



**An Ordinance to Amend Article 1 Purpose,
Article 2 General Regulations and Article 7 Supplemental Regulations
of the Unified Development Ordinance (UDO)
of the Town of Sunset Beach, North Carolina**

THAT WHEREAS, the Town has enacted a Unified Development Ordinance that controls land development within both the Town’s incorporated areas and within its extraterritorial area; and

WHEREAS, in order to promote the public health, safety and general welfare and to promote the best interests of the town and community, it is necessary from time to time for the Town Council to consider appropriate revisions, modifications and additions to the town’s Unified Development Ordinance; and

WHEREAS, Town staff has initiated a text amendment requesting a review of the town’s Unified Development Ordinance concerning building and land use regulations which were inadvertently removed from previous ordinances during the 2012 adoption of the Unified Development Ordinance; and

WHEREAS, the Planning Board reviewed and deliberated the options, and reached a 3 to 0 vote to recommend to the Town Council that amendments to Article 1 Purpose, Article 2 General Regulations and Article 7 Supplemental Regulations be approved; and

WHEREAS, pursuant to N. C. General Statutes and town ordinances, a public hearing, properly noticed, was held on August 7, 2017, where public comment was heard and considered by the Town Council regarding this issue and further discussion was had on September 5, 2017; and

WHEREAS, the Planning Board finds that the proposed amendments to the Unified Development Ordinance Article 1 Purpose, Article 2 General Regulations and Article 7 Supplemental Regulations are consistent with the Sunset Beach Comprehensive Land Use Plan; and

WHEREAS, the Town Council further finds that the approval of these proposed amendments are reasonable and in the public interest in that these amendments: are consistent with the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan), Policy 14 (A) stating that “Sunset Beach desires as much as practicable that all development be designed and placed so as to be compatible with its existing coastal town and residential character,” and finds that it is in the public interest because of the following reasons to maintain and protect the natural environment and promote orderly development of the limited landmass.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Sunset Beach that Unified Development Ordinance Article 1 Purpose Section 1.02 Purpose; Authority is hereby amended by inserting the following in alphabetical order to the existing list:

- (E) *North Carolina Building Code Adopted by Reference.* The most current edition of the “North Carolina State Building Code all Volumes” found therein is hereby adopted as the official building code of the Town.

AND, THAT Article 1 Purpose Section 1.12 Enforcement and Penalties is hereby amended by inserting the following text as (B) and logically reordering the remaining list alphabetically:

- (B) *Building Permit Required.* No buildings, signs, or other structures shall be erected, moved, added to, or structurally altered until a building permit has been issued by the Building Inspector. No certification of occupancy shall be issued except in conformity with the provisions of this Ordinance and the North Carolina State Building Code.

AND, THAT Article 2 General Regulations is hereby amended by inserting the following in numerical order:

SECTION 2.21 DEBRIS FROM BUILDING CONSTRUCTION

- (A) The owner, builder, contractor, subcontractor, their representative, agent, or employee of any building being constructed, altered, or restored on any lot or parcel of land within the corporate or extraterritorial limits of the Town, is responsible for immediately removing any construction-related debris, trash, or refuse from any adjacent property to include roads, streets, canals, beach, and public areas.
- (B) All debris and trash must be contained on-site during construction. All garbage receptacles must have high sides or covers to prevent the airborne transport of debris such as plastic and paper. In addition, hazardous materials used during the construction process must be stored and disposed of properly to ensure that they do not enter surface waters.
- (C) All multi-family or larger structures and commercial structures must have dumpsters on site for debris from building construction.
- (D) The person or firm responsible for the site development is responsible for removing or the cost of removing debris, trash and any other hazardous material from surface waters, estuarine waters, SA waters and/or waters of the Atlantic Ocean.

AND, THAT Article 2 General Regulations is hereby amended by inserting the following in numerical order:

SECTION 2.22 SURVEYS

- (A) A survey shall be made for each lot by a licensed surveyor before a zoning permit or building permit is issued for initial construction or change in the footprint of the structure.
- (B) Before permits are issued, the UDO Administrator may require the owner to furnish the following:
 - (1) A recent property boundary survey, visibly marking exact location of all property corners, shall be made by a registered land surveyor licensed to practice in North Carolina.
 - (a) A recent survey shall be defined as a survey made within a period of no more than six months prior to applying for the permit.
 - (2) An average lot elevation shall be established by a registered land surveyor licensed to practice in North Carolina as per Section 2.18 Filling, Grading, and Excavation.
- (C) An as-built survey prepared by a registered land surveyor licensed to practice in North Carolina must be submitted to the UDO Administrator before a certificate of occupancy will be issued.
 - (1) The as-built survey must include information regarding impervious surface percentages.
 - (a) If the subject property is within a CAMA AEC, the survey must include information specific to the impervious surface percentage within the limits of the AEC.
 - (2) The as-built survey must include elevations for the average finished grade of the subject property, the average finished grades of the adjacent properties (as measured per Section 2.18), and the elevation of the crown of the road.

AND, THAT Article 2 General Regulations is hereby amended by inserting the following in numerical order:

SECTION 2.23 STREET ADDRESS DISPLAY

- (A) New and existing buildings shall be provided with approved address numbers or letters. Each character shall be a minimum 4 inches (102 mm) high and a minimum of 0.5 inch (12.7 mm) wide. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. Where access is by means of a private road and the building address cannot be viewed for the public way, a monument, pole, or other approved sign or means shall be used to identify the structure.

- (B) Owners or occupants of buildings already constructed with do not comply with this ordinance will be notified and requested to meet these requirements within 60 days from the date of notification. A warning notice will be issued after 60 days if the requirements have not been met. If the owner or occupant does not comply voluntarily with this Ordinance within 30 days of delivery of a warning notice by registered or certified mail or by hand delivery to the building of violation, enforcement action pursuant to Section 1.12 may be initiated.

AND, THAT Article 7 Supplemental Regulations is hereby amended by inserting the following in numerical order:

SECTION 7.35 CONSTRUCTION WITH PILE-TYPE FOUNDATION

- (A) Any building erected south of the inland waterway in the Town shall be required to be constructed with pile-type foundation.
- (B) Piling standards for coastal and floodplain construction shall be as set out in the North Carolina State Building Codes

AND, THAT Article 7 Supplemental Regulations is hereby amended by inserting the following in numerical order:

SECTION 7.36 STORMWATER SOLUTION

- (A) Any project which proposes a total impervious surface area percentage greater than that allowed by the zoning district in which the lot lies as laid out in Article 6 must prepare a stormwater solution. This solution shall be prepared by a North Carolina Professional Engineer and shall meet the intent of the Stormwater Ordinance. This solution must be approved by the Planning and Inspection Department.
- (B) Guttering and down spouts may not be piped underground towards or through sea walls. They must be a minimum of 30 feet from surface waters and a minimum of 50 feet from Class A waters. Exception, when an infiltration system has been designed by and approved by a licensed North Carolina Engineer or Architect. Under this circumstance the infiltration system should remain as far as possible from any waters

Adopted this the ____ day of _____, 2017

Town of Sunset Beach

By: Mayor

ATTEST:

Town Clerk