

# TEXT AMENDMENT STAFF REPORT



Hearing Date: 4-21-16

Case File #: TA-16-07

General Description: Amend Article 2, General Regulations in the UDO to place previous sections of the Town Code into the UDO regarding relocation of buildings and guttering.

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 relocation of buildings and guttering. 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 reviewed the remaining items from the former Town Code chapter related to building. The Planning Board recommended placing the previous Town Code sections related to "relocation of buildings" and "guttering" into the UDO. Staff believes the most appropriate section for these items is in Article 2.

Staff has provided the following proposed language for consideration:

SECTION 2.21 Relocation of Buildings.

It is in the general intent of this section to prevent the relocation of buildings such that the quality or character of the neighborhood in which a building might be moved is adversely affected. No building may be moved, either intact or in a dismantled state, until a permit has been obtained upon proper application hereunder and in accordance with the following:

- (A) The use of the building must be a permitted use in the zone into which it is to be located.
- (B) Site preparation and all work performed incidental to moving and placing the building at its new location and all reconstruction of the building as may be necessary must conform to all applicable federal, state, and local laws and regulations and shall be completed within six months following the initiation of the work. For purposes of this section the work shall be considered complete upon issuance of a certificate of occupancy. For each calendar day beyond six months following the initiation of the work that the work is not complete, the holder of the building permit shall be fined \$50.00 each day to be considered a separate offense, the find to be paid at Town Hall. Should the work be delayed for cause beyond the control of the permittee or contractor employed to do the work, the time for completion may be extended. Requests for extensions of time shall be made in writing to the Director of Planning and Inspections setting forth full particulars as to the cause of delay.
- (C) The exterior appearance of the building shall be made equal or superior to the general nature, quality and character of the neighborhood into which it is to be located.
- (D) The Town shall review the application for relocation to determine compliance with Sections (A), (B) and (C) above. After review of the application, the Town may approve the application if the application demonstrates compliance with Sections (A) (B) and (C) above. If the application does not meet the requirements of Sections (A) (B) and (C) above, the Town shall disapprove the application.
- (E) A fee shall be paid to the town for each application for relocation of a

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building according to the current fee schedule, if applicable.

- (F) Prior to the issuance of a building permit, the person or firm to whom the building permit is to be issued shall furnish a security deposit in the amount of \$1,000.00 in a certified check made payable to the Town. This security deposit shall cover any costs to the Town for damage done to town property or for other expenses to the town resulting from the relocation of the building. Any balance of the security deposit remaining shall be refunded at the time the certificate of occupancy is issued. If the costs and expenses to the Town exceed the security deposit, the applicant shall be liable for the payment of this additional amount.

SECTION 2.22 Guttering.

Guttering and down spouts may not be piped underground towards or through sea walls. They must be a minimum of 30 ft. from the surface waters and a minimum of 50 ft. from Class A waters. An exception to this standard is made when an infiltration system had been designed and approved by a licensed Engineer or Architect. Under this circumstance the infiltration system should remain as far away as possible for SA waters.

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

**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:**