

Ordinance No. 2005-03-PB8
Version 03-25-2005

**AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL
RELATING TO AMENDING THE ZONING ORDINANCE
REGARDING USER-FRIENDLY BEACH ACCESSES**

Dare County, North Carolina

BE IT ORDAINED BY THE SOUTHERN SHORES TOWN COUNCIL AS FOLLOWS:

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

**Article III. Amend Section 3.02 Southern Shores Zoning Ordinance –
Definition of Specific Terms and Words**

Section 3.02 of the Southern Shores Town Zoning Ordinance is hereby amended to read as follows:

YARD: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the ground level of the graded lot upward, provided however that fences, walls, poles, posts, ocean dune platforms, walks, accessible ramps, steps, Hatteras Ramps (Emergency vehicle) and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility or any other requirements of this Ordinance.

**Article IV. Amend Section 4.12 Southern Shores Zoning Ordinance –
Ocean Dune Platforms, Walkways, Steps**

Section 4.12 of the Southern Shores Town Zoning Ordinance is hereby amended to read as follows:

Section 4.12 Ocean Dune Platforms, Walkways, Ramps, Steps and Hatteras Ramps.

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INTENT.

Regulation of these structures is intended to preserve the natural appearance and integrity of the frontal dune and provide minimal interference with the natural accretion of sand and growth of vegetation.

A. *OCEAN DUNE PLATFORMS.*

Platforms shall not exceed two hundred (200) square feet in area and no supporting posts shall be placed on the east side of the frontal dune. At the time of construction, platforms will be at least eighteen (18) inches and no more than twenty-four (24) inches above the highest natural grade within the footprint of the proposed platform. No part of the structure, except a flagpole, shall extend more than three (3) feet above the platform deck. Permanently attached seating is considered part of such ocean dune platforms.

B. *WALKWAYS, ACCESSIBLE RAMPS AND/OR STEPS.*

One ~~structural~~ walkway, accessible ramp and/or steps are permitted across the primary dune (Article XVI) provided that they are constructed in a manner which entails negligible alterations to the primary dune. Walkways, accessible ramps, and steps shall not exceed ~~four (4)~~ six (6) feet in width. Walkways, accessible ramps, and steps constructed on the frontal dune will reasonably follow the contour of the dune and will be placed at least 18 inches and not more than 24 inches above natural grade within the CAMA small structure setback (30 times erosion rate from First Line of Stable Natural Vegetation.).

C. *HATTERAS RAMPS.*

Emergency Vehicle ramps located at Hillcrest Beach Access, Trout Run and Ocean View Loop.

D. *EXCEPTIONS.*

- Community recreation facilities on lots greater than one (1) acre may erect:*
 - 1. Dune platforms not to exceed five hundred (500) square feet.*
 - 2. A sunshade on the dune platform provided the footprint of the sunshade does not exceed one hundred and eighty (180) square feet; the sides are not enclosed; the height from the deck does not exceed eleven (11) feet; and is set back twenty-five (25) feet from side property lines. No platform containing a structure extending more than three (3) feet above the platform deck shall be constructed within one thousand feet (1,000) of a like structure.*

E. *Existing ocean dune platforms, ramps, walkways and steps that do not meet the above requirements are considered non-conforming structures (Article V). All structures covered by this section require a building permit.*

Article V. Amend Section 7.01 Southern Shores Zoning Ordinance – RS-1 Single Family Residential District

1 Section 7.01 (B) of the Southern Shores Town Zoning Ordinance is hereby amended to
2 read as follows:

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4 *B. Permitted Uses*

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6 *The following uses shall be permitted by right:*

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- 8 1. *Detached single-family dwelling consisting of no more than seven (7)*
- 9 *bedrooms or septic system capacity for more than fourteen (14) people.*
- 10 2. *Customary accessory buildings including but not limited to swimming*
- 11 *pools, tennis courts, and garages provided no living space is provided in*
- 12 *the accessory structure.*
- 13 3. *Home occupations as defined in Section 3.02 of this ordinance.*
- 14 4. *Town-owned or leased facilities.*
- 15 5. *Piers and docks, only when accessory to a building for which a building permit*
- 16 *has been obtained. Piers and docks must be permitted by all applicable local,*
- 17 *state, and federal agencies having jurisdiction. The activity associated with the*
- 18 *pier or dock must be permitted by the zoning district where the pier or dock is*
- 19 *anchored. No such permitted dock or pier shall extend into adjacent waters more*
- 20 *than seventy-five (75) feet from an estuarine bulkhead, Mean High Waterline, or*
- 21 *from a line connecting the outermost limits of the Coastal Wetlands on either side*
- 22 *of the proposed structure, whichever is nearest the channel. Only one pier or*
- 23 *dock is permitted per building site.*
- 24 6. *Estuarine Bulkheads. Estuarine bulkheads must be permitted by all applicable*
- 25 *local, state, and federal agencies having jurisdiction.*
- 26 7. *Ocean dune platforms, and associated seating areas, walks, ramps and stairs*
- 27 *known as Beach Accesses. Such Beach Accesses must be permitted by all*
- 28 *applicable local, state, and federal agencies having jurisdiction.*
- 29

30 Section 7.01 (C) of the Southern Shores Town Zoning Ordinance is hereby amended to
31 read as follows:

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33 *C. Conditional Uses Permitted*

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35 *The following uses are permitted subject to the requirements of this district and such*

36 *additional regulations and requirements as may be imposed by the Town Council as*

37 *provided in Article X:*

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- 39 1. *Community recreation facilities including boat launching areas, tennis courts,*
- 40 *community centers, libraries, picnic areas, bathing beaches, and concessions,*
- 41 *integral thereto, provided that there is no open commercial activity, and no sign*
- 42 *other than a directional sign is allowed.*
- 43 2. *Fire Stations*
- 44 3. *Governmental emergency medical evacuation facilities, including Hatteras ramps*
- 45 4. *Churches*
- 46 5. *Child Day Care, Small Home*

- 6. *Swimming Lessons subject to all applicable state and local regulations, training, experience and licensing requirements for swimming pools, swimming lessons, lifeguards and swimming instructors shall be met.*
 - a. *No swimming lesson shall be conducted earlier than 8:00 a.m. nor later than 6:00 p.m.*
 - b. *Any need for additional parking generated by the conduct of swimming lessons shall be met by off street parking.*

Article VI. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article VII: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the __ day of _____ 2005.

Mayor Hal Denny

ATTEST:

Carrie Gordin, Town Clerk

S E A L

Approved as to form:

Ike McRee, Town Attorney

Date Introduced: _____

Dates of Publication: _____, _____

Date(s) of Public Hearing(s): _____