



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2394 / Fax 252-255-0876
info@southernshores-nc.gov
www.southernshores-nc.gov

**PLANNING BOARD
GENERAL APPLICATION FORM
TOWN OF SOUTHERN SHORES, NC 27949**

Date: 4 / 5 / 21 **Filing Fee:** \$200 **Receipt No.** N/A **Application No.** ZTA-21-04

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- Chapter 30. Subdivisions-Town Code
- Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District
- Chapter 36. Article IX. Planned Unit Development (PUD)
- Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units *
- Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use
- Chapter 36. Article X. Section 36-303 Fees
- Chapter 36. Article X. Section 36-304-Vested Rights
- Chapter 36. Article XIV. Changes and Amendments

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant

Name Town of Southern Shores
Address: 5375 N. Virginia Dare Trl.
Southern Shores, NC 27949
Phone (252) 261-2394 Email whaskett@southernshores-nc.gov

Applicant's Representative (if any)

Name _____
Agent, Contractor, Other (Circle one)
Address _____
Phone _____ Email _____

Property Involved: ___ Southern Shores ___ Martin's Point (Commercial only)

Address: _____ Zoning district _____
Section _____ Block _____ Lot _____ Lot size (sq.ft.) _____

Request: ___ Site Plan Review ___ Final Site Plan Review ___ Conditional Use ___ Permitted Use
___ PUD (Planned Unit Development) ___ Subdivision Ordinance ___ Vested Right ___ Variance

Change To: ___ Zoning Map **X** ___ Zoning Ordinance

Whaskett
Signature

4-5-21
Date

* Attach supporting documentation.



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PB ZTA-21-04

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Southern Shores (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction. Pursuant to this authority and the additional authority granted by N.C.G.S. § 160D-702, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning Ordinance”) and has codified the same as Chapter 36 of the Town’s Code of Ordinances (the “Town Code”); and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, and general welfare for the Town to amend the Town’s Zoning Ordinance as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses (“...”) shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that the Town Code shall be amended as follows:

PART I. That Sec. 36-163. - Off-street parking requirements. be amended as follows:

Sec. 36-163. Off-street parking requirements.

...

(4) *Minimum parking requirements.* The number of off-street parking spaces required by this section shall be provided on the same lot with the principal use, or in combination with adjacent lots, provided the applicant has secured a shared parking agreement, and

1 conditional use permit, as described in subsection 36-163(1)j., and the required number of
2 off-street parking spaces specified for each use shall be considered as the absolute
3 minimum. Where a fraction of a space is required by this article, the next whole number
4 shall be provided. In addition, a developer shall evaluate his own needs to determine if they
5 are greater than the minimum specified by this article.

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7 ...
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9 b. Public and semipublic uses.

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11 ...

12
13 ~~5. Nursing home: one parking space for each five beds intended for patient~~
14 ~~use, and one space for each three employees.~~

15 56. Public or private clubs: one parking space for each 200 square feet of
16 gross floor space.

17 67. Telephone switching stations or electric substations: one parking space
18 for each employee.

19
20 ...

21
22 **PART II.** That **Sec. 36-209. Prohibited uses in all districts.** be added as follows:

23
24 **Sec. 36-209. Prohibited uses in all districts.**

25
26 (a) The following uses shall be prohibited in all districts:

- 27
28 1. Alcohol and Drug Detoxification, Rehabilitation, and Treatment Facilities;
29 2. Asphalt and Concrete Plants;
30 3. Bail Bond Services;
31 4. Bed and Breakfasts;
32 5. Bus, Truck, and Transportation Terminals, Yards, and Parking Lots;
33 6. Campgrounds;
34 7. Concentrated animal feeding operations;
35 8. Crematoriums (Human and Animal);
36 9. Dormitories and Residence Halls;
37 10. Drug Paraphernalia;
38 11. Electronic Gaming Operations;
39 12. Explosives, ammunition, fireworks, or gunpowder manufacture;
40 13. Fat rendering, or production of fats and oils from animal or vegetable;
41 products by boiling or distillation;
42 14. Fraternity and Sorority Houses;
43 15. Garbage, offal, or animal reduction and processing;
44 16. Gasoline Pumps and Sales;

- 1 17. Halfway Houses;
- 2 18. Hazardous materials handling or storage;
- 3 19. Hospitals;
- 4 20. Hotels/Resorts;
- 5 21. Jails and Prisons;
- 6 22. Jetpack rentals;
- 7 23. Junk Yards, Scrap Yards, and Salvage Facilities;
- 8 24. Landfills;
- 9 25. Manufacturing, Processing, Assembly and Other Industrial Facilities;
- 10 26. Motor Vehicle Body and Paint Establishments;
- 11 27. Motor Vehicle Dealerships;
- 12 28. Motor Vehicle Washing Establishments;
- 13 29. Night Clubs;
- 14 30. Nitrogenous tankage, fish meal or manufacture, of any fertilizer materials
- 15 carrying an objectionable odor;
- 16 31. Nursing homes;
- 17 32. Outdoor advertising or billboards except where prohibition is preempted by
- 18 State or federal law;
- 19 33. Outdoor shooting ranges;
- 20 34. Package treatment plant wastewater disposal systems that discharge to
- 21 surface waters;
- 22 35. Pawn Shops;
- 23 36. Produce Stands;
- 24 37. Satellite Dish Farms;
- 25 38. Sexually oriented businesses;
- 26 39. Shooting Ranges;
- 27 40. Slaughterhouses;
- 28 41. Smoke and Vapor Shops;
- 29 42. Solar Energy Farms;
- 30 43. Storage or processing of radioactive or infectious waste;
- 31 44. Tattoo, Body Piercing, and Body Art Establishments;
- 32 45. Taxi and Pedicab Storage and Dispatch; or
- 33 46. Use of a boat, houseboat, or other floating structure as a temporary or
- 34 permanent residence (this shall not prevent the overnight occupancy of a
- 35 vessel temporarily moored while in transit on navigable waters).

36
37 (b) Classification and review of unlisted uses

38 The Zoning Administrator shall determine whether or not an unlisted use is
39 substantially similar to an already defined use category or use type. A proposed use
40 will not be denied solely because it is not included in this section. An unlisted use
41 will be denied if the Zoning Administrator determines that the unlisted use is
42 substantially similar to a use which is expressly prohibited. The Zoning
43 Administrator shall use the following factors as a guideline when classifying a new
44 or unlisted use to determine if such use is classified in a manner consistent with
45 other similar uses in the zoning jurisdiction of the town:

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1. Consistency with the stated intent of the zoning district;
 2. Consistency with the adopted vision statement and policies of the Town’s Land Use Plan;
 3. Density of development (number of units, square footage, etc.);
 4. Intensity of use consistent with the zoning district in which the use is to be located;
 5. Type of activity associated with the use;
 6. Number of customers and length of stay;
 7. Generation of pedestrian and vehicular traffic;
 8. Potential impacts such as noise, light, odor, etc.;
 9. Public safety;
 10. Environmental effects; and
 11. Negative impacts on adjacent land uses.

(c) If the Zoning Administrator rejects a proposal for a use that is not clearly prohibited, then the Zoning Administrator will:

1. Ensure that the citizen is provided with a copy of the interpretation in writing;
2. Inform the citizen of the right to appeal the decision to the Board of Adjustment, as specified in section 36-366 of this chapter, Appeals of Administrative Decisions; and
3. Advise the applicant on the requirements for the preparation of a proposed zoning text amendment for consideration by the Planning Board and Town Council allowing policy-makers to determine whether the proposed use should be an allowable use in the district or not. Financial responsibility for a proposed zoning text change shall be on the applicant.

ARTICLE IV. Statement of Consistency with Comprehensive Plan and Reasonableness.

The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted comprehensive zoning ordinance, land use plan and any other officially adopted plan that is applicable. For all of the above-stated reasons and any additional reasons supporting the Town’s adoption of this ordinance amendment, the Town considers the adoption of this ordinance amendment to be reasonable and in the public interest.

ARTICLE V. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining

1 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
2 Town of Southern Shores, North Carolina which shall remain in full force and effect.

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4 **ARTICLE VI. Effective Date.**

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6 This ordinance amendment shall be in full force and effect from and after the ____ day of
7 _____, 2021.

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10 _____
Tom Bennett, Mayor

11 ATTEST:

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13 _____
14 Town Clerk

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16 APPROVED AS TO FORM:

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18 _____
19 Town Attorney

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21 Date adopted:

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23 _____
24 Motion to adopt by Councilmember:

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26 _____
27 Motion seconded by Councilmember:

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31 Vote: __AYES__ NAYS