



# 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 / 3 / 2024      **Filing Fee:** \$200      **Receipt No.:** N/A      **Application No.:** ZTA-24-03

**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 Town of Southern Shores

Address: 5375 N. Virginia Dare Trl.  
Southern Shores, NC 27949

Phone (252) 261-2394 Email whaskett@southernshores-nc.gov

### 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 **X** \_\_\_ Zoning Ordinance

W. Whaskett  
Signature

4-3-24  
Date

\* Attach supporting documentation.



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ZTA-24-03

4-8-24

Ordinance 2024-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 North Carolina General Assembly adopted 2019 N.C. Sess. Law 111 to clarify and change the land-use regulatory laws of the State, including the recodification of many existing land-use regulatory laws in a newly created N.C.G.S. Chap. 160D pursuant to 2019 N.C. Sess. Law 111, Part II; and

**WHEREAS**, the Town desires to amend its Town Code to conform to N.C.G.S. Chap. 160D as provided in Part I of these ordinance amendments; and

**WHEREAS**, the Town desires to enhance the Town’s appearance in the general commercial district by adopting commercial design standards; 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.**

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

3  
4 **PART I.** That **Sec. 36-163. Off-street parking requirements.** Be amended as  
5 follows:

6  
7 **Sec. 36-163. Off-street parking requirements.**  
8

9 At the time of erection of any building or structure, or at the time any main building  
10 or structure is enlarged or increased in capacity by adding dwelling units, guest rooms,  
11 seats or floor area, or before conversion from one zoning use or occupancy to another,  
12 permanent off-street parking space shall be provided according to the amounts and  
13 specifications provided by this section.

14 (1) *General provisions.*

- 15 a. Each parking space, for other than single-family residential homes, shall  
16 have a minimum length of 18 feet and a minimum width of nine ~~and one~~  
17 ~~half~~ feet. Drive aisle width shall be a minimum of 22 feet. It shall have  
18 vehicular access to a publicly dedicated or town approved private street  
19 and be located outside of any dedicated right-of-way.

20 ...

- 21  
22 (4) *Minimum parking requirements.* The number of off-street parking spaces  
23 required by this section shall be provided on the same lot with the principal use,  
24 or in combination with adjacent lots, provided the applicant has secured a  
25 shared parking agreement, and special use permit, as described in subsection  
26 36-163(1)j., and the required number of off-street parking spaces specified for  
27 each use shall be considered as the absolute minimum. Where a fraction of a  
28 space is required by this article, the next whole number shall be provided. In  
29 addition, a developer shall evaluate his own needs to determine if they are  
30 greater than the minimum specified by this article.

31  
32 ...

- 33  
34 f. *Reduction of required parking for providing trees.* The total parking  
35 requirement for every 20 parking spaces for the proposed use or existing  
36 use may be reduced by one parking space for each tree that is provided in  
37 excess of a required buffer for up to five parking spaces.

38  
39  
40 **PART II.** That **Sec. 36-57. Definition of specific terms and words.** Be amended as  
41 follows:

42  
43 **Sec. 36-57. Definition of specific terms and words.**  
44

1 ...  
2  
3 Substantial improvement means any combination of repairs, reconstruction,  
4 rehabilitation, addition, or other improvement of a structure, taking place during any one-  
5 year period for which the cost equals or exceeds 50 percent of the market value of the  
6 structure before the start of construction of the improvement. The one-year period shall  
7 be based on the date a certificate of occupancy is issued for the improvement. This term  
8 includes structures which have incurred substantial damage, regardless of the actual  
9 repair work performed. The term does not, however, include either:

- 10  
11 (1) Any correction of existing violations of state or community health, sanitary, or  
12 safety code specifications which have been identified by the community code  
13 enforcement official and which are the minimum necessary to ensure safe  
14 living conditions; or  
15 (2) Any alteration of a historic structure, provided that the alteration will not  
16 preclude the structure's continued designation as a historic structure and the  
17 alteration is approved by variance issued pursuant to section 39-367.

18 ...  
19  
20 **PART III. That Sec. 36-179. Commercial design standards.** Be added as follows:

21  
22 **Sec. 36-179. Commercial design standards.**

23  
24 (a) Sketch plan review. Prior to submittal of a site plan review application for all uses  
25 other than one and two-family dwelling units, the applicant may submit to town  
26 staff, at least seven days prior to a regularly scheduled planning board meeting, 9  
27 copies of a sketch plan showing the proposed development for new construction or  
28 substantial improvements in the general commercial district. The sketch plan shall  
29 consist of a project narrative and conceptual renderings that show the proposed  
30 buildings, building elevations, landscaping and parking areas. The planning board  
31 shall review and comment on the proposed development and its consistency with the  
32 standards in this section and other requirements in this chapter.

33  
34 (b) Generally. In the general commercial district, for all uses other than one- and two-  
35 family dwelling units, new construction and substantial improvements shall comply  
36 with the following standards:

- 37 (1) Paint colors shall be of low reflectance, subtle, neutral and earth tone colors;  
38 (2) Mechanical equipment shall be screened and shall not be visible from any  
39 right-of-way;  
40 (3) Fences shall be constructed of wood, or match the materials used for the  
41 building;

- 1 (4) No commercial building front shall remain unbroken (unpierced) by a window,  
2 architectural element, entrance or functional general access doorway for more  
3 than 50 feet;
- 4 (5) Windows shall comprise no less than 10% and not more than 40% of each  
5 building's vertical wall area;
- 6 (6) No awning on any building which encroaches on a sidewalk or pedestrian  
7 walkway shall extend out from the building more than 2/3 the width of the  
8 sidewalk nor shall it at any point be less than 8 feet above the sidewalk;
- 9 (7) Wall articulations (or breaks in the façade or roofline) shall be designed not less  
10 than every 50 feet along the building façade;
- 11 (8) Architectural embellishments that add visual interest to a façade or roof such as  
12 dormers, chimneys, cupolas, watch and clock towers, shutters and other similar  
13 elements are encouraged;
- 14 (9) Roofs shall be constructed with one or more of the following roofs: hip, gable  
15 or mansard;

16  
17 **PART IV. That Sec. 36-299. Application for building permits, zoning permits and**  
18 **site plan requirements. Be amended as follows:**

19 ...  
20

21  
22 (b) *All uses other than one- and two-family dwelling units.*

23 ...  
24

25  
26 (2) Site plan requirements. Twelve copies of the site plan shall be submitted no  
27 later than 30 days prior to the planning board meeting at which the plan is to be  
28 reviewed. All plans shall be prepared, stamped and endorsed by a state  
29 registered engineer, surveyor or architect, or other person duly authorized by  
30 the state to prepare such plans. All plans shall contain at least the following  
31 information:

32 ...  
33

34  
35 c. Site improvements that meet the requirements of Section 36-179, show all  
36 proposed site improvements including, but not limited to:

37 ...  
38

39  
40 20. Commercial design elements pursuant to section 36-179, if  
41 applicable.

1 ...

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

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

11  
12 **ARTICLE V. Severability.**

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

19  
20 **ARTICLE VI. Effective Date.**

21  
22 This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of  
23 \_\_\_\_\_, 2024.

24  
25  
26 \_\_\_\_\_  
Elizabeth Morey, Mayor

27 ATTEST:

28  
29 \_\_\_\_\_  
30 Town Clerk

31  
32  
33 APPROVED AS TO FORM:

34  
35 \_\_\_\_\_  
36 Town Attorney

37  
38 Date adopted:

39  
40 \_\_\_\_\_  
41 Motion to adopt by Councilmember:

42  
43 \_\_\_\_\_  
44 Motion seconded by Councilmember:

45  
Vote: \_\_\_AYES\_\_\_NAYS