve natural growth and cover and promote the natural beauty of the community. ('85 Code, § 15-2.4) (Ord. 33, passed 10-5-81; Am. Ord. 4-90, passed 4-2-90)

§ 157.004 APPLICATION OF RESTRICTIONS AND REGULATIONS.

The proper regulation of the use of certain structures, lands, and waters, only through the use of the zoning districts contained within this chapter, is neither feasible nor adequate. Therefore, the following restrictions and regulations, which shall be applied in addition to the district regulations, are necessary to accomplish the intent of this chapter.

('85 Code, § 15-3.1) (Ord. 33, passed 10-5-81)
1998 S-4

§ 157.005 JURISDICTION.

The provisions of this chapter shall apply to all structures, land, water, and air within the jurisdiction of the town.

('85 Code, § 15-3.2) (Ord. 33, passed 10-5-81)

§ 157.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE or STRUCTURE. A use or structure on the same lot with, and of a nature

customarily incidental and subordinate to, the principal use or structure.

APPROVED PERVIOUS PRODUCT. An engineered product that allows water to pass through to the soils beneath. This product shall be approved by the Planning and Inspections Department. These products will be assigned a pervious factor in which the allowable lot area shall be multiplied by, resulting in the allowable square footage of product that shall be permitted. Example: A 50 x 100 lot would have an area of 1,500 square feet eligible for an approved pervious product. An approved pervious product with a factor of 1.0 would be allowed to place 1,500 square feet of an approved pervious product in addition to the 30% of impervious area. An approved pervious product with a factor of .75 would be allowed to place 1,125 square feet of an approved pervious product.

AVERAGE. The numerical result obtained by dividing the sum of two or more quantities by the number of quantities.

BALANCED SOIL. Placing original soil cut from higher locations on a lot into lower elevations so that the amount of soil cut equals the amount filled.

BED AND BREAKFAST HOME. A private home offering bed and breakfast accommodations to persons domiciled on the premises only, for periods of less than one week per visit.

BEDROOM. Sleeping room.

BUILDABLE AREA. The portion of a lot remaining after required yards have been provided.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT. The vertical distance measured from design flood elevation (DFE) to the highest point of the structure.

BUILDING INSPECTOR. The person, officer, and his authorized representatives, whom the town Commissioners have designated as their agent for the administration and enforcement of these regulations.

CHURCH. An institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term **CHURCH** shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.

CLUBHOUSES (to include, but not limited to, **BEACHCLUBS, CABANA CLUBS, PROPERTY OWNER ASSOCIATION FACILITIES** and similar type uses). A building or facility owned or operated by an incorporated, unincorporated, chartered association or an individual or individuals nominated by such entities for the purpose of engaging in social, civic, educational, recreational, cultural or similar activities, but not primarily for profit or to render a service that is customarily carried on as a business, for the benefits of its members.

CONDITIONAL ZONING. A legislative zoning map amendment with site specific conditions incorporated into the zoning map amendment.

DISTRICT. Any section of the town in which zoning regulations are uniform.

DWELLING. Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

DWELLING, MULTIPLE-FAMILY. A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE-FAMILY. A detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only.

DWELLING, TWO-FAMILY. A building designed and constructed or reconstructed to be used for two dwelling units that are connected by a common structural or load bearing wall of at least ten lineal feet in length.

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EAVE. An overhanging roof extension equal to or less than 20 inches.

FAMILY. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

FENCE. A structure, obstacle, or barrier serving as an enclosure, boundary or screening device usually made of wooden posts or rails, wire, vinyl or fabric (and other natural or manufactured materials). Required heights and locations for fences are found in § 157.080.

FLOATING HOME. Any vessel used, designed, or occupied as a dwelling unit, business, or private or social club, whether mobile or immobile in design or use and whether self-propelled or not.

FLOOD, (COASTAL). A temporary rise in ocean level that results in inundation of areas not ordinarily covered by water.

FLOOD, REGULATION. The flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur. The regulatory flood

purposes of determining useable area, one seeking a building permit shall furnish the Building Inspector with a survey prepared by a registered land surveyor that delineates the useable area as defined herein. The surveyor shall further provide the Building Inspector with the calculation of the square feet of useable area available on the lot.

USED or OCCUPIED. Include the words "intended, designed, or arranged to be used or occupied."

VARIANCE. A relaxation of the terms of the zoning code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship. As used in this chapter, a **VARIANCE** is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in any zoning district.

YARD. A required open space unoccupied and unobstructed by a structure or portion of a structure, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any **YARD** subject to height limitations and requirements limiting obstruction of visibility.

YARD, FRONT. An area extending between side lot lines across the front of a lot adjoining a street. Depth of required front yards shall be secured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

YARD, REAR. An area extending across the full width of the lot and lying between the rear lot line and a line parallel thereto at a distance therefrom as required in the applicable district.

YARD, SIDE. An area extending along the length of the lot between the required front yard and the required rear yard, and between the side lot lines and a line parallel thereto and a distance therefrom as required in the various districts.

ZONING BOARD, ZONING COMMISSION, or PLANNING COMMISSION. Holden Beach Planning Board.

ZONING MAP AMENDMENT or REZONING. An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

ZONING REGULATION. A zoning regulation authorized by G.S. Ch. 160D, Art. 7 (§§ 160D-701 *et seq.*). ('85 Code, §§ 15-12.3, 15-12.4) (Ord. 33, passed 10-5-81; Am. Ord. 95-04, passed 2-22-95; Am. Ord. 95-05, passed 2-22-95; Am. Ord. 96-02, passed 5-20-96; Am. Ord. 96-08, passed 6-17-96; Am. Ord. 97-07, passed 4-21-97; Am. Ord. 98-14, passed 7-13-98; Am. Ord. 98-15, passed 7-13-98; Am. Ord. 01-08, passed 7-23-01; Am. Ord. 02-12, passed 10-14-02; Am. Ord. 04-04, passed 5-10-04; Am. Ord. 06-01, passed 1-9-06; Am. Ord. 06-07, passed 6-12-06; Am. Ord. 06-14, passed 11-14-06; Am. Ord. 15-01, passed 1-13-15; Am. Ord. 21-02, passed 3-16-21; Am. Ord. 24-01, passed 2-20-24)

§ 157.007 ONE PRINCIPAL BUILDING PER LOT.

No platted lot shall be occupied by more than one principal building. No part of a yard, court, or other open space provided about any building or structure for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required under this chapter for another building or structure. A residence shall always constitute a principal use.

('85 Code, § 15-3.6) (Ord. 33, passed 10-5-81; Am. Ord. 4-84, passed 2-6-84) Penalty, see § 157.999

§ 157.008 ADJOINING AND VACANT LOT OF RECORD.

If two or more adjoining and vacant lots of record are in a single ownership at any time after the adoption of this chapter, and such lots individually have less frontage or area than the minimum requirements of the District in which such lots are located, such lots shall be considered as a single lot (or several lots) meeting the minimum requirements for the District in which such lots are located.

('85 Code, § 15-3.11) (Ord. 33, passed 10-5-81)

§ 157.009 EXEMPTIONS.

All lots platted prior to September 18, 1978 containing at least 5,000 square feet are exempt from the minimum width requirement of 50 feet for construction purpose as long as they meet other building and health requirements.

('85 Code, § 15-3.12) (Ord. 33, passed 10-5-81)

§ 157.010 MINIMUM REQUIREMENTS.

The provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully

adopted regulations the most restrictive or that imposing the higher standards, shall govern.

('85 Code, § 15-11.1) (Ord. 33, passed 10-5-81)

§ 157.011 NONLIABILITY.

The town does not guarantee, warrant, or represent that only those areas designated as floodlands will be subject to periodic inundation or that those soils listed as being unsuited for specific uses are the only unsuitable soils, and hereby asserts that there is no liability on the part of the Board of Commissioners, its agencies, or employees for any flood damages, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this chapter.

('85 Code, § 15-11.5) (Ord. 33, passed 10-5-81)

SPECIFIC RESTRICTIONS**§ 157.024 DUNE RESTRICTIONS.**

(A) No structure other than one four-foot wide wooden walkway shall be located south of the landward toe of the CAMA frontal dune, as designated by the local CAMA officer. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway.

(B) Structures (other than one four-foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed if repairs exceed more than 50% of the structural value, in order to be in compliance with this section. Exception: town-owned CAMA access ways may utilize a six-foot walkway.

(C) Walkways shall be permitted and built in accordance with all federal, state and local building requirements.

(D) Swimming pools may be located south of the town's designated frontal dune, placement of pools and decking shall not extend more than 50 feet from the established seaward toe of designated frontal dune. This exception only applies when the CAMA dune is more seaward than the town's frontal dune.
(Ord. 24-10, passed 6-18-24)

§ 157.025 BULKHEADS ON CANAL LOTS.

(A) No structure shall be erected on a canal lot prior to bulkheading; bulkheading to be on a line established by the Corps of Engineers and CAMA staff. Any lot on a canal with depth of less than 75 feet between the established bulkhead line and the front property line shall be unbuildable. Canal lots which have a minimum depth of 75 feet may be developed. This depth shall be the average depth of the lot measured from front to back at ten-foot intervals across the width of the lot. This provision does not affect the yard requirements.

(B) No erosion shall be permitted as a result of poorly constructed or worn bulkheads. Repairs will be based on the ability of the bulkhead to prevent erosion of soil and sedimentation, not on the age of, or original materials used in the bulkhead. Any bulkhead allowing soil or sediment to travel under, over, around, or through it will be in violation and will require repair. As enforcement official for this chapter, the Building Inspector will require corrective action within 90 days of the first notice to the owner. If the repair cost will exceed 50% of the cost of a new bulkhead the owner will be required to replace the bulkhead with a new structure meeting the current building code.

(C) *Bulkhead repair standards.* A bulkhead will need repairing under any one or more of the following conditions:

(1) Where the structure deteriorates enough to allow sediment to filter through into a canal.

(2) When any sediment goes under the bulkhead, as indicated by sinkholes behind bulkhead.

(3) When the top of bulkhead leans waterward due to failing dead man anchors.

(D) *Bulkheads on canal lots.* Bulkheads are required on all canal lots. Every property located on Holden Beach must be brought into compliance with this requirement by February 10, 2012. For purposes of this section "all canal lots" is construed to mean the entrance, feeder and finger canals of the Harbor Acres, Heritage Harbor and Holden Beach Harbor subdivisions. Specifically excluded are lots bordering the Atlantic Intracoastal Waterway, except where they may abut the entrance, feeder and finger canals within the aforementioned subdivisions.

(E) In addition to the penalties and remedies allowed in § 157.999(A)(1) of this chapter, violators of this section will be subject to a civil fine as provided in § 157.999(A)(3) for each day the violation continues.
(‘85 Code, § 15-3.13) (Ord. 93-02, passed 2-17-93; Am. Ord. 95-07, passed 5-1-95; Am. Ord. 10-01, passed 2-9-10; Am. Ord. 11-04, passed 4-12-11; Am. Ord. 20-11, passed 9-3-20; Am. Ord. 21-10, passed 6-15-21) Penalty, see § 157.999



(4) Permanent and temporary use will be consistent with divisions (A), (B) and (C) above.

(5) For any specific use of these lands, application must be made to the Planning and Zoning Board for review including, but not exclusive to, a prospective plan and procedures with facilities and resources to be employed. Upon review, the project will be forwarded to the Board of Commissioners for consideration and disposition.
(‘85 Code, § 15-5.4) (Ord. 93-05, passed 2-17-93; Am. Ord. 02-03, passed 2-25-02; Am. Ord. 21-10, passed 6-15-21)

§ 157.058 RURAL DISTRICT (R).

(A) The Rural District is established as a district in which the principal use of land is for single-family dwellings. There will be a maximum of 2.5 units per acre based on that area not defined as coastal wetlands AEC and in accordance with State, Federal and local requirements.

(1) A dwelling is a residence where people live for domestic purposes. Domestic use is defined as devoted to home duties and activities, nothing in this section shall preclude one- and two-family homes from being used as a vacation rental home consisting of a minimum of two overnight stays.

(2) Transient occupancy not consisting of at least two overnight stays shall be considered to be inconsistent with domestic residential usage and is not allowed. This would include persistent usage for group gatherings for the purpose of short-term social or recreational activities. This would include use as a clubhouse, lodge, public or private clubs, cabana clubs and property owner association facilities except when contiguous, owned by and within the borders of an on-island residential subdivision.

(B) Permitted uses are set forth in the Table of Permitted Uses, § 157.054.

(C) Dimensional requirements R:

(1) *Lot area.* Minimum required: Each lot shall contain a minimum of 6,000 square feet.

(2) *Lot width.* In accordance with current subdivision regulations of the town.

(3) *Front yard.* In accordance with current subdivision regulations of the town.

(4) *Side yard.* In accordance with current subdivision regulations of the town.

(5) *Rear yard.* In accordance with current subdivision regulations of the town.

(6) *Building height.* No building shall exceed a maximum height of 31 feet measured from design flood elevation to the highest point of the structure, with the exception that a building in an X Zone when measured from the finished grade should have a maximum height of 35 feet.

(7) *Lot coverage.*

(a) Lot coverage of main structure shall not exceed 40% of the platted lot. All impervious structures outside of main structure shall not exceed 40% of buildable land plus area of the main structure. All Health Department and CAMA requirements must also be met. Open decks are not considered in the allowable coverage percentage of the main structure, but they must meet all setback requirements. Gravel, sand and grassed areas are considered pervious. An approved pervious product shall be allowed to cover any portion of the remaining 40% of allowed built-upon area. (See definition of **APPROVED PVIOUS PRODUCT**.)

(b) Driveways, parking lots, parking spaces, parking areas, patios and other similar areas and surfaces located in the front yard setback, rear

yard setback and side yard setbacks adjacent to a street right-of-way shall be gravel, grass or of an approved pervious product.

(8) *Off-street parking.* Off-street parking shall be provided as required in §§ 157.075 through 157.077 of this chapter.

('85 Code, § 15-5.5) (Ord. 93-05, passed 2-17-93; Am. Ord. 95-04, passed 2-22-95; Am. Ord. 96-02, passed 5-20-96; Am. Ord. 98-06, passed 5-11-98; Am. Ord. 01-01, passed 1-22-01; Am. Ord. 01-08, passed 7-23-01; Am. Ord. 06-01, passed 1-9-06; Am. Ord. 06-07, passed 6-12-06; Am. Ord. 06-13, passed 11-14-06; Am. Ord. 07-05, passed 6-12-07; Am. Ord. 15-01, passed 1-13-15; Am. Ord. 23-12, passed 7-18-23) Penalty, see § 157.999

§ 157.059 RURAL CONDITIONAL ZONING (RS).

(A) Water Dependent Structures or uses, such as utility easements, docks (covered and uncovered), boatlifts, dolphins, boat ramps, dredging apparatus, bridge and approaches, revetments, bulkheads, culverts, groins, navigational aids, mooring pilings, navigational channels, simple access channels and drainage ditches, are permitted provided all town requirements are met.

(B) The Rural Conditional Zoning is established as a district in which the use of land is the Corps of Engineers spoil activities.

('85 Code, § 15-5.6) (Ord. 93-05, passed 2-17-93; Am. Ord. 02-03, passed 10-14-02; Am. Ord. 21-10, passed 6-15-21)

§ 157.060 RESIDENTIAL DISTRICT (R-1).

(A) The R-1 Residential District is established as a district in which the principal use of land is for one- and two-family dwellings. The regulations of this district permit intensive development.

(1) A dwelling is a residence where people live for domestic purposes. **DOMESTIC USE** is defined as devoted to home duties and activities, nothing in this section shall preclude one- and two-family homes from being used as a vacation rental home consisting of a minimum of two overnight stays.

(2) Transient occupancy not consisting of at least two overnight stays shall be considered to be inconsistent with domestic residential usage and is not allowed. This would include persistent usage for group gatherings for the purpose of short-term social or recreational activities. This would include use as a clubhouse, lodge, public or private clubs, cabana clubs and property owner association facilities except when contiguous, owned by and within the borders of an on-island residential subdivision.

(B) Permitted uses are set forth in the Table of Permitted Uses, § 157.054.

(C) Parking requirements - see § 157.075(B)(1) and (2).

(D) Dimensional requirements R-1.

(1) *Lot area.* Minimum required:

(a) For a one-family dwelling, 5,000 square feet.

(b) For a two-family dwelling, 7,500 square feet.

(2) *Lot width.* Minimum required: 50 feet.

(3) *Front yard setbacks per structure size.*

<i>Gross Floor Area</i>	<i>Minimum Required</i>
< 4,000 square feet	25 feet
4,000 - 5,000 square feet	30 feet
5,000 - 6,000 square feet	35 feet

(4) *Side yard setbacks per structure size.*

<i>Gross Floor Area</i>	<i>Minimum Required</i>
4,000 square feet	5 feet
4,000 - 5,000 square feet	7 feet
5,000 - 6,000 square feet	10 feet

(a) Open porches, decks, or overhangs shall not extend into minimum setbacks.

(5) *Rear yard setbacks per structure size.*

<i>Gross Floor Area</i>	<i>Minimum Required</i>
< 4,000 square feet	20 feet
4,000 - 5,000 square feet	25 feet
5,000 - 6,000 square feet	30 feet

(6) *Building height.* No building shall exceed a maximum height of 31 feet measured from Design Flood Elevation to the highest point of the structure, with the exception that a building in an X Zone when measured from the finished grade should have a maximum height of 35 feet.

(7) *Lot coverage.*

(a) Lot coverage of main structure shall not exceed 40% of the platted lot. If a structure is 4,000 square feet, (gross floor area), or greater lot coverage cannot be greater than 35%. If structure coverage is 5,000 square feet, (gross floor area), or greater lot coverage is limited to 30%. All impervious structures outside of main structure shall not exceed 40% of buildable land plus area of the main structure. All Health Department and CAMA requirements must also be met. Open decks are not considered in the allowable coverage percentage of the main structure, but they must meet all setback requirements. Gravel, sand and grassed areas are considered pervious. An approved pervious product shall be allowed to cover any portion of the remaining 40% of allowed built upon area. (See definition of **APPROVED PERVIOUS PRODUCT**.)

(b) Driveways, parking lots, parking spaces, parking areas, patios and other similar areas and surfaces located in the front yard setback, rear yard setback and side yard setbacks adjacent to a street right-of-way shall be gravel, grass or of an approved pervious product.

(c) Pools are prohibited within the front yard setbacks.

(8) *Off-street parking.* Off-street parking shall be provided as required in §§ 157.075 through 157.077 of this chapter.

(9) *Corner visibility.* On a corner lot, nothing shall be erected, planted, or allowed to grow in such a manner as to impede vision over a height of three feet above the centerline grades of the intersecting streets within the triangular area bounded on two sides by the two street centerlines and on the third side by a straight line connecting points on the street centerlines located one-half the street right-of-way width plus 40 feet measured from the intersection of the centerlines.

(10) (a) *Location of accessory buildings.* Accessory buildings shall be located not less than five feet from property line.

(b) See § 157.024.

(11) Reserved.

(12) Maximum structure size of any dwelling shall be 6,000 square feet (gross floor area).

(13) Open uncovered stairs, not including any deck or landing at porch level, may project up to ten feet into the required front or rear yards of structures less than 4,000 square feet (gross floor area), but not both.

(14) A heating and air stand may project into the front or rear yards setback but not both. The stand shall be no larger than is needed to accommodate and service the equipment and subject to the Building Inspector's approval.

(E) Erosion threatened ocean front lots.

(1) In the event that it becomes necessary to relocate a structure that has become threatened by erosion, per below, a Special Use Permit may be authorized to establish the front yard building setback at a distance no less than ten feet from the property line. However if the structure to be relocated can meet CAMA ocean side setback rules (per CAMA guidelines for new construction) and meet required

setbacks then no further relief can be given. Each case will be reviewed on its own merits. The conditions specified by the Town Planning and Zoning Board in the granting of this Special Use Permit shall be recorded at the County Register of Deeds Office prior to the execution of this permit.

(2) The following criteria applies:

(a) The erosion escarpment must have advanced to a point within 20 feet of the foundation of the roofed area of the structure.

(b) No portion of the structure shall be permitted to encroach into the setback allowed by this section. Exceptions are — steps and HVAC platforms may encroach no more than five feet into the ten feet setback area.

(c) The structure shall remain on the lot it occupies at the time that it becomes erosion threatened.

(d) The size of the structure shall not be increased in any way, shape or form except as allowed by this section.

(e) The front (northern) property lines of lots subject to this section shall be contiguous with the southern boundary of a city, state or private street.

(f) All off street parking requirements shall remain in effect.

(g) Building placement on all lots (corner and non-corner) and required parking areas shall comply with the setback requirement of § 157.081 in order to ascertain that no encroachment into an area required for view of oncoming vehicular traffic shall occur.

(h) No ground level enclosure shall be permitted within the 25-foot front setback lines. A ground level enclosure shall not exceed 144 square feet per dwelling unit.

(i) This section shall not limit nor repeal any and all applicable local, state and federal statutes.

('85 Code, § 15-5.7) (Ord. 33, passed 10-5-81; Am. Ord. 93-20, passed 11-1-93; Am. Ord. 95-05, passed 2-22-95; Am. Ord. 96-02, passed 5-20-96; Am. Ord. 00-17, passed 7-10-99; Am. Ord. 01-01, passed 1-22-01; Am. Ord. 01-08, passed 7-23-01; Am. Ord. 02-12, passed 10-14-02; Am. Ord. 06-01, passed 1-9-06; Am. Ord. 06-07, passed 6-12-06; Am. Ord. 06-13, passed 11-14-06; Am. Ord. 07-05, passed 6-12-07; Am. Ord. 15-01, passed 1-13-15; Am. Ord. 20-04, passed 9-18-20; Am. Ord. 21-10, passed 6-15-21; Am. Ord. 21-24, passed 8-17-21; Am. Ord. 23-12, passed 7-18-23; Am. Ord. 24-10, passed 6-18-24) Penalty, see § 157.999

§ 157.061 RESIDENTIAL DISTRICT (R-2).

(A) The R-2 Residential District is established as a district in which the principal use of land is for multi-family dwellings.

(1) A dwelling is a residence where people live for domestic purposes. Domestic use is defined as devoted to home duties and activities, nothing in this section shall preclude one-, two- and multi-family homes from being used as a vacation rental home consisting of a minimum of two overnight stays.

(2) Transient occupancy not consisting of at least two overnight stays shall be considered to be inconsistent with domestic residential usage and is not allowed. This would include persistent usage for group gatherings for the purpose of short-term social or recreational activities. This would include use as a clubhouse, lodge, public or private clubs, cabana clubs and property owner association facilities except when contiguous, owned by and within the borders of an on-island residential subdivision.

(B) Permitted uses are set forth in the Table of Permitted Uses, § 157.054.

(C) The following uses are special uses and may be permitted subject to a finding by the Board of Adjustment that the additional conditions listed herein

and any conditions that are set out in § 157.055(B)(2)(b) are met. Home professional office and home occupations, provided the use is conducted entirely within a dwelling and carried on by the occupants, the use is clearly incidental and secondary to the use of the dwelling for living purposes and the use does not change the character thereof. Furthermore, there is no display, no stock-in-trade nor commodity sold upon the premises and employment is in connection with the home occupation. Such occupation shall be carried on solely within the main dwelling and shall not occupy more than 25% of the floor area of the dwelling. Beauty parlors and barber shops shall not be construed as home occupations and are excluded from the definition of **HOME OCCUPATION**.

(D) Dimensional requirements for R-2.

(1) *Lot area*. Minimum required:

(a) For a one-family dwelling, 5,000 square feet.

(b) For a two-family dwelling, 7,500 square feet.

(c) For a multi-family dwelling, 7,500 square feet for first two-family dwelling units, plus 2,000 square feet for each additional family dwelling unit.

(2) *Lot width*. Minimum required: 50 feet.

(3) *Front yard*. Minimum required: 25 feet.

(4) *Side yard*. Minimum required: (one and two stories) five feet, including overhangs, steps and decks.

(5) *Rear yard*. Minimum required: 20 feet.

(6) *Lot coverage.*

(a) Lot coverage of main structure shall not exceed 40% of the platted lot. All impervious structures outside of main structure shall not exceed 40% of buildable land plus area of the main structure. All Health Department and CAMA requirements must also be met. Open decks are not considered in the allowable coverage percentage of the main structure, but they must meet all setback requirements. Gravel, sand and grassed areas are considered pervious. An approved pervious product shall be allowed to cover any portion of the remaining 40% of allowed built upon area. (See definition of **APPROVED PERVIOUS PRODUCT**.)

(b) Driveways, parking lots, parking spaces, parking areas, patios and other similar areas and surfaces located in the front yard setback, rear yard setback and side yard setbacks adjacent to a street right-of-way shall be gravel, grass or of an approved pervious product.

(c) Pools are prohibited within the front yard setbacks.

(7) *Off-street parking.* Off-street parking shall be provided as required in §§ 157.075 through 157.077 of this chapter.

(8) *Corner visibility.* On a corner lot, nothing shall be erected, platted, or allowed to grow in such a manner as to impede vision over a height of three feet above the centerline grades of the intersecting streets within the triangular area bounded on two sides by the two street centerlines and on the third side by a straight line connecting points on the street centerlines located one-half the street right-of-way width plus 40 feet measured from the intersection of the centerlines.

(9) (a) *Location of accessory buildings.* Accessory buildings shall not be located less than five feet from property line.

(b) See § 157.024.

(10) *Minimum floor space per dwelling unit.* 750 square feet.

(11) *Building height.* No building shall exceed a maximum height of 31 feet measured from design flood elevation to the highest point of the structure.

(12) Open uncovered stairs, not including any deck or landing at porch level, may project up to ten feet into the required front or rear yards but not both.

(13) The minimum area of heated living space in each structure shall be 784 square feet.

(14) A heating and air stand may project into the front or rear yards setback, but not both. The stand shall be no larger than is needed to accommodate and service the equipment and subject to the Building Inspector's approval.

(E) Erosion threatened ocean front lots.

(1) In the event that it becomes necessary to relocate a structure that has become threatened by erosion, per below, a Special Use Permit may be authorized to establish the front yard building setback at a distance no less than ten feet from the property line. However if the structure to be relocated can meet CAMA ocean side setback rules (per CAMA guidelines for new construction) and remain within the 25 foot street side setback then no further relief can be given. Each case will be reviewed on its own merits. The conditions specified by the Town Planning and Zoning Board in the granting of this Special Use Permit shall be recorded at the County Register of Deeds Office prior to the execution of this permit.

(2) The following criteria applies:

(a) The erosion escarpment must have advanced to a point within 20 feet of the foundation of the roofed area of the structure.

(b) No portion of the structure shall be permitted to encroach into the setback allowed by this section. Exceptions are — steps and HVAC platforms may encroach no more than five feet into the ten feet setback area.

(c) The structure shall remain on the lot it occupies at the time that it becomes erosion threatened.

(d) The size of the structure shall not be increased in any way, shape or form except as allowed by this section.

(e) The front (northern) property lines of lots subject to this section shall be contiguous with the southern boundary of a city, state or private street.

(f) All off street parking requirements shall remain in effect.

(g) Building placement on all lots (corner and non-corner) and required parking areas shall comply with the setback requirement of § 157.081 in order to ascertain that no encroachment into an area required for view of oncoming vehicular traffic shall occur.

(h) No ground level enclosure shall be permitted within the 25-foot front setback lines. A ground level enclosure shall not exceed over 144 square feet per dwelling unit.

(i) This section shall not limit nor repeal any and all applicable local, state and federal statutes.

('85 Code, § 15-5.8) (Ord. 33, passed 10-5-81; Am. Ord. 95-04, passed 2-22-95; Am. Ord. 95-05, passed 2-22-95; Am. Ord. 96-02, passed 5-20-96; Am. Ord. 00-17, passed 7-10-99; Am. Ord. 01-01, passed 1-22-01; Am. Ord. 01-08, passed 7-23-01; Am. Ord. 02-12, passed 10-14-02; Am. Ord. 06-01, passed 1-9-06; Am. Ord. 06-07, passed 6-12-06; Am. Ord. 06-13, passed 11-15-06; Am. Ord. 07-05, passed 6-12-07; Am. Ord. 15-01, passed 1-13-15; Am. Ord. 21-10, passed 6-15-21; Am. Ord. 21-24, passed 8-17-21; Am. Ord. 23-12, passed 7-18-23; Am. Ord. 24-10, passed 6-18-24) Penalty, see § 157.999

§ 157.062 COMMERCIAL DISTRICT (C-1).

(A) The Commercial District is established as the district in which a variety of sales and service facilities may be provided to the general public. The specific intent is to encourage the construction of and the continued use of land and buildings for commercial and service uses that are compatible with the family beach character of Holden Beach and serve to enhance the services available to residents and visitors. All commercial activities shall be conducted from a permanent structure, shall comply with the town's noise ordinance, and meet or exceed the parking requirements of this chapter.

(B) Refer to the Table of Permitted Uses, § 157.054, for permitted uses in this district.

(C) Dimensional requirements C-1.

(1) *Front yard.* Minimum required: 25 feet.

(2) *Side yard.* Minimum required: five feet. Open porches, steps, or overhangs shall not be within five feet of the property line.

(3) *Rear yard.* Minimum required: five feet, except that if a commercial use abuts a residential district there shall be a rear yard of 20 feet.

(4) Buildings constructed or converted to commercial use after the effective date of this chapter shall provide off-street parking and loading space as required in §§ 157.075 through 157.088 of this chapter.

(5) All signs and billboards must meet the requirements set forth in § 157.079 of this chapter.

(6) *Building height.* No building shall exceed a maximum height of 31 feet measured from design flood elevation to the highest point of the structure.

architectural detailing, shall not extend more than 1.5 feet above the 35-foot height limit and shall not have any facing larger than 1.5 square feet;

(d) Single rod antennas (such as marine antennas) that are freestanding without the need for additional support and not exceeding 1.5 inches in diameter. Weather gauges and other similar devices shall not extend more than two feet above the 35-foot height limit.

('85 Code, § 15-6.11) (Ord. 33, passed 10-5-81; Am. Ord. 04-02, passed 2-24-04)

§ 157.083 ACCESSORY BUILDINGS.

(A) Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Accessory uses shall not involve the conduct of any business, trade, or industry except for home and professional occupations as defined herein. Structures used for accessory uses shall be of comparable color and material of the primary structure and shall be on the same lot of the primary use.

(B) Exception: piers, docks and boatlifts are allowed without their principal structure.

('85 Code, § 15-6.12) (Ord. 33, passed 10-5-81; Am. Ord. 06-01, passed 1-9-06; Am. Ord. 24-01, passed 2-20-24) Penalty, see § 157.999

§ 157.084 PARKING STORAGE; MAJOR RECREATIONAL EQUIPMENT.

For the purpose of these regulations, major recreational equipment is defined as including boats and boat trailers, motor vehicles, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and the cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No such equipment shall be used for living, sleeping, or housekeeping purposes, when parked or stored on a residential lot, or in any location not approved for such use. ('85 Code, § 15-6.13) (Ord. 33, passed 10-5-81; Am. Ord. 16-87, passed 10-5-87) Penalty, see § 157.999

§ 157.085 RELOCATION OF BUILDINGS.

It is the general intent of this section to prevent the relocation of buildings such that the quality or character of the neighborhood in which a building might be moved is adversely affected. To this end, no building may be moved, either intact or in a dismantled state, except in accordance with the following:

(A) The use of the building must be a permitted use in the zone into which it is to be located.

(B) Site preparation and all work performed incidental to moving and placing the building at its new location and all reconstruction of the building as may be necessary must conform to all applicable federal, state and local laws and regulations and shall be completed within three months following the initiation of the work. For purposes of this section the work shall be considered complete upon issuance of a Final Certificate of Compliance. For each calendar day beyond three months following the initiation of the work that the work is not complete, the holder of the building permit shall be fined as provided in § 157.999, each day to be considered a separate offense, and such fine to be paid at the Town Hall. Should the work be delayed for cause beyond the control of the permittee or contractor employed to do the work, the time for completion may be extended. Requests for extensions of time shall be made in writing to the Town Manager setting forth full particulars as to cause of delay. Determination as to whether sufficient cause exists to justify a time extension and the amount of any extension shall be made by the Town Manager.

(C) The exterior appearance of the building shall be made equal or superior to the general nature, quality, and character of the neighborhood into which located.

(D) Evidence and plans demonstrating the intent to comply with divisions (A), (B), and (C) of this section shall be approved by the Building Inspector

REFERENCES TO GENERAL STATUTES

<i>G.S. Citation</i>	<i>Code Section</i>
Ch. 7A	154.38
14-4	10.99, 51.05.5, 92.07, 96.99, 156.99, 158.99, 151A.18, 151A.99
14-4(b)	70.99, 72.99
14-234	30.36
14-410 - 14-415	130.17
20-4.01	72.01
20-4.01(11)	92.22
20-4.01(13)	72.01
20-4.01(27)a1	92.22
20-4.01(27)c	92.22
20-4.01(27)d. and d.1	92.22
20-4.01(46)	72.01
20-4.01(48)	92.22
20-4.01(49)	92.22
20-36(e)(1)	72.01
Ch. 29	156.07
47-30	156.43
Ch. 67, Art. 1A	90.01
67-4.1(c)	90.24
75-15.2	130.99
75A-13.3(a)	96.01
75A-13.3(b)	96.02
105-109(d)	110.15
105-249	110.04
105-249.1	110.04
113-127 <i>et seq.</i>	90.02
113-291.1	96.04
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113A-4	150.03
113A-50 <i>et seq.</i>	156.25
113A-120(a)(1) - (10)	153.14, 153.15
Ch. 113B	150.03
Ch. 130, Art. 9	154.03
130A-290(a)(6)	154.03
130A-290(a)(35)	154.03
130A-290(a)(36)	154.03
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Ch. 143, Art. 21, Pt. 6	154.01

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143-143.15	154.21
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143-215.58	154.47, 154.99
143-318.9 <i>et seq.</i>	30.27, 34.04
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153A-123	151A.99
Ch. 160A, Art. 8	154.01
Ch. 160A, Art. 10	150.37, 151A.17
Ch. 160A, Art. 19, Pt. 6	151A.01
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160A-63	30.11
160A-64	30.12
160A-67	30.08
160A-70	30.05
160A-71	30.13, 30.14, 30.16
160A-74	30.15
160A-75	30.15
160A-146	30.08
160A-147	30.08
160A-174	50.04, 152.01
160A-175	50.04, 151A.99, 157.999
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160A-188	90.02
160A-193	50.04, 92.06
160A-194	112.02
160A-207	110.15
160A-296	95.06
160A-303.1	50.04
160A-314	52.01
160A-443(5)	150.36
160A-443(5)(a)	150.36
Ch. 160D, Art. 7	154.01, 157.006
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Exception: elevators and accessible interior stairs may be finished if approved floodproof materials are used below the RFPE.

(2) Shall be constructed entirely of flood resistant materials, up to the regulatory flood protection elevation;

(3) Shall include, in Zone AE, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

(a) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(b) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;

(c) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(d) The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;

(e) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above;

(4) Shall allow, in Coastal High Hazard Areas (Zone VE), breakaway walls, open wood latticework or insect screening, provided it is not part

of the structural support of the building and is designed so as to breakaway, under abnormally high tides or wave action, without causing damage to the structural integrity of the building, provided the following design specifications are met:

(a) Material shall consist of open wood latticework or insect screening; or

(b) Breakaway walls shall meet the following design specifications:

1. Design safe loading resistance of each wall shall be not less than ten nor more than 20 pounds per square foot; or

2. Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by state or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.

(E) Additions/improvements.

(1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

(b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(2) Due to free of obstruction requirements in V zone and all AE is regulated as V zone in the Town of Holden Beach.

(3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; and

(b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(4) Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(5) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a two year period, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the two year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this chapter. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

(a) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or

(b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(F) *Recreational vehicles.* Recreational vehicles shall either:

(1) *Temporary placement.* Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

(2) *Permanent placement.* Recreational vehicles that do not meet the limitations of temporary placement shall meet all the requirements for new construction.

(G) *Temporary non-residential structures.* Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval:

(1) A specified time period for which the temporary use will be permitted. Time specified should not exceed three months, renewable up to one year;

(2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;