

Town of North Topsail Beach

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Richard Grant
Don Harte
Connie Pletl
Bob Swantek



Alice Derian, ICMA-CM
Town Manager

Melinda Mier
Town Clerk

Nature's Tranquil Beauty Planning Board

Agenda

Thursday, August 11, 2022, at 5:00 PM
2008 Loggerhead Court, North Topsail Beach NC 28460

- | | | |
|------|---|-----------|
| I. | Call to Order | 5:00 p.m. |
| II. | Adoption of Agenda | 5:01 p.m. |
| III. | Approval of Minutes | |
| | A. June 9, 2022 | 5:02 p.m. |
| | B. July 14, 2022 | 5:03 p.m. |
| IV. | Public Comment | 5:04 p.m. |
| V. | New Business | |
| | A. Dune Protection and Remediation: Proposed Text Amendments to UDO §10.07.02 Rebuilding of Damaged Dunes & Town Code Article 10 Sand Dune Protection | 5:05 p.m. |
| VI. | Discussion | 6:45 p.m. |
| VII. | Adjournment | 7:00 p.m. |

Notice to citizens who wish to speak: As a courtesy to others, a citizen speaking on an agenda item or making a petition is normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Planning Director by calling 328-1349. If you wish to address the Board this evening, please go to the front right corner of the conference room and sign up with the Recording Secretary. The Board may also change the order in which agenda items are presented.

Attorneys: If you are representing a person with an interest in a quasi-judicial proceeding on this agenda and believe you may wish to cross examine a witness, please identify yourself as such to the Recording Secretary. For the sake of maintaining an accurate public record all speakers must be prepared to speak into an amplified microphone and must provide their name to the Recording Secretary.



Town of North Topsail Beach
Board of Aldermen

Agenda	V.A.
Item:	
Date:	8/11/2022

Issue: Dune Protection and Remediation: Proposed Text Amendments to UDO §10.07.02
Rebuilding of Damaged Dunes & Town Code Article 10 Sand Dune Protection

Department: Planning

Prepared by: Deborah J. Hill MPA AICP CFM CZO

Presentation: Yes

BACKGROUND Pursuant to NCGS § 160D-301 (b) (4) the Planning Board is assigned the power and duty to advise the Board of Aldermen concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604. On August 3, 2022, the Board of Aldermen requested that the Planning Board review:

1. UDO plat requirements for development permits; specifically, requirements for ocean front lots with respect to the dune;
 - (a) Are surveyors/engineers providing the nature, location, dimensions, and elevations of the area of development, such as dune elevation, dune profile, topography? Have Planning Director provide Planning Board samples.
 - (b) Is the landward toe of the dune established clearly by location, dimensions, and elevations of the area of development? i.e., is the dune established on the plat by metrics, or simply labeled 1st line, toe of dune, etc.
2. Further, the Board of Aldermen directs the Planning Director to draft a text amendment to UDO §10.07.02 REBUILDING OF DAMAGED DUNES to include protection measures of a 5 foot buffer from the landward toe of the dune as identified by metrics on the preliminary development plat, non-conformation status for existing encroachment into buffer and mandatory compliance if structure is damaged or destroyed greater than 50%, fines as well as restoration for the Planning Board's consideration and recommendation to the Board of Aldermen.

RECOMMENDATION the Planning Board: 1) reviews development plat requirements for oceanfront development; 2) reviews the Planning Director's proposed text amendments to UDO §10.07.02 Rebuilding of Damaged Dunes & Town Code Article 10 Sand Dune Protection; 3) recommends that the Board of Aldermen conduct a public hearing on September 7, 2022 at 11:00 a.m. to receive input on a proposed amendment to North Topsail Beach Town Code Article IV Sand Dune Protection and the North Topsail Beach Unified Development Ordinance Article 10 Enforcement § 10.07.02 Dune Protection and Remediation; and that 4) the Board of Aldermen adopt the proposed text amendments to UDO §10.07.02 Rebuilding of Damaged Dunes (attachment 3) & Town Code Article 10 Sand Dune Protection (attachment 4).

ATTACHMENT

1. Development plat requirements pursuant to § 7.04 (B) (a)
2. Check List
3. Proposed Text Amendments to UDO §10.07.02 REBUILDING OF DAMAGED DUNES
4. Proposed Text Amendments to Town Code Article 10 Sand Dune Protection

ATTACHMENT 1

§ 7.04 ADMINISTRATION.

(A) Designation of Floodplain Administrator. The Planning Director, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this article. The Floodplain Administrator may delegate performance of certain duties to other employees. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this article, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this article.

(B) Floodplain development application, permit and certification requirements.

(1) Application requirements. Application for a floodplain development permit shall be made to the Floodplain Administrator prior to any development activities located within special flood hazard areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

(a) A plot plan drawn to scale which shall include, **but shall not be limited to**, zoning district, setbacks, percentage impervious surface, building height, area of environmental concern, CAMA setbacks, wetland delineation and the following specific details of the proposed floodplain development:

(i) The **nature, location, dimensions and elevations of the area of development/disturbance**; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities and other development;

(ii) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in § 7.03(B), or a statement that the entire lot is within the special flood hazard area;

(iii) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in § 7.03(B);

(iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in § 7.03(B);

(v) The base flood elevation (BFE) where provided as set forth in §§ 7.03(B) and 7.04(C);

(vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;

(vii) The boundary and designation date of the coastal barrier resource system (CBRS) area or otherwise protected areas (OPA), if applicable; and

(viii) The certification of the plot plan by a registered land surveyor or professional engineer.

(b) Proposed elevation, and method thereof, of all development within a special flood hazard area including, but not limited to:

(i) Elevation in relation to NAVD 1988 of the proposed reference level of all structures;

(ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO or A99 will be floodproofed; and

(iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.

(c) Floodproofing is prohibited in lieu of elevation. However, if non-residential floodproofing is used, a floodproofing certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise and maintenance of floodproofing measures;

(d) A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this article are met. These details include, but are not limited to:

(i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/sheer walls);

(ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with § 7.05(B)(4)(d) when solid foundation perimeter walls are used in Zones V, A, AE, AH, AO and A99; and

(iii) The following, in coastal high hazard areas, in accordance with the provisions of §§ 7.05(B)(4)(e) and 7.05(G) (§ 7.05(H), if applicable):

1) V-Zone certification with accompanying plans and specifications verifying the engineered structure and any breakaway wall designs. Prior to the certificate of compliance/occupancy issuance, the Floodplain Administrator may require that a registered professional engineer or architect certify the finished construction is compliant with the design, specifications and plans for VE Zone construction;

2) Plans for open wood latticework or insect screening, if applicable; and

3) Plans for non-structural fill, if applicable. If non-structural fill is proposed, it must be demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the BFE or otherwise cause adverse impacts by wave ramping and deflection on to the subject structure or adjacent properties.

(e) Usage details of any enclosed areas below the lowest floor;

(f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical and water systems to be located and constructed to minimize flood damage;

(g) Certification that all other local, state and federal permits required prior to floodplain development permit issuance have been received;

(h) Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of §§ 7.05(B)(6) and (7) are met; and

(i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

SITE PLAN

- Indicate zoning district on site plan.
- Indicate setbacks on site plan.
- Indicate proposed percentage impervious surface on site plan.
- Indicate proposed building height on site plan.
- Indicate Area of Environmental Concern (AEC) on site plan.
- Indicate CAMA setbacks on site plan.
- Indicate wetland delineation on site plan by bearings and distance and date confirmed by USACE.
- Indicate Area of Disturbance (include nature, location, dimensions, elevations) on site plan.
- Indicate existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities and other development on site plan.
- Indicate boundary of the special flood hazard area or a statement that the entire lot is within the special flood hazard area on site plan.
- Indicate Flood Zone designation(s) on site plan.
- Indicate base flood elevation (BFE) on site plan.
- Indicate boundary and designation date of the coastal barrier resource system (CBRS) on site plan.
- Indicate certification of the site plan by a registered land surveyor or professional engineer on site plan.

ELEVATION CERTIFICATE

- On Elevation Certificate Block A. 1. Enter the name(s) of the building owner(s)
- On Elevation Certificate Block A. 2. Enter the building's complete street address
- On Elevation Certificate Block A. 3. Enter the lot and block numbers
- On Elevation Certificate Block A. 4. Enter whether the building is residential, non-residential, an addition to an existing residential or nonresidential building, an accessory building (e.g., garage), or other type of structure. Use the Comments area of the appropriate section if needed, or attach additional comments.
- On Elevation Certificate Block A. 5. Provide latitude and longitude coordinates for the center of the front of the building. Use either decimal degrees (e.g., 39.5043°, -110.7585°) or degrees, minutes, seconds (e.g., 39° 30' 15.5", -110° 45' 30.7") format. If decimal degrees are used, provide coordinates to at least 5 decimal places or better. When using degrees, minutes, seconds, provide seconds to at least 1 decimal place or better. The latitude and longitude coordinates must be accurate within 66 feet. When the latitude and longitude are provided by a surveyor, check the "Yes" box in Section D and indicate the method used to determine the latitude and longitude in the Comments area of Section D. If the Elevation Certificate is being certified by other than a licensed surveyor, engineer, or architect, this information is not required. Provide the type of datum used to obtain the latitude and longitude. FEMA prefers the use of NAD 1983.
- On Elevation Certificate Block A. 6. If the Elevation Certificate is being used to obtain flood insurance through the NFIP, the certifier must provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the

entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

- On Elevation Certificate Block A. 7. Select the diagram on pages 7–9 that best represents the building. Then enter the diagram number and use the diagram to identify and determine the appropriate elevations requested in Items C2.a–h. If you are unsure of the correct diagram, select the diagram that most closely resembles the building being certified.
- On Elevation Certificate Block A. 8. a Provide the square footage of the crawlspace or enclosure(s) below the lowest elevated floor of an elevated building with or without permanent flood openings. Take the measurement from the outside of the crawlspace or enclosure(s). Examples of elevated buildings constructed with crawlspace and enclosure(s) are shown in Diagrams 6–9 on pages 8–9. Diagrams 2A, 2B, 4, and 9 should be used for a building constructed with a crawlspace floor that is below the exterior grade on all sides.
- On Elevation Certificate Block A. 8. b Enter in Item A8.b the number of permanent flood openings in the crawlspace or enclosure(s) that are no higher than 1.0 foot above the higher of the exterior or interior grade or floor immediately below the opening.
- On Elevation Certificate Block A. 8. c Estimate the total net area of all such permanent flood openings in square inches, excluding any bars, louvers, or other covers of the permanent flood openings, and enter the total
- On Elevation Certificate Block A. 8. d Indicate whether the flood openings are engineered. If applicable, attach a copy of the Individual Engineered Flood Openings Certification or an Evaluation Report issued by the International Code Council Evaluation Service (ICC ES)
- On Elevation Certificate Block A. 9. a Provide the square footage of the attached garage with or without permanent flood openings. Take the measurement from the outside of the garage.
- On Elevation Certificate Block A. 9. b Enter the number of permanent flood openings in the attached garage that are no higher than 1.0 foot above the higher of the exterior or interior grade or floor immediately below the opening.
- On Elevation Certificate Block A. 9. c Enter the total net area of all such permanent flood openings in square inches and enter the total in Item A9.c.
- On Elevation Certificate Block A. 9. d Indicate whether the flood openings are engineered. If applicable, attach a copy of the Individual Engineered Flood Openings Certification or an Evaluation Report issued by the International Code Council Evaluation Service (ICC ES)
- On Elevation Certificate Block B. 1. Enter NFIP Community Name & Community Number
- On Elevation Certificate Block B. 2. Enter County Name
- On Elevation Certificate Block B. 3. Enter the 2-letter state abbreviation
- On Elevation Certificate Block B. 4. Enter Enter the 10-character "Map Number"
- On Elevation Certificate Block B. 5. Enter the effective map suffix letter
- On Elevation Certificate Block B. 6. Enter the effective date of the FIRM Index
- On Elevation Certificate Block B. 7. Enter the effective date of the FIRM Panel
- On Elevation Certificate Block B. 8. Enter the flood zone, or flood zones, in which the building is located.
- On Elevation Certificate Block B. 9. Enter the BFE (or base flood depth) of the building site.
- On Elevation Certificate Block B. 10. Indicate the source of the BFE that you entered in Item B9. If the BFE is from a source other than FIS Profile, FIRM, or community, describe the source of the BFE.
- On Elevation Certificate Block B. 11. Indicate the elevation datum to which the elevations on the applicable FIRM are referenced as shown on the map legend.

- On Elevation Certificate Block B. 12. Indicate whether the building is located in a Coastal Barrier Resources System (CBRS) area
- On Elevation Certificate Block C. 1. Indicate whether the elevations to be entered in this section are based on construction drawings, a building under construction, or finished construction
- On Elevation Certificate Block C. 2. provide the PID or other unique identifier assigned by the maintainer of the benchmark. For GPS survey, indicate the benchmark used for the base station, the Continuously Operating Reference Stations (CORS) sites used for an On-line Positioning User Service (OPUS) solution (also attach the OPUS report), or the name of the Real Time Network used.
- On Elevation Certificate Block C. 2. a. Enter top of bottom floor (including basement, crawlspace, or enclosure floor)
- On Elevation Certificate Block C. 2. b. Enter top of the next higher floor
- On Elevation Certificate Block C. 2. c. Enter bottom of the lowest horizontal structural member
- On Elevation Certificate Block C. 2. e. Enter the lowest platform elevation of at least 1 of the following machinery and equipment items: elevators and their associated equipment, furnaces, hot water heaters, heat pumps, and air conditioners in an attached garage or enclosure or on an open utility platform that provides utility services for the building.
- On Elevation Certificate Block C. 2. f. Enter the lowest elevation of the ground, sidewalk, or patio slab immediately next to the building
- On Elevation Certificate Block C. 2. g. Enter the highest elevation of the ground, sidewalk, or patio slab immediately next to the building
- On Elevation Certificate Block C. 2. h. Enter Lowest adjacent grade at lowest elevation of deck or stairs, including structural support

V Zone Certification

- Indicate Community Number on V Zone Certification, SECTION I Block 1
- Indicate Panel Number on V Zone Certification, SECTION I Block 2
- Indicate Suffix on V Zone Certification, SECTION I Block 3
- Indicate Date of FIRM Index on V Zone Certification, SECTION I Block 4
- Indicate FIRM Zone on V Zone Certification, SECTION I Block 5
- Indicate Elevation of the Bottom of Lowest Horizontal Structure Member on V Zone Certification, SECTION II 1
- Indicate Regulatory Flood Protection Elevation (RFPE) on V Zone Certification, SECTION II 2
- Indicate Elevation of Lowest Adjacent Grade on V Zone Certification, SECTION II 3
- Indicate Approximate Depth of Anticipated Scour/Erosion Used for Foundation Design on V Zone Certification, SECTION II 4
- Indicate Embedment Depth of Pilings or Foundation Below Lowest Adjacent Grade on V Zone Certification, SECTION II 5
- On V Zone Certification, SECTION III: V-ZONE CERTIFICATION STATEMENT must be certified by a registered professional engineer or architect. Initial all that apply.
- On V Zone Certification, SECTION IV, AREAS BELOW THE LOWEST FLOOR must be certified by a registered professional engineer or architect. Initial all that apply.
- On V Zone Certification, SECTION V: SAND DUNES AND MANGROVE STANDS must be certified by a registered professional engineer or architect. Initial all that apply
- On V Zone Certification, SECTION VII: UNDERGROUND FUEL TANKS must be certified by a registered professional engineer or architect. Initial all that apply

- On V Zone Certification, SECTION VIII: ABOVE GROUND FUEL TANKS must be certified by a registered professional engineer or architect. Initial all that apply
- On V Zone Certification, SECTION IX: SWIMMING POOLS must be certified by a registered professional engineer or architect. Initial all that apply
- On V Zone Certification, SECTION X: FILL must be certified by a registered professional engineer or architect. Initial all that apply
- On V Zone Certification, SECTION XI: EROSION CONTROL STRUCTURES must be certified by a registered professional engineer or architect. Initial all that apply

FOUNDATION PLAN

- On foundation plan, label usage details of any enclosed areas below the lowest floor

ENGINEERED PLANS

- Indicate openings to facilitate automatic equalization of hydrostatic flood forces on walls on engineered plans.
- Indicate Break away wall design on engineered plans.

ATTACHMENT 3

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA TO PROVIDE DUNE PROTECTION MEASURES, MANDATORY REMEDIATION FOR DAMAGED DUNES AND SET FINES

Ordinance 22-00__

WHEREAS, N.C. General Statutes 160 D Article 6 created new standards for the procedure for adopting, amending, or repealing development regulations that apply throughout North Carolina; and

WHEREAS, pursuant to N.C. General Statutes § 160D-601 a notice of the hearing has been given once a week for two successive calendar weeks in the Jacksonville Daily News.

WHEREAS, pursuant to N.C. General Statutes § 160D-603 if any resident or property owner in the town submits a written statement regarding this proposed amendment that has been properly initiated as provided in G.S. 160D-601, to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Board of Aldermen.

WHEREAS, pursuant to N.C. General Statutes § 160D-604 the Planning Board has reviewed the proposed standards and recommended approval of this ordinance; and

WHEREAS, the Board of Aldermen has found this ordinance to be consistent with the Town's adopted CAMA Land Use Plan; and

WHEREAS, the Board of Aldermen has determined that is in public interest to update standards for dune protection measures, mandatory remediation for damaged dunes and set fines in the Unified Development Ordinance in compliance with the N.C. General Statutes.

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen for the Town of North Topsail Beach, North Carolina that the Unified Development Ordinance shall be amended as follows:

PART I. That Subsection of the Unified Development Ordinance be amended with the addition of the following:

PART II. This ordinance shall be effective upon its adoption.

§ 10.07.02 REBUILDING OF DAMAGED DUNES.

(A) All dunes in the Ocean Hazard Area that are damaged during construction, or damage occurring as a result of such construction, or excavated in violation of this ordinance shall be restored to its original state using similar materials and stabilizing vegetation. It shall be the responsibility of the property owner to guarantee the protection of all identified dune systems and not allow the natural topography of the lot altered beyond that which has been authorized in the permit. The rebuilding of a dune shall be the ultimate responsibility of the property owner. Any dune in the required natural area that has been damaged or excavated in violation of this ordinance shall be subject to a fine of \$5,000 and restored within 7 days of notice.

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(B) Failure to repair damage to dunes and vegetation after 7 days, shall constitute a separate violation for each day that such failure continues after written notification by the Planning Director.

(C) Any development proposed within the Ocean Hazard Area shall indicate on a plat submitted with the application, the dune contour/topography and dune profile by elevation, the landward toe of the dune by bearing and distance.

(D) No disturbance, no development, no structure shall be permitted within 5.0 feet of the landward toe of the dune, "dune buffer," except beach access crossovers as permitted.

(E) Any additions or improvements to existing structures must comply with the standards for new construction and be relocated outside of the "dune buffer."

(F) If any provision of this article is in conflict with a rule or regulation adopted by the State Coastal Resources Commission dealing with oceanfront erosion control, then the most stringent rule or regulation shall control and apply.

(Ord. passed 11-2-2011)

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This ordinance is effective upon its adoption.
Adopted this the 7th day of September, 2022.

Joann McDermon, Mayor

ATTEST:

Melinda Mier, Town Clerk

Town Code

ARTICLE IV. SAND DUNE PROTECTION

§ 10-44 FINDINGS OF FACT AND PURPOSE.

(a) The sand dunes within the town are a topographical feature unique to coastal areas, and are a tourist attraction as well as a protective barrier against the dangers of wind, flood and erosion. The sand dunes make a vital contribution to the nature and character of the town as a coastal resort community. The town believes the sand dunes should be preserved, and development on the sand dunes within the town controlled in a manner compatible with their preservation.

(b) This article is adopted to preserve and promote the protection of the town by maintaining the existence of natural and constructed dunes that help protect it from the danger of flooding and erosion, and land against the actions of sand, wind and water. The practice of destroying sand dunes and removing vegetation therefrom within the town constitutes a serious threat to the safety of adjacent properties. This article is therefore adopted for the health, safety and welfare of persons living, visiting or sojourning to and in the town, and for the protection of public and private property.

(c) As used in this article, the phrase SAND DUNE shall mean any and all manmade or natural mound of sand, regardless of size. This includes, but is not limited to, natural dunes, man-made or constructed dunes, berms, sand formations created by a beach/dune push or scrape, individual sandbags, sandbag walls, and sandbag revetments.

(d) The term FRONTAL DUNE used in this article shall refer to the first manmade or natural mound of sand landward of the highwater mark of the Atlantic Ocean, regardless of height or width, considered to be the first line of defense against impending tides and/or storm surge.

(Ord. 2015-10, passed 10-1-2015; Ord. -, passed - -)

§ 10-45 CONFLICTS WITH STATE RULES.

If any provision of this article is in conflict with a rule or regulation adopted by the State Coastal Resources Commission dealing with oceanfront erosion control, then the most stringent rule or regulation shall control and apply.

(Ord. 2015-10, passed 10-1-2015; Ord. -, passed - -)

§ 10-46 TERRITORIAL APPLICABILITY.

This article shall apply to sand dunes within the corporate limits and boundaries of the town.

(Ord. 2015-10, passed 10-1-2015)

§ 10-47 EXEMPTIONS.

The provisions of this article do not apply to:

(a) The removal of sand, seashells or similar materials for souvenir value in such amounts as may be carried upon the person;

(b) Any activity authorized or allowed by G.S. § 113A-103(5)(b)5. for emergency maintenance and repair.

(c) Any activity conducted by a federal or state agency for beach renourishment and protection.

(Ord. 2015-10, passed 10-1-2015)

§ 10-48 ENFORCEMENT.

This article shall be enforced by the local Coastal Area Management Act (CAMA) officer and law enforcement officers of the town. If no person is serving in the capacity of local CAMA officer, this article shall be enforced by the [Town Manager](#) or such person in the as may be designated by the [Town Manager](#).

(Ord. 2015-10, passed 10-1-2015)

Statutory reference:

Coastal Area Management Act of 1974, see G.S. 113A-100 et seq.

§ 10-49 DAMAGING SAND DUNES.

(a) (1) It shall be unlawful for any person to walk over, cross over, stand, sit, walk, run, or otherwise loiter upon any sand dune except to cross at an authorized, marked crossover or designated beach access.

(2) It shall be unlawful for any person to place any items, belongings, or beach equipment upon any dune at any time.

(b) It shall be unlawful for any person to damage, destroy or remove any sand dune or part thereof, or to kill, destroy or remove any trees, shrubbery or other vegetation growing on sand dunes,

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Deleted: except in the following locations:¶

(1) The area within the foundation perimeter of any existing structure or any structure to be constructed, as shown on the survey or site plan submitted to the Building Inspector as part of the building permit application process, or to the Planning Board as part of the site plan review process.¶

(2) An area around the perimeter of an existing building or proposed principal building not to exceed a width of 12 feet from the building foundation perimeter.¶

(3) The area within the boundaries of existing driveways and parking areas, or driveways and parking areas to be constructed in accordance with a survey or site plan approved by the Planning Board or other appropriate reviewing town official.¶

(4) On commercial, multifamily, group development, or planned unit development site plans that have been approved by the Planning Board (and Board of Aldermen if required), those areas delineated and designated on the site plan for land-disturbing activity, provided such land-disturbing activity is also undertaken pursuant to the Coastal Area Management Act.¶

(5) In hard-surfaced designated recreation areas.¶
(c) Subsection (b) of this section does not apply to any of the following:¶

(1) Landscaping activities and garden plots, provided the original dune contour is not altered.¶

(2) Water, sewage, or wastewater disposal systems and drainfields.¶

(d) For the purposes of this article, a property owner, or his or her agent, shall be entitled to specify, either by means of their permit for crossover construction or by other written communication to the town, the location on their frontal dune of the private crossover they intend to use. If no crossover location on the frontal dune has been so designated by the property owner, or his or her agent, none shall be construed.¶

(Ord. 2015-10, passed 10-1-2015; Ord. -, passed - -)¶

Cross-reference: ¶

Vehicles on beaches, see §§ 10-30 et seq.

§ 10-50 REPAIRING DAMAGE CAUSED BY VIOLATIONS.

It shall be unlawful to fail to repair or restore dunes or vegetation damaged by not complying with this article. Any dune-disturbing activity shall be immediately repaired in accordance with requirements of the Coastal Area Management Act. Failure to repair damage to dunes and vegetation shall constitute a separate violation for each ten days that such failure continues after written notification by the [Town Manager or designee](#).

Deleted: CAMA officer

(Ord. 2015-10, passed 10-1-2015)

§ 10-51 CRIMINAL PENALTY.

Any person, firm or corporation who violates any section of this article shall be guilty of a misdemeanor and will be punished by a fine of up to a maximum of \$500, depending on the severity of the damage.

(Ord. 2015-10, passed 10-1-2015)

§ 10-52 CIVIL PENALTY.

If any person, firm or corporation continues to violate or further violates any provision of this article, that person shall be liable to the town for a civil penalty of not less than \$500.

(Ord. 2015-10, passed 10-1-2015)

§ 10-53 SEVERABILITY.

If any section of this article be decided by a court of competent jurisdiction to be unconstitutional or invalid, it shall not affect the validity of this article as a whole, or any section thereof, other than the section so declared to be unconstitutional or invalid.

(Ord. 2015-10, passed 10-1-2015)

NOTICE OF PUBLIC HEARINGS
TOWN OF NORTH TOPSAIL BEACH
BOARD OF ALDERMEN

Wednesday, September 7, 2022, 11:00 a.m.

Pursuant to NCGS § 160D-4-6 (b) and the Town's Unified Development Ordinance (UDO) § 2.05.03, notice is hereby given that a regular meeting of the North Topsail Beach Board of Aldermen will be held at 2008 Loggerhead Court, North Topsail Beach NC on Wednesday, September 7, 2022, 11:00 a.m. Hearings will be conducted to receive input on a proposed amendment to North Topsail Beach Town Code Article IV Sand Dune Protection and the North Topsail Beach Unified Development Ordinance Article 10 Enforcement § 10.07.02 Dune Protection and Remediation.

All information pertaining to these public hearings may be viewed at the Town Hall by appointment only Monday through Friday between the hours of 8:00 am and 5:00 pm.

For more information, please contact:

Deborah J. Hill MPA AICP CFM CZO, Planning Director

dhill@northhtopsailbeachnc.gov

910-328-1349

8/14 8/21 2022 (adv) 7628108