

TEXT AMENDMENT STAFF REPORT



Hearing Date: 5-7-15

Case File #: TA-15-09

General Description: Outdoor Display and Storage of Merchandise

Town Initiated

Citizen Initiated

Applicant(s): Town of Sunset Beach

APPLICATION OVERVIEW:

The Sunset Beach Planning & Inspections Department is submitting an application to revise the text in Article 6, Section 6.04 Table of Permitted/Special Uses, Section 6.06(L)(F). In summary, the current UDO provisions allows outdoor display and storage of merchandise for commercial operations as long as supplemental standards are met. However, in order to meet the rules, the applicant must first seek a Special Use Permit from the Board of Adjustment. The application seeks to continue to hold the businesses to the supplemental standards for outdoor display, but to remove the permit requirement from the ordinance.

STAFF COMMENTARY

At the April 15th, 2015 Board of Adjustment meeting, The Board heard a case for a Special Use Permit initiated by a citizen. The case involved granting a Special Use Permit to allow outdoor display and storage of merchandise. After reviewing and voting on the case, the Board made comments to staff that they felt the permit requirement for outdoor display was redundant and that they did not feel it was necessary for them to hear such cases as long as the standards were being followed. Staff agreed with their assessment.

Special Use Permits are typically granted for specific types of land uses, not for operational qualities of a land use. The operational qualities of a land use are typically incorporated as part of the permit conditions of the land use, as a whole. The Board of Adjustment and Staff agree that if citizens are meeting the applicable conditions of

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outdoor display and storage of merchandise, it should not be necessary for a permit to be required.

The current ordinance standard for outdoor displays 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
<i>Outdoor display and storage of merchandise</i>				SS	SS			SS							Section 7.26

The supplemental standards that must be met in Section 7.26 are as follows:

- (A) All outdoor display of goods shall be located immediately adjacent to the storefront and not in drive aisles, loading zones, fire lanes, or **parking lots**.
- (B) The area used for outdoor display and storage shall be limited to no more than one-half the length of the storefront. In the case of a **shopping center**, the storefront shall include the entire frontage of the **shopping center**, meaning that the total amount of display for all the in-line tenants combined shall not exceed fifty (50) percent of the aggregate storefront of the overall **shopping center**.
- (C) No merchandise shall be attached to a building's wall surface.
- (D) Displays left out overnight are prohibited.
- (E) At least five (5) feet along the **parking lot** side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that pedestrians and handicap pedestrians do not have to enter the **parking lot**, loading zone, or drive aisle to walk around the display and storage area. Handicap ramps and **landscaping** shall not be located within the five (5) foot clear pedestrian area.
- (F) The area of outdoor display of merchandise shall not encompass the width of the entrance and/or exit doors to the facility as projected straight out from the facility. For example, if the width of the entrance and/or exit doors is ten (10) feet, then there shall be at least a ten (10) foot clearance from the doors as projected straight out and away from the facility. The displays shall not obstruct the view of pedestrians and handicap

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pedestrians entering or exiting while in this ten (10) foot corridor from vehicles in the ***parking lot*** or loading zone.

The applicant seeks to continue to require standards to be met for outdoor displays. However, it is requested that the permit requirement be removed. 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
<i>Outdoor display and storage of merchandise</i>					SPS	SPS		SPS							Section 7.26

Staff reviewed this application against the adopted land use plan. Whereas there are no policies or objectives that mention this issue directly or indirectly, Staff and the Board of Adjustment believe that it does not go against the Town's vision for growth and land use. Being that the request is keeping the same operational conditions as part of the land use activity, it has little to no effect on Town policy considerations.

STAFF RECOMMENDATION

For all the foregoing reasons, staff **recommends approval** 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:

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_____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: