



**Town of Southern Shores  
Special Meeting  
January 22, 2016**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 3:00 p.m. on Friday, January 22, 2016.

COUNCIL PRESENT: Mayor Bennett, Mayor Pro Tem Fred Newberry, Council Members Leo Holland, Chris Nason and Gary McDonald.

COUNCIL ABSENT: None

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

**CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE**

Mayor Bennett called the meeting to order at 3:00 p.m., led the Pledge of Allegiance, and held a moment of silence.

**GENERAL PUBLIC COMMENT**

Mayor Bennett called on public comment and the following citizen's offered comment:

- Jim Widmer, Southern Shores property owner - Zoning Change Proposed
- Robin Morgan, Southern Shores property owner - Zoning Changes
- Andrew Darling, Southern Shores property owner - Zoning
- Debbie Newberry, Southern Shores property owner - Zoning
- Andy Ward, Southern Shores property owner

[Clerk's Note: A copy of the general public comment sheet is hereby attached as Exhibit A].

The first Special Meeting purpose was addressed:

**TO CONSIDER AND POTENTIALLY ADOPT OR DENY, UPON SECOND READING, THE FOLLOWING PROPOSED ORDINANCES, EACH OF SAME HAVING RECEIVED FIRST READING AND APPROVAL BY MAJORITY OF THE COUNCIL MEMBERS AT ITS JANUARY 5, 2016 REGULAR MEETING PURSUANT TO PUBLIC HEARINGS HELD ON SAME DATE:**

Application for Zoning Text Amendment ZTA-15-03 : Drive Through Facilities

**MOTION:** Mayor Bennett moved to approve zoning text amendment ZTA-15-03 Drive-Through Facilities as presented. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

Application for Zoning Text Amendment ZTA-15-04: Group Developments

**MOTION:** Mayor Bennett moved to approve zoning text amendment ZTA-15-04 Group Developments as presented. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0).

Application for Zoning Text Amendment ZTA-15-05: Pervious Pavement & Lot Coverage

After discussion allowed prior to a motion, all Council Members were in agreement that applicant Ashton properties should be able to move forward with improvements to the Marketplace shopping center, but were divided on how they wanted to remedy the lot coverage situation.

**MOTION:** Council Member Holland moved to approve zoning text amendment ZTA-15-05 Pervious Pavement & Lot Coverage as presented. The motion was seconded by Council Member Nason.

**MOTION:** Council Member Newberry moved to amend the original motion to state applicant be required to reduce the Marketplace's current lot coverage of 67% to 60% , being the current maximum allowed by the Town Code, with allowable credit from pervious surface materials within a five-year time frame. The motion to amend was seconded by Council Member McDonald. The motion to amend the original motion failed (2-3) with Council Member Newberry and Council Member McDonald voting AYE; Mayor Bennett, Council Member Nason and Council Member Holland voting NO.

**MOTION:** Council Member McDonald then moved to amend the original motion to allow grandfathering the Marketplace's current lot coverage of 67% and to modify proposed Section 36-207(5) b. of the proposed Zoning Text Amendment from 70% to 65% lot coverage. The motion was seconded by Council Member Holland. The motion failed (2-3) with Council Member McDonald and council member Holland voting AYE; Mayor Bennett, Council Member Newberry and Council Member Nason voting NO.

**MOTION:** Council Member Nason moved, as a substitute motion for the original motion, to retain the current maximum 60% lot coverage but to amend proposed Section 36-207(5) b. to state "Group Developments which incorporate the use of permeable pavement as outlined in excess of 5% of the total lot coverage shall be allowed a maximum allowable lot coverage by principal use and all accessory structures of no greater than 67 percent." The motion was seconded by Council Member Holland. The motion passed (3-2) with the Mayor, Council Member Nason, and Council Member Holland voting AYE; Council Members Newberry and McDonald voting NO.

[Clerk's Note: A copy of the proposed zoning text amendments are hereby attached as Exhibit B].

The next Special Meeting purpose was addressed:

**A PUBLIC HEARING FOR EACH OF THE FOLLOWING, AND REVIEW, CONSIDER, MODIFY, AND POTENTIALLY ADOPT OR NOT ADOPT, ANY (OR COMBINATION) OF THE FOLLOWING DIFFERENT PROPOSALS FOR ZONING ORDINANCE AMENDMENTS DESIGNED TO REGULATE LARGE HOMES IN COMPLIANCE WITH RECENT LEGISLATIVE AMENDMENTS.**

Being considered are:

Staff proposed zoning text amendment ZTA-16-02: Large Structures 14 person-occupancy;

Staff proposed zoning text amendment ZTA-16-03: Large Structures Maximum Square Footage of 6,000 sf; and

Staff proposed zoning text amendment ZTA-16-04: Large Structures Graduated Square Footage Limits and Maximums.

The Town Attorney opened the public hearing to consider public comment on all three proposed zoning text amendments and he stated all three before Council were designed to address large homes event facilities. They were originally drafted as directed by Council due to concerns of possible large homes event facilities. All three (3) of the proposed zoning text amendments consist of a second version which re-defines "event facility". The Town Attorney also stated the three proposed zoning text amendments were previously brought to Council by Staff as directed and referred to the Planning Board for its consideration and recommendation.

As a part of the Public Hearing, Planning Board Chair Sam Williams presented the Planning Board report and recommendation. The Planning Board recommended approval of ZTA-16-02 Large Structures 14 person-occupancy.

During this portion of the Public Hearing, Council Member Newberry spoke that he keeps hearing the Town Attorney's assessment of potential risk for enforcing these proposed zoning text amendments and asked Chairman Williams what is the rationale for the Planning Board picking the proposed 14 occupants zoning text amendment.

Planning Board Chair Sam Williams stated there was a concern raised during the Planning Board's public comment section about building and what a property owner is allowed to do on his own property, as well as comments and discussion about ways a property owner could get around the 6,000 square foot limit. The Planning Board felt the proposed 14 person occupancy zoning text amendment would be easier to defend than the other two proposed zoning text amendments.

Council Member Newberry stated this response goes back to his original statement that the Town Attorney's opinion is just the opposite.

Planning Board Chair Sam Williams stated the Town Attorney was not present at the Planning Board meeting to hear the public comments.

Council Member Newberry then asked Planning Board Chairman Williams what is the makeup of the people on the Planning Board, what are their occupations, if are they residents, and if are they builders.

Planning Board Chairman Sam Williams stated the Planning Board is made up of all Town residents. He stated there is one real-estate agent, a couple of retired members, a semi-retired builder, and he was not sure of the others' occupations. He also stated there are two alternate members, one being a builder and he was not aware of the other alternate's occupation.

Council Member Newberry further stated during the Public Hearing the reason he asked was during the public comment period it was stated that limiting the size of the home was critical. He stated the people do not want big houses, they do not want to look like Pine Island. Most

people in Southern Shores are here for a reason and that is to preserve the ambiance of the community. It is a quiet community and even the tourists that come here come because of that. He stated he did not see limiting occupancy as a viable option, and limiting the size is the only way to prevent big houses. He also stated that he realizes Southern Shores is mostly an undeveloped area, and most builders and developers see it as an opportunity to make a lot of money. He stated that as far as he is concerned Southern Shores is not a place to make money, it is a place for residents.

Planning Board Chair Sam Williams stated the Planning Board came to the conclusion they did after consideration of the facts.

Council Member Holland stated during the Public Hearing that limiting buildings to 6,000 square feet is not going to limit occupancy, and he stated he believed that is what Council was trying to do.

The Town Attorney asked for any public comments during the Public Hearing and the following citizen's offered comment:

- Gerri Sullivan, Southern Shores property owner -
- Andy Ward, Southern Shores property owner
- Mark Martin, Southern Shores property owner
- Debbie Newberry, Southern Shores property owner
- Jake Overton, President of Outer Banks Home Builders Association
- Andrew Darling, Southern Shores property owner
- Tommy Karole, Southern Shores property owner
- Brad Beacham, representing owners of #3 Ninth Avenue- Mr. & Mrs. Andreotta

The Town Attorney stated that from a legal side he is more confident defending ZTA-16-03 Large Structures Maximum Square Footage of 6,000 sf or ZTA 16-04 Large Structures Graduated Square Footage Limits and Maximums should the issue ever go to court. He stated the zoning text amendment restricting the septic size would be harder to enforce.

Council Member McDonald stated the Council's original goal was to fix the big house issue, not the event issue. He stated the Town needed to fix the authority that Senate Bill 25 took away and he felt limiting occupancy was not going to stop the large homes. Both Council Member Newberry and Council Member Nason agreed.

Council Member Nason stated the event issue is secondary and density should be addressed rather than occupancy.

Council Member Nason asked the Town Planner for a clarification of the term "enclosed living space". Council Member McDonald also asked if the square footage of a detached garage is considered as a part of the allowed square footage of proposed ZTA16-03 and ZTA 16-04.

Town Planner Wes Haskett stated livable space is defined as heated and cooled space. He also stated a detached garage is not included in the square footage of the proposed ZTAs.

The Council acknowledged the current Town Code - with respect to the Town's zoning ordinance, allows that any existing homes currently exceeding the proposed maximum square footage (non-conforming) may be rebuilt to their original approved square footage should a structure be destroyed or damaged greater than 50% of replacement cost by fire, flood, windstorm or natural disaster, essentially grandfathering, for zoning ordinance purposes, the original approved square footage of the dwelling.

**MOTION:** Council Member McDonald moved to adopt zoning text amendment ZTA-15-03 V0002 Large Structures Maximum Square Footage of 6,000 sf as recommended by the Planning Board - excepting however the Planning Board 's additional recommendation of increased parking space dimension requirements. The motion was seconded by Council Member Newberry. The motion passed (3-2) with the Council Member McDonald, Council Member Newberry and Council Member Holland voting AYE; Mayor Bennett and Council Member Nason voting NO.

**ADJOURN**

**MOTION:** Council Member Nason moved to adjourn. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0). The time was 6:01 p.m.

ATTEST:

Respectfully submitted,

\_\_\_\_\_  
Thomas G. Bennett, Mayor

\_\_\_\_\_  
Sheila Kane, Town Clerk



**PUBLIC COMMENT SIGN-UP SHEET**  
**JANUARY 22, 2016**

We encourage your public comments. All speakers must recognize the utmost importance of maintaining the decorum of Town meetings and of the need for all to have an opportunity to speak in a timely and uninterrupted manner. Please limit your comments to 3 minutes and speak courteously and respectfully to the Council as a whole. The 3 minute time allotted is your time to speak. You may choose to use all of it or less, but it is not transferrable to anyone else. Public comment is your opportunity to provide input on Town matters. It is not meant to be a dialogue exchange between you, members of the Council, or others in the audience.

2:15

NAME	MAILING ADDRESS OF RESIDENT	TOPIC
Jim Widmer	14 Wild Pony Lane	Zoning Change Proposal
Robin Morgan	57 Deer Path	Zoning Changes
Andrew Darling	232 N Dogwood	Zoning.
Debbie Newberry	267 N Dogwood	Zoning
<del>Jane Overton</del>	<del>ORTEA</del>	<del>Zoning</del>
Andy Ward	147 Bayberry	

## STAFF REPORT

**To:** Southern Shores Town Council  
**Date:** January 21, 2016  
**Case:** ZTA-16-02  
**Prepared By:** Wes Haskett, Town Planner/Code Enforcement Officer

### GENERAL INFORMATION

**Applicant:** Town Staff

**Requested Action:** Amendment of the Town Zoning Ordinance by amending Section 36-57, Definitions of Specific Terms and Words; 36-202, RS-1 Single-family Residential District; Section 36-203, RS-8 Residential District; Section 36-204, RS-10 Residential District; 36-205, R-1 Low Density Residential District; Section 36-207, C General Commercial District; and Section 36-163, Off-street Parking Requirements.

### ANALYSIS

Town Staff is proposing a Zoning Text Amendment (ZTA) to amend all of the aforementioned Sections of the Town Code to address large homes. As a result of Senate Bill 25 which was passed last year by the North Carolina General Assembly, municipalities are prohibited from restricting the number and type of rooms in single-family and two-family dwellings. The proposed ZTA revises Section 36-57, Definitions of Specific Terms and Words and the Schedule of District Regulations for all of the residential zoning districts and the General Commercial zoning district in an attempt to regulate large homes by limiting the septic capacity in single-family and two-family dwellings to no more than 14 occupants (similar to current requirements). In addition, Town Staff is also proposing to amend the definitions of Event Facility and Family in order to address special events held in residential zoning districts and the commercial zoning district (please note that there are two versions of the proposed ZTA with a different definition of Event Facility). Finally, Town Staff is proposing to amend Section 36-163, Off-street parking requirements in order to be in compliance with Senate Bill 25 by requiring parking spaces for single-family and two-family dwellings based on septic capacity instead of the number of bedrooms. The Town Planning Board recommended amendments (which have been highlighted) which include changes to the definition of event facility proposed by Town Staff, an increase in the number of required parking spaces proposed by Town Staff, and an increase in the required parking space dimensions for all residential uses.

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

- **Goal 2:** Protect, enhance and support land uses that are compatible with surrounding land uses and maintain the existing character of Southern Shores.
- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density (1-3 units per acre) residential community comprised of single family dwellings on large lots (20,000 square feet or larger) served by a small commercial district (56 acres out of 2,175 acres) 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**

The Town Planning Board unanimously (5-0) recommended approval of the application with amendments. Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan although we do not recommend increasing the required parking space dimensions.



**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-16-02 Large Structures 14 Occupancy v002

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 property owners enjoy the use of their property for parties and family related events on a regular basis and that such use should continue long into the future. However, the Town also 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 commercial event facilities; and

**WHEREAS**, the Town's residential areas have limited means of access due to the layout of roads and limited number of major thoroughfares in the Town. The road layout and limited number of thoroughfares already cause numerous traffic problems, particularly during the high traffic tourist season from approximately Memorial Day to Labor Day each year. The use of single-family residences in residentially zoned areas for pre-planned events, community uses and private parties increases traffic and safety hazards to the attendees, owners, neighbors and visitors to the Town; 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

1  
2       **WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town may enact and amend  
3 ordinances regulating the zoning and development of land within its jurisdiction and  
4 specifically the height, number of stories and size of buildings and other structures, the  
5 percentage of lots that may be occupied, the size of yards, courts and other open spaces,  
6 the density of population, the location and use of buildings, structures and land. Pursuant  
7 to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et  
8 seq, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning  
9 Ordinance”) and has codified the same as Chapter 36 of the Town’s Code of Ordinances  
10 (the “Town Code”); and  
11

12       **WHEREAS**, pursuant to N.C.G.S. § 160A-383, the Town may use zoning  
13 regulations to provide adequate light and air; to prevent the overcrowding of land; to avoid  
14 undue concentration of population; to lessen congestion in the streets; to secure safety from  
15 fire, panic, and dangers; and to facilitate the efficient and adequate provision of  
16 transportation, water, sewerage, schools, parks, and other public requirements. In doing so,  
17 the Town may take into account the character of the Town’s zoning districts and their  
18 peculiar suitability for particular uses with a view to conserving the value of buildings and  
19 encouraging the most appropriate use of land throughout the Town; and  
20

21       **WHEREAS**, 2015 N.C. Sess. Law 86 made substantial changes to the text of  
22 N.C.G.S. § 160A-381 which purport to limit the Town’s authority to regulated “building  
23 design elements.” In particular, the changes to N.C.G.S. § 160A-381 prohibit the Town  
24 from regulating density or use of residential structures through restrictions on the number  
25 of bedrooms as the Town has historically regulated such density. These changes require  
26 that the Town’s Zoning Ordinance be updated accordingly; and  
27

28       **WHEREAS**, the Town finds that in order to effectively regulate the density of  
29 population within the Town following the adoption of 2015 N.C. Sess. Law 86 the Town  
30 must regulate and limit the occupancy of single-family dwellings; and  
31

32       **WHEREAS**, the Town finds that setting a reasonable maximum design limitation  
33 for septic systems on single-family dwellings remains a fair and equitable balancing of the  
34 Town’s interests to regulate population density and to maintain the historical and  
35 residential character of developed areas of Town compared with property owners’ interests  
36 in using their property for residential purposes; and  
37

38       **WHEREAS**, the Town does not desire for commercial event facilities to operate  
39 within its residentially zoned districts and the Town finds that the following amendments  
40 are necessary to further clarify the delineation between such event facility usage and single-  
41 family residential dwellings; and  
42

43       **WHEREAS**, the Town finds that a lack of regulation of the maximum design for  
44 septic systems of dwellings and the use of the residential properties for pre-planned events,  
45 community uses and private parties will result in a decrease in value of buildings and lands

1 within the Town due to the Town's unique single-family residential nature and character;  
2 and  
3

4 **WHEREAS**, the Town further finds that in accordance with the findings above it  
5 is in the interest of and not contrary to the public's health, safety, morals and general  
6 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of  
7 Ordinances as stated below.  
8

9 **ARTICLE II. Construction.**

10  
11 For purposes of this ordinance amendment, underlined words (underline) shall be  
12 considered as additions to existing Town Code language and strikethrough words  
13 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the  
14 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses  
15 ("...") shall remain as they currently exist within the Town Code.  
16

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

18  
19 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern  
20 Shores, North Carolina, that the Town Code shall be amended as follows:  
21

22 **PART 1. That Sec 36-57. Definitions of specific terms and words.** be amended as  
23 follows:  
24

25 ...  
26 *Dwelling, large home*, means any residential structure home designed or constructed to  
27 have containing more than seven bedrooms (or rooms that could be considered as bedrooms  
28 using the county criteria for determining septic system design) or septic system capacity  
29 for more than 14 people. Large home dwellings are not a permitted use in any zoning  
30 district unless expressly authorized by that district's regulations.

31 ...  
32 *Dwelling, single-family*, means a detached building designed for or occupied exclusively  
33 by one family. Large home dwellings having septic system capacity for more than 14  
34 people are not included within the term "single-family dwelling."

35 *Dwelling, two-family (duplex)*, means a detached building, divided horizontally or  
36 vertically, and designed for or occupied by two single-family housekeeping units contained  
37 entirely under one roof and having one dividing partition common to each unit, or having  
38 the ceiling structure of the lower unit and the floor structure of the unit above. Large home  
39 dwellings having septic system capacity for more than 14 people are not included within  
40 the term "two-family dwelling."

41 ...  
42 *Event facility* means an establishment, structure or property designed, maintained,  
43 advertised or actually used for the primary purpose of hosting pre-planned events. The term  
44 "events", includes, but is not limited to, private parties, community uses, weddings,  
45 rehearsal dinners, corporate meetings, retreats, sporting events, cultural events, musical  
46 events, celebrations, festivals, fairs, carnivals, circuses or similar events that are planned

1 in advance of their occurrence. The term “community uses” means meetings of charitable,  
2 political, governmental or civic groups. The term “private parties” means events that are  
3 not open to the public, and are held by or on behalf of an individual or organization for the  
4 primary purpose of socializing or gathering. On site sales of Food and/or beverages at an  
5 event facility service for purchase by individual patrons from the establishment owner,  
6 whether seated or non-seated, shall constitute a restaurant as defined in section 36-57 which  
7 shall require a conditional use permit. The term “event facility” does not include the use of  
8 a residential structure or property on which a residential structure is located for non-  
9 commercial social gatherings or for traditional family events. The term “traditional family  
10 events” includes, but is not limited to, holiday parties and meals, birthday parties, funeral  
11 services, religious ceremonies and weddings for family members related by blood or  
12 marriage to: (i) any of the individual holders of legal title to the property; (ii) a majority of  
13 the owners of a business entity holding legal title to the property; or (iii) the beneficiaries  
14 of a trust holding legal title to the property.

15  
16 *Family* means one or more persons occupying a single-family dwelling unit, provided that  
17 unless all members are related by blood or marriage or that the dwelling unit is being used  
18 as a vacation rental under the North Carolina Vacation Rental Act (N.C.G.S. Chap. 42A),  
19 then no such family shall contain more than five persons.

20  
21 **PART 2. That Sec 36-202. RS-1 single-family residential district.** be amended as  
22 follows:

23 ...  
24 (b) Permitted uses. The following uses shall be permitted by right:  
25 (1) ~~Detached single-family dwelling consisting of no more than seven bedrooms or septic~~  
26 ~~system capacity for more than 14 people.~~

27  
28 **PART 3. That Sec 36-203. RS-8 residential district.** be amended as follows:

29 ...  
30 ...  
31 (b) Permitted uses. The following uses shall be permitted by right:  
32 ...  
33 (9) ~~Dwellings shall consist of no more than seven bedrooms or septic system capacity for~~  
34 ~~more than 14 people.~~

35  
36 **PART 4. That Sec 36-204. RS-10 residential district.** be amended as follows:

37 ...  
38 ...  
39 (b) Permitted uses. The following uses shall be permitted by right:  
40 (1) ~~Detached single-family dwellings shall consist of no more than seven bedrooms or~~  
41 ~~septic system capacity for more than 14 people.~~

42  
43 **PART 5. That Sec 36-205. R-1 low-density residential district.** be amended as follows:

44 ...  
45 ...  
46 (b) Permitted uses. The following uses shall be permitted by right:

1 (1) ~~Detached single-family dwelling consisting of no more than seven bedrooms or septic~~  
2 ~~capacity for more than 14 people.~~

3  
4 **PART 6. That Sec 36-207. C general commercial district.** be amended as follows:

5  
6 ...  
7 (b) Permitted uses. The following uses shall be permitted by right:

8 ...  
9 (4) Detached ~~S~~single-family dwellings, two-family (duplexes) dwellings, multifamily  
10 dwellings, large home dwellings, and accessory buildings, according to the dimensional  
11 requirements of RS-8 multifamily residential district. Large home dwellings shall be  
12 exempt from section 36-203(d)(8) requirements. For multifamily dwellings, the lot  
13 coverage shall not exceed 40 percent.

14 ...  
15 (10) ~~Dwelling, large homes:~~

16  
17 (14) Event facilities.

18  
19 **PART 7. That Sec 36-163. Off-street parking requirements** be amended as  
20 follows:

21 ...  
22 (3) *Minimum parking requirements. ...*

23 a. *Residential and related uses.*

24 1. ~~Detached~~ ~~S~~single-family dwelling units, two-family detached dwelling units and  
25 townhouses: three parking spaces for each dwelling unit with up to ~~four bedrooms~~  
26 ~~(including all areas used for sleeping); eight (8) persons of septic capacity~~ and one  
27 additional space for each ~~additional two (2) persons of septic capacity two bedrooms~~  
28 ~~(including areas useable for sleeping), or fraction thereof, in excess of four eight (8) person~~  
29 ~~septic capacity up to 12 person septic capacity and 1 additional space for each person of~~  
30 ~~septic capacity over 12.~~

31  
32 (i) ~~Bedrooms and/or areas useable for sleeping shall be defined and~~ The number of persons  
33 of septic capacity shall be determined by the county health department in establishing  
34 residence occupancy limits for wastewater/septic system.

35 ...  
36 (iii) Each parking space shall have a minimum length of 18 feet and a minimum width of  
37 eight ten feet.

38  
39 4. Dwelling, large home: one parking space for each ~~bedroom~~ two (2) persons of septic  
40 capacity as. ~~Bedrooms and/or areas useable for sleeping shall be defined and~~ determined  
41 by the county health department in establishing residence occupancy limits for  
42 wastewater/septic system. ...

43  
44 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**  
45 **Reasonableness.**

1 The Town's adoption of this ordinance amendment is consistent with the Town's adopted  
2 comprehensive zoning ordinance, land use plan and any other officially adopted plan that  
3 is applicable. For all of the above-stated reasons, any reasons stated during the meetings at  
4 which this ordinance amendment was considered and any additional reasons supporting the  
5 Town's adoption of this ordinance amendment, the Town considers the adoption of this  
6 ordinance amendment to be reasonable and in the public interest.

7  
8 **ARTICLE V. Severability.**

9  
10 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are  
11 hereby repealed. Should a court of competent jurisdiction declare this ordinance  
12 amendment or any part thereof to be invalid, such decision shall not affect the remaining  
13 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the  
14 Town of Southern Shores, North Carolina which shall remain in full force and effect.

15  
16 **ARTICLE VI. Effective Date.**

17  
18 This ordinance amendment shall be in full force and effect from and after the \_\_\_ day of  
19 \_\_\_\_\_, 2016.

20  
21  
22  
23  
24 \_\_\_\_\_  
25 Tom Bennett, Mayor

26  
27  
28 ATTEST:

29  
30  
31 \_\_\_\_\_  
32 Town Clerk

33  
34 APPROVED AS TO FORM:

35  
36  
37  
38 \_\_\_\_\_  
39 Town Attorney

40  
41 Date adopted:

42  
43 \_\_\_\_\_  
44 Motion to adopt by Councilmember:

45  
46 \_\_\_\_\_  
Motion seconded by Councilmember:

1  
2  
3  
4

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

ZTA-16-02 Large Structures 14 Occupancy

**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 property owners enjoy the use of their property for parties and family related events on a regular basis and that such use should continue long into the future. However, the Town also 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 commercial event facilities; and

**WHEREAS**, the Town’s residential areas have limited means of access due to the layout of roads and limited number of major thoroughfares in the Town. The road layout and limited number of thoroughfares already cause numerous traffic problems, particularly during the high traffic tourist season from approximately Memorial Day to Labor Day each year. The use of single-family residences in residentially zoned areas for pre-planned events, community uses and private parties increases traffic and safety hazards to the attendees, owners, neighbors and visitors to the Town; 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

1  
2       **WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town may enact and amend  
3 ordinances regulating the zoning and development of land within its jurisdiction and  
4 specifically the height, number of stories and size of buildings and other structures, the  
5 percentage of lots that may be occupied, the size of yards, courts and other open spaces,  
6 the density of population, the location and use of buildings, structures and land. Pursuant  
7 to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et  
8 seq, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning  
9 Ordinance”) and has codified the same as Chapter 36 of the Town’s Code of Ordinances  
10 (the “Town Code”); and  
11

12       **WHEREAS**, pursuant to N.C.G.S. § 160A-383, the Town may use zoning  
13 regulations to provide adequate light and air; to prevent the overcrowding of land; to avoid  
14 undue concentration of population; to lessen congestion in the streets; to secure safety from  
15 fire, panic, and dangers; and to facilitate the efficient and adequate provision of  
16 transportation, water, sewerage, schools, parks, and other public requirements. In doing so,  
17 the Town may take into account the character of the Town’s zoning districts and their  
18 peculiar suitability for particular uses with a view to conserving the value of buildings and  
19 encouraging the most appropriate use of land throughout the Town; and  
20

21       **WHEREAS**, 2015 N.C. Sess. Law 86 made substantial changes to the text of  
22 N.C.G.S. § 160A-381 which purport to limit the Town’s authority to regulated “building  
23 design elements.” In particular, the changes to N.C.G.S. § 160A-381 prohibit the Town  
24 from regulating density or use of residential structures through restrictions on the number  
25 of bedrooms as the Town has historically regulated such density. These changes require  
26 that the Town’s Zoning Ordinance be updated accordingly; and  
27

28       **WHEREAS**, the Town finds that in order to effectively regulate the density of  
29 population within the Town following the adoption of 2015 N.C. Sess. Law 86 the Town  
30 must regulate and limit the occupancy of single-family dwellings; and  
31

32       **WHEREAS**, the Town finds that setting a reasonable maximum design limitation  
33 for septic systems on single-family dwellings remains a fair and equitable balancing of the  
34 Town’s interests to regulate population density and to maintain the historical and  
35 residential character of developed areas of Town compared with property owners’ interests  
36 in using their property for residential purposes; and  
37

38       **WHEREAS**, the Town does not desire for commercial event facilities to operate  
39 within its residentially zoned districts and the Town finds that the following amendments  
40 are necessary to further clarify the delineation between such event facility usage and single-  
41 family residential dwellings; and  
42

43       **WHEREAS**, the Town finds that a lack of regulation of the maximum design for  
44 septic systems of dwellings and the use of the residential properties for pre-planned events,  
45 community uses and private parties will result in a decrease in value of buildings and lands

1 within the Town due to the Town's unique single-family residential nature and character;  
2 and

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

8  
9 **ARTICLE II. Construction.**

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

16  
17 **ARTICLE III. Amendment of Zoning Ordinance.**

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

21  
22 **PART 1. That Sec 36-57. Definitions of specific terms and words.** be amended as  
23 follows:

24 ...  
25 *Dwelling, large home*, means any residential structure home designed or constructed to  
26 have containing more than seven bedrooms (or rooms that could be considered as bedrooms  
27 using the county criteria for determining septic system design) or septic system capacity  
28 for more than 14 people. Large home dwellings are not a permitted use in any zoning  
29 district unless expressly authorized by that district's regulations.

30 ...  
31 *Dwelling, single-family*, means a detached building designed for or occupied exclusively  
32 by one family. Large home dwellings having septic system capacity for more than 14  
33 people are not included within the term "single-family dwelling."

34  
35 *Dwelling, two-family (duplex)*, means a detached building, divided horizontally or  
36 vertically, and designed for or occupied by two single-family housekeeping units contained  
37 entirely under one roof and having one dividing partition common to each unit, or having  
38 the ceiling structure of the lower unit and the floor structure of the unit above. Large home  
39 dwellings having septic system capacity for more than 14 people are not included within  
40 the term "two-family dwelling."

41 ...  
42 *Event facility* means an establishment, structure or property designed, maintained,  
43 advertised or actually used during any continuous twelve-month period for (i) any number  
44 of pre-planned events, (ii) four or more community uses; or (iii) four or more private parties  
45 having between twenty-five (25) and seventy-five (75) attendees. The term "pre-planned  
46 events", includes, but is not limited to, private parties of greater than seventy-five (75)

1 attendees, weddings, rehearsal dinners, corporate meetings, retreats, sporting events,  
2 cultural events, musical events, celebrations, festivals, fairs, carnivals, circuses or similar  
3 events. The term “community uses” means meetings of charitable, political, governmental  
4 or civic groups. The term “private parties” means events that are not open to the public,  
5 and are held by or on behalf of an individual or organization for the primary purpose of  
6 socializing or gathering. On site sales of food and/or beverages at an event facility service  
7 for purchase by individual patrons from the establishment owner, whether seated or non-  
8 seated, shall constitute a restaurant as defined in section 36-57 which shall require a  
9 conditional use permit. The term “event facility” does not include the use of a residential  
10 structure or property on which a residential structure is located for social gatherings of less  
11 than twenty-five attendees or for traditional family events. The term “traditional family  
12 events” includes, but is not limited to, holiday parties and meals, birthday parties, funeral  
13 services, religious ceremonies and weddings for family members related by blood or  
14 marriage to: (i) any of the individual holders of legal title to the property; (ii) a majority of  
15 the owners of a business entity holding legal title to the property; or (iii) the beneficiaries  
16 of a trust holding legal title to the property.

17  
18 *Family* means one or more persons occupying a single-family dwelling unit, provided that  
19 unless all members are related by blood or marriage or that the dwelling unit is being used  
20 as a vacation rental under the North Carolina Vacation Rental Act (N.C.G.S. Chap. 42A),  
21 then no such family shall contain more than five persons.

22  
23 **PART 2.** That Sec 36-202. **RS-1 single-family residential district.** be amended as  
24 follows:

25 ...  
26 (b) Permitted uses. The following uses shall be permitted by right:  
27 (1) ~~Detached single-family dwelling consisting of no more than seven bedrooms or septic~~  
28 ~~system capacity for more than 14 people.~~

29  
30 **PART 3.** That Sec 36-203. **RS-8 residential district.** be amended as follows:

31 ...  
32 ...  
33 (b) Permitted uses. The following uses shall be permitted by right:  
34 ...  
35 (9) ~~Dwellings shall consist of no more than seven bedrooms or septic system capacity for~~  
36 ~~more than 14 people.~~

37  
38 **PART 4.** That Sec 36-204. **RS-10 residential district.** be amended as follows:

39 ...  
40 ...  
41 (b) Permitted uses. The following uses shall be permitted by right:  
42 (1) ~~Detached single-family dwellings shall consist of no more than seven bedrooms or~~  
43 ~~septic system capacity for more than 14 people.~~

44  
45 **PART 5.** That Sec 36-205. **R-1 low-density residential district.** be amended as follows:  
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...  
(b) Permitted uses. The following uses shall be permitted by right:  
(1) ~~Detached single-family dwelling consisting of no more than seven bedrooms or septic capacity for more than 14 people.~~

**PART 6. That Sec 36-207. C general commercial district, be amended as follows:**

...  
(b) Permitted uses. The following uses shall be permitted by right:  
...  
(4) Detached ~~Single-family dwellings, two-family (duplexes) dwellings, multifamily dwellings, large home dwellings, and accessory buildings, according to the dimensional requirements of RS-8 multifamily residential district. Large home dwellings shall be exempt from section 36-203(d)(8) requirements. For multifamily dwellings, the lot coverage shall not exceed 40 percent.~~  
...  
(10) ~~Dwelling, large homes.~~  
(11) Event facilities.

**PART 7. That Sec 36-163. Off-street parking requirements be amended as follows:**

...  
(3) *Minimum parking requirements. ...*  
a. *Residential and related uses.*  
1. Detached ~~Single-family dwelling units, two-family detached dwelling units and townhouses: three parking spaces for each dwelling unit with up to four bedrooms (including all areas used for sleeping); eight (8) persons of septic capacity and one additional space for each additional four (4) persons of septic capacity two bedrooms (including areas useable for sleeping), or fraction thereof, in excess of four eight (8) person septic capacity.~~  
(i) ~~Bedrooms and/or areas useable for sleeping shall be defined and~~ The number of persons of septic capacity shall be determined by the county health department in establishing residence occupancy limits for wastewater/septic system.  
...  
4. Dwelling, large home: one parking space for each ~~bedroom~~ two (2) persons of septic capacity as ~~Bedrooms and/or areas useable for sleeping shall be defined and determined~~ by the county health department in establishing residence occupancy limits for wastewater/septic system. ...

**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

1 is applicable. For all of the above-stated reasons, any reasons stated during the meetings at  
2 which this ordinance amendment was considered and any additional reasons supporting the  
3 Town's adoption of this ordinance amendment, the Town considers the adoption of this  
4 ordinance amendment to be reasonable and in the public interest.  
5

6 **ARTICLE V. Severability.**  
7

8 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are  
9 hereby repealed. Should a court of competent jurisdiction declare this ordinance  
10 amendment or any part thereof to be invalid, such decision shall not affect the remaining  
11 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the  
12 Town of Southern Shores, North Carolina which shall remain in full force and effect.  
13

14 **ARTICLE VI. Effective Date.**  
15

16 This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of  
17 \_\_\_\_\_, 2016.  
18  
19  
20  
21

22 \_\_\_\_\_  
23 Tom Bennett, Mayor  
24  
25

26 ATTEST:  
27  
28  
29 \_\_\_\_\_  
30 Town Clerk  
31  
32

33 APPROVED AS TO FORM:  
34  
35  
36 \_\_\_\_\_  
37 Town Attorney  
38  
39 Date adopted:  
40  
41 \_\_\_\_\_  
42 Motion to adopt by Councilmember:  
43 \_\_\_\_\_  
44 Motion seconded by Councilmember:  
45  
46

1  
2

Vote:      AYES      NAYS

the 1990s, the number of people in the UK who are employed in the public sector has increased from 10.5 million to 12.5 million (12% of the population).

There are a number of reasons for this increase. One is that the public sector has become a more important part of the economy. Another is that the public sector has become more efficient. A third is that the public sector has become more attractive to workers.

The public sector has become a more important part of the economy because of the increasing demand for public services.

The public sector has become more efficient because of the increasing competition from the private sector.

The public sector has become more attractive to workers because of the increasing demand for public services.

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**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-16-02 Large Structures 14 Occupancy v002

**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 property owners enjoy the use of their property for parties and family related events on a regular basis and that such use should continue long into the future. However, the Town also 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 commercial event facilities; and

**WHEREAS**, the Town’s residential areas have limited means of access due to the layout of roads and limited number of major thoroughfares in the Town. The road layout and limited number of thoroughfares already cause numerous traffic problems, particularly during the high traffic tourist season from approximately Memorial Day to Labor Day each year. The use of single-family residences in residentially zoned areas for pre-planned events, community uses and private parties increases traffic and safety hazards to the attendees, owners, neighbors and visitors to the Town; 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

1  
2       **WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town may enact and amend  
3 ordinances regulating the zoning and development of land within its jurisdiction and  
4 specifically the height, number of stories and size of buildings and other structures, the  
5 percentage of lots that may be occupied, the size of yards, courts and other open spaces,  
6 the density of population, the location and use of buildings, structures and land. Pursuant  
7 to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et.  
8 seq, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning  
9 Ordinance”) and has codified the same as Chapter 36 of the Town’s Code of Ordinances  
10 (the “Town Code”); and  
11

12       **WHEREAS**, pursuant to N.C.G.S. § 160A-383, the Town may use zoning  
13 regulations to provide adequate light and air; to prevent the overcrowding of land; to avoid  
14 undue concentration of population; to lessen congestion in the streets; to secure safety from  
15 fire, panic, and dangers; and to facilitate the efficient and adequate provision of  
16 transportation, water, sewerage, schools, parks, and other public requirements. In doing so,  
17 the Town may take into account the character of the Town’s zoning districts and their  
18 peculiar suitability for particular uses with a view to conserving the value of buildings and  
19 encouraging the most appropriate use of land throughout the Town; and  
20

21       **WHEREAS**, 2015 N.C. Sess. Law 86 made substantial changes to the text of  
22 N.C.G.S. § 160A-381 which purport to limit the Town’s authority to regulated “building  
23 design elements.” In particular, the changes to N.C.G.S. § 160A-381 prohibit the Town  
24 from regulating density or use of residential structures through restrictions on the number  
25 of bedrooms as the Town has historically regulated such density. These changes require  
26 that the Town’s Zoning Ordinance be updated accordingly; and  
27

28       **WHEREAS**, the Town finds that in order to effectively regulate the density of  
29 population within the Town following the adoption of 2015 N.C. Sess. Law 86 the Town  
30 must regulate and limit the occupancy of single-family dwellings; and  
31

32       **WHEREAS**, the Town finds that setting a reasonable maximum design limitation  
33 for septic systems on single-family dwellings remains a fair and equitable balancing of the  
34 Town’s interests to regulate population density and to maintain the historical and  
35 residential character of developed areas of Town compared with property owners’ interests  
36 in using their property for residential purposes; and  
37

38       **WHEREAS**, the Town does not desire for commercial event facilities to operate  
39 within its residentially zoned districts and the Town finds that the following amendments  
40 are necessary to further clarify the delineation between such event facility usage and single-  
41 family residential dwellings; and  
42

43       **WHEREAS**, the Town finds that a lack of regulation of the maximum design for  
44 septic systems of dwellings and the use of the residential properties for pre-planned events,  
45 community uses and private parties will result in a decrease in value of buildings and lands

1 within the Town due to the Town's unique single-family residential nature and character;  
2 and

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

8  
9 **ARTICLE II. Construction.**

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

16  
17 **ARTICLE III. Amendment of Zoning Ordinance.**

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

21  
22 **PART 1. That Sec 36-57. Definitions of specific terms and words.** be amended as  
23 follows:

24 ...  
25 *Dwelling, large home*, means any residential structure home designed or constructed to  
26 have containing more than seven bedrooms (or rooms that could be considered as bedrooms  
27 using the county criteria for determining septic system design) or septic system capacity  
28 for more than 14 people. Large home dwellings are not a permitted use in any zoning  
29 district unless expressly authorized by that district's regulations.

30 ...  
31 *Dwelling, single-family*, means a detached building designed for or occupied exclusively  
32 by one family. Large home dwellings having septic system capacity for more than 14  
33 people are not included within the term "single-family dwelling."

34  
35 *Dwelling, two-family (duplex)*, means a detached building, divided horizontally or  
36 vertically, and designed for or occupied by two single-family housekeeping units contained  
37 entirely under one roof and having one dividing partition common to each unit, or having  
38 the ceiling structure of the lower unit and the floor structure of the unit above. Large home  
39 dwellings having septic system capacity for more than 14 people are not included within  
40 the term "two-family dwelling."

41 ...  
42 *Event facility* means an establishment, structure or property designed, maintained,  
43 advertised or actually used for the primary purpose of hosting pre-planned events. The term  
44 "events", includes, but is not limited to, private parties, community uses, weddings,  
45 rehearsal dinners, corporate meetings, retreats, sporting events, cultural events, musical  
46 events, celebrations, festivals, fairs, carnivals, circuses or similar events that are planned

1 in advance of their occurrence. The term “community uses” means meetings of charitable,  
2 political, governmental or civic groups. The term “private parties” means events that are  
3 not open to the public, and are held by or on behalf of an individual or organization for the  
4 primary purpose of socializing or gathering. On site sales of food and/or beverages at an  
5 event facility service for purchase by individual patrons from the establishment owner,  
6 whether seated or non-seated, shall constitute a restaurant as defined in section 36-57 which  
7 shall require a conditional use permit. The term “event facility” does not include the use of  
8 a residential structure or property on which a residential structure is located for non-  
9 commercial social gatherings or for traditional family events. The term “traditional family  
10 events” includes, but is not limited to, holiday parties and meals, birthday parties, funeral  
11 services, religious ceremonies and weddings for family members related by blood or  
12 marriage to: (i) any of the individual holders of legal title to the property; (ii) a majority of  
13 the owners of a business entity holding legal title to the property; or (iii) the beneficiaries  
14 of a trust holding legal title to the property.

15  
16 *Family* means one or more persons occupying a single-family dwelling unit, provided that  
17 unless all members are related by blood or marriage or that the dwelling unit is being used  
18 as a vacation rental under the North Carolina Vacation Rental Act (N.C.G.S. Chap. 42A),  
19 then no such family shall contain more than five persons.

20  
21 **PART 2. That Sec 36-202. RS-1 single-family residential district. be amended as**  
22 **follows:**

23 ...  
24 (b) Permitted uses. The following uses shall be permitted by right:  
25 (1) ~~Detached single-family dwelling consisting of no more than seven bedrooms or septic~~  
26 ~~system capacity for more than 14 people.~~

27  
28 **PART 3. That Sec 36-203. RS-8 residential district. be amended as follows:**

29 ...  
30 ...  
31 (b) Permitted uses. The following uses shall be permitted by right:  
32 ...  
33 (9) ~~Dwellings shall consist of no more than seven bedrooms or septic system capacity for~~  
34 ~~more than 14 people.~~

35  
36 **PART 4. That Sec 36-204. RS-10 residential district. be amended as follows:**

37 ...  
38 ...  
39 (b) Permitted uses. The following uses shall be permitted by right:  
40 (1) ~~Detached single-family dwellings shall consist of no more than seven bedrooms or~~  
41 ~~septic system capacity for more than 14 people.~~

42  
43 **PART 5. That Sec 36-205. R-1 low-density residential district. be amended as follows:**

44 ...  
45 ...  
46 (b) Permitted uses. The following uses shall be permitted by right:

1 (1) ~~Detached single-family dwelling consisting of no more than seven bedrooms or septic~~  
2 ~~capacity for more than 14 people.~~

3  
4 **PART 6.** That Sec 36-207. **C general commercial district.** be amended as follows:

5  
6 ...  
7 (b) Permitted uses. The following uses shall be permitted by right:

8 ...  
9 (4) Detached Ssingle-family dwellings, two-family (duplexes) dwellings, multifamily  
10 dwellings, large home dwellings, and accessory buildings, according to the dimensional  
11 requirements of RS-8 multifamily residential district. Large home dwellings shall be  
12 exempt from section 36-203(d)(8) requirements. For multifamily dwellings, the lot  
13 coverage shall not exceed 40 percent.

14 ...  
15 (10) ~~Dwelling, large homes.~~

16  
17 ~~(11) Event facilities.~~

18  
19 **PART 7.** That Sec 36-163. **Off-street parking requirements** be amended as  
20 follows:

21 ...  
22 (3) *Minimum parking requirements. ...*

23 *a. Residential and related uses.*

24 1. Detached Ssingle-family dwelling units, two-family detached dwelling units and  
25 townhouses: three parking spaces for each dwelling unit with up to four bedrooms  
26 (including all areas used for sleeping), eight (8) persons of septic capacity and one  
27 additional space for each additional four (4) persons of septic capacity two bedrooms  
28 (including areas useable for sleeping), or fraction thereof, in excess of four eight (8) person  
29 septic capacity.

30  
31 (i) ~~Bedrooms and/or areas useable for sleeping shall be defined and~~ The number of persons  
32 of septic capacity shall be determined by the county health department in establishing  
33 residence occupancy limits for wastewater/septic system.

34 ...  
35 4. Dwelling, large home: one parking space for each bedroom two (2) persons of septic  
36 capacity as ~~Bedrooms and/or areas useable for sleeping shall be defined and~~ determined  
37 by the county health department in establishing residence occupancy limits for  
38 wastewater/septic system. ...

39  
40 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**  
41 **Reasonableness.**

42  
43 The Town's adoption of this ordinance amendment is consistent with the Town's adopted  
44 comprehensive zoning ordinance, land use plan and any other officially adopted plan that  
45 is applicable. For all of the above-stated reasons, any reasons stated during the meetings at  
46 which this ordinance amendment was considered and any additional reasons supporting the

1 Town's adoption of this ordinance amendment, the Town considers the adoption of this  
2 ordinance amendment to be reasonable and in the public interest.

3

4 **ARTICLE V. Severability.**

5

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

11

12 **ARTICLE VI. Effective Date.**

13

14 This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of  
15 \_\_\_\_\_, 2016.

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\_\_\_\_\_  
Tom Bennett, Mayor

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24 ATTEST:

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\_\_\_\_\_  
Town Clerk

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31 APPROVED AS TO FORM:

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\_\_\_\_\_  
Town Attorney

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Date adopted:

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\_\_\_\_\_  
Motion to adopt by Councilmember:

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\_\_\_\_\_  
Motion seconded by Councilmember:

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46

Vote: \_\_AYES\_\_ NAYS

the 1990s, the number of people with a mental health problem has increased in the UK (Mental Health Act 1983, 1990).

There is a growing awareness of the need to improve the lives of people with mental health problems. The Department of Health (1999) has set out a vision of a new mental health system, which will be based on the following principles:

- (i) People with mental health problems should be treated as individuals, with their own needs and wishes.
- (ii) People with mental health problems should be given the opportunity to participate in decisions about their care.
- (iii) People with mental health problems should be given the opportunity to live in their own homes and communities.

There is a growing awareness of the need to improve the lives of people with mental health problems.

The Department of Health (1999) has set out a vision of a new mental health system, which will be based on the following principles:

- (iv) People with mental health problems should be given the opportunity to live in their own homes and communities.
- (v) People with mental health problems should be given the opportunity to participate in decisions about their care.
- (vi) People with mental health problems should be treated as individuals, with their own needs and wishes.

There is a growing awareness of the need to improve the lives of people with mental health problems.

The Department of Health (1999) has set out a vision of a new mental health system, which will be based on the following principles:

- (vii) People with mental health problems should be given the opportunity to live in their own homes and communities.
- (viii) People with mental health problems should be given the opportunity to participate in decisions about their care.
- (ix) People with mental health problems should be treated as individuals, with their own needs and wishes.

There is a growing awareness of the need to improve the lives of people with mental health problems.

The Department of Health (1999) has set out a vision of a new mental health system, which will be based on the following principles:

- (x) People with mental health problems should be given the opportunity to live in their own homes and communities.
- (xi) People with mental health problems should be given the opportunity to participate in decisions about their care.
- (xii) People with mental health problems should be treated as individuals, with their own needs and wishes.

## STAFF REPORT

**To:** Southern Shores Planning Board  
**Date:** January 21, 2016  
**Case:** ZTA-16-03  
**Prepared By:** Wes Haskett, Town Planner/Code Enforcement Officer

### GENERAL INFORMATION

**Applicant:** Town Staff

**Requested Action:** Amendment of the Town Zoning Ordinance by amending Section 36-57, Definitions of Specific Terms and Words; 36-202, RS-1 Single-family Residential District; Section 36-203, RS-8 Residential District; Section 36-204, RS-10 Residential District; 36-205, R-1 Low Density Residential District; Section 36-207, C General Commercial District; and Section 36-163, Off-street Parking Requirements.

### ANALYSIS

Town Staff is proposing a Zoning Text Amendment (ZTA) to amend all of the aforementioned Sections of the Town Code to address large homes. As a result of Senate Bill 25 which was passed last year by the North Carolina General Assembly, municipalities are prohibited from restricting the number and type of rooms in single-family and two-family dwellings. The proposed ZTA revises Section 36-57, Definitions of Specific Terms and Words and the Schedule of District Regulations for all of the residential zoning districts and the General Commercial zoning district in an attempt to regulate large homes by limiting the maximum size of single-family dwellings to 6,000 sq. ft. In addition, Town Staff is also proposing to amend the definitions of Event Facility and Family in order to address special events held in residential zoning districts and the commercial zoning district (please note that there are two versions of the proposed ZTA with a different definition of Event Facility). Finally, Town Staff is proposing to amend Section 36-163, Off-street parking requirements in order to be in compliance with Senate Bill 25 by requiring parking spaces for single-family and two-family dwellings based on septic capacity instead of the number of bedrooms.

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

- **Goal 2:** Protect, enhance and support land uses that are compatible with surrounding land uses and maintain the existing character of Southern Shores.
- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density (1-3 units per acre) residential community comprised of single family dwellings on large lots (20,000 square feet or larger) served by a small commercial district (56 acres out of 2,175 acres) 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**

The Town Planning Board unanimously (5-0) recommended disapproval of the application. Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan.



**Town of Southern Shores**

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

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

info@southernshores-nc.gov

www.southernshores-nc.gov

ZTA-16-03 Large Structures Max. Sq. Ft.

**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 property owners enjoy the use of their property for parties and family related events on a regular basis and that such use should continue long into the future. However, the Town also 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 commercial event facilities; and

**WHEREAS**, the Town's residential areas have limited means of access due to the layout of roads and limited number of major thoroughfares in the Town. The road layout and limited number of thoroughfares already cause numerous traffic problems, particularly during the high traffic tourist season from approximately Memorial Day to Labor Day each year. The use of single-family residences in residentially zoned areas for pre-planned events, community uses and private parties increases traffic and safety hazards to the attendees, owners, neighbors and visitors to the Town; 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

1  
2       **WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town may enact and amend  
3 ordinances regulating the zoning and development of land within its jurisdiction and  
4 specifically the height, number of stories and size of buildings and other structures, the  
5 percentage of lots that may be occupied, the size of yards, courts and other open spaces,  
6 the density of population, the location and use of buildings, structures and land. Pursuant  
7 to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et.  
8 seq, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning  
9 Ordinance”) and has codified the same as Chapter 36 of the Town’s Code of Ordinances  
10 (the “Town Code”); and  
11

12       **WHEREAS**, pursuant to N.C.G.S. § 160A-383, the Town may use zoning  
13 regulations to provide adequate light and air; to prevent the overcrowding of land; to avoid  
14 undue concentration of population; to lessen congestion in the streets; to secure safety from  
15 fire, panic, and dangers; and to facilitate the efficient and adequate provision of  
16 transportation, water, sewerage, schools, parks, and other public requirements. In doing so,  
17 the Town may take into account the character of the Town’s zoning districts and their  
18 peculiar suitability for particular uses with a view to conserving the value of buildings and  
19 encouraging the most appropriate use of land throughout the Town; and  
20

21       **WHEREAS**, 2015 N.C. Sess. Law 86 made substantial changes to the text of  
22 N.C.G.S. § 160A-381 which purport to limit the Town’s authority to regulated “building  
23 design elements.” In particular, the changes to N.C.G.S. § 160A-381 prohibit the Town  
24 from regulating density or use of residential structures through restrictions on the number  
25 of bedrooms as the Town has historically regulated such density. These changes require  
26 that the Town’s Zoning Ordinance be updated accordingly; and  
27

28       **WHEREAS**, the Town finds that in order to effectively regulate the density of  
29 population within the Town following the adoption of 2015 N.C. Sess. Law 86 the Town  
30 must regulate the size and bulk of residential structures within its jurisdiction; and  
31

32       **WHEREAS**, the Town finds that setting a reasonable maximum size limitation of  
33 single-family dwellings is a fair and equitable balancing of the Town’s interests to regulate  
34 size and population density and to maintain the historical and residential character of  
35 developed areas of Town compared with property owners’ interests in using their property  
36 for residential purposes; and  
37

38       **WHEREAS**, the Town does not desire for commercial event facilities to operate  
39 within its residentially zoned districts and the Town finds that the following amendments  
40 are necessary to further clarify the delineation between such event facility usage and single-  
41 family residential dwellings; and  
42

43       **WHEREAS**, the Town finds that a lack of regulation of the size of dwellings and  
44 the use of the residential properties for pre-planned events, community uses and private  
45 parties will result in a decrease in value of buildings and lands within the Town due to the  
46 Town’s unique single-family residential nature and character; and

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 1. That Sec 36-57. Definitions of specific terms and words.** be amended as  
21 follows:

22           ...

23 Dwelling, large home, means any residential structure home exceeding the maximum size  
24 for such structures in the zoning district in which it is located containing more than seven  
25 bedrooms (or rooms that could be considered as bedrooms using the county criteria for  
26 determining septic system design) or septic system capacity for more than 14 people. Large  
27 home dwellings are not a permitted use in any zoning district.

28           ...

29 Event facility means an establishment, structure or property designed, maintained,  
30 advertised or actually used during any continuous twelve-month period for (i) any number  
31 of pre-planned events, (ii) four or more community uses; or (iii) four or more private parties  
32 having between twenty-five (25) and seventy-five (75) attendees. The term "pre-planned  
33 events", includes, but is not limited to, private parties of greater than seventy-five (75)  
34 attendees, weddings, rehearsal dinners, corporate meetings, retreats, sporting events,  
35 cultural events, musical events, celebrations, festivals, fairs, carnivals, circuses or similar  
36 events. The term "community uses" means meetings of charitable, political, governmental  
37 or civic groups. The term "private parties" means events that are not open to the public,  
38 and are held by or on behalf of an individual or organization for the primary purpose of  
39 socializing or gathering. On site sales of food and/or beverages at an event facility service  
40 for purchase by individual patrons from the establishment owner, whether seated or non-  
41 seated, shall constitute a restaurant as defined in section 36-57 which shall require a  
42 conditional use permit. The term "event facility" does not include the use of a residential  
43 structure or property on which a residential structure is located for social gatherings of less  
44 than twenty-five attendees or for traditional family events. The term "traditional family  
45 events" includes, but is not limited to, holiday parties and meals, birthday parties, funeral  
46 services, religious ceremonies and weddings for family members related by blood or



1 **PART 5. That Sec 36-205. R-1 low-density residential district. be amended as foll**

2 ...

3 ...  
4 (b) Permitted uses. The following uses shall be permitted by right:

5 (1) ~~Detached single-family dwelling consisting of no more than seven bedrooms or septic~~  
6 ~~capacity for more than 14 people.~~

7 ...

8 (d) *Dimensional requirements.*

9 ...

10 (10) Maximum Size of Single-Family Dwelling: single family dwellings shall not exceed  
11 6,000 sq. ft. of enclosed living space.

12  
13 **PART 6. That Sec 36-207. C general commercial district. be amended as follows:**

14 ...

15 ...  
16 (b) Permitted uses. The following uses shall be permitted by right:

17 ...

18 (4) ~~Detached~~ Single-family dwellings, two-family (duplexes) dwellings, multifamily  
19 dwellings, large-home dwellings, and accessory buildings, according to the dimensional  
20 requirements of RS-8 multifamily residential district. Large-home dwellings shall be  
21 exempt from section 36-203(d)(8) requirements. For multifamily dwellings, the lot  
22 coverage shall not exceed 40 percent.

23 ...

24 (10) ~~Dwelling, large homes.~~

25

26 (11) Event facilities.

27 ...

28 (d) *Dimensional requirements.*

29 ...

30 (10) Maximum Size of Single-Family Dwelling: single family dwellings shall not exceed  
31 6,000 sq. ft. of enclosed living space.

32  
33 **PART 7. That Sec 36-163. Off-street parking requirements be amended as**  
34 **follows:**

35 ...

36 (3) *Minimum parking requirements. ...*

37 a. *Residential and related uses.*

38 1. ~~Detached~~ Single-family dwelling units, two-family detached dwelling units and  
39 townhouses: three parking spaces for each dwelling unit with up to four bedrooms  
40 (including all areas used for sleeping), eight (8) person septic capacity and one additional  
41 space for each additional four (4) persons of septic capacity two bedrooms (including areas  
42 useable for sleeping), or fraction thereof, in excess of four eight (8) person septic capacity.

43  
44 (i) ~~Bedrooms and/or areas useable for sleeping shall be defined and~~ The number of persons  
45 of septic capacity shall be determined by the county health department in establishing  
46 residence occupancy limits for wastewater/septic system.

1 ...  
2 ~~4. Dwelling, large home: one parking space for each bedroom. Bedrooms and/or areas~~  
3 ~~useable for sleeping shall be defined and determined by the county health department in~~  
4 ~~establishing residence occupancy limits for wastewater/septic system. A ten-foot wide~~  
5 ~~drive aisle shall be provided, which must be separate from any parking spaces, such that~~  
6 ~~no vehicle will be required to back into the public right of way. Each parking space shall~~  
7 ~~have a minimum length of 18 feet and minimum width of ten feet. The drive aisle and one-~~  
8 ~~half of the required parking spaces shall have an improved surface of concrete or asphalt.~~  
9 ~~Other required and additional spaces may be either gravel, perforated paving blocks, or~~  
10 ~~polymer open cell soil stabilization systems. Such porous parking areas shall be excluded~~  
11 ~~from lot coverage calculations.~~

12  
13 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**  
14 **Reasonableness.**

15  
16 The Town's adoption of this ordinance amendment is consistent with the Town's adopted  
17 comprehensive zoning ordinance, land use plan and any other officially adopted plan that  
18 is applicable. For all of the above-stated reasons, any reasons stated during the meetings at  
19 which this ordinance amendment was considered and any additional reasons supporting the  
20 Town's adoption of this ordinance amendment, the Town considers the adoption of this  
21 ordinance amendment to be reasonable and in the public interest.

22  
23 **ARTICLE V. Severability.**

24  
25 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are  
26 hereby repealed. Should a court of competent jurisdiction declare this ordinance  
27 amendment or any part thereof to be invalid, such decision shall not affect the remaining  
28 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the  
29 Town of Southern Shores, North Carolina which shall remain in full force and effect.

30  
31 **ARTICLE VI. Effective Date.**

32  
33 This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of  
34 \_\_\_\_\_, 2016.

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39 \_\_\_\_\_  
40 Tom Bennett, Mayor

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43 ATTEST:  
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APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

Date adopted:

\_\_\_\_\_  
Motion to adopt by Councilmember:

\_\_\_\_\_  
Motion seconded by Councilmember:

Vote:      AYES      NAYS



## STAFF REPORT

**To:** Southern Shores Planning Board  
**Date:** January 21, 2016  
**Case:** ZTA-16-04  
**Prepared By:** Wes Haskett, Town Planner/Code Enforcement Officer

### GENERAL INFORMATION

**Applicant:** Town Staff

**Requested Action:** Amendment of the Town Zoning Ordinance by amending Section 36-57, Definitions of Specific Terms and Words; 36-202, RS-1 Single-family Residential District; Section 36-203, RS-8 Residential District; Section 36-204, RS-10 Residential District; 36-205, R-1 Low Density Residential District; Section 36-207, C General Commercial District; and Section 36-163, Off-street Parking Requirements.

### ANALYSIS

Town Staff is proposing a Zoning Text Amendment (ZTA) to amend all of the aforementioned Sections of the Town Code to address large homes. As a result of Senate Bill 25 which was passed last year by the North Carolina General Assembly, municipalities are prohibited from restricting the number and type of rooms in single-family and two-family dwellings. The proposed ZTA revises Section 36-57, Definitions of Specific Terms and Words and the Schedule of District Regulations for all of the residential zoning districts and the General Commercial zoning district in an attempt to regulate large homes by establishing a maximum square footage for single-family dwellings based on lot size as follows:

- Lots with square footage up to 10,000 square feet: single-family dwellings shall not exceed 2,000 sq. ft. of enclosed living space;
- Lots with square footage from 10,001 to 20,000 square feet: single-family dwellings shall not exceed 4,000 sq. ft. of enclosed living space;
- Lots with square footage from 20,001 to 35,000 square feet: single family dwellings shall not exceed 6,000 sq. ft. of enclosed living space; and
- Lots with square footage greater than or equal to 35,001: single family dwellings shall not exceed 8,600 sq. ft. of enclosed living space.

In addition, Town Staff is also proposing to amend the definitions of Event Facility and Family in order to address special events held in residential zoning districts and the commercial zoning district (please note that there are two versions of the proposed ZTA with a different definition of Event Facility). Finally, Town Staff is proposing to amend Section 36-163, Off-street parking requirements in order to be in compliance with Senate Bill 25 by requiring parking spaces for single-family and two-family dwellings based on septic capacity instead of the number of bedrooms.

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

- **Goal 2:** Protect, enhance and support land uses that are compatible with surrounding land uses and maintain the existing character of Southern Shores.
- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density (1–3 units per acre) residential community comprised of single family dwellings on large lots (20,000 square feet or larger) served by a small commercial district (56 acres out of 2,175 acres) 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**

The Town Planning Board unanimously (5-0) recommended disapproval of the application. Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan.



**Town of Southern Shores**

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

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ZTA-16-04 Large Structures Graduated Sq. Ft.

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 property owners enjoy the use of their property for parties and family related events on a regular basis and that such use should continue long into the future. However, the Town also 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 commercial event facilities; and

**WHEREAS**, the Town’s residential areas have limited means of access due to the layout of roads and limited number of major thoroughfares in the Town. The road layout and limited number of thoroughfares already cause numerous traffic problems, particularly during the high traffic tourist season from approximately Memorial Day to Labor Day each year. The use of single-family residences in residentially zoned areas for pre-planned events, community uses and private parties increases traffic and safety hazards to the attendees, owners, neighbors and visitors to the Town; 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

1  
2       **WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town may enact and amend  
3 ordinances regulating the zoning and development of land within its jurisdiction and  
4 specifically the height, number of stories and size of buildings and other structures, the  
5 percentage of lots that may be occupied, the size of yards, courts and other open spaces,  
6 the density of population, the location and use of buildings, structures and land. Pursuant  
7 to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et.  
8 seq, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning  
9 Ordinance”) and has codified the same as Chapter 36 of the Town’s Code of Ordinances  
10 (the “Town Code”); and  
11

12       **WHEREAS**, pursuant to N.C.G.S. § 160A-383, the Town may use zoning  
13 regulations to provide adequate light and air; to prevent the overcrowding of land; to avoid  
14 undue concentration of population; to lessen congestion in the streets; to secure safety from  
15 fire, panic, and dangers; and to facilitate the efficient and adequate provision of  
16 transportation, water, sewerage, schools, parks, and other public requirements. In doing so,  
17 the Town may take into account the character of the Town’s zoning districts and their  
18 peculiar suitability for particular uses with a view to conserving the value of buildings and  
19 encouraging the most appropriate use of land throughout the Town; and  
20

21       **WHEREAS**, 2015 N.C. Sess. Law 86 made substantial changes to the text of  
22 N.C.G.S. § 160A-381 which purport to limit the Town’s authority to regulated “building  
23 design elements.” In particular, the changes to N.C.G.S. § 160A-381 prohibit the Town  
24 from regulating density or use of residential structures through restrictions on the number  
25 of bedrooms as the Town has historically regulated such density. These changes require  
26 that the Town’s Zoning Ordinance be updated accordingly; and  
27

28       **WHEREAS**, the Town finds that in order to effectively regulate the density of  
29 population within the Town following the adoption of 2015 N.C. Sess. Law 86 the Town  
30 must regulate the size and bulk of residential structures within its jurisdiction; and  
31

32       **WHEREAS**, the Town finds that adjusting the size limitations of single-family  
33 dwellings based upon the size of the lots where the structures are to be located is a fair and  
34 equitable balancing of the Town’s interests to regulate size and population density and to  
35 maintain the historical and residential character of developed areas of Town compared with  
36 property owners’ interests in using their property for residential purposes; and  
37

38       **WHEREAS**, the Town does not desire for commercial event facilities to operate  
39 within its residentially zoned districts and the Town finds that the following amendments  
40 are necessary to further clarify the delineation between such event facility usage and single-  
41 family residential dwellings; and  
42

43       **WHEREAS**, the Town finds that a lack of regulation of the size of dwellings and  
44 the use of the residential properties for pre-planned events, community uses and private  
45 parties will result in a decrease in value of buildings and lands within the Town due to the  
46 Town’s unique single-family residential nature and character; and

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 1. That Sec 36-57. Definitions of specific terms and words.** be amended as  
21 follows:

22 ...  
23 Dwelling, large home, means any residential structure ~~home~~ exceeding the maximum size  
24 for such structures in the zoning district in which it is located ~~containing more than seven~~  
25 ~~bedrooms-(or rooms that could be considered as bedrooms using the county criteria for~~  
26 ~~determining septic system design)-or septic system capacity for more than 14 people.~~ Large  
27 home dwellings are not a permitted use in any zoning district.

28 ...  
29 Event facility means an establishment, structure or property designed, maintained,  
30 advertised or actually used during any continuous twelve-month period for (i) any number  
31 of pre-planned events, (ii) four or more community uses; or (iii) four or more private parties  
32 having between twenty-five (25) and seventy-five (75) attendees. The term "pre-planned  
33 events", includes, but is not limited to, private parties of greater than seventy-five (75)  
34 attendees, weddings, rehearsal dinners, corporate meetings, retreats, sporting events,  
35 cultural events, musical events, celebrations, festivals, fairs, carnivals, circuses or similar  
36 events. The term "community uses" means meetings of charitable, political, governmental  
37 or civic groups. The term "private parties" means events that are not open to the public,  
38 and are held by or on behalf of an individual or organization for the primary purpose of  
39 socializing or gathering. On site sales of Ffood and/or beverages at an event facility serviee  
40 ~~for purchase by individual patrons from the establishment owner, whether seated or non-~~  
41 ~~seated,~~ shall constitute a restaurant as defined in section 36-57 which shall require a  
42 conditional use permit. The term "event facility" does not include the use of a residential  
43 structure or property on which a residential structure is located for social gatherings of less  
44 than twenty-five attendees or for traditional family events. The term "traditional family  
45 events" includes, but is not limited to, holiday parties and meals, birthday parties, funeral  
46 services, religious ceremonies and weddings for family members related by blood or

1 marriage to: (i) any of the individual holders of legal title to the property; (ii) a majority of  
2 the owners of a business entity holding legal title to the property; or (iii) the beneficiaries  
3 of a trust holding legal title to the property.  
4

5 *Family* means one or more persons occupying a single-family dwelling unit, provided that  
6 unless all members are related by blood or marriage or that the dwelling unit is being used  
7 as a vacation rental under the North Carolina Vacation Rental Act (N.C.G.S. Chap. 42A),  
8 then no such family shall contain more than five persons.  
9

10 **PART 2.** That Sec 36-202. **RS-1 single-family residential district.** be amended as  
11 follows:

12 ...

13 (b) Permitted uses. The following uses shall be permitted by right:

14 (1) ~~Detached single-family dwelling consisting of no more than seven bedrooms or septic~~  
15 ~~system capacity for more than 14 people.~~

16 ...

17 (d) *Dimensional requirements.*

18 ...

19 (9) Maximum Size of Single-Family Dwelling:

20 a. Lots with square footage up to 10,000 square feet: single-family dwellings shall  
21 not exceed 2,000 sq. ft. of enclosed living space.

22 b. Lots with square footage from 10,001 to 20,000 square feet: single-family  
23 dwellings shall not exceed 4,000 sq. ft. of enclosed living space.

24 c. Lots with square footage from 20,001 to 35,000 square feet: single family  
25 dwellings shall not exceed 6,000 sq. ft. of enclosed living space.

26 d. Lots with square footage greater than or equal to 35,001: single family dwellings  
27 shall not exceed 8,600 sq. ft. of enclosed living space.  
28

29 **PART 3.** That Sec 36-203. **RS-8 multifamily residential district.** be amended as  
30 follows:

31 ...

32 (b) Permitted uses. The following uses shall be permitted by right:

33 ...

34 ~~(9) Dwellings shall consist of no more than seven bedrooms or septic system capacity for~~  
35 ~~more than 14 people.~~

36 ...

37 (d) *Dimensional requirements.*

38 ...

39 (10) Maximum Size of Single-Family Dwelling:

40 a. Lots with square footage up to 10,000 square feet: single-family dwellings shall  
41 not exceed 2,000 sq. ft. of enclosed living space.

42 b. Lots with square footage from 10,001 to 20,000 square feet: single-family  
43 dwellings shall not exceed 4,000 sq. ft. of enclosed living space.

44 c. Lots with square footage from 20,001 to 35,000 square feet: single family  
45 dwellings shall not exceed 6,000 sq. ft. of enclosed living space.

1 d. Lots with square footage greater than or equal to 35,001: single family dwellings  
2 shall not exceed 8,600 sq. ft. of enclosed living space.

3  
4 **PART 4. That Sec 36-204. RS-10 residential district.** be amended as follows:

5 ...

6  
7 (b) Permitted uses. The following uses shall be permitted by right:

8 (1) ~~Detached single-family dwellings shall consist of no more than seven bedrooms or~~  
9 ~~septic system capacity for more than 14 people.~~

10 ...  
11 (d) *Dimensional requirements.*

12 ...  
13 **(10) Maximum Size of Single-Family Dwelling:**

14 a. Lots with square footage up to 10,000 square feet: single-family dwellings shall  
15 not exceed 2,000 sq. ft. of enclosed living space.

16 b. Lots with square footage from 10,001 to 20,000 square feet: single-family  
17 dwellings shall not exceed 4,000 sq. ft. of enclosed living space.

18 c. Lots with square footage from 20,001 to 35,000 square feet: single family  
19 dwellings shall not exceed 6,000 sq. ft. of enclosed living space.

20 d. Lots with square footage greater than or equal to 35,001: single family dwellings  
21 shall not exceed 8,600 sq. ft. of enclosed living space.

22  
23 **PART 5. That Sec 36-205. R-1 low-density residential district.** be amended as follows:

24 ...

25  
26 (b) Permitted uses. The following uses shall be permitted by right:

27 (1) ~~Detached single-family dwelling consisting of no more than seven bedrooms or septic~~  
28 ~~capacity for more than 14 people.~~

29 ...  
30 (d) *Dimensional requirements.*

31 ...  
32 **(10) Maximum Size of Single-Family Dwelling:**

33 a. Lots with square footage up to 10,000 square feet: single-family dwellings shall  
34 not exceed 2,000 sq. ft. of enclosed living space.

35 b. Lots with square footage from 10,001 to 20,000 square feet: single-family  
36 dwellings shall not exceed 4,000 sq. ft. of enclosed living space.

37 c. Lots with square footage from 20,001 to 35,000 square feet: single family  
38 dwellings shall not exceed 6,000 sq. ft. of enclosed living space.

39 d. Lots with square footage greater than or equal to 35,001: single family dwellings  
40 shall not exceed 8,600 sq. ft. of enclosed living space.

41  
42 **PART 6. That Sec 36-207. C general commercial district.** be amended as follows:

43 ...

44  
45 (b) Permitted uses. The following uses shall be permitted by right:

46 ...

1 (4) Detached Ssingle-family dwellings, two-family (duplexes) dwellings, multifamily  
2 dwellings, ~~large home dwellings~~, and accessory buildings, according to the dimensional  
3 requirements of RS-8 multifamily residential district. ~~Large home dwellings shall be~~  
4 ~~exempt from section 36-203(d)(8) requirements.~~ For multifamily dwellings, the lot  
5 coverage shall not exceed 40 percent.

6 ...  
7 (10) ~~Dwelling, large homes.~~

8  
9 (11) Event facilities.

10 ...  
11 (d) *Dimensional requirements.*

12 ...  
13 (10) Maximum Size of Single-Family Dwelling:

14 a. Lots with square footage up to 10,000 square feet: single-family dwellings shall  
15 not exceed 2,000 sq. ft. of enclosed living space.

16 b. Lots with square footage from 10,001 to 20,000 square feet: single-family  
17 dwellings shall not exceed 4,000 sq. ft. of enclosed living space.

18 c. Lots with square footage from 20,001 to 35,000 square feet: single family  
19 dwellings shall not exceed 6,000 sq. ft. of enclosed living space.

20 d. Lots with square footage greater than or equal to 35,001: single family dwellings  
21 shall not exceed 8,600 sq. ft. of enclosed living space.

22  
23 **PART 7. That Sec 36-163. Off-street parking requirements be amended as**  
24 **follows:**

25 ...  
26 (3) *Minimum parking requirements. ...*

27 a. *Residential and related uses.*

28 1. Detached Ssingle-family dwelling units, two-family detached dwelling units and  
29 townhouses: three parking spaces for each dwelling unit with up to ~~four bedrooms~~  
30 ~~(including all areas used for sleeping); eight (8) person septic capacity and one additional~~  
31 ~~space for each additional four (4) persons of septic capacity two bedrooms (including areas~~  
32 ~~useable for sleeping), or fraction thereof, in excess of four eight (8) person septic capacity.~~

33  
34 (i) ~~Bedrooms and/or areas useable for sleeping shall be defined and~~ The number of persons  
35 of septic capacity shall be determined by the county health department in establishing  
36 residence occupancy limits for wastewater/septic system.

37 ...  
38 4. ~~Dwelling, large home: one parking space for each bedroom. Bedrooms and/or areas~~  
39 ~~useable for sleeping shall be defined and determined by the county health department in~~  
40 ~~establishing residence occupancy limits for wastewater/septic system. A ten-foot wide~~  
41 ~~drive aisle shall be provided, which must be separate from any parking spaces, such that~~  
42 ~~no vehicle will be required to back into the public right of way. Each parking space shall~~  
43 ~~have a minimum length of 18 feet and minimum width of ten feet. The drive aisle and one-~~  
44 ~~half of the required parking spaces shall have an improved surface of concrete or asphalt.~~  
45 ~~Other required and additional spaces may be either gravel, perforated paving blocks, or~~

1 ~~polymer open cell soil stabilization systems. Such porous parking areas shall be excluded~~  
2 ~~from lot coverage calculations.~~

3  
4 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**  
5 **Reasonableness.**

6  
7 The Town's adoption of this ordinance amendment is consistent with the Town's adopted  
8 comprehensive zoning ordinance, land use plan and any other officially adopted plan that  
9 is applicable. For all of the above-stated reasons, any reasons stated during the meetings at  
10 which this ordinance amendment was considered and any additional reasons supporting the  
11 Town's adoption of this ordinance amendment, the Town considers the adoption of this  
12 ordinance amendment to be reasonable and in the public interest.

13  
14 **ARTICLE V. Severability.**

15  
16 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are  
17 hereby repealed. Should a court of competent jurisdiction declare this ordinance  
18 amendment or any part thereof to be invalid, such decision shall not affect the remaining  
19 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the  
20 Town of Southern Shores, North Carolina which shall remain in full force and effect.

21  
22 **ARTICLE VI. Effective Date.**

23  
24 This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of  
25 \_\_\_\_\_, 2016.

26  
27  
28  
29  
30 \_\_\_\_\_  
31 Tom Bennett, Mayor

32  
33  
34 **ATTEST:**

35  
36  
37 \_\_\_\_\_  
38 Town Clerk

39  
40  
41 **APPROVED AS TO FORM:**

42  
43  
44 \_\_\_\_\_  
45 Town Attorney







**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-16-04 Large Structures Graduated Sq. Ft. v002

**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 property owners enjoy the use of their property for parties and family related events on a regular basis and that such use should continue long into the future. However, the Town also 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 commercial event facilities; and

**WHEREAS**, the Town's residential areas have limited means of access due to the layout of roads and limited number of major thoroughfares in the Town. The road layout and limited number of thoroughfares already cause numerous traffic problems, particularly during the high traffic tourist season from approximately Memorial Day to Labor Day each year. The use of single-family residences in residentially zoned areas for pre-planned events, community uses and private parties increases traffic and safety hazards to the attendees, owners, neighbors and visitors to the Town; 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

1  
2       **WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town may enact and amend  
3 ordinances regulating the zoning and development of land within its jurisdiction and  
4 specifically the height, number of stories and size of buildings and other structures, the  
5 percentage of lots that may be occupied, the size of yards, courts and other open spaces,  
6 the density of population, the location and use of buildings, structures and land. Pursuant  
7 to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et.  
8 seq, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning  
9 Ordinance”) and has codified the same as Chapter 36 of the Town’s Code of Ordinances  
10 (the “Town Code”); and  
11

12       **WHEREAS**, pursuant to N.C.G.S. § 160A-383, the Town may use zoning  
13 regulations to provide adequate light and air; to prevent the overcrowding of land; to avoid  
14 undue concentration of population; to lessen congestion in the streets; to secure safety from  
15 fire, panic, and dangers; and to facilitate the efficient and adequate provision of  
16 transportation, water, sewerage, schools, parks, and other public requirements. In doing so,  
17 the Town may take into account the character of the Town’s zoning districts and their  
18 peculiar suitability for particular uses with a view to conserving the value of buildings and  
19 encouraging the most appropriate use of land throughout the Town; and  
20

21       **WHEREAS**, 2015 N.C. Sess. Law 86 made substantial changes to the text of  
22 N.C.G.S. § 160A-381 which purport to limit the Town’s authority to regulated “building  
23 design elements.” In particular, the changes to N.C.G.S. § 160A-381 prohibit the Town  
24 from regulating density or use of residential structures through restrictions on the number  
25 of bedrooms as the Town has historically regulated such density. These changes require  
26 that the Town’s Zoning Ordinance be updated accordingly; and  
27

28       **WHEREAS**, the Town finds that in order to effectively regulate the density of  
29 population within the Town following the adoption of 2015 N.C. Sess. Law 86 the Town  
30 must regulate the size and bulk of residential structures within its jurisdiction; and  
31

32       **WHEREAS**, the Town finds that adjusting the size limitations of single-family  
33 dwellings based upon the size of the lots where the structures are to be located is a fair and  
34 equitable balancing of the Town’s interests to regulate size and population density and to  
35 maintain the historical and residential character of developed areas of Town compared with  
36 property owners’ interests in using their property for residential purposes; and  
37

38       **WHEREAS**, the Town does not desire for commercial event facilities to operate  
39 within its residentially zoned districts and the Town finds that the following amendments  
40 are necessary to further clarify the delineation between such event facility usage and single-  
41 family residential dwellings; and  
42

43       **WHEREAS**, the Town finds that a lack of regulation of the size of dwellings and  
44 the use of the residential properties for pre-planned events, community uses and private  
45 parties will result in a decrease in value of buildings and lands within the Town due to the  
46 Town’s unique single-family residential nature and character; and

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 1. That Sec 36-57. Definitions of specific terms and words.** be amended as  
21 follows:

22 ...  
23 Dwelling, large home, means any residential structure ~~home~~ exceeding the maximum size  
24 for such structures in the zoning district in which it is located containing more than seven  
25 bedrooms (or rooms that could be considered as bedrooms using the county criteria for  
26 determining septic system design) or septic system capacity for more than 14 people. Large  
27 home dwellings are not a permitted use in any zoning district.

28 ...  
29 Event facility means an establishment, structure or property designed, maintained,  
30 advertised or actually used for the primary purpose of hosting pre-planned events. The term  
31 "events", includes, but is not limited to, private parties, community uses, weddings,  
32 rehearsal dinners, corporate meetings, retreats, sporting events, cultural events, musical  
33 events, celebrations, festivals, fairs, carnivals, circuses or similar events that are planned  
34 in advance of their occurrence. The term "community uses" means meetings of charitable,  
35 political, governmental or civic groups. The term "private parties" means events that are  
36 not open to the public, and are held by or on behalf of an individual or organization for the  
37 primary purpose of socializing or gathering. On site sales of food and/or beverages at an  
38 event facility service for purchase by individual patrons from the establishment owner,  
39 whether seated or non-seated, shall constitute a restaurant as defined in section 36-57 which  
40 shall require a conditional use permit. The term "event facility" does not include the use of  
41 a residential structure or property on which a residential structure is located for non-  
42 commercial social gatherings or for traditional family events. The term "traditional family  
43 events" includes, but is not limited to, holiday parties and meals, birthday parties, funeral  
44 services, religious ceremonies and weddings for family members related by blood or  
45 marriage to: (i) any of the individual holders of legal title to the property; (ii) a majority of

1 the owners of a business entity holding legal title to the property; or (iii) the beneficiaries  
2 of a trust holding legal title to the property.

3  
4 *Family* means one or more persons occupying a single-family dwelling unit, provided that  
5 unless all members are related by blood or marriage or that the dwelling unit is being used  
6 as a vacation rental under the North Carolina Vacation Rental Act (N.C.G.S. Chap. 42A),  
7 then no such family shall contain more than five persons.

8  
9 **PART 2. That Sec 36-202. RS-1 single-family residential district.** be amended as  
10 follows:

11 ...  
12 (b) Permitted uses. The following uses shall be permitted by right:  
13 (1) ~~Detached single-family dwelling consisting of no more than seven bedrooms or septic~~  
14 ~~system capacity for more than 14 people.~~

15 ...  
16 (d) *Dimensional requirements.*

17 ...  
18 (9) Maximum Size of Single-Family Dwelling:

19 a. Lots with square footage up to 10,000 square feet: single-family dwellings shall  
20 not exceed 2,000 sq. ft. of enclosed living space.

21 b. Lots with square footage from 10,001 to 20,000 square feet: single-family  
22 dwellings shall not exceed 4,000 sq. ft. of enclosed living space.

23 c. Lots with square footage from 20,001 to 35,000 square feet: single family  
24 dwellings shall not exceed 6,000 sq. ft. of enclosed living space.

25 d. Lots with square footage greater than or equal to 35,001: single family dwellings  
26 shall not exceed 8,600 sq. ft. of enclosed living space.

27  
28 **PART 3. That Sec 36-203. RS-8 multifamily residential district.** be amended as  
29 follows:

30 ...  
31 (b) Permitted uses. The following uses shall be permitted by right:

32 ...  
33 ~~(9) Dwellings shall consist of no more than seven bedrooms or septic system capacity for~~  
34 ~~more than 14 people.~~

35 ...  
36 (d) *Dimensional requirements.*

37 ...  
38 (10) Maximum Size of Single-Family Dwelling:

39 a. Lots with square footage up to 10,000 square feet: single-family dwellings shall  
40 not exceed 2,000 sq. ft. of enclosed living space.

41 b. Lots with square footage from 10,001 to 20,000 square feet: single-family  
42 dwellings shall not exceed 4,000 sq. ft. of enclosed living space.

43 c. Lots with square footage from 20,001 to 35,000 square feet: single family  
44 dwellings shall not exceed 6,000 sq. ft. of enclosed living space.

45 d. Lots with square footage greater than or equal to 35,001: single family dwellings  
46 shall not exceed 8,600 sq. ft. of enclosed living space.

1  
2 **PART 4. That Sec 36-204. RS-10 residential district. be amended as follows:**

3  
4 ...

5 (b) Permitted uses. The following uses shall be permitted by right:

6 (1) ~~Detached single-family dwellings shall consist of no more than seven bedrooms or~~  
7 ~~septic system capacity for more than 14 people.~~

8 ...

9 (d) *Dimensional requirements.*

10 ...

11 (10) Maximum Size of Single-Family Dwelling:

12 a. Lots with square footage up to 10,000 square feet: single-family dwellings shall  
13 not exceed 2,000 sq. ft. of enclosed living space.

14 b. Lots with square footage from 10,001 to 20,000 square feet: single-family  
15 dwellings shall not exceed 4,000 sq. ft. of enclosed living space.

16 c. Lots with square footage from 20,001 to 35,000 square feet: single family  
17 dwellings shall not exceed 6,000 sq. ft. of enclosed living space.

18 d. Lots with square footage greater than or equal to 35,001: single family dwellings  
19 shall not exceed 8,600 sq. ft. of enclosed living space.

20  
21 **PART 5. That Sec 36-205. R-1 low-density residential district. be amended as follows:**

22  
23 ...

24 (b) Permitted uses. The following uses shall be permitted by right:

25 (1) ~~Detached single-family dwelling consisting of no more than seven bedrooms or septic~~  
26 ~~capacity for more than 14 people.~~

27 ...

28 (d) *Dimensional requirements.*

29 ...

30 (10) Maximum Size of Single-Family Dwelling:

31 a. Lots with square footage up to 10,000 square feet: single-family dwellings shall  
32 not exceed 2,000 sq. ft. of enclosed living space.

33 b. Lots with square footage from 10,001 to 20,000 square feet: single-family  
34 dwellings shall not exceed 4,000 sq. ft. of enclosed living space.

35 c. Lots with square footage from 20,001 to 35,000 square feet: single family  
36 dwellings shall not exceed 6,000 sq. ft. of enclosed living space.

37 d. Lots with square footage greater than or equal to 35,001: single family dwellings  
38 shall not exceed 8,600 sq. ft. of enclosed living space.

39  
40 **PART 6. That Sec 36-207. C general commercial district. be amended as follows:**

41  
42 ...

43 (b) Permitted uses. The following uses shall be permitted by right:

44 ...

45 (4) Detached ~~single-family dwellings, two-family (duplexes) dwellings, multifamily~~  
46 ~~dwellings, large home dwellings, and accessory buildings, according to the dimensional~~

1 requirements of RS-8 multifamily residential district. ~~Large home dwellings shall be~~  
2 ~~exempt from section 36-203(d)(8) requirements.~~ For multifamily dwellings, the lot  
3 coverage shall not exceed 40 percent.

4 ...  
5 (10) Dwelling, large homes.

6  
7 (11) Event facilities.

8 ...  
9 (d) Dimensional requirements.

10 ...  
11 (10) Maximum Size of Single-Family Dwelling:

12 a. Lots with square footage up to 10,000 square feet: single-family dwellings shall  
13 not exceed 2,000 sq. ft. of enclosed living space.

14 b. Lots with square footage from 10,001 to 20,000 square feet: single-family  
15 dwellings shall not exceed 4,000 sq. ft. of enclosed living space.

16 c. Lots with square footage from 20,001 to 35,000 square feet: single family  
17 dwellings shall not exceed 6,000 sq. ft. of enclosed living space.

18 d. Lots with square footage greater than or equal to 35,001: single family dwellings  
19 shall not exceed 8,600 sq. ft. of enclosed living space.

20  
21 **PART 7. That Sec 36-163. Off-street parking requirements be amended as**  
22 **follows:**

23 ...  
24 (3) *Minimum parking requirements. ...*

25 a. *Residential and related uses.*

26 1. Detached single-family dwelling units, two-family detached dwelling units and  
27 townhouses: three parking spaces for each dwelling unit with up to four bedrooms  
28 (including all areas used for sleeping), eight (8) person septic capacity and one additional  
29 space for each additional four (4) persons of septic capacity two bedrooms (including areas  
30 useable for sleeping), or fraction thereof, in excess of four eight (8) person septic capacity.

31  
32 (i) ~~Bedrooms and/or areas useable for sleeping shall be defined and~~ The number of persons  
33 of septic capacity shall be determined by the county health department in establishing  
34 residence occupancy limits for wastewater/septic system.

35 ...  
36 ~~4. Dwelling, large home: one parking space for each bedroom. Bedrooms and/or areas~~  
37 ~~useable for sleeping shall be defined and determined by the county health department in~~  
38 ~~establishing residence occupancy limits for wastewater/septic system. A ten-foot wide~~  
39 ~~drive aisle shall be provided, which must be separate from any parking spaces, such that~~  
40 ~~no vehicle will be required to back into the public right of way. Each parking space shall~~  
41 ~~have a minimum length of 18 feet and minimum width of ten feet. The drive aisle and one-~~  
42 ~~half of the required parking spaces shall have an improved surface of concrete or asphalt.~~  
43 ~~Other required and additional spaces may be either gravel, perforated paving blocks, or~~  
44 ~~polymer open cell soil stabilization systems. Such porous parking areas shall be excluded~~  
45 ~~from lot coverage calculations.~~

1 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**  
2 **Reasonableness.**

3  
4 The Town's adoption of this ordinance amendment is consistent with the Town's adopted  
5 comprehensive zoning ordinance, land use plan and any other officially adopted plan that  
6 is applicable. For all of the above-stated reasons, any reasons stated during the meetings at  
7 which this ordinance amendment was considered and any additional reasons supporting the  
8 Town's adoption of this ordinance amendment, the Town considers the adoption of this  
9 ordinance amendment to be reasonable and in the public interest.

10  
11 **ARTICLE V. Severability.**

12  
13 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are  
14 hereby repealed. Should a court of competent jurisdiction declare this ordinance  
15 amendment or any part thereof to be invalid, such decision shall not affect the remaining  
16 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the  
17 Town of Southern Shores, North Carolina which shall remain in full force and effect.

18  
19 **ARTICLE VI. Effective Date.**

20  
21 This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of  
22 \_\_\_\_\_, 2016.

23  
24  
25  
26  
27 \_\_\_\_\_  
28 Tom Bennett, Mayor

29  
30  
31 ATTEST:

32  
33  
34 \_\_\_\_\_  
35 Town Clerk

36  
37  
38 APPROVED AS TO FORM:

39  
40  
41 \_\_\_\_\_  
42 Town Attorney

43  
44 Date adopted:  
45 \_\_\_\_\_  
46

