

TEXT AMENDMENT STAFF REPORT



Hearing Date: NA

[UPDATED: 2-4-16, 4-7-16, 8-4-16, 9-30-16, 10-13-16, 11-16-16, 11-18-16]

Case File #: TA-15-13

General Description: Amend Article 2, General Regulations in the UDO to provide development standards for the use of fill on lots.

Town Initiated

Citizen Initiated

Applicant(s): Town of Sunset Beach

APPLICATION OVERVIEW:

The Sunset Beach Planning & Inspections Department has initiated an application to amend Article 2 in the UDO to provide development standards for placing fill on lots within the Town's planning and zoning jurisdiction. This application is being initiated by Town staff at the direction of the Planning Board. The concern from the Planning Board was centered on the apparent omission of this former Town Code standard in the UDO at the time of its adoption. The Board expressed a need to place this or a derivation of this standard back into the current code.

STAFF COMMENTARY

Staff has reviewed the UDO for the appropriate section to incorporate this language in the current code. Staff believes the most appropriate location for this language given the difference in Town Code structure versus the UDO format is to place the standard in Article 2, General Regulations. This amendment is drafted as a refinement to existing language in Section 2.18.

UPDATE (11-16-16): IN RESPONSE TO COMMENTS FROM THE PLANNING BOARD/TOWN COUNCIL, LIMITS TO FILL PLACEMENT FOR CONSTRUCTION OF STREETS, AND PROVISIONS FOR FILL AND GRADE IN THE EVENT OF A STORM. STAFF HAS ALSO REMOVED THE 4" EXEMPTION FROM THE DRAFT ORDINANCE, BUT EXEMPTED SINGLE-FAMILY AND DUPLEXES FROM A REQUIREMENT FOR A

SCALED GRADING PLAN WHEN NOT ADDING MORE THAN 4" OF FILL. PROVISIONS FOR FILL ON THE REAR LOT LINE HAVE BEEN REMOVED AS THE FINISHED GROUND LEVEL IS MEASURED FROM THE FRONT OF BUILDINGS. FURTHERMORE, HEIGHT AND GRADE SHOULD BE MORE CLOSELY CONSISTENT BETWEEN ADJACENT LOTS FRONTING THE SAME STREET – NOT THOSE AT THE REAR OR ON DIFFERENT STREETS. STAFF HAS ATTACHED THE NEW ORDINANCE LANGUAGE WITH THE NEW INSERTIONS AS "ATTACHMENT A".

UPDATE (11-18-16): AT THE PLANNING BOARD MEETING HELD 11/17/16, THE TEXT AMENDMENT WAS UNANIMOUSLY RECOMMENDED FOR ADOPTION BY THE TOWN COUNCIL.

PROPOSAL

PLANNING BOARD SUMMARY

Action:

(A) The Planning Board hereby recommends approval and finds that the proposed amendment to the Unified Development Ordinance is (i) consistent with Policy 14 of the Town's comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) stating that: A) "Sunset Beach desires as much as practicable that all development be designed and placed so as to be compatible with its existing coastal town and residential character," C (i) "the suitability of land to accommodate the use," and C (iv) "the density of development and the proposed height of the structure" and finds that it is in the public interest and further protects the health, safety, and welfare of the Town's citizens.

(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) Recommend Denial (B)

(For 5 Against _____ Abstained _____)

Commentary: Recommended for Town Council adoption.

TOWN COUNCIL SUMMARY

Action:

(A) _____ The Town Council hereby adopts the proposed amendment to the Unified Development Ordinance is (i) consistent with Policy 14 of the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) stating that: A) “Sunset Beach desires as much as practicable that all development be designed and placed so as to be compatible with its existing coastal town and residential character,” C (i) “the suitability of land to accommodate the use,” and C (iv) “the density of development and the proposed height of the structure” and finds that it is in the public interest and further protects the health, safety, and welfare of the Town’s citizens.

(B) _____ 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: _____.

Adopt (A)_____ Deny (B)_____

(For_____ Against_____ Abstained_____)

Commentary: The Town Council accepted the Planning Board recommendation and scheduled a Public Hearing for Monday, January 9, 2017 at 7:00 pm.