



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2394 / Fax 252-255-0876
info@southernshores-nc.gov
www.southernshores-nc.gov

PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 4/12/23 Filing Fee: \$200 Receipt No. 365986 Application No. ZTA-23-04

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- Chapter 30. Subdivisions-Town Code
- Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District
- Chapter 36. Article IX. Planned Unit Development (PUD)
- Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units *
- Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use
- Chapter 36. Article X. Section 36-303 Fees
- Chapter 36. Article X. Section 36-304-Vested Rights
- Chapter 36. Article XIV. Changes and Amendments

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant
 Name Matthew Hbond
 Address: 110 Landing Trl
Southern Shores
 Phone 252-450-9283 Email CBKrealtors@gmail.com

Applicant's Representative (if any)
 Name _____
 Agent, Contractor, Other (Circle one)
 Address _____
 Phone _____ Email _____

Property Involved: Southern Shores Martin's Point (Commercial only)
 Address: _____ Zoning district _____
 Section _____ Block _____ Lot _____ Lot size (sq.ft.) _____

Request: Site Plan Review Final Site Plan Review Conditional Use Permitted Use
 PUD (Planned Unit Development) Subdivision Ordinance Vested Right Variance

Change To: Zoning Map Zoning Ordinance

Matthew Hbond
 Signature

4-12-23
 Date

* Attach supporting documentation.



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ZTA-23-04

4-12-23

Ordinance 2023-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 and specifically the location and use of buildings, structures, and land. 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, in accordance with the finding above, the amendment of the Town’s Zoning Ordinance and Town Code Ordinances as stated below will serve a public purpose and advances the public health, safety and general welfare.

WHEREAS, the amendment of the Town’s Zoning Ordinance and Town Code Ordinances as stated below is based on reasonable consideration, among other things, as to the character of the district, suitability for uses in the area, conserving value of buildings and encouraging the most appropriate use of land throughout the Town.

WHEREAS, the Town’s currently adopted Land Use Plan contains Policies and Action Items that are applicable to the amendment, including but not limited to the following:

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.

Action Item 2-b: The Town shall encourage the use of low impact development techniques and sound environmental preservation practices for all new development, remodeling and redevelopment within Southern Shores.

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Policy 7: Support stormwater management programs that reduce flooding and improve coastal water quality.

Action Item 7-b Encourage the use of Low Impact Development (LID), vegetative buffers to filter stormwater, impervious surface limits, and innovative stormwater management alternatives to reduce runoff and to improve water quality.

Policy 26: Promote open space, tree protection, and natural vegetation diversity.

Action Item 26-b Encourage lot preparation methods that preserve natural vegetation and minimize clear cutting.

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) Special Uses.

...

(1) Restaurants without a drive-through or with a drive through facility, provided:

...

b. The location of the drive-through facility is a minimum of 100 feet from any residentially zoned property districts or a minimum of 50 feet from any planned unit development.

(1.5) Drive-through facility or establishment (small) provided:

...

b. The location of the drive-through facility is a minimum of 100 feet from any residentially zoned property districts a minimum of 50 feet from any planned unit development.

...

1 (11) Mixed use group development of commercial and residential buildings,
2 provided:

3 ...

4 j. No building or other facility (such as parking spaces, incinerators, trash
5 collection areas, etc.) shall be located nearer than 50 feet to boundaries of
6 residential districts or planned unit developments.

7 k. Where a mixed use group development abuts a residential ~~zone~~ district or
8 planned unit development, a buffer of dense vegetative planting or natural
9 vegetation is required (see requirements in section 36-207(d)(8)).

10 ...

11 (d) *Dimensional requirements.*

12 ...

13 (7) No building or other facility (such as parking areas, incinerators, trash
14 collection areas, etc.) shall be located nearer than 50 feet to boundaries of
15 residential districts or planned unit developments.

16 (8) Where a commercial use or zone abuts a residential ~~zone~~ districts or planned
17 unit development, a buffer of dense vegetative planting or natural vegetation is
18 required. The buffer area shall have a minimum width of 20 feet with two rows of
19 planting material placed ten feet on center that are a minimum of five feet in
20 height when installed that expect to achieve a height of eight feet within three
21 years. Suitable plant types shall be those recommended for the coastal area by the
22 U.S. Department of Agriculture which can be expected to reach a mature growth
23 of eight to ten feet. Vegetation plan to be approved by the town council.

24

25 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
26 **Reasonableness.**

27

28 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
29 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
30 is applicable; for all the above-stated reasons, including but not limited to it encourages the
31 use of low impact development techniques and sound environmental preservation practice,
32 encourages lot preparation methods that preserve natural vegetation and minimize clear
33 cutting and furthers the founder's original vision for Southern Shores of a low-density
34 residential community served by a small commercial district. The Town considers the
35 adoption of this ordinance amendment to be reasonable and in the public interest.

36

37 **ARTICLE V. Severability.**

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39 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
40 hereby repealed. Should a court of competent jurisdiction declare this ordinance
41 amendment or any part thereof to be invalid, such decision shall not affect the remaining

1 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
2 Town of Southern Shores, North Carolina which shall remain in full force and effect.

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4 **ARTICLE VI. Effective Date.**

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6 This ordinance amendment shall be in full force and effect from and after the ____ day of
7 _____, 2023.

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Elizabeth Morey, Mayor

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ATTEST:

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Town Clerk

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APPROVED AS TO FORM:

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Town Attorney

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Date adopted:

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Motion to adopt by Councilmember:

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Motion seconded by Councilmember:

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Vote: __AYES__ NAYS