

STAFF REPORT

To: Southern Shores Town Council
Date: June 3, 2025
Case: ZTA-25-03
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores
Requested Action: Amendment of Town Code Section 36-300

ANALYSIS

At the May 6, 2025 Town Council meeting, Council directed Town Staff to draft Town Code amendments to modernize the Town Code. Town Code Section 36-300 establishes the procedures for consideration of Special Use Permits. On March 12, 2024, Council adopted ZTA-24-01, which included several amendments to Section 36-300, including the removal of the guiding standards that had to be satisfied to grant a Special Use Permit. According to guidance from the UNC School of Government (see attached), zoning regulations should include adequate guiding standards for Special Use Permit decisions. As a result, Town Staff has drafted ZTA-25-03, which includes a proposed amendment to reestablish guiding standards for Special Use Permit decisions:

- a. The applicant has met the requirements of the applicable provisions of the town chapter pertaining to zoning, subdivision chapter, and all other applicable ordinances.
- b. That the use as proposed will conform with the town's comprehensive land use plan, and will be compatible with the area in which it is to be located, if developed in accordance with the conditions specified in the chapter and additionally required by the town council as authorized by the chapter.
- c. That the use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted.
- d. That the use as proposed will not overburden the town fire department fire-fighting capabilities and the county water supply capacity to the town, as said facilities and capabilities will exist on the completion date of the special use for which the application is made.
- e. That the use will not substantially injure the value of adjoining property, unless the use is a public necessity.

All of the proposed guiding standards were in Section 36-300 prior to adoption of ZTA-24-01 except for the standard that addresses the value of adjoining property.

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

- LUC 3.1: Support development design and approvals that reinforce the low-density nature of the community and are at an appropriate scale for the commercial district.

RECOMMENDATION

Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Comprehensive Land Use Plan and Town Staff recommends approval of the application. The Town Planning Board unanimously (5-0) recommended approval of the application at the May 19, 2025 Planning Board meeting.