

TEXT AMENDMENT STAFF REPORT



Hearing Date: NA

Case File #: TA-17-02

General Description: Amend Section 6.04 and Section 7.09 to clarify the permitted location of fences abutting natural amenities and provide standards for non-residential fences.

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 Planning Board, to insert new text in Section 7.09 to clarify that fences and walls, for single-family residences, may be installed up to four (4) feet in height adjacent to natural amenities and also to accommodate non-residential fences in accordance with buffer strips.

STAFF COMMENTARY

Currently, for single-family residences, fences are not allowed which may “restrict the ground level view of any adjacent property facing the ocean, waterway, marsh, lakes, or golf course.” Based on this language, it is unclear whether any fence may be allowed or that only a certain height of fence and appropriate transparency may be installed. In effect, such language requires a discretionary decision of staff. Therefore a provision has been added to clarify the existing language to limit fences in these locations to a height of four (4) feet and minimum of 50% transparency.

Additionally, conflicting provisions for non-residential fences are found in the UDO. Within the table of permitted uses (Section 6.04) and supplemental regulations for fences and walls (Section 7.09) no accommodations are made for nonresidential fences. However, within the buffer requirements (Section 10.04 (D)) the UDO states that fences and walls may be installed in combination with such. To correct this inconsistency, staff proposes to place language similar to that found within the Section 10.04 (D). In addition, the table of permitted uses has been amended to allow for nonresidential fences in nonresidential zoning districts.

DEPARTMENT OF PLANNING AND INSPECTIONS

Only those sections and parts there-of which are being proposed for amendment are included below. For clarity, unless something has been specifically marked with a ~~strikethrough~~, it is proposed to remain in the ordinance.

PROPOSED TEXT AMENDMENT

SECTION 6.04 TABLE OF PERMITTED/SPECIAL USES

<i>Primary Zoning Districts</i>																
Uses	MR1 p.6-17	MR2 p.6-19	MR2 A p.6-21	MR3 p.6-22	MB1 p.6-24	MB2 p.6-26	BR1 p.6-27	BR2 p.6-29	BB1 p.6-31	MH1 p.6-33	MH2 p.6-35	RI1 p.6-37	CR 1 p.6-39	AF1 p.6-41	MUD *	Supplemental Regulations
<u>Fences (nonresidential)</u>					<u>PS</u>	<u>PS</u>			<u>PS</u>						<u>PS</u>	<u>Section 7.09</u>

SECTION 7.09 ~~PRIVACY~~ FENCES

(B) Single-Family Residential. In all beach residential zoning districts, a **fence** or wall may be constructed not to exceed four (4) feet in height from natural **ground level**. In the BR-1 district, **fences** and walls cannot extend beyond more than one hundred fifty (150) feet from the property line **abutting** the right-of-way of Main Street. In all mainland residential zoning districts, a **fence** or wall may be constructed not to exceed six (6) feet in height from natural **ground level**. A fence or wall may be constructed on the property line subject to the following conditions in all zoning districts:

(1) The **fence** or wall does not restrict the **ground level** view of any **adjacent property** facing the ocean, waterway, marsh, lakes, or **golf course**. In accordance with this provision, a fence installed facing the ocean, waterway, marsh, lakes, or golf course may not exceed four (4) feet in height and shall be at least fifty (50) percent transparent.

(C) Nonresidential. A nonresidential fence may be installed as part of a buffer strip, in accordance with Article 10, when a nonresidential use is developed immediately adjacent to an existing residential use or zoning district. A nonresidential fence or wall may be constructed on the property line subject to the following conditions:

(1) Fences or walls shall be uniform in design, construction, and material. The fence or wall shall be brick, vinyl, decorative cement block, stucco, maintenance-free metal, or treated wood (excluding any type of plywood or lattice sheets) or any combination. Height shall not exceed six feet. Both sides of a fence or wall must be equal in construction and appearance.

DEPARTMENT OF PLANNING AND INSPECTIONS

(2) Fences or walls shall not restrict the ground level view of any adjacent property facing the ocean, waterway, marsh, lakes, or golf course. In accordance with this provision, a fence installed facing the ocean, waterway, marsh, lakes, or golf course may not exceed four (4) feet in height and shall be at least fifty (50) percent transparent.

(2) Fences and walls are limited to rear and side yards; however, fences or walls cannot be located in a side yard abutting a street right-of-way on a corner lot. Exception: In a side yard abutting a street right-of-way on a corner lot, open fences are allowed in the buildable area of the lot, but are limited to four (4) feet in height and shall be at least thirty-five percent (35%) open.

(3) Side fences or walls shall be placed a minimum of five (5) feet behind the front footprint of the structure. However, if circumstances exist related to asymmetrical lot lines, lot recombination, or unusual property line configuration relative to the location of the existing primary structure, the Planning Board may modify this standard upon review and approval of a sketch plan. When a modification is requested, all property owners immediately adjacent to the proposed fence shall be notified of the meeting in which the request will be heard by regular mail. The Planning Board should consider public safety, interference with sight visibility at intersections, harmony with the surrounding properties, and maintaining the spirit of this requirement when making any modification. Any fence modification shall not permit encroachment into the required front yard setback.

(4) Living fences are permitted and encouraged. These are open support structures that allow vegetation to grow on, through or as part of the structure as support whereby the resulting buffer is a mature, vegetative wall or screen with no readily visible portion of the underlying structure is shown. The vegetation shall be installed to a minimum depth of five (5) feet and such that seventy-five percent (75%) visual opacity within one (1) year of planting is attained and remain in such condition throughout the year.

PLANNING BOARD SUMMARY

Action:

- (A) X The Planning Board hereby recommends approval of the proposed amendment to the Unified Development Ordinance and finds that it is (i) consistent the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan), Policy 20 (B) stating that “Adequate buffering between residential and commercial development will be required,” and finds that it is in the public interest because Town residents support buffering between nonresidential and residential uses.
- (B) _____ The Planning Board hereby recommends denial of the proposed amendment to the Unified Development Ordinance and finds that (i) it is not addressed in 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:
_____.

Recommend Approval (A) X Recommend Denial (B) _____

(For 4 Against 0 Abstained _____)

Commentary:

During the Planning Board meeting held April 20, 2017, the proposed text amendment was unanimously recommended for approval by Town Council.

TOWN COUNCIL SUMMARY

Action:

- (A) _____ 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 _____.
- (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: _____.

(For _____ Against _____ Abstained _____)

Commentary: