

Agenda Item 11c

These uses are not permitted outright, however. Instead, throughout the Town, the multi-family uses must meet supplemental development standards found in UDO Section 7.06 before they may be constructed (which is 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

For the reasons that follow and which are generally summarized herein, Staff recommends approval of this application. Staff bases its recommendation on a number of factors that have historically shaped the Town’s policies. These factors include, but are not limited to, the 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 that 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 are 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 bounded by 1st Street to the East and 27th Street to the West.

The district intent statement specifies that this district is intended “primarily” for business uses. Residential and convenience uses are considered to be provisionally acceptable under 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.

Agenda Item 11c

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 in this district that contemplate providing housing and residential options. Such options include hotel/motel uses (by special use permit), and tourist homes as a home occupation, and nursing homes - both permitted by right. In summary, residential uses, either by owner or as part of a business use, are currently contemplated and allowed in 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.

Agenda Item 11c

Currently, there is a density requirement that must be satisfied in the Town's mainland multifamily district (MR3) that contemplates the 21.7 unit per 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 this district.

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

Based upon the BB1 district intent statement and the goals and policies found within the Town's 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 UDO Section 6.04.

PLANNING BOARD SUMMARY

Action:

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

Passed X Denied (For 4 Against Abstained)

Commentary:

The Planning Board agreed that the amendment request was in conformance with the Comprehensive Plan. However, they did not agree to pass the amendment as proposed. The Planning Board recommended an amended proposal that included the following:

1. To vest or “grandfather” the number of units for the existing multi-family buildings in the BB1 district to allow for them to be rebuilt to the standard that exists on-site at the time the ordinance is adopted in the occurrence whereby more than 50% of the structure becomes damaged;
2. To continue to allow multifamily as an acceptable use in the BB1 zoning district, but to add the 21.7 units/acre density requirement into the zoning district standards for all new multi-family development; in accordance with the Town’s Land Use Plan.

The regulatory changes that reflect the Planning Board’s recommendation, as passed on 5/7/15, is found as “Attachment A” to this report. The recommendation includes a minor language supplement from the Town Attorney’s review on 5/13/15.

_____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:

Attachment A – Multi-Family in BB1 District

SECTION 6.06 ZONING DISTRICT DEVELOPMENT STANDARDS

(H)(B)(2) Multi-Family

- a** The minimum required building footprint for each dwelling erected in this district shall contain a minimum of 750 square feet which shall be exclusive of carports, garages, pump houses, unattached utility rooms, porches, steps, walks and other additions of such character.
- b** Minimum Required Front Setback as measured from the street right-of-way: 25 feet.
- c** Minimum Required Rear Yard: 5 feet.
- d** Minimum Required Side Yard: 5 feet, except that any side yard abutting a street shall be at least 12 feet from the lot line.
- e** Maximum Height for any Structure: 35 feet.
- f** Minimum Distance Between Buildings in a Multi-Family Project: 10 feet.
- g** ~~RESERVED (Am. Ord. 06/02/14) Maximum Density: 21.7 units per acre. For all multi-family buildings that contain dwelling units which result in a density above this density standard that were existing as of XX-XX-XXXX (Council Adoption), the nonconforming standards of Section 8.03 (Nonconforming Buildings Containing A Non-Conforming Use) shall not apply and a building may be rebuilt with the same number of units that existed on XX-XX-XXX (Council adoption).~~

In no case shall the existing building or parcel upon which the building stands be developed, subdivided, re-subdivided, or redeveloped whereby the result would allow more density per acre than what was existing at the time of Council's adoption.

In the event the use of the building moves to another land use classification (in whole or in part) as identified in Section 6.04, then this provision shall no longer apply and the building shall conform to all provisions of Article 8, Nonconformities.

- h** Where through lots occur, the required front yard setback shall be provided on both streets.