



## Town of Caswell Beach

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### TOWN OF CASWELL BEACH PUBLIC HEARING NOTICE ZONING ORDINANCE AMENDMENT

PLEASE TAKE NOTICE that the Caswell Beach Board of Commissioners will conduct a public hearing on Thurs., August 13, 2020 at 5:00 pm, or soon as possible thereafter, at the Caswell Beach Town Hall (1100 Caswell Beach Road) for the purpose of seeking public comment regarding proposed amendments of the Town Zoning Ordinance: Title XV: Land Usage, Chapter 150, Building Code, Section 150.071 Visual Barrier Restrictions. The proposed changes are as follows with underlined text added and strike through text deleted:

(A) *Existing configuration of land.*

(1) The existing configuration of the land and its natural vegetation shall not be altered so as to cut off visual access, to the principal natural features of the town landscape, as viewed from the first elevated living floor decking of an existing structure. All construction attached or detached from housing, including but not necessarily limited to housing, exterior decks, swimming pools, walkways, viewing and seating platforms ~~detached from housing,~~ and landscape planting shall be governed by a similar ~~intent, namely to insofar as possible limit intrusions into visual access of occupants of properties adjacent to such construction purpose.~~

(2) The natural features referred to in subsection (1) of this division will be taken to mean:

(a) The ocean located generally to the south of the beach area.

(b) The foredune of this area immediately behind the beach strand and to the vegetation of this foredune.

(c) The tidal marsh generally to the north of the town, and marsh and the land to be used for human habitation.

(B) The following rules shall regulate and control all construction and other modifications which have the potential of creating visual barriers in the sense identified in the previous division. These rules shall apply to all new construction; reconstruction at a reasonable cost in relation to the established structure value; all additions to existing construction and such additions as landscape planting or fences.

(1) All enclosed structures including any attached platforms, decks or stairways, if such structures are immediately adjacent to the ocean or marsh side shall, on those portions facing the ocean or marsh, conform to the restriction that they may not be built toward ocean or marsh so as to extend beyond the limits of a straight line drawn between ocean or marsh side point of immediately adjacent structures. See paragraph (2) below for exceptions regarding attachments. Should there be an adjacent structure on only one

side of the construction, the above-mentioned straight line shall be made substantially parallel to the road at the front of the property. Should there be no adjacent structures, the above-mentioned straight line shall be made between the nearest adjacent properties taking into consideration the curve of the beach or marsh and road in front of the property and potential future construction.

- a. **In-ground swimming pools may extend beyond the above-mentioned straight line. An above-ground pool, providing it conforms to the conditions set out in the following paragraph (b), may be permitted as an exception in the sole instance where an inground pool is deemed not feasible by a government agency.**
- b. **An above-ground pool, to be permitted as an exception must meet the following requirements:**
  - i. **Written evidence must be provided that an in-ground pool is prohibited by the appropriate state or federal regulatory agency.**
  - ii. **The building permit application must include detailed certified engineering drawings.**
  - iii. **Construction must be in compliance with Town Ordinance 153.038 "Swimming Pools".**
  - iv. **The pool deck must be at an elevation at least 4 feet below the existing first elevated floor house decking and:**
  - v. **The Town must receive written approval from DCM that the pool meets CAMA setback regulations.**

(2) **Walkways over the dunes on the ocean side are beneficial for the protection of dune vegetation and are encouraged.** Stairs and walkways connecting the principal structure to beach and marsh walkways and detached seating and viewing platforms **are allowed and be positioned** ~~occur~~ as close as possible to the natural, undisturbed contour of the terrain, but no lower than provided for by CAMA rules, so as to minimize intrusion into a zone which would create a visual barrier to occupants of adjacent property. Specifically, the walkway connecting the principal structure to the beach and marsh seating and viewing platforms and the seating and viewing platforms will be no greater than 18 inches above highest point of the natural, undisturbed peak of the terrain underneath the proposed path of the structure. Under no circumstances shall a detached platform or walkway, in the above sense, be roofed, enclosed or have a second story. Handrails required on the walkway shall be no higher than required by the North Carolina Building Code

Copies of the proposed amendments are available for review at the Caswell Beach Town Hall during regular business hours (Monday – Friday, 8:00am – 4:30pm) and posted at: [www.caswellbeach.org](http://www.caswellbeach.org) on the Town website.

The public is encouraged to review the proposed amendments, and attend this hearing and/or submit questions or comments to the Town via electronic mail to: [chicks@caswellbeach.org](mailto:chicks@caswellbeach.org) or regular mail to: Mr. Chad Hicks, Town Administrator, Town of Caswell Beach, 1100 Caswell Beach Road, Caswell Beach, NC 28465 or by phone: 910-278-5471.

