



**Town of Southern Shores  
Special Meeting  
December 18, 2015**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 9:00 a.m. on Friday, December 18, 2015 for a Special Meeting. The purpose of the meeting is to review, consider, discuss, modify and potentially adopt a Special Event Permitting and Occupancy Ordinance; and review, consider, discuss, modify and potentially set a date and time for a public hearing on multiple different proposals for zoning ordinance amendments.

**COUNCIL PRESENT:** Mayor Tom 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 Planner Wes Haskett

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

Mayor Bennett called the Special Meeting to order at 9:00 a.m., led the Pledge of Allegiance, and held a Moment of Silence.

**OVERVIEW OF PURPOSE AND PARAMETERS OF SPECIAL MEETING**

The Town Attorney stated that at the December 1, 2015 regular Council meeting, Council had directed the Town Attorney, Town Manager and Town Planner to expeditiously propose some options that would address construction of houses that are used primarily for events rather than family vacation rentals.

He stated Council is now being provided four (4) draft ordinances for consideration. All of these draft proposals are intended in some way to address special events facilities in residential areas as well as density. The Special Events Ordinance is not a zoning ordinance. It is a police power ordinance relating to public health, safety and welfare that, if adopted, would apply throughout Town and not only in particular zoning districts.

**GENERAL PUBLIC COMMENT**

Mayor Bennett called on the public and the following citizens offered comment with topic(s) as indicated:

Blake Buchert, Southern Shores property owner - Special Events

Chad Miller - Special Events

Geri Sullivan, Southern Shores property owner - Events, Ordinances, Survey Monkey

Karen Brown - Events for Chamber of Commerce

Trisha Farinholt - Special Events; Zoning for large houses

Andy Ward, Southern Shores property owner - Zoning amendment

Andrea VanWych, Southern Shores property owner - zoning for large houses

Richard Chance, Southern Shores property owner - Zoning

Ann Sjoerdsma, Southern Shores property owner - Special Events  
Joe VanGieson, Southern Shores property owner - Task Force Survey  
Willo Kelly - Zoning  
Patricia Knight, Southern Shores property owner - Events  
Sarah DiAmbra - Special Events  
Peter Raskew, Southern Shores property owner - Special Events and House Size  
Debbie Newberry, Southern Shores property owner - Houses  
Carol Riggan, Southern Shores property owner – Special Events

The Town Attorney presented a single draft ordinance for Council consideration as follows:

The Special Events and Occupancy Limitation Ordinance provides a permitting procedure for events or gatherings to be held at anywhere within the Town, and provides additional safety precautions as the number of people at the event increases.

Parties and events under 25 people would be exempt from obtaining a permit.

From 25 to 75 people, the permitting requirements are minimal; a person merely has to apply, provide the location, the expected number of guests and a contact number for someone at the party.

The next two brackets, from 75 to 125 and 125 and above provide increasing safety considerations.

These limitations do not apply to Town events, “event facilities” approved under the zoning ordinance (i.e. commercial only), and traditional commercial events.

The primary tool for limitations on event facilities is limitation to only three (3) events per residential property that require permits in any 12-month period. It also limits actual occupancy for overnight guests to 20 people with occupancy increased to 25 for “temporary” events without an event permit.

Once more than three such events occurs, the property’s use would then be considered “commercial”, and enforceable as a violation of the uses for a residential zone.

Council discussed the proposed ordinance and found it difficult to understand and questioned the ability to enforce. The consensus of Council was to take no action at this time.

The Town Attorney then presented three draft ordinances proposing Zoning Text Amendments (ZTAs) to amend sections of the Town Code to regulate 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 three proposals were presented as follows:

#### ZTA- Large Structures 14 Occupancy

This proposed ZTA would revise Town Code 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 Code requirements). In addition, this draft ordinance proposes to amend the Code definitions of “Event Facility” and “Family” in order to address special events held in residential zoning districts and the commercial zoning district. Finally, this draft ordinance proposes to amend Section 36-163, Off-street parking requirements, in compliance with Senate Bill 25 by

regulating certain number of parking spaces for single-family and two-family dwellings based on septic capacity instead of the number of bedrooms.

ZTA-Large Structures Max Sq. Ft

This proposed ZTA would revise 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, this draft Town ordinance proposes 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. Finally, this draft ordinance proposes to amend Section 36-163, Off-street parking requirements, in compliance with Senate Bill 25 by regulating certain number of parking spaces for single-family and two-family dwellings based on septic capacity instead of the number of bedrooms.

ZTA-Large Structures Graduated Sq. Ft

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, this draft ordinance proposes 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. Finally, this draft ordinance is proposed to amend Section 36-163, Off-street parking requirements in compliance with Senate Bill 25 by regulating certain number of parking spaces for single-family and two-family dwellings based on septic capacity instead of the number of bedrooms.

**MOTION:** Council Member McDonald moved to approve referring all three (3) zoning ordinances (ZTA- Large Structures 14 Occupancy, ZTA-Large Structures Max Sq. Ft, ZTA-Large Structures Graduated Sq. Ft) to the Town Planning Board for consideration of a recommendation, and to authorize the Mayor to set a special meeting and public hearing date following the Planning Board’s thirty (30) day time period to respond. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

**ADJOURN**

**MOTION:** Council Member Holland moved to adjourn. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0). The time was 10:23 a.m.

ATTEST:

Respectfully submitted,

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

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



**PUBLIC COMMENT SIGN-UP SHEET  
DECEMBER 18, 2015**

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.

NAME	MAILING ADDRESS OF RESIDENT	TOPIC
Blake Becht	151- Holly Tra	Special Event Ordinance Change
CHAD Miller	4123 Duggins Ct	Special Events
Dan Sullivan	31 South Avenue	events, ordinances survey, meeting
Karen Brown	101 Runkell Dr Chamber of Commerce	Chamber - event
<del>XXXXXXXXXX</del>		
Trisha Farinholt	120 Dwered Winchyle	Sp Event / Zoning for Law Hous
Andy Ward	147 Bayberry	zoning amend.
Andrea Van Wyck	82 S. Dogwood	zoning for lg. house
Rohan Chance	155 High Dune Loop	zoning
Ann Sjoerdsma	69 Hickory Trail	Special Events
Joe Van Gieson	228 N Dogwood	Do Task Force Survey
Willo Lilly	OBHBA	forming
Patricia Knight	114 Ocean	events
Sarah DeDora	Nags Head!	Special Event





**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

**TCA-Special Event & Occupancy Limitation**

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 units; and

**WHEREAS**, the seasonal tourist vacation season from Memorial Day to Labor Day creates a great influx of people who travel through, travel to, visit, and occupy single-family residences within the Town, and that increase in population creates substantial burdens upon the Town's ability to manage traffic flow, parking, fire services, police services, emergency medical services and other emergency, safety and health services; 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**, residential structures in North Carolina are not subject to the same level of safety considerations, inspections or reporting requirements regarding the safety aspects of facilities to which commercial structures and properties are subject. However, during special events a residential structure will potentially have much greater occupancy than usual without the safety precautions afforded by commercial structures; and

1           **WHEREAS**, knowledge of the date, time, location, number of attendees,  
2 hazardous conditions, points of ingress, egress and access, and other information associated  
3 with a special event will assist both the SSFVD and the police department in determining  
4 how to respond effectively to an emergency during a special event. An effect response can  
5 ensure sufficient assets arrive within acceptable response times and will ultimately reduce  
6 the potential for injuries and casualties associated with fires or other emergencies; and  
7

8           **WHEREAS**, the Town desires to make special events as safe as reasonable  
9 possible for the attendees and their neighbors; and  
10

11           **WHEREAS**, pursuant to N.C.G.S. Chap. 160A, the Town has duly codified the  
12 Town's Code of Ordinances (the "Town Code"); and  
13

14           **WHEREAS**, pursuant to North Carolina General Statutes § 160A-174 the Town  
15 may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions,  
16 or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and  
17 dignity of the Town, and may define and abate nuisances; and  
18

19           **WHEREAS**, pursuant to N.C.G.S. § 160A-301 the Town may regulate, restrict,  
20 and prohibit the parking of vehicles on the public streets, right-of-ways, alleys, and bridges  
21 within the its jurisdiction.  
22

23           **WHEREAS**, pursuant to N.C.G.S. § 160A-300 the Town may prohibit, regulate,  
24 divert, control, and limit pedestrian or vehicular traffic upon the public streets, sidewalks,  
25 alleys, and bridges of the city.  
26

27           **WHEREAS**, pursuant to N.C.G.S. § 160A-291 et seq. the Town may and has  
28 established, organized, equipped and maintains a fire department through the Southern  
29 Shores Volunteer Fire Department (the "SSVFD") and the SSVFD provides the Town's  
30 fire protection and emergency medical services to the Town's citizens. The SSVFD has  
31 effective, but limited resources which often require assistance from neighboring  
32 governmental entities to address large fires or other emergencies that arise when there are  
33 significant numbers of people present; and  
34

35           **WHEREAS**, pursuant to N.C.G.S. § 160A-291 et seq. the Town has established  
36 and maintains a police department tasked with enforcing the laws of the State and the  
37 ordinances and regulations of the Town; and  
38

39           **WHEREAS**, pursuant to North Carolina General Statutes § 160A-175 and the  
40 Town's police power as provided by the common law of the State of North Carolina the  
41 Town may enact and amend ordinances which provide procedures and remedies for  
42 violations of its ordinances and to abate nuisances; and  
43

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

5           **ARTICLE II. Construction.**  
6

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

13           **ARTICLE III. Amendment of Town Code.**  
14

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

18           **PART I. That Chapter 22, Article III. CAMPING.** be amended as follows:  
19

20           ...

21           Secs. 22-65—22-80. –Reserved.  
22

23           **PART II. That Chapter 22, Article IV. SPECIAL EVENTS AND OCCUPANCY.** be  
24 added to the Town Code as follows:  
25

26           Sec. 22-81. Purposes.  
27

28           The purpose of this Article is to ensure that special events within the Town take into  
29 account and are managed such that the public health, safety or welfare of the citizens and  
30 visitors to the Town who attend those events or live in the vicinity of the events are taken  
31 into account. Theses safety considerations must be balanced with the traditions and  
32 substantial community benefits resulting from such special events.  
33

34           Sec. 22-82. Definitions.  
35

36           Special event, means a temporary public or private gathering, including, but not limited to,  
37 pre-planned events, community uses, private parties and traditional family events held on  
38 public or private property.  
39

40           Pre-planned events, means private parties of greater than seventy-five (75) attendees,  
41 weddings, rehearsal dinners, corporate meetings, retreats, sporting events, cultural events,  
42 musical events, celebrations, festivals, fairs, carnivals, circuses or similar events.  
43

44           Community uses, means meetings of charitable, political, governmental or civic groups.  
45

1 Private parties, means events that are not open to the public, and are held by or on behalf  
2 of an individual or organization for the primary purpose of socializing or gathering.

3  
4 Traditional family events, means gatherings for traditional events such as holiday parties  
5 and meals, birthday parties, funeral services, religious ceremonies and weddings for family  
6 members related by blood or marriage to: (i) any of the individual holders of legal title to  
7 the property; (ii) a majority of the owners of a business entity holding legal title to the  
8 property; or (iii) the beneficiaries of a trust holding legal title to the property.

9  
10 **Sec. 22-83. Permit Required; Exemptions.**

11  
12 All special events which expect to have more than twenty-five (25) attendees require a  
13 special event permit issued under this Article from the Town Planner or his designee.  
14 Unless incorporated into the Town's fee schedule, there shall be no fee to obtain a special  
15 event permit. The following special events are exempt from obtaining a special event  
16 permit:

- 17  
18 (1) Special events held at an event facility as that term is defined by the Town's  
19 zoning ordinance.  
20  
21 (2) Special events held at other commercial facilities that are a traditional and  
22 typical use of such facilities, i.e. birthday parties or meetings at restaurants;  
23  
24 (3) Special events held by or managed by the Town; and  
25  
26 (4) Special events within established institutional uses (i.e. schools and churches);  
27

28 **Sec. 22-84. Application and Inspection Requirements.**

29  
30 An application for a special event permit must be made by the owner of the property upon  
31 which the event will be held or by someone else with the owner's written permission to  
32 apply on the owner's behalf. All special events that require special event permits under this  
33 article shall meet the following application requirements:

34  
35 (A) Small Special Events (26 to 75 expected attendees):

- 36 (1) Application deadline: Five (5) days in advance of the event.  
37 (2) The applicant shall provide the following information:  
38 (a) The date, times and location of the special event;  
39 (b) The expected number of attendees; and  
40 (c) Contact information for a person in control of the event.  
41 (d) A certification by the applicant that they are aware of and intend for  
42 the special event to comply with the requirements of the Town's  
43 code of ordinances with regard to zoning, nuisances, noise, lights  
44 and other relevant provisions.  
45

1 (B) Limited Special Events (75 to 125 expected attendees):

2 (1) Application deadline: Fourteen (14) days in advance of the event.

3 (2) The applicant shall provide the following information:

4 (a) All application information required for small special events.

5 (b) Sketch site plan of property and structures showing the expected  
6 location of attendees to the event, points of ingress and egress to any  
7 structures on the property, and location of any hazardous materials  
8 such as fuel or gas;

9 (c) A certification by the applicant that sufficient parking for the events  
10 has been provided via onsite parking, via a special events  
11 encroachment agreement under Sec. 28-2(2), and/or via offsite  
12 parking.

13 (d) A certification by the applicant that the contact person provided on  
14 the application will at all times have on their person: (i) the phone  
15 associated with the contact information; (ii) a copy of the special  
16 events permit issued; and (iii) a list of attendees that can be used to  
17 determine whether anyone is unaccounted for in an emergency.

18 (e) If the special event will be held at a property located adjacent to N.C.  
19 Hwy. 12 (Ocean Blvd.) during the period between Memorial Day  
20 and Labor Day, the applicant must provide a traffic management  
21 plan showing how traffic to the site will be managed in such a way  
22 to avoid unreasonable additional congestion upon N.C. Hwy. 12.

23 (f) For any special event at which food or drink will be served or that  
24 will occur over a more than four (4) hour period, a certification by  
25 the applicant that at least one (1) temporary wastewater facility or  
26 portable toilet will be onsite.

27  
28 (C) Large Special Events (Greater than 125 expected attendees):

29 (1) Application deadline: Thirty (30) days in advance of the event.

30 (2) Inspections:

31 (a) Inspections under this subsection shall be provided more than ten  
32 (10) days in advance of the special event.

33 (b) If any exterior decks will be used by attendees at the event, the  
34 Applicant must either provide a certification from a licensed  
35 professional engineer that all exterior decks are structurally sound  
36 to support the potential users of the decks during the special event  
37 or must allow the Town's building inspector to inspect the decks to  
38 determine whether an engineer's certification is required.

39 (c) In the discretion of the police chief or the fire chief or their designee,  
40 the applicant shall allow for an inspection of the exterior grounds of  
41 the property to determine potential dangerous conditions on the  
42 property and to determine how best to access the property and  
43 structures in case of fire or emergency during the special event.

44 (3) The applicant shall provide the following information:

- 1 (a) All application information required for small and limited special  
2 events.  
3 (b) A detailed scale site plan of property and structures showing the  
4 expected location of attendees to the event, points of ingress and  
5 egress to any structures on the property, and location of any  
6 hazardous materials such as fuel or gas;  
7 (c) A traffic management plan showing how traffic to the site will be  
8 managed in such a way to avoid unreasonable additional congestion  
9 upon any adjacent roadways.  
10 (d) A certification by the applicant that sufficient parking for the events  
11 has been provided via onsite parking, via a special events  
12 encroachment agreement under Sec. 28-2(2), and/or via offsite  
13 parking along with a narrative and site plan showing all proposed  
14 parking and supporting the determination that the parking is  
15 sufficient for the special event.  
16 (e) For any special event at which food or drink will be served or that  
17 will occur over a more than four (4) hour period, a certification by  
18 the applicant that at least one (1) temporary wastewater facility or  
19 portable toilet per fifty (50) attendees will be onsite.  
20 (f) A certification that the designated person to contact under the  
21 application will have access to first-aid supplies on-site in sufficient  
22 quantities to address minor injuries to at least ten (10) percent of the  
23 expected attendees.  
24

25 (D) All special events:

- 26 (1) If alcohol is to be served or sold at a special event requiring a permit, the  
27 applicant shall obtain any necessary approvals from the Alcoholic Beverage  
28 Control Commission, must make such documentation available upon  
29 request and must certify on their application that the approvals have been  
30 obtained and will be complied with during the event.  
31  
32 (2) If tents are to be used for a special event requiring a permit, the applicant  
33 shall obtain any necessary approvals required under the North Carolina Fire  
34 Code, must make such documentation available upon request and must  
35 certify on their application that the approvals have been obtained and will  
36 be complied with during the event.  
37

38 **Sec. 22-85. Limitations on Number of Special Events.**

39  
40 No more than three (3) special events requiring a special event permit may occur on any  
41 parcel of property within the Town during a continuous twelve-month period. Traditional  
42 family events shall not be subject to this limitation.  
43

44 **Sec. 22-86. Maximum Occupancy.**

1 Unless otherwise permitted under this section, no single-family residential structure may  
2 be occupied temporarily for a special event by more than twenty-five (25) people or for  
3 any overnight period by more than twenty (20) people.

4  
5 **Sec. 22-87. Violations.**

6  
7 It shall be a violation of this article to have a special event requiring a permit without  
8 obtaining the permit, to materially misrepresent any portion of an application for a special  
9 event permit or to have a special event that materially differs from the information provided  
10 in a special events permit application. Violations of this Article may subject the property  
11 owner and persons managing an event to all of the remedies available under Sec. 1-6 with  
12 any civil penalties beginning at up to \$500.00 for the first violation and increasing at a rate  
13 of \$250.00 per violation for each additional violation in a continuous twelve-month period.  
14 Violations of this Article may also result in the revocation of a special event permit and  
15 may subject the associated property and/or applicant to be unable to obtain a special event  
16 permit for 1-year following notice of the violation.

17  
18 **ARTICLE IV. Severability.**

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

25  
26 **ARTICLE V. Effective Date.**

27  
28 This ordinance amendment shall be in full force and effect from and after the \_\_\_ day of  
29 \_\_\_\_\_, 2015.

30  
31  
32  
33 \_\_\_\_\_, Mayor

34  
35  
36  
37 **ATTEST:**

38  
39 \_\_\_\_\_  
40  
41 Town Clerk

42  
43  
44 **APPROVED AS TO FORM:**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

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

Date adopted:

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

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

Vote:      AYES      NAYS



**Town of Southern Shores**

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

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

info@southernshores-nc.gov

www.southernshores-nc.gov

**ZTA-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  
14 avoid undue concentration of population; to lessen congestion in the streets; to secure  
15 safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision  
16 of transportation, water, sewerage, schools, parks, and other public requirements. In  
17 doing so, the Town may take into account the character of the Town’s zoning districts  
18 and their peculiar suitability for particular uses with a view to conserving the value of  
19 buildings and 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  
34 the 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’  
36 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  
41 single-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  
45 events, community uses and private parties will result in a decrease in value of buildings

1 and lands within the Town due to the Town's unique single-family residential nature and  
2 character; 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 For purposes of this ordinance amendment, underlined words (underline) shall be  
11 considered as additions to existing Town Code language and strikethrough words  
12 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the  
13 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses  
14 ("...") shall remain as they currently exist within the Town Code.  
15  
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  
28 bedrooms using the county criteria for determining septic system design) or septic system  
29 capacity for more than 14 people. Large home dwellings are not a permitted use in any  
30 zoning district unless expressly authorized by that district's regulations.  
31

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

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

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

1 seventy-five (75) attendees, weddings, rehearsal dinners, corporate meetings, retreats,  
2 sporting events, cultural events, musical events, celebrations, festivals, fairs, carnivals,  
3 circuses or similar events. The term "community uses" means meetings of charitable,  
4 political, governmental or civic groups. The term "private parties" means events that are  
5 not open to the public, and are held by or on behalf of an individual or organization for  
6 the primary purpose of socializing or gathering. On site sales of food and/or beverages  
7 at an event facility ~~service for purchase by individual patrons from the establishment~~  
8 owner, whether seated or non-seated, shall constitute a restaurant as defined in section  
9 36-57 which shall require a conditional use permit. The term "event facility" does not  
10 include the use of a residential structure or property on which a residential structure is  
11 located for social gatherings of less than twenty-five attendees or for traditional family  
12 events. The term "traditional family events" includes, but is not limited to, holiday parties  
13 and meals, birthday parties, funeral services, religious ceremonies and weddings for  
14 family members related by blood or marriage to: (i) any of the individual holders of legal  
15 title to the property; (ii) a majority of the owners of a business entity holding legal title to  
16 the property; or (iii) the beneficiaries of a trust holding legal title to the property.

17  
18 *Family* means one or more persons occupying a single-family dwelling unit, provided  
19 that unless all members are related by blood or marriage or that the dwelling unit is being  
20 used as a vacation rental under the North Carolina Vacation Rental Act (N.C.G.S. Chap.  
21 42A), 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 (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  
38 **PART 4. That Sec 36-204. RS-10 residential district. be amended as follows:**

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

43  
44  
45 **PART 5. That Sec 36-205. R-1 low-density residential district. be amended as**  
46 **follows:**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

...  
(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 Ssingle-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 Ssingle-family dwelling units, two-family detaehed 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.**

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  
4 at which this ordinance amendment was considered and any additional reasons  
5 supporting the Town's adoption of this ordinance amendment, the Town considers the  
6 adoption of this 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  
11 are 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 Tom Bennett, Mayor

25  
26  
27  
28 **ATTEST:**

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

33  
34  
35 **APPROVED AS TO FORM:**

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-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  
14 avoid undue concentration of population; to lessen congestion in the streets; to secure  
15 safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision  
16 of transportation, water, sewerage, schools, parks, and other public requirements. In  
17 doing so, the Town may take into account the character of the Town’s zoning districts  
18 and their peculiar suitability for particular uses with a view to conserving the value of  
19 buildings and 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  
34 regulate size and population density and to maintain the historical and residential  
35 character of developed areas of Town compared with property owners’ interests in using  
36 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  
41 single-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           ...  
24           *Dwelling, large home*, means any residential structure ~~home~~ exceeding the maximum size  
25 for such structures in the zoning district in which it is located containing more than seven  
26 bedrooms (or rooms that could be considered as bedrooms using the county criteria for  
27 determining septic system design) or septic system capacity for more than 14 people.  
28           Large home dwellings are not a permitted use in any zoning district.

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

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

4  
5 *Family* means one or more persons occupying a single-family dwelling unit, provided  
6 that unless all members are related by blood or marriage or that the dwelling unit is being  
7 used as a vacation rental under the North Carolina Vacation Rental Act (N.C.G.S. Chap.  
8 42A), 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: single family dwellings shall not exceed  
20 6,000 sq. ft. of enclosed living space.

21  
22 **PART 3. That Sec 36-203. RS-8 multifamily residential district.** be amended as  
23 follows:

- 24 ...  
25 (b) Permitted uses. The following uses shall be permitted by right:  
26 ...  
27 ~~(9) Dwellings shall consist of no more than seven bedrooms or septic system capacity for~~  
28 ~~more than 14 people.~~  
29 ...  
30 (d) *Dimensional requirements.*  
31 ...  
32 (10) Maximum Size of Single-Family Dwelling: single family dwellings shall not exceed  
33 6,000 sq. ft. of enclosed living space.

34  
35 **PART 4. That Sec 36-204. RS-10 residential district.** be amended as follows:

- 36 ...  
37 ...  
38 (b) Permitted uses. The following uses shall be permitted by right:  
39 (1) ~~Detached single-family dwellings shall consist of no more than seven bedrooms or~~  
40 ~~septic system capacity for more than 14 people.~~  
41 ...  
42 (d) *Dimensional requirements.*  
43 ...  
44 (10) Maximum Size of Single-Family Dwelling: single family dwellings shall not exceed  
45 6,000 sq. ft. of enclosed living space.  
46

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

- 3  
4 ...  
5 (b) Permitted uses. The following uses shall be permitted by right:  
6 (1) ~~Detached single-family dwelling consisting of no more than seven bedrooms or septic~~  
7 ~~capacity for more than 14 people.~~  
8 ...  
9 (d) *Dimensional requirements.*  
10 ...  
11 (10) Maximum Size of Single-Family Dwelling: single family dwellings shall not exceed  
12 6,000 sq. ft. of enclosed living space.

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

- 15 ...  
16 ...  
17 (b) Permitted uses. The following uses shall be permitted by right:  
18 ...  
19 (4) ~~Detached~~ Single-family dwellings, two-family (duplexes) dwellings, multifamily  
20 dwellings, large home dwellings, and accessory buildings, according to the dimensional  
21 requirements of RS-8 multifamily residential district. Large home dwellings shall be  
22 exempt from section 36-203(d)(8) requirements. For multifamily dwellings, the lot  
23 coverage shall not exceed 40 percent.  
24 ...  
25 (10) ~~Dwelling, large homes.~~  
26  
27 (11) Event facilities.  
28 ...  
29 (d) *Dimensional requirements.*  
30 ...  
31 (10) Maximum Size of Single-Family Dwelling: single family dwellings shall not exceed  
32 6,000 sq. ft. of enclosed living space.

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

- 36 ...  
37 (3) *Minimum parking requirements.* ...  
38 a. *Residential and related uses.*  
39 1. Detached ~~Single-family dwelling units, two-family detached dwelling units and~~  
40 ~~townhouses: three parking spaces for each dwelling unit with up to four bedrooms~~  
41 ~~(including all areas used for sleeping), eight (8) person septic capacity and one additional~~  
42 ~~space for each additional four (4) persons of septic capacity two bedrooms (including~~  
43 ~~areas useable for sleeping), or fraction thereof, in excess of four eight (8) person septic~~  
44 capacity.  
45

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

4 ...

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

15  
16 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**  
17 **Reasonableness.**

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

25  
26 **ARTICLE V. Severability.**

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

33  
34 **ARTICLE VI. Effective Date.**

35  
36 This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of  
37 \_\_\_\_\_, 2016.

38  
39  
40  
41  
42 \_\_\_\_\_,  
Tom Bennett, Mayor

43  
44  
45  
46 ATTEST:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

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

APPROVED AS TO FORM:

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

Date adopted:

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

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

Vote: \_\_ AYES \_\_ NAYS



**Town of Southern Shores**

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

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

info@southernshores-nc.gov

www.southernshores-nc.gov

**ZTA-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  
14 avoid undue concentration of population; to lessen congestion in the streets; to secure  
15 safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision  
16 of transportation, water, sewerage, schools, parks, and other public requirements. In  
17 doing so, the Town may take into account the character of the Town’s zoning districts  
18 and their peculiar suitability for particular uses with a view to conserving the value of  
19 buildings and 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  
34 and equitable balancing of the Town’s interests to regulate size and population density  
35 and to maintain the historical and residential character of developed areas of Town  
36 compared with property owners’ interests in using their property for residential purposes;  
37 and  
38

39       **WHEREAS**, the Town does not desire for commercial event facilities to operate  
40 within its residentially zoned districts and the Town finds that the following amendments  
41 are necessary to further clarify the delineation between such event facility usage and  
42 single-family residential dwellings; and  
43

44       **WHEREAS**, the Town finds that a lack of regulation of the size of dwellings and  
45 the use of the residential properties for pre-planned events, community uses and private

1 parties will result in a decrease in value of buildings and lands within the Town due to the  
2 Town's unique single-family residential nature and character; 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 exceeding the maximum size  
27 for such structures in the zoning district in which it is located containing more than seven  
28 bedrooms (or rooms that could be considered as bedrooms using the county criteria for  
29 determining septic system design) or septic system capacity for more than 14 people.  
30 Large home dwellings are not a permitted use in any zoning district.

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

1 events. The term “traditional family events” includes, but is not limited to, holiday parties  
2 and meals, birthday parties, funeral services, religious ceremonies and weddings for  
3 family members related by blood or marriage to: (i) any of the individual holders of legal  
4 title to the property; (ii) a majority of the owners of a business entity holding legal title to  
5 the property; or (iii) the beneficiaries of a trust holding legal title to the property.  
6

7 *Family* means one or more persons occupying a single-family dwelling unit, provided  
8 that unless all members are related by blood or marriage or that the dwelling unit is being  
9 used as a vacation rental under the North Carolina Vacation Rental Act (N.C.G.S. Chap.  
10 42A), then no such family shall contain more than five persons.  
11

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

14 ...

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

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

18 ...

19 (d) *Dimensional requirements.*

20 ...

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

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

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

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

28 d. Lots with square footage greater than or equal to 35,001: single family dwellings  
29 shall not exceed 8,600 sq. ft. of enclosed living space.  
30

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

33 ...

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

35 ...

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

38 ...

39 (d) *Dimensional requirements.*

40 ...

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

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

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

- 1 c. Lots with square footage from 20,001 to 35,000 square feet: single family  
2 dwellings shall not exceed 6,000 sq. ft. of enclosed living space.  
3 d. Lots with square footage greater than or equal to 35,001: single family dwellings  
4 shall not exceed 8,600 sq. ft. of enclosed living space.  
5

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

- 7 ...  
8 ...  
9 (b) Permitted uses. The following uses shall be permitted by right:  
10 (1) ~~Detached single-family dwellings shall consist of no more than seven bedrooms or~~  
11 ~~septic system capacity for more than 14 people.~~

12 ...  
13 (d) *Dimensional requirements.*

14 ...  
15 **(10) Maximum Size of Single-Family Dwelling:**

- 16 a. Lots with square footage up to 10,000 square feet: single-family dwellings shall  
17 not exceed 2,000 sq. ft. of enclosed living space.  
18 b. Lots with square footage from 10,001 to 20,000 square feet: single-family  
19 dwellings shall not exceed 4,000 sq. ft. of enclosed living space.  
20 c. Lots with square footage from 20,001 to 35,000 square feet: single family  
21 dwellings shall not exceed 6,000 sq. ft. of enclosed living space.  
22 d. Lots with square footage greater than or equal to 35,001: single family dwellings  
23 shall not exceed 8,600 sq. ft. of enclosed living space.  
24

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

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

32 ...  
33 (d) *Dimensional requirements.*

34 ...  
35 **(10) Maximum Size of Single-Family Dwelling:**

- 36 a. Lots with square footage up to 10,000 square feet: single-family dwellings shall  
37 not exceed 2,000 sq. ft. of enclosed living space.  
38 b. Lots with square footage from 10,001 to 20,000 square feet: single-family  
39 dwellings shall not exceed 4,000 sq. ft. of enclosed living space.  
40 c. Lots with square footage from 20,001 to 35,000 square feet: single family  
41 dwellings shall not exceed 6,000 sq. ft. of enclosed living space.  
42 d. Lots with square footage greater than or equal to 35,001: single family dwellings  
43 shall not exceed 8,600 sq. ft. of enclosed living space.  
44

45 **PART 6. That Sec 36-207. C general commercial district. be amended as follows:**  
46

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

...  
(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.~~

(d) *Dimensional requirements.*

(10) Maximum Size of Single-Family Dwelling:

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

**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) person 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. 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. A ten-foot wide drive aisle shall be provided, which must be separate from any parking spaces, such that no vehicle will be required to back into the public right of way. Each parking space shall~~

1 ~~have a minimum length of 18 feet and minimum width of ten feet. The drive aisle and~~  
2 ~~one half of the required parking spaces shall have an improved surface of concrete or~~  
3 ~~asphalt. Other required and additional spaces may be either gravel, perforated paving~~  
4 ~~blocks, or polymer open cell soil stabilization systems. Such porous parking areas shall~~  
5 ~~be excluded from lot coverage calculations.~~  
6

7 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**  
8 **Reasonableness.**  
9

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

17 **ARTICLE V. Severability.**  
18

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

25 **ARTICLE VI. Effective Date.**  
26

27 This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of  
28 \_\_\_\_\_, 2016.  
29  
30  
31  
32

33 \_\_\_\_\_,  
34 Tom Bennett, Mayor  
35  
36

37 ATTEST:  
38  
39  
40

41 \_\_\_\_\_  
42 Town Clerk  
43

44 APPROVED AS TO FORM:  
45  
46

