



Coastal Management  
ENVIRONMENTAL QUALITY

PAT MCCRORY  
*Governor*

DONALD R. VAN DER VAART  
*Secretary*

BRAXTON DAVIS  
*Director*

August 30, 2016

**MEMORANDUM**

**CRC-16-37**

**TO:** Coastal Resources Commission  
**FROM:** Ken Richardson, *Shoreline Management Specialist*  
**SUBJECT:** Town of Carolina Beach Development Line Approval Request

On April 1<sup>st</sup> of this year, the Commission rules were amended to allow oceanfront communities with large-scale beach nourishment or inlet relocation projects to establish a “development line” as an alternative to the Static Vegetation Line. You will recall that a Static Vegetation Line represents the vegetation line that existed just prior to a beach nourishment and must be established and used for measuring construction setbacks for any beach fill project of 300,000 cubic yards or more. The Development Line is established by a local government to represent the seaward-most allowable location of oceanfront development, provided the development can meet the setback measured from the first line of stable and natural vegetation. Under your Development Line rule, buildings and accessory structures could move seaward up to the approved Development Line as long as minimum setbacks are met. Local governments are required to request approval for a Development Line from the Commission according to the procedures outlined in 15A NCAC 7J. 1300.

In order to receive the CRC’s approval for a Development Line, the petitioner shall establish the Development Line using on-ground observation and survey, or aerial imagery along the oceanfront jurisdiction or legal boundary. The proposed Development Line must encompass the entire large-scale beach nourishment project area (length of Static Vegetation Line) and can extend beyond the boundaries of the large-scale project to include the entire oceanfront jurisdiction or legal boundary of the petitioner. In establishing the Development Line, an adjacent neighbor sight-line approach is to be utilized, resulting in an average line of structures. In areas where the seaward edge of existing development is not linear, the Development Line may be determined by the average line of construction on a case-by-case basis. In no case shall the Development Line be established seaward of the most seaward structure within the petitioner’s oceanfront jurisdiction.

Once adopted, the petitioner shall then submit the following to the Director of the Division Coastal Management in accordance with CRC’s rules (15A NCAC 07J. 1300):

1. A detailed survey of the Development Line; to also include the Static Vegetation Line;
2. Copy of local regulations/ordinances associated with the Development Line; and
3. Record of local adoption of the Development Line by the petitioner

On July 12, 2016, the Town of Carolina Beach adopted the town's Development Line into their ordinances, and is now requesting the Commission's approval. Staff have reviewed all information submitted by the petitioner, and have determined that all required supporting information and documentation have been submitted and attached for the Commission's consideration at the upcoming meeting in Wilmington.

**Attachment A:** Letter requesting the CRC's approval of the Town's Development Line

**Attachment B:** Town of Carolina Beach Development Line Ordinance (16-1018)

**Attachment C:** Town of Carolina Beach Development Line & Static Vegetation Line Maps

**Attachment D:** Town of Carolina Beach Town Council meeting minutes (pgs. 1, 6, 7)

**Attachment E:** Letter of support from Wilmington Regional Association of Realtors

**Attachment A:** Letter requesting the CRC's approval of the Town's Development Line

Dan Wilcox  
*Mayor*

Steve Shuttleworth  
*Council Member*

Gary Doetsch  
*Council Member*



LeAnn Pierce  
*Mayor Pro Tem*

Tom Bridges  
*Council Member*

Michael Cramer  
*Town Manager*

**Town of Carolina Beach**  
1121 N. Lake Park Boulevard  
Carolina Beach, North Carolina 28428  
TEL: (910) 458-2999  
FAX: (910) 458-2997

August 26, 2016

Braxton Davis  
Director, Division of Coastal Management (DCM)

Re: Development Line

The Town of Carolina Beach would like to request to be on the September Coastal Resource Commission meeting to certify our proposed development line. On July 12, 2016 Town Council adopted the development line into the town ordinance. The town has provided DCM with a record of the adoption of the ordinance along with a map depicting the development line. Also, the town has provided a GIS shapefile of the development line to DCM. Thank you for your consideration. Please contact me anytime if you have concerns.

Sincerely,

Michael Cramer  
Town Manager  
Town of Carolina Beach

**Attachment B: Town of Carolina Beach Development Line Ordinance NO.16-1018**



**ORDINANCE NO. 16-1018**

Sec. 40-73. Dimensional standards for the various zoning districts.

(10) No individual or privately owned ~~structure or man-made surface~~ shall encroach over the Carolina Beach ~~Building Line~~ Development Line as recorded in deed book \_\_\_\_\_ page \_\_\_\_\_ in the New Hanover County Register of Deeds. Allowed exceptions are limited to (1) beach crossovers, (2) piers and (3) sand fencing permitted under CAMA regulations.

ARTICLE XVIII. - Sec. 40-548. - Definitions.

Development Line. The line established by the town representing the seaward-most allowable location of oceanfront development.

Building Line. A line established by 1963 Succession law relating to the title of land built up and constructed in the town as a result of erosion control work. The land lying east of the building line is to be granted and conveyed to the Town of Carolina Beach.

Adopted this 12<sup>th</sup> day of July, 2016.

Dan Wilcox, Mayor

Attest: Kimberlee Ward  
Kimberlee Ward, Town Clerk



**Attachment C: Town of Carolina Development Line & Static Vegetation Line Maps**  
**Map 1/7: North End to Clam Shell: (blue line = development line; red-line = static vegetation line)**

[View Lines on Interactive Map](#)

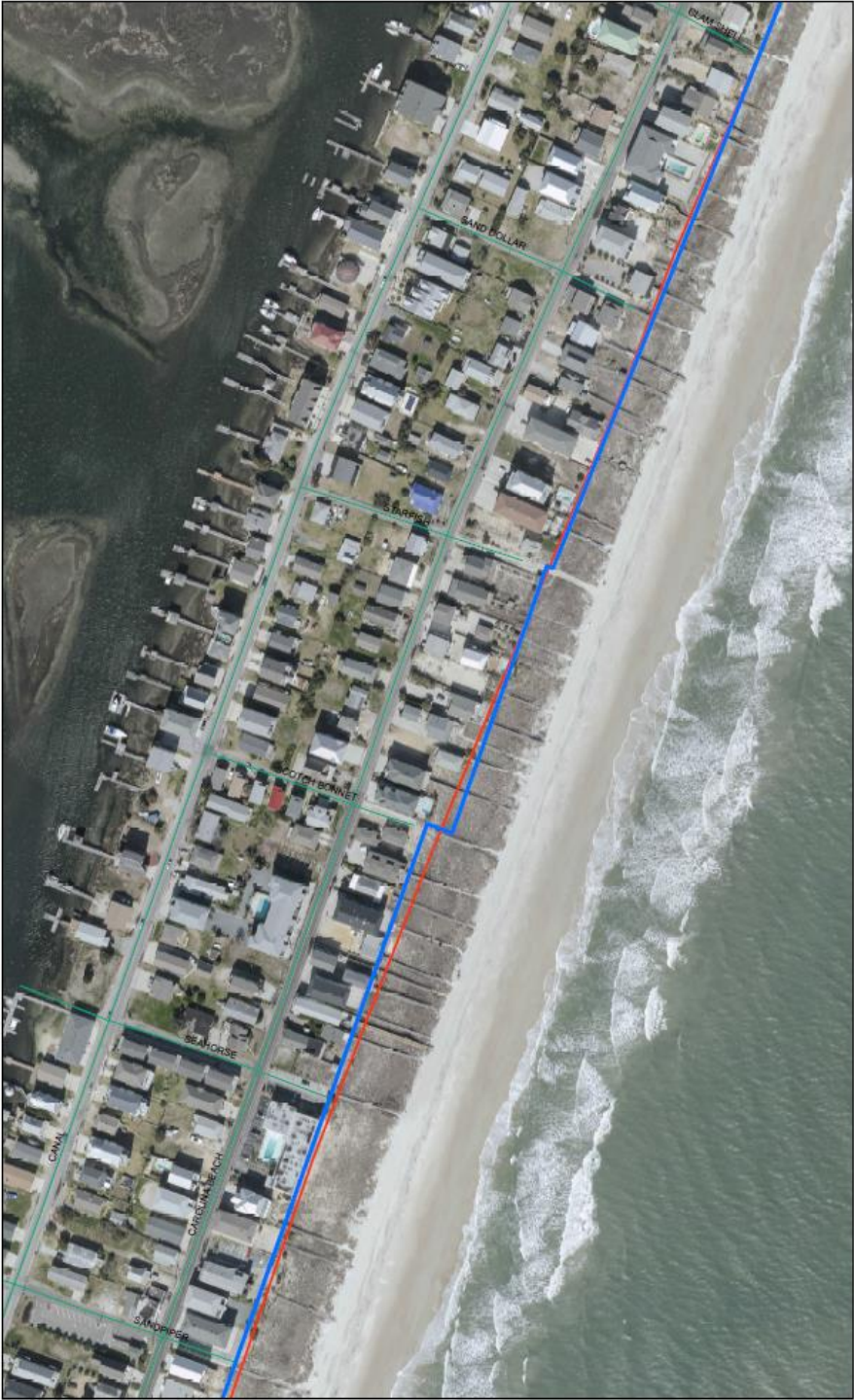


**Legend**  
— road  
— DEVELOPMENT LINE  
— StaticVeg\_CarolinaBeach\_line\_20100108

1:2,000



Map 2/7: Clam Shell to Sandpiper: (blue line = development line; red-line = static vegetation line)

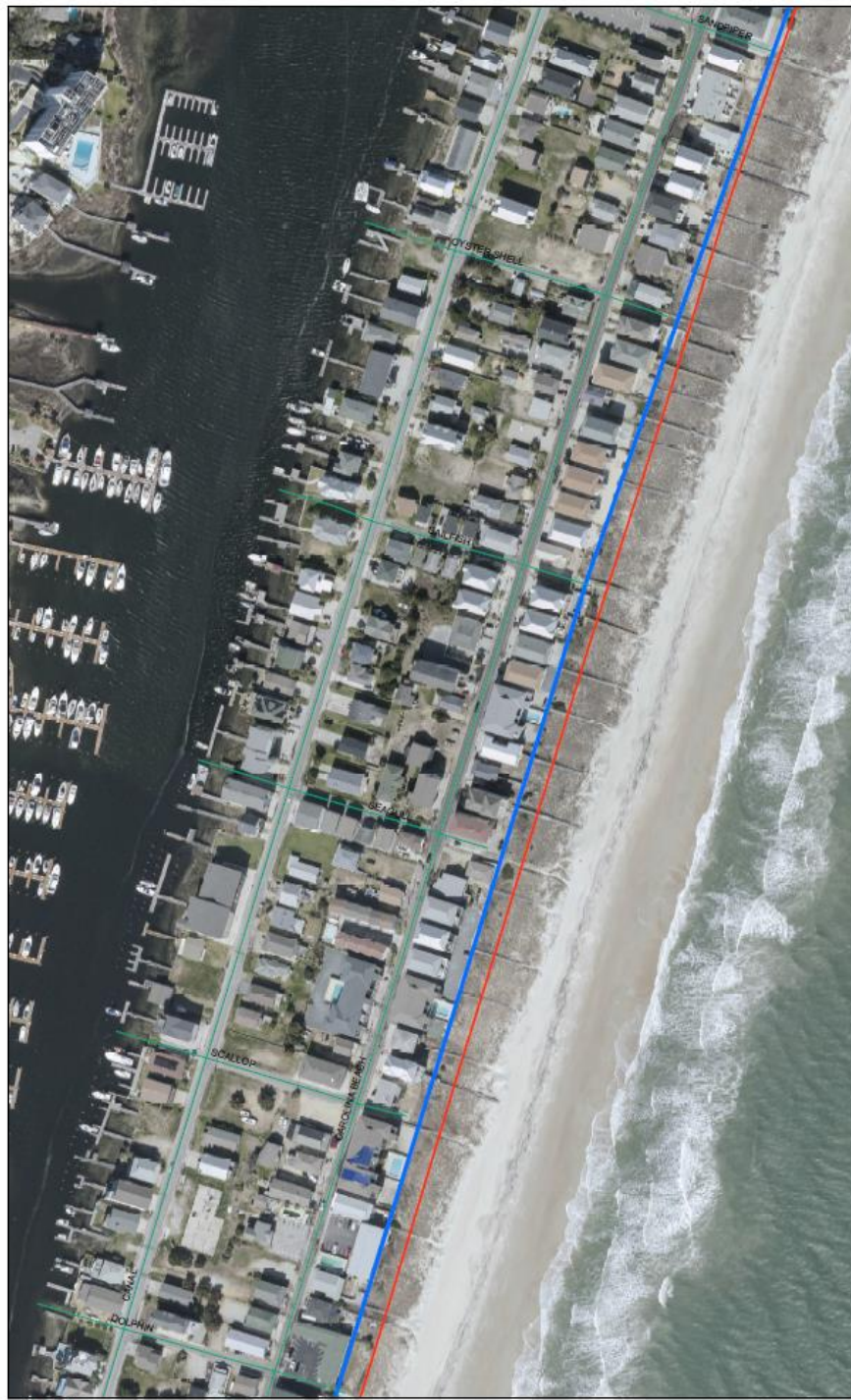


Legend  
— road  
— DEVELOPMENT LINE  
— Static Veg\_CarolinaBeach\_line\_20100108

1:2,000



*Map 3/7: Sandpiper to Dolphin: (blue line = development line; red-line = static vegetation line)*



Legend  
— road  
— DEVELOPMENT LINE  
— StaticVeg\_CarolinaBeach\_line\_20100108

1:2,000





Map 4/7: Dolphin to Hamlet: (blue line = development line; red-line = static vegetation line)



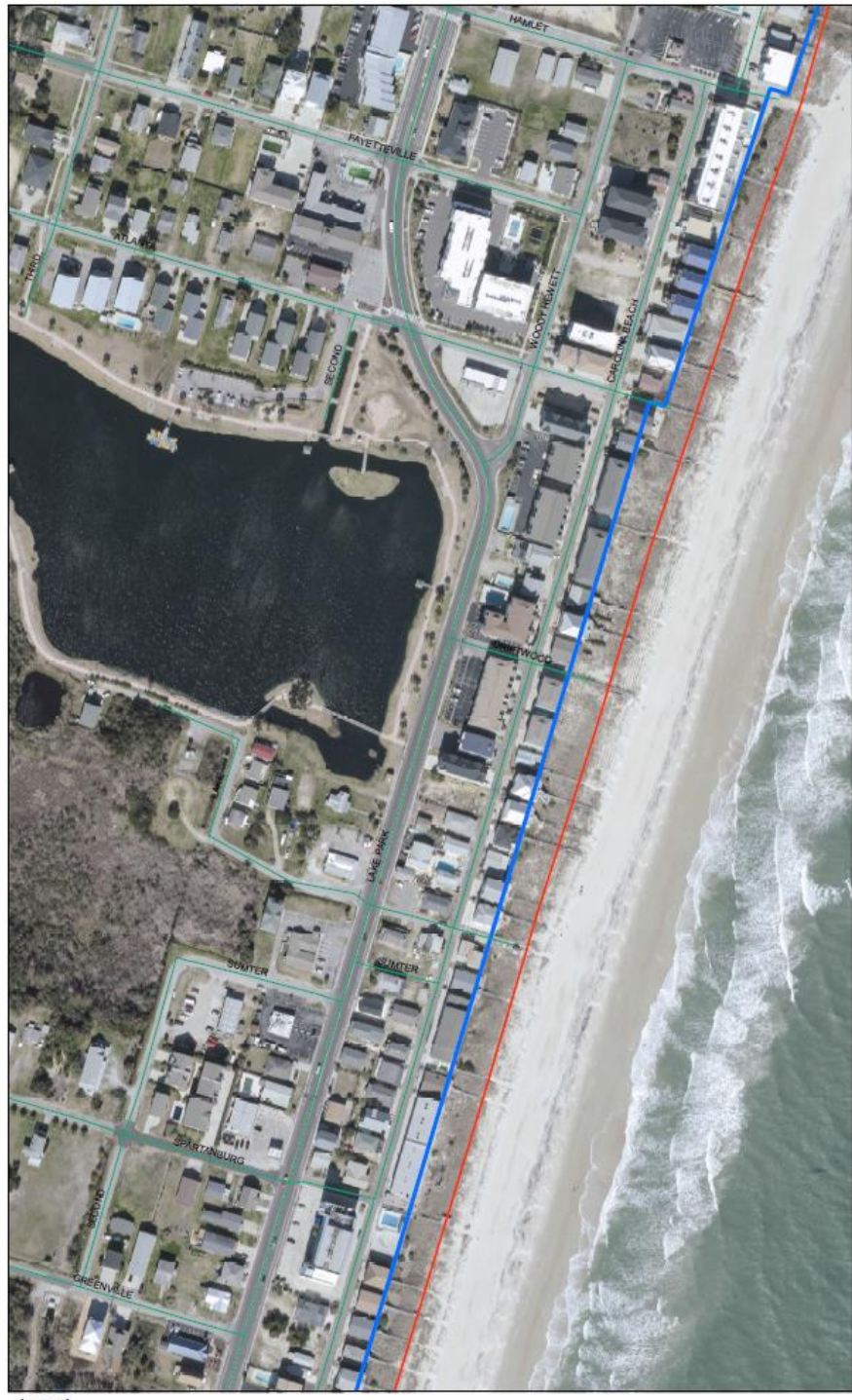
Legend  
— road  
— DEVELOPMENT LINE  
— Staticveg\_CarolinaBeach\_line\_20100108

1:2,000





Map 5/7: Hamlet to Greenville: (blue line = development line; red-line = static vegetation line)

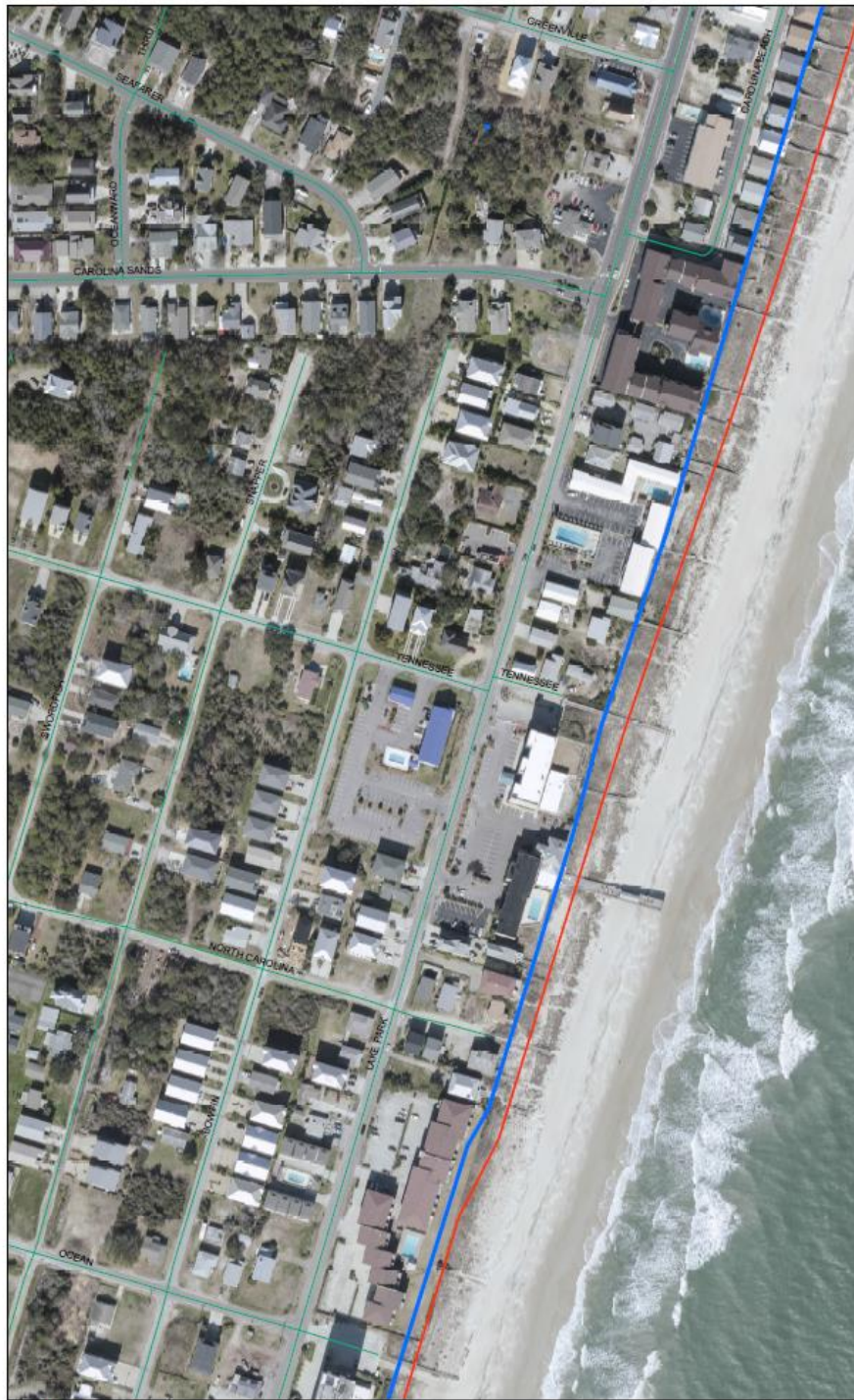


Legend  
road  
DEVELOPMENT LINE  
StaticVeg\_CarolinaBeach\_line\_20100108

1:2,000



Map 6/7: Greenville to Ocean: (blue line = development line; red-line = static vegetation line)



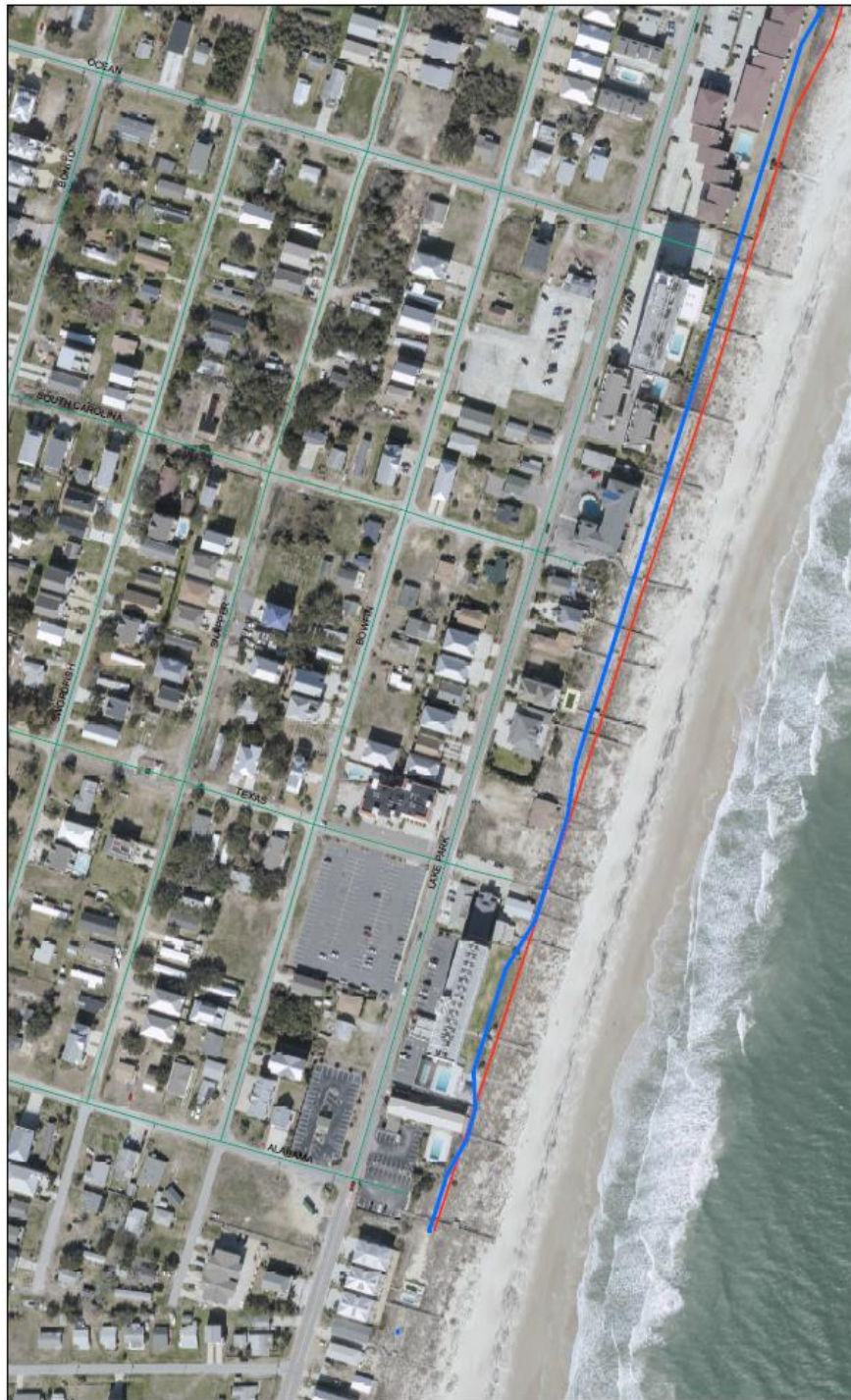
- Legend
- road
  - DEVELOPMENT LINE
  - StaticVeg\_CarolinaBeach\_line\_20100108

1:2,000





Map 7/7: Ocean to Alabama: (blue line = development line; red-line = static vegetation line)



- Legend
- road
  - DEVELOPMENT LINE
  - StaticVeg\_CarolinaBeach\_line\_20100108

1:2,000





Attachment D: Carolina Beach Town Council Meeting Minutes (pgs. 1, 6, 7)



Final

**CAROLINA BEACH**  
TOWN COUNCIL MEETING  
MINUTES • JULY 12, 2016

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**Council Chambers** **Regular Meeting** **6:30 PM**

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**1121 N. LAKE PARK BLVD.**  
**CAROLINA BEACH, NC 28428**

**1. CALL MEETING TO ORDER WITH INVOCATION BY PASTOR JONATHAN BOWLING WITH CAROLINA BEACH PRESBYTERIAN**

MPT Pierce called the meeting to order as Mayor Wilcox was unable to attend the meeting due to illness. Pastor Jonathan Bowling of the Carolina Beach Presbyterian Church led the invocation followed by the Pledge of Allegiance.

Councilmember Pat Efird was recognized in the audience.

**MPT Pierce made a motion to excuse Mayor Wilcox. Motion carried unanimously.**

Attendee Name	Title	Status	Arrived
Dan Wilcox	Mayor	Excused	
LeAnn Pierce	Mayor Pro Tem	Present	
Steve Shuttleworth	Council Member	Present	
Tom Bridges	Council Member	Present	
Gary Doetsch	Council Member	Present	
Michael Cramer	Town Manager	Present	
Ed Parvin	Assistant Town Manager	Present	
Debbie Hall	Finance Director	Present	
Kim Ward	Town Clerk	Present	
Noel Fox	Attorney	Present	

**2. ADOPT THE AGENDA**

**MPT Pierce made a motion to adopt the agenda. Motion carried unanimously.**

**3. SPECIAL PRESENTATIONS**

a. Employee Recognition

*(Requested by Kim Ward, Town Clerk)*

The following employees were recognized:

Lt. Danny McCullough for 10 years of service in the Police Department.

New Police Officer Samantha Macon.

b. Council will recognize the town committee members who served the maximum number of terms on their committees.

*(Requested by Kim Ward, Town Clerk)*

The following committee members were recognized for their volunteer service on town committees:

James Allen served on the Marketing Committee since 2003.

Coastal Resource Commission to include the rock revetment into the grand fathering ordinance they are currently considering.

MPT Pierce opened the public hearing.

Adrian Cox, Public Affairs Director for the Wilmington Regional Association of Realtors, spoke in support of the adoption of zoning amendment and their ongoing work with the CRC.

MPT Pierce closed the public hearing.

**Council Member Shuttleworth made a motion to adopt the development line whereas in accordance with the provisions of the NCGS 160A-383, the Town Council does hereby find and determine that the adoption of the following ordinance amendment is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans and the adoption of Ordinance 16-1018. Motion carried unanimously.**

MPT Pierce asked the town manager to check on the time for the CRC meeting in Wilmington on September 13th to determine whether there would be a conflict with the council meeting on that same date.

d. Public Hearing regarding the Annie Drive Street Assessment Roll

*(Requested by Kim Ward, Town Clerk)*

Ed Parvin presented. The Annie Drive improvement project has been completed and the assessment process configured to move forward with the public hearing tonight and the assessment roll by resolution. Public notification in a local paper is required stating the assessment roll has been confirmed and assessments will be levied 20 days from confirmation (August 3, 2016). At that time, bills will be sent to property owners giving them payment options of paying within 60 days or by October 3rd with a \$500 reduction making a total assessment of \$5,248.53 or payment can be made in 7 annual installments with a 6% interest rate per annum and would add to the total assessment of \$5,748.53 an additional \$2,414.38. There are 15 property owners who would have an equal assessment.

MPT Pierce opened the public hearing.

Herman Musselwhite, 216 Annie Drive, spoke of past problems regarding building of Annie Drive which included the loss of a property stake, destruction of a mailbox and other damage. He requested an itemized statement of costs and is asking for a continuance and determination if numbers are correct.

Jackie Morgan, 217 Annie Drive, he is representing his dad and is the only full-time resident on the street. Mr. Morgan spoke about speeders since the improvement and lack of speed control signs and would like a continuance as well. They did not benefit from the improvements.

MPT Pierce closed the public hearing.

Michael Cramer said the request for accounting from Mr. Musselwhite is news to him. He saw the email listing issues from Mr. Musselwhite this morning which has been assigned to Gil DuBois to address. He has not had any contact with the property owners other than that. Signage will have to be adopted by council. Adding stop signs on Annie Drive is an issue to be addressed at the July 26th workshop.

Council Member Shuttleworth asked that either Michael or Ed get with Gil or someone from his office to sit down with Mr. Musselwhite with regard to accounting and damage and previous payment.

Michael Cramer said this does not include anything for water and sewer, only streets and stormwater.

Noel Fox - residents have a 10 day appeal period after confirmation of the assessment roll, which would delay 2 months to confirm the assessment roll. The project came under budget and there have been more than 1 opportunity for council and citizens to question the costs that were forecast for the project. The preliminary roll was adopted previously. Mr. Musselwhite does have the ability to file a notice of appeal.

Ed Parvin said we did not charge for water and sewer, engineering and administrative costs and all costs for Island Mimosa. By statute residents were charged a lot less than could have been.

Noel Fox explained how to file: 10 days after confirmation of the assessment roll to file a notice of appeal with the appropriate division of the New Hanover County Superior Court or District Court, whichever the attorney determines.

Michael Cramer said he will check on adding speed signs.

**MPT Pierce made a motion to adopt Resolution No. 16-2133 confirming the assessment roll and levying assessments on Annie Drive. Motion carried unanimously.**

**7. CONSENT AGENDA**

**Council Member Doetsch made a motion to approve the consent agenda. Motion carried unanimously.**

The following items were approved under the consent agenda:

Setting a public hearing for August 9, 2016 to consider amending Chapter 40, Article III, Section 40-172 Table of Permitted uses; Article V Off-street parking and loading requirements; Article IX Development standards for particular uses, Sec. 40-261 and Article XVIII.

Setting a public hearing for August 9, 2016 to consider amending Chapter 40 Article III, Sec 40-172 Table of Permitted Uses; Article V Off-street parking and loading requirements; Article VI Landscaping and Development Specifications Standards Sec 40-176 Buffer yard landscaping; Article IX Development standards for particular uses, Sec. 40-261 and Article XVIII Definitions.

Setting a public hearing for August 9, 2016 to review Chapter 4 Animals and Fowl Sec. 4-2. - Harboring and keeping of animals and fowl to consider amending to allow for chickens within the town.

Approval of the Capital Project Budget Ordinances - 15-990, 16-1011, 16-1012, 16-1013, 16-1014, 16-1015, 16-1016, 14-931 (amended).

Budget amendments and transfers as presented by the finance director.

Adoption of Resolution 16-2131 Volunteer Firefighter Health Insurance.



**Attachment E:** Letter of Support from Wilmington Regional Association of Realtors



WILMINGTON  
REGIONAL  
ASSOCIATION *of*  
REALTORS®

**WRAR OFFICERS**

**President**

Don Harris, GRI, SRES

**President-Elect**

Neal Johnson, CNE, CRB, GRI

**Vice President**

Fred Gainey, SFR, WHS

**Past President**

Sherri Pickard, CDPE, GRI, SFR

**RCASENC**

Hank Adams, President

P. J. Doherty, CCIM, President-Elect

**WRAR DIRECTORS**

**Term Expires 2016**

Chris Livengood

Patrice Willetts, ABR, GRI, SRES

Reid Butler, Duplin-Sampson Council

Debbie Evans, GRI, Scotland Council

**Term Expires 2017**

Jeff Lesley

Lori Speight

Sherri Pridgen, ABR, GRI, SRES

**Term Expires 2018**

Gloria Green, ABR, SFR, WHS, MRP

Debbie Lariviere

Trey Wallace

**Chief Executive Officer**

Jerry Panz, CAE, ePRO, RCE

**Organized**

February 16, 1922

**Chartered**

June 2, 1924

**Location**

1826 Sir Tyler Drive, Suite 100

Wilmington, NC 28405

Phone (910) 762-7400

Fax (910) 762-9860

August 15, 2016

Chairman Frank Gorham  
**Coastal Resources Commission**  
400 Commerce Avenue  
Morehead City, NC 28557

**RE: Support for the Town of Carolina Beach  
Request for a Development Line**

Chairman Gorham & Commissioners:

On behalf of 2,300 members in the Cape Fear Region, we support the Town of Carolina Beach's request for a Development Line. The Town has shown an on-going commitment to beach re-nourishment and has a competent staff that has a solid understanding of coastal management issues.

We appreciate the Commission's efforts to provide this local option to communities and are hopeful you will approve this request.

Cordially,

*Ea Ruth*

Ea Ruth  
Governmental Affairs Chair

Shane Johnson  
COO