



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: 9/20/19 Filing Fee: \$200 Receipt No. N/A Application No. ZTA-19-02

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 Trail
Southern Shores, NC 27949
Phone 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 Zoning Ordinance

Whaskett
Signature

9-20-19
Date

* Attach supporting documentation.



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10-9-19 ZTA-19-02

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:

1 **PART I.** That **Town Code Sec. 36-57** be amended as follows:

2 ...

3
4 Fill material means material that is of substantially similar composition to the
5 soils present on the lot being filled and shall not include debris, organic
6 material, or be finished with soils or materials that will adversely affect the
7 absorption of precipitation. Materials for landscaping shall not be included in
8 this definition.

9
10 **PART II.** That **Town Code Sec. 36-171** be amended as follows:

11 ...

12
13 (1) All applications for lot disturbance and stormwater management shall be
14 accompanied by a survey and site plan of the proposed improvements prepared
15 by a state licensed professional surveyor, engineer, architect or other person duly
16 authorized by the state to prepare such plans showing the actual dimensions and
17 shape of the lot, and showing the surveyed pre-disturbance ground elevation at
18 the corners of the proposed structure referenced to mean sea level. The application
19 shall also describe the disturbance or development activity which is proposed for
20 the lot. The application and accompanying survey shall be sufficiently detailed
21 for the zoning administrator to confirm that following construction of the
22 proposed improvements the property will retain all stormwater generated by a one
23 and one-half inch rain event and will not adversely affect any stormwater
24 management system previously constructed by the town or on adjacent properties.
25 No fill material may be re-distributed or placed on a lot in the rear or side setback
26 areas unless the final horizontal-to-vertical slope is equal to or less than 3:1. This
27 shall be calculated from the finished final grade to the rear and side property lines.
28 The burden shall be on the applicant to make such a showing, and the zoning
29 administrator, in his discretion, may request reasonable additional information to
30 make a decision on the application.

31
32 **PART III.** That **Town Code Sec. 36-202, (d), (7)** be replaced in its entirety with the
33 following:

34 ...

35
36 (7) Height.

37 a. Maximum building height shall be 35 feet, measured from the average of the
38 existing, undisturbed grade at the building corners. If the average of the
39 existing, undisturbed grade at the corners of the building is less than 8 feet
40 above mean sea level, the maximum building height may be measured from
41 up to 8 feet above mean sea level.

42
43 **PART IV.** That **Town Code Sec. 36-203, (d), (7)** be replaced in its entirety with the
44 following:

1 ...

2

3 (7) Height.

- 4 a. Maximum building height shall be 35 feet, measured from the average of the
- 5 existing, undisturbed grade at the building corners. If the average of the
- 6 existing, undisturbed grade at the corners of the building is less than 8 feet
- 7 above mean sea level, the maximum building height may be measured from
- 8 up to 8 feet above mean sea level.

9

10 **PART V.** That **Town Code Sec. 36-204, (d), (7)** be replaced in its entirety with the
11 following:

12 ...

13

14 (7) Height.

- 15 a. Maximum building height shall be 35 feet, measured from the average of the
- 16 existing, undisturbed grade at the building corners. If the average of the
- 17 existing, undisturbed grade at the corners of the building is less than 8 feet
- 18 above mean sea level, the maximum building height may be measured from
- 19 up to 8 feet above mean sea level.

20

21 **PART VI.** That **Town Code Sec. 36-206, (d), (7)** be amended as follows:

22 ...

23

24 (7) Height:

- 25 a. Maximum building height shall be 35 feet, measured from the average of the
- 26 existing, undisturbed grade at the building corners. If the average of the
- 27 existing, undisturbed grade at the corners of the building is less than 8 feet
- 28 above mean sea level, the maximum building height may be measured from
- 29 up to 8 feet above mean sea level.

30

31 **PART VII.** That **Town Code Sec. 36-207, (d), (6)** be replaced in its entirety with the
32 following:

33 ...

34

35 (6) Height:

- 36 a. ~~For uses other than a bank:~~
- 37 1. ~~Height, top plate, shall be 26 feet.~~
- 38 2. ~~Height, maximum, shall be 35 feet.~~
- 39 a. Maximum building height shall be 35 feet, measured from the average of the
- 40 existing, undisturbed grade at the building corners. If the average of the

1 existing, undisturbed grade at the corners of the building is less than 8 feet
2 above mean sea level, the maximum building height may be measured from
3 up to 8 feet above mean sea level.

4 b. For bank use:

5 1. ~~Height, top plate, shall be 26 feet.~~

6 2. ~~Height, maximum,~~ Maximum building height shall be 35 feet with the
7 exception of a single decorative cupola or ornamental watch tower that
8 extends up to 15 feet above the roofline of the building, provided that it
9 does not exceed 12 feet in width on any side or 144 square feet in cross
10 section, is purely decorative in nature, and cannot be used for storage or
11 occupancy.

12 i. Banks with decorative cupolas or ornamental watch towers shall
13 have street frontage on U.S. Hwy. 158 and shall not be located in
14 the Martins Point ETJ Area.

15
16 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
17 **Reasonableness.**

18
19 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
20 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
21 is applicable. For all of the above-stated reasons and any additional reasons supporting
22 the Town's adoption of this ordinance amendment, the Town considers the adoption of
23 this ordinance amendment to be reasonable and in the public interest.

24
25 **ARTICLE V. Severability.**

26
27 All Town ordinances or parts of ordinances in conflict with this ordinance amendment
28 are hereby repealed. Should a court of competent jurisdiction declare this ordinance
29 amendment or any part thereof to be invalid, such decision shall not affect the remaining
30 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
31 Town of Southern Shores, North Carolina which shall remain in full force and effect.

32
33 **ARTICLE VI. Effective Date.**

34
35 This ordinance amendment shall be in full force and effect from and after the ___ day of
36 _____, 2019.

37
38
39
40 _____
41 Mayor

42 ATTEST:

43 Date: _____
44 _____

