



**An Amendment to Article 7 Supplemental Regulations,
Section 7.09 Privacy Fences
of the Unified Development Ordinance (UDO)
of the Town of Sunset Beach, North Carolina**

THAT WHEREAS, the Town has enacted a Unified Development Ordinance that control land development within both the Town’s incorporated areas and within its extraterritorial area; and

WHEREAS, in order to promote the public health, safety and general welfare and to promote the best interests of the town and community, it is necessary from time to time for the Town Council to consider appropriate revisions, modifications and additions to the town’s Unified Development Ordinance; and

WHEREAS, town staff has received a citizen initiated text amendment requesting a review of Section 7.09 of the town’s Unified Development Ordinance concerning placement of privacy fences; and

WHEREAS, the town staff reviewed Section 7.09 and provided the Planning Board with recommended ordinance language for Section 7.09 for their consideration; and

WHEREAS, the Planning Board reviewed, deliberated, amended staff’s recommendation and reached a 5 to 0 vote to recommend to the Town Council that an amendment to Article 7 Section 7.09 Privacy Fences be approved; and

WHEREAS, pursuant to N. C. General Statutes and town ordinances, a public hearing, properly noticed, was held on May 11, 2015, where public comment was heard and considered by the Town Council regarding this issue; and

WHEREAS, the Planning Board and Town Council finds that the proposed amendment to Unified Development Ordinance Article 7 Section 7.09 is consistent with the Sunset Beach Comprehensive Land Use Plan; and

WHEREAS, the Town Council further finds that the approval of this proposed amendment is reasonable and in the public interest in that the amendment: (i) provides for reasonable assurance of privacy for property owners, (ii) ensures that reasonable review and approval processes are established to ensure compatibility with existing residential character, and (iii) will not compromise safety or enjoyment of residential property.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Sunset Beach that Unified Development Ordinance Article 7 Section 7.09 (B) (3) is hereby amended to add the following:

However, if circumstances exist related to asymmetrical lot lines, lot recombination, or unusual property line configuration relative to the location of the existing primary structure, the Planning Board may modify this standard upon review and approval of a sketch plan. When a modification is requested, all property owners immediately adjacent to the proposed fence shall be notified of the meeting in which the request will be heard by regular mail. The Planning Board should consider public safety, interference with sight visibility at intersections, harmony with the surrounding properties, and maintaining the spirit of this requirement when making any modification. Any fence modification shall not permit encroachment into the required front yard setback.

Adopted this the ____ day of _____, 2015.

Town of Sunset Beach

By: Mayor

ATTEST:

Town Clerk