

TEXT AMENDMENT STAFF REPORT



Hearing Date: 4-21-16

Case File #: TA-16-05

General Description: Amend Article 2, General Regulations in the UDO to replace previous section of the Town Code into the UDO regarding maintenance of bulkheads, docks, and piers.

Town Initiated

Citizen Initiated

Applicant(s): Town of Sunset Beach

APPLICATION OVERVIEW:

The Sunset Beach Planning & Inspections Department has initiated an application to amend Article 2 in the UDO to place previous ordinance language from the Town Code into the UDO. This proposal is to replace former language related to maintenance of docks, piers, and bulkheads. This application is being initiated by Town staff at the direction of the Planning Board and Town Council. The concern from the Town Council was centered on the apparent omission of former Town Code standards in the UDO at the time of its adoption. The Planning Board expressed a need to place this or a derivation of these standards back into the current code.

STAFF COMMENTARY

Staff has reviewed the UDO for the appropriate sections to incorporate previous language in the current code. Staff has received indication from the Town's new CAMA field representative that it would be beneficial for the Town to have the language in our development ordinance as a supplement to any enforcement actions that may or may not be taken by CAMA. As such, staff is proposing to insert the slightly modified, previous provision into the UDO in Article 2. The modification reflects the enforcement action being the responsibility of the Planning Department instead of a named inspector.

PROPOSAL

Staff has provided the following proposed language for consideration:

SECTION 2.20 Maintenance of docks, piers, and bulkheads.

(A) Docks, Piers and Bulkheads shall be kept in good repair and condition so as to not adversely threaten or affect the health, safety or general welfare of adjacent property owners or the general public. In the event that the Town determines that a dock, pier or bulkhead is in a state of disrepair, staff shall notify the owner of the defective conditions along with the repairs required to remedy said condition. The owner shall have fourteen (14) days from notification to make the necessary repairs to said dock, pier or bulkhead. If repairs cannot be made in the fourteen (14) day time period, the owner shall notify the Town within said time period to request an extension of 30 days. If the owner does not request an extension following the (14) day notification period, the Town will impose general penalty as outlined in article 10.99 of the Code of Ordinances.

(1) Minimum Standards for structural condition

- (a) Walls, partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle and shall not be damaged.
- (b) Floors and roofs shall have adequate supporting members and strength to be reasonably safe.
- (c) Foundations, foundation walls, piers, pilings or other foundation supports shall not be deteriorated or damaged.
- (d) Steps, stairs, landings, porches, decks, gazebos, walkways or other parts or appurtenances shall be maintained in such condition that they not fail or collapse.

(B) In the event that the owner fails to timely repair the dock, pier, or bulkhead, as required by the Town, and the dock, pier or bulkhead is in a condition so as to be of imminent threat to the health, safety or general welfare of the adjacent property owners or the general public, the town may remove, dispose, and/or repair of any portion of such structure(s) upon five (5) days' notice to the owner.

Staff recommends consideration and/or approval of the proposed language.

PLANNING BOARD SUMMARY (APRIL 21, 2016 MEETING)

Action:

The Planning Board finds that the proposed amendments to Unified Development Ordinance X is is not consistent with the Sunset Beach Comprehensive Land Use Plan.

Passed X Denied (For 4 Against Abstained)

Commentary: Planning Board approved the language as submitted by Town staff.

TOWN COUNCIL SUMMARY (MAY 2, 2016 MEETING)

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.

Passed Denied (For Against Abstained)

Commentary:

The Town Council considered the recommendation during the May 2, 2016 meeting. The Town Council accepted the Planning Board recommendation and scheduled a Public Hearing for June 6, 2016 at 7:00 pm.

TOWN COUNCIL SUMMARY (JUNE 6, 2016 MEETING)

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.

Passed Denied (For Against Abstained)

Commentary:

The Town Council held the scheduled Public Hearing on June 6, 2016 at 7:00 pm. During deliberations, the Town Council requested the following be incorporated into the proposed language: a penalty statement, the length of the extension and that the property owner is to pay the expense.

PLANNING BOARD SUMMARY

Action:

- (A) X The Planning Board hereby finds that the proposed amendment to the Unified Development Ordinance is:
 - (i) consistent with the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) and all other applicable plans and policies adopted by the Town, which is consistence with Goal 12 of the Land Use Compatibility Policy Statements: Bulkhead installation, groins, or seawalls must be built in compliance with CAMA’s 7H and other state guidelines. Maintenance and replacement of existing bulkheads will be permitted” and
 - (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the Town of Sunset Beach.

- (B) X The Planning Board hereby recommends adoption of the proposed UDO Amendment for Article 2 to add subsection 2.20 Maintenance of Docks, Piers, and Bulkheads by the Town Council. Public Hearing was held on June 6, 2016.

Passed X Denied _____ (For 3 Against 0 Abstained 0)