

# ZONING AMENDMENT STAFF REPORT



Hearing Date: NA

Case File #: RZ-16-01

General Description: Modify the zoning classification for the Riverside Subdivision (lots 27 – 94) so that all properties are zoned BR-2.

Town Initiated

Citizen Initiated

Applicant(s): Town of Sunset Beach

## APPLICATION OVERVIEW:

The Sunset Beach Planning & Inspections Department has initiated an application, at the direction of the Town Council, to amend the Town’s Zoning Map. The subdivision was approved by staff in June 2015 with the assumption that all properties were zoned BR-2. Further investigation found that the approved subdivision crossed a zoning district boundary into the CR-1 zoning district, thus creating non-conformities. This rezoning request will ameliorate current non-conformities and place all lots within the BR-2 zoning district as originally intended and assumed.

## STAFF COMMENTARY

Per Town regulations and NCGS §160A-384, certain procedures are required for zoning map amendment requests. The following provisions are applicable to this request.

### SECTION 4.01 AMENDMENT/REZONING PROCEDURES

(C) Action by the Planning Board.

(3) The Planning Board shall advise and comment on whether the proposed text amendment or map amendment is consistent with the adopted comprehensive plan and any other applicable officially adopted plans. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan

shall not preclude consideration or approval of the proposed amendment by the Town Council.

(D) Action by the Town Council.

(2) Recommendations of Planning Board. Before an item is placed on the consent agenda to schedule a public hearing, the Planning Board's recommendation on each proposed zoning amendment must be determined. If no recommendation is received from the Planning Board within sixty (60) days from the date when submitted to the Planning Board, the petitioner may take the proposal to the Town Council without a recommendation from the Planning Board. The Town Council, at the close of public hearing, may defer taking lawful action on the proposed amendment until it has sufficient time to consider any new evidence or suggestions presented at the public hearing.

(a) No member of the Town Council shall vote on any zoning map amendment or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

(b) Prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a statement describing whether the action is consistent with the adopted comprehensive plan and any other applicable officially adopted plans and explaining why the Council considers the action taken to be reasonable and in the public interest.

(c) The Town Council shall adopt a statement of reasonableness for all small scale rezonings as defined by the North Carolina General Statutes.

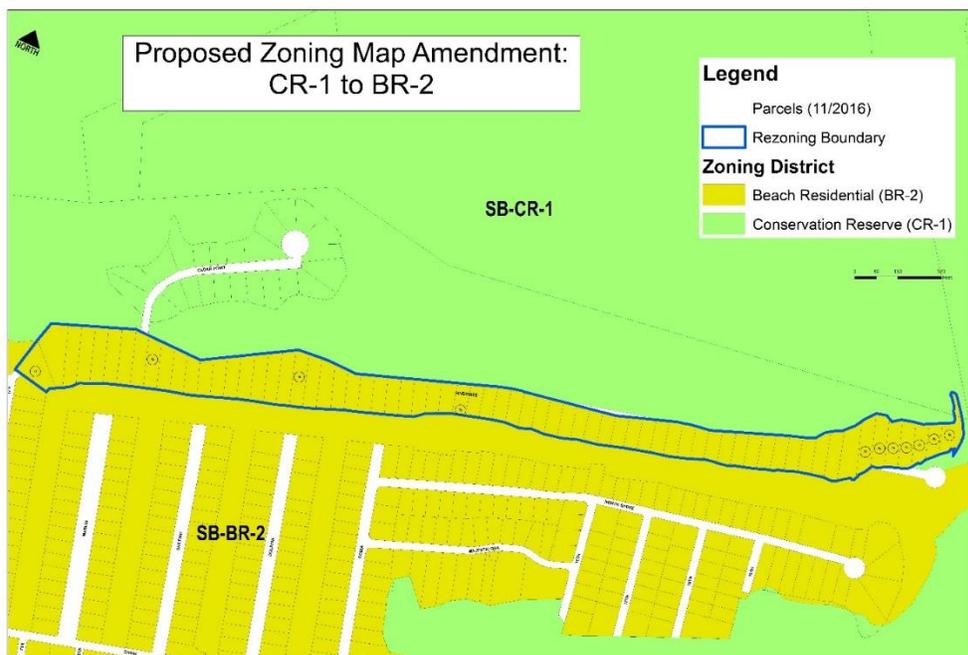
(4) Statement of Consistency. Prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Council considers the action taken to be reasonable and in the public interest. This statement is not subject to judicial review.

**PROPOSAL**

The existing zoning and proposed zoning are provided. As stated previously, the existing zoning map contains parcels that cross into two separate zoning districts.



The proposed zoning map amendment revises the zoning district boundary so that all lots within the Riverside Subdivision (27-94) are located entirely within the BR-2 zoning district.



**Boundary Description**

The proposed rezoning shall include all of lots 27 through 94 as particularly described on Plat Book 90, page 81 to 85, for certainty of description, and filed in the Brunswick County Register of Deeds.

Table 1: PIN &amp; Parcel IDs for Lots to be rezoned.

<b>PIN</b>	<b>Acres</b>	<b>PARCEL ID</b>	<b>PIN</b>	<b>Acres</b>	<b>PARCEL ID</b>
105409156433	0.24	256ND00124	105409252662	0.14	256ND00137
105409155482	0.23	256ND00123	105410255608	0.15	256ND00142
105409155430	0.21	256ND00122	105409252611	0.13	256ND00136
105409154398	0.21	256ND00121	105409251569	0.15	256ND00135
105409154346	0.19	256ND00120	105409254606	0.15	256ND00140
105409154304	0.18	256ND00119	105409253655	0.15	256ND00139
105409153352	0.17	256ND00118	105410256609	0.15	256ND00144
105409153310	0.16	256ND00117	105410353971	0.15	256ND00160
105409152268	0.16	256ND00116	105410352878	0.15	256ND00158
105409151267	0.20	256ND00114	105410258745	0.14	256ND00149
105409057027	0.30	256ND00105	105410351884	0.14	256ND00156
105409058127	0.26	256ND00107	105410366190	0.22	256ND00167
105409057166	0.40	256ND00106	105410367193	0.20	256ND00169
105409058179	0.25	256ND00108	105410257753	0.14	256ND00147
105409059211	0.24	256ND00109	105410352836	0.14	256ND00157
105409059263	0.24	256ND00110	105410354923	0.15	256ND00161
105409150215	0.25	256ND00111	105410258797	0.14	256ND00150
105409150266	0.23	256ND00112	105410355968	0.21	256ND00164
105409151216	0.21	256ND00113	105410257701	0.14	256ND00146
105409152218	0.18	256ND00115	105410368178	0.14	256ND00171
105409159572	0.16	256ND00131	105410355916	0.18	256ND00163
105409159520	0.16	256ND00130	105410257794	0.13	256ND00148
105409158488	0.16	256ND00129	105410353829	0.15	256ND00159
105409158437	0.16	256ND00128	105410351833	0.13	256ND00155
105409157486	0.18	256ND00127	105410259748	0.14	256ND00151
105409157435	0.22	256ND00126	105410256751	0.14	256ND00145
105409156484	0.22	256ND00125	105410369224	0.25	256ND00172
105409251517	0.14	256ND00134	105410367141	0.20	256ND00168
105409250565	0.15	256ND00133	105410350882	0.14	256ND00154
105409250523	0.16	256ND00132	105410259799	0.15	256ND00152
105410255659	0.15	256ND00143	105410366057	0.24	256ND00166
105409254657	0.15	256ND00141	105410356942	0.13	256ND00165
105409253604	0.14	256ND00138	105410368135	0.17	256ND00170
105410350831	0.15	256ND00153	105410354974	0.15	256ND00162

**Consistency with the adopted Comprehensive Plan.**

The proposed zoning map amendment is consistent with 2010 Comprehensive Plan. The Future Land Use designation of the area proposed for rezoning is classified as “Residential Medium-High Density 3.” The Future Land Use Classification Area Development Standards Table specifies that “BR-2” is an appropriate zoning classification for the proposed rezoning.

2010 Comprehensive Plan – Future Land Use Classification Map



 "Residential Medium-High Density 3"

**Update: 1-11-17:** The UDO Administrator hereby certifies to the Planning Board that the appropriate notices required for action on the zoning map amendment have been satisfied.



**TOWN COUNCIL SUMMARY**

**Action:**

(C) \_\_\_\_\_ The Town Council hereby adopts the proposed zoning map amendment to the Town’s Official Zoning Map and finds that it is (i) consistent with Policy 30 of the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) stating that “Any official Town land use and development related actions (e.g. re-zonings) shall remain consistent with the policies adopted in the Land Use Plan;” (ii) is consistent with the Town’s Future Land Use Classification Map as particularly described in Section 9; and (iii) finds that it is in the public interest because it corrects an oversight of Town staff to ensure development within the Riverside Subdivision may proceed as intended when approved in June 2015.

(D) \_\_\_\_\_ The Town Council hereby denies the proposed zoning map amendment to the to the Town’s Official Zoning Map and finds that (i) it is not consistent with the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) and/or (ii) it is not in the public interests for the following reasons:  
\_\_\_\_\_.

Adopted \_\_\_\_\_ Denied \_\_\_\_\_

(For \_\_\_\_\_ Against \_\_\_\_\_ Abstained \_\_\_\_\_)

**Commentary:**