



## Town of Southern Shores

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Ordinance No. 2006-09-02

AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL  
RELATING TO AMENDING THE ZONING ORDINANCE  
REGARDING LOT COVERAGE,  
WITH RESPECT TO DRIVEWAYS AND PARKING AREAS;  
LOT DISTURBANCE,  
PERMITS AND SITE PLAN REQUIREMENTS  
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 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 Section 3.02 Southern Shores Zoning Ordinance –**

*Section 3.02 Definition of Specific Terms and Words*

Driveway: Private driveway, road, field road, or other traveled way or path, that allows motorized vehicle access from a public highway, town road, or a private road to one or more buildings located or to be constructed on adjacent lands.

*LOT COVERAGE:* That portion of the lot area, expressed as a percentage, that is occupied and obstructed by any structure above the ground, including, but not limited to, building(s), decks, pools, parking areas, accessways, private sidewalks, driveways, and roadways, and any accessory use and or structure requiring location on or above the ground. Government owned and maintained sidewalks and multi-purpose pathways located on private property are excluded from the calculation of lot coverage.

**Article IV. Amend Section 4.08 Southern Shores Zoning Ordinance –**

*Section 4.08 Lot Access Requirements*

*No structure requiring a building permit shall be erected on any lot 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.*

Single family residential home sites and site plans shall include a driveway with minimum width of eight (8) feet extending from the front property line to the principal structure, as well as required external parking spaces. Where a driveway is not shown on a proposed Site Plan, a line that is the shortest distance from the building to the front property line shall be drawn and a second, parallel line, eight (8) feet wide to scale shall be drawn demarking the required driveway to calculate contribution of the driveway toward Lot Coverage.

Home sites and site plans shall not require vehicles to back into the public right of way. Home sites and site plans shall include a minimum ten (10) foot by ten (10) foot area adjacent to the required driveway to allow for vehicle turnaround.

**Article V. Amend Article VI Southern Shores Zoning Ordinance –**

**Section 6.01 Off-Street Parking Requirements**

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

**A. General Provisions**

1. *Each parking space shall have a minimum length of ~~twenty (20)~~ eighteen (18) feet and a minimum width of ten (10) feet and a drive aisle width of twenty-two (22) feet.*
2. *When a parking space abuts an open space, the two (2) feet at the end of the parking space shall be left unpaved to allow for drainage, in which case a bumper or wheel stop shall be installed.*
3. *Sufficient maneuvering space shall be provided so that no vehicle will be required to back into the public right-of-way. Such space shall be a minimum dimension of ten (10) feet by ten (10) feet and contiguous with the driveway if a required parking space is located in the driveway.*
4. *No parking spaces for residential use, except for single-family and two-family use, shall be located in the required front yard.*
5. *Required parking spaces and driveways for other than single-family and two-family uses shall be graded, improved with concrete or 1-2 asphalt and maintained in a manner which will provide a surface permitting safe and convenient use in all weather conditions.*
6. *Required off-street parking spaces are permanent areas and shall not be used for any other ground purpose.*
7. *All space requirements which are based upon employment shall be computed on the basis of the greatest number of persons on duty at any one period*

- during time of peak use. In instances where calculations indicate a portion of one (1) space is required, an additional full space shall be provided.
8. Each application for a building permit or certificate of occupancy submitted to the Building Inspector shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this Section are met. All required parking and drive areas shall be shown on the Site Plan application.
  9. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.
  10. Any off-street parking space required by a use permitted in any Residential District shall be provided on the same lot with the use by which it is required. Off-street parking space in conjunction with commercial uses in other districts shall not be permitted in a Residential District.
  11. Where off-street parking is provided between the building line and the street right-of-way line for any business use, a buffer strip of at least five (5) feet in width shall be provided adjacent to such street right-of-way line. Curbs cut through such buffer strips shall be separated by a minimum of fifty (50) feet unless otherwise approved by the Town Council.
  12. All parking spaces which abut open space or buffer space shall have a fixed wheel stop of concrete, plastic or chemically-treated wood six (6) inches in height. Allowances shall be made for two (2) feet of overhang within the parking space so that no part of any car can be located within the required yard.
  13. Where a driveway meets the paved street in the Town right-of-way there may be not more than two (2) flares or aprons constructed. The sum of the two (2) flares shall not exceed the width of the driveway by more than five (5) feet. The sum of all construction in the Town right-of-way on one platted lot can not exceed twenty (20) feet. ~~a rectangle with a base of parallel to the~~

pavement and height of the most direct distance between the pavement and the lot property line.

C. *Minimum Parking Requirements*

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

1. *Residential and Related Uses*

a. *Single-family detached dwelling units and townhouses: Three (3) parking spaces for each dwelling unit with up to four (4) bedrooms (including all areas used for sleeping), and one (1) additional space for each two (2) bedrooms (including areas useable for sleeping) or fraction thereof, in excess of four (4).*

1) *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 treatment.*

2) *An ~~ten (10)~~ eight (8) 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. Exception: One required parking space may be located behind each parking space in an under house parking area or enclosed garage, lined up outside in such a manner that it is located in the drive aisle.*

3) *Each parking space shall have a minimum length of ~~ten (10)~~ eight (8) feet and a minimum width of ~~ten (10)~~ eight (8) feet.*

*Section 6.09 Lot Disturbance*

*Subject to the requirements of NCGS 160-A-417(b), if applicable, in all Southern Shores zoning districts ~~but excluding~~ including all areas within the Extraterritorial Jurisdiction, no grading, filling, or other alteration of the topography or elevation of any unimproved lot, or demolition and clearing of improved property, shall be undertaken prior to the ~~granting~~ issuance of a permit by the Building Inspector.*

- 1. All applications for lot disturbance permits shall be accompanied by a survey and Site Plan of the proposed improvements ~~or sketch~~ prepared by a North Carolina Licensed Professional Surveyor, Engineer, Architect or other person duly authorized by the State to prepare such plans showing the actual dimensions and shape of the lot, and showing the surveyed pre-disturbance ground elevation(s) at the corners of the proposed structure referenced to mean sea level. The application shall also describe the disturbance activity which is proposed for the lot.*
- 2. Upon inspection, the Building Inspector shall confirm that the survey ~~or sketch~~ detail submitted conforms generally to the pre-disturbance condition of the lot with respect to its elevations, and that the proposed disturbance activity will not create any hazards or disturb land or lots other than that owned by the applicant or his agent. The Building Inspector shall make such notations or comments on the permit as needed to further establish the pre-disturbance topography and elevation of the lot for later use in determining the permitted height of any structures subsequently constructed on said lot.*
- 3. The Building Inspector is hereby authorized to include requirements in the permit which minimize the disturbance of any adjacent lots or land.*

Article VI. Amend Section 10.04 Southern Shores Zoning Ordinance –

Section 10.04 Application for Building Permits and Site Plan Requirements

A. Single Family Detached and Duplex Residences

~~4H~~ Applications for building permits shall be accompanied by duplicate Site and/or Building plans as required by the inspections office to accurately describe the work proposed ~~in the plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.~~ The Site plan shall also include the present owner's name; present and proposed Lot Coverage in square feet and as a percentage; the Lot, Block and Section number of the parcel, Flood Zone per FEMA; required open yard zoning setback lines, and; applicable Coastal Development Area of Environmental Concern (AEC) regulatory features and lines. Site Plans and surveys shall bear the seal of a North Carolina Licensed Professional Surveyor, Engineer, Architect or other person duly authorized by the State to prepare such plans. The application shall include such other information as lawfully may be required by the Building Inspector, and other Code Enforcement Staff, including existing or proposed building or alteration; existing or proposed uses of the building and land; and the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot and on nearby lots; elevations of finished floors; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance. Applications for principal dwellings or accessory garages with associated driveways shall show the driveway as it extends from the front property line through the public or private right-of-way to the edge of the improved roadway.

~~4W~~ One copies copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy either ~~as approved or disapproved and attested to the same by his signature on such copy~~ "Reviewed for Code Compliance". A copy of the plans, similarly marked, shall be retained by the Building Inspector.

Permits issued pursuant to NC State requirements for work limited in scope to electrical, plumbing, gas, mechanical or fire protection shall not require the submission of Site Plans for activity within or attached to an existing structure. The construction of a pool, concrete driveway or bulkhead requires issuance of a building permit.

**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**

Adopted this the 28th day of November 2006. This ordinance to become effective sixty (60) days from adoption.

  
Don Smith, Mayor

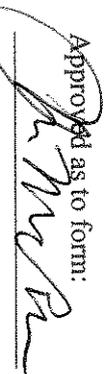
Vote: 3 AYE 2 NAY

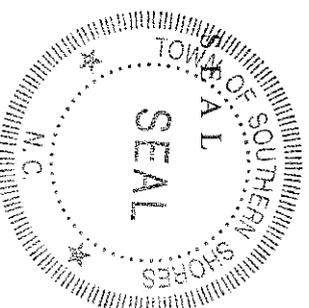
ATTEST:



Carrie Gordin, Town Clerk

Approved as to form:

  
Ike McRee, Town Attorney



DATE OF FINAL RECOMMENDATION BY PLANNING BOARD: SEPTEMBER 18, 2006  
DATE(S) ADVERTISED: OCTOBER 19 AND 26, 2006  
NAME OF NEWSPAPER: COASTLAND TIMES  
DATE OF PUBLIC HEARING: NOVEMBER 8, 2006