



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2394 / Fax 252-255-0876
info@southernshores-nc.gov
www.southernshores-nc.gov

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

Date: 12/18/2015 Filing Fee: \$300 Receipt No. _____ Application No. ZTA-16-01

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- Chapter 30. Subdivisions-Town Code
- Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District
- Chapter 36. Article IX. Planned Unit Development (PUD)
- Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units *
- Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use
- Chapter 36. Article X. Section 36-303 Fees
- Chapter 36. Article X. Section 36-304-Vested Rights
- Chapter 36. Article XIV. Changes and Amendments

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant

Name Southern Shores Crossing LLC. Attn: Michael K. Stone, V.P. (Applicant must be property owner by Town policy)
Address: P.O. Box 150
Kitty Hawk, NC 27949
Phone 252-261-2000 Email mstone@southernshores.com

Applicant's Representative (if any)

Name Michael W. Strader, Jr., PE, Quible & Associates, P.C.
Agent, Contractor, Other (Circle one)
Address P.O. Drawer 870
Kitty Hawk, NC 27949
Phone 252-491-8147 Email mstrader@quible.com

Property Involved: Southern Shores Martin's Point (Commercial only)

Address: 1 Ocean Blvd Zoning district C
Section _____ Block B Lot 3&4 Lot size (sq.ft.) 211,758.67

Request: Site Plan Review Final Site Plan Review Conditional Use Permitted Use
 PUD (Planned Unit Development) Subdivision Ordinance Vested Right Variance

Change To: Zoning Map Zoning Ordinance

Michael K. Stone
Signature

12-16-15
Date

* Attach supporting documentation and twelve copies of the site plan.



Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING
SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

December 18, 2015

Mr. Wes Haskett
Town Planner
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949

Re: Zoning Text Amendment Application
Southern Shores Crossing
Southern Shores, Dare County

Mr. Haskett,

On behalf of Southern Shores Crossing, LLC, Quible & Associates, P.C. hereby submits for your review and approval a Zoning Text Amendment Application package for the Southern Shores Crossing shopping center. Please acknowledge that this application proposes multiple modifications to the Town Ordinances with respect to parking and that each proposal may be deliberated separately. It is a salient feature of this application package that the amendments not be treated as a single zoning text amendment, but rather the Applicant desires to work with the Town to formulate acceptable modifications to the Ordinance with respect to commercial parking.

Southern Shores Crossing, LLC wishes to provide the Tenants of the Southern Shores Crossing shopping center with the required number of parking spaces as defined by the Town of Southern Shores Ordinance, and to afford the Tenants/Businesses the opportunity to have and operate profitable businesses within the shopping center.

As some Town Staff and Officials may recall, the shopping center was designed and constructed with a minimum number of parking spaces as it relates to the Ordinance. The Town requires a specific number of parking spaces based upon the use of each space within the shopping center, and additional parking spaces for employees of different types of businesses. Now that many units have been occupied and the number of employees needed by the businesses to properly operate have been established, the remaining vacant spaces within the shopping center are unable to demonstrate compliance with the Town's Ordinance with respect to the current parking lot. The result is that four units must be left vacant (not available for retail/office/or other business uses) until additional parking is added or other parking allowances are made (potentially through approval of commercial parking Ordinance amendments).

Southern Shores Crossing, LLC wishes to make all units within the shopping center available for use to potential tenants and operate in full compliance with the Town Ordinances. The

Applicant wishes to maintain a pleasing appearance of the shopping center and limit the amount of additional asphalt/concrete pavement that would be required to provide for the potential parking needs of the shopping center. The Applicant is requesting that the Town consider modifications to the current commercial parking requirements to better align with the actual conditions of the shopping center. These modifications may alleviate situations whereby Owners are having to add additional impervious parking surfaces which in turn generate additional stormwater runoff subsequently requiring further stormwater management considerations and other resultant aesthetic impacts.

Recognizing the need for additional parking spaces in order to comply with the Ordinance, Southern Shores Crossing, LLC has met with and discussed various scenarios involving amendments to the Town's commercial parking requirements. At this time, the Applicant proposes that the Town Staff, Planning Board, and Town Council consider the following modifications to the Town Ordinance with respect to commercial parking:

1. Adjust the total number of required parking spaces per retail use square footage;
2. Change the minimum commercial parking space width requirement;
3. Incorporate a provision for bicycle racks; and/or
4. Account for compact/short vehicular parking spaces

The above referenced proposed modifications would provide the opportunity for the shopping center to meet the needed parking requirements to fill vacant spaces by providing the total number of required parking spaces within the property and remain in compliance with the Ordinance.

Please consider the above narrative and the following enclosed items for your review and consideration:

- Original Signed General Application Form;
- Application Fee Check in the amount of \$300 made payable to "TOSS";
- Proposed Text Amendment Language

Please review the enclosed documentation and confirm placement on the January 20th Planning Board agenda. Please do not hesitate to contact me by phone at (252) 491-8147 or by email at mstrader@quible.com should you have any questions or require any additional information.

Thank you for your attention to this project.

Sincerely,
Quible & Associates, P.C.



Michael W. Strader, Jr., PE

encl: as stated

cc: Mike Stone, Southern Shores Crossing, Inc.
File



Town of Southern Shores

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Ordinance 2016-XX-XX

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:

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

1 At the time of erection of any building or structure, or at the time any main building
2 or structure is enlarged or increased in capacity by adding dwelling units, guest rooms,
3 seats or floor area, or before conversion from one zoning use or occupancy to another,
4 permanent off-street parking space shall be provided according to the amounts and
5 specifications provided by this section.

6 (1) *General provisions.*

- 7 a. Each parking space, for other than single-family residential homes, shall
8 have a minimum length of 18 feet and a minimum width of ~~ten~~ nine feet.
9 Drive aisle width shall be a minimum of 22 feet. It shall have vehicular
10 access to a publicly dedicated or town approved private street and be
11 located outside of any dedicated right-of-way.
- 12 b. When a parking space abuts an open space, the two feet at the end of the
13 parking space shall be left unpaved to allow for drainage, in which case a
14 bumper or wheel stop shall be installed.
- 15 c. Sufficient maneuvering space shall be provided so that no vehicle will be
16 required to back into the public right-of-way. Such space shall be a
17 minimum dimension of ten feet by ten feet and contiguous with the
18 driveway if a required parking space is located in the driveway.
- 19 d. No parking spaces for residential use, except for single-family and two-
20 family use, shall be located in the required front yard.
- 21 e. Required parking spaces and driveways for other than single-family and
22 two-family uses shall be graded, improved with concrete or I-2 asphalt and
23 maintained in a manner which will provide a surface permitting safe and
24 convenient use in all weather conditions.
- 25 f. Required off-street parking spaces are permanent areas and shall not be
26 used for any other ground purpose.
- 27 g. All space requirements which are based upon employment shall be
28 computed on the basis of the greatest number of persons on duty at any one
29 period during time of peak use. In instances where calculations indicate a
30 portion of one space is required, an additional full space shall be provided.
- 31 h. Each application for a zoning permit submitted to the zoning administrator
32 shall include information as to the location and dimensions of off-street
33 parking and loading space and the means of ingress and egress to such
34 space. This information shall be in sufficient detail to enable the zoning
35 administrator to determine whether or not the requirements of this section
36 are met. All required parking and drive areas shall be shown on the site plan
37 application.
- 38 i. The required parking space for any number of separate uses may be
39 combined in one lot, but the required space assigned to one use may not be
40 assigned to another use, except that one-half of the parking space required
41 for churches, theaters, or assembly halls whose peak attendance will be at

1 night or on Sundays may be assigned to a use which will be closed at night
2 or on Sundays.

- 3 j. Any off-street parking space required by a use permitted in any residential
4 district shall be provided on the same lot with the use by which it is
5 required. Off-street parking space in conjunction with commercial uses in
6 other districts shall not be permitted in a residential district.
- 7 k. Where off-street parking is provided between the building line and the street
8 right-of-way line for any business use, a buffer strip of at least five feet in
9 width shall be provided adjacent to such street right-of-way line. Curb cuts
10 through such buffer strips shall be separated by a minimum of 50 feet unless
11 otherwise approved by the town council.
- 12 l. All parking spaces which abut open space or buffer space shall have a fixed
13 wheel stop of concrete, plastic or chemically-treated wood six inches in
14 height. Allowances shall be made for two feet of overhang within the
15 parking space so that no part of any car can be located within the required
16 yard.
- 17 m. Where a driveway meets the paved street in the town right-of-way there
18 may be not more than two flares or aprons constructed. The sum of the two
19 flares shall not exceed the width of the driveway by more than five feet. The
20 sum of all construction in the town right-of-way on one platted lot cannot
21 exceed 20 feet.
- 22 n. Provisions for compact or short vehicular parking spaces. Compact
23 parking spaces may be allowed within commercial shopping center parking
24 lots for no greater than 20% of the total number of provided parking spaces.
25 Each compact parking space shall have a minimum length of 15 feet and a
26 minimum width of 8 feet. Drive aisle width shall be a minimum of 22 feet.

27
28 (2) *Requirements for parking lots.* Where parking space for five or more cars is
29 permitted or required (other than single-family detached dwellings and
30 townhouses), the following provisions shall be complied with:

- 31 a. *Curb bumpers.* The required front and side yards shall be set off from the
32 parking area by a fixed curb approved by the zoning administrator, not less
33 than six inches or more than two feet high.
- 34 b. *Drainage.* Parking lots shall not drain onto or across public sidewalks,
35 roadways or into adjacent property except where a drainage easement has
36 been provided or obtained.
- 37 c. *Entrances.* On all corner lots, no vehicular openings shall be located at
38 closer than 15 feet from the point of intersection of the established street
39 right-of-way lines. No entrance or exit, whether on a corner lot or not, shall
40 exceed 30 feet in width at the property line, or 40 feet at the curblines. There

- 1 shall be a minimum distance between one-way driveways of 50 feet
 2 measured along the curblin.
- 3 d. *Internal circulation.* The internal circulation plan of parking lots shall be
 4 approved by the town council.
- 5 e. *Lighting.* Any lighting shall be so arranged as to direct the light and glare
 6 away from streets and adjacent property.
- 7 f. *Markings.* Each parking space shall be marked off and maintained so as to
 8 be distinguishable.
- 9 g. *Off-street loading.*
- 10 1. One or more loading spaces shall be provided for standing, loading and
 11 unloading operations, either inside or outside a building and on the
 12 same premises with every building or structure erected after the
 13 enactment of this article, and shall be in accordance with the
 14 requirements of the following table. A loading berth shall have
 15 minimum plan dimensions of 12 feet by 60 feet and a 14 foot overhead
 16 clearance. A loading space need not be necessarily a full berth but shall
 17 be sufficient to allow normal loading and unloading operations of a
 18 kind and magnitude appropriate to the property served thereby. The
 19 town engineer shall determine the sufficiency of loading space but in
 20 no case shall the use of such space hinder the free movement of
 21 vehicles and pedestrians over a street, sidewalk, parking lot or alley.

Use Classification	Space Requirements
Retail operations, and all first floor non-residential uses, with a gross floor area of less than 20,000 square feet.	A loading space (not necessarily a full berth) as defined in this section.
Retail operations, including restaurant and office buildings with a gross floor area of 20,000 square feet or more.	One loading berth for every 20,000 square feet, or fraction thereof, of floor area.
Office building with a gross floor area of 100,000 square feet or more.	One loading berth for every 100,000 square feet of floor area.

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2. Loading spaces shall be located at least 50 feet from any street right-of-way and shall be paved with asphalt, concrete, or porous paving as approved by the town engineer or an open-face paving block over sand and filter-cloth base, provided the open-face paving block is equivalent to turfstone with regards to compressive strength, density, absorption and durability.

h. *Planting.* Buffer strips (subsection (1)k of this section) and not less than 15 percent of any parking lot land area shall be planted with trees or shrubs. The buffer shall be comprised of planting material placed ten feet on center and having minimum height of five feet when planted and expected to reach a height of eight feet within three years. Suitable plant types shall be those recommended for the coastal area by the U.S. Department of Agriculture. The vegetation plan shall be approved by the town council.

i. *Solid waste and recycling container requirements.* Sufficient space shall be provided on the premises for the location of a solid waste container. Such solid waste container location may be in a required parking lot provided, however, that such location does not occupy a required parking space or maneuvering space and further provided that such solid waste container location shall provide convenient and safe access to the servicing vehicle.

j. *Surfacing.* All parking lots shall be provided and maintained with concrete or 1-2 asphalt surface and paved drainage facilities adequate to provide safe and convenient access in all weather conditions.

k. *Yards.* No parking lot shall be located closer than five feet to a public right-of-way. The area between the parking lot and the street right-of-way shall be planted in accordance with subsection (2)h of this section and maintained with lawn or other appropriate planting, or shall be improved otherwise as approved in site plan review.

(3) *Minimum parking requirements.* The number of off-street parking spaces required by this section shall be provided on the same lot with the principal use and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. Where a fraction of a space is required by this article, the next whole number shall be provided. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this article.

a. *Residential and related uses.*

1. Single-family detached dwelling units and townhouses: three parking spaces for each dwelling unit with up to four bedrooms (including all areas used for sleeping), and one additional space for each two bedrooms (including areas useable for sleeping), or fraction thereof, in excess of four.

- 1 (i) Bedrooms and/or areas useable for sleeping shall be defined and
- 2 determined by the county health department in establishing
- 3 residence occupancy limits for wastewater/septic system.
- 4 (ii) An eight-foot-wide drive aisle shall be provided, which must be
- 5 separate from any parking spaces, such that no vehicle will be
- 6 required to back into the public right-of-way. The following
- 7 exception shall apply: one required parking space may be located
- 8 behind each parking space in an under house parking area or
- 9 enclosed garage, or lined up outside in such a manner that it is
- 10 located in the drive aisle.
- 11 (iii) Each parking space shall have a minimum length of 18 feet and a
- 12 minimum width of eight feet.
- 13 2. Multifamily residence group housing projects and condominiums: 2½
- 14 parking spaces on the same lot for each unit.
- 15 3. Hotel, motel: 1½ parking spaces for each room to be rented plus one
- 16 additional parking space for each employee.
- 17 4. Dwelling, large home: one parking space for each bedroom. Bedrooms
- 18 and/or areas useable for sleeping shall be defined and determined by
- 19 the county health department in establishing residence occupancy limits
- 20 for wastewater/septic system. A ten-foot-wide drive aisle shall be
- 21 provided, which must be separate from any parking spaces, such that no
- 22 vehicle will be required to back into the public right-of-way. Each
- 23 parking space shall have a minimum length of 18 feet and minimum
- 24 width of ten feet. The drive aisle and one-half of the required parking
- 25 spaces shall have an improved surface of concrete or asphalt. Other
- 26 required and additional spaces may be either gravel, perforated paving
- 27 blocks, or polymer open-cell soil stabilization systems. Such porous
- 28 parking areas shall be excluded from lot coverage calculations.
- 29 b. *Public and semipublic uses.*
- 30 1. Churches: one parking space for each three seats in the sanctuary.
- 31 2. Clinic (medical and dental): five parking spaces for each doctor
- 32 assigned plus one parking space for each employee, but not less than
- 33 ten spaces total.
- 34 3. Elementary school: one parking space for each classroom and
- 35 administrative office.
- 36 4. Event facilities: one space for each 150 square feet of floor area.
- 37 5. Nursing home: one parking space for each five beds intended for
- 38 patient use, and one space for each three employees.
- 39 6. Public or private clubs: one parking space for each 200 square feet of
- 40 gross floor space.

- 1 7. Telephone switching stations or electric substations: one parking space
2 for each employee.
- 3 c. *Retail and office uses.*
- 4 1. Animal hospitals: five spaces per veterinarian, plus one space for each
5 employee, but not less than 16 spaces.
- 6 2. Funeral home: one parking space for each four seats in the chapel or
7 parlor.
- 8 3. Garden center/nursery: one space for every 500 square feet of outdoor
9 retail display area.
- 10 4. General or professional offices, banks (doctors and dentists, see
11 clinic requirements): one parking space for each 200 square feet of
12 gross floor space, plus one space for each two employees.
- 13 5. Grocery or appliance stores: one parking space for each 500 square feet
14 of gross floor area.
- 15 6. Municipal building: one parking space for each 200 square feet of net
16 office area, plus one space for each two seats in municipal council
17 chambers.
- 18 7. Municipal complex: one parking space for each 200 square feet of
19 gross floor space.
- 20 8. Restaurant: one parking space for each three customer seats, plus one
21 additional parking space for each employee.
- 22 9. Retail uses not otherwise listed: one parking space for each ~~200~~ 250
23 square feet of floor area.
- 24 10. Theaters: one parking space for each three seats.
- 25 11. Nonprofit entities: a minimum of three parking spaces shall be
26 provided.
- 27 d. *Off-street parking and/or storage of certain vehicles prohibited.*
- 28 1. Trucks, trailers, semitrailers, (self-propelled or detached) and
29 prefabricated cargo shipping containers or similar containers shall not
30 be used as a storage or other type of accessory structure in any zoning
31 district.
- 32 2. Nothing in this section shall apply to any vehicle stored in compliance
33 with applicable town codes. This regulation shall not be interpreted to
34 prohibit the timely unloading and loading of commercial trailers in any
35 district.
- 36 e. *Reduction of required parking for commercial uses within shopping centers*
37 *with the use of bicycle racks. The total parking requirement for every 50*
38 *parking spaces for the proposed use may be reduced by one (1) parking*
39 *space for each bicycle rack located on the site for up to 3 bicycle racks.*

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

4
5 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
6 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
7 is applicable. For all of the above-stated reasons and any additional reasons supporting
8 the Town's adoption of this ordinance amendment, the Town considers the adoption of
9 this 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
14 are 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 _____, 201__.

23
24
25
26 _____
27 Mayor

28 ATTEST:

Date: _____

29
30 _____
31 Deputy Clerk

Vote: Ayes Nays

32
33
34 APPROVED AS TO FORM:

35
36
37 _____
38 Town Attorney