



Town of Southern Shores

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Ordinance 2018-01-01

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

ARTICLE I. Purpose(s) and Authority.

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

WHEREAS, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

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

ARTICLE II. Construction.

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

ARTICLE III. Amendment of Zoning Ordinance.

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

PART I. That Section 36-171 [Lot disturbance and stormwater management] be amended as follows:

1 **Sec. 36-171. Lot disturbance and stormwater management.**
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3 Subject to the requirements of G.S. 160A-417(b), if applicable, in all town zoning
4 districts, including all areas within the extraterritorial jurisdiction, no grading, filling, or
5 other alteration of the topography or elevation of any unimproved lot, or demolition and
6 clearing of improved property, nor any manmade change to any improved real estate
7 resulting in the discharge of stormwater onto adjacent property and requiring a building
8 permit, shall be undertaken prior to the issuance of a lot disturbance-stormwater
9 management permit by the zoning administrator.

10 (1) All applications for lot disturbance and stormwater management shall be
11 accompanied by a survey and site plan of the proposed improvements prepared
12 by a state licensed professional surveyor, engineer, architect or other person
13 duly authorized by the state to prepare such plans showing the actual
14 dimensions and shape of the lot, and showing the surveyed pre-disturbance
15 ground elevation at the corners of the proposed structure referenced to mean
16 sea level. The application shall also describe the disturbance or development
17 activity which is proposed for the lot. The application and accompanying
18 survey shall be sufficiently detailed for the zoning administrator to confirm
19 that following construction of the proposed improvements the property will
20 retain all stormwater generated by a 1.5 inch rain event and will not adversely
21 affect any stormwater management system previously constructed by the town
22 or on adjacent properties. No fill material may be placed on a lot in the side
23 setback areas unless the final horizontal-to-vertical slope is equal to or less
24 than 3:1. The burden shall be on the applicant to make such a showing, and the
25 zoning administrator, in his discretion, may request reasonable additional
26 information to make a decision on the application.

27 (2) Upon inspection, the zoning administrator shall confirm that the survey detail
28 submitted conforms generally to the pre-disturbance condition of the lot with
29 respect to its elevations, and that the proposed disturbance activity will not create
30 any hazards or disturb land or lots other than that owned by the applicant or his
31 agent. The zoning administrator shall make such notation or comments on the
32 permit as needed to further establish the pre-disturbance topography and elevation
33 of the lot for later use in determining the permitted height of any structures
34 subsequently constructed on said lot. The zoning administrator may modify an
35 existing lot disturbance and stormwater management permit requirement during
36 the construction process.

37 (3) The zoning administrator is hereby authorized to include requirements in the
38 permit which minimize the disturbance or damage of any adjacent lots or land,
39 including any reasonable conditions meeting current best management practices
40 for retaining all stormwater generated by a 1.5 inch rain event. All required
41 stormwater improvements shall be maintained in a manner that ensures that the
42 improvements will continue to satisfy all applicable requirements in the issued
43 permit. When required by the Zoning Administrator, a certification executed by

1 the person duly authorized by the state to prepare such plans attesting to
2 compliance with all applicable stormwater requirements shall be shown on the
3 survey.

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

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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 and any additional reasons supporting
10 the Town's adoption of this ordinance amendment, the Town considers the adoption of
11 this ordinance amendment to be reasonable and in the public interest.

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13 **ARTICLE IV. Severability.**

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

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21 **ARTICLE V. Effective Date.**

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23 This ordinance amendment shall be in full force and effect from and after the 9 day of
24 January, 2018.



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Mayor

Date: 1/9/2018

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ATTEST:

Deputy Clerk

Vote: 5 Ayes 0 Nays

APPROVED AS TO FORM:

Town Attorney