



**Town of Southern Shores**

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ZTA-22-01

Ordinance XXXX-XX-XX

2/22/2022

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-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. Up to 250 square feet of Open-slatted decks that allow water to penetrate  
14 through to pervious material, ~~not exceeding a total of 25% of the total~~  
15 ~~footprint area of the attached single family dwelling,~~ shall not contribute to  
16 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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37 ...

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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. Up to 250 square feet of open-slatted decks that allow water to penetrate  
6 through to pervious material-shall not contribute to lot coverage;  
7 b. Those allowances and/or exemptions listed in sub-section a. of this paragraph  
8 (6) shall be available only upon presentation of a survey with all applicable  
9 requirements including plan certification, for a Lot Disturbance and  
10 Stormwater Management Permit as described in Sec. 36-171 (3) of the Town  
11 Code of Ordinances.

12 ...  
13 ...  
14 ...  
15 **PART III.** That **Sec. 36-204. RS-10 residential district** shall be amended as follows:  
16 ...  
17 ...  
18 ...

19 (d) *Dimensional requirements.*  
20 ...  
21 ...  
22 ...

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

- 28 a. Up to 250 square feet of open-slatted decks that allow water to penetrate  
29 through to pervious material-shall not contribute to lot coverage;  
30 b. Those allowances and/or exemptions listed in sub-section a. of this paragraph  
31 (6) shall be available only upon presentation of a survey with all applicable  
32 requirements including plan certification, for a Lot Disturbance and  
33 Stormwater Management Permit as described in Sec. 36-171 (3) of the Town  
34 Code of Ordinances.

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38 **PART IV.** That **Sec. 36-205. R-1 low-density residential district** shall be amended as  
39 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. Up to 250 square feet of open-slatted decks that allow water to penetrate through to pervious material 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. Up to 250 square feet of open-slatted decks that allow water to penetrate through to pervious material shall not contribute to lot coverage;
- d. Those allowances and/or exemptions listed in sub-section c. 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:

\_\_\_\_\_  
Town Attorney

Date adopted:

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Motion to adopt by Councilmember:

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Motion seconded by Councilmember:

Vote: \_\_\_AYES\_\_\_NAYS