



**TOWN OF HOLDEN BEACH
PLANNING & ZONING BOARD REGULAR MEETING
HOLDEN BEACH TOWN HALL – PUBLIC ASSEMBLY ROOM
TUESDAY, APRIL 23, 2024 – 3:30 P.M.**

- 1. Call to Order**
- 2. Roll Call**
- 3. Public Comments on Agenda Items**
- 4. Approval of Minutes April 2, 2024**
- 5. Planning Board to Consider Revisions of Regulatory Frontal Dune Ordinance 94.03 and Consider Transition to the Land Use Section (157) of the Town of Holden Beach Ordinance Book**
- 6. Comments**
- 7. Adjournment**

**TOWN OF HOLDEN BEACH
PLANNING & ZONING BOARD
APRIL 2, 2024 – 10:00AM**

The Planning & Zoning Board of the Town of Holden Beach met for their Regular Meeting on Tuesday, April 2, 2024 at 10:00 a.m in the Town Hall Public Assembly. Present were Chair Pete Pallas; Regular Members Wade Coleman, Sylvia Pate; Alternate Member Mark Francis; 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 10:01 a.m.

ROLL CALL

Vice Chair Aldo Rovito and Alternate Member Ashley Royal were absent. All the other members were present.

PUBLIC COMMENTS ON AGENDA ITEMS

No comments.

APPROVAL OF MINUTES

Chair Pallas motioned to approve the minutes of February 27, 2024; Regular Member Sylvia Pate seconded; approved by unanimous vote.

DISCUSSION OF AMENDMENTS TO THE NFIP ORDINANCE-SECTION 154 OF THE TOWN ORDINANCE BOOK AS REQUIRED BY FEMA AND NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY

Director Evans explained to the Planning Board that staff had a meeting with FEMA previously and it was recommended that some of the Ordinances and definitions in Section 154 of the Holden Beach Ordinance book be “cleaned up” and revised to coincide with Floodplain Management Regulations. Director Evans presented a consistency statement to the Board for Chair Pallas to sign that states the revisions to the Town Ordinances will not alter the Town’s current Land Use Plan.

Alternate Member Mark Francis motioned to approve the recommended changes to Section 154; Member Coleman seconded; approved by unanimous vote.

The Planning Board reviewed the consistency statement. Chair Pallas motioned to accept the consistency statement; Alternate Member Mark Francis seconded; approved by unanimous vote.

TRANSITION OF TOWN ORDINANCE 94.03 FROM REGULATORY SECTION TO LAND USE SECTION 157

Director Evans explained that staff initiated the transition of Town Ordinance 94.03 from the Regulatory Section to the Land Use Section so that homeowners would be able to apply for variances and have more lenience with what they are able to do regarding how far they can extend their walkway and have sections wider than four feet. Director Evans also stated that the Ordinance should have been enforced more thoroughly in the past, but it was not and has since become an issue for future and present staff to enforce. Director Evans stated that allowing homeowners to extend further out, if constructed correctly, that walkways would help build up the dune system on the oceanfront.

Chair Pallas motioned to task staff to rewrite Ordinance 94.03 and move it to the Land Use Section; Member Sylvia Pate seconded; approved by unanimous vote.

POSSIBLE TEXT AMENDMENT TO TOWN ORDINANCE 92.32- DECORATIVE LIGHTS & UNNECESSARY LIGHTING

Director Evans stated that the revision of the lights stems from Christmas lights and unnecessary lighting on the oceanfront and is a revision to amend the Ordinance to remove the decorative lighting from the Ordinance but keep the definition, so it allows for the use of decorative lights less than sixty volts.

Alternate Member Mark Francis motioned to send the final revisions of the Ordinance to the Board of Commissioners; Member Sylvia Pate seconded; approved by unanimous vote.

COMMENTS

There were no comments.

ADJOURNMENT

Chair Pallas motioned to adjourn the meeting; Alternate Member Mark Francis seconded; approved by unanimous vote. The meeting adjourned at 10:33 a.m.

ORDINANCE WITH REVISIONS

§ 94.03 FRONTAL DUNE POLICIES 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 State 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 dune, or the existing line of escarpment determined by averaging the downward slope or escarpment line for the property in question and those properties directly adjacent.



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 State 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. The walkway shall be raised on posts or pilings a minimum of two feet and a maximum of five feet depth into 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.

DUNE RESTRICTIONS 157.024

- (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 ~~no later than December 31, 2003 if repairs exceed more than 50% of the structural value,~~ in order to be in compliance with this section. ~~A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair.~~ Exception: town-owned CAMA accessways may utilize a six-foot walkway. ~~Exception: property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a maximum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet; and shall terminate at the last line of natural stable vegetation.~~
- (C) Walkways shall be permitted and built in accordance with all federal, state and local building requirements.
- (D) ~~Exception:~~ swimming pools maybe 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.

(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.

FINAL ORDINANCE AFTER REVISIONS

§ 94.03 FRONTAL DUNE POLICIES 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.

DUNE RESTRICTIONS 157.024

- (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 accessways 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 maybe 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.

§157.060 (D)(10)- Location of accessory buildings. Accessory buildings shall be locate not less than five feet from property line. (a) see 157.024.

§157.061 (D)(9)- Location of accessory buildings. Accessory buildings shall be locate not less than five feet from property line. (a) see 157.024.



TOWN OF HOLDEN BEACH PLANNING & ZONING BOARD STATEMENT OF CONSISTENCY AND ZONING RECOMENDATION

The Town of Holden Beach Planning & Zoning Board has reviewed and hereby recommends approval of amendments to Section 157 of the Town's Land Use Section.

After review, the Planning & Zoning Board has found that the recommended amendments are consistent with the adopted CAMA Land Use Plan and are considered reasonable and in the public interest for the following reasons.

Use of Property: The amendment as recommended and initiated by staff to provide citizens with a due process pathway to avoid unnecessary hardships due to the Ordinance.

Economic Impacts: The CAMA Land Use Plan Goals and Objectives 3.2; Policies 3.2(A), 3.2(B), 3.2(G), & 3.2(M). The changes will support not alter the current Goals, Objectives, and Policies.

Environmental Impacts: Amendments align with current Goal 3.2 and Objective 3.2 of the CAMA Land Use Plan.

Upon approval by the Board of Commissioners the Comprehensive Plan will be deemed amended and shall not require any additional request or application for amendment.

The statement and Motion were adopted by a _____ vote this _____ day of April 2024.

Pete Pallas, Chair