



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.go

FEBRUARY 5, 2019

COUNCIL MEETING-5:30 P.M.-PITTS CENTER

1. Opening
 - A. Call Meeting to Order (all citizens interested in offering Public Comment are reminded to sign up.)
 - B. Pledge of Allegiance
 - C. Moment of Silence
 - D. Amendments to / Approval of Agenda
 - E. Consent Agenda **TAB 1**
 1. Council Meeting Minutes – January 8, 2019
 2. Surplus Resolution #2019-02-01

2. Requested by Mayor Bennett - Presentation by Willo Kelly, CEO, Outer Banks Assn. of Realtors, "Possible Homeowners Insurance Rate Increase"

3. Staff Reports
 - A. Deputy Town Manager/Planning Director
 - B. Police Chief
 1. Presentation - Master Patrol Officer Eddie McKeever Advanced LE Cert
 2. Employee Introduction - Patrol Officer Zach Eanes
 - C. Fire Chief, Southern Shores Volunteer Fire Department
 - D. Town Manager's Report
 - E. Town Attorney's Report

4. General Public Comment (Limit: 3 minutes per speaker.)

(Note: All matters heard or considered by the Council are subject to possible action by the Council.)

5. Old Business
 - A. Public Hearing for consideration of ZTA-18-09, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Southern Shores Town Code by amending Section 36-132, Regulation of Structures and Uses Nonconforming. **TAB 2**
 1. Report of Planning Board Recommendation – Chairwoman Morey

5. Old Business
 - B. Public Hearing for consideration of ZTA-18-10, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Southern Shores Town Code by adding Sec 36-209, RSOF-1 Single-family Ocean Front Overlay Residential District. **TAB 3**
 1. Report of Planning Board Recommendation – Chairwoman Morey

6. New Business
 - A. Requested by Town Manager - Juniper Trail Cap. Improvement Update and Recent Damage Repair Options **TAB 4**
 - B. Requested by Town of Manteo Board of Commissioners - Resolution for naming Bonner Bridge replacement **TAB 4**
 - C. Requested by Planning Board - Approval of Planning Board's Election of Officers [Town Code Sec. 24-24] **TAB 5**
 - D. Requested by Councilman McDonald - "Coyotes in Southern Shores"

7. General Public Comment (Limit: 3 minutes per speaker.)

8. Other Business
 - A. Mayor's Comments & Responses
 - B. Council Member's Comments & Responses

9. Adjourn



Town of Southern Shores
Regular Council Meeting
January 8, 2019

The Town of Southern Shores Town Council met in the Pitts Center located at 5377 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, January 8, 2019.

COUNCIL MEMBERS PRESENT: Mayor Bennett, Mayor pro tem Chris Nason and Council Members Fred Newberry, Jim Connors and Gary McDonald.

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Town Attorney Ben Gallop, Town Manager Peter Rascoe and Town Clerk Sheila Kane

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a moment of silence.

AMENDMENTS / APPROVAL OF AGENDA

MOTION: Councilman McDonald moved to approve the January 8, 2019 agenda as presented. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0).

CONSENT AGENDA

The consent agenda consisted of the following items:

- o Council Meeting Minutes – December 11, 2018

MOTION: Councilman McDonald moved to approve the consent agenda as amended. The motion was seconded Mayor pro tem Nason. The motion passed unanimously (5-0).

PRESENTATION

Tim Sweeney, Dean of the College of the Albemarle-Dare County Campus, gave a presentation on certification pathways offered to High School Students and the Community.

44 **STAFF REPORTS**

45 The following Department Heads presented Department reports for the month:

- 46 ○ Town Planner Wes Haskett presented the Planning Department's monthly report for
- 47 December. CodeWright will hold a public forum on the Town Code Update Project
- 48 January 31, 2019 from 5:30-7:00 p.m. The Planning Board's next meeting is January
- 49 22nd.
- 50 ○ Police Chief David Kole presented his Department's monthly report for December.
- 51 ○ Fire Chief Limbacher presented the Fire Department's monthly report for December and
- 52 reported demo on the Fire Department was set to start.
- 53 ○ The Town Manager presented the Manager's report on operations highlights:
 - 54 ○ Town Parking passes are now available at Town Hall and are good through 2020.
 - 55 ○ The CIIP Committee will be meeting on January 30th at 2:00 pm in the Pitts
 - 56 Center.
 - 57 ○ Juniper Trail road improvement was just completed but a 25 x 20-foot section
 - 58 has been damaged by boring. An insurance claim has been filed with the
 - 59 responsible subcontractor.
 - 60 ○ Yaupon Trail road improvement project has created an increased land area, now
 - 61 providing room for a turnaround
 - 62 ○ The Council-approved beach vulnerability study is complete and viewable online
 - 63 at the Town's website and will be on the February 26th Council agenda.
 - 64 ○ The Council-approved Facilities Assessment will also be briefed at the February
 - 65 26th Council meeting.
- 66 ○ Town Attorney Gallop had nothing to report.

67
68 **PLANNING BOARD REPORT**

69 Elizabeth Morey gave a brief report of ongoing deliberations of the Planning Board regarding a
70 ZTA addressing large homes. She confirmed, no recommendation by the Planning Board on
71 either ZTA is being formally reported to the Council tonight.

72
73 **GENERAL PUBLIC COMMENT**

74 Mayor Bennett called for public comment and the following citizens offered comment:

- 75 1. Patricia Farinholt-69 Ocean Blvd-lives across from Mr. Love's property which was
- 76 vandalized, and she has great respect for her neighbor. Fully supports the Planning
- 77 Department. The Town is in good hands.

78
79 **OLD BUSINESS**

80 None

81
82 **NEW BUSINESS**

83 **PLANNING BOARD APPOINTMENT**

84 **MOTION:** Councilman McDonald moved to nominate Ed Lawler to serve on the Planning
85 Board. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (4-
86 1) with Mayor Bennett, Mayor pro tem Nason, Councilman Newberry and Councilman
87 McDonald voting affirmative; Councilman Connors opposed

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Next Agenda Item

PROPOSED CHANGES TO THE DOMINION ENERGY LOAD BALANCING PROJECT IN SOUTHERN SHORES- LUCIAN GREGORY, DOMINION ENERGY PROJECT MANAGER

Lucian Gregory with Dominion Power gave a briefing on project 409F. In order to avoid installing a 60ft pole, Dominion Power is asking for an easement granting additional Town Right of Way, placing lines underground.

MOTION: Councilman McDonald moved to approve the easement upon the Town Attorney’s review. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0).

Next Agenda Item

RESOLUTION 2019-01-01- RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA REQUESTING THE NORTH CAROLINA GENERAL ASSEMBLY TO CONSIDER ADOPTION OF CERTAIN LEGISLATION RELATING TO REGULATING THE DENSITY OF POPULATION AND OCCUPANCY BY LIMITING THE NUMBER OF BEDROOMS IN ONE- AND TWO-FAMILY STRUCTURES WITHIN THE TOWN’S JURISDICTION

Mayor Bennett stated this was a resolution requesting the North Carolina General Assembly to consider adoption of certain legislation relating to regulating the density of population and occupancy by limiting the number of bedrooms in one- and two-family structures within the town’s jurisdiction. This was a consideration that he has brought forth to Council previously.

MOTION: Mayor Bennett moved to adopt Resolution 2019-01-01 *Resolution Of The Town Council Of The Town Of Southern Shores, North Carolina Requesting The North Carolina General Assembly To Consider Adoption Of Certain Legislation Relating To Regulating The Density Of Population And Occupancy By Limiting The Number Of Bedrooms In One- And Two-Family Structures Within The Town’s Jurisdiction.* The motion was seconded by Councilman Conners. The motion passed unanimously (5-0).

GENERAL PUBLIC COMMENT

Mayor Bennett again called for public comment and no citizen spoke.

MAYOR COMMENTS & COUNCIL COMMENTS

Mayor Bennett and Council had no other comments.

ADJOURN

MOTION: Councilman McDonald moved to adjourn the meeting. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0). The times was 6:42 p.m.

ATTEST:

Thomas G. Bennett, Mayor

Respectfully submitted,

Sheila Kane, Town Clerk



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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Resolution #2019-02-01

A RESOLUTION DECLARING CERTAIN PROPERTY OF THE TOWN TO BE SURPLUS AND AUTHORIZING THE DISPOSITION OF SAID PROPERTY

WHEREAS, the Town Council of the Town of Southern Shores, North Carolina, has determined that the Town owns certain personal property that is no longer needed or usable by the Town; and

WHEREAS, the property is described below:

Surplus Property Information

Make	Model	Year	Department	V.I.N. / Description
FORD	CROWN VIC	2011	POLICE	2813
DODGE	CHARGER	2011	POLICE	0480
Motorola	XTL2500	2009	POLICE	Mobil Radio 0774
Motorola	XTL2500	2009	POLICE	Mobil Radio 7786

NOW, THEREFORE, BE IT RESOLVED by the Southern Shores Town Council that the Town Manager or his designee are hereby authorized to dispose of the aforementioned property by any means allowable to include offering for sale at public auction, donation to a nonprofit organization, internet on-line offering, private negotiation and sale, upset bid process, or destruction.

AND BE IT FURTHER RESOLVED that property described in this resolution is surplus as of February 5, 2019.

ATTEST:

Thomas G. Bennett, Mayor

Sheila Kane, Town Clerk



Town of Southern Shores Police Department

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-3331 / Fax 252-261-4851
infopd@southernshores-nc.gov
www.southernshores-nc.gov



David M. Kole
Chief of Police

January 15, 2019 Amended 01/28/2019

To: Town Manager Peter Rascoe
From: Chief of Police David M. Kole
Subject: Police Dept. Surplus Property

The following list of police department property is no longer needed and/or usable by the police department. I request that said property be declared surplus in accordance with all General Statutes and Town Ordinances.

Description	Make	Model	Year	Condition	Est Value	Ser Vin No#	Mileage
Police Vehicle	Ford	Crown Vic	2011	Fair	\$3000.00	2813	80,000
Police Vehicle	Dodge	Charger	2011	Fair	\$3500.00	0480	89,000
Mobil Radio	Moto	XTL2500	2009	Good	\$250.00	0774	
Mobil Radio	Moto	XTL2500	2009	Good	\$250.00	7786	

NOTE Police Vehicles include emergency equipment (lights, siren, control console, in-car camera, push-bar, cage, rifle rack, etc.)

Respectfully submitted by,

David M. Kole
Chief of Police

STAFF REPORT

To: Southern Shores Town Council
Date: January 30, 2019
Case: ZTA-18-09
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores

Requested Action: Amendment of the Town Zoning Ordinance by amending Section 36-132, Regulation of Structures and Uses Nonconforming

ANALYSIS

Town Staff is proposing to amend the Town Zoning Ordinance by amending Section 36-132, Regulation of Structures and Uses Nonconforming. The purpose of the ZTA is to further address the sale and development of legally nonconforming lots as established in ZTA-18-07 which was adopted by Council on September 5, 2018. Following adoption and by consensus of Council, ZTA-18-07 was referred to the Planning Board for further consideration and recommendation. At the September 17, 2018 Planning Board meeting, the Planning Board agreed that further amendment of the language adopted in ZTA-18-07 was necessary in order to address scenarios which involve a nonconforming lot adjacent to two nonconforming lots that contain a single-family dwelling based on public comments.

At the December 17, 2018 Planning Board meeting, the Planning Board agreed that further amendment of the language adopted in ZTA-18-07 was necessary in order to address scenarios where a nonconforming adjacent to a conforming lot that was recombined within the last few years with the intent of complying with the Town Code. Finally, at the January 22, 2019 Planning Board meeting, the Board agreed that the proposed language should address single nonconforming lots adjacent to single conforming lots that are not adjacent to any other land under the same ownership. The Planning Board's recommended version of ZTA-18-09 (ZTA-18-09 PB) would allow for the development of a nonconforming lot that is not under the same ownership as any adjacent lot or if the lot is located adjacent to land under the same ownership on which is located an existing single-family dwelling, and the adjacent land is made up of:

- no more than two lots all of which are nonconforming; or
- a single conforming lot not adjacent to any other land under the same ownership that was created after January 1, 2015 due to a recombination of two (2) previously nonconforming lots.

If a currently nonconforming single lot meets the requirements of subsection (a)(1)(i) or (ii) then the lot may be sold without being recombined with the remaining land if required by subsection (a)(2). The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density residential community

comprised of single family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

RECOMMENDATION

Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan and the Town Planning Board recommended approval (4-1) of the ZTA (ZTA-18-09 PB) at its January 22, 2019 meeting.



Town of Southern Shores

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ORIGINAL

PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 10/29/18 Filing Fee: \$200 Receipt No. N/A Application No. 27A-18-09

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 261-2394 Email whaseett@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

Whaseett
 Signature _____ Date 10-29-18

* Attach supporting documentation.



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Original
ZTA-18-09

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8 AN ORDINANCE AMENDING THE CODE OF ORDINANCES
9 OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA
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11 **ARTICLE I. Purpose(s) and Authority.**
12

13 **WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores
14 (the "Town") may enact and amend ordinances regulating the zoning and development of
15 land within its jurisdiction and specifically the density of population and the location and
16 use of buildings, structures and land. Pursuant to this authority and the additional
17 authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a
18 comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the
19 same as Chapter 36 of the Town's Code of Ordinances (the "Town Code"); and
20

21 **WHEREAS**, pursuant to N.C.G.S. § 160A-371 et seq. the Town may enact and
22 amend ordinances regulating the subdivision of land within its territorial jurisdiction; and
23

24 **WHEREAS**, prior to the incorporation of the Town, many lots were created
25 within its jurisdiction that have become nonconforming due to their lack of sufficient lot
26 width and area. Over time the character and density of the Town have been developed
27 such that many of these smaller nonconforming lots were built upon as if they were
28 combined with one another. In recent years, the Town has seen a trend towards
29 redevelopment of such informally combined parcels to the ends of breaking them back
30 into the smaller nonconforming lots and building dwellings upon the nonconforming lots.
31 Such redevelopment is inconsistent with the low density character of the Town; and
32

33 **WHEREAS**, the Town desires to manage the development of the Town in a
34 manner which maintains the low density character of the Town and requires formal
35 recombination of lots to current Town standards toward a goal of reducing the existence
36 of nonconforming lots. Similarly, the Town desires to allow for existing nonconforming
37 lots that are not otherwise adjacent to lots owned by the same person or entity to be
38 developed rather than vacant and unusable. The Town further desires that a
39 nonconforming lot which is adjacent to two or less nonconforming lots under the same
40 ownership that contain a single-family dwelling be developable and able to be sold
41 without requiring additional recombination; and
42

43 **WHEREAS**, the Town further finds that in accordance with the findings above it
44 is in the interest of and not contrary to the public's health, safety, morals and general
45 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of
46 Ordinances as stated below.

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2 **ARTICLE II. Construction.**

3
4 For purposes of this ordinance amendment, underlined words (underline) shall be
5 considered as additions to existing Town Code language and strikethrough words
6 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
7 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
8 (“...”) shall remain as they currently exist within the Town Code.
9

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

11
12 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
13 Shores, North Carolina, that the Town Code shall be amended as follows:
14

15 **PART I.** That subsection (a) of **Sec. 36-132 Regulation of structures and uses** be
16 replaced in its entirety with the following:
17

18 (a) *Nonconforming lots of record.*

19
20 (1) *Development and Sale of Certain Nonconforming Lots without*
21 *Recombination:* In any district in which single-family dwellings are permitted, a
22 single-family dwelling and customary accessory building may be erected on any
23 ~~currently nonconforming single lot not under the same ownership as any adjacent~~
24 ~~lot and~~ which met all legal requirements at the time of its creation and recording
25 in the Dare County public registry if: (i) the lot is not under the same ownership
26 as any adjacent lot; or (ii) the lot is located adjacent to land under the same
27 ownership on which is located an existing single-family dwelling, and the
28 adjacent land is made up of no more than two lots all of which are
29 nonconforming. All applicable dimensional requirements other than lot area and
30 lot width shall be met for development or redevelopment of such a lot except that
31 a lot having a lot width of fifty (50) feet or less may use a side yard setback of
32 twelve (12) feet. If a currently nonconforming single lot is located adjacent to
33 land under the same ownership on which is located an existing single-family
34 dwelling, and the adjacent land is made up of no more than two lots all of which
35 are nonconforming, then the lot may be sold without being recombined with the
36 remaining land if required by subsection (a)(2).
37

38 (2) *Recombination Required:* If any of the following situations apply, all adjacent
39 lots under the same ownership shall be recombined into: (i) a single lot which
40 may or may not meet the minimum requirements for the district in which such lots
41 are located; or (ii) multiple lots which all meet the minimum requirements for the
42 district in which such lots are located:
43

44 a. Development is proposed upon land ~~under the same ownership~~ which
45 includes one or more nonconforming lots adjacent to one or more other
46 lots under the same ownership;

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b. Demolition or redevelopment exceeding 50% of an existing structure's value is proposed and any portion of the existing structure or associated use is currently or has been within the previous seven (7) years located upon or occurring on two or more lots under the same ownership, as measured from the time of application;

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

d. Prior to the sale or transfer of land when any portion of the land being sold or transferred was a parcel or part of a parcel of land upon which an existing structure or associated use is currently or has been within the previous seven (7) years located upon or occurring on two or more lots under the same ownership, as measured from the time of application; or

e. Prior to the sale or transfer of land including a nonconforming lot or lots adjacent to one or more other lots under the same ownership;

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

(3) For purposes of this subsection (a), the term "same ownership" shall be construed broadly to effectuate the reduction of nonconforming lots within the Town. Land and lots under the same ownership shall include, but not be limited to, any of the following or any combination of the following:

a. A lot is owned, in whole or in part, by an individual and another lot is owned by the same individual or by an Affiliate of the same individual; and/or,

b. A lot is owned, in whole or in part, by a legal entity and another lot is owned by the same legal entity or by an Affiliate of the same legal entity.

(4) For purposes of this subsection (a), the following definitions apply:

a. An "Affiliate" of an owner shall mean:

(i) In the case of an individual owner, a family member of the owner, or a legal entity controlled by the owner or a family member of the owner.

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(ii) In the case of a legal entity owner, an individual who controls the legal entity or their family member, ~~or~~ another legal entity controlled by the owner or controlled by a family member of any individual who controls the owner.

b. "Controlled" or "controls" shall mean the power, by ownership, operation of law or contract, whether exercised or not, directly or indirectly, actually or effectively, to operate, supervise, or manage a legal entity, or to appoint or elect the management of the legal entity, or to otherwise direct the operation, supervision or management of the legal entity.

c. "Family member" of an owner shall mean the owner's spouse, lineal descendants, siblings and parents whether related by blood or marriage.

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 _____, 2018.

_____, Mayor

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



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

Revised
Application No. 27A-18-09

Date: 10-29-18 Filing Fee: \$200 Receipt No. N/A Application No. 27A-18-09

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 261-2394 Email whaseff@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

Whaseff
Signature

10-29-18
Date

* Attach supporting documentation.



Town of Southern Shores

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Revised
ZTA-18-09

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. The Town further desires that a nonconforming lot which is adjacent to two or less nonconforming lots under the same ownership that contain a single-family dwelling be developable and able to be sold without requiring additional recombination; and

WHEREAS, the Town further desires that a nonconforming lot which is adjacent to a single conforming lot containing a single-family dwelling which was created after January 1, 2015 due to a recombination of two nonconforming lots under the same ownership be developable and able to be sold without requiring additional recombination

1
2 **WHEREAS**, the Town further finds that in accordance with the findings above it
3 is in the interest of and not contrary to the public's health, safety, morals and general
4 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of
5 Ordinances as stated below.

6
7 **ARTICLE II. Construction.**

8
9 For purposes of this ordinance amendment, underlined words (underline) shall be
10 considered as additions to existing Town Code language and strikethrough words
11 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
12 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
13 ("...") shall remain as they currently exist within the Town Code.

14
15 **ARTICLE III. Amendment of Zoning Ordinance.**

16
17 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
18 Shores, North Carolina, that the Town Code shall be amended as follows:

19
20 **PART I.** That subsection (a) of **Sec. 36-132 Regulation of structures and uses** be
21 replaced in its entirety with the following:

22
23 (a) *Nonconforming lots of record.*

24
25 (1) *Development and Sale of Certain Nonconforming Lots without Recombination:*
26 In any district in which single-family dwellings are permitted, a single-family
27 dwelling and customary accessory building may be erected on any currently
28 nonconforming single lot ~~not under the same ownership as any adjacent lot and~~
29 which met all legal requirements at the time of its creation and recording in the
30 Dare County public registry if:

- 31
32 (i) the lot is not under the same ownership as any adjacent lot; or
33
34 (ii) the lot is located adjacent to land under the same ownership on which is
35 located an existing single-family dwelling, and the adjacent land is made up
36 of:
37
38 a. no more than two lots all of which are nonconforming; or
39
40 b. a single conforming lot that was created after January 1, 2015 due to a
41 recombination of two (2) previously nonconforming lots.

42
43 If a currently nonconforming single lot meets the requirements of subsection
44 (a)(1)(i) or (ii) then the lot may be sold without being recombined with the
45 remaining land if required by subsection (a)(2) below. All applicable dimensional
46 requirements other than lot area and lot width shall be met for development or

1 redevelopment of such a lot except that a lot having a lot width of fifty (50) feet or
2 less may use a side yard setback of twelve (12) feet.

3
4 (2) Recombination Required: If any of the following situations apply, all adjacent
5 lots under the same ownership shall be recombined into: (i) a single lot which may
6 or may not meet the minimum requirements for the district in which such lots are
7 located; or (ii) multiple lots which all meet the minimum requirements for the
8 district in which such lots are located:

9
10 a. Development is proposed upon land ~~under the same ownership~~ which
11 includes one or more nonconforming lots adjacent to one or more other lots
12 under the same ownership;

13
14 b. Demolition or redevelopment exceeding 50% of an existing structure's
15 value is proposed and any portion of the existing structure or associated use
16 is currently or has been within the previous seven (7) years located upon or
17 occurring on two or more lots under the same ownership, as measured from
18 the time of application;

19
20 c. Development is proposed of a new structure or use to be located on two
21 or more lots under the same ownership;

22
23 d. Prior to the sale or transfer of land when any portion of the land being
24 sold or transferred was a parcel or part of a parcel of land upon which an
25 existing structure or associated use is currently or has been within the
26 previous seven (7) years located upon or occurring on two or more lots
27 under the same ownership, as measured from the time of application; or

28
29 e. Prior to the sale or transfer of land including a nonconforming lot or lots
30 adjacent to one or more other lots under the same ownership;

31
32 A plat prepared by a North Carolina licensed surveyor showing the recombination
33 shall be shall be recorded in the Dare County public registry, and a copy of the
34 recorded plat shall be provided to the Town prior to the issuance of a zoning or
35 building permit for development or redevelopment upon any of the newly created
36 lots. Lots created by a recombination required by this section shall be deemed to
37 equal or exceed the standards of the Town under Chapter 30, and are exempt from
38 the subdivision process under Chapter 30.

39
40 (3) For purposes of this subsection (a), the term "same ownership" shall be
41 construed broadly to effectuate the reduction of nonconforming lots within the
42 Town. Land and lots under the same ownership shall include, but not be limited to,
43 any of the following or any combination of the following:

44
45 a. A lot is owned, in whole or in part, by an individual and another lot is
46 owned by the same individual or by an Affiliate of the same individual;

1 and/or,

2
3 b. A lot is owned, in whole or in part, by a legal entity and another lot is
4 owned by the same legal entity or by an Affiliate of the same legal entity.
5

6 (4) For purposes of this subsection (a), the following definitions apply:
7

8 a. An "Affiliate" of an owner shall mean:
9

10 (i) In the case of an individual owner, a family member of the owner,
11 or a legal entity controlled by the owner or a family member of the
12 owner.
13

14 (ii) In the case of a legal entity owner, an individual who controls
15 the legal entity or their family member, ~~or~~ another legal entity
16 controlled by the owner or controlled by a family member of any
17 individual who controls the owner.
18

19 b. "Controlled" or "controls" shall mean the power, by ownership, operation
20 of law or contract, whether exercised or not, directly or indirectly, actually
21 or effectively, to operate, supervise, or manage a legal entity, or to appoint
22 or elect the management of the legal entity, or to otherwise direct the
23 operation, supervision or management of the legal entity.
24

25 c. "Family member" of an owner shall mean the owner's spouse, lineal
26 descendants, siblings and parents whether related by blood or marriage.
27

28 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
29 **Reasonableness.**
30

31 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
32 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
33 is applicable. For all of the above-stated reasons and any additional reasons supporting the
34 Town's adoption of this ordinance amendment, the Town considers the adoption of this
35 ordinance amendment to be reasonable and in the public interest.
36

37 **ARTICLE V. Severability.**
38

39 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
40 hereby repealed. Should a court of competent jurisdiction declare this ordinance
41 amendment or any part thereof to be invalid, such decision shall not affect the remaining
42 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
43 Town of Southern Shores, North Carolina which shall remain in full force and effect.
44

45 **ARTICLE VI. Effective Date.**
46

1 This ordinance amendment shall be in full force and effect from and after the ____ day of
2 _____, 2019.

3
4
5 _____, Mayor
6

7
8 ATTEST:

9
10
11 _____
12 Town Clerk

13
14 APPROVED AS TO FORM:

15
16
17
18 _____
19 Town Attorney

20
21 Date adopted:

22
23 _____
24 Motion to adopt by Councilmember:

25 _____
26 Motion seconded by Councilmember:

27
28
29
30

Vote: __AYES__NAYS



Town of Southern Shores

PB

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: 1-25-19 Filing Fee: \$200 Receipt No. N/A Application No. ZTA-18-09 PB

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 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

W. W. Hunt
Signature

1-25-19
Date

* Attach supporting documentation.



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

ZTA-18-09 PB

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. The Town further desires that a nonconforming lot which is adjacent to two or less nonconforming lots under the same ownership that contain a single-family dwelling be developable and able to be sold without requiring additional recombination; and

WHEREAS, the Town further desires that a nonconforming lot which is adjacent to a single conforming lot containing a single-family dwelling which was created after January 1, 2015 due to a recombination of two nonconforming lots under the same ownership be developable and able to be sold without requiring additional recombination

1
2 **WHEREAS**, the Town further finds that in accordance with the findings above it
3 is in the interest of and not contrary to the public's health, safety, morals and general
4 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of
5 Ordinances as stated below.

6
7 **ARTICLE II. Construction.**

8
9 For purposes of this ordinance amendment, underlined words (underline) shall be
10 considered as additions to existing Town Code language and strikethrough words
11 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
12 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
13 (“...”) shall remain as they currently exist within the Town Code.

14
15 **ARTICLE III. Amendment of Zoning Ordinance.**

16
17 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
18 Shores, North Carolina, that the Town Code shall be amended as follows:

19
20 **PART I.** That subsection (a) of **Sec. 36-132 Regulation of structures and uses** be
21 replaced in its entirety with the following:

22
23 (a) *Nonconforming lots of record.*

24
25 (1) *Development and Sale of Certain Nonconforming Lots without Recombination:*
26 In any district in which single-family dwellings are permitted, a single-family
27 dwelling and customary accessory building may be erected on any currently
28 nonconforming single lot ~~not under the same ownership as any adjacent lot and~~
29 which met all legal requirements at the time of its creation and recording in the
30 Dare County public registry if:

31
32 (i) the lot is not under the same ownership as any adjacent lot; or

33
34 (ii) the lot is located adjacent to land under the same ownership on which is
35 located an existing single-family dwelling, and the adjacent land is made up
36 of:

37
38 a. no more than two lots all of which are nonconforming; or

39
40 b. a single conforming lot not adjacent to any other land under the same
41 ownership that was created after January 1, 2015 due to a recombination
42 of two (2) previously nonconforming lots.

43
44 If a currently nonconforming single lot meets the requirements of subsection
45 (a)(1)(i) or (ii) then the lot may be sold without being recombined with the
46 remaining land if required by subsection (a)(2) below. All applicable dimensional

1 requirements other than lot area and lot width shall be met for development or
2 redevelopment of such a lot except that a lot having a lot width of fifty (50) feet or
3 less may use a side yard setback of twelve (12) feet.
4

5 (2) Recombination Required: If any of the following situations apply, all adjacent
6 lots under the same ownership shall be recombined into: (i) a single lot which may
7 or may not meet the minimum requirements for the district in which such lots are
8 located; or (ii) multiple lots which all meet the minimum requirements for the
9 district in which such lots are located:

10
11 a. Development is proposed upon land ~~under the same ownership~~ which
12 includes one or more nonconforming lots adjacent to one or more other lots
13 under the same ownership;
14

15 b. Demolition or redevelopment exceeding 50% of an existing structure's
16 value is proposed and any portion of the existing structure or associated use
17 is currently or has been within the previous seven (7) years located upon or
18 occurring on two or more lots under the same ownership, as measured from
19 the time of application;
20

21 c. Development is proposed of a new structure or use to be located on two
22 or more lots under the same ownership;
23

24 d. Prior to the sale or transfer of land when any portion of the land being
25 sold or transferred was a parcel or part of a parcel of land upon which an
26 existing structure or associated use is currently or has been within the
27 previous seven (7) years located upon or occurring on two or more lots
28 under the same ownership, as measured from the time of application; or
29

30 e. Prior to the sale or transfer of land including a nonconforming lot or lots
31 adjacent to one or more other lots under the same ownership;
32

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

41 (3) For purposes of this subsection (a), the term "same ownership" shall be
42 construed broadly to effectuate the reduction of nonconforming lots within the
43 Town. Land and lots under the same ownership shall include, but not be limited to,
44 any of the following or any combination of the following:
45

46 a. A lot is owned, in whole or in part, by an individual and another lot is

1 owned by the same individual or by an Affiliate of the same individual;
2 and/or,

3
4 b. A lot is owned, in whole or in part, by a legal entity and another lot is
5 owned by the same legal entity or by an Affiliate of the same legal entity.
6

7 (4) For purposes of this subsection (a), the following definitions apply:
8

9 a. An "Affiliate" of an owner shall mean:

10
11 (i) In the case of an individual owner, a family member of the owner,
12 or a legal entity controlled by the owner or a family member of the
13 owner.

14
15 (ii) In the case of a legal entity owner, an individual who controls
16 the legal entity or their family member, ~~or~~ another legal entity
17 controlled by the owner or controlled by a family member of any
18 individual who controls the owner.

19
20 b. "Controlled" or "controls" shall mean the power, by ownership, operation
21 of law or contract, whether exercised or not, directly or indirectly, actually
22 or effectively, to operate, supervise, or manage a legal entity, or to appoint
23 or elect the management of the legal entity, or to otherwise direct the
24 operation, supervision or management of the legal entity.

25
26 c. "Family member" of an owner shall mean the owner's spouse, lineal
27 descendants, siblings and parents whether related by blood or marriage.
28

29 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
30 **Reasonableness.**

31
32 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
33 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
34 is applicable. For all of the above-stated reasons and any additional reasons supporting the
35 Town's adoption of this ordinance amendment, the Town considers the adoption of this
36 ordinance amendment to be reasonable and in the public interest.
37

38 **ARTICLE V. Severability.**

39
40 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
41 hereby repealed. Should a court of competent jurisdiction declare this ordinance
42 amendment or any part thereof to be invalid, such decision shall not affect the remaining
43 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
44 Town of Southern Shores, North Carolina which shall remain in full force and effect.
45

46 **ARTICLE VI. Effective Date.**

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This ordinance amendment shall be in full force and effect from and after the ____ day of _____, 2019.

_____, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: __AYES__ NAYS

BLANK

STAFF REPORT

To: Southern Shores Town Council
Date: January 30, 2019
Case: ZTA-18-10
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores
Requested Action: Amendment of the Town Zoning Ordinance by adding Section 36-209, RSOF-1 Single-family Ocean Front Overlay Residential District.

ANALYSIS

Town Staff is proposing to amend the Town Zoning Ordinance by adding Section 36-209, RSOF-1 Single-family Ocean Front Overlay Residential District as directed by Council on December 11, 2018. The proposed language was considered by the Town Planning Board as one of several concepts to address large single-family dwellings at the January 2, 2019 Special Planning Board meeting, the January 7, 2019 recessed Special Planning Board meeting, and the January 22, 2019 Planning Board meeting. The proposed language establishes an oceanfront overlay district that includes:

- An impervious pavement side yard setback requirement;
- For single-family dwellings having greater than 4,000 sq. ft. of enclosed living space and not having greater than the 6,000 sq. ft. maximum enclosed living space:
 - Increased front and side setback requirements;
 - Impervious pavement side yard setback requirement;
 - Increased lot coverage requirements;
 - Decreased maximum building height;
- Fenced in refuse/recycle areas;
- Landscape buffers;
- Increased parking requirements.

The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density residential community comprised of single family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

RECOMMENDATION

Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan. The Town Planning Board determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan and unanimously recommended denial (4-0) of the ZTA at its January 22, 2019 meeting.



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: 1/22/19 Filing Fee: \$200 Receipt No. N/A Application No. 27A-18-10

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 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

Wa Hunt
Signature

1-22-19
Date

* Attach supporting documentation.



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

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

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

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

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

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

1
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.
30

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:
34

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:
3

- 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:
17

- 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.
22
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, 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.
33

34 **ARTICLE V. Severability.**
35

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.
41

42 **ARTICLE VI. Effective Date.**
43

44 This ordinance amendment shall be in full force and effect from and after the ____ day of
45 _____, 2018.
46

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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

BLANK



**RESOLUTION 2019-01
RECOMMENDING THE NEW REPLACEMENT BRIDGE
FOR THE BONNER BRIDGE
BE KNOWN AS THE "MARC BASNIGHT BRIDGE"**

WHEREAS, the Town of Manteo is an incorporated municipality in Dare County, North Carolina; and

WHEREAS, Marc Basnight was born in Manteo, and graduated from Manteo High School; and

WHEREAS, Marc Basnight chaired the Dare County Tourist Bureau from 1974 to 1976; and

WHEREAS, Marc Basnight was a member of the North Carolina Board of Transportation from 1977 to 1983

WHEREAS, Marc Basnight served as a Democratic member of the North Carolina State Senate, representing the 1st District from 1984 until 2011; and

WHEREAS, Senator Marc Basnight held the position of President pro tempore from 1993 until his resignation due to health issues; and

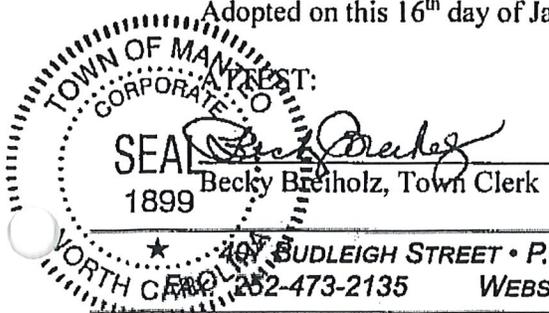
WHEREAS, Senator Marc Basnight advocated for the replacement of Bonner Bridge, the vital life line to Hatteras Island; and

WHEREAS, Marc Basnight has made extraordinary contributions to the growth and strength of Dare County in countless recorded and unrecorded ways; and

WHEREAS, Marc Basnight was a life-long resident of Dare County who contributed to the economic and cultural history of the county,

NOW THEREFORE, BE IT RESOLVED that the Town of Manteo Board of Commissioners respectfully request your consideration of the new bridge in Dare County be named the "Marc Basnight" Bridge

Adopted on this 16th day of January 2019



Bobby Owens
Bobby Owens, Mayor

107 BUDLEIGH STREET • P.O. Box 246 • MANTEO, NORTH CAROLINA 27954 • 252-473-2133

252-473-2135

WEBSITE: TOWNOFMANTEO.COM

EMAIL: INFO@TOWNOFMANTEO.COM

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January 30, 2019

MEMORANDUM

From: Wes Haskett, Deputy Town Manager/Planning Director

To: Town Council

CC: Peter Rascoe, Town Manager

RE: Approval of Planning Board Election of Officers

The Planning Board has elected its officers as indicated below in accordance with Sec. 24-24 of the Town Code of Ordinances. A copy of the applicable Code Section is enclosed, as these elections require your approval.

Chairperson – Elizabeth Morey

Vice-Chairperson – Joe McGraw

Sec. 24-24. - Composition; terms of office.

- (a) The planning board shall be composed of five members who shall be residents of the town and shall be appointed by the town council. The members shall be appointed for staggered terms of three years. Two alternate members who shall be residents of the town shall also be appointed by the town council for terms of three years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur, for the period of the unexpired term, by the council. The planning board shall elect its chairman and vice-chairman subject to the approval of the council. The term of the chairman and vice-chairman shall be for one year, with eligibility for reelection.
- (b) Noncontiguous areas of extraterritorial jurisdiction shall each be entitled to a representative on the planning board, on such occasions when their respective areas are under consideration by the planning board, for the purpose of participation and voting on matters of direct interest to their respective areas.
- (c) In the absence of any member of the planning board, as recorded in the roll call at the beginning of any meeting, an alternate member, if available, shall be selected by the chairman to participate and vote in the member absence.

(Code 1988, § 7-17; Ord. No. 79-0002, § 2, 5-23-1979; Ord. of 4-4-2000, pts. 1, 2)