



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: 3/14/2018 Filing Fee: \$500 Receipt No. _____ Application No. ZTA-18-05

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 5415 OBX LLC, Attn: Spiros Giannakopoulos (Applicant must be property owner by Town policy)

Address: 800 North Hughes Boulevard
Elizabeth City, NC 27909

Phone _____ Email spirosgiannakopoulos@yahoo.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: Southern Shores Martin's Point (Commercial only)

Address: 5415 N. Croatan Highway Zoning district C

Section B Block 53 Lot 5&6 Lot size (sq.ft.) 18,260

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

[Signature]
Signature

3-15-18
Date

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



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

Ordinance 2018-05-02

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:

PART I. That Section 36-57 [Definitions of specific terms and words] be amended as follows:

Town of Southern Shores, NC

Ordinance 2018-05-02

Page 1 of 5

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

3 The following words, terms and phrases, when used in this chapter, shall have the
4 meanings ascribed to them in this section, except where the context clearly indicates a
5 different meaning:
6

7 Drive-through facility or establishment (large) means a customer service facility
8 located on a lot greater than or equal to 2.5 acres within the principal structure, which is
9 intended to enable the customer to transact business with a customer service person
10 located within the principal structure without exiting the motor vehicle. It is presumed
11 that the motor vehicle exits the premises immediately upon the transaction of business.
12

13 Drive-through facility or establishment (small) means a customer service facility
14 located on a lot less than 20,000 square feet within the principal structure, which serves
15 items over a general service counter for the customer to carry to a small seating area, to a
16 motor vehicle, or off-premises.
17

18 *Restaurant* means a business engaged in the service of food and beverages to
19 patrons seated inside a building, on a deck as delineated in a site plan approved by the
20 town or in a vehicle at a drive-through facility. To qualify as a restaurant, an
21 establishment shall have all the following:

- 22 (1) A food preparation area occupying at least 20 percent of the gross square
23 footage of the establishment;
- 24 (2) At least 75 percent of all customer seats designated for either fast casual or
25 full-service, full-menu, dining; and
- 26 (3) No more than 15 percent of the total square footage of the establishment
27 devoted to the following permitted accessory entertainment uses,
28 including and limited to; dance floor, stage, live performance and disc
29 jockey areas. Accessory entertainment uses referenced in this definition
30 shall be permitted in a restaurant provided these uses are clearly
31 subordinate in area, extent, hours of operation, and purpose to areas
32 designated for food preparation, service, and consumption.
33

34 **PART II.** That Section 36-163 [Off-street parking requirements] be amended as follows:
35

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

37 (3) *Minimum parking requirements.*

38 c. *Retail and office uses.*

- 39 1. Animal hospitals: five spaces per veterinarian, plus one space for each
40 employee, but not less than 16 spaces.
- 41 2. Funeral home: one parking space for each four seats in the chapel or
42 parlor.
- 43 3. Garden center/nursery: one space for every 500 square feet of outdoor
44 retail display area.

- 1 4. General or professional offices, banks (doctors and dentists, see clinic
2 requirements): one parking space for each 300 square feet of gross floor
3 space, plus one space for each two employees.
- 4 5. Grocery or appliance stores: one parking space for each 500 square feet
5 of gross floor area.
- 6 6. Municipal building: one parking space for each 200 square feet of net
7 office area, plus one space for each two seats in municipal council
8 chambers.
- 9 7. Municipal complex: one parking space for each 200 square feet of
10 gross floor space.
- 11 8. Restaurant: one parking space for each three customer seats, plus one
12 additional parking space for each employee.
- 13 9. Retail uses not otherwise listed: one parking space for each 300 square
14 feet of floor area.
- 15 10. Theaters: one parking space for each three seats.
- 16 11. Nonprofit entities: a minimum of three parking spaces shall be
17 provided.
- 18 12. Drive-through facility or establishment (small): one parking space for
19 each three customer seats, plus one additional parking space for each
20 employee.

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

- 22 1. Trucks, trailers, semitrailers, (self-propelled or detached) and
23 prefabricated cargo shipping containers or similar containers shall not
24 be used as a storage or other type of accessory structure in any zoning
25 district.
- 26 2. Nothing in this section shall apply to any vehicle stored in compliance
27 with applicable town codes. This regulation shall not be interpreted to
28 prohibit the timely unloading and loading of commercial trailers in any
29 district.

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

35
36 **PART III.** That Section 36-207 [C general commercial district] be amended as follows:
37 **Sec. 36-207. C general commercial district.**

38
39 (c) *Conditional uses.* The following uses shall be permitted as a conditional use,
40 subject to the requirements of this district; shall be subject to conditions and

1 modifications relating to impacts on adjacent properties, transportation and
2 transportation systems, transportation interconnectivity, stormwater, utilities and
3 telecommunications facilities (including capacity), vegetation and other elements of the
4 natural environment, noise, hours of operation, and other factors that the town council
5 finds applicable; and additional regulations and requirements imposed by the town
6 council, as provided in article X of this chapter:

- 7
- 8 (1) Restaurants without a drive-through facility or with a drive-through
9 facility, provided:
- 10 a. Restaurants with a drive-through facility shall not exceed 2,500
11 square feet.
- 12 b. The location of the drive-through facility is a minimum of 100'
13 from any residentially zoned property.
- 14 c. It allows for stacking of a minimum of six (6) cars.
- 15
- 16 (2) Drive-through facility or establishment (small), provided:
- 17 a. Drive-through facility or establishment (small) shall not exceed
18 2,500 square feet.
- 19 b. The location of the drive-through facility is a minimum of 100'
20 from any residentially zoned property.
- 21 c. It allows for stacking of a minimum of six (6) cars.
- 22 d. Lot shall have frontage along US Hwy 158.
- 23

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

26

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

32

33 **ARTICLE V. Severability.**

34

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

40

41 **ARTICLE VI. Effective Date.**

42

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

45

46

1
2
3
4
5
6
7
8
9
10
11
12
13
14

ATTEST:

Deputy Clerk

APPROVED AS TO FORM:

Town Attorney

Mayor

Date: _____

Vote: Ayes Nays