



Unified Development Ordinance Committee

**Meeting Minutes
July 6, 2011
10:00 am**

Members Present: Eddie Walters, Marci Berry, Becky Noble, Tom Vincenz, Charlie Nern, Alan Doolittle, Bill McLane, Dave Stewart

Members Absent: Jim Strandquist, Al Seibert, Carol Santavicca, Bill McDonald-Chairman

Staff Present: Sandy Wood, Cindy Nelson

Others Present: Landin Holland, Leon August, Sybil Kesterson, Karen Joseph, Bob Bobinski

1. **Call to Order**-Meeting called to order at 10:00 am. Becky Noble sat as acting Chairperson.
2. **Agenda Comments**-None
3. **Approval of Minutes**-None
4. **Old Business**-None
5. **New Business**
 - a. Discuss Articles 3 through 5 of the Draft UDO

Landin mentioned that a request has been made to rework the sign ordinance. Although the text and content will remain the same, the new text will be easier to read and understand.

Discussion opened and the Committee was encouraged to make comments and suggestions on Articles 1 through 4 of the UDO. Comments and suggested changes are listed as follows:

Article 3

Page 3-3; Part II of Article 3-Technical Review Procedure-the title only of this section was changed from the old standard that was titled Technical Review Committee.

Dave Stewart wanted to know if the Town made any considerations as to who would be assigned as the UDO Administrator, as this person will have a broad range of responsibilities.

Sandy answered that Gary Parker; Town Administrator has assigned him to be the UDO Administrator. Landin said it's important to have an appointee who can make consistent and fair interpretations.

Article 4 (Note: changes are transcribed in order of discussion.)

Page 4-10; Section 4.3 Temporary Moratoria Procedures is a newly added section which is very detailed and defined.

Page 4-5; Section (C) (1) Legislative/Quasi-Judicial Procedure-change "...three-fourths of all the members..." to "...three-fifths of all the members..." Change the word Board to Town Council.

Page 4-21; Section 4.5.8 (B)-A question was raised as to the meaning of an annual business permit. Landin said this is an annual business license. The business license is an opportunity for the UDO Administrator to make sure conditions of Special Use Permits are being upheld on an annual basis. Some examples of the type of conditions that could be set are: hours of operation, fencing, maintenance, and the like. This would also be in effect for ETJ areas.

Page 4-22; Section 4.6 Rehearings-Becky pointed out that this section did not include information on a time frame for Board of Adjustment rehearings. Landin said language could be added that would give the UDO Administrator the responsibility of making that decision based on when the first hearing was held, and also, the UDO Administrator would have to assess if there had been any new changes to the case that would warrant a rehearing.

Page 4-21; Section 4.5.8 Implementation of Special Use Permit-Change the time frame of six months to twelve months throughout the section.

Article 5

Article 5-Page 5-1-Project Review Process-this is a new ordinance. Most of the processes described in this ordinance are for site plan approvals at a staff level.

Major site plans will first go before the Planning Board for review and approval, and then to Council for additional review and approval. Where this may be a hard line approach, it allows reviews to be made above and beyond the staff level.

Landin asked the committee for comments on this new change.

Sandy thought the Planning Board should be involved in any major site plan approvals; he added that Council has other issues to deal with and should not have to be concerned with site plan approvals.

Landin defended there is so little space available for commercial development in the Town of Sunset Beach. So any new commercial development that goes in the town will be very noticeable. This extra review step will allow Council to have input.

Eddie said an example that applies to this situation is The Regency. It was built at the density based on a calculation of uplands and marshlands. The intent of the zoning code, to the Planning Board, is that should not have been the case. After the structures were permitted and built, the Planning Board took a look at the wording and amended the wording to remove all doubt that density had to be calculated on the buildable upland and the wetlands are not to be in the calculation. This is a good example. If the project would have come to the Planning Board, we would not have added 5 acres of marshland to do density calculation on 2 acres of upland, but, administratively that is what happened and if it would have gone through the Planning Board, what stands there now would be different.

Landin said this is an excellent example of why the Planning Board should be involved in the review process. He added that it basically comes down to a second pair of eyes; there are checks and balances in place. Sandy and Eddie agreed. Then, once a project has already been through the rigors of town and building code requirements as well as a Planning Board review, there would not be much left for the Council to pick apart. The Town does not want to be viewed as a non-development friendly community. The Town wants to attract the right development. Eddie added if the Council got involved, then, it could get political.

Dave asked if this type of regulation would allow the Planning Board and the Council to be in the position of having input as to the color, shape, and design of a proposed structure. Landin said by State Law the Town cannot dictate those things.

After continued discussion, it was decided that the Town Council will not have a role in the review and development process. The text of the ordinance will be changed to reflect this decision.

Page 5-4; Project Review Process-Section 5.3.2-Remove “Residential developments involving two or more independent structures on an individual lot”. Discussion moved to replacing all four items listed as projects requiring major site plan approval with:

- Multi Family
- Non Residential uses

Page 5-5; Section 5.3.3 (g) - modify the diameter of existing trees to be included on site plans. Landin agreed a modification was needed as this has become an issue. This subject will be revisited when the tree preservation ordinance is reviewed.

Page 5-6; Section 5.3.3 (B) (2)-the question was asked if “Aesthetically pleasing design” could be defined. Landin responded the standard is in place to provide guidance, and it opens dialogue between the town and the developer. It aids the developer in submitting a site plan that fits in with the town. State Law, however, cannot force a developer to uphold any aesthetically pleasing design such as color or shape of a building, or any type building design.

Next meeting review will be on Articles 6 through 9. Even though those standards have not changed, a review to ensure the regulations read clearly needs to be made.

6. Public Comment-None

7. Adjournment-meeting adjourned at 11:25 am. Becky entertained a motion to adjourn. Motion made by Charlie. Second made by Tom. Motion carried unanimously.

Bill McDonald

Bill McDonald - Committee Chairman

Cindy Nelson

Cindy Nelson - Committee Secretary