Town of Southern Shores

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Ordinance No. 2005-04-03
Version 05-03-2005

AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL RELATING TO AMENDING THE ZONING ORDINANCE RELATING TO COMMERCIAL ZONING

Dare County, North Carolina

BE IT ORDAINED BY THE SOUTHERN SHORES TOWN COUNCIL AS FOLLOWS:

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Zoning Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Zoning Ordinance shall be shown in italics (*italics*).

Article III. Amend Section 3.02 Southern Shores Zoning Ordinance – Definition of Specific Terms or Words

Section 3.02 of the Southern Shores Town Zoning Ordinance is hereby amended to read as follows:

BUILDING INSPECTOR: A code enforcement officer who is appointed by the Town Manager to perform the function(s), in whole or in part, of a building inspector as authorized by this Ordinance.

CODE ENFORCEMENT OFFICER: One or more persons appointed by the Town Manager to perform the function(s), in whole or in part, of the code enforcement officer as authorized by this Ordinance.

ESTABLISHMENT: That portion of a building owned or held through tenancy used for the purpose specified.

RESTAURANT: A business engaged in the service of food and beverages to patrons seated inside a building or on a deck as delineated in a site plan approved by the Town. To qualify as a restaurant, an establishment shall have all the following:

1) A food preparation area occupying at least 20 percent of the gross square footage of the establishment; and,

2) At least 75 percent of all customer seats designated for full-service, full-menu, dining; and

3) No more than 15 percent of the total square footage of the establishment devoted to the following permitted accessory entertainment uses, including and limited to; dance floor, stage, live performance and disc-jockey areas. Accessory entertainment uses referenced in this definition shall be permitted in a restaurant provided these uses are clearly subordinate in area, extent, hours of operation, and purpose to areas designated for food preparation, service, and consumption.

Article IV. Amend Section 7.10 Southern Shores Zoning Ordinance – C- General Commercial District – Conditional Uses

Section 7.10(C) of the Southern Shores Zoning Ordinance is hereby amended to read as follows with subsections re-numbered accordingly:

C . Conditional uses. The following uses shall be permitted as a conditional use subject to the requirements of this district; shall be subject to conditions and modifications relating to impacts on adjacent properties, transportation and transportation systems, transportation interconnectivity, stormwater, utilities and telecommunications facilities (including capacity), vegetation and other elements of the natural environmental, noise, hours of operation, and other factors that the Town Council finds applicable; and additional regulations and requirements imposed by the town council as provided in Article X:

1. Restaurants

Article V. Amend Article XIII of the Southern Shores Zoning Ordinance – Duties

Article XIII of the Southern Shores Zoning Ordinance is hereby amended to read as follows:

It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Code Enforcement Officer and that such questions shall be presented to the Board of Adjustment only on appeal

from the Code Enforcement Officer; and that from the decision of the Board of Adjustment recourse shall be had to courts as provided by law. It is further the intention of this Ordinance that the duties of the Town Council in connection with the Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof but that the procedure for determining such questions shall be set out in this Ordinance, and that the duties of the Town Council in connection with this Ordinance shall be only the duty of considering and passing upon any proposed amendment or approving any conditional use permit as provided by this Ordinance.

Article VII. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article VIII. Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 3rd day of May 2005.

Mayor Hal Denny

ATTEST:

Carrie Gordin, Town Clerk

TOWN OF SOUTHERN PINES SEAL N.C.

Approved as to form:

Ike McRee, Town Attorney

Date Introduced: 4/5/2005
Dates of Publication: 4/21/2005, 4/26/2005
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