



**Planning Board
Regular Meeting
Town Hall Council Chambers
April 2, 2015
9:00 am**

Agenda

1. Call to Order, Quorum Determined, Meeting Declared Open
2. Chairperson's Welcome
3. Pledge of Allegiance to the United States
4. Postponement or Withdrawal Requests
5. Public Comments - Three minutes per speaker. No Deliberations with Board Members.
6. Consideration of Approval of Minutes
 - March 19, 2015
7. New Business:
 - a. Site Plan Review and Approval- Perseus Resort Wear; Village at Sunset Beach
 - b. Preliminary Plat Review and Approval- Sunset Commons; Seaside Rd. SW
 - c. Site Plan Review and Approval – Sunset Commons; Seaside Rd. SW
 - d. Ordinance Amendment – Case # TA-15-06; Citizen-Initiated; Review of Article 6; Section 6.04; amend ordinance for removal of multifamily uses in Beach Business (BB1) zoning district.
 - e. Ordinance Amendment – Case # TA-15-07; Citizen-Initiated; Review of Article 6; Section 6.04; amend ordinance to allow swimming pools in Conservation Reserve (CR1) zoning district.
 - f. Ordinance Amendment – Case # TA-15-08; Citizen-Initiated; Review of Article 6; Section 6.04 Section 6.06(L)(F); and Appendix A – Definitions for “Dune Walkover”; amend ordinance to allow private dune crossovers for ocean-front lots.
 - g. Discussion:
 - i. Temporary Signs
 - ii. Vision Plan/Overlay
 - iii. Lighting
 - iv. Public Comments
8. Old Business: None
9. Administrative Items:
 - A. Director and Staff Comments
 - a. Legislative Update

B. Board Member Comments and Request for Future Agenda Items

10. Adjournment

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time. All agenda items are subject to final action by the Planning Board

Information may be presented by citizens to the Planning Board for informational purposes during the Public Comments period. However, Staff must receive copies of all materials presented. The Planning Board shall not discuss, deliberate, or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.



Town of Sunset Beach
Planning Board Meeting

Meeting Minutes of March 19, 2015

Members Present: Carol Santavicca, Chairwoman; Tom Vincenz, Vice-Chairman;
Members: Greg Jensen, Noelle Kehrberg, Len Steiner, Robert Tone

Members Absent: None

Staff Present: Rawls Howard, Planning Director; Cindy Nelson, Planning Board Secretary

Chairwoman Santavicca called the meeting to order, established that a quorum was present, and read a prepared welcome statement. The Pledge of Allegiance was recited.

Postponement or Withdrawal Requests: None

Public Comments:

Public comments related to changes made to Article 10 Landscape and Buffering Requirements listed under Old Business.

Robert Barroso- 424 Sunset Blvd; would like to discuss the proposed changes to Article 10 Landscape Requirements at length as they do not protect or maintain property values and is not business friendly.

Brian White-Property owner at 430 Sunset Blvd; presented changes he would like for consideration to the Landscape Ordinance. Does not feel this proposal protects property owners.

Eddie Walters-Shoreline Drive; commercial and residential standards should be identified as being different and that one standard will not work with both districts.

Sandy Wood-395 Bay Park Drive Calabash; agrees with Eddie Walters. He asked the Board to table this item and consider working with business owners to come up with a better solution.

Nick Gavrilis-Business owner 426 Sunset Blvd; could not make any improvements to his property without losing at least 3 parking spaces. Please reconsider this proposal.

Dave Nelson-Owner of the Sunset Inn 9 North Shore Drive; consider what you could do with 50 feet of property for commercial building and how you would fit in the building, landscaping, and parking regulations and meet Town regulations.

Cliff Erricksen-428 Sunset Blvd; this proposal is fitting a square peg into a round hole. One landscape regulation cannot fit all the needs of the requirements when you apply building, stormwater and parking regulations.

Consideration of Approval of Minutes

CHAIRWOMAN SANTAVICCA CALLED FOR A MOTION TO APPROVE THE MINUTES FROM MARCH 5, 2015. TOM VINCENZ MOTIONED TO APPROVE THE MINUTES AS WRITTEN. SECOND WAS MADE BY NOELLE KEHRBURG. BOARD APPROVAL WAS UNANIMOUS.

New Business

Ordinance Text Amendment-Case #TA-15-03; Citizen Initiated; Review of Article 7, Section 7.09 Privacy Fences; fence placement for irregular shaped lots.

Rawls Howard, Planning Director presented a power point diagram of how a fence may be placed on a property that has irregular side lot lines, is located on a Cul-de-Sac, is angular shaped, or has lots that have been combined. Currently the ordinance addresses uniform rectangular shaped lots and does not address irregular lot lines as it would relate to having a fence in the front yard. This amendment will uphold the side yard fence standards and still maintain the ordinance with not allowing a fence in the 50 foot front yard. It will maintain the integrity of of public safety, sight visibility and will be harmony with surrounding properties. Rawls turned to the Board for their consideration and stated that the applicant of the property who initiated the Text Amendment was present to answer any questions.

After brief discussion by the Planning Board, it was asked that language be added to the proposal to include that adjacent property owners/neighbors would be informed of any request made to place a fence in the front yard as it pertains to similar situations.

CHAIRWOMAN SANTAVICCA CALLED FOR A MOTION TO AMEND THE PROPOSED CHANGE TO 7.09 B (3) WITH THE ADDITION OF NOTIFICATION TO ADJACENT NEIGHBORS. TOM VINCENZ MOTIONED TO APPROVE THE CHANGE. SECOND WAS MADE BY NOELLE KEHRBURG. BOARD APPROVAL WAS UNANIMOUS.

Old Business

Ordinance Amendment-Article 10 Landscaping

Discussion for the Final Draft

Rawls Howard made note that he agreed with the comments from business owners. He further remarked that the current ordinance is not entirely flexible and staff tried to come up with basic standards. This new proposal does address the differences between the commercial and

residential areas. Any business is encouraged to present a proposal and the Town will work with to help them in getting what they need.

Rawls explained: 95% of this ordinance was pre-existing. New language has been added to encourage flexibility for an applicant to meet code.

The Chairwoman noted that a new tenant coming into a commercial building would have to bring the property up to current standard. Rawls answered there is a non-conforming standard in place; Section 10.01 B.

Rawls presented via Power Point slides the various planting configurations that will give the 19 points allowed for front yard landscape in commercial and residential districts. The point system is located in Section 10.05.

He proceeded to highlight the changes that were made per discussion at the March 5, 2015 Planning Board meeting. He reported that he met with Golf Course Greens Keepers as directed by the Board and added language to Section 10.06 Preservation of Trees; (6) (c):

“Any golf course operation may remove any tree within 10 ft. of any clearly identified and functioning cart path without justification or permit.”

With this provision being added it was mentioned that there could be impact to a homeowner who has property along the golf cart path, trees could be removed within the 10 feet that are located on private property. The Board determined this would not be an issue. As such, the Board did want to amend Section 10.06 to include that any trees can be removed except Heritage Trees. Rawls will add language that includes that provision.

It was noted to add provision to 10.07 that approval for tree cutting must come from POA before an approval can be given by the Town.

CHAIRWOMAN CAROL SANTAVICCA ASKED FOR A MOTION TO APPROVE AS AMENDED. LEN STEINER MOTIONED TO APPROVE AS AMENDED. SECOND WAS MADE BY TOM VINCENZ. BOARD APPROVAL WAS UNANIMOUS.

Administrative Items

Director and Staff Comments

- A. Rawls informed the Board that an internal calendar was being created so there is a systematic way to review applications that are submitted for the Board to review. This way staff will have least 7 days to perform a review and place an item on the agenda. The calendar will be posted on the website and made available to the public.
- B. Request for future agenda items: revisit fence height.
- C. Request to have a second public comment time after the meetings.
- D. Request for future agenda items; Lighting Ordinance, Overlay District, Signs.

10:20 AM

CHAIRWOMAN SANTAVICCA CALLED FOR A MOTION TO ADJOURN. MOTION
MOVED BY GREG JENSEN. SECOND WAS MADE BY NOELLE KEHRBURG.
APPROVAL WAS UNANIMOUS.

Town of Sunset Beach
Planning Board

Submitted by:

Cindy Nelson, Planning Board Secretary

*The March 5, 2015 minutes were approved by the Planning Board during the March 19, 2015 meeting.

Department of Planning and Inspections

These uses are not permitted outright. Throughout the Town, the multi-family uses must meet supplemental development standards found in Section 7.06 before they may be constructed (what is meant by “PS”).

The applicant seeks to amend the ordinance to disallow multi-family uses in the BB1 district. The proposed ordinance language for consideration is as follows:

P - Permitted Use
S - Special Use

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

Uses	MR1	MR2	MR2-A	MR3	MB1	MB2	BR1	BR2	BB1	MH1	MH2	RI1	CR1	AF1	MUD	Supplemental Regulations
Dwellings, Multi-family				PS	PS	PS			PS							Section 7.06

Staff bases its recommendation on a number of factors that have historically shaped public policy. A few primary considerations staff weighs, but are not limited to, include the district’s intent statement and the adopted Land Use Plan. The Town adopts zoning districts based upon desirable land uses and densities to ensure the goals and objectives of the district intent statement and the goals and objectives in the Land Use Plan are obtained.

The district intent statements for the BB1 zoning district is as follows:

"Primarily for general business use and with provisions for residential uses and convenience-type trade establishment for that area of the community bounded by the Intracoastal Waterway on the north and the Atlantic Ocean on the south, and so designated on the zoning map. In promoting the general purposes of this Ordinance, the specific intent of this section is to permit a wide range of uses within the district with development standards prescribed so as to reduce any adverse effects that might accrue from the locating near one another of uses normally considered to be incompatible."

This district is located in a very specific and defined geographic location within Town; primarily along the entranceway to the island as one crosses the bridge to the oceanfront. This district is bound by 1st street to the East and 27th St. to the West.

The district intent statement specifies that this district is intended “primarily” for businesses uses. Residential and convenience uses are considered to be provisionally acceptable to the business uses. Based upon the intent statement, staff believes that the purpose of the district is to promote business activities as the primary focus of land use while not totally dismissing residential uses.

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Other residential uses that are allowed in this district, but not listed in this report, currently include single-family, modular, and duplex homes. In addition, there are a few business uses that contemplate providing housing and residential options that are also allowed in this district as well. This includes hotel/motel uses (by special use permit), tourist homes as a home occupation and nursing homes; both permitted by right. Summarily, residential uses either by owner or as part of a business use is currently contemplated for the district.

When reviewing the adopted 2010 Land Use Plan, staff believes the following specific adopted land use goals and policies are applicable:

1. Vision Statement:

The Town of Sunset Beach intends to promote and support the orderly economic and aesthetic growth and development of the community in accordance with its adopted Land Use Plan and development-related ordinances. **The Town of Sunset Beach desires to maintain its unique coastal-town character by promoting lower-density and single-family residential development as its primary growth pattern [emphasis added].** The Town also recognizes that it coexists with a fragile coastal environment, and it shall seek to preserve and conserve the land and estuarine water, including its beach and golf course amenities that have made this community a highly desirable place to live. Furthermore, the Town values being responsive to the public and improving the quality of life for all its citizens, to this end, the Town shall continually seek the involvement, input and various viewpoints of its citizens during the Town's official consideration of land use and development decisions.

2. Policy 30:

a. Land Use and Development Decisions Consistent with Land Use Plan; mandates any decision for land use and development-related activities must be consistent with the adopted land use plan.

3. Land Use Compatibility Goal:

Relates to preserving traditional character, density, and intensity of single family areas; creating and implementing development standards for the beach entryway with focus on clear, compatible guidance for development/redevelopment.

3. Land Use Policies:

a. Policy 20, Types of Commercial and Institutional Development Desired; specifies the Town will encourage commercial development to locate in designated commercial nodes (specifically mentions BB1).

b. Policy 28, Density of Future Multi-family Developments; states that the Town's policy shall be to reduce the density of multi-family developments below a gross of 21.7 units/acre.

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Currently, there is a density requirement that must be met in the Town’s mainland multifamily district (MR3) that contemplates the 21.7 unit/acre policy found in the Land Use Plan. However, this standard is not found in the BB1 district for multi-family developments. Absent this regulatory standard being in place, current multi-family development is being constructed at a density, albeit within the regulatory parameters of the Town Code, above what the Town’s policy deems desirable for this type of development.

In addition, the Land Use Plan encourages more commercial development within commercial nodes within Town. The Plan identified this area of the island as being one of those nodes.

Based upon the BB1 district intent statement and the goals and policies found within the adopted, 2010 Land Use plan, staff believes the request is consistent with both and recommends approval of the application for amendment.

PROPOSAL

Staff **recommends approval** of the requested application amending Section 6.04.

PLANNING BOARD SUMMARY

Action:

The Planning Board finds that the proposed amendments to Unified Development Ordinance _____ is _____ is not consistent with the Sunset Beach Comprehensive Land Use Plan.

Passed _____ Denied _____ (For _____ Against _____ Abstained _____)

Commentary:

_____BELOW TO BE COMPLETED BY TOWN CLERK_____

TOWN COUNCIL ACTION

TOWN COUNCIL SUMMARY

Planning Board Recommendation Accepted: Yes No Returned

Public Hearing Scheduled/Held:

Council Action:

The Town Council finds that the proposed amendments to Unified Development Ordinance _____ is _____ is not consistent with the Sunset Beach Comprehensive Land Use Plan.

Text Amendment Ordinance:

Adopted _____ Denied _____ (For _____ Against _____ Abstained _____)

Commentary:

TEXT AMENDMENT STAFF REPORT



Hearing Date: 4-2-15

Case File #: TA-15-07

General Description: Article 6; Section 6.04; Swimming Pools in CR-1

Town Initiated

Citizen Initiated

Applicant(s): Palm Cove Owners Assoc. by Robert Exum, Registered Agent

APPLICATION OVERVIEW:

The Sunset Beach Planning & Inspections Department received an application to add new text to Article 6, Section 6.04, 6(L) of the Unified Development Ordinance (“UDO”). The current UDO provisions do not allow swimming pools as a permissible use as allowed for in other residential zoning districts in Town. The applicant seeks a UDO text amendment to allow swimming pools in the Conservation Reserve (CR-1) zoning district subject to supplemental regulations.

STAFF COMMENTARY

Staff has reviewed the applicant’s text amendment application, the UDO including Section 6.04, and other materials including the Town’s Land Use Plan. The current ordinance language in UDO Section 6.04 regarding swimming pool uses allows them as permitted uses in the majority of the zoning districts throughout the Town. See below.

P - Permitted Use
S - Special Use

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

Uses	MR1	MR2	MB3	MB1	MB2	BR1	BR2	BB1	MH1	MH2	RI1	CR1	AF1	MUD	Supplemental Regulations
Swimming pools	PS	PS	PS	PS			PS	SS	PS	PS	PS			PS	Section 7.14

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However, pools are not permitted outright. Throughout the Town, wherever swimming pools may be allowed, they must satisfy supplemental development standards found in UDO Section 7.14 before they may be constructed (what is meant by “PS”). In the UDO’s BB1 district, not only must these uses meet specific development standards, they also require a Special Use Permit (SUP) to be issued from the Town’s Board of Adjustment (what is meant by “SS”).

The applicant seeks to amend the ordinance to permit pools with development standards – PS - being required and satisfied. The applicant’s proposed ordinance language for consideration is as follows:

P - Permitted Use
S - Special Use

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

Uses	MR1	MR2	MB3	MB1	MB2	BR1	BR2	BB1	MH1	MH2	RI1	CR1	AF1	MUD	Supplemental Regulations
Swimming pools	PS	PS	PS	PS			PS	SS	PS	PS	PS	<u>PS</u>		PS	Section 7.14

Staff bases its recommendation on a number of factors that have historically shaped the Town’s planning and public policies, as well as the Town’s zoning ordinance provisions and corresponding Land Use Plan. A few primary considerations the staff relies upon, without limitation, include the CR-1 zoning district’s intent statement and the Town’s adopted Land Use Plan. The Town adopts zoning districts based upon desirable land uses and densities to ensure the goals and objectives of the district intent statement and the goals and objectives in the Land Use Plan are observed and obtained.

The district intent statement for the CR-1 zoning district recites, in part, the following:

*“Primarily for the preservation of significant limited or irreplaceable areas which includes major **wetlands; open spaces; undeveloped shorelines that are unique, fragile, or hazardous for development.** Single-family, low-density residential uses may be permitted in upland areas”.*

The only place in the Town where the CR-1 zoning district is located encompasses both the far eastern and western portions of the Town’s barrier island. These areas are both limited and focused in their geographic coverage and purpose. These areas are also subject to numerous environmental pressures associated with inlet and land migration. These areas sit immediately adjacent to two such inlets. As such, staff recognizes these areas warrant additional restrictions associated with permitted development. Otherwise, there would be no need for a CR-1 zoning district.

In addition, the district intent statement provides that single-family residential “may” be permitted in upland area. The term “may” is permissive in nature, but not mandatory or

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exclusive. The Town’s other beach residential districts (BR1 and BR2) specifically calls out single family residential and associated accessory uses as an exclusive focus and use in their intent statements, whereas the CR-1 zoning district does not. Staff’s position is that the language for the CR-1 district contemplates and focuses more on a conservation platform with single family homes being a limited, secondary permissive use. As such, it is staff’s position there is no “right” to swimming pools as an accessory use when compared to the BR1 and BR2 districts.

Turning next to the Town’s adopted 2010 CAMA Land Use Plan, staff finds that the following specific adopted land use policies apply:

- 1. Policy 30:
 - a. **Land Use and Development Decisions Consistent with Land Use Plan;** mandates any decision for land use and development–related activities must be consistent with the adopted land use plan.

- 2. Land Use Policies:
 - a. **Policy 14, Types of Development to Be Encouraged;** specifies factors to consider when staff is reviewing applications.
 - b. **Policy 26, Swimming Pools on the Island;** explicitly states pools shall not be allowed south of Main St.

Based upon the CR-1 zoning district intent statement and the Town’s Land Use Plan policies, staff finds that the applicant’s text amendment request is inconsistent with both and does not recommend its approval.

STAFF RECOMMENDATION

Staff **recommends denial** of the requested application seeking a text amendment to UDO Section 6.04.

PLANNING BOARD SUMMARY

Action:

The Planning Board finds that the proposed amendments to Unified Development Ordinance _____ is _____ is not consistent with the Sunset Beach Comprehensive Land Use Plan.

Passed _____ Denied _____ (For _____ Against _____ Abstained _____)

Commentary:

_____BELOW TO BE COMPLETED BY TOWN CLERK_____

TOWN COUNCIL ACTION

TOWN COUNCIL SUMMARY

Planning Board Recommendation Accepted: Yes No Returned

Public Hearing Scheduled/Held:

Council Action:

The Town Council finds that the proposed amendments to Unified Development Ordinance _____ is _____ is not consistent with the Sunset Beach Comprehensive Land Use Plan.

Text Amendment Ordinance:

Adopted _____ Denied _____ (For _____ Against _____ Abstained _____)

Commentary:

TEXT AMENDMENT STAFF REPORT



Hearing Date: 4-2-15

Case File #: TA-15-08

General Description: Dune Walkovers

Town Initiated

Citizen Initiated

Applicant(s): Palm Cove Owners Assoc. by Robert Exum, Registered Agent

APPLICATION OVERVIEW:

The Sunset Beach Planning & Inspections Department received an application to revise the text in Article 6, Section 6.04 Table of Permitted/Special Uses, Section 6.06(L)(F), and Appendix A – Definitions for “Dune Walkover” in the Town’s Unified Development Ordinance (“UDO”). In summary, the current UDO provisions allow for a maximum of one (1) dune walkover for every four (4) building units. The applicant is seeking amendment text revision to allow one (1) dune walkover for every two (2) building units and to amend the definition for “Dune Walkover”.

STAFF COMMENTARY

Staff has reviewed the applicant’s application, the UDO including Section 6.04 and Appendix A, and other materials including the Town’s Land Use Plan. For purposes of this report and to address the request methodically, staff classified the applicant’s request into three (3) subcategories based upon the applicant’s written request. After reviewing and considering these subcategories, staff provides the following summary, analysis and recommendation:

Sub-Category 1. Amending the Permitted/Special Use Table (UDO Section 6.04)

The first part of the applicant’s request is to amend the permitted use table to reduce the number of walkovers. The current ordinance language in UDO Section 6.04 regarding Dune Walkovers allows them as permitted uses in the residential zoning districts, all on the island. See below.

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P - Permitted Use

PS - Permitted Use with Supplemental **Regulations**

S - Special Use

SS - Special Use with Supplemental **Regulations**

Uses	MR1	MR2	MB3	MB1	MB2	BR1	BR2	BB1	MH1	MH2	RI1	CR1	AF1	MUD	Supplemental Regulations
CAMA approved dune walkovers. Limited to a maximum of 1 per 4 building units						P	P					P			

These uses are permitted outright. However, they are limited to a maximum of one (1) for every (4) building units.

The applicant seeks to amend the ordinance so as to permit more dune walkovers in the “uses” column below. The proposed ordinance language for consideration is as follows:

P - Permitted Use

PS - Permitted Use with Supplemental **Regulations**

S - Special Use

SS - Special Use with Supplemental **Regulations**

Uses	MR1	MR2	MB3	MB1	MB2	BR1	BR2	BB1	MH1	MH2	RI1	CR1	AF1	MUD	Supplemental Regulations
CAMA approved dune walkovers. Limited to a maximum of 1 per 4 building units						P	P					P			

Sub-Category 2. Amending Zoning District Development Standards (UDO Section 6.04(L)(F))

The second part of the applicant’s request is to amend UDO Section 6.04 (L)(F). This Section specifically addresses “certain structures” and their development within sensitive CAMA areas on beachfront lots for the CR-1 zoning district. Within this language, the standard is repeated from the above-referenced permitted use table of one walkover per every four building units. The applicant’s proposal is set forth below:

“...from the ocean. CAMA approved dune walkovers shall be permitted, **limited to a maximum of 1 per 2 building units**. Retaining walls, bulkheads...”(emphasis added).

The development standards for BR1 and BR2 do not have this language. As such, the minimum standard for dune walkovers in these districts would default to the “uses” column on the permitted use table.

Sub-Category 3. Amending the “Dune Walkover” Definition (Appendix A)

The third part of the applicant’s request is to amend Appendix A in regards to how dune walkovers are defined. The Town’s current ordinance defines “Dune Walkover” as follows:

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"An accessway constructed to CAMA standards and must be for public access to an ocean beach."

The applicant is proposing the following amendment:

"An accessway constructed to CAMA standards and must be for public access or dedicated for the use of two or more lots, to an ocean beach."

Staff believes this request involves the issue of public access to the beach. Therefore, staff reviewed the request against the Town's applicable and adopted Land Use Plan policies regarding beach access. Staff identified the following policies that are considered to be the most applicable to this request. Staff did not look at specific district statements because this request spans multiple zoning districts and falls more in-line with consideration of an overall policy of growth for the Town.

1. Policy 30:

a. Land Use and Development Decisions Consistent with Land Use Plan - requires that any decision for land use and development-related activities must be consistent with the adopted land use plan.

2. Public Access Policies:

a. Public Access Goal: "Maximize public access to the beaches and the public trust waters of the jurisdiction."

a. Policy 31, Public Trust Areas - specifies factors to consider to protect public access and public trust rights to access to the beach.

b. Policy 32, Support for Coastal and Estuarine Beach Access - supports the public having access to the beach so long as no conflict exists with the rights of residents in the enjoyment of their property.

Based upon the Town's adopted policies found within its adopted 2010 CAMA Land Use plan, it is staff's position that the plan contemplates promoting and encouraging "public" access to the public trust waters. Private walkover access (meaning access for individual property owners only) is not considered a promoted access type, nor is it found or mentioned in the Town's Land Use Plan policies. Additionally, private dune walkovers do not currently exist anywhere as an existing walkover access type on the island to the ocean. Given this, staff based its review and recommendation, in part, from the position that promoting access for public walkovers is paramount.

The amendment as proposed would, essentially, solely promote private beach accesses at the expense of the public being able to access the beach. The applicant's proposed amendment to the dune walkover definition is the "lynch pin" to this line of thought. By changing the definition as outlined in #3 above, it would create private walkovers where

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they were not, and have not been, considered before. Coupling this proposed definition with the proposed change in allowance for walkovers for every two (2) building units would signify a substantial change from the Town’s historic practice of promoting and encouraging public access and would significantly change the Town’s existing beach landscape.

The applicant’s proposal would allow neighboring property owners to enter into private agreements to dedicate a common property line among them in order to form a private beach dune walkover, thereby allowing a private beach access on every other property line going down the Town’s entire beachfront. This would apply to all oceanfront lots on the island - both proposed and existing lots.

It is staff’s position that the above illustration and scenario run counter to the Town’s adopted land use policies. By keeping the current “1 per 4” walkover requirement, the Town ensures, by design, that all walkovers along the beach would continue to allow public access by ensuring walkovers are held and utilized as common area property as part of the public trust or an HOA (as in the case of private communities).

For all of the foregoing reasons, staff does not recommend approval of the applicant’s application.

STAFF RECOMMENDATION

Staff recommends denial of the subject application, as proposed.

PLANNING BOARD SUMMARY

Action:

The Planning Board finds that the proposed amendments to Unified Development Ordinance _____ is _____ is not consistent with the Sunset Beach Comprehensive Land Use Plan.

Passed _____ Denied _____ (For _____ Against _____ Abstained _____)

Commentary:

_____BELOW TO BE COMPLETED BY TOWN CLERK_____

TOWN COUNCIL ACTION

TOWN COUNCIL SUMMARY

Planning Board Recommendation Accepted: Yes No Returned

Public Hearing Scheduled/Held:

Council Action:

The Town Council finds that the proposed amendments to Unified Development Ordinance _____ is _____ is not consistent with the Sunset Beach Comprehensive Land Use Plan.

Text Amendment Ordinance:

Adopted _____ Denied _____ (For _____ Against _____ Abstained _____)

Commentary: