

ORDINANCE 25-07
AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES,
SECTION 157.085 RELOCATION OF BUILDINGS

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Holden Beach Code of Ordinances, Section 157.085 Relocation of Buildings be amended as follows:

Section One: Amend Section 157.085 Relocation of Buildings as follows (changes in red):

§ 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.

Section Two: The Town Clerk is directed to forward this ordinance to American Legal Publishing for inclusion in the next published supplement to the Holden Beach Code of Ordinances.

This the 20th day of May 2025.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk