



**TOWN OF HOLDEN BEACH**  
**PLANNING & ZONING BOARD REGULAR MEETING**  
**HOLDEN BEACH TOWN HALL – PUBLIC ASSEMBLY ROOM**  
**Tuesday, August 23, 2022 3:30 PM**

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- 1. Call to Order**
- 2. Roll Call**
- 3. Public Comments on Agenda Items**
- 4. Approval of Minutes**
  - a. Minutes of June 22, 2021 Regular Meeting
  - b. Minutes of July 27, 2021 Regular Meeting
  - c. Minutes of June 28, 2022 Regular Meeting
- 5. Swearing in of Members by Heather Finnell, Town Clerk**
- 6. Election of Chairman & Vice Chairman**
- 7. Discussion and Possible Action on Ordinance 94.03 Frontal Dune Policy and Regulations**
- 8. Comments**
- 9. Adjournment**

**TOWN OF HOLDEN BEACH  
PLANNING & ZONING BOARD  
PUBLIC HEARING & REGULAR MEETING  
June 22, 2021 – 3:30 P.M.**

The Planning & Zoning Board of the Town of Holden Beach met for their Regular Meeting on Tuesday, June 22, 2021, at 3:30 p.m. in the Town Hall Public Assembly. Present were Chair Vicky Myers; Secretary Tracy Thomas; Regular Member Bob Hunter and Alternate Member Pete Pallas; Planning Director Tim Evans; and CZO Rhonda Wooten.

**PUBLIC HEARING AT 3:30 P.M.**

Proposed amendment to prohibit pools in the front yard setbacks. Chapter 157.060(D)(7)(b) and 157.061 (D)(6)(b).

Planning Director Evans stated that he feels that it was never intended to allow pools in the front yard setback. He feels that pools being allowed in the setback was a product of the ordinance. This proposal is to close a loophole that was never intended.

No public comments.

The public hearing was closed at 3:35 p.m.

**CALL TO ORDER PLANNING & ZONING REGULAR MEETING**

The meeting was called to order at 3:35 p.m.

**ROLL CALL**

Vice Chair Mark Fleischhauer was not present.

Regular Member Greg Shue was not present.

**PUBLIC COMMENTS ON AGENDA ITEMS**

There were no public comments.

**APPROVAL OF MINUTES**

*Secretary Thomas made a motion to approve the May 25, 2021 minutes; seconded by Bob Hunter; and approved by unanimous vote.*

## **SWEARING IN OF MEMBERS BY HEATHER FINNELL, TOWN CLERK**

Town Clerk Heather Finnell swore in Alternate Member Pallas.

## **DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 157.060(D)(7)(c) and 157.061(D)(6)(c) to PROHIBIT POOLS FROM FRONT SETBACKS**

Regular Member Hunter stated that he did not want to see pools in front yard setbacks. He feels it's a possible safety hazard.

Chairperson Myers stated that when the bike lanes get put in people will be even closer to the pools. She feels that they are an unattractive nuisance and can be deadly.

Planning Director Evans stated that he feels pools are an attractive nuisance.

Secretary Thomas stated that she agrees with the proposed changes.

Alternate Member Pallas stated that he had recently made a delivery to a home and sees no problem with the pool in the front yard. He feels that this is government trying to rule you again.

Planning Director Evans stated that staff doesn't feel that there is anything in the Land Use Plan that this would be inconsistent with.

*Secretary Thomas made a motion to send it forward to the Board of Commissioners with a recommendation to approve it; seconded by Regular Member Hunter; and approved by unanimous vote.*

Chair Myers read aloud the consistency statement hereby attached to these minutes.

*Secretary Thomas made a motion to adopt the consistency statement; seconded by Regular Member Bob Hunter; and approved by unanimous vote.*

## **COMMENTS**

Chair Myers recognized both Board Members Mark Fleischhauer and Bob Hunter. Both of these gentlemen have completed two 3-year terms and are not eligible for reappointment of this board. This is their last meeting. Both of these members have seen a lot of issues come through this board in the last six years. Two Parking Citizen Advisory Committees, or CACs, plus one on the sewer system, the second water tower issue, mega-houses and the issues they pose (repeatedly), the building height amendment, cargo lifts, noise ordinance, to name just a few. In addition, Bob and Mark were also members of the Land Use Plan Steering Committee and fully participated in the update of the plan, another huge task. I have enjoyed working through these issues with both of them. They prepare for our meetings, have great ideas, think about the consequences and have the best interest of the island in mind as they vote. The residents and

property owners of Holden Beach have been well served by your time on the P&Z Board, and on behalf of myself and our other citizens I thank you for your time and service. It is truly appreciated. My second full term expires next year. I hope that one of you will apply for my spot! So again, thanks and enjoy your well-earned time off!

Regular Member Hunter stated that he appreciated Chair Myers and Vice Chair Fleischhauer for going overboard.

Planning Director Evans stated that he asked the CRC about the 5-year review perimeters for the inlet hazard change that is being proposed, it appears to him that there are none.

*Secretary Thomas made a motion to adjourn; seconded by Regular Member Hunter; approved by unanimous vote.*

**TOWN OF HOLDEN BEACH  
PLANNING & ZONING BOARD  
JULY 27, 2021 – 3:30 P.M.**

The Planning & Zoning Board of the Town of Holden Beach met for their Regular Meeting on Tuesday, July 27, 2021 at 3:30 p.m. in the Town Hall Public Assembly. Present were Chair Vicky Myers; Regular Member Alternate Member Pete Pallas; Planning Director Tim Evans; and CZO Rhonda Wooten.

Regular Member Greg Shue was an unexcused absence.

Chair Myers amended the agenda by adding June to item #4 and secretary to #6. Regular Member Pallas to approve the agenda. Approved by agreement.

**SWEARING IN OF MEMBERS BY HEATHER FINNELL, TOWN CLERK**

Town Clerk Heather Finnell swore in Regular Members Pete Pallas, Wade Coleman and Sylvia Pate. Also sworn in was Alternate Members Mark Francis and John Cain.

**ELECTION OF CHAIRMAN, VICE CHAIRMAN AND SECRETARY**

*Regular Member Pate made a motion to nominate Vicky Myers as Chairperson. Approved by unanimous vote.*

*Regular Member Coleman made a motion to nominate Pete Pallas as Vice Chairman; Seconded by Vicky Myers and approved by unanimous vote.*

*Chairman Myers made a motion to nominate Regular Member Pate to be the secretary. Seconded by Regular Member Coleman and approved by unanimous vote.*

**PUBLIC COMMENTS ON AGENDA ITEMS**


No comments

**APPROVAL OF MINUTES OF JUNE 22, 2021 REGULAR MEETING**

Chair Myers ask if the minutes could be postponed until the following month. The Board agreed.

**COMMENTS**

Chair Myers stated the following: Regular Member terms are for three years and you can serve two terms. Alternate Members are appointed annual with no limit to the term. Planning & Zoning Board is established by the Town Ordinances in in Chapter 155. By State Law a Planning Board is required in order to have zoning. Our guide is the Land Use Plan and was recently updated. The



Planning & Zoning Board are a advisory board that makes recommendations to the Board of Commissioners, we . Recent topics recently completed one was the big house issue. Updated the land use plan and chapter 160D.

In process now is the pools in the front yard setback. Board of Commissioners voted at their July meeting to hold a public hearing at their August meeting.

At some point someone will need to work on our Rules of procedure.

Alternates need to come to every meeting and come prepared. You will alternate being designated as a regular voting member. You participate in all of the deliberations, you can vote as Chairman, Vice Chairman and Secretary. You can participate in advisory committees.

Next meeting is August 24<sup>th</sup> at 3:30 pm.

Planning Director introduced himself and welcomed the new members.

#### **ADJOURNMENT**

Meeting was adjourned.

**TOWN OF HOLDEN BEACH  
PLANNING & ZONING BOARD  
JUNE 28, 2022– 3:30 P.M.**

The Planning & Zoning Board of the Town of Holden Beach met for their Regular Meeting on Tuesday, June 28, 2022, at 3:30 p.m. in the Town Hall Public Assembly. Present were Chair Vicki Myers; Vice Chair Pallas; Regular Members Wade Coleman, Greg Shue and Sylvia Pate; Alternate Members Mark Francis and John Cain; and Planning Director Tim Evans.

**CALL TO ORDER**

Chair Myers called the meeting to order at 3:30 PM.

**ROLL CALL**

All members were present.

**PUBLIC COMMENTS ON AGENDA ITEMS**

There were no public comments.

**DISCUSSION AND POSSIBLE ACTION ON ORDINANCES 94.03 FRONTAL DUNE POLICY AND REGULATIONS**

Planning Director Evans stated that the frontal dune regulation was used to help lower our CRS rating. If changes are made to the regulation, we will not know until the next 5-year renewal is completed on how this will affect the rating. He suggested the board research why the walkways' policy is written with the language being used at this time. Vice Chair Pallas feels that research should be done to find out why the ordinance is written the way it is now.

*Regular Member Pate made a motion that the topic be moved into Chapter 157; seconded by Regular Member Shue and approved by unanimous vote.*

Regular Member Shue stated that maybe other changes did not need to be made to this ordinance just move it to Chapter 157; the CAMA dune seems to be shifting sand. Planning Director Evans stated that his department has very few requests to construct walkways any further oceanward than what the ordinance allows now. Chair Myers stated that a variance from the Board of Adjustment will go with the land. Planning Director Evans stated that it could turn into a marathon for the Board of Adjustment.

*Regular Member Shue made a motion for the staff to bring back a draft ordinance to end the walkways only to the last line of stable vegetation on the CAMA dune; seconded by Vice Chair Pallas and approved by unanimous vote.*

Chair Myers stated that Planning Director Evans was bringing back a draft ordinance and the history on the walkways. She handed out assignments to the returning members. Regular Member Shue will be researching other communities in Brunswick County on how they handle walkways. Vice Chair Pallas will be researching Outer Banks. Regular Member Pate will research Carteret County. Regular Member Coleman will research from north Brunswick County to Carteret County.

## **COMMENTS**

Chair Myers recommend to the members that they purchase the books from the school of government by David Owen titled Introduction to Zoning and Development Regulations. She also recommended that everyone read the Land Use Plan and be familiar with it. Planning Director Evans stated that if they board wanted training then we will bring someone in for that.

The Board thanked Chair Myers for her work and service.

## **ADJOURNMENT**

*Vice Chair made a motion to adjourn; seconded by Member Pate; approved by unanimous vote.*



**THESE ARE COPIES OF THE OPTIONS  
IN THE POWERPOINT. THESE HAVE  
LARGER FONTS SO THAT THEY ARE  
LEGIBLE.**

**Option 1**

**No Changes Remain in 94.03**

(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 N.C. 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 6-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 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the N.C. State Building Code.

4. In accordance with N.C. 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.

6. No structure other than the four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the 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, 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 6-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. Walkways shall be permitted and built-in accordance with all federal, state and local building requirements.

(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.

## Option 2

Ordinance change to remain in 94.03

### (2) Frontal Dune Policy and Restrictions:

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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 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the ~~N.C. State Building Code.~~ North Carolina Residential Building Code.

4. In accordance with N.C. 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.

- 6. No structure other than ~~the~~ **one** four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the **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, 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 6-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.~~ A **single walkway** allowed to extend to the seaward toe of the most oceanward dune as located by Planning Director or designee, but in no case shall it extend beyond the last line of natural stable vegetation. Walkways shall be permitted and built-in accordance with all federal, state, and local building requirements.

(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.



### Option 3

Staffs Preliminary changes based on input to be moved to 157.024

#### (2) Frontal Dune Policy and Restrictions:


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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 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the ~~N.C. State Building Code~~-North Carolina Residential Building Code.

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(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.

## Option 4

### Move to 157.024 With No Changes

#### (2) Frontal Dune Policy and Restrictions:

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Option 5

Staff recommended changes to remain 94.03

Staff Input: Assistant Town Manager Christy Ferguson, Development Service Officer, Rhonda Wooten, Planning and Inspections Director Timothy D. Evans, Public Works Director, Chris Clemmons

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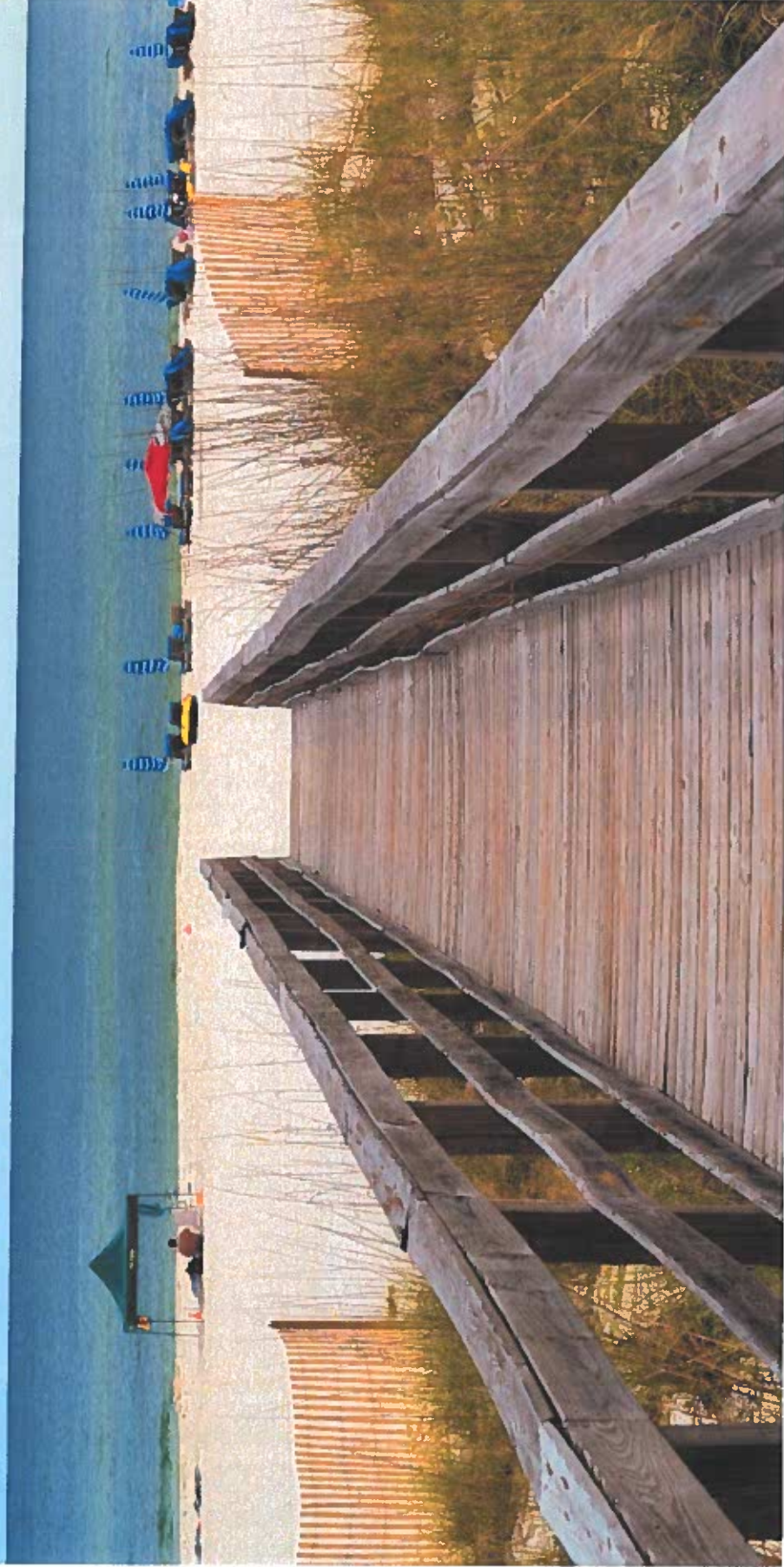
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# Ocean Front Walkway Structures

August 23, Planning  
Board Meeting





# **Planning Board Considerations 94.03 Frontal Dune Policy and Regulation's**

## **Options:**

- 1. No Changes ordinance to remain in 94.03**
- 2. Ordinance Change To Remain in 94.03**
- 3. Staff's preliminary changes based on input moved to 157.024**
- 4. Moved to 157.024 with no changes**
- 5. Staff recommended changes to remain in 94.03**

(2) Frontal Dune Policy and Restrictions:

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(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.

Option One  
remain in 94.03  
no changes



(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 ~~N.C. State Building Code~~ **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 6-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 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the ~~N.C. State Building Code~~ **North Carolina Residential Building Code**.

**Option two ordinance change to remain in 94.03**

4. In accordance with N.C. 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.

6. No structure other than ~~the one~~ four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the ~~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, 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 6-foot walkway. ~~Exception: Property owners with lots that have more than 200 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 minimum 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. A single walkway allowed to extend to the seaward toe of the most oceanward dune as located by Planning Director or designee, but in no case shall it extend beyond the last line of natural stable vegetation. Walkways shall be permitted and built in accordance with all federal, state, and local building requirements.~~

(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.

14) 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 ~~N.C. State Building Code~~ ~~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 6-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 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the ~~N.C. State Building Code~~ ~~North Carolina Residential Building Code~~.

4. In accordance with N.C. 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.

6. No structure other than ~~the~~ ~~one~~ four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the ~~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, 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 6-foot walkway. ~~Exception: Property owners with lots that have more than 200 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. A single walkway allowed to extend to the seaward toe of the most oceanward dune as located by Planning Director or designee, but in no case shall it extend beyond the last line of natural stable vegetation. Walkways shall be permitted and built-in accordance with all federal, state, and local building requirements.~~

(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.

Option three  
Staff's  
preliminary  
changes based  
on input moved  
to 157.024

(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 N.C. 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 6- 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 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the N.C. State Building Code.
4. In accordance with N.C. 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.
6. No structure other than the four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the 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, 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 6-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. Walkways shall be permitted and built-in accordance with all federal, state and local building requirements.

Option four  
move to  
157.024 with  
Section no  
changes

Option 5

Staff recommended changes to remain 94.03

Staff Input: Assistant Town Manager Christy Ferguson, Development Services Officer, Rhonda Wooten, Planning and Inspections Director  
Timothy D. Evans, Public Works Director, Chris Clemmons

(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 ~~N.C. State Building Code~~ ~~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 6-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, ~~at the existing line of encroachment, determined by averaging the downwind slope of encroachment 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 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the ~~N.C. State Building Code~~ ~~North Carolina Residential Building Code~~.
4. In accordance with N.C. 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. ~~This walkway shall be raised on posts or pilings to a minimum of two feet and a maximum of four 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.

6. No structure other than ~~the~~ ~~one~~ four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the ~~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, 2013, 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 6-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. Walkways shall be permitted and built in accordance with all federal, state and local building requirements.

(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.

Option 5 staff recommended changes to remain in chapter 94.03