



Town of Southern Shores
5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2394 / Fax 252-255-0876
www.southernshores-nc.gov

Ordinance 2012-01-01

**SITE PLAN AMENDMENTS
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 X, Section 36-299, Application for building permits, zoning permits and site plan requirements be amended as follows:

Sec. 36-299. Application for building permits, zoning permits and site plan requirements.

- (a) *Single-family detached and duplex residences.*
- (1) Applications for building permits and zoning permits shall be accompanied by duplicate site and/or building plans as required by the planning and code enforcement department to accurately describe the work proposed 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 state 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, zoning administrator, 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 section. 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.

- (2) One copy of the plans shall be returned to the applicant by the building inspector and zoning administrator, after they shall have marked such copy "Reviewed for Code Compliance." A copy of the plans, similarly marked, shall be retained by the planning and code enforcement department.
 - (3) Permits issued pursuant to 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.
- (b) *All uses other than one- and two-family dwelling units.*
- (1) Site plans must be reviewed by the planning board and approved by the town council before a building permit and zoning permit for construction may be issued.
 - (2) Site plan requirements. Twelve copies of the site plan shall be submitted no later than 30 days prior to the planning board meeting at which the plan is to be reviewed. All plans shall be prepared, stamped and endorsed by a state registered engineer, surveyor or architect, or other person duly authorized by the state to prepare such plans. All plans shall contain at least the following information:
 - a. *Property and ownership information.*
 1. Present recorded owner and the map book reference of the site property.
 2. Owners, lot numbers or map book and page reference of all adjacent properties.
 3. Boundary of the entire lot by course and distance.
 4. Width of the existing rights-of-way.
 5. Nature or purpose, location and size of existing easements.

6. Iron pins three-eighths of one inch in diameter and 36 inches in length, or concrete monuments shall be shown and installed at all lot corners, points of tangents, and any angle point along a given course of the lot.
 7. Plan drawn to at least one inch: 100-foot scale showing north arrow.
 8. Zoning district of the site and all adjacent properties.
 9. Lot area by upland; by swamp, marsh and wetland; and the total area.
- b. *Existing features information.*
1. Streets showing the type and width of pavement, curbs and sidewalks.
 2. Topographic features of the lot and existing grades for the lot, streets, storm drainage, etc.
 3. All underground utilities and facilities.
 4. All existing buildings and structures.
 5. Wetlands as certified by the U.S. Army Corps of Engineers or their authorized agent.
 6. Flood zone, base flood elevation, and map reference, as determined by the latest FEMA flood insurance rate map, with the notation "flood zones subject to change by FEMA."
- c. Site improvements, show all proposed site improvements including, but not limited to:
1. Anticipated final appearance of the sides and rooflines of proposed structures shown on the site plan, plus a rendering showing the anticipated front appearance of the structure relative to landscaping. Final appearance of all structures shall be determined at time of building permit application.
 2. Proposed building type and material (i.e., steel, brick, concrete or wood frame), number of floors and dimensions.
 3. Proposed lowest floor elevation.
 4. Location and type of all sidewalks and curbs with the site.
 5. Proposed method for treating wastewater, location of all wastewater collection and treatment facilities (including any applicable property to be reserved for possible future wastewater use), name of any regulatory agency that must approve wastewater system, name of and written approval for connection from any organization that will collect or

dispose of wastewater.

6. Layout and number of parking stalls, driveway connections, and internal traffic plans.
 7. Finished grades.
 8. A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre.
 9. Rights-of-way improvements in accordance with the policy of the town council.
 10. Storm drainage in accordance with the policy of the town council.
 11. A tabulation of lot coverage by type of cover and overall project coverage and percent coverage.
 12. Limits of land disturbing activity and the calculated area of land disturbance.
 13. Proposed use under this chapter, pertaining to zoning.
 14. Parking requirements and spaces provided.
 15. Proposed signage and calculations.
 16. Proposed water supply.
 17. Proposed outdoor lighting.
 18. Required and provided buffers, and proposed landscaping.
 19. Location of solid waste container, plus location of separate recycling container.
- d. All items on the site plan and all pertinent provisions of this chapter, pertaining to zoning, shall be addressed by the applicant before the site plan is presented for review by the planning board.
- e. Dimensional requirements and development standards shall be in accordance with the district in which the development is to be located.

(3) *Water and wastewater treatment and disposal.*

- a. No proposed site plan shall be accepted by the town, as part of an application for approval or conditional approval by the planning board, without written tentative approval of the proposed sewage treatment and disposal facilities by the department of environmental health or the state department having jurisdiction.

- b. No proposed site plan shall be accepted by the town, as part of an application for approval or conditional approval by the planning board, without written tentative approval of the proposed water distribution facilities by the water department or the state department having jurisdiction.
- (4) The planning board may recommend approval, conditional approval or rejection of any proposed site plan. Upon completion of review, the planning board will transmit their recommendations to the town council. The town council may approve, approve with specific requirements or disapprove any site plan. A rejected site plan may be resubmitted, in accordance with this section, when redrafted to meet the specifications of this article and upon payment of a plan review fee.
- (5) Site plan amendments.
- a. ~~If, Following town council's conditional or final site plan approval, minor changes or amendments to the approved site plan may be approved by the zoning administrator upon written application if the site plan as amended will otherwise meet the requirements for approval. All other changes or amendments to an approved site plan must be approved by the town council after review by the planning board in the same manner required for the initial review of a site plan. the owner or developer desires to make a change in any of the factors listed in subsection (b)(2)a, b, c, d or e of this section, the change must be reviewed by the planning board and approved by the town council.~~
- b. Changes or amendments to an approved site plan may be considered minor if, in the discretion of the zoning administrator, they have no substantial impact on neighboring properties or the general public and do not prevent the spirit and intent of a condition of the prior approval or the requirements of the zoning ordinance from being met. If, in the zoning administrator's sole discretion, the zoning administrator cannot clearly determine whether a change or amendment qualifies as minor or upon the written request of the applicant, the changes or amendments to a site plan shall be considered by the town council after review by the planning board in the same manner required for the initial review of a site plan.
- (6) Prior to issuance of a building permit and zoning permit, evidence shall be presented to the town showing satisfaction of all appropriate state and federal permits, including but not limited to:
- a. U.S. Army Corps of Engineers wetlands permit.
- b. NCDOT driveway permit and/or encroachment application for work in a state right-of-way.
- c. State soil erosion and sedimentation control plan approval.
- d. State stormwater plan approval.

- e. State or town CAMA permit.
 - f. Receipts for payment of water connection fee, county regional water system.
 - g. Septic tank or other wastewater treatment approval by the department of environmental health or other appropriate permitting agencies.
- (7) Inspections of sites involving public rights-of-way and inspections of any on-site construction shall be made by the town.
- ~~(8) After approval of a site plan by the town council, minor changes, which do not affect subsection (b)(2)a, b, c, d or e of this section, in the plan may be approved, in writing, by the zoning administrator, provided that the changes do not prevent the spirit and intent of a condition of approval from being met, or a provision or requirement of an article from being executed, except as provided in section 36-304.~~

ARTICLE IV. Severability.

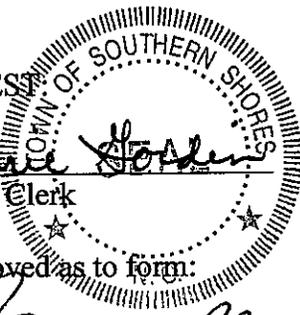
All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed. Should a court of competent jurisdiction declare this Ordinance or any part thereof to be invalid, such decision shall not affect the remaining provisions of this Ordinance nor the Zoning Ordinance of the Town 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 3rd day of January, 2012.

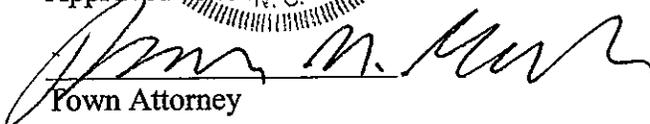

Mayor

Date: 1/3/2012
Vote: 5 Ayes 0 Nays

ATTEST
TOWN OF SOUTHERN SHORES


Town Clerk

Approved as to form:


Town Attorney