



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: 2 / 15 / 22 **Filing Fee:** \$200 **Receipt No.** N/A **Application No.** ZTA-22-01

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

W. Whaskett
Signature

2-15-22
Date

* Attach supporting documentation.



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ZTA-22-01

Ordinance XXXX-XX-XX

2/15/2022

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, pursuant to N.C.G.S. § 160D-702, the Town may regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings, structures, and land.; 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 **Town Code Sec. 36-202. RS-1 single-family residential district** shall be amended as follows:

1 ...

2

3 (d) *Dimensional requirements.*

4

5 ...

6

7 (6) Maximum allowable lot coverage.

8 a. Maximum allowable lot coverage shall be 30 percent, except for town-owned
9 facilities and fire stations;

10 b. Maximum allowable lot coverage shall be 85 percent for town-owned
11 facilities and fire stations.

12 c. Gravel walkways shall not contribute to lot coverage.

13 d. Open-slatted decks that allow water to penetrate through to pervious
14 material, not exceeding a total of 25% of the total footprint area of ~~the~~
15 attached a permitted single-family dwelling on the same lot, shall not
16 contribute to lot coverage.

17 e. Those allowances and/or exemptions listed in sub-section d. of this paragraph
18 (6) shall be available only ~~to an applicant for a building/zoning permit for a~~
19 ~~single-family dwelling or attached open-slatted deck over pervious material,~~
20 upon presentation of a survey with all applicable requirements including plan
21 certification, for a Lot Disturbance and Stormwater Management Permit as
22 described in Sec. 36-171 (3) of the Town Code of Ordinances.

23 In the case of an oceanfront a lot where the boundary is the Atlantic Ocean,
24 only that portion of the lot area landward of the first line of stable natural
25 vegetation (as defined by CAMA) shall be used for the calculation of lot
26 coverage as it pertains to impervious surface limits included in the maximum
27 allowable lot coverage constraints.

28 ...

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30 **PART II.** That **Sec. 36-203. RS-8 multifamily residential district** shall be amended
31 as follows:

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35 (d) *Dimensional requirements.*

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39 (6) Maximum allowable lot coverage by principal use and all accessory structures:
40 30 percent. In the case of a lot where the boundary is the Atlantic Ocean, only

1 that portion of the lot area landward of the first line of stable natural vegetation
2 (as defined by CAMA) shall be used for the calculation of lot coverage as it
3 pertains to impervious surface limits included in the maximum allowable lot
4 coverage constraints.

5 a. Open-slatted decks that allow water to penetrate through to pervious material,
6 not exceeding a total of 25% of the total footprint area of a permitted single-
7 family dwelling on the same lot, shall not contribute to lot coverage;

8 b. Those allowances and/or exemptions listed in sub-section a. of this paragraph
9 (6) shall be available only upon presentation of a survey with all applicable
10 requirements including plan certification, for a Lot Disturbance and
11 Stormwater Management Permit as described in Sec. 36-171 (3) of the Town
12 Code of Ordinances.

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14 ...
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16 **PART III.** That **Sec. 36-204. RS-10 residential district** shall be amended as follows:

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18 ...
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20 (d) *Dimensional requirements.*

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22 ...
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24 (6) Maximum allowable lot coverage: 30 percent. In the case of an oceanfront a lot
25 where the boundary is the Atlantic Ocean, only that portion of the lot area
26 landward of the first line of stable natural vegetation (as defined by CAMA)
27 shall be used for the calculation of lot coverage as it pertains to impervious
28 surface limits included in the maximum allowable lot coverage constraints.

29 a. Open-slatted decks that allow water to penetrate through to pervious material,
30 not exceeding a total of 25% of the total footprint area of a permitted single-
31 family dwelling on the same lot, shall not contribute to lot coverage;

32 b. Those allowances and/or exemptions listed in sub-section a. of this paragraph
33 (6) shall be available only upon presentation of a survey with all applicable
34 requirements including plan certification, for a Lot Disturbance and
35 Stormwater Management Permit as described in Sec. 36-171 (3) of the Town
36 Code of Ordinances.

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40 **PART IV.** That **Sec. 36-205. R-1 low-density residential district** shall be amended as
41 follows:

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...

(d) *Dimensional requirements.*

(6) Maximum allowable lot coverage.

- a. Maximum allowable lot coverage shall be 30 percent, except for town-owned facilities and fire stations;
- b. Maximum allowable lot coverage shall be 85 percent for town-owned facilities and fire stations;
- c. Maximum allowable lot coverage shall be 40 percent for school facilities.
- d. Open-slatted decks that allow water to penetrate through to pervious material, not exceeding a total of 25% of the total footprint area of a permitted single-family dwelling on the same lot, shall not contribute to lot coverage;
- e. Those allowances and/or exemptions listed in sub-section d. of this paragraph (6) shall be available only upon presentation of a survey with all applicable requirements including plan certification, for a Lot Disturbance and Stormwater Management Permit as described in Sec. 36-171 (3) of the Town Code of Ordinances.

In the case of an oceanfront a lot where the boundary is the Atlantic Ocean, only that portion of the lot area landward of the first line of stable natural vegetation (as defined by CAMA) shall be used for the calculation of lot coverage as it pertains to impervious surface limits included in the maximum allowable lot coverage constraints.

...

PART V. That **Sec. 36-206. Government and institutional district** shall be amended as follows:

...

(d) *Dimensional requirements.*

...

(6) Maximum allowable lot coverage.

- a. Maximum allowable lot coverage shall be 30 percent, except for town-owned facilities and fire stations;

- b. Maximum allowable lot coverage shall be 85 percent for town-owned facilities and fire stations;
- c. Open-slatted decks that allow water to penetrate through to pervious material, not exceeding a total of 25% of the total footprint area of a permitted single-family dwelling on the same lot, shall not contribute to lot coverage;
- d. Those allowances and/or exemptions listed in sub-section d. of this paragraph (6) shall be available only upon presentation of a survey with all applicable requirements including plan certification, for a Lot Disturbance and Stormwater Management Permit as described in Sec. 36-171 (3) of the Town Code of Ordinances.

...

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

ARTICLE VI. Effective Date.

This ordinance amendment shall be in full force and effect from and after the ____ day of _____, 2022.

Elizabeth Morey, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

1 Town Attorney

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3 Date adopted:

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6 _____
Motion to adopt by Councilmember:

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8 _____
Motion seconded by Councilmember:

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Vote: ___AYES___NAYS