

STAFF REPORT

To: Southern Shores Town Council
Date: June 6, 2023
Case: ZTA-22-08
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Pledger Palace CDEC, Inc.
6325 N. Croatan Hwy.
Southern Shores, NC 27949

Applicant's Representative: Casey C. Varnell, Attorney for Applicant
P.O. Drawer 1027
Kitty Hawk, NC 27949

Requested Action: Amendment of the Town Zoning Ordinance by amending Sections 36-57, 36-207(b)

ANALYSIS

The applicant is proposing a Zoning Text Amendment (ZTA) to amend Town Code Sections 36-57 and 36-207(b) to allow for Shared Space-Occupancy Dwellings (SSO) as a permitted use in the C, General Commercial zoning district. The application was submitted on June 17, 2022 but the Applicant withdrew the application from the July 18, 2022 Planning Board meeting agenda. The proposed language defines Shared Space-Occupancy Dwelling as a private structure in which shared spaces are offered for rent for the purpose of providing affordable sleeping accommodations, payable in money and other consideration, to persons who do not meet the definition of family. Each shared space offered for rent within the structure may accommodate up to ten (10) bunk units (maximum of twenty (20) occupants). Each shared space offered for rent within the structure shall exist within the confines of four walls, and separate and apart from any other shared space within the structure. Residents of the SSO shall share a kitchen facility and common living area with all other residents and shall share a bathroom facility with one or more other residents. The owner of the SSO shall not use the dwelling comprising the SSO as their primary residence. SSO does not include dormitory and residence halls, single-family dwellings, multi-family dwellings, motels, or vacation cottages.

The proposed requirements for Shared Space-Occupancy Dwellings (SSO) are:

- a. There shall be one (1) parking space for every seven (7) residents. The parking of any motor vehicle shall only occur in a designated parking space.
- b. Bathroom facilities shall be provided which accommodate separate use by males and females.
- c. The owner of the SSO shall obtain the requisite permit(s) from the Dare County Health Department.

- d. The owner of the SSO shall be responsible for ensuring that residents are, at all times, in compliance with all Town Code regulations, including the town noise ordinance.
- e. The Town of Southern Shores may complete periodic inspections of the SSO to ensure the SSO is providing for the health and safety of the occupants.

Since Town Code Section 36-207(b)(11) was established after the application was submitted, the proposed amendment to Town Code Section 36-207(b) should consist of the addition of (12) instead of (11) as shown in the application.

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

The applicant seeks to provide affordable housing for J-1 Work Visa students and others in need of affordable housing. During your consideration, questions and discussion should mainly focus on the ZTA and not on a specific property as it would apply to all lots in the Town's C, General Commercial zoning district. Policy 2 of the Town's Land Use Plan establishes the commercial district as a small district for convenience shopping and services. The Land Use Plan also establishes that incompatible uses in the commercial area are limited to "residential (low density)", educational, and conservation activities. Since the proposed use would consist of high-density housing in the C, General Commercial zoning district, Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan.

However, given the potential impacts of the proposed use on adjacent properties, Town Staff recommends disapproval of the application. The Town Planning Board recommended denial of the application (4-1) at the May 15, 2023 Planning Board meeting.