



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: 11 / 8 / 2024 Filing Fee: \$200 Receipt No.: N/A Application No.: ZTA-24-05

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

Wm Hult
Signature

11-8-24
Date

* Attach supporting documentation.



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ZTA-24-05

11-18-24

Ordinance 2024-XX-XX

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 and specifically the location and use of buildings, structures, and land. 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's currently adopted Comprehensive Land Use Plan contains the following Policies that are applicable to the proposed amendments,

LUC 10: Monitor and preserve maritime forests and other tree canopy coverage.

LUC 10.2: Consider reviewing standards for tree preservation in new development and redevelopment to ensure they protect and preserve the existing canopy and forest coverage.

WHEREAS, in accordance with the findings above, the amendment of the Town's Zoning Ordinance as stated below will serve a public purpose and advance the public health, safety and general welfare.

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.

1 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of
2 Southern Shores, North Carolina, that the Town Code shall be amended as follows:

3
4 **PART I.** That **Sec. 36-171. Lot disturbance and stormwater management.** Be
5 amended as follows:
6

7 **Sec. 36-171. Lot disturbance and stormwater management.**

8 Subject to the requirements of G.S. 160D-1110(e), if applicable, in all town zoning
9 districts, no grading, filling, or other alteration of the topography or elevation of any
10 unimproved lot, or demolition and clearing of improved property, nor any manmade
11 change to any improved real estate resulting in the discharge of stormwater onto adjacent
12 property and requiring a building permit, shall be undertaken prior to the issuance of a lot
13 disturbance-stormwater management permit by the zoning administrator.

- 14 (1) All applications for lot disturbance and stormwater management shall be
15 accompanied by a survey and site plan of the proposed improvements prepared
16 by a state licensed professional surveyor, engineer, architect or other person
17 duly authorized by the state to prepare such plans showing the actual
18 dimensions and shape of the lot, and showing the surveyed pre-disturbance
19 ground elevation at the corners of the proposed structure referenced to mean
20 sea level. The application shall also describe the disturbance or development
21 activity which is proposed for the lot. The application and accompanying
22 survey shall be sufficiently detailed for the zoning administrator to confirm that
23 following construction of the proposed improvements the property will retain
24 all stormwater generated by a one and one-half inch rain event and will not
25 adversely affect any stormwater management system previously constructed by
26 the town or on adjacent properties. No fill material may be re-distributed or
27 placed on a lot in the rear or side setback areas unless the final horizontal-to-
28 vertical slope is equal to or less than 3:1. This shall be calculated from the
29 finished final grade to the rear and side property lines. The burden shall be on
30 the applicant to make such a showing, and the zoning administrator, in his
31 discretion, may request reasonable additional information to make a decision on
32 the application.

- 33
34 (2) Upon inspection, the zoning administrator shall confirm that the survey detail
35 submitted conforms generally to the pre-disturbance condition of the lot with
36 respect to its elevations, and that the proposed disturbance activity will not
37 create any hazards or disturb land or lots other than that owned by the applicant
38 or his agent. The zoning administrator shall make such notation or comments
39 on the permit as needed to further establish the pre-disturbance topography and
40 elevation of the lot for later use in determining the permitted height of any
41 structures subsequently constructed on said lot. The zoning administrator may
42 modify an existing lot disturbance and stormwater management permit
43 requirement during the construction process.

1 (3) The zoning administrator is hereby authorized to include requirements in the
2 permit which minimize the disturbance or damage of any adjacent lots or land,
3 including any reasonable conditions meeting current best management practices
4 for retaining all stormwater generated by a one and one-half inch rain event. All
5 required stormwater improvements shall be maintained in a manner that
6 ensures that the improvements will continue to satisfy all applicable
7 requirements in the issued permit. When required by the zoning administrator, a
8 certification executed by the person duly authorized by the state to prepare such
9 plans attesting to compliance with all applicable stormwater requirements shall
10 be shown on the survey.

11
12 (4) In addition to the provisions above, in ~~the general commercial district~~ all
13 zoning districts, no removal of trees greater than 6 inches in diameter,
14 measured at 4.5 feet above the ground, within a front, side or rear yard
15 (setback) on any unimproved lot, shall be undertaken prior to the issuance of a
16 lot disturbance-stormwater management permit by the zoning administrator.

- 17
18 a. It shall be an offense for any person to remove a tree in violation of the
19 provisions of this section. It shall be an offense for a property owner to
20 employ, authorize or direct any third person or entity to remove a tree in
21 violation of the provisions of this section.
22
23 b. A separate offense shall be deemed to have been committed for each tree
24 removed in violation of the provisions of this section.
25
26 c. When a tree is removed in violation of this ordinance, a warning citation
27 shall be issued to the offender allowing 30 days to abate the violation. A
28 replacement tree similar in size shall be required to abate the violation. If
29 the violation is not abated within 30 days, the offender shall be subject to a
30 civil penalty in accordance with town code section 1-6(d).
31

32 d. Tree emergency exception.

33 (1) A tree emergency shall be deemed to exist when:

34 (a) A tree has become an imminent danger or hazard to persons or
35 property due to damage to the tree resulting from fire, motor vehicle
36 accident, or natural occurrence such as lightning, windstorm, ice storm,
37 flood, insect damage or disease, or other similar event; or

38 (b) A tree must be removed in order to perform emergency repair or
39 replacement of public or private water, sewer, electric, gas, or
40 telecommunications utilities.

41 (2) In the case of a tree emergency, the zoning administrator is
42 hereby authorized to:

- 1 (a) Issue a lot disturbance-stormwater management permit within 72
2 hours after a tree is removed in a tree emergency; or
- 3 (b) Waive the requirement for a lot disturbance-stormwater management
4 permit set forth in this section.
- 5 (3) Notwithstanding any other provisions, a person otherwise required to
6 obtain a lot disturbance-stormwater management permit may take any
7 reasonable action necessary to avoid or eliminate the immediate danger or
8 hazard, or conduct emergency repair or replacement of the public or
9 private utility. The person taking such action shall file an application for a
10 lot disturbance-stormwater management permit within 72 hours after a
11 tree is removed in a tree emergency, unless the requirement for a lot
12 disturbance-stormwater management permit has been waived by the
13 zoning administrator.
- 14 (4) In these instances, documentation of the need for the emergency tree
15 removal must be provided. Such documentation may include (as
16 applicable):
- 17 (a) Documentation from a certified arborist;
- 18 (b) Police report;
- 19 (c) Photographs; and/or
- 20 (d) Other information documenting the condition of the tree and
21 circumstances surrounding its removal.

22

23 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
24 **Reasonableness.**

25

26 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
27 comprehensive zoning ordinance, comprehensive land use plan and any other officially
28 adopted plan that is applicable; for all the above-stated reasons, including but not limited
29 to it encourages the use of low impact development techniques and sound environmental
30 preservation practice, encourages lot preparation methods that preserve natural vegetation
31 and minimize clear cutting and furthers the founder's original vision for Southern Shores
32 of a low-density residential community served by a small commercial district. The Town
33 considers the adoption of this ordinance amendment to be reasonable and in the public
34 interest.

35

36 **ARTICLE V. Severability.**

37

38 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
39 hereby repealed. Should a court of competent jurisdiction declare this ordinance
40 amendment or any part thereof to be invalid, such decision shall not affect the remaining

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

3
4 **ARTICLE VI. Effective Date.**

5
6 This ordinance amendment shall be in full force and effect from and after the ____ day of
7 _____, 2024.

8
9
10 _____
Elizabeth Morey, Mayor

11 ATTEST:

12
13 _____
14 Town Clerk

15
16
17 APPROVED AS TO FORM:

18
19 _____
20 Town Attorney

21
22 Date adopted:

23
24 _____
25 Motion to adopt by Councilmember:

26
27 _____
28 Motion seconded by Councilmember:

29
Vote: __AYES__NAYS