

TEXT AMENDMENT STAFF REPORT



Case File #: TA-17-04

Planning Board Action Date: June 15, 2017

Town Council Public Hearing Date: August 7, 2017

General Description: Amend Section 6.06(H) BB-1 Beach Business District to increase density per acre for Multi-Family Residential Uses.

Town Council Initiated Planning Board Initiated Staff Initiated Citizen Initiated

Applicant(s): Robert Hill, Riptide Builders, LLC

Updated: 6/16/17

APPLICATION OVERVIEW:

Riptide Builders, LLC has applied for a UDO text amendment to allow for less restrictive density regulations for multi-family use in the BB-1 Beach Business District. Their request is to increase the allowed density per acre from 21.7 units per acre to 35.2 units per acre.

PROPOSAL

The applicant is proposing to amend the density regulations for the BB-1 Beach Business District. Specifically, this proposal would amend Article 6 Zoning Districts: Section 6.06(H)B2g – Maximum Density for Multi-Family Residential Uses.

This section currently reads as follows:

- g** 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 06-29-2015, 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 06-29-2015.

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.

The applicant wishes to only change the first line of this text to increase the density to 35.2 units per acre. They are proposing this action, as is written on their application, to allow for 407 27th Street to be built upon with a four-unit structure to align with the current developed buildings and maintain the streetscape appearance.

STAFF COMMENTARY

Article 6 Section 6.06(H) has been previously amended. In 2015, a requested amendment was submitted to remove multi-family dwellings as a use in the BB-1 Beach Business District. While the Town did not feel removing the use completely was consistent with the Town’s Land Use Plan, it was decided that a density requirement should be added. Other districts had density requirements, but BB-1 did not. Using the existing Land Use Plan as a guide and referring to **Policy 28 Density of Future Multi-family Developments**, they added density at no more than 21.7 units per acre. The Town further added that existing structures which could not meet this new density requirement could rebuild to their existing density.

This request would, in effect, revert the density of BB-1 back to a number that would allow for development to match the existing multi-family structures in this district. This proposal is not consistent with the Town’s current nor the future CAMA Land Use Plan. Policy recommendations from the plan do call for these areas to reduce density to or below 21.7 units per acre.

UPDATE June 16, 2017: On June 15, 2017, the Planning Board, after properly advertising, took action on this item. After discussion among the members and Staff, the Board moved to recommend denial of the text amendment application to the Town Council. They cited that this amendment was in direct opposition of previous amendments and was not consistent with the 2010 CAMA Land Use Plan, nor was it consistent with the updated CAMA Land Use Plan still under review by the Council.

PROPOSED TEXT AMENDMENT

Amend Article 6 Section 6.06(H)B2g to read as follows:

- g** Maximum Density: ~~21.7~~ 35.2 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 06-29-2015, 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 06-29-2015.

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.

PLANNING BOARD SUMMARY

Action:

(A) ____ The Planning Board hereby recommends approval of the proposed amendment to the Unified Development Ordinance and finds that it is (i) not consistent with the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan), Policy 28 (A) stating that “To assist in protecting its existing community character, scale and infrastructure capabilities, Town policy shall be to reduce the currently allowed density for multi-family structures below a gross of 21.7 units per acre,” and finds that it is in the public interest because of the following reasons _____.

(B) X The Planning Board hereby recommends denial of the proposed amendment to the Unified Development Ordinance and finds that (i) it is not consistent with the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan), Policy 28 (A) stating that “To assist in protecting its existing community character, scale and infrastructure capabilities, Town policy shall be to reduce the currently allowed density for multi-family structures below a gross of 21.7 units per acre,” and (ii) as such it is not in the public interests.

(For 3 Against 0 Abstained _____)

Commentary:

At their June 15, 2017 regularly scheduled meeting, the Planning Board, after advertising that an action would be taken, voted unanimously - of the members present - to recommend denial of the text amendment, citing inconsistency with the 2010 CAMA Land Use Plan.

TOWN COUNCIL SUMMARY

Action:

- (A) X The Town Council hereby accepts the recommendation of the Planning Board regarding the proposed amendment to the Unified Development Ordinance and has set a public hearing for the following date August 7, 2017.

- (B) The Town Council hereby declines to accept the recommendation of the Planning Board regarding the proposed amendment to the Unified Development Ordinance and is sending the proposal back to the Planning Board for further review for the following reasons: _____.

Commentary:

The Town Council at their rescheduled meeting of June 26, 2017 moved unanimously to accept the Planning Boards recommendation and hold a public hearing at the Council meeting of August 7, 2017 at 7:00 PM, or as soon thereafter.

TOWN COUNCIL SUMMARY

Action:

- (C) The Town Council hereby adopts the proposed amendment to the Unified Development Ordinance and finds that it is (i) not consistent with the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan), Policy 28 (A) stating that “To assist in protecting its existing community character, scale and infrastructure capabilities, Town policy shall be to reduce the currently allowed density for multi-family structures below a gross of 21.7 units per acre,” and finds that it is in the public interest because of the following reasons _____.

- (D) The Town Council hereby denies the proposed amendment to the Unified Development Ordinance and finds that (i) it is not consistent with the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan), Policy 28 (A) stating that “To assist in protecting its existing community character, scale and infrastructure capabilities, Town policy shall be to reduce the currently allowed density for multi-family structures below a gross of 21.7 units per acre,” and (ii) as such it is not in the public interests.

(For _____ Against _____ Abstained _____)

Commentary:

The Town Council held a public hearing on August 7, 2017. Afterwards, Attorney Richardson was requested to determine if a solution could be reached to allow the contractor to build a quad-plex.