



Town of Southern Shores

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Ordinance No. 2005-09-01

AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL AMENDING THE TOWN OF SOUTHERN SHORES ZONING ORDINANCE RELATED TO RECOMBINATION OF NONCONFORMING LOTS

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 Town of Southern Shores Zoning Ordinance enacted on July 7, 1981 and amended and restated by ordinance adopted on July 3, 2001.

Article II. Construction

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

Article III. Amend Article V, Section 4.05, Paragraph 2, Reduction of Lots or Areas Below Minimums

Article V, Section 4.05, of the Town of Southern Shores Zoning Ordinance is hereby amended to read as follows: ~~by striking the existing language and adopting new language to read as follows:~~

No yard or lot existing ~~at the time of passage of this Ordinance~~ on or after July 7, 1981 shall be reduced in dimension or area below the minimum requirements set forth herein.

Yards or lots created ~~after the effective date of this Ordinance~~ on or after July 7, 1981 shall meet at least the minimum requirements established by this Ordinance.

Article IV. Amend Article V, Section 4.08, Lot Access Requirements

No structure requiring a building permit shall be erected on any lot having less than thirty (30) feet of frontage and which:

- 1. Does not abut either a public right-of-way or a private street or easement ~~at least 30 feet in width~~ which has been approved in accordance with the provisions of this Ordinance, the Subdivision Ordinance, or any applicable Town ordinance and recorded by the Register of Deeds of Dare County, or*
- 2. Does not have access to a public street or highway which access is described in an instrument recorded in the Register of Deeds office of Dare County prior to adoption of this Ordinance.*

Article V. Amend Article V, Section 5.02, Paragraph 2, Non-conforming Lots of Record

Article V, Section 5.02, paragraph 2 of the Town of Southern Shores Zoning Ordinance is hereby amended to read as follows: ~~by striking the existing language and adopting new language to read as follows:~~

- 2. ~~If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.~~*
 - a. If on or after July 7, 1981 two or more adjacent and vacant nonconforming lots are in single ownership at any time, and such lots individually have less frontage, area or width than the minimum requirements of the district in which such lots are located, then such lots shall be considered and treated as a single lot or several lots that meet the minimum requirements of this Ordinance for the district in which such lots are located.
 - b. When a nonconforming lot is adjacent to one or more conforming lots under the same ownership, and when any portion of a proposed structure, or required use is located on two or more lots, the lots shall be combined into one single lot of record, and a plat combining such lots shall be recorded in the county registry prior to the issuance of a building permit.

Article VI. 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 VII: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 1st day of November, 2005.



Mayor Hal Denny

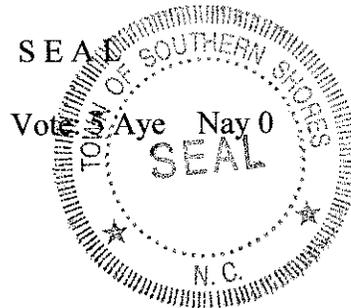
ATTEST:



Carrie Gordin, Town Clerk

Approved as to form:

Ike McRee, Town Attorney



Date Introduced: 9/20/2005

Date(s) Published: October 20, 2005 Publication: Coastland Times
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