



# Town of Southern Shores

“A Town of Volunteers”

6 Skyline Road, Southern Shores, NC 27949

Telephone: (252) 261-2394 Fax: (252) 261-0452

Web Site: southernshores.org

E-mail: info@southernshores.org

Ordinance # 02-09-022

## AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF SOUTHERN SHORES

**BE IT ORDAINED** by the Town Council of the Town of Southern Shores, North Carolina, that the Zoning Ordinance be amended as follows:

**PART I.** Article VI. General Provisions by adding a new Section 6.11 Buffers and Landscaping Requirements as follows:

### Section 6.11 Buffers and Landscaping Requirements

#### A. Intent

The intent of this article is to provide adequate separation and buffering between incompatible land uses, enhance the visual image of the Town and promote public health, welfare and safety by:

1. Reducing noise pollution, air pollution and artificial light glare within the Town.
2. Providing cooling shade, oxygen, and filtering of the Town's air.
3. Providing for the conservation of water resources through the efficient use of water, appropriate use of plant materials, and regular maintenance of landscaped areas.
4. Preserving the positive visual character of the Town by enhancing well-designed structures.
5. Increasing compatibility between abutting land uses and public rights-of-way by providing landscaping screening and buffers.

This section establishes requirements for Buffers between Commercial Zones and Residential Zones and for all Conditional Uses. It also establishes requirements for landscaping on all sites other than One and Two Family Dwelling Units. Sites undergoing redevelopment shall be required to comply with this article.

## B. Definitions

1. *Fence* is as conventionally known except that the outside surface of the fence facing the adjacent property shall be the finished surface. The fence shall be coordinated with the finishes of other construction facilities on the site. For the purposes of this division, fence does not include chain link fences with opaque inserts or split rail fence.
2. *Height* is measured from the proposed average ground surface elevation immediately adjacent to the buffer.
3. *Opaque* excludes all visual contact screened by the buffer between the commercial site interior to the buffer and the abutting lands except that the lowest one (1) foot of height may allow visual contact. The opaque portion of a buffer shall be opaque year-round.
4. *Redevelopment* includes any change of use or site plan amendment requiring approval by the town.
5. *Soil berm* is constructed of clean, suitable native or borrow soil material. The finish slopes shall not exceed 1:3 (rise:run).

## C. Buffers

Where a commercial use or zone abuts a residential zone, or where a conditional use is planned in a residential zone, a buffer of dense vegetative planting or natural vegetation is required. The buffer area shall be a mixture of various trees and shrubs with a minimum width of twenty (20) feet with two (2) staggered rows of planting material placed ten (10) feet on centers that are a minimum of three (3) feet in height when installed that expect to achieve a height of six (6) feet within three years. Suitable plant types shall be those recommended for the coastal area by the U.S. Department of Agriculture which can be expected to reach a mature growth of eight (8) to ten (10) feet. The vegetation plan shall be approved by the Town Council. Buffers to be permitted in the town shall consist of berms, fencing and /or vegetation.

1. There shall be three types of buffers:

*Type A buffer:* An **opaque vegetative buffer** of a minimum width of twenty (20) feet that will reach a height of six (6) feet in three (3) years. The buffer may include a stabilized soil berm **not more than 50%** of the required height.

*Type B buffer:* An **opaque buffer consisting of a fence screened on the outside by vegetation.** The top of the fence shall have a height of not less than six (6) feet. The buffer minimum width shall be ten (10) feet. The buffer may include a stabilized soil berm **not more than 50%** of the required height. The screening vegetation shall be a minimum of fifty (50) percent opaque and shall reach a height of (6) feet in three (3) years.

*Type C buffer:* A **fifty (50) percent opaque vegetation screening** buffer of a minimum width of five (5) feet that will reach a height of three (3) feet in two (2) years. The buffer may include a stabilized soil berm as part of, or all of, the required height. The buffer shall include evergreen trees planted not more than twenty (20) feet on centers and these trees shall reach a height of six (6) feet in three (3) years. A list of acceptable plant species for each buffer type shall be established and maintained by the town planning board.

2. The buffers required by this section shall conform to Type A or Type B where commercial zone abuts a residential zone. Type C buffers are required along site perimeters abutting public or private rights-of-way. Buffering requirements in conditional uses shall be determined on a case-by-case basis as part of the landscaping plan.
3. Unless specified otherwise in the various district regulations, buffers within the commercial zones and abutting residential zones shall not interfere with access and use of public utilities facilities.
4. Buffer details including vegetation type and size and fence details shall be submitted as part of the site plan for Planning Board review and for approval by the Town Council. Plants shall be selected for their hardiness, growth potential and suitability to the particular site. Plants should be drought and salt tolerant or provisions shall be made for irrigation.
5. Aboveground structures accessory to the principal use of the site, including but not limited to dumpsters, dumpster screens, sheds, parking and driveways, shall not be located in the buffer, except that access where such driveways may transverse the buffers where such driveways have been reviewed by the Planning Board and approved by the Town Council.
6. Buffer design and construction shall include provisions necessary for maintaining the buffer or removal and replacement of elements of the buffer.
7. Where off-street parking is provided between the building line and the street right-of-way line or any business use, a buffer strip of at least five feet (5) in width shall be provided.

#### D. LANDSCAPING

Landscaping Plans of the intended development shall be submitted and approved prior to the preliminary landscaping plan and shall be submitted to the Planning Board not later than 14 days from its next meeting.

**Preliminary Landscape Plan** - A preliminary landscape plan shall be submitted as part of an application for land use entitlement, for new development, and the significant expansion or redevelopment of the existing use as determined by the Code Enforcement Officer of Southern Shores.

**Final Landscape Plan** - A Final Landscape plan shall be submitted as part of the application for a building permit.

Preliminary Landscape Plans and Final Landscape plans shall contain information specified in the instructions provided by the Town and will be approved by the Planning Board and the Town Council.

E. Maintenance

1. Buffers shall be maintained to meet the criteria of this section. Maintenance of buffers is a continuing condition of the site plan approval and a condition of compliance therewith and occupancy thereof.
2. Landscaped areas shall be maintained in a healthful and sound condition at all times. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this section. Regular maintenance shall include checking, adjusting and repairing irrigation equipment; resetting automatic controllers, aerating and dethatching turf areas; adding/replenishing mulch, fertilizer and soil amendments; pruning; and weeding all landscaped areas.

**PART II.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**PART III.** This ordinance shall be in full force and effect from and after the 3<sup>rd</sup> day of September 2002.



Mayor Sutherland

ATTEST:

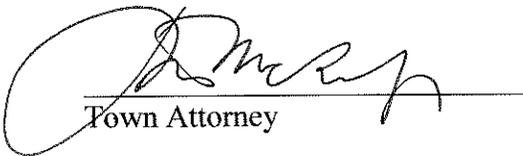


Town Clerk

Vote: 5 Ayes 0 Nays

Date: 9/3/02

Approved as to form:



Town Attorney