

TOWN OF HOLDEN BEACH

PLANNING & ZONING BOARD REGULAR MEETING HOLDEN BEACH TOWN HALL – PUBLIC ASSEMBLY ROOM TUESDAY, JANUARY 28, 2025 – 3:30 P.M.

- Call to Order
- 2. Roll Call
- 3. Public Comments on Agenda Items
- 4. Swearing in of Members by Town Clerk Designee
- 5. Approval of Minutes of April 23, 2024
- 6. Discussion and Possible Action on Meeting Schedule Dates & Times for Calendar Year 2025
- 7. Discussion and Possible Action for Amending Town Ordinance 157.085- Relocation of Buildings
- 8. Possible Text Amendment to Town Ordinance 157.060 to Allow Cargo/Platform Lifts in the Front and Rear Setbacks
- Discussion of Amendments to the Floodplain Ordinance- Chapter 154 to Adopt a Section Regarding Flood Zone (AO) as Required by the North Carolina Department of Public Safety and FEMA
- 10. Possible Text Amendment to the Town's Floodplain Ordinance 154.21(H)(2) & 154.36(C)(2)(c) to Reduce the Square Footage of Accessory Structures from 150 Square Feet to 100 Square Feet per FEMA Guidelines
- 11. Possible Adoption to Town Definitions 157.006 to Include Requirements for Parking Spots on Private Property
- 12. Comments
- 13. Adjournment



TOWN OF HOLDEN BEACH PLANNING & ZONING BOARD APRIL 23, 2024 – 3:30PM

The Planning & Zoning Board of the Town of Holden Beach met for their Regular Meeting on Tuesday, April 23, 2024, at 3:30 p.m. in the Town Hall Public Assembly. Present were Vice Chair Aldo Rovito; Regular Member Wade Coleman; Alternate Members Mark Francis and Ashley Royal; Planning Director Tim Evans; Development Services Officer Janna Pigott; and Plan Reviewer/ Building Inspector Carey Redwine.

CALL TO ORDER

The meeting was called to order at 3:33 p.m.

ROLL CALL

Chair Pete Pallas and Regular Member Sylvia Pate were absent. All the other members were present.

PUBLIC COMMENTS ON AGENDA ITEMS

No comments

APPROVAL OF MINUTES

Alternate Member Mark Francis motioned to approve the minutes of April 2, 2024; Vice Chair Aldo Rovito seconded; approved by unanimous vote.

CONSIDERATION OF REVISIONS TO FRONTAL DUNE ORDINANCE 94.03 AND TRANSITION TO LAND USE SECTION 157

Director Evans explained to the Planning Board that staff was asked to revise Town Ordinance 94.03 to allow a due process for property owners and remove the structural components regarding building a walkway from the Regulatory section of the Ordinance book into the Land Use section. Director Evans explained that how the Ordinance currently reads is conflicting with CAMA regulations and the North Carolina Building Code. Director Evans stated that staff have been tasked with enforcing an Ordinance that was previously passed in 2003 but not correctly enforced by previous administrators. Director Evans then presented to the Board the proposed changes staff made to the Ordinance and stated the property owners would be allowed to go out to the first line of natural stable vegetation if they wanted to without penalty.

Alternate Member Ashley Royal motioned to adopt the revisions to Town Ordinance 94.03; Member Coleman seconded; approved by unanimous vote.

Vice Chair Aldo Rovito recommended the Board vote to adopt the recommendation; it was approved unanimously.

Alternate Member Ashley Royal motioned for staff to present the revisions to the Board of Commissioners for consideration; approved unanimously.

COMMENTS

There were no comments.

ADJOURNMENT

Vice Chair Aldo Rovito motioned to adjourn the meeting; Regular Member Wade Coleman seconded; approved by unanimous vote. The meeting adjourned at 4:09 p.m.



2025 PLANNING AND ZONING BOARD MEETING SCHEDULE **TOWN OF HOLDEN BEACH**

3:30 P.M.- TOWN HALL PUBLIC ASSEMBLY

JANUARY 28th, 2025

AUGUST 26th, 2025 **SEPTEMBER 23, 2025** JULY 22nd, 2025 JUNE 24th, 2025 MAY 27th, 2025 APRIL 22nd, 2025 MARCH 25th, 2025 FEBURARY 25th, 2025

NOVEMBER 25th, 2025

OCTOBER 28th, 2025

DECEMBER 23rd, 2025

§ 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 and Board of Adjustment prior to issuance of a building permit for moving the building. In this regard the Board of Adjustment shall hold a evidentiary hearing as set forth in § 157.146(C) of this chapter. Owners of property within 200 feet of the proposed new location shall be individually notified by certified mail of the hearing.
- (E) Temporary relocation of buildings for periods not to exceed 90 days may be approved by the Building Inspector provided that during such period the building shall not be connected to any utility system and shall not be occupied. In the event the owner desires to secure the building at its temporary location and initiate improvements thereon, such work shall be done at the owner's sole risk and shall be subject to the provisions of divisions (A) through (D) above. Failure to comply fully with divisions (A) through (D) of this section shall be just cause for an order to remove to be issued by the Building Inspector and each day the building remains after the deadline stated in the order shall be considered a separate violation of this section.
- (F) A fee as established in the fee schedule adopted by the Board of Commissioners, which shall be available at the office of the Town Clerk, shall be paid to the town for each application for relocation of a building to cover the costs of advertising and other administrative expense involved.

(G) Prior to issuance of a building permit for the work, the person or firm to whom the building permit is to be issued shall furnish a performance bond issued by a surety authorized to do business in the state or shall deposit money, certified check, or government securities for the full cost of the work as determined by the Building Inspector in consultation with the applicant for the permit or for \$25,000 whichever is the greater, as a guarantee of faithful completion of the work.

('85 Code, § 15-6.14) (Ord. 16-82, passed 10-4-82; Am. Ord. 10-84, passed 8-6-84; Am. Ord. 5-85, passed 4-1-85; Am. Ord. 92-04, passed 3-18-92; Am. Ord. 14-10, passed 9-9-14; Am. Ord. 21-10, passed 6-15-21) Penalty, see § 157.999

§ 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.

Gross Floor Area	Minimum Required
<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.

Gross Floor Area	Minimum Required
4,000 square feet	5 feet
4,000 - 5,000 square feet	7 feet

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- (a) Open porches, decks, or overhangs shall not extend into minimum setbacks.
- (5) Rear yard setbacks per structure size.

Gross Floor Area	Minimum Required
<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 30% of the platted lot. If a structure is 4,000 square feet, (gross floor area), or greater then lot coverage cannot be greater than 25%. If structure coverage is 5,000 square feet, (gross floor area), or greater lot coverage is limited to 20%. All impervious structures outside of main structure shall not exceed 30% of buildable land less area of the main structure. All Health Department and CAMA requirements must also be met. Open decks are not considered in the 30% lot coverage 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 30% of the platted lot in addition to the allowable impervious 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) Location of accessory buildings. Accessory buildings shall be located not less than five feet from property line.
- (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.
- (15) Cargo lifts and platform lifts that meet the requirements of ASME A18.1. of the North Carolina Residential Building Code may encroach into the front or rear setbacks but not both.

154.24 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

Located within the Special Flood Hazard Areas established in Section 154.05, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Sections 154.20 and 154.21, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 2 feet above the highest adjacent grade, or at least 2 feet above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 154.24(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 154.36(C) and Section 154.21(B).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

§ 154.21 SPECIFIC STANDARDS.

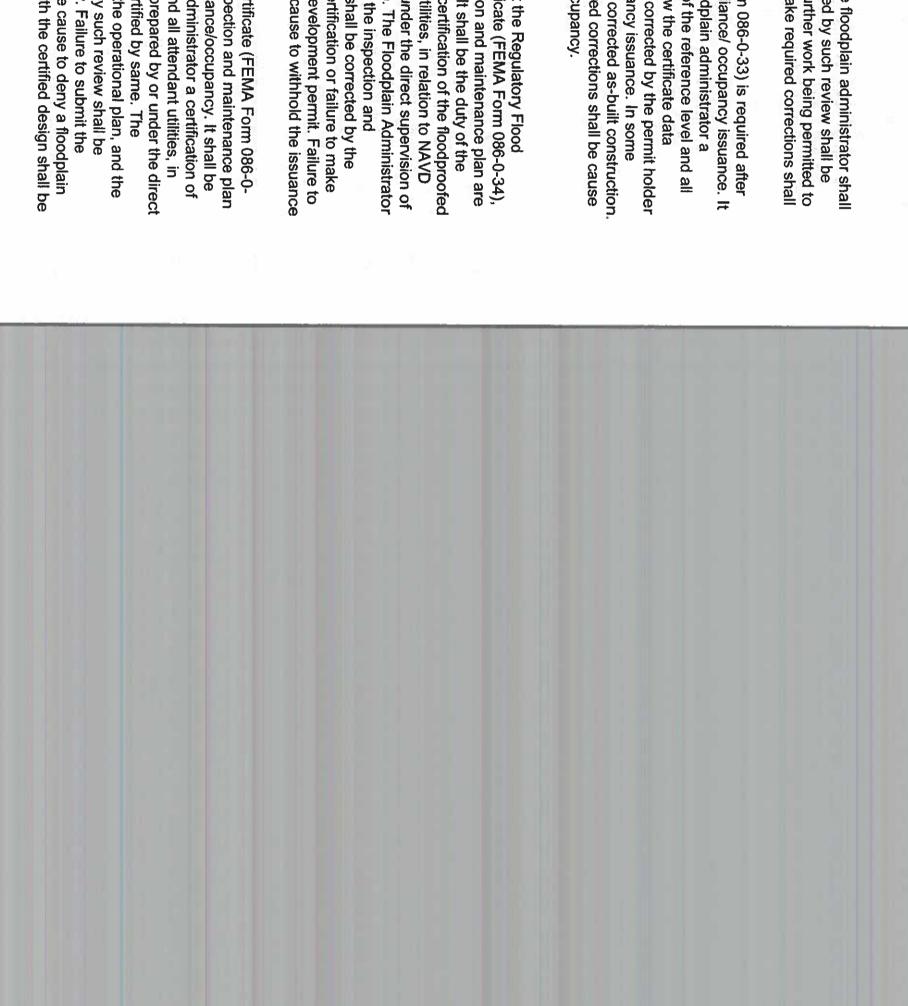
- (H) Accessory structures.
- (1) When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom 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 450 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).

§ 154.36 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

- (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 imstances, another 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 450 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.

§ 157.006 DEFINITIONS.

PARKING SPACE, OFF-STREET. Consists of a space adequate for parking an automobile with room for opening doors on both sides, together with property related access to a public street or alley and maneuvering room.

PARKING SPACE, **PRIVATE PROPERTY**. One (1) 10'x20' parking space per bedroom is required to remain for the life of the structure and shall not be impeded by permanent or removeable barriers or partitions.

PERSON. Means and include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

PLANNED DEVELOPMENT, RESIDENTIAL.

A parcel of land in single or joint ownership of whatever form which is planned to be developed as a unit and is developed according to an approved plan in a single development operation or in a programmed series of development operations. Density within the **PLANNED DEVELOPMENT-RESIDENTIAL DISTRICT** is controlled by the following ratios:

- (1) The maximum floor area ratio (FAR) is a ratio of the maximum square foot amount of total floor area (all stories) permitted for each square foot of land area.
- (2) The minimum open space ratio (OSR) is a ratio of the minimum square foot amount of open space which shall be provided for each square foot of floor area.
- (3) The minimum recreational space ratio (RSR) is a ratio of the minimum square foot amount of recreation space required for each square foot of floor area.
- (4) The minimum total car ratio (TCR) is a ratio of the total number of parking and garage spaces required for each living unit, including spaces without time limits (primarily for occupants) and spaces available for limited time periods (primarily for guests).

PLATTED LOT. See LOT OF RECORD.

RENTAL HOME. A rental home is a dwelling unit available for rent to non-property owners for periods of as little as one day and for periods in excess of one day.

SCREENING (BUFFERS). A fence, wall, hedge, or other planted area or device used to conceal something from adjacent lots or streets. In the case of contrasting districts, buffers are required to lessen the visual impact of the more intense uses from those of less intense use (example: business screened from residential). Plantings shall be of sufficient height and density to conceal from public view the subject being screened. If fencing or structure is used, it shall be compatible in appearance to the primary structure.

SERVICES. Occupation contributing to the welfare of others which is useful labor that does not produce tangible commodity.

SETBACK LINE. The line on the front, rear, and sides of a lot, which delineates the area upon which a structure may be built and maintained. Setbacks shall be measured from the recorded property line.

