



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-21-02

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

Wm Hunt
Signature

4-5-21
Date

* Attach supporting documentation.



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PB ZTA-21-02

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. 36-168. Temporary uses.** Be amended as follows:

Sec. 36-168. Temporary uses.

...

(5) Temporary health care structures

(a) Structure

A temporary health care structure is one that:

- 1
2 (i) Is transportable and primarily assembled at a location other than the site
3 of installation;
4 (ii) Is located on a lot with an existing single-family detached dwelling;
5 (iii) Is limited to one occupant who is a mentally or physically impaired
6 person related to the caregiver;
7 (iv) Is used by a caregiver or legal guardian in providing care for one
8 mentally or physically impaired person on property owned or occupied
9 as the caregiver's or guardian's residence;
10 (v) Has no more than 300 square feet of gross floor area;
11 (vi) Is connected with water, a septic/private wastewater system, and
12 electricity by branching service from the single-family detached
13 dwelling;
14 (vii) Has the same street address and mailbox as the existing single-family
15 detached dwelling;
16 (viii) Uses the same driveway as the existing single-family dwelling, unless
17 the structure is accessed from a right-of-way not used by the dwelling
18 (e.g., a rear alley or separate street access on a corner or through lot);
19 (ix) Meets the dimensional standards of the zoning district for a single-
20 family detached dwelling; and
21 (x) Meets the applicable provisions in the NC State Building Code;
22 however, is not located on a permanent foundation.
23

24 (b) Need and relationship

- 25
26 (i) The occupant of the structure must be a mentally or physically impaired
27 person that is a resident of the State who requires assistance with two or
28 more activities of daily living (bathing, dressing, personal hygiene,
29 ambulation or locomotion, transferring, toileting, and eating) as
30 certified in writing by a physician licensed to practice in this State.
31 (ii) The caregiver must be a licensed health care professional or an
32 individual 18 years of age or older who provides care for the mentally
33 or physically impaired person and is a first or second degree relative of
34 the impaired person. A first or second degree relative is a spouse, lineal
35 ascendant, lineal descendant, sibling, uncle, aunt, nephew or niece,
36 including half, step, and in-law relationships.
37

38 (a) Permit Conditions

- 39
40 (i) Once the applicant provides sufficient proof that the temporary health
41 care structure meets all local, State, and Federal requirements, then the
42 temporary structure shall be permitted for a period of 12 months.
43 (ii) The applicant may renew the zoning permit for a 12-month period and
44 continue to renew it provided the applicant provides evidence of
45 continued need and compliance with these standards.

- 1 (iii) The Town may make permit renewal and periodic inspections of the
2 temporary structure at reasonable times convenient to the applicant.
- 3 (iv) No signage shall be permitted on the exterior of the temporary structure
4 or on the lot that identifies or promotes the existence of the structure.
- 5 (v) The temporary structure shall not be subdivided or otherwise separated
6 in ownership from the single-family detached dwelling.
- 7 (vi) The temporary structure shall be removed within 60 days if the impaired
8 occupant is no longer receiving or in need of assistance.
- 9 (vii) The temporary use permit may be revoked or other enforcement actions
10 taken if these standards are violated.
- 11 (viii) If the temporary health care structure is a manufactured home, it must
12 meet all requirements established in Section 36-177.

13
14 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
15 **Reasonableness.**

16
17 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
18 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
19 is applicable. For all of the above-stated reasons and any additional reasons supporting the
20 Town's adoption of this ordinance amendment, the Town considers the adoption of this
21 ordinance amendment to be reasonable and in the public interest.

22
23 **ARTICLE V. Severability.**

24
25 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
26 hereby repealed. Should a court of competent jurisdiction declare this ordinance
27 amendment or any part thereof to be invalid, such decision shall not affect the remaining
28 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
29 Town of Southern Shores, North Carolina which shall remain in full force and effect.

30
31 **ARTICLE VI. Effective Date.**

32
33 This ordinance amendment shall be in full force and effect from and after the ____ day of
34 _____, 2021.

35
36
37 _____
Tom Bennett, Mayor

38 ATTEST:

39 _____
40
41 Town Clerk

42
43
44 APPROVED AS TO FORM:

45 _____
46

1 Town Attorney

2

3 Date adopted:

4

5

6 _____
Motion to adopt by Councilmember:

7

8 _____
Motion seconded by Councilmember:

9

10

11

12

Vote: ___AYES___NAYS