Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2394 / Fax 252-255-0876
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PLANNING BOARD
GENERAL APPLICATION FORM
TOWN OF SOUTHERN SHORES, NC 27949

Date: 01/08/2018 **Filing Fee:** $300 **Receipt No.** 003146 **Application No.** ZTA-18-01

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
- X 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 Southern Shores Crossing LLC, Attn: Michael K. Stone, V.P. *(Applicant must be property owner by Town policy)*

Address: P.O. Box 150
Kitty Hawk, NC 27949

Phone 252-261-2000 Email mstone@southernshores.com

Applicant's Representative (if any)

Name Michael W. Strader, Jr., PE, Quible & Associates, P.C.
Agent, Contractor, Other (Circle one)

Address P.O. Drawer 870
Kitty Hawk, NC 27949

Phone 252-491-8147 Email mstrader@quible.com

Property Involved: X Southern Shores ___ Martin's Point (Commercial only)

Address: 1 Ocean Blvd Zoning district C

Section _____ Block B Lot 3&4 Lot size (sq.ft.) 211,758.67

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

Michael K. Stone
Signature

1-11-18
Date

* Attach supporting documentation and twelve copies of the site plan.

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Ordinance 2018-05-01

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. § 160A-381, 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. Chap. 160A, Art. 19 et. seq, 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, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; 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, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances 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.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that Section 36-163 the Town Code shall be amended as follows:

Sec. 36-163. - Off-street parking requirements.

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

(1) *General provisions.*

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

b. When a parking space abuts an open space, the two feet at the end of the parking space shall be left unpaved to allow for drainage, in which case a bumper or wheel stop shall be installed.

c. Sufficient maneuvering space shall be provided so that no vehicle will be required to back into the public right-of-way. Such space shall be a minimum dimension of ten feet by ten feet and contiguous with the driveway if a required parking space is located in the driveway.

d. No parking spaces for residential use, except for single-family and two-family use, shall be located in the required front yard.

e. Required parking spaces and driveways for other than single-family and two-family uses shall be graded, improved with concrete or I-2 asphalt and maintained in a manner which will provide a surface permitting safe and convenient use in all weather conditions.

f. Required off-street parking spaces are permanent areas and shall not be used for any other ground purpose.

g. All space requirements which are based upon employment shall be computed on the basis of the greatest number of persons on duty at any one period during time of peak use. In instances where calculations indicate a portion of one space is required, an additional full space shall be provided.

h. Each application for a zoning permit submitted to the zoning administrator shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the zoning administrator to determine whether or not the requirements of this section are met. All required parking and drive areas shall be shown on the site plan application.

i. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at

night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

j. Any off-street parking space required by a use permitted in any residential district shall be provided on the same lot with the use by which it is required. Off-street parking space in conjunction with commercial uses in other districts shall not be permitted in a residential district.

k. Where off-street parking is provided between the building line and the street right-of-way line for any business use, a buffer strip of at least five feet in width shall be provided adjacent to such street right-of-way line. Curb cuts through such buffer strips shall be separated by a minimum of 50 feet unless otherwise approved by the town council.

l. All parking spaces which abut open space or buffer space shall have a fixed wheel stop of concrete, plastic or chemically-treated wood six inches in height. Allowances shall be made for two feet of overhang within the parking space so that no part of any car can be located within the required yard.

m. Where a driveway meets the paved street in the town right-of-way there may be not more than two flares or aprons constructed. The sum of the two flares shall not exceed the width of the driveway by more than five feet. The sum of all construction in the town right-of-way on one platted lot cannot exceed 20 feet.

n. Provisions for compact or short vehicular parking spaces. Marked compact parking spaces may be allowed within group development parking lots for no greater than ten percent of the total number of provided parking spaces. Each compact parking space shall have a minimum length of 15 feet and a minimum width of eight feet. Drive aisle width shall be a minimum of 22 feet.

(2) *Shared parking*. Within any one site, or on contiguous commercial sites, the required parking for any number of separate uses may be combined on the site or sites, but the number of parking spaces assigned to one use may not be assigned to another use, except as provided in this subsection.

a. Shared parking shall be a conditional use requiring approval by the town council and subject to requirements imposed by the town council as provided in section 36-300.

b. A portion of parking spaces required for one use may be used to meet the parking requirements of another use on the same, or on contiguous commercial, parcel(s) when the peak hours of operation and parking demands of the uses occur at different times of day which shall be established in the Conditional Use Permit.

c. In the event that the peak hours of operation or parking demands of either site(s) change(s) such that the peak hours of operation are no longer different or the number of parking spaces required for either site increases,

each site shall be brought into compliance with the parking requirements of this chapter.

Prior to final approval of the shared parking proposal, a shared parking agreement, in recordable form and executed by the property owners sharing parking, shall be submitted to the town. The shared parking agreement shall contain terms consistent with the provisions of the shared parking requirements set forth herein; shall contain terms prohibiting its revocation or modification without the town's prior notification; and upon final approval of the site plan, the shared parking agreement shall be recorded in the county registry at owners' expense.

d. Shared parking agreements between adjacent lots require adequate and safe pedestrian access to and from the shared parking areas.

(~~2~~3) *Requirements for parking lots.* Where parking space for five or more cars is permitted or required (other than single-family detached dwellings and townhouses), the following provisions shall be complied with:

a. *Curb bumpers.* The required front and side yards shall be set off from the parking area by a fixed curb approved by the zoning administrator, not less than six inches or more than two feet high.

b. *Drainage.* Parking lots shall not drain onto or across public sidewalks, roadways or into adjacent property except where a drainage easement has been provided or obtained.

c. *Entrances.* On all corner lots, no vehicular openings shall be located at closer than 15 feet from the point of intersection of the established street right-of-way lines. No entrance or exit, whether on a corner lot or not, shall exceed 30 feet in width at the property line, or 40 feet at the curbline. There shall be a minimum distance between one-way driveways of 50 feet measured along the curbline.

d. *Internal circulation.* The internal circulation plan of parking lots shall be approved by the town council.

e. *Lighting.* Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.

f. *Markings.* Each parking space shall be marked off and maintained so as to be distinguishable.

g. *Off-street loading.*

1. One or more loading spaces shall be provided for standing, loading and unloading operations, either inside or outside a building and on the same premises with every building or structure erected after the enactment of this article, and shall be in accordance with the requirements of the following table. A loading berth shall have

minimum plan dimensions of 12 feet by 60 feet and a 14 foot overhead clearance. A loading space need not be necessarily a full berth but shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served thereby. The town engineer shall determine the sufficiency of loading space but in no case shall the use of such space hinder the free movement of vehicles and pedestrians over a street, sidewalk, parking lot or alley.

Use Classification	Space Requirements
Retail operations, and all first floor non-residential uses, with a gross floor area of less than 20,000 square feet.	A loading space (not necessarily a full berth) as defined in this section.
Retail operations, including restaurant and office buildings with a gross floor area of 20,000 square feet or more.	One loading berth for every 20,000 square feet, or fraction thereof, of floor area.
Office building with a gross floor area of 100,000 square feet or more.	One loading berth for every 100,000 square feet of floor area.

2. Loading spaces shall be located at least 50 feet from any street right-of-way and shall be paved with asphalt, concrete, or porous paving as approved by the town engineer or an open-face paving block over sand and filter-cloth base, provided the open-face paving block is equivalent to turfstone with regards to compressive strength, density, absorption and durability.

h. *Planting.* Buffer strips (subsection (1)k of this section) and not less than 15 percent of any parking lot land area shall be planted with trees or shrubs. The buffer shall be comprised of planting material placed ten feet on center and having minimum height of five feet when planted and expected to reach a height of eight feet within three years. Suitable plant types shall be those recommended for the coastal area by the U.S. Department of Agriculture. The vegetation plan shall be approved by the town council.

i. *Solid waste and recycling container requirements.* Sufficient space shall be provided on the premises for the location of a solid waste container. Such

solid waste container location may be in a required parking lot provided, however, that such location does not occupy a required parking space or maneuvering space and further provided that such solid waste container location shall provide convenient and safe access to the servicing vehicle.

j. *Surfacing.* All parking lots shall be provided and maintained with concrete or I-2 asphalt surface and paved drainage facilities adequate to provide safe and convenient access in all weather conditions.

k. *Yards.* No parking lot shall be located closer than five feet to a public right-of-way. The area between the parking lot and the street right-of-way shall be planted in accordance with subsection (2)h of this section and maintained with lawn or other appropriate planting, or shall be improved otherwise as approved in site plan review.

(~~3~~4) *Minimum parking requirements.* The number of off-street parking spaces required by this section shall be provided on the same lot with the principal use, <u>or in combination with adjacent lots, provided the applicant has secured a shared parking agreement, and conditional use permit, as described in subsection 36-163(1)j,</u> and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. Where a fraction of a space is required by this article, the next whole number shall be provided. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this article.

a. *Residential and related uses.*

1. Detached single-family dwelling units, two-family dwelling units and townhouses: three parking spaces for each dwelling unit with up to eight-person septic capacity and one additional space for each two (2) persons of septic capacity, or fraction thereof, in excess of eight-person septic capacity up to 12-person septic capacity and one additional space for each person of septic capacity over 12.

(i) The number of persons of septic capacity shall be determined by the county health department in establishing residence occupancy limits for wastewater/septic system.

(ii) An eight-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. The following exception shall apply: one required parking space may be located behind each parking space in an under house parking area or enclosed garage, or lined up outside in such a manner that it is located in the drive aisle.

(iii) Each parking space shall have a minimum length of 18 feet and a minimum width of eight feet.

2. Multifamily residence group housing projects and condominiums: 2½ parking spaces on the same lot for each unit.

3. Hotel, motel: 1½ parking spaces for each room to be rented plus one additional parking space for each employee.

b. *Public and semipublic uses.*

1. Churches: one parking space for each three seats in the sanctuary.
2. Clinic (medical and dental): five parking spaces for each doctor assigned plus one parking space for each employee, but not less than ten spaces total.
3. Elementary school: one parking space for each classroom and administrative office.
4. Event facilities: one space for each 150 square feet of floor area.
5. Nursing home: one parking space for each five beds intended for patient use, and one space for each three employees.
6. Public or private clubs: one parking space for each 200 square feet of gross floor space.
7. Telephone switching stations or electric substations: one parking space for each employee.

c. *Retail and office uses.*

1. Animal hospitals: five spaces per veterinarian, plus one space for each employee, but not less than 16 spaces.
2. Funeral home: one parking space for each four seats in the chapel or parlor.
3. Garden center/nursery: one space for every 500 square feet of outdoor retail display area.
4. General or professional offices, banks (doctors and dentists, see clinicrequirements): one parking space for each 300 square feet of gross floor space, plus one space for each two employees.
5. Grocery or appliance stores: one parking space for each 500 square feet of gross floor area.
6. Municipal building: one parking space for each 200 square feet of net office area, plus one space for each two seats in municipal council chambers.
7. Municipal complex: one parking space for each 200 square feet of gross floor space.
8. Restaurant: one parking space for each three customer seats, plus one additional parking space for each employee.
9. Retail uses not otherwise listed: one parking space for each 300 square feet of floor area.

10. Theaters: one parking space for each three seats.

11. Nonprofit entities: a minimum of three parking spaces shall be provided.

d. *Off-street parking and/or storage of certain vehicles prohibited.*

1. Trucks, trailers, semitrailers, (self-propelled or detached) and prefabricated cargo shipping containers or similar containers shall not be used as a storage or other type of accessory structure in any zoning district.

2. Nothing in this section shall apply to any vehicle stored in compliance with applicable town codes. This regulation shall not be interpreted to prohibit the timely unloading and loading of commercial trailers in any district.

e. *Reduction of required parking for commercial uses within group developments with the use of bicycle racks holding at least four bicycles.* The total parking requirement for every 50 parking spaces for the proposed use may be reduced by one parking space for each bicycle rack located on the site for up to four bicycle racks.

ARTICLE IV. Statement of Consistency with Comprehensive Plan and Reasonableness.

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

ARTICLE V. Severability.

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

ARTICLE VI. Effective Date.

This ordinance amendment shall be in full force and effect from and after the ___ day of _____, 201__.

_____

Mayor

ATTEST:

Date: _____

_____
Deputy Clerk

Vote: Ayes Nayes

APPROVED AS TO FORM:

_____
Town Attorney