



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

5-16-24

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 shade tree that is
37 provided within parking areas for up to five parking spaces. Each shade
38 tree that is planted shall reach a height of six feet in three years. Suitable
39 tree types shall be those recommended for the coastal area by the U.S.
40 Department of Agriculture.

41
42
43 **PART II.** That **Sec. 36-57. Definition of specific terms and words.** Be amended as
44 follows:

1
2 **Sec. 36-57. Definition of specific terms and words.**

3
4 ...

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

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

21 ...

22
23 **PART III. That Sec. 36-179. Commercial design standards. Be added as follows:**

24
25 **Sec. 36-179. Commercial design standards.**

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

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

- 40 (1) Paint colors shall be subtle, neutral and earth tone colors;

- 1 (2) Mechanical equipment shall be screened and shall not be visible from any
- 2 right-of-way;
- 3 (3) Fences shall be constructed of wood, or match the materials used for the
- 4 building;
- 5 (4) No commercial building front shall remain unbroken (unpierced) by a window,
- 6 architectural element, entrance or functional general access doorway for more
- 7 than 50 feet;
- 8 (5) Windows shall comprise no less than 10% and not more than 40% of each
- 9 building's vertical wall area;
- 10 (6) No awning on any building which encroaches on a sidewalk or pedestrian
- 11 walkway shall extend out from the building more than 2/3 the width of the
- 12 sidewalk nor shall it at any point be less than 8 feet above the sidewalk;
- 13 (7) Wall articulations (or breaks in the façade or roofline) shall be designed not less
- 14 than every 50 feet along the building façade;
- 15 (8) Architectural embellishments with a coastal design that add visual interest are
- 16 encouraged.

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

20
 21 ...

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

24
 25 ...

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

33
 34 ...

35
 36 c. Site improvements, show all proposed site improvements including, but
 37 not limited to:

38
 39 ...

1 20. Commercial design elements pursuant to section 36-179, if
2 applicable.

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

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

13
14 **ARTICLE V. Severability.**

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

21
22 **ARTICLE VI. Effective Date.**

23
24 This ordinance amendment shall be in full force and effect from and after the ____ day of
25 _____, 2024.

26
27
28 _____
Elizabeth Morey, Mayor

29 ATTEST:

30
31 _____
32 Town Clerk

33
34
35 APPROVED AS TO FORM:

36
37 _____
38 Town Attorney

39 Date adopted:

40
41 _____
42
43 Motion to adopt by Councilmember:

44
45 _____
46 Motion seconded by Councilmember:

Vote: ___AYES___NAYS