

**TOWN OF HOLDEN BEACH  
ORDINANCE 20-04**

**AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 157:  
ZONING CODE**

**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, Chapter 157: Zoning Code be amended as follows:

**Section One:** Amend Sections 157.060 and 157.075 to read as follows:

§ 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 ~~provided the necessary public and/or community water and sewer systems are available.~~

(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 Section 157.075 (B), 1 & 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. Minimum required: 25 feet.~~

**(3) Front Yard Setbacks per structure size:**

<4000 Square Feet (Gross Floor Area) Minimum Required: 25 Feet

4000<5000 Square Feet(Gross Floor Area), Minimum Required: 30 Feet

5000 > 6000 Square Feet (Gross Floor Area), Minimum Required: 35 Feet

(4) ~~Side yard. Minimum required: five feet. Open porches, steps, or overhangs shall not be within five feet of the property line.~~

(4) Side Yard Setbacks per Structure Size:

4000 Square Feet (Gross Floor Area), Minimum Required: 5 feet

4000 < 5000 Square Feet Minimum (Gross Floor Area), Required: 7 Feet

5000 > 6000 Square Feet Minimum (Gross Floor Area) , Required: 10

Feet

(a) Open porches, decks, or overhangs shall not extend into minimum setbacks.

~~(5) Rear yard. Minimum required: 20 feet.~~

(5) Rear Yard Setbacks per Structure Size

<4000 Square Feet (Gross Floor Area), Minimum Required: 20 Feet

4000 < 5000 Square Feet (Gross Floor Area, Minimum Required: 25 Feet

5000 > 6000 Square Feet (Gross Floor Area), Minimum Required: 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 structure is 4000 square feet, (Gross Floor Area) , or greater then lot coverage cannot be greater than 25 percent. If structure coverage is 5000 square feet, (Gross Floor Area). or greater lot coverage is limited to 20 percent. 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.

(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) ~~Minimum floor space per dwelling unit. 750 square feet.~~ **Reserved**

~~(12) Minimum floor area of building 784 square feet of heated space.~~

(12) **Maximum Structure Size of any dwelling shall be 6000 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 <4000 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.

(E) Erosion threatened ocean front lots.

(1) In the event that it becomes necessary to relocate a structure that has become threatened by erosion, per below, a Special Use Permit may be authorized to establish the front yard building setback at a distance no less than ten feet from the property line. However, if the structure to be relocated can meet CAMA ocean side setback rules (per CAMA guidelines for new construction) and **meet** ~~remain within the 25-foot street side~~ **required setbacks** then no further relief can be given. Each case will be reviewed on its own merits. The conditions specified by the Town Planning and Zoning Board in the granting of this Special Use Permit shall be recorded at the County Register of Deeds Office prior to the execution of this permit.

(2) The following criteria applies:

(a) The erosion escarpment must have advanced to a point within 20 feet of the foundation of the roofed area of the structure.

(b) No portion of the structure shall be permitted to encroach into the setback allowed by this section. Exceptions are — steps and HVAC platforms may encroach no more than five feet into the ten feet setback area.

(c) The structure shall remain on the lot it occupies at the time that it becomes erosion threatened.

(d) The size of the structure shall not be increased in any way, shape or form except as allowed by this section.

(e) The front (northern) property lines of lots subject to this section shall be contiguous with the southern boundary of a city, state or private street.

(f) All off street parking requirements shall remain in effect.

(g) Building placement on all lots (corner and non-corner) and required parking areas shall comply with the setback requirement of § 157.081 in order to ascertain that no encroachment into an area required for view of oncoming vehicular traffic shall occur.

(h) No ground level enclosure shall be permitted within the **25 Foot setback** lines. A ground level enclosure shall not exceed 144 square feet per dwelling unit.

(i) This section shall not limit nor repeal any and all applicable local, state and federal statutes.

('85 Code, § 15-5.7) (Ord. 33, passed 10-5-81; Am. Ord. 93-20, passed 11-1-93; Am. Ord. 95-05, passed 2-22-95; Am. Ord. 96-02, passed 5-20-96; Am. Ord. 00-17, passed 7-10-99; Am. Ord. 01-01, passed 1-22-01; Am. Ord. 01-08, passed 7-23-01; Am. Ord. 02-12, passed 10-14-02; Am. Ord. 06-01, passed 1-9-06; Am. Ord. 06-07, passed 6-12-06; Am. Ord. 06-13, passed 11-14-06; Am. Ord. 07-05, passed 6-12-07; Am. Ord. 15-01, passed 1-13-15)  
Penalty, see § 157.999

#### § 157.075 OFF-STREET PARKING REGULATIONS.

(A) Scope. Parking spaces shall be provided for the number of vehicles that would ordinarily be attracted to a use or development in accordance with this section. The following lists conditions for which parking shall be provided. The list includes but is not limited to: all developments; all redevelopments; all increases or enlargements of any building by adding dwelling units, guest rooms, seats, or floor area; and all conversions from one type use or occupancy to another.

(B) Parking plan. All applications for a building permit shall include a parking plan to show conformity with this section. The plan shall indicate the layout of the parking facility, including dimensions, number of spaces, maneuvering space, aisles and access to a public right-of-way.

(C) Minimum size.

(A) **Commercial:** All required parking spaces required by this section shall maintain the following minimum dimension.

(1) Width: All parking spaces shall measure a minimum width of nine feet along the entire required length of the parking space.

(2) Length: All Parking spaces shall measure a minimum length of 20 feet, Exception: Parallel parking shall have a minimum length of 28 feet

(B) **R2 and R1:** All required parking shall maintain the following minimum dimensions.

(1) Width: All parking spaces shall measure a minimum width of ten feet along the entire required length of the parking space.

(2) Length: All Parking spaces shall measure a minimum length of 20 feet,

(D) Parking requirements.

(1) On premises private parking spaces shall be provided so that no spaces are a distance greater than 300 feet from the center point of the front of the lot.

(2) All required parking spaces shall be permanently marked or identified. The preferred method of marking for pervious surfaces shall be header ground monuments. Exception: Single-family dwellings.

(3) No parking space shall be so configured or arranged as to block or impede the flow in and out of another parking space. Exception: Single-family dwellings.

(4) Reserved accessible parking spaces shall be provided in accordance with the North Carolina Accessibility Code.

(E) Parking layout. The following table indicates the minimum width of the aisle or drive used to access the parking spaces based upon the angle of the parking spaces. Where there is no parking, interior aisle or drive widths shall be at least ten feet wide for one-way traffic and 20 feet wide for two-way traffic.

Parking Angle (in Degrees)						
0°	30°	45°	60°	90°		
One-way traffic			13'	11'	13'	26'
Two-way traffic			19'	20'	21'	26'

(F) Table of required off-street parking.

(1) The Building Inspector shall determine the required off-street parking after reviewing building plans and the parking plan and shall make the final determination for required parking based upon the reasonable expected use of the property.

(2) All commercial businesses shall provide a minimum of one parking space per two employees on shift. In the event of an odd number of employees, the business shall round up to one additional parking space.

#### Uses Required Off-Street Parking

Residential (one- and two-family dwellings, multi-family and condominiums) Minimum of 2 parking spaces per dwelling unit or 1 parking space per bedroom, whichever is greater.

Auditorium or theater One space for each 4 seats in the largest assembly area.

Auto wash Shall provide spaces equal to 3 times the capacity of the car wash.

Bowling alley Three spaces per alley plus requirements for any other use associated with the establishment such as restaurant, and the like.

Churches One parking space for each 4 seats in the sanctuary.

Clinics, medical Four parking spaces for each doctor plus 1 parking space for each employee.

Fishing piers Six spaces for each 100 feet of pier length plus requirements for any other use associated with the support and operation of the pier.

General or professional offices One parking space for each 300 square feet of gross floor space.

Home occupations (except medical doctors, and dentist offices) Two parking spaces in addition to the residential parking requirements.

Home occupations: medical doctors and dentist offices in residence Three parking spaces in addition to the residential parking requirements.

Hotels and motels One and one-half spaces for each guest room, suite, or unit.

Kindergarten or nursery Four spaces for drive-in off-street drop-off and pickup.

Nursing home One parking space for each 4 beds intended for patient use.

Public or private clubs and/or clubhouses One parking space for each 80 square feet of gross floor space.

Restaurant, snack bar One parking space for each 5 seats.

Retail One parking space for each 300 square feet of gross floor area.

Other uses not specified in the section      Sufficient spaces to accommodate the number of vehicles that would ordinarily be attracted to the use in question, as determined by the Planning and Inspections Department.

(3)      In the Central Commercial District bounded by Rothschild and Quinton Streets, the on-premises parking requirements of non-residential uses will be reduced by 50% from those specified in the preceding table, except for public or private clubs and/or clubhouses.

(G)      Combination of required parking spaces. The required parking spaces for any number of separate uses located on the same parcel may be combined in one lot.

**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.

**Section Three:** This ordinance shall be effective the 17<sup>th</sup> day of September, 2020.

Adopted this the 15<sup>th</sup> day of September, 2020.

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk