



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: 4/20/18 Filing Fee: \$200 Receipt No. N/A Application No. ZTA-18-07

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 252-2394 Email info@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 Zoning Ordinance

W. W. Hadd
Signature

4-20-18
Date

* Attach supporting documentation.



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Ordinance 2018-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. § 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 density of population and 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-371 et seq. the Town may enact and amend ordinances regulating the subdivision of land within its territorial jurisdiction; and

WHEREAS, prior to the incorporation of the Town, many lots were created within its jurisdiction that have become nonconforming due to their lack of sufficient lot width and area. Over time the character and density of the Town have been developed such that many of these smaller nonconforming lots were built upon as if they were combined with one another. In recent years, the Town has seen a trend towards redevelopment of such informally combined parcels to the ends of breaking them back into the smaller nonconforming lots and building dwellings upon the nonconforming lots. Such redevelopment is inconsistent with the low density character of the Town; and

WHEREAS, the Town desires to manage the development of the Town in a manner which maintains the low density character of the Town and requires formal recombination of lots to current Town standards toward a goal of reducing the existence of nonconforming lots. Similarly, the Town desires to allow for existing nonconforming lots that are not otherwise adjacent to lots owned by the same person or entity to be developed rather than vacant and unusable; 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.

1 For purposes of this ordinance amendment, underlined words (underline) shall be
2 considered as additions to existing Town Code language and strikethrough words
3 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
4 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
5 (“...”) shall remain as they currently exist within the Town Code.

6
7 **ARTICLE III. Amendment of Zoning Ordinance.**

8
9 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
10 Shores, North Carolina, that the Town Code shall be amended as follows:

11
12 **PART I.** That subsection (a) of **Sec. 36-132 Regulation of structures and uses** be
13 replaced in its entirety with the following:

14
15 (a) *Nonconforming lots of record.*

16
17 (1) In any district in which single-family dwellings are permitted, a single-family
18 dwelling and customary accessory building may be erected on any single lot not
19 under the same ownership as any adjacent lot and which met all legal requirements
20 at the time of its creation and recording in the Dare County public registry. All
21 applicable dimensional requirements other than lot area and lot width shall be met
22 for development or redevelopment of such a lot except that a lot having a lot width
23 of fifty (50) feet or less may use a side yard setback of ten (10) feet.

24
25 (2) All adjacent lots under the same ownership shall be recombined into a single lot
26 or multiple lots which all meet the minimum requirements for the district in which
27 such lots are located if any of the following situations apply:

28
29 a. Development is proposed upon land under the same ownership which
30 includes one or more nonconforming lots adjacent to one or more other lots
31 under the same ownership;

32
33 b. Demolition or redevelopment exceeding 50% of an existing structure’s
34 value is proposed and any portion of the existing structure or associated use
35 is located on two or more lots under the same ownership; or

36
37 c. Development is proposed of a new structure or use to be located on two
38 or more lots under the same ownership.

39
40 A plat prepared by a North Carolina licensed surveyor showing the recombination
41 shall be recorded in the Dare County public registry, and a copy of the
42 recorded plat shall be provided to the Town prior to the issuance of a zoning or
43 building permit for development or redevelopment upon any of the newly created
44 lots. Lots created by a recombination required by this section shall be deemed to
45 equal or exceed the standards of the Town under Chapter 30, and are exempt from
46 the subdivision process under Chapter 30.

1
2 (3) For the purposes of this section, the determination of whether lots are under the
3 same ownership shall construe ownership broadly to effectuate the purposes of the
4 section. Land and lots under the same ownership shall include, but not be limited
5 to:
6

7 a. ownership by the same person or business entity,

8
9 b. ownership by a group of persons or business entities or a subset of such
10 a group;
11

12 c. ownership by a parent or subsidiary business entity; and

13
14 d. ownership by separate business entities which are under the direction and
15 control of the same persons or business entities.
16

17 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
18 **Reasonableness.**

19
20 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
21 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
22 is applicable. For all of the above-stated reasons and any additional reasons supporting the
23 Town's adoption of this ordinance amendment, the Town considers the adoption of this
24 ordinance amendment to be reasonable and in the public interest.
25

26 **ARTICLE V. Severability.**

27
28 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
29 hereby repealed. Should a court of competent jurisdiction declare this ordinance
30 amendment or any part thereof to be invalid, such decision shall not affect the remaining
31 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
32 Town of Southern Shores, North Carolina which shall remain in full force and effect.
33

34 **ARTICLE VI. Effective Date.**

35
36 This ordinance amendment shall be in full force and effect from and after the ____ day of
37 _____, 2018.
38

39
40
41 _____, Mayor
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43
44 ATTEST:
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Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: AYES NAYS