



# Town of Southern Shores

## "A Town of Volunteers"

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### Amendments To The Zoning Ordinance Of The Town Of Southern Shores

**BE IT ORDAINED** by the Council of the Town of Southern Shores, North Carolina that the Zoning Ordinance be amended as follows:

#### PART I.

- A. Amend Article III, Section 3.02 to change the definition of BUILDING, ACCESSORY to read as follows:

**BUILDING, ACCESSORY:** A subordinate building consisting of walls and a roof, the use of which is clearly incidental to that of the principal building on the same lot, even where the Accessory Building is attached to the principal structure by breezeways, covered walkways, Walkways, or other structures not constituting enclosed living space.

- B. Add the following new definition to Article III, Section 3.02

**HABITABLE FLOORS AND STORIES: (Living Space):** Enclosed areas within a structure which are located below the top plate, and containing rooms or areas which have been designed, and constructed for human habitation.

- C. Amend Article III, Section 3.02, Height by deleting the existing top plate definition and replacing it with the following new definition:

**TOP PLATE:** The point at which the structural wall framing and the structural roof framing join together at the top of the uppermost habitable floor. When a building is designed with top plates at more than one (1) horizontal level, the uppermost plate is the one referred to and regulated by this ordinance.

- D. Amend Article IV, Section 4.14 Habitable Floors to read as follows:

#### Section 4.14 Habitable Floors

1. For the purpose of this Zoning Ordinance, area or space above the top plate of a habitable floor which is open, unrestricted, and unobstructed such as used in an A-frame, cathedral ceiling or opposed shed roof type construction shall not be considered as a part of such habitable floor.

2. The enclosed area above the top plate of a structure shall not be inhabited by any person or used for any purpose other than the storage of personal effects or property

- E. Amend Article VI, Requirements for Parking Lots, the introductory (first) sentence of Section 6.01.B to read as follows:

#### B. Requirements for Parking Lots

Where parking space for five (5) or more vehicles are permitted or required (other than single family detached dwellings and townhouses), the following provisions shall be compiled with:

F. Amend Article VI, Section 6.01.C.1 to read as follows;

Single family detached dwelling units and townhouses: Three- (3) parking spaces for each dwelling unit with up to four (4) bedrooms (including all areas used for sleeping), and one (1) additional space for each two bedrooms (including areas useable for sleeping) or fraction thereof, in excess of four (4).

- a. Bedrooms and/or areas useable for sleeping shall be defined and determined by the County Health Department in establishing residence occupancy limits for wastewater/septic treatment.
- b. A ten- (10) foot wide drive aisle shall be provided, which must be separate from any parking spaces such that no vehicle will be required to back into the public right-of-way.
- c. Each parking space shall have a minimum length of eighteen (18) feet and a minimum width of ten (10) feet.

G. Amend Article VI, to add new Section 6.09 Lot Disturbance to read as follows:

Section 6.09 Lot Disturbance. Subject to the requirements of N.C. G.S. 160-A-417 (b), if applicable, in all Southern Shores zoning districts but excluding all areas within the Extraterritorial Jurisdiction, no grading, filling, or other alteration of the topography or elevation of any unimproved lot shall be undertaken prior to the granting of a permit by the Building Inspector.

A. All applications for lot disturbance permits shall be accompanied by a survey or sketch showing the actual dimensions and shape of the lot, and showing the surveyed pre-disturbance ground elevation(s). The application shall also describe the disturbance activity which is proposed for the lot.

B. Upon inspection, the Building Inspector shall confirm that the survey or sketch detail submitted conforms generally to the pre-disturbance condition of the lot with respect to its elevations, and that the proposed disturbance activity will not create any hazards or disturb land or lots other than that owned by the applicant or his agent. The Building Inspector shall make such notations or comments on the permit as needed to further establish the pre-disturbance topography and elevation of the lot for later use in determining the permitted height of any structures subsequently constructed on said lot.

C. The Building Inspector is hereby authorized to include requirements in the permit which minimize the disturbance or damage of any adjacent lots or land.

H. Amend Article VII, Sections 7.01.D.4., 7.02.D.4, 7.03.D.4 and 7.04.D.4 to read as follows:

Minimum side yard: Fifteen (15) feet; an additional five (5) foot side yard adjacent to the street is required for a corner lot

Fifteen (15) feet for swimming pools

I. Amend Article VII, Sections 7.01 D.6, 7.02 D.6, 7.03 D.6, and 7.04 D.6 each to read as follows;

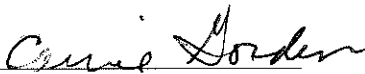
6. Maximum allowable lot coverage 30%. In the case of an oceanfront lot, only that area landward of the first line of stable natural vegetation (as defined by CAMA) shall be used for calculating lot coverage.

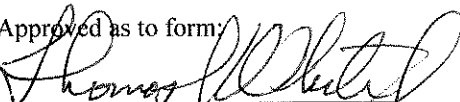
**PART II.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.


**PART III.** If this ordinance or the application of this ordinance to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

**PART IV.** This ordinance shall be in full force and effect on the 1<sup>st</sup> day of May 2000.

ATTEST:

  
Town Clerk

Approved as to form:  
  
Thomas L. White, Jr. Town Attorney

  
Mayor

ADOPTED: January 4, 2000  
VOTE: 4 Ayes 1 Nay