



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Jeremy Hardison, Planning &  
Development Director

**DEPARTMENT:** Planning &  
Development

**MEETING:** Town Council 9/13/2022

**SUBJECT:** **Text Amendment** to amend Chapter 16. ARTICLE VI. Sec. 16-207 Sec. 16-1 to add No Commercial Through Traffic Language

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### **BACKGROUND:**

A petition was delivered to Town Council in August 2021 signed by residents of the Ocean Heights neighborhood that requested to restrict through traffic from using Ocean Heights streets as a shortcut or access through the neighborhood (attachment 1). The item was discussed at the July Town Council workshop where Council directed staff to draft proposed language for review to restrict commercial through traffic in Ocean Heights neighborhood. The current section that Council was petitioned to review in the Ocean Heights subdivision borders Old Dow Rd and Dow Rd. Ocean Heights has three entrances to the neighborhood, one on Old Dow Rd through Hiram St and two on Dow Rd, one on Elton Av and the other on Glenn Ave. The interior lots consist of 28 duplexes, 11 manufactured homes, 6 single-family homes and 8 vacant lots that potentially are affected by the amendment. The exterior lots of the subdivision include 16 lots that face Old Dow Rd, two lots face Dow Rd and one lot that is zoned commercial is a double frontage lot between Bridge Barrier Rd and Glenn Ave. The area in between Old Dow Rd and Dow Rd is zoned Manufactured Housing. The permitted uses in this area is single-family, two-family and mobile homes. The area adjacent to the west and north is zoned Highway Business. The property to the south is zoned Conservation and owned by the State Park.

The roads within the subdivision are public roads and maintained by the Town. The speed limit is 25mph within the subdivision. Staff did not see any documentation or study that was submitted by the petitioner that supported the amendment to address no through commercial traffic nor has staff performed a study on the magnitude of through commercial traffic in the area. Staff has seen evidence and witnessed a trend in the number of golf carts using Ocean Heights neighborhood has a cut through as a result of golf carts not being allowed on Dow Rd.

### **History**

The Ocean Heights neighborhood was platted in 1949 that included 132 lots that was designed to access both Dow Rd and N. Lake Park Blvd (attachment 2). The subdivision was located in the unincorporated area of the County, not in the town limits when it was approved. The area was

left undeveloped until the late 60's. In 1963 the Department of Transportation (DOT) constructed a high rise bridge. As part of the project Lake Park Blvd was extended to the new bridge and a new section of Dow Rd was created through the Ocean Heights neighborhood to connect to the original Dow Rd. DOT bought 18 lots for the road improvements. This created 26 lots that were located on the east side of Dow Rd and disconnected from the neighborhood.

Through the 1970's the majority of the Ocean Heights neighborhood on the west side of Dow rd was developed as manufactured housing. The west side of the Dow Rd was developed as non-residential. The development of the neighborhood remained unchanged until a developer bought 28 lots in the neighborhood in 2006 and removed many of the manufactured homes and built three duplexes before the downturn in the economy and another developer bought the remaining 25 lots and built duplexes in 2017.

Attachment 3 illustrates the shortest route how vehicles would be cutting through the neighborhood taking a left off of Dow Rd on Elton Ave onto Blanch Ave and exiting on Hiram St or vice versa. The proposed ordinance would eliminate through traffic for commercial vehicles in the Ocean Heights residential portion of the neighborhood. The Town does not have any areas currently that prohibits commercial through traffic. Part of the amendment is to adopt a definition of commercial vehicles. The proposed commercial vehicle definition is consistent with the state definition (attachment 4 proposed ordinance)

**ACTION REQUESTED:**

Consider the amendment and make a motion for recommendation or denial.

**RECOMMENDED MOTION:**

Approval – To amend Chapter 16. Article VI. Sec. 16-207 and Sec. 16-1 to add No Commercial Through Traffic Language in the Ocean Heights subdivision.

Denial – deny the amendment to Chapter 16. Article VI. Sec. 16-207 and Sec. 16-1 to add No Commercial Through Traffic Language in the Ocean Heights subdivision