



## Town of Southern Shores

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Ordinance 2018-05-02

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

#### **ARTICLE I. Purpose(s) and Authority.**

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

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

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

#### **ARTICLE II. Construction.**

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

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

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that Section 36-163 the Town Code shall be amended as follows:

**PART I.** That Section 36-57 [Definitions of specific terms and words] be amended as follows:

**Sec. 36-57. - Definition of specific terms and words.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Drive-through facility or establishment (large)* means a customer service facility located on a lot greater than or equal to 2.5 acres within the principal structure, which is intended to enable the customer to transact business with a customer service person located within the principal structure without exiting the motor vehicle. It is presumed that the motor vehicle exits the premises immediately upon the transaction of business.

*Drive-through facility or establishment (small)* means a customer service facility located on a lot less than 20,000 square feet within the principal structure, which serves items over a general service counter for the customer to carry to a small seating area, to a motor vehicle, or off-premises.

*Restaurant* means a business engaged in the service of food and beverages to patrons seated inside a building, on a deck as delineated in a site plan approved by the town or in a vehicle at a drive-through facility. To qualify as a restaurant, an establishment shall have all the following:

- (1) A food preparation area occupying at least 20 percent of the gross square footage of the establishment;
- (2) At least 75 percent of all customer seats designated for either fast casual or full-service, full-menu, dining; and
- (3) No more than 15 percent of the total square footage of the establishment devoted to the following permitted accessory entertainment uses, including and limited to; dance floor, stage, live performance and disc jockey areas. Accessory entertainment uses referenced in this definition shall be permitted in a restaurant provided these uses are clearly subordinate in area, extent, hours of operation, and purpose to areas designated for food preparation, service, and consumption.

**PART II.** That Section 36-163 [Off-street parking requirements] be amended as follows:

**Sec. 36-163. Off-street parking requirements**

(3) *Minimum parking requirements.*

c. *Retail and office uses.*

1. Animal hospitals: five spaces per veterinarian, plus one space for each employee, but not less than 16 spaces.
2. Funeral home: one parking space for each four seats in the chapel or parlor.
3. Garden center/nursery: one space for every 500 square feet of outdoor retail display area.

4. General or professional offices, banks (doctors and dentists, see clinic requirements): one parking space for each 300 square feet of gross floor space, plus one space for each two employees.
  5. Grocery or appliance stores: one parking space for each 500 square feet of gross floor area.
  6. Municipal building: one parking space for each 200 square feet of net office area, plus one space for each two seats in municipal council chambers.
  7. Municipal complex: one parking space for each 200 square feet of gross floor space.
  8. Restaurant: one parking space for each three customer seats, plus one additional parking space for each employee.
  9. Retail uses not otherwise listed: one parking space for each 300 square feet of floor area.
  10. Theaters: one parking space for each three seats.
  11. Nonprofit entities: a minimum of three parking spaces shall be provided.
  12. Drive-through facility or establishment (small): one parking space for each three customer seats, plus one additional parking space for each employee.
- d. *Off-street parking and/or storage of certain vehicles prohibited.*
1. Trucks, trailers, semitrailers, (self-propelled or detached) and prefabricated cargo shipping containers or similar containers shall not be used as a storage or other type of accessory structure in any zoning district.
  2. Nothing in this section shall apply to any vehicle stored in compliance with applicable town codes. This regulation shall not be interpreted to prohibit the timely unloading and loading of commercial trailers in any district.
- e. *Reduction of required parking for commercial uses within group developments with the use of bicycle racks holding at least four bicycles.*  
The total parking requirement for every 50 parking spaces for the proposed use may be reduced by one parking space for each bicycle rack located on the site for up to four bicycle racks.

**PART III.** That Section 36-207 [C general commercial district] be amended as follows:  
**Sec. 36-207. C general commercial district.**

(c) *Conditional uses.* The following uses shall be permitted as a conditional use, subject to the requirements of this district; shall be subject to conditions and

modifications relating to impacts on adjacent properties, transportation and transportation systems, transportation interconnectivity, stormwater, utilities and telecommunications facilities (including capacity), vegetation and other elements of the natural environment, noise, hours of operation, and other factors that the town council finds applicable; and additional regulations and requirements imposed by the town council, as provided in article X of this chapter:

- (1) Restaurants without a drive-through facility or with a drive-through facility, provided:
  - a. Restaurants with a drive-through facility shall not exceed 2,500 square feet.
  - b. The location of the drive-through facility is a minimum of 100' from any residentially zoned property.
  - c. It allows for stacking of a minimum of six (6) cars.
  
- (2) Drive-through facility or establishment (small), provided:
  - a. Drive-through facility or establishment (small) shall not exceed 2,500 square feet.
  - b. The location of the drive-through facility is a minimum of 100' from any residentially zoned property.
  - c. It allows for stacking of a minimum of six (6) cars.
  - d. Lot shall have frontage along US Hwy 158.

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

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

#### **ARTICLE V. Severability.**

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

#### **ARTICLE VI. Effective Date.**

This ordinance amendment shall be in full force and effect from and after the 5th day of June, 2018.

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Mayor

Date: 6/5/2018

ATTEST:

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Town Clerk

APPROVED AS TO FORM:

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Town Attorney

Motion to adopt by Councilmember: McDonald  
Motion seconded by Councilmember: Conners

Vote: 4 AYES 0 NAYS