

# TEXT AMENDMENT STAFF REPORT



Hearing Date: NA

Case File #: TA-16-16

Updated: 11/21/2016, 12/8/16, 12/12/16, 12/16/16

General Description: Amend Article 6.06 (D) to provide dimensional standards for residential development in the MB-1 zoning district.

Town Initiated

Citizen Initiated

Applicant(s): Town of Sunset Beach

## APPLICATION OVERVIEW:

The Sunset Beach Planning & Inspections Department has initiated an application, at the direction of the Planning Board, to revise the dimensional standards and density for residential development in the MB-1 Zoning District.

## STAFF COMMENTARY

The proposed text amendment is drafted to accomplish two goals; (1) to accommodate redevelopment of the Pelican Square/Food Lion site and (2) to establish proper dimensional standards for the MB-1 zoning district. There are several options available to accommodate redevelopment of Pelican Square as provided below. Four possible procedures for such are outlined herein.

1. Rezone the parcel to the Mixed Use Zoning District and then draft a text amendment for the new precinct. To do so, the 50 acre threshold for the Mixed Use Zoning District would need to be revised to a much smaller threshold. A new precinct design standard would need to be drafted to accommodate the proposed development. This would require a two-step process (text amendment and rezoning) and would likely conflict with the existing Mixed Use district standards. In addition, the Gateway Overlay District was drafted to apply design standards to much of the MB-1 zoning district. This process is not recommended.

## DEPARTMENT OF PLANNING AND INSPECTIONS

2. Draft and implement a new process for Conditional Zoning. This would require a significant reconfiguration of the Unified Development Ordinance. Conditional zoning sets specific standards when a particular property is rezoned with development conditions of the approved site specific development plan. Such conditions contained on the approved site plan become the zoning district in itself. As such, this process requires significant administrative staff time and is more conducive to jurisdictions with a larger planning staff. This process is not recommended.
3. Develop a new zoning district to accommodate the proposed redevelopment. The proposed district would be drafted to accommodate the programming of the redevelopment project. Such a process would require a significant modification of the UDO followed by a rezoning to the newly established zoning district. This process is not recommended.
4. Draft a text amendment to the MB-1 zoning district to modify the existing dimensional standards to more accurately reflect the desires of the Town. Staff recommends this process as it will both improve the existing standards and accommodate redevelopment.

Currently, the dimensional standards and density for single-family and multi-family residential development in the MB-1 Zoning District are based upon standards outlined in the MR-1 Zoning District. This is problematic for several reasons.

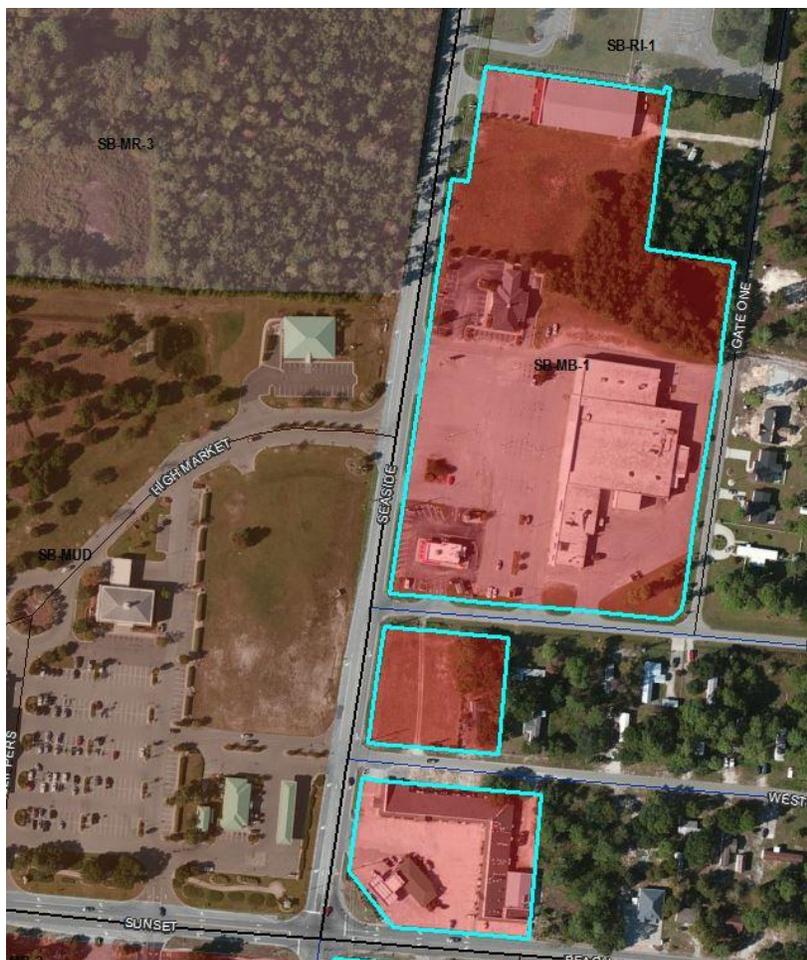
1. Residential density and dimensional standards should be established within each zoning district. The ordinance language should not make reference from one zoning district to another to establish standards.
2. Prior to adoption of the UDO, multi-family development in the MB-1 zoning district was regulated with dimensional standards as provided in the MR-3 zoning district. The change from MR-3 to MR-1 multi-family development dimensional standards is perhaps an error that occurred in drafting the UDO. Existing multi-family development in the MB-1 district appears to comply with MR-3 standards (See Figure 1 contained herein).
3. The dimensional standards of the MR-1 zoning district are established for low-density single-family residential development requiring a minimum of 15,000 square feet per dwelling, substantial front yard setbacks, and a minimum building footprint of 1,800 square feet per dwelling. In effect, these standards mandate that only low density suburban residential development may occur in the MB-1 zoning district. This type of residential development is generally in conflict with those identified in the draft land use plan and within commercial corridors. Furthermore, in commercial districts where residential is also permitted, such development should ideally be regulated to encourage a walkable mixed use development pattern that allows for more dense residential development and smaller dwelling units. Walkability and smaller dwelling units support senior and retiree housing needs.

## DEPARTMENT OF PLANNING AND INSPECTIONS

Currently, there is approximately 53 acres of land zoned for MB-1 in the Town's planning jurisdiction, the majority of which has already been developed. According to the draft land use plan, there are 18 vacant parcels totaling 18.15 acres. As such, the provisions contained within the text amendment are drafted to accommodate redevelopment where feasible.



**Figure 1:**  
**Existing Multi-**  
**family**  
**Development in**  
**the MB-1**  
**Zoning District**  
**located on the**  
**corner of**  
**Shoreline Drive**  
**and Beach**  
**Drive.**



**Figure 2: Existing Development in the MB-1 Zoning District located on the corner of Shoreline Drive and Sunset Boulevard.**

## PROPOSAL

The proposed amendment establishes density and dimensional standards that are in keeping with the goals of the draft land use plan and reflect, to some extent, the existing development pattern. Though not adopted as of yet, and with recognition that the plan has not yet been approved by Town Council, staff recommends use of the draft land use plan standards when providing guidance for this proposed amendment. The draft plan reflects the most recent desires of the Town's citizens and Planning Board.

The draft future land use map identifies the area contained within the MB-1 zoning district as "Mixed Use." Narrative language within the Mixed Use future land use classification specifies that standalone residential development should be discouraged unless it is part of a Planned Unit Development. However, staff would recommend that standalone residential should continue to be allowed in this zoning district provided it is not located on the frontage of a primary roadway (NC 179/Seaside Road/Sunset Boulevard). In doing so, the roadway frontage will be reserved for commercial development or mixed use structures with upper story residential. From a

## DEPARTMENT OF PLANNING AND INSPECTIONS

redevelopment standpoint, projects that mix housing with commercial uses are in greater demand for buyers and developers.

In addition, within the proposed future land use category it is stated that *“the intent of this future land use category is to encourage a walkable mixture of uses that support permanent and seasonal populations while reducing vehicular travel.”*

The desired density within the Mixed Use future land use category is as follows:

- Non-residential uses/Mixed use: 6,000 square feet minimum lot size
- Upper story residential uses: 21.7 dwelling units per acre (du/a)
- Planned Unit Developments may have a density above 21.7 du/a contingent upon appropriate supplementation standards and conditions

In the proposal contained herein, the density standards – 21.7 units an acre/2,000 sf minimum lot size – are established to be consistent with the MR-3 district and draft future land use narrative. Density standards are not increased as part of this text amendment.

It is important to note that provisions for common open space (35%) are still applicable to all multi-family development. Furthermore, the maximum impervious coverage limits (30%) and parking requirements (2 spaces per dwelling unit) serve to reduce the intensity of proposed development within the district.

**[UPDATE 11-21-16]** Procedural options have been provided to the staff report.

**[UPDATE 12-8-16]** Modifications to dimensional standards based upon Planning Board discussion. Minor revisions were made to the impervious coverage exception. It is recommended that the Planning Board seek technical assistance or the presence of a civil engineer to discuss standards for exceeding the 30% threshold.

**[UPDATE 12-16-16]** Based on the current residential dimensional standards and setbacks, a 6,000 sf lot (100' x 60') would result in a building envelope of approximately 1,750 sf (35' x 50'). The 50' front-yard setback drastically reduces the buildable area on a possible residential lot. Further, discussion should continue regarding these standards. As proposed, a 1,000 sf building (25' x 40') footprint is required – exclusive of decks and porches. Based on rough site planning calculations, a 6,000 sf residential lot and required building footprint, would only allow for a small deck/porch as these may not encroach into the setback. The deck/porch size would likely be limited to 5' front and 5' rear or a 10' wide front deck/porch only or a 10' wide back deck/porch only.

**PROPOSED TEXT AMENDMENT**

Stricken text is to be removed and underlined text is proposed.

**SECTION 6.06 (D) MB-1 Mainland Business District**

(D) MB-1 Mainland Business District.

A. ~~Commercial~~ Non-residential Uses:

1. Required Yards. No building shall be less than ~~5~~ 50 feet from the property line abutting any street right-of-way. No other yards are required. ~~except where a business use abuts an existing residential dwelling use or any area zoned residential; it shall provide, along the abutting property lines, a side yard of at least 8 feet and a rear yard equal to at least 20 feet. In all cases where a side yard is provided it shall be at least 4 feet in width.~~
2. Required Building Lot Area. The required building lot area for any non-residential use business shall be a minimum of 6,000 square feet. The building lot area shall have a minimum average lot width of 50 feet.  
~~2. No building shall exceed 35 feet in height unless the depth of the front and total width of side yards required herein shall be increased one foot for every two feet, or fraction thereof, of building height in excess of 35 feet. However, under no circumstance shall the building height exceed 50 feet as measured pursuant to Appendix A.~~
- ~~3. Required Building Lot Area. The required building lot area for any business shall be a minimum of 6,000 square feet. The building lot area shall have a minimum average lot width of 50 feet.~~
- ~~4. Where through lots occur, the required front yard setback shall be provided on both streets.~~
- ~~5. Not more than 30% of total lot area may be covered by the main building, accessory structures, and impervious surfaces. This percentage may be exceeded with a solution approved by the Inspection Department. No landscaping using impervious materials such as solid plastic and vinyl will be permitted.~~

B. Residential Uses:

- ~~1. Residential: Same as required in the MR-1 District.~~
- ~~2. Multi-Family: Same as required in the MR-1 District.~~
  1. Required Yards. No building shall be less than 50 feet from the property line abutting any street right-of-way provided that no standalone residential development shall be closer than 150 feet from the property line abutting the street right-of-way of NC 179/904.
  2. Minimum Required Side Yard:
    - a. Between buildings in a multi-family project: 20 feet
    - b. Between the building and lot line in a multi-family use: 20 feet
    - c. Single-family residential uses: 5 feet

DEPARTMENT OF PLANNING AND INSPECTIONS

d. Zero lot lines may be utilized along a common wall.

3. Minimum Required Rear Yard: 15 feet

4. Density: Up to 21.7 dwelling units per acre.

5. Minimum lot size: 6,000 square feet.

6. Minimum Required Floor Space:

a. For single-family residential dwellings, the building footprint of the structure, exclusive of carports, garages, decks, porches, utility rooms or attendant buildings: 1,000 square feet.

b. Any dwelling unit in a multi-family building: 750 square feet.

C. Accessory Structures:

1. No accessory structure shall be erected in any front yard, required side yard, within 15 feet of any street line or within 5 feet of any rear yard lot line not a street line. On reverse corner lots, no accessory building or accessory structure shall extend beyond the front yard line of the lot to its rear.

2. Any structure that is attached to the principal building by a conventionally framed and covered roof system, with a minimum width of 5 feet, may be considered part of the principal building and shall be required to comply with the minimal front yard setback requirements.

a. The height may be no greater than 16 feet.

D. Building Height. No building shall exceed 35 feet in height. unless the depth of the front and total width of side yards required herein shall be increased one foot for every two feet, or fraction thereof, of building height in excess of 35 feet. However, under no circumstance shall the building height exceed 50 feet as measured pursuant to Appendix A.

E. Not more than 30% of total lot area may be covered by the main building, accessory structures, and impervious surfaces. This percentage may be exceeded with a solution prepared by a North Carolina Professional Engineer that meets the intent of the Stormwater Ordinance and is approved by the Inspection Department. No landscaping using impervious materials such as solid plastic and vinyl will be permitted.

**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) consistent with the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan), Policy 21 (A) stating that “Redevelopment may be permitted as long as the activity complies with the spirit and intent of existing regulatory requirements, meaning proposed redevelopment activities which would require substantial changes to existing regulations shall be discouraged,” and finds that it is in the public interest because current residential dimensional standards are inadequate for the orderly growth and development of the Town’s mainland business district.
  
- (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 the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) and/or (ii) it is not in the public interests for the following reasons: \_\_\_\_\_.

Recommend Approval (A)\_\_\_\_\_ Recommend Denial (B)\_\_\_\_\_

(For \_\_\_\_\_ Against \_\_\_\_\_ Abstained \_\_\_\_\_)

**Commentary:**