



**An Ordinance to Amend Article 6 Zoning Districts
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 creation of a corridor overlay zoning district; and

WHEREAS, the Planning Board reviewed and deliberated the options, and reached a 4 to 0 vote to recommend to the Town Council that an amendment to subsection 6.06 Zoning Districts Development Standards (D) MB-1 Mainland Business District be approved; and

WHEREAS, pursuant to N. C. General Statutes and town ordinances, a public hearing, properly noticed, was held on May 1, 2017, where public comment was heard and considered by the Town Council regarding this issue; and

WHEREAS, the Planning Board finds that the proposed amendment to the Unified Development Ordinance Article 6 Zoning Districts 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) is consistent with the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan), Policy 21 (A) stating that “Redevelopment may be permitted as long as the activity complies with the spirit and intent of existing regulatory requirements, meaning proposed redevelopment activities which would require substantial changes to existing regulations shall be discouraged,” and finds that it is in the public interest because current residential dimensional standards are inadequate for the orderly growth and development of the Town’s mainland business district.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Sunset Beach that Unified Development Ordinance Article 6 Zoning Districts is hereby amended as follows:

(D) MB-1 Mainland Business District.

A. Commercial Non-residential Uses:

1. Required Yards. No building shall be less than 5 feet from the property line abutting any street right-of-way. No other yards are required. ~~except where a business use abuts an existing residential dwelling use or any area zoned residential; it shall provide, along the abutting property lines, a side yard of at least 8 feet and a rear yard equal to at least 20 feet. In all cases where a side yard is provided it shall be at least 4 feet in width.~~
2. Required Building Lot Area. The required building lot area for any non-residential use business shall be a minimum of 6,000 square feet. The building lot area shall have a minimum average lot width of 50 feet.
2. ~~No building shall exceed 35 feet in height unless the depth of the front and total width of side yards required herein shall be increased one foot for every two feet, or fraction thereof, of building height in excess of 35 feet. However, under no circumstance shall the building height exceed 50 feet as measured pursuant to Appendix A.~~
3. Required Building Lot Area. The required building lot area for any business shall be a minimum of 6,000 square feet. The building lot area shall have a minimum average lot width of 50 feet.
4. ~~Where through lots occur, the required front yard setback shall be provided on both streets.~~
5. ~~Not more than 30% of total lot area may be covered by the main building, accessory structures, and impervious surfaces. This percentage may be exceeded with a solution approved by the Inspection Department. No landscaping using impervious materials such as solid plastic and vinyl will be permitted.~~

B. Residential Uses:

1. Residential: Same as required in the MR-1 District.
2. Multi-Family: Same as required in the MR-1 District.
1. Required Yards. No building shall be less than 25 feet from the property line abutting any street right-of-way provided that no detached single-family residential development shall be closer than 150 feet from the property line abutting the street right-of-way of NC 179/904 (including Sunset Blvd, Seaside Road, Shoreline Drive West, and Beach Drive).
2. Minimum Required Side Yard:
 - a. Between buildings in a multi-family project: 20 feet
 - b. Between the building and lot line in a multi-family use: 20 feet
 - c. Single-family residential uses: 5 feet
3. Minimum Required Rear Yard: 15 feet
4. Density: Up to 21.7 dwelling units per acre.
5. Minimum lot size: 4,500 square feet.
6. Minimum Required Floor Space:
 - a. For single-family residential dwellings, the building footprint of the structure, exclusive of carports, garages, decks, porches, utility rooms or attendant buildings: 750 square feet.

b. Any dwelling unit in a multi-family building: 750 square feet.

C. Accessory Structures:

- 1. No accessory structure shall be erected in any front yard, required side yard, within 15 feet of any street line or within 5 feet of any rear yard lot line not a street line. On reverse corner lots, no accessory building or accessory structure shall extend beyond the front yard line of the lot to its rear.
- 2. Any structure that is attached to the principal building by a conventionally framed and covered roof system, with a minimum width of 5 feet, may be considered part of the principal building and shall be required to comply with the minimal front yard setback requirements.
 - a. The height may be no greater than 16 feet.

D. Building Height. No single-family residential building shall exceed 35 feet in height. For all other uses, no building shall exceed 35 feet in height unless the depth of the front and total width of side yards required herein shall be increased one foot for every two feet, or fraction thereof, of building height in excess of 35 feet. However, under no circumstance shall the building height exceed 50 feet as measured pursuant to Appendix A.

E. Not more than 30% of total lot area may be covered by the main building, accessory structures, and impervious surfaces. This percentage may be exceeded with a solution prepared by a North Carolina Professional Engineer that meets the intent of the Stormwater Ordinance and is approved by the Inspection Department. No landscaping using impervious materials such as solid plastic and vinyl will be permitted.

Adopted this the _____ day of _____, 2017

Town of Sunset Beach

By: Mayor

ATTEST:

Town Clerk