



**An Ordinance to Amend Article 2 General 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 control 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 Maintenance of Docks, Piers and Bulkheads; and

WHEREAS, the Planning Board reviewed and deliberated the options, and reached a 5 to 0 vote to recommend to the Town Council that an amendment for Section 2.20 titled Maintenance of Docks, Piers and Bulkheads be approved; and

WHEREAS, pursuant to N. C. General Statutes and town ordinances, a public hearing, properly noticed, was held on March 6, 2017, where public comment was heard and considered by the Town Council regarding this issue; and

WHEREAS, the Planning Board and Town Council find that the proposed amendment to the Unified Development Ordinance Article 2 General Regulations Section 2.20 is 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 consistent 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

WHEREAS, the Town Council further finds that the approval of this proposed amendment is reasonable and in the public interest in that the amendment: (i) provides for additional protections of water-front property owners, (ii) works to help alleviate potential erosion and negative environmental impacts associated with development adjacent to water bodies, and (iii) will offer added protection from natural disaster events by helping to maintain the natural ecosystem.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Sunset Beach that Unified Development Ordinance Article 2 General Regulations is hereby amended to remove, replace and add language to Section 2.20 as follows:

Section 2.20 Maintenance of Docks, Piers and Bulkheads

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 the Town determines that a dock, pier or bulkhead does not meet the minimum standards for structural condition as set forth herein, ~~is in a condition to adversely threaten or affect the health, safety or general welfare of adjacent property owners or the general public,~~ 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.~~

(A) Minimum Standards for structural condition:

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

~~(A) 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 and dispose of said structure upon five (5) days notice to the owner thereof.~~

(B) Owner to correct hazard.

- (1) If after inspection by the Town’s Planning and Inspections Department it is found that such structure is in a damaged condition to the extent that it no longer meets the minimum standards for structural condition as set forth in Section A, the UDO Administrator shall notify the owner of such structure in writing to have the same demolished, removed, repaired or otherwise properly secured within thirty (30) days. The notice shall state the department’s findings as to the condition of the structure.
- (2) Where demolition, repair, or removal is not practicable within the specified time, the UDO Administrator may extend that time by an additional ten (10) days on the condition that the owner take such measures to secure the structure so as to prevent accident or injury until such time as the owner can fully comply with the order.
- (3) In no instance shall the owner fail to have the structure demolished, repaired, or removed within ninety (90) days of the issuance of the final notice. If repairs have not been made and inspected for compliance with N.C. State Building Code and Section A, within ninety (90) days of the issuance of the final notice. In the event that a CAMA Major Permit is required for necessary repairs, then the owner shall have up to one-hundred eighty (180) days to correct the hazard in accordance with this ordinance. The owner will be subject to penalties and remedies outlined in Section 1.12 (G) of this ordinance if unable to correct the hazard as specified herein.

Adopted this the ____ day of _____, 2017

Town of Sunset Beach

By: Mayor

ATTEST:

Town Clerk