

STAFF REPORT

To: Southern Shores Town Council
Date: January 4, 2022
Case: ZTA-21-09
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), and 36-205 (d)(6).

ANALYSIS

At the March 2, 2021 Town Council meeting, the Town Council instructed Town Staff to take valuable elements out of the adoption draft of the Town Code Update written by CodeWright for review by the Planning Board and the Town Council for future consideration. The proposed amendments to Sections 36-202 (d)(6), 36-203 (d)(6), 36-204 (d)(6), and 36-205 (d)(6) are a result of comments provided by the Town Attorney regarding the use of the first line of stable natural vegetation on oceanfront lots for determining lot coverage. His comments referred to N.C.G.S. 77-20 which establishes that the seaward boundary of oceanfront properties is the mean high water mark. The proposed amendments are an effort to make it clear that the Town's lot coverage requirements for lots where the boundary is the Atlantic Ocean only use the first line of stable natural vegetation to establish lot coverage by using a portion of the lots, not for establishing the seaward boundary or area of the lots. If approved, the proposed amendments would not change how lot coverage is calculated on lots where the boundary is the Atlantic Ocean (see lot coverage information on enclosed as-built survey).

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. The Town Planning Board unanimously (5-0) recommended approval of the application at the November 15, 2021 Planning Board meeting. The proposed language was drafted with the assistance of Professor David Owens with the UNC School of Government. The language suggested by Professor Owens clarifies that the first line of stable natural vegetation is used to establish lot coverage by using a portion of the lots, not for establishing the seaward boundary or area of the lots.