

**TOWN OF HOLDEN BEACH
ORDINANCE 20-11**

**AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, TITLE XV: LAND
USAGE**

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina that the Holden Beach Code of Ordinances, Title XV: Land Usage be amended as follows:

Section One: Amend Title XV: Land Usage as follows:

Replace all areas within the town ordinances that read Assistant Building Inspector with Development Services Officer.

Section Two: Amend Chapter 154. Flood Damage Prevention as follows:

§ 154.21 SPECIFIC STANDARDS.

(D) Elevated buildings. Fully enclosed areas of new construction and substantially improved structures, which are below the lowest floor:

- (1) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;

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

§ 154.23 COASTAL HIGH HAZARD AREAS (ZONES VE).

(G)(4) Elevator shafts/enclosures that extend below the RFPE shall be constructed of ~~reinforced masonry block or reinforced concrete walls and located on the landward side of the building to provide increased protection from flood damage. Drainage must be provided for the elevator pit.~~ **with breakaway walls and flood vents installed.**

Section Three: Amend Chapter 157. Zoning Code as follows:

§ 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 ~~or~~ 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. ~~Neither the principal structure nor uncovered steps may extend closer than six feet from the bulkhead and no piles shall be placed closer than six feet from any bulkhead.~~

§ 157.027 LOTS CONTAINING MARSH OR WETLANDS.

Platted lots containing marsh or wetlands as defined by CAMA, **Town of Holden Beach Code Administrator** or the Corps of Engineers may be developed provided:

(A) Yard requirements are met.

~~(B) The piles supporting the structure are located no closer than seven feet from an existing bulkhead, the COE line, or CAMA line, whichever is closer.~~

~~(C) (B) Fill material placed landward of the marsh line is not allowed to slip or wash into the marsh.~~

§ 157.130 AMENDING THE CHAPTER.

(C) Fees. A fee of ~~\$35~~ **\$250.00** shall be paid to the town for each application for an amendment to cover the costs of advertising and other administrative expense involved.

Section Four: Amend Chapter 158. Stormwater Management as follows:

§ 158.09 DEVELOPMENTS THAT DO NOT REQUIRE STATE CERTIFICATION.

~~(B) The amount of any fill materials to be placed for whatever purpose (height above existing grades) shall be limited to either 12 inches above the average centerline of the road adjacent to the property the height required by the County Health Department for approval of a septic system permit. After any parcel of land has been filled to the subject height as required by the County Health Department, if a septic tank permit is not obtained within 60 days, the fill materials placed shall be removed and the parcel of land returned to its original condition. If it is proposed to place fill materials on the property outside of the area of the septic tank and drain field, the additional area capable for building a structure shall be treated as an impervious surface for stormwater management purposes.~~

§ 158.09 DEVELOPMENTS THAT DO NOT REQUIRE STATE CERTIFICATION.

~~(7) In those cases where the property in question (with the Health Department approved soil added) is lower than adjacent property, additional fill materials may be added to bring the property up to the existing grade of adjacent properties, so long as that addition is approved by the County Health Department.~~ **an engineered stormwater plan is approved.**

Section Five: 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.

Section Six: This ordinance shall be effective the _____ day of _____, 2020.

Adopted this the _____ day of _____, 2020.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk