



Town of Southern Shores

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Ordinance 2011-12-01

AMENDING THE ZONING ORDINANCE OF THE TOWN OF SOUTHERN SHORES

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the "Town") may enact and amend ordinances to protect the health, safety, and welfare of its citizens under North Carolina General Statutes § 160A-174; and

WHEREAS, the Town may enact and amend ordinances regulating the zoning and development of land within its jurisdiction under North Carolina General Statutes § 160A-381; and

WHEREAS, the Town Council finds that it is in the interest of the public's health, safety, and general welfare that the Town's Zoning Ordinance be amended as stated below.

ARTICLE II. Construction.

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and double strikethrough words (~~double strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by a "..." shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Town Code.

NOW, THEREFORE, BE IT ORDAINED by the Town Council that the Town's Code of Ordinances shall be amended as follows:

Part I. That Chapter 36, Article XVII, Section 36-57, Definitions of specific terms and words be amended as follows:

Sec. 36-57. Definitions of specific terms and words

Bank means a building, property or activity, the principal use or purpose of which is the provision of financial services including, at a minimum, the operation of indoor and outdoor teller windows for the intake and disbursement of funds, including cash, to and from customer financial accounts, including individual checking, savings, or credit accounts.

Part II. That Chapter 36, Article XVII, Section 36-98, Structures excluded from height limitations be amended as follows:

Sec. 36-98. Structures excluded from height limitations.

Except for banks in the general commercial district, the board of adjustment may vary the height limits of these regulations up to four feet above the roofline of the building, for the following structures, providing such variances shall be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

- (1) Church spires or belfries.
 - (2) Decorative cupolas that do not exceed five feet in width on any side or 25 square feet in cross section.
 - (3) Flagpoles.
 - (4) Communications masts (private TV antenna excluded).
- (Code 1988, § 11-4.11)

Part III. That Chapter 36, Article XVII, Section 36-207, C general commercial district limitations be amended as follows:

Sec. 36-207. C general commercial district.

- (a) *Intent.* The C district is established to provide for the proper grouping and development of commercial facilities to serve permanent and seasonal residents.
- (b) *Permitted uses.* The following uses shall be permitted by right:
 - (1) Offices, including such uses as:
 - a. Business.
 - b. Financial.
 - c. Governmental.
 - d. Medical and professional.
 - (2) Retail stores, including such uses as:
 - a. Antiques.

- b. Books.
- c. Cameras.
- d. Candy.
- e. Clothing.
- f. Craft goods.
- g. Delicatessens.
- h. Drugs.
- i. Flowers.
- j. Food stores.
- k. Gifts.
- l. Hardware.
- m. Health and beauty aids.
- n. Hobby goods.
- o. Household appliances.
- p. Jewelry.
- q. Leather goods.
- r. Magazines.
- s. Medical supplies.
- t. Music and musical instruments.
- u. Office supplies.
- v. Sporting goods.
- w. Tobacco products.
- x. Toys.

- y. Video rentals.
 - z. Wines.
- (3) Service establishments, including such uses as:
- a. Banks.
 - ab. Barbershops and beauty shops.
 - bc. Business service--copying, photocopying and computer services.
 - ed. Churches.
 - de. Dry cleaning and laundry pickup stations.
 - ef. Funeral homes.
 - fg. Indoor motion picture theaters.
 - gh. Pharmacy.
 - hi. Radio and television broadcasting studios (excluding transmitter sites).
 - ij. Shoe repair.
- (4) 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.
- (5) Town-owned or leased facilities.
- (6) Planned unit developments in accordance with article IX of this chapter.
- (7) Parking lots and sewage treatment drainfields, when located on a lot which is adjacent to and adjoins real property in an adjacent municipality, upon which a principal building or use has been approved by the municipality, and to which the parking lot and sewage treatment drainfields are necessary or incidental.
- (8) Collocated wireless facilities permitted to use streamlined processing in compliance with section 36-175(b).
- (9) Estuarine bulkheads must be permitted by all applicable local, state and federal agencies having jurisdiction.

(10) Dwelling, large homes.

(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 environment, 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 of this chapter:

(1) Restaurants.

(2) Veterinary clinic, provided that all boarding runs and kennels are in an enclosed, heated, and air conditioned building.

(3) Child day care center, subject to other requirements of this chapter and provided the following conditions are met:

- a. The facility shall adhere to the minimum requirements of and be licensed by the state department of human resources.
- b. Pickup and dropoff areas shall be provided separate from the drive aisle. The pickup and dropoff areas shall be designed so that no child is required to cross the parking lot or any other traffic areas.

(4) Sewage system effluent disposal subsurface drainfields and repair areas, under the following conditions:

- a. The lot shall be in existence and recorded at the time of adoption of this provision;
- b. The drainfield shall not exceed a total area of 14,400 square feet;
- c. There shall be no sewage treatment facilities other than the disposal drainfields;
- d. There shall be no aboveground appurtenances;
- e. A buffer strip shall be planted between the drainfield and/or repair area and any adjacent right-of-way, in accordance with the technical requirements of section 36-163(2)h (parking lot planting), and maintained;
- f. Maintenance and operation of the drainfields, in compliance with state, county and town laws, rules and regulations, shall be a continuing condition of approval; failure to do so shall result in revocation of

approval of the development by the town, and the owner and/or operator of the drainfield shall cease all use of the drainfield until such use is authorized by the town.

- (5) Group development of town-owned or leased facilities.
- (6) Group development of commercial buildings, provided:
 - a. Minimum size of any building shall be 2,500 square feet.
 - b. All buildings are to be connected by a breezeway or covered walkway.
- (7) Garden center/nursery, provided:
 - a. A ten-foot high solid fence must surround all storage areas for business vehicles, equipment and bulk storage.
 - b. All principal and accessory structures must conform to the building code (e.g., greenhouses) with no agricultural exceptions.
 - c. Outdoor plant displays (retail/nursery areas) access walks shall comply with site accessibility requirements of the building code (e.g., wheelchairs and motorized carts).
 - d. Required parking spaces and drive aisles shall be asphalt or concrete. Business vehicle and equipment parking and drive area shall be gravel/crush and run.
 - e. Customer parking requirements for outdoor retail display areas shall be one space for every 500 square feet of retail space.
- (8) Wireless telecommunications sites in compliance with section 36-175.
- (9) Wind generation facility in compliance with the requirements of section 36-176.
- (d) *Dimensional requirements.*
- (1) Minimum lot size: Commercial lots shall be of sufficient size to meet requirements of the Dare County Health Department, to provide adequate siting for structures, and to provide parking, loading and maneuvering space for vehicles as required by section 36-163. In addition, a visual buffer strip is required where a commercial use or zone abuts a residential zone.
- (2) Minimum front yard: 25 feet.

- (3) Minimum side yard: ten feet. No side yard required if commercial building constructed with a common wall. An additional five-foot-yard adjacent to the street is required for a corner lot.
- (4) Minimum rear yard: 20 feet.
- (5) Maximum allowable lot coverage by principal use and all accessory structures: 60 percent.
- (6) Height:

Height, Top Plate	26-feet
Height, Maximum	35-feet

- a. For uses other than a bank:
 - 1. Height, top plate, shall be 26 feet
 - 2. Height, maximum, shall be 35 feet
- b. For bank use:
 - 1. Height, top plate, shall be 26 feet
 - 2. Height, maximum, shall be 35 feet with the exception of a single decorative cupola or ornamental watch tower that extends up to fifteen feet above the roofline of the building, provided that it does not exceed twelve feet in width on any side or 144 square feet in cross section, is purely decorative in nature, and cannot be used for storage or occupancy.
- (7) No building or other facility (such as parking areas, incinerators, trash collection areas, etc.) shall be located nearer than 50 feet to boundaries of residential districts.
- (8) Where a commercial use or zone abuts a residential zone, a buffer of dense vegetative planting or natural vegetation is required. The buffer area shall have a minimum width of 20 feet with two rows of planting material placed ten feet on center that are a minimum of five feet in height when installed that expect to achieve a height of eight 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 to ten feet. Vegetation plan to be approved by the town council.
- (9) All uses and improvements for commercial facility(ies) including, but not limited to parking areas, vehicular access ways, active and repair septic areas and required open spaces shall be contained entirely within the general commercial zoning district, except as provided in section 36-26, Rules governing the interpretation of district boundaries.

(Code 1988, § 11-7.10; Ord. No. 01-10-016, pt. II, 10-2-2001; Ord. No. 01-11-018, pt. I, 11-5-2001; Ord. No. 05-04-03, art. IV, 5-3-2005; Ord. No. 07-01-01, art. III, 2-6-2007; Ord. No. 2009-08-01, pts. IV, V, 1-5-2010; Ord. No. 2011-04-01, art. III, pt. VIII, 4-5-2011)

ARTICLE IV. Severability.

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

ARTICLE V. Effective Date.

This ordinance shall be in full force and effective from and after the 6th day of December, 2011.

ATTEST:
The seal is circular with a double-line border. The outer ring contains the text "TOWN OF SOUTHERN SHORES" at the top and "SEAL" at the bottom. Inside the ring, there are two stars on either side of a central emblem. The emblem appears to be a stylized wave or a similar symbol. The word "ATTEST:" is printed to the left of the seal. A signature is written across the seal, and the words "Town Clerk" are printed below it.

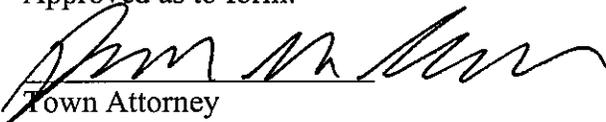
Town Clerk


Mayor

Date: 12/06/2011

Vote: 3 Ayes 2 Nays

Approved as to form:


Town Attorney