



Town of Southern Shores

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AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the “Town”) is a predominately single-family residential community for families and retirees, as well as a vacation destination for seasonal visitors who rent single-family dwellings; and

WHEREAS, The Town is a quiet seaside residential community comprised primarily of small low density neighborhoods consisting of single family homes primarily on large lots (i.e., at least 20,000 sq ft); and

WHEREAS, the Town has long desired to maintain its low density residential character by not permitting large oversized homes, increased commercial development and increased density. The Town recognizes that increases in density increase the need for public services related to safety, fire prevention, water supply, schools and traffic congestion; and

WHEREAS, the Town recognizes that a growing trend on the Outer Banks and other coastal areas in North Carolina and nationally, is to construct large buildings on residentially zoned properties which purport to be single-family dwellings, but which are often designed for and after construction and permitting advertised, maintained and used as vacation rentals or event facilities for large numbers of people; and

WHEREAS, pursuant to North Carolina General Statutes § 160A-174 the Town may 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 may define and abate nuisances; and

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, 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

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2 **WHEREAS**, pursuant to N.C.G.S. § 160A-383, the Town may use zoning
3 regulations to provide adequate light and air; to prevent the overcrowding of land; to
4 avoid undue concentration of population; to lessen congestion in the streets; to secure
5 safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision
6 of transportation, water, sewerage, schools, parks, and other public requirements. In
7 doing so, the Town may take into account the character of the Town’s zoning districts
8 and their peculiar suitability for particular uses with a view to conserving the value of
9 buildings and encouraging the most appropriate use of land throughout the Town; and

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11 **WHEREAS**, 2015 N.C. Sess. Law 86 made substantial changes to the text of
12 N.C.G.S. § 160A-381(h) which limited the Town’s authority to regulated “building
13 design elements.” In particular, the changes to N.C.G.S. § 160A-381 prohibit the Town
14 from regulating density or use of residential structures through restrictions on the number
15 of bedrooms as the Town has historically regulated such density. These changes require
16 that the Town’s Zoning Ordinance be updated accordingly; and

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18 **WHEREAS**, the Town finds that in order to effectively regulate the density of
19 population within the Town following the adoption of 2015 N.C. Sess. Law 86 the Town
20 must regulate the size and bulk of residential structures within its jurisdiction; and

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22 **WHEREAS**, the Town finds that having a reasonable maximum size limitation of
23 single-family dwellings of 6,000 sq. ft. and providing additional regulation of single-
24 family dwellings between 4,000 sq. ft. and 6,000 sq. ft. is a fair and equitable balancing
25 of the Town’s interests to regulate size and population density and to maintain the
26 historical and residential character of developed areas of Town compared with property
27 owners’ interests in using their property for residential purposes; and

28
29 **WHEREAS**, the Town finds that such regulation will not result in a decrease in
30 value of buildings and lands within the Town and is consistent with the Town’s unique
31 single-family residential nature and character; and

32
33 **WHEREAS**, the Town further finds that in accordance with the findings above it
34 is in the interest of and not contrary to the public's health, safety, morals and general
35 welfare for the Town to amend the Town’s Zoning Ordinance and Town Code of
36 Ordinances as stated below.

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38 **ARTICLE II. Construction.**

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

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46 **ARTICLE III. Amendment of Zoning Ordinance.**

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2 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
3 Shores, North Carolina, that the Town Code shall be amended as follows:
4

5 **PART 1. That Sec 36-209. RSOF-1 single-family ocean front overlay residential**
6 **district.** be added as follows:
7

8 (a) Intent. The RSOF-1 district is established to provide for the low-density
9 development of single-family detached dwellings in an environment which
10 preserves sand dunes and other unique natural features of the oceanfront area of
11 the Town. The district is intended to promote stable, permanent neighborhoods
12 characterized by low vehicular traffic flows, abundant open space, and low impact
13 of development on the natural environment and adjacent land uses. The district is
14 also intended to promote the continued use of single-family detached dwellings as
15 rental homes for vacationing tourists in a manner consistent with historical and
16 residential character of developed areas of the Town.
17

18 (b) Permitted Uses. The uses permitted within the RS-1 zoning district by right shall
19 be permitted by right.
20

21 (c) Conditional Uses. The uses permitted as conditional uses in the RS-1 zoning
22 district shall be permitted as conditional uses using the standards and
23 requirements of the RS-1 zoning district.
24

25 (d) Dimensional Requirements. The dimensional requirements and analysis of the
26 RS-1 zoning district shall apply except the following requirements shall apply to
27 all single-family dwellings:
28

29 (1) Impervious pavement side yard (setback): 10 feet.
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31 And the following shall apply to single-family dwellings having greater than
32 4,000 sq. ft. of enclosed living space and not having greater than the 6,000 sq. ft.
33 maximum enclosed living space allowed within the RS-1 district:
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35 (2) Minimum front yard (setback): 50 feet.

36 (3) Minimum side yard (setback): 25 feet.

37 (4) Impervious pavement side yard (setback): 15 feet.

38 (5) Maximum allowable lot coverage: 25 percent.

39 (6) Height: 28 feet.
40

41 (e) Refuse/Recycling Receptacle Area: A fenced area hidden from view of the public
42 but accessible to users of the property shall be provided in a sufficient size to
43 enclose and contain the number of trash receptacles required by Town Code Sec.
44 26-6.
45

1 (f) Landscaping Buffer Requirements. The following landscape buffering
2 requirements shall apply:
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- 4 (1) Along the front property line, a single row of plantings 10 feet wide shall
5 be planted and maintained.
- 6 (2) Along the side property line of a structure having no greater than 4,000 sq.
7 ft. of enclosed living space, a single row of plantings 10 feet wide shall be
8 planted and maintained.
- 9 (3) Along the side property line of a structure having greater than 4,000 sq. ft.
10 of enclosed living space, a double staggered row of plantings 15 feet wide
11 shall be planted and maintained.
- 12 (4) All plantings shall be of a species that is known to adapt to and survive in
13 local conditions.

14
15 (g) Parking Requirements. In addition to the parking requirements of Sec. 36-163, the
16 following shall apply to all parking areas within the district:
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- 18 (1) Parking spaces shall be 10 feet by 20 feet.
- 19 (2) All parking spaces shall be adjacent to a two way 18 feet wide (minimum)
20 drive aisle.
- 21 (3) No stacked parking shall be allowed.

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23
24 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
25 **Reasonableness.**

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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, any reasons stated during the meetings
30 at which this ordinance amendment was considered and any additional reasons
31 supporting the Town's adoption of this ordinance amendment, the Town considers the
32 adoption of this ordinance amendment to be reasonable and in the public interest.
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34 **ARTICLE V. Severability.**

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

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44 This ordinance amendment shall be in full force and effect from and after the ____ day of
45 _____, 2018.
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_____,
Tom Bennett, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: ___AYES___NAYS