

# TEXT AMENDMENT STAFF REPORT



Hearing Date: NA

Case File #: TA-16-10

General Description: Amend Article 6, Zoning Districts Section 6.04 and Article 7 Supplemental Regulations Section 7.09 to allow "Privacy Fences (subdivisions)" as a Permitted Use in the BR-2 Zoning District.

Town Initiated

Citizen Initiated

Applicant(s): Town of Sunset Beach

## APPLICATION OVERVIEW:

A citizen has initiated an application to amend Article 6, Section 6.04, to allow the use "Privacy fences (subdivisions)" in the BR-2 Zoning District.

## STAFF COMMENTARY

Currently, "Privacy fences (subdivisions)" are not allowed in the BR-2 zoning district. A privacy fence is currently allowed for single-family residential uses on the island (BR-2), but not for subdivisions.

Note: should the Town Council wish to restrict the use of "Privacy Fence (Subdivisions)" in the BR-2 zoning district (on the island) then an additional supplemental regulation should be provided in Section 7.09 of the UDO comparable to the following:

### SECTION 7.09 PRIVACY FENCES

(A) **Subdivisions.** A privacy **fence** for a single-family **subdivision** may be allowed provided the following requirements are met:

- (1) The **fence** shall extend along and be set back at least three (3) feet from the boundary of the **subdivision** common with several other zoning districts.
- (2) Any height adjustments required by the terrain shall be made by vertical steps.
- (3) Both sides of the **fence** shall be equal in construction and appearance.
- (4) The **fence** shall be uniform in design and constructed with masonry pillars and fencing of painted, treated wood. The top of the wood **fence** shall be not more than six (6) feet above the

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natural elevation of the ground. The top of the pillars shall extend not more than six (6) inches above the wood **fence**, except where height adjustments are made.

(5) The design and construction details shall be reviewed and approved by the **Planning Board** prior to construction.

(6) Maintenance responsibility for the **fence** with **easement** rights shall be specified in the deed covenants of the **subdivision**.

(7) In the BR-2 Zoning Districts, a privacy **fence** for a single-family **subdivision** shall only be allowed as an entrance gate.

**PROPOSAL**

The proposed amendment is attached and subsequently amended.

**PLANNING BOARD SUMMARY**

**Action:**

- (A)   X   The Planning Board hereby recommends approval of the proposed amendment to the Unified Development Ordinance and finds that it is (i) consistent with Policy 17D of the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) stating that “The Town shall maintain areas exclusively for conventional single-family dwellings for the growing population on the island and the mainland,” and finds (ii) that it is in the public interest because such fences may protect the health, safety, and welfare of citizens on private roads and limit trespassing.
  
- (B)        The Planning Board hereby recommends denial of the proposed amendment to the Unified Development Ordinance and finds that (i) it is not consistent with the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) and/or (ii) it is not in the public interests for the following reasons: \_\_\_\_\_.

Recommend Approval (A)   X   Recommend Denial (B)       

(For   3   Against   1   Abstained       )

**Commentary:** Planning Board approves this text amendment.

**TOWN COUNCIL SUMMARY**

**Action:**

- (C) \_\_\_\_\_ The Town Council hereby adopts the proposed amendment to the Unified Development Ordinance and finds that it is (i) consistent with Policy 17D of the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) stating that “The Town shall maintain areas exclusively for conventional single-family dwellings for the growing population on the island and the mainland,” and finds (ii) that it is in the public interest because such fences may protect the health, safety, and welfare of citizens on private roads and limit trespassing.
  
- (D) \_\_\_\_\_ The Town Council hereby denies the proposed amendment to the Unified Development Ordinance and finds that (i) it is not consistent with the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) and/or (ii) it is not in the public interests for the following reasons:  
\_\_\_\_\_.

Recommend Approval (A)\_\_\_\_\_ Recommend Denial (B)\_\_\_\_\_

(For \_\_\_\_\_ Against \_\_\_\_\_ Abstained \_\_\_\_\_)

**Commentary:**

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**SECTION 6.04 TABLE OF PERMITTED/SPECIAL USES**

P - Permitted Use  
S - Special Use

PS - Permitted Use with Supplemental **Regulations**  
SS - Special Use with Supplemental **Regulations**

	Primary Zoning Districts															
Uses	MR 1 p.6- 17	MR 2 p.6- 19	MR 2A p.6- 21	MR 3 p.6- 22	MB 1 p.6- 24	MB 2 p.6- 26	BR1 p.6- 27	BR2 p.6- 29	BB1 p.6- 31	MH 1 p.6- 33	MH 2 p.6- 35	RI1 p.6- 37	CR 1 p.6- 39	AF1 p.6- 41	MUD *	Supplemental <b>Regulations</b>
Privacy <b>fences</b> ( <i>subdivisions</i> )	PS	PS	PS	PS				PS								Section 7.09