

TEXT AMENDMENT STAFF REPORT



Planning Board Meeting Date: 7-21-16

Hearing Date: N/A

Case File #: TA-16-09

General Description: Amend Article 6, Zoning Districts, and Article 7, Supplemental Regulations, in the UDO to allow for Swimming Pools in the CR-1 Zoning District as a permitted use with Supplemental Regulations (PS).

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 6/7 in the UDO to allow for Swimming Pools in the CR-1 Zoning District with Supplemental Regulations. This proposal is initiated out of the need to accommodate swimming pools in the Palm Cove subdivision consistent with a recent Memorandum of Understanding and agreement between the Town and Palm Cove owners. This application is initiated by Town staff at the direction of Town Council.

STAFF COMMENTARY

Staff has reviewed the request of the Town to ensure that the inclusion of Swimming Pools within the CR-1 Zoning District will be prohibited in the Coastal Barrier Resources System (CBRS) area in an attempt to limit the applicability and span of pools within the district. This amendment requires changes to the Permitted Use Table (Section 6.04), Zoning District Development Standards (6.06), and Supplemental Regulations (Section 7.14).

PROPOSAL

Staff has provided the following proposed language for consideration (red text shown below is provided for new UDO language/changes):

SECTION 6.04 TABLE OF PERMITTED/SPECIAL USES.

Swimming Pools – include “PS” for this use in the CR-1 Zoning District.

SECTION 6.06 ZONING DISTRICT DEVELOPMENT STANDARDS.

(L) CR-1 Conservation Reserve District

F. Certain Structures: On ocean front lots, no structure other than approved sand fences for the exclusive purpose of capturing sand for dune stabilization and growth, or County Health Department approved waste treatment systems shall be located on that part of any lot lying 25 feet from the established CAMA line seaward of the rear property line on ocean front lots being that property line located the farthest distance from the ocean. CAMA approved dune walkovers shall be permitted, limited to a maximum of 1 per 4 building units. Retaining walls, bulkheads, or other containment devices to prevent fill and surface water from running on lower lots when fill is necessary to install a private wastewater treatment system will be allowed beyond 25 feet from the established CAMA line feet seaward of the property line abutting the right-of-way of the street. **Swimming Pools shall be allowed between the primary structure and the required CAMA ocean front setback. Swimming pools shall be setback a minimum of 25 feet from the CAMA ocean front setback and shall only be allowed on lots with a minimum size of one (1) acre.**

SECTION 7.14 SWIMMING POOLS/HOT TUBS.

(1) Swimming pools shall be subject to the following requirements:

(A) A **swimming pool** may be constructed as an **accessory structure** provided it is located in the buildable portion of the **lot**.

(B) The **swimming pool** site shall be provided with adequate water and wastewater facilities, shall be designed so that drainage from surrounding areas will not normally enter the pool enclosure, and shall be equipped with adequate power facilities which do not present a hazard to the bathers. The pool shall be

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located so that no broken overhead electrical wiring may fall within twenty-five (25) feet of the pool surface.

(C) All outdoor residential **swimming pools** shall be enclosed by a **fence** or other equivalent type barrier as required by, and in accordance with, the North Carolina State Building Code, as amended. All residential pool enclosures shall be completely installed within thirty (30) days of the pool completion and before the pool is filled with water.

(D) **Swimming pools** shall be prohibited from the Coastal Barrier Resource System (CBRS) area defined by the US Fish and Wildlife Service (USFWS).

(F) **Swimming pools** shall be designed and built in accordance with all applicable regulations, including, but not limited to the provisions of the Flood Damage Prevention Ordinance.

PLANNING BOARD SUMMARY

Action:

- (A) _____ The Planning Board hereby recommends approval of the proposed amendment to the Unified Development Ordinance and finds that it is (i) not consistent with Policy 27 of the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) stating that “Swimming pools shall not be allowed on the south side (ocean-side) of Main Street on the island,” but finds (ii) that it is in the public interest because it will support official Town policy/agreements to allow for Swimming Pools in the Palm Cove development.

- (B) _____ The Planning Board hereby recommends denial of the proposed amendment to the Unified Development Ordinance and finds that (i) it is not consistent with Policy 27 of the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) stating that “Swimming pools shall not be allowed on the south side (ocean-side) of Main Street on the island,” and/or (ii) it is not in the public interests for the following reasons:
_____.

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

(For _____ Against _____ Abstained _____)

Commentary: