

## STAFF REPORT

**To:** Southern Shores Planning Town Council  
**Date:** April 5, 2022  
**Case:** ZTA-22-01  
**Prepared By:** Wes Haskett, Deputy Town Manager/Planning Director

### GENERAL INFORMATION

**Applicant:** Town of Southern Shores

**Requested Action:** Amendment of the Town Zoning Ordinance by amending Section 36-202 (d)(6), 36-203 (d)(6), 36-204 (d)(6), 36-205 (d)(6), and 36-206 (d)(6).

### ANALYSIS

The proposed amendments to Sections 36-202 (d)(6), 36-203 (d)(6), 36-204 (d)(6), 36-205 (d)(6) and 36-206 (d)(6) are being proposed by Town Staff as a result of feedback provided by property owners and contractors regarding the open-slatted deck exemption from lot coverage requirements. Currently, open-slatted decks that allow water to penetrate through to pervious material, not exceeding a total of 25 percent of the total footprint area of the attached single-family dwelling, can be exempted from the maximum lot coverage requirement in the RS-1 zoning district. The exemption is only available to an applicant for a building/zoning permit for a single-family dwelling or attached open-slatted deck over pervious material, upon presentation of a survey with all applicable requirements including plan certification, for a lot disturbance and stormwater management permit as described in subsection 36-171(3).

The exemption only applies to new open-slatted decks in the RS-1 zoning district that allow water to penetrate through to pervious material if an engineered stormwater plan that demonstrates that following construction of the proposed improvements, the property will retain all stormwater generated by a one and one-half inch rain event and will not adversely affect any stormwater management system previously constructed by the Town or on adjacent properties. Since the current exemption became effective, property owners and contractors have voiced concerns about not allowing the same exemption for existing open-slatted decks. In some instances, existing open-slatted decks were demolished and rebuilt in order to qualify for the exemption. The proposed amendments would allow existing and proposed open-slatted decks not exceeding a total of 25% of the total footprint area of a permitted single-family dwelling on the same lot to qualify for the open-slatted deck exemption in all of the Town's residential zoning districts and the government and institutional district following submittal of an engineered stormwater plan.

The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low-density residential community comprised of single-family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town. This

blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

**RECOMMENDATION**

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan and Town Staff recommends approval of the proposed ZTA (2-15-22 version). The Town Planning Board unanimously (5-0) recommended approval of different language at the February 22, 2022 Planning Board meeting. The Planning Board's recommended language (2-22-22 version) states that up to 250 square feet of open-slatted decks that allow water to penetrate through to pervious material shall not contribute to lot coverage instead of up to 25% of the total footprint area of a permitted single-family dwelling.