



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 7 / 2 / 2024 **Filing Fee:** \$200 **Receipt No.:** N/A **Application No.:** ZTA-24-04

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- Chapter 30. Subdivisions-Town Code
- Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District
- Chapter 36. Article IX. Planned Unit Development (PUD)
- Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units *
- Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use
- Chapter 36. Article X. Section 36-303 Fees
- Chapter 36. Article X. Section 36-304-Vested Rights
- Chapter 36. Article XIV. Changes and Amendments

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant

Name Town of Southern Shores

Address: 5375 N. Virginia Dare Trl.
Southern Shores, NC 27949

Phone (252) 261-2394 Email whaskett@southernshores-nc.gov

Applicant's Representative (if any)

Name _____

Agent, Contractor, Other (Circle one)

Address _____

Phone _____ Email _____

Property Involved: ___ Southern Shores ___ Martin's Point (Commercial only)

Address: _____ Zoning district _____

Section _____ Block _____ Lot _____ Lot size (sq.ft.) _____

Request: ___ Site Plan Review ___ Final Site Plan Review ___ Conditional Use ___ Permitted Use
___ PUD (Planned Unit Development) ___ Subdivision Ordinance ___ Vested Right ___ Variance

Change To: ___ Zoning Map Zoning Ordinance

Ww Hunt
Signature

7-2-24
Date

* Attach supporting documentation.



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Ordinance 2024-XX-XX

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Southern Shores (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures, and land. Pursuant to this authority and the additional authority granted by N.C.G.S. § 160D-702, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning Ordinance”) and has codified the same as Chapter 36 of the Town’s Code of Ordinances (the “Town Code”); and

WHEREAS, in accordance with the finding above, the amendment of the Town’s Zoning Ordinance and Town Code Ordinances as stated below will serve a public purpose and advances the public health, safety and general welfare.

WHEREAS, the amendment of the Town’s Zoning Ordinance and Town Code Ordinances as stated below is based on reasonable consideration, among other things, as to the character of the district, suitability for uses in the area, conserving value of buildings and encouraging the most appropriate use of land throughout the Town.

WHEREAS, the Town’s currently adopted Land Use Plan contains Policies and Action Items that are applicable to the amendments, including but not limited to the following:

Policy 2: The community values and the Town will continue to comply with the founder’s original vision for Southern Shores: a low-density residential community comprised of single-family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town). This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

Policy 26: Promote open space, tree protection, and natural vegetation diversity.

1
2 **Action Item 26-b:** Encourage lot preparation methods that preserve natural
3 vegetation and minimize clear cutting.

4 **ARTICLE II. Construction.**

5
6 For purposes of this ordinance amendment, underlined words (underline) shall be
7 considered as additions to existing Town Code language and strikethrough words
8 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
9 adopted Town Code which are not repeated herein but are instead replaced by an ellipses
10 ("...") shall remain as they currently exist within the Town Code.

11
12 **ARTICLE III. Amendment of Zoning Ordinance.**

13
14 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of
15 Southern Shores, North Carolina, that the Zoning Ordinance shall be amended as follows:

16
17 **PART I.** That **Sec. 36-171. Lot disturbance and stormwater management.** Be
18 amended as follows:

19
20 **Sec. 36-171. Lot disturbance and stormwater management.**

21 Subject to the requirements of G.S. 160D-1110(e), if applicable, in all town zoning
22 districts, no grading, filling, or other alteration of the topography or elevation of any
23 unimproved lot, or demolition and clearing of improved property, nor any manmade
24 change to any improved real estate resulting in the discharge of stormwater onto adjacent
25 property and requiring a building permit, shall be undertaken prior to the issuance of a lot
26 disturbance-stormwater management permit by the zoning administrator.

- 27 (1) All applications for lot disturbance and stormwater management shall be
28 accompanied by a survey and site plan of the proposed improvements prepared
29 by a state licensed professional surveyor, engineer, architect or other person
30 duly authorized by the state to prepare such plans showing the actual
31 dimensions and shape of the lot, and showing the surveyed pre-disturbance
32 ground elevation at the corners of the proposed structure referenced to mean
33 sea level. The application shall also describe the disturbance or development
34 activity which is proposed for the lot. The application and accompanying
35 survey shall be sufficiently detailed for the zoning administrator to confirm that
36 following construction of the proposed improvements the property will retain
37 all stormwater generated by a one and one-half inch rain event and will not
38 adversely affect any stormwater management system previously constructed by
39 the town or on adjacent properties. No fill material may be re-distributed or
40 placed on a lot in the rear or side setback areas unless the final horizontal-to-
41 vertical slope is equal to or less than 3:1. This shall be calculated from the
42 finished final grade to the rear and side property lines. The burden shall be on

1 the applicant to make such a showing, and the zoning administrator, in his
2 discretion, may request reasonable additional information to make a decision on
3 the application.

4
5 (2) Upon inspection, the zoning administrator shall confirm that the survey detail
6 submitted conforms generally to the pre-disturbance condition of the lot with
7 respect to its elevations, and that the proposed disturbance activity will not
8 create any hazards or disturb land or lots other than that owned by the applicant
9 or his agent. The zoning administrator shall make such notation or comments
10 on the permit as needed to further establish the pre-disturbance topography and
11 elevation of the lot for later use in determining the permitted height of any
12 structures subsequently constructed on said lot. The zoning administrator may
13 modify an existing lot disturbance and stormwater management permit
14 requirement during the construction process.

15 (3) The zoning administrator is hereby authorized to include requirements in the
16 permit which minimize the disturbance or damage of any adjacent lots or land,
17 including any reasonable conditions meeting current best management practices
18 for retaining all stormwater generated by a one and one-half inch rain event. All
19 required stormwater improvements shall be maintained in a manner that
20 ensures that the improvements will continue to satisfy all applicable
21 requirements in the issued permit. When required by the zoning administrator, a
22 certification executed by the person duly authorized by the state to prepare such
23 plans attesting to compliance with all applicable stormwater requirements shall
24 be shown on the survey.

25
26 (4) In addition to the provisions above, in ~~the general commercial~~ all town zoning
27 districts, no removal of trees greater than 6 inches in diameter, measured at 4.5
28 feet above the ground, within a front, side or rear yard (setback) on any
29 unimproved lot, shall be undertaken prior to the issuance of a lot disturbance-
30 stormwater management permit by the zoning administrator.

31
32 a. It shall be an offense for any person to remove a tree in violation of the
33 provisions of this section. It shall be an offense for a property owner to
34 employ, authorize or direct any third person or entity to remove a tree in
35 violation of the provisions of this section.

36
37 b. A separate offense shall be deemed to have been committed for each tree
38 removed in violation of the provisions of this section.

39
40 c. When a tree is removed in violation of this ordinance, a warning citation
41 shall be issued to the offender allowing 30 days to abate the violation. A

1 replacement tree similar in size shall be required to abate the violation. If
2 the violation is not abated within 30 days, the offender shall be subject to a
3 civil penalty in accordance with town code section 1-6(d).

4
5 **PART II.** That **Sec. 36-207. C general commercial district.** Be amended as follows:
6

7 **Sec. 36-207. C general commercial district.**

8 ...

9
10 (b) *Permitted uses.* The following uses shall be permitted by right:

11
12 ...

13
14 ~~(6) Planned unit developments in accordance with article IX of this chapter.~~

15 (76) Parking lots and sewage treatment drainfields, when located on a lot which is
16 adjacent to and adjoins real property in an adjacent municipality, upon which a
17 principal building or use has been approved by the municipality, and to which
18 the parking lot and sewage treatment drainfields are necessary or incidental.

19 (87) Collocations and eligible facilities requests in compliance with section 36-
20 175(c).

21 (98) Estuarine bulkheads must be permitted by all applicable local, state and federal
22 agencies having jurisdiction.

23 (409) Event facilities.

24 a. Customer parking requirements for event facilities shall be one space for
25 each 150 square feet of floor area;

26 b. A septic permit must be obtained from the county health department to
27 accommodate the maximum number of attendees permitted.

28 c. Food preparation shall meet all local and state requirements.

29 d. All events in which alcohol is to be served shall not be held until an
30 approved state ABC permit has been issued.

31 e. All events shall be in compliance with all Town Code requirements,
32 including the town noise ordinance.

33 (410) Produce stands. The retail sale of fruits, vegetables, plants, and other
34 agricultural and horticultural products subject to the following requirements:

- a. All stands shall meet the yard requirements for the C general commercial district;
- b. No sales shall be conducted between 8:00 p.m. and 7:00 a.m.;
- c. No additional lighting shall be allowed;
- d. All stands shall comply with all applicable Dare County Health Department requirements and N.C. Department of Agriculture requirements;
- e. Only one stand per lot shall be allowed;
- f. When located on a lot with 50 or more existing parking spaces, no additional parking spaces will be required. When located on a lot with fewer than 50 existing parking spaces, a minimum of three off-street parking spaces shall be provided. When located on a vacant lot, parking spaces shall be provided on an adjacent lot with existing parking spaces that is under same ownership;
- g. One freestanding sign not exceeding 32 square feet in area or six feet in height shall be allowed;
- h. If applicable, a building and/or electrical permit shall be obtained;
- i. The display, storage and/or sale area shall not impede vehicular or pedestrian traffic and parking;
- j. On-site garbage or trash receptacles must be provided and properly maintained at all times.

...

(c) *Special uses.* The following uses shall be permitted as a special 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:

...

(12) Planned unit developments in accordance with article IX of this chapter.

1 ...

2

3 **PART III.** That **Sec. 36-209. Prohibited uses in all district.** Be amended as follows:

4

5 **Sec. 36-209. Prohibited uses in all districts.**

6

7 (a) The following uses shall be prohibited in all districts:

8

9 (1) Alcohol and drug detoxification, rehabilitation, and treatment facilities;

10 (2) Asphalt and concrete plants;

11 (3) Bail bond services;

12 (4) Bed and breakfasts;

13 (5) Bitcoin mining;

14 (~~5~~) Bus, truck, and transportation terminals, yards, and parking lots;

15 (~~6~~) Campgrounds;

16 (~~7~~) Concentrated animal feeding operations;

17 (~~8~~) Crematoriums (human and animal);

18 (~~9~~) Dormitories and residence halls;

19 (~~10~~) Drug paraphernalia;

20 (~~11~~) Electronic gaming operations;

21 (~~12~~) Explosives, ammunition, fireworks, or gunpowder manufacture;

22 (~~13~~) Fat rendering, or production of fats and oils from animal or vegetable;
23 products by boiling or distillation;

24 (~~14~~) Fraternity and sorority houses;

25 (~~15~~) Garbage, offal, or animal reduction and processing;

26 (~~16~~) Gasoline pumps and sales;

27 (~~17~~) Halfway houses;

28 (~~18~~) Hazardous materials handling or storage;

29 (~~19~~) Hospitals;

30 (~~20~~) Hotels/resorts;

31 (~~21~~) Jails and prisons;

32 (~~22~~) Jetpack rentals;

1 **Article IX. Planned Unit Developments.**

2
3 ...
4

5 **Sec. 36-263. Planned unit development (PUD) concept.**

6
7 ...
8

9 ~~(h) Public hearings permissible but not mandatory in connection with site development~~
10 ~~plans. Action in connection with approval of site development plans or changes in~~
11 ~~approved plans not requiring ordinance amendment are administrative, and do not~~
12 ~~require public notice and hearing but the planning board and town council may hold~~
13 ~~such hearings as deemed desirable in connection with such action.~~

14 (ih) *Expiration of time limits on PUD.* If actions required in the PUD are not taken
15 within the time limits set, the planning board shall review the circumstances and
16 recommend to the town council that:

- 17 (1) PUD approval for the entire area be continued with revised time limits;
18 (2) PUD approval to be continued for part of the area with revised time limits, and
19 the remainder returned to conventional zoning control; or
20 (3) PUD approval be removed from the entire project.

21 Such recommendations shall include proposals for appropriate action with respect to any
22 legal instruments, dedications, contributions or guarantees in the case.

23
24 ...
25

26 **Sec. 36-264. Development plan review procedure.**

27 All development plans for PUDs will proceed as provided by section 36-300, for
28 processing special use permits, with additional steps as outlined below:

- 29 (1) *Preapplication conference (sketch plan proposal).*
30 a. On request by applicants, members of the planning board and the zoning
31 administrator shall meet with applicants to review the original application,
32 including the developer's report, if submitted, and the sketch plan of the

1 proposed planned unit development. The purpose of such pre-hearing
2 conferences shall be to assist in bringing the report, if submitted, and the
3 sketch plan as nearly as possible into conformity with these or other land
4 development regulations applying in the case, and to define special
5 variations from application of the regulations, which would otherwise
6 apply, which seem justified in view of equivalent services of the public
7 purposes of such regulations.

8 b. In the course of such pre-hearing conferences, any recommendation for
9 changes shall be recorded, in writing, and shall become part of the record
10 in the case.

11 1. All such recommendations shall be supported by stated reasons for
12 the proposal for change.

13 2. Applicants may, in writing, indicate their agreement to such
14 recommendations, or their disagreement.

15 3. If there is disagreement, applicants shall, in writing, indicate their
16 reasons therefor.

17 4. Responses by applicants shall also be included in the record.

18 c. Sketch plans may be drawn in such a manner as to minimize initial
19 expense and encourage sufficient design flexibility to accommodate
20 required changes, without undue hardship to the developer.

21 1. All sketch plans submitted shall be drawn to appropriate scale.

22 2. All sketch plans shall show the locations of all lots, streets, drives,
23 off-street parking areas and other pertinent features, together with
24 building locations, if appropriate.

25 ~~d. Developer may submit preliminary plats in lieu of sketch development~~
26 ~~plans.~~

27 (2) *Consideration and recommendation by the planning board.*

28 a. Following the preapplication conference, the planning board shall review
29 the applications for planned unit development, including sketch plan and
30 report ~~or preliminary subdivision plat~~, if submitted in lieu thereof, together
31 with written or sketched changes left unresolved after the preapplication
32 conference.

33 b. The planning board, or its representative, when appropriate, shall seek the
34 advice of the county health department, state department of transportation
35 or other agencies as necessary, to accomplish a complete review of any
36 development plans.

37 c. Whenever the planning board determines that the characteristics of a
38 proposed development should be modified to protect the occupants of such

1 development, or the public interest, the board may recommend reasonable
2 modifications in building location, driveway location or design, location of
3 recreation areas or open spaces, lot sizes or other essential elements of any
4 development plan.

- 5 d. The planning board will recommend approval, or denial, of PUD
6 applications, including detailed development plans. In its action, the
7 planning board will reflect its views upon issues left unresolved in the
8 preapplication conference.
- 9 e. As required by the terms of this article, the planning board shall forward
10 its recommendations to the town council in accordance with special use
11 permits.

12 (3) *Public hearing and approval by the town council as required.*

- 13 a. A public hearing, ~~as provided by ordinance for rezoning hearings, may~~
14 shall be advertised and held before the town council for any planned unit
15 development and associated detailed development plan proposed to be
16 established in ~~any appropriate~~ the general commercial zoning district.
- 17 b. The town council may approve such application and detailed development
18 plans in accord with PUD and general regulations; may include specific
19 modifications of PUD and general regulations, as recommended by the
20 planning board; may return the application to the planning board for
21 further consideration of specific suggested changes; or may deny the
22 application.
- 23 e. ~~Upon approval of the town council, the developer is required to submit~~
24 ~~final detailed plans of the proposed PUD to the planning board, as~~
25 ~~provided in subsection (4) of this section.~~

26 (4) *Final approval of detailed plan by the planning board.*

- 27 ~~a. Following approval of a proposed planned unit development (PUD) sketch~~
28 ~~plan, and the approval of all required rezoning actions, if any, by the town~~
29 ~~council, a detailed plan for the PUD shall be submitted to the planning~~
30 ~~board by the developer; provided a preliminary subdivision plat may be~~
31 ~~submitted in lieu of detailed plan proposals, if necessary information is~~
32 ~~submitted with such plan to show proposed building locations or other~~
33 ~~features.~~
- 34 b. ~~Review of a detailed plan proposal or preliminary subdivision plats, if~~
35 ~~submitted in lieu thereof, shall follow procedures established in the town~~
36 ~~subdivision regulations for all developments, including those proposing~~
37 ~~private streets, private common open spaces or private lot access~~
38 ~~easements.~~

39 (5) *Issuance of building permits by the building inspector.*

- ~~a. When a detailed development plan or preliminary subdivision plat has been approved by the planning board, and approved by the town council if required, it shall be so certified to the building inspector.~~
- ~~b. Building permits shall be issued by the building inspector only for improvements and developments on a planned unit development site which conforms to the approved development plan or subdivision plat.~~

...

ARTICLE IV. Statement of Consistency with Comprehensive Plan and Reasonableness.

The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted comprehensive zoning ordinance, land use plan and any other officially adopted plan that is applicable; for all the above-stated reasons, including but not limited to it encourages the use of low impact development techniques and sound environmental preservation practice, encourages lot preparation methods that preserve natural vegetation and minimize clear cutting and furthers the founder’s original vision for Southern Shores of a low-density residential community served by a small commercial district. The Town considers the adoption of this ordinance amendment to be reasonable and in the public interest.

ARTICLE V. Severability.

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

ARTICLE VI. Effective Date.

This ordinance amendment shall be in full force and effect from and after the ____ day of _____, 2024.

Elizabeth Morey, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

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12

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: ___AYES___NAYS