

STAFF REPORT

To: Southern Shores Town Council
Date: June 4, 2024
Case: ZTA-24-03
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores
Requested Action: Amendment of the Town Code by amending Town Code Sections 36-163(1)a. and Section 36-57 and adding Sections 36-163(4)f, Section 36-179 and Section 36-299(b)(2)c.20.

ANALYSIS

The Town Planning Board began discussing potential commercial design standards to add to the Town Zoning Ordinance at the November 21, 2022 Planning Board meeting. The discussion began with reviewing the commercial design standards that have been adopted by the Towns of Duck, Kill Devil Hills, and Nags Head. At the February 22, 2023 Planning Board meeting, the Board continued their discussion and provided feedback to Town Staff on potential commercial design standards to include in a Zoning Text Amendment (ZTA) application. Based on that feedback, Town Staff drafted ZTA-24-03.

The Planning Board considered ZTA-24-03 at the April 15, 2024 Planning Board meeting and provided feedback to Town Staff. Town Staff revised ZTA-24-03 based on the feedback provided and the Board reconsidered ZTA-24-03 again on May 20, 2024. The proposed amendments include amendments to Town Code Section 36-163(1)a. by amending the parking space width requirement for all uses other than single-family residential homes, adding section 36-163(4)f. by adding a reduction of required parking spaces for planting shade trees, amending Section 36-57 by adding the definition of finished area, adding the definition of finished area ratio, adding the definition of land area, and restating the definition of substantial improvement, adding Section 36-179 to establish commercial design standards, and adding Section 36-299(b)(2)c.20. to establish that commercial design elements must be shown on a site plan, if applicable.

The Planning Board also discussed adding a maximum building area or finished area ratio for commercial buildings. Town Staff compiled a table showing the building area and finished area to land area ratios of existing commercial buildings:

Building Area/Finished Area to Land Area Ratios					
Location	Building Area	Finished Area	Land Area	BA Ratio	FA Ratio
Taco Bell	2,367.00	1,088.00	18,260.00	0.13	0.06
S. S. Crossing	24,676.00	25,222.00	211,759.00	0.12	0.12
TowneBank	7,759.00	9,594.00	69,701.00	0.11	0.14
Marketplace	159,873.00	158,814.00	788,746.00	0.20	0.20

The Board agreed to add a maximum Finished Area Ratio for all buildings of 0.35 and to add definitions for “Finished Area”, “Land Area”, and “Finished Area Ratio”. “Finished Area”

means enclosed conditioned areas within a structure that are designed or constructed for human habitation. All conditioned areas within a structure are presumed to be constructed for human habitation unless affirmatively shown to be to the contrary in a manner such that the use of the area cannot be modified, i.e. a conditioned wine cellar or refrigerated storage area. “Land Area” is the net acreage of a lot which is the total area to be developed minus any area covered by waterways, marshes, or wetlands. “Finished Area Ratio” is the Finished Area divided by the Land Area.

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 application with the exception of requiring a sketch plan review by using “may” instead of “shall” in proposed Section 36-179(a). The Town Planning Board recommended approval (3-2) of the application at the May 20, 2024 Planning Board meeting. The Board also noted that the ZTA is for informational purposes, a first pass, and the Board encourages the Town Council to consider a larger evaluation or study of the Town’s commercial properties in the commercial corridor.