

STAFF REPORT

To: Southern Shores Town Council
Date: June 7, 2022
Case: ZTA-22-05
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Stacia & Marc LeBlanc
9 Tenth Ave.
Southern Shores, NC 27949

Requested Action: Amendment of the Town Zoning Ordinance by amending Section 36-202(d)(6), Maximum Allowable Lot Coverage.

ANALYSIS

The applicant is proposing to amend Section 36-202(d)(6) in an effort to allow a maximum lot coverage of 35% for lots that are less than 20,000 square feet provided that the total lot coverage does not exceed 6,000 square feet. In 2020, a Certificate of Occupancy/Compliance was issued for a new single-family dwelling on property owned by the applicant located at 9 Tenth Ave. In 2021, Town Staff observed that landscaping work had taken place at 9 Tenth Ave. that included additional concrete around the driveway, a concrete walkway, and a gravel walkway with stepping stones. After review of the as-built survey of the property, it was determined that the additional coverage exceeded the Town's maximum allowable 30% lot coverage requirement, as established in Section 36-202(d)(6). Since that time, Town Staff has discussed potential solutions to the lot coverage issue with the applicant and a local engineering firm. If approved, a maximum allowable lot coverage of 35% would be permitted in the Town's RS-1 zoning district for lots that are less than 20,000 square feet provided that the total lot coverage does not exceed 6,000 square feet.

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

During your consideration, questions and discussion should mainly focus on the ZTA and not on a specific property. The proposed amendments would apply to the entire RS-1 zoning district. There are about 847 residential lots that are less than 20,000 sq. ft. in the Town (about 28% of the total number of residential lots). The lots are considered legally nonconforming with respect to lot size and they can be developed provided that all other requirements can be met, including lot coverage.

Historically, the Town's 30% lot coverage requirement has applied to all lots in the RS-1 zoning district, regardless of the lot size, since adoption of the Town's zoning ordinance. Town Staff has determined that the proposed amendments are inconsistent with the Town's currently adopted Land Use Plan and Town Staff recommends denial of the application. The Town Planning Board unanimously (5-0) recommended disapproval of the application at the May 19, 2022 Planning Board meeting and determined that the application was inconsistent with the Town's currently adopted Land Use Plan