



Town of Southern Shores

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PB ZTA-22-06

5-19-22

Ordinance 2022-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. 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 further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, and general welfare for the Town to amend the Town's Zoning Ordinance as stated below.

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.

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

PART I. That **Sec. 36-207. C general commercial district.** Be amended as follows:

Sec. 36-207. C general commercial district.

...

(c) *Conditional uses.* The following uses shall be permitted as a conditional use, subject to the requirements of this district; shall be subject to conditions and modifications

1 relating to impacts on adjacent properties, transportation and transportation systems,
2 transportation interconnectivity, stormwater, utilities and telecommunications
3 facilities (including capacity), vegetation and other elements of the natural
4 environment, noise, hours of operation, and other factors that the town council finds
5 applicable; and additional regulations and requirements imposed by the town
6 council, as provided in article X of this chapter:...

7 (11) Mixed use group development of commercial and residential buildings,
8 provided:

- 9 a. Minimum size of any building shall be 2,500 square feet.
- 10 b. All buildings constructed within 35 feet of another building within the
11 development are to be connected by a breezeway or covered walkway.
- 12 c. Lot shall be serviced by an existing community wastewater treatment
13 facility permitted by NC DEQ DWR.
- 14 d. Residential density shall be limited to RS-8 District allowances as
15 established within Sec. 36-203(a).
- 16 e. A minimum of 25 percent and no more than 40 percent lot coverage of the
17 net parcel area can be associated with building footprints containing
18 residential uses and the required parking for residential uses.
- 19 f. Minimum front yard (setback): 25 ft.
- 20 g. Minimum side yard (setback): 15 ft. An additional five-foot-yard
21 adjacent to the street is required for a corner lot.
- 22 h. Minimum rear yard (setback): 20 ft.
- 23 i. Maximum building height shall be 35 feet, measured from the average of
24 the existing, undisturbed grade at the building corners.
- 25 j. No building or other facility (such as parking spaces, incinerators, trash
26 collection areas, etc.) shall be located nearer than 50 feet to boundaries of
27 residential districts.
- 28 k. Where a mixed use group development abuts a residential zone, a buffer of
29 dense vegetative planting or natural vegetation is required (see
30 requirements in Section 36-207(8)).
- 31 l. Maximum allowable lot coverage of the net parcel area by principal use
32 and all accessory structures, in the aggregate, for the entire mixed use
33 group development, shall be 50 percent.
- 34 m. Mixed use group developments which incorporate the use of permeable
35 pavement, as outlined in Section 36-207(d)(5)a., in excess of 5 percent of
36 the total lot coverage shall be allowed a maximum allowable lot coverage
37 by principal use and all accessory structures, of no greater than 55 percent.

38 ...
39

1 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
2 **Reasonableness.**

3
4 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
5 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
6 is applicable. For all of the above-stated reasons and any additional reasons supporting the
7 Town's adoption of this ordinance amendment, the Town considers the adoption of this
8 ordinance amendment to be reasonable and in the public interest.
9

10 **ARTICLE V. Severability.**

11
12 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
13 hereby repealed. Should a court of competent jurisdiction declare this ordinance
14 amendment or any part thereof to be invalid, such decision shall not affect the remaining
15 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
16 Town of Southern Shores, North Carolina which shall remain in full force and effect.
17

18 **ARTICLE VI. Effective Date.**

19
20 This ordinance amendment shall be in full force and effect from and after the ____day of
21 _____, 2022.
22

23
24 _____
Elizabeth Morey, Mayor

25 ATTEST:

26
27 _____
28 Town Clerk
29
30

31 APPROVED AS TO FORM:

32
33 _____
34 Town Attorney
35

36 Date adopted:

37
38 _____
39 Motion to adopt by Councilmember:

40
41 _____
42 Motion seconded by Councilmember:
43

Vote: ____AYES____NAYS