



**An Amendment to  
Article 6 Zoning Districts, Section 6.04 Table of Permitted/Special Uses,  
Article 7 Supplemental Regulations, Section 7.14 Swimming Pools  
and Appendix A Definitions  
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 controls 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 the provision of standards for hot tub uses in Town limits and Extra-Territorial Jurisdiction; and

**WHEREAS**, the town staff reviewed Article 6, Article 7, and Appendix A of the Unified Development Ordinance and provided the Planning Board with a recommendation for Section 6.04, Section 7.14, and Appendix A for their consideration; and

**WHEREAS**, the Planning Board reviewed and deliberated and reached a 5 to 0 vote to recommend to the Town Council that amendments related to hot tubs in Article 6 Zoning Districts, Section 6.04 Table of Permitted/Special Uses, Article 7 Supplemental Regulations, Section 7.14 Swimming Pools and Appendix A Definitions 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 finds that the proposed amendments to Unified Development Ordinance in Article 6 Zoning Districts, Section 6.04 Table of Permitted/Special Uses, Article 7 Supplemental Regulations, Section 7.14 Swimming Pools and Appendix A Definitions 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 use of recreational bathing facilities in Town, (ii) ensures that the impacts of building and using such facilities are in harmony and scale with the principle use of land, and (iii) will provide for enjoyment of private property while not endangering public safety.

**NOW THEREFORE BE IT ORDAINED** by the Town Council of Sunset Beach that Unified Development Ordinance Article 6, Section 6.04 Table of Permitted/Special Uses, Article 7 Section 7.14 Swimming Pools and Appendix A Definitions is hereby amended as follows:

**Article 6 Section 6.04 Table of Permitted/Special Uses**

Uses	MR1	MR2	MR2-A	MR3	MB1	MB2	BR1	BR2	BB1	MH1	MH2	RI1	CR1	AF1	MUD	Supplemental Regulations
<i>Hot tubs</i>	PS	PS	PS	PS	PS		PS			Section 7.14						

**Section 7.14 Swimming Pools/Hot Tubs**

(1) *Swimming pools* shall be subject to the following requirements:

- (A) A *swimming pool* may be constructed as an *accessory structure* provided it is located in the buildable portion of the *lot*.
- (B) The *swimming pool* site shall be provided with adequate water and wastewater facilities, shall be designed so that drainage from surrounding areas will not normally enter the pool enclosure, and shall be equipped with adequate power facilities which do not present a hazard to the bathers. The pool shall be located so that no broken overhead electrical wiring may fall within twenty-five (25) feet of the pool surface.
- (C) All outdoor residential *swimming pools* shall be enclosed by a *fence* or other equivalent type barrier as required by, and in accordance with, the North Carolina State Building Code, as amended. All residential pool enclosures shall be completely installed within thirty (30) days of the pool completion and before the pool is filled with water.

(2) *Hot Tubs* shall be subject to the following requirements:

- (A) A *hot tub* may be constructed as an *accessory use* provided it is located in the buildable portion of the *lot*.

- (B) *Hot tubs* must be placed or constructed to comply with the Town’s Flood Damage Prevention Ordinance (Article 12) and any other local, State or Federal requirements, as applicable.
- (C) Placement of outdoor *hot tubs* on island lots shall not be such that the *structure* is resting on the ground and shall:
  - i. only be placed on an approved, above-ground deck attached to the principle *structure* in compliance with Article 12 of this ordinance; or
  - ii. be mounted into the ground whereby the top of the *hot tub* and any surrounding decking is at grade.
- (D) An individual, outdoor *hot tub* shall not have a water capacity larger than 500 gallons for individual residential *lots* on the island that contain up to four (4) residential units. This requirement applies to the island only. Documentation certifying the gallon capacity of the *hot tub* shall be provided to the Town prior to placement or construction.
- (E) Exemptions: Any *hot tub* that is placed inside the enclosed, heated square footage of a principle *structure* is exempt from the standards of Section (C) and (D).
- (F) All outdoor residential *hot tubs* shall be enclosed by a *fence* or other equivalent type barrier as required by, and in accordance with, the North Carolina State Building Code, as amended. All *hot tub* enclosures shall be completely installed within thirty (30) days of the *hot tub* installation and before the tub is filled with water.

**Appendix A - Definitions**

**HOT TUB-** A structure intended for recreational bathing with the capacity for using aerated water, in which all controls, water-heating and water circulating equipment are in integral part of the structure or product (also called “Jacuzzi”).

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

Town of Sunset Beach

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By: Mayor

ATTEST:

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Town Clerk