

## STAFF REPORT

**To:** Southern Shores Town Council  
**Date:** June 2, 2026  
**Case:** ZTA-2026-04  
**Prepared By:** Wes Haskett, Deputy Town Manager/Planning Director

### GENERAL INFORMATION

**Applicant:** Town of Southern Shores  
**Requested Action:** Amendment of Town Code Section 36-202(d)(4) and 36-202(d)(5) to establish a 10 ft. side yard (setback) requirement and a 20 ft. rear yard (setback) requirement for accessory structures up to 144 square feet, generators, pool equipment, mechanical equipment (HVAC), and their associated platforms, in the RS-1 zoning district.

### ANALYSIS

At the May 5, 2026 Town Council meeting, Council directed Town Staff to draft a Zoning Text Amendment that accompanies ZTA-2026-01 that includes generators, 144 square foot accessory structures, and other service equipment that Town Staff recommends. As a result, Town Staff has drafted ZTA-2026-04 which includes proposed amendments to Town Code Section 36-202(d)(4) and 36-202(d)(5) to establish a 10 ft. side yard (setback) requirement and a 20 ft. rear yard (setback) requirement for accessory structures up to 144 square feet, generators, pool equipment, mechanical equipment (HVAC), and their associated platforms, in the RS-1 zoning district. The direction from Council was given following consideration of ZTA-2026-01, a Zoning Text Amendment request submitted by Dan Osman to amend Town Code Sections 36-202(d)(4) and 36-202(d)(5) to establish a 10 ft. minimum side yard (setback) requirement and a 20 ft. minimum rear yard (setback) requirement for pool equipment, pool sheds, accessory structures up to 150 square feet, and mechanical equipment (HVAC) in the RS-1 zoning district. Council tabled their decision on ZTA-2026-01 at the May 5, 2026 Town Council meeting prior to directing the proposed amendments.

The proposed amendments would allow accessory structures up to 144 square feet, generators, pool equipment, mechanical equipment (HVAC), and their associated platforms to be at least 10 ft. from side property lines and 20 ft. from rear property lines instead of at least 15 ft. from side property lines and 25 ft. from rear property lines in the RS-1 zoning district. The current rear yard (setback) requirement has been in place since 1981 (with some exceptions), and the current side yard (setback) requirement was increased from 10 ft. to 15 ft. for all structures (with some exceptions) in May, 2000.

The Town's current Comprehensive Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- LUC 7: Continue to enforce community design standards such as regulating building height, lot coverage, building size, and capacity, and other standards that preserve local

character.

**RECOMMENDATION**

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Comprehensive Land Use Plan and Town Staff recommends approval of the application with the exception of establishing a 10 ft. side yard (setback) requirement and a 20 ft. rear yard (setback) requirement for generators. The Town Planning Board recommended approval (2-1) of the application at the May 18, 2026 Planning Board meeting with the exception of establishing a 10 ft. minimum side yard (setback) requirement and a 20 ft. minimum rear yard (setback) requirement for accessory structures up to 144 square feet.