



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: 3 / 18 / 22 **Filing Fee:** \$200 **Receipt No.** N/A **Application No.** ZTA-22-03

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 Zoning Ordinance

Whaskett
Signature

3-18-22
Date

* Attach supporting documentation.



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ZTA-22-03

Ordinance 2022-XX-XX

3-22-2022

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-931 et seq. the Town has authority to regulate wireless telecommunications facilities and the Town shall not prohibit, regulate, or charge for the collocation of small wireless facilities other than as set forth therein; and

WHEREAS, the Town desires that wireless facilities within the Town’s rights-of-way shall comply with the Town’s non-discriminatory prohibition of above-ground utility structures and facilities; 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 ellipsis (“...”) 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:

1 **PART I.** That **Sec. 36-175. Wireless telecommunications sites, facilities and**
2 **towers.** Be amended as follows:

3
4 **Sec. 36-175. Wireless telecommunications sites, facilities and towers.**

5 ...

6
7 (2) *Use of town rights-of-way.* Wireless providers may use town rights-of-ways in
8 accordance with this section. Wireless providers may use Department of
9 Transportation rights-of-way pursuant to lawful authorization from the
10 Department of Transportation.

11 a. *Collocation of small wireless facilities:* Subject to the requirements of
12 subsection 36-175(i)(1), a wireless provider may collocate small wireless
13 facilities along, across, upon, or under any town rights-of-way.

14 b. *Utilities and poles within rights-of-way:* A wireless provider may place,
15 maintain, modify, operate, or replace associated utility poles, city utility
16 poles, conduit, cable, or related appurtenances and facilities along, across,
17 upon, and under any town rights-of-way. The placement, maintenance,
18 modification, operation, or replacement of utility poles and city utility
19 poles associated with the collocation of small wireless facilities, along,
20 across, upon, or under any town rights-of-way shall be subject only to
21 review or approval under subsection 36-175(i)(1) if the wireless provider
22 meets all the following requirements:

23 (1) Each new utility pole and each modified or replacement utility pole
24 or city utility pole installed in the rights-of-way shall not exceed 50
25 feet above ground level.

26 (2) Each new small wireless facility in the rights-of-way shall not extend
27 more than ten feet above the utility pole, city utility pole, or wireless
28 support structure on which it is collocated.

29 c. *Application required to place or modify utility poles in rights-of-way:* A
30 wireless provider shall apply to place utility poles in the city rights-of-
31 way, or to replace or modify utility poles or city utility poles in the public
32 rights-of-way, to support the collocation of small wireless facilities. The
33 town shall accept and process the application in accordance with the
34 provisions of subsection 36-175(i)(1), applicable codes, and other local
35 codes governing the placement of utility poles or city utility poles in the
36 town rights-of-way, including provisions or regulations that concern
37 public safety, objective design standards for decorative utility poles or city
38 utility poles, or reasonable and nondiscriminatory stealth and concealment
39 requirements, including those relating to screening or landscaping, or
40 public safety and reasonable spacing requirements. The application may be
41 submitted in conjunction with the associated small wireless facility
42 application.

43 d. *Installation of new poles in residential zoning districts:*

- 1 (1) No new utility pole may be installed for the principal use of wireless
2 facilities if a pole exists within 20 feet of a desired location.
- 3 (2) The minimum distance of a new pole from any residential structure
4 shall be at least 150 percent of the pole height and shall not be
5 located directly in front of any residential structure or vacant lot
6 located in a residential zoning district.
- 7 (3) Along streets and within subdivisions where there are no existing
8 utility poles (all underground utilities), wireless facilities may be
9 attached to street lights in the public right-of-way.
- 10 (4) New poles may not be erected in a residential area solely for wireless
11 communication equipment attachment unless the applicant has
12 demonstrated it cannot reasonably provide service by:
- 13 i. Installing poles outside of the residential area;
- 14 ii. Attaching equipment to existing poles within the right-of-
15 way; or
- 16 iii. Installing poles in rights-of-way not contiguous to parcels
17 used for single family residential purposes.
- 18 e. *Rights-of-way use to comply with other requirements:* Applicants for use
19 of a city rights-of-way shall comply with ~~chapter 28~~ the undergrounding
20 requirements established in section 32-13 prohibiting the installation of
21 above ground structures in the town's rights-of-way ~~without prior~~
22 ~~approval~~. In no instance in an area zoned single family residential where
23 the existing utilities are installed underground may a utility pole, city
24 utility pole, or wireless support structure exceed 40 feet above ground
25 level, unless the town grants a waiver or variance approving a taller utility
26 pole, city utility pole, or wireless support structure.

27
28 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
29 **Reasonableness.**

30
31 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
32 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
33 is applicable. For all of the above-stated reasons and any additional reasons supporting the
34 Town's adoption of this ordinance amendment, the Town considers the adoption of this
35 ordinance amendment to be reasonable and in the public interest.

36
37 **ARTICLE V. Severability.**

38
39 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
40 hereby repealed. Should a court of competent jurisdiction declare this ordinance
41 amendment or any part thereof to be invalid, such decision shall not affect the remaining
42 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
43 Town of Southern Shores, North Carolina which shall remain in full force and effect.

1
2 **ARTICLE VI. Effective Date.**

3
4 This ordinance amendment shall be in full force and effect from and after the ____ day of
5 _____, 2022.

6
7
8 _____
Elizabeth Morey, Mayor

9 ATTEST:

10
11 _____
12 Town Clerk

13
14
15 APPROVED AS TO FORM:

16
17 _____
18 Town Attorney

19
20 Date adopted:

21
22 _____
23 Motion to adopt by Councilmember:

24
25 _____
26 Motion seconded by Councilmember:

27
Vote: ___AYES ___NAYS