TEXT AMENDMENT STAFF REPORT

Case File #: TA-17-05

Planning Board Action Date: June 15, 2017

Town Council Public Hearing Date: NA

General Description: Amend Article 1, Article 2 and Article 7 to include information related to Building Codes, Regulations, and Standards

☐ Town Council Initiated ☐ Planning Board Initiated ☒ Staff Initiated ☐ Citizen Initiated

Applicant(s): Town of Sunset Beach, Planning & Inspections Staff

Updated: May 30, 2017

APPLICATION OVERVIEW:

Several ordinances were not codified with the Unified Development Ordinance (UDO) during the update and rewrite in 2012. These ordinances dealt with building regulations and while we still ask for several of these elements, they cannot be required without being established in ordinance form.

PROPOSAL

Staff is proposing to include missing and forgotten elements of previous ordinances into the UDO. These elements involve ordinances more related to specific building standards and regulations.

First, the UDO should include a statement adopting the state building code and requiring building permits. Article 1 Purpose would be amended to accommodate these elements.

Second, Article 2 General Regulations would be amended to include provisions for Construction Debris, Surveys, and Addressing.

Finally, Article 7 Supplemental Regulations would be amended to include Pile-type construction regulations and stormwater solution regulations.

STAFF COMMENTARY

In the past it was discovered that certain elements of the Town's previous ordinances were left out of the UDO during the update and rewrite in 2012. Some of these ordinances have been reintegrated into the UDO recently such as Fill and Grade and Alteration of Sand Dunes. Still, there are other elements that need to be included.

These various elements need to be included into the UDO in order to require and enforce them. Several of the regulations help ensure compliance with other elements of the UDO while others work towards achieving the Town's vision and goals.

Rather than handle each item separately, Staff is presenting them as a unified text amendment. This is easier to present as a unified amendment as much of the subject falls under the same scope.

Update May 30, 2017: Staff during internal conversations felt that more detail should be put into the proposed Section 2.22 Surveys. This detail involves impervious surface percentages and elevations. Both of these itmes need to be check and approved prior to issuance of a certificate of occupancy and therefore Staff felt having it included in the ordinance would be more beneficial than verbally requesting the information.

PROPOSED TEXT AMENDMENT

ARTICLE 1 SECTION 1.02 PURPOSE; AUTHORITY: Amended to include the following in sequential order:

(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.

ARTICLE 1 SECTION 1.12 ENFORCEMENT AND PENALTIES: Amend to include the following in sequential order:

(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.

**Reorder list items (B) through (I) to (C) to (J)

ARTICLE 2 GENERAL REGULATIONS: Amend to include the following:

SECTION 2.21 DEBRIS FROM BUILDING CONSTRUCTION

(A) No 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 shall allow building debris, trash, or refuse from any building being constructed, altered, or restored on any such lot to be removed either by wind, water, or persons from the lot or any other area, without removing the building debris, trash or refuse from such areas, specifically road streets, canals, beach, and other public areas adjoining private lots.

(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.

ARTICLE 2 GENERAL REGULATIONS: Amend to include the following:

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.

ARTICLE 2 GENERAL REGULATIONS: Amend to include the following:

SECTION 2.23 STREET ADDRESS DISPLAY

(A) Street address numbers must be clearly displayed so that the location can be identified easily from the road.

(B) The official address number must be displayed on the front of the building or at the entrance to a building which is most clearly visible from the street or road during both day and night.

(C) If a building is more than 75 feet from any road, the address number shall be displayed at the end of the driveway or easement nearest the road which provides access to the building.

(D) Numerals indicating the address number shall be at least three inches in height and shall be posted and maintained so as to be legible from the road.

(E) Numerals must be of contrasting color to the background.

(F) Every property owner of improved property shall purchase and display in a conspicuous place on said property the number assigned.

(G) No development permit of any type shall be issued until an official house number has been assigned for a lot. The record plat of any subdivision must show the address for each lot created or recorded.

(H) No certificate of compliance will be issued until street address numbers are property displayed.

(I) Owners or occupants of buildings already constructed which do not comply with this ordinance will be required to comply the next time any development permit is applied for.

(J) It shall be unlawful for any person to alter, deface, or take down any number placed on any property in accordance with this ordinance, except for repair or replacement of such numbers.

ARTICLE 7 SUPPLEMENTAL REGULATIONS: Amend to include the following:

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.

ARTICLE 7 SUPPLEMENTAL REGULATIONS: Amend to include the following:

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.

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 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.

(B) _____ The Planning Board hereby recommends denial of the proposed amendment to the Unified Development Ordinance and finds that (i) it is not addressed in 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: