



**An Amendment to Article 2 General Regulations,  
To Add Subsection 2.18 titled Filling, Grading and Excavation  
to 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 initiated a text amendment requesting a review of the town’s Unified Development Ordinance concerning fill, grade, and excavation standards for lots during construction; and

**WHEREAS**, the Planning Board reviewed and deliberated the options, and reached a 5 to 0 vote to recommend to the Town Council that an amendment adding subsection 2.18 titled Filling, Grading and Excavation be approved; and

**WHEREAS**, pursuant to N. C. General Statutes and town ordinances, a public hearing, properly noticed , was held on February 1, 2016, where public comment was heard and considered by the Town Council regarding this issue; and

**WHEREAS**, the Planning Board and Town Council find that the proposed amendment to the Unified Development Ordinance Article 2 General Regulations subsection 2.18 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 minimum standards for grading, filling and excavating lots, (ii) works to help alleviate potential erosion and negative environmental impacts associated with filling and grading lots, and (iii) will protect surrounding properties from inadequate fill, grading, or excavating.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of Sunset Beach that Unified Development Ordinance Article 2 General Regulations is hereby amended by adding subsection 2.18 Filling, Grading and Excavation as follows:

SECTION 2.18 Filling, Grading, and Excavation

- A. The amount of fill added to a lot will not be greater than one foot above the crown of the road except fill that is necessary to meet Health Department or State Storm water requirements for a permit. The fill will also be limited by the height of the adjacent side lot that has been developed and cannot exceed the developed lot in height by greater than one foot. In the case of two lots back to back or adjacent, any differential in fill greater than one foot at the common line of the two lots, the higher lot must construct a wall, bulkhead, or a satisfactory containment device to prevent the fill and surface water from running on the lower lot.
- B. In lowering the level of a lot by grading or removing sand, the higher limit will not exceed one foot above the crown of the road when finished and stabilized. Sand will not be taken from the island; and sand used to fill low lots will be stabilized to prevent wind erosion.
- C. A silt fence must be erected around that portion of a lot being disturbed that causes erosion onto adjacent property and street right of ways. Exception: Only the portion of a lot adjoining golf course greens or fairways or a portion of a lot for construction access is exempt.
- D. No lot, parcel or tract of land may be disturbed by grading, filling, excavation, and removal of trees or removal of stumps without obtaining a Fill and Grade permit.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Town of Sunset Beach

\_\_\_\_\_  
By: Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk