



Town of Southern Shores

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ZTA-25-02

3-20-2025

Ordinance 2025-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, This amendment is in the best interest of all property owners because at the current time Town manager Cliff Ogburn is refusing to use the Southern Shores’s newsletter email address to notify property owners that a lot width amendment was made on June 6, 2023 to take the right to subdivide from property owners without notifying the effected property owners with posted notice as required by Town Code 36-414(b).

WHEREAS, This amendment is in the best interest of all property owners because during the time the Town was supposed to have posted notice at effected properties of the lot width amendment heard by the Planning Board on May 15, 2023 and Town Council on June 6, 2023 Deputy Town Manager Wes Haskett was hiding the proposed zoning amendment from Applicant in (4) emails during the month of May, 2023 when Applicant was specifically asking about the 75 E Dogwood Trail subdivision and lot width requirements. During the month of May, 2023 the previous owner of 75 E Dogwood Trail was able to negotiate an additional \$75,000 from applicant for a property that was subdividable because Haskett was illegally hiding the proposed lot width amendment. Deputy Haskett and Southern Shores clearly are aware of the damages their fraud has caused and have yet to correct the fraud caused by rezoning subdividable

1 property to unsubdividable with a lot width amendment that was made without
2 complying with Town Code 36-414(b).

3
4 **WHEREAS,** This amendment is in the best interest of all property owners
5 because the nature of the Town's Code Of Ethics prohibits the Town from defrauding
6 property owners intentionally and in the event of a mistake requires the fraud to be
7 corrected. A true and correct copy of the Town's Code of Ethics is attached to the
8 Zoning Text Application dated March 20, 2025 as Exhibit A.

9
10 **WHEREAS,** This amendment is in the best interest of all property owners because
11 when property owners question the validity of zoning amendments made to their property
12 Deputy Town Manager Haskett lies and claims Southern Shores had a legal basis to amend
13 zoning code. A true and correct copy of a false police report made to Chief Kole by Wes
14 Haskett in violation of North Carolina General Statute 14-225 claiming he had a
15 legal basis to amend zoning code on June 6, 2023 by deleting the strictures of Town
16 Code 36-414(b) is attached to Zoning Text Application dated March 20, 2025 and
17 marked Exhibit B.

18
19 **WHEREAS,** This amendment is in the best interest of all property owners because
20 when they ask the Planning Board for a decision to be made about a zoning code
21 amended without the property owner being notified pursuant to Town Code 36-414(b)
22 Deputy Town Manager Haskett lies and states notification requirements were satisfied.
23 A true and correct copy of Haskett's staff report lying about notification requirements
24 being complied with prior to the lot width adoption on June 6, 2023 is attached to the
25 Zoning Text Amendment Applications as Exhibit C. A true and correct copy of a public
26 records response from the Town proving posted notice was not placed at effected
27 property(s) pursuant to Town Code 36-414(b) is attached to the Zoning Text Amendment
28 Application Dated March 20, 2025 as Exhibit D.

29
30 **WHEREAS,** This amendment is in the best interest of all property owners
31 because when criminal complaints are made against Town employee Wes Haskett to
32 Police Chief Kole for violating N.C.G.S. ss 14-225-false reports to law enforcement
33 and N.C.G.S. § 20-112- false sworn testimony Chief Kole refuses to arrest Wes
34 Haskett with claims that the crimes are "civil matters".

35
36 **WHEREAS,** This amendment is in the best interest of all property owners because
37 when they pay \$350 for the Planning Board to make a decision about a zoning
38 amendment made without compliance with posted notification requirement Town Code
39 36-414(b) the following people fraudulently misrepresent the language of Town Code 36-
40 414(b) and are on video fraudulently misrepresenting Town Code 36-414(b) at the

1 October 21, 2024 Variance hearing online at
2 www.youtube.com/watch?v=SAHrZazLlz8&t=18617s

3 A) Town Attorney Lauren Womble on behalf of Deputy Town Manager Haskett
4 at 1:41-1:44, 3:24-3:29, 3:48-3:51, 5:09-5:11

5 B) Planning Board Attorney Jay Wheless on behalf of the Planning Board and
6 Haskett at 3:09-3:12, 3:48-3:51 of the video

7 C) Planning Board Chair Andy Ward at 4:27 of the video

8 **WHEREAS,** This amendment is in the best interest of all property owners
9 because when they pay \$350 for the Planning Board to make a decision on whether an
10 amended zoning code can be enforced when there is fraud indicating Town Code 36-
11 414(b) was not complied with, the Planning Board votes unanimously to enforce illegally
12 adopted zoning code. Please see youtube video of the March 19, 2025 Special Hearing
13 from 1:02-1:13 at www.youtube.com/watch?v=gVwcO1hKUo8

14 **WHEREAS,** This amendment is in the best interests of the Town because North
15 Carolina Statutes of limitations for fraud, injury to personal property and contract law is 3
16 years. The Town is currently liable for a class action lawsuit from property owners suing
17 the town for defrauding property owners with zoning amendments adopted to take the
18 right to subdivide property with a lot width amendment on June 6, 2023. Taking the right
19 to subdivide substantially decreases property value, according to licensed realtors, and
20 the Town has refused to Order Dare County to reduce property taxes on property they
21 have devalued.

22 **WHEREAS,** This amendment is consistent with the Town's Code of Ethics and
23 is imperative under North Carolina State and Federal Laws protecting property owner's
24 due process rights and their right not to be subjected to public corruption crimes
25 committed by local governments.

26
27 **WHEREAS,** the amendment of the Town's Zoning Ordinance and Town Code
28 Ordinances as stated below is based on reasonable consideration, among other things, as to
29 the character of the district, suitability for uses in the area, conserving value of buildings
30 and encouraging the most appropriate use of land throughout the Town.

31
32 **WHEREAS,** the Town's currently adopted Land Use Plan contains Policies and
33 Action Items that are applicable to the amendments, including but not limited to the
34 following:

35
36 **Policy: Southern Shores Code Of Ethics**

37
38 **Policy: Town Code 36-414(b) requiring posted notice at property(s) effected**
39 **by zoning amendment rezoning them (for reasons including, but not limited**
40 **to rezoning from subdividable to unsubdividable).**
41

1 **Policy: North Carolina State Law and Federal Law, including Federal Rights**
2 **Protecting property owners “property rights” and “due process rights”.**
3
4

5 **ARTICLE II. Construction.**
6

7 For purposes of this ordinance amendment, underlined words (underline) shall be
8 considered as additions to existing Town Code language and strikethrough words
9 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
10 adopted Town Code which are not repeated herein but are instead replaced by an ellipses
11 (“...”) shall remain as they currently exist within the Town Code.
12

13 **ARTICLE III. Amendment of Zoning Ordinance.**
14

15 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of
16 Southern Shores, North Carolina, that the Town Code shall be amended as follows:
17

18 **PART I.** That **Sec. 36-414. Motion To Amend.** Be amended as follows:
19

20 **Sec. 36-414. Motion To Amend.**
21

- 22 (a) The town council may, on its own motion or upon motion or upon petition by
23 any person within any zoning jurisdiction of the town, after public notice and
24 hearing, amend, supplement, change, modify or repeal the regulations herein
25 established or the maps which are part of this chapter, subject to the rules
26 prescribed in this article. No regulation or map shall be amended,
27 supplemented, changed, modified or repealed until after a public hearing in
28 relation thereto, at which parties in interest and citizens shall have an
29 opportunity to be heard. Prior to adopting or rejecting any zoning amendment,
30 the planning board shall adopt a statement describing whether its action is
31 consistent with the adopted town comprehensive land use plan and explaining
32 why the planning board considers the action taken to be reasonable and in the
33 public interest. That statement is not subject to judicial review. A notice of such
34 hearing shall be given one a week for two successive calendar weeks in a
35 newspaper of general circulation in the town, said notice to be published the
36 first time not less than ten days nor more than 25 days prior to the date fixed
37 for the hearing.
38
39 (b) In addition and where a zoning map amendment is proposed, the town shall
40 cause to be placed a sign on the subject property announcing the date, time,
41 and place of the public hearing for the purpose of notifying persons of the
42 proposed rezoning.

(c) Property owner(s) that have been defrauded by zoning text amendments made pursuant to Section 36-414 without being notified with posted notice as a property subject to the zoning amendment, pursuant to Town Code Section 36-414(b), shall have 90 days from the adoption of this ordinance to submit any applications to the Town seeking governance under the Town Code prior to the Amended Ordinance made without posted notice at the effected property(s). This section applies only to property owners who owned the property, were under contract to purchase the property, rented the property or occupied the property at the time the zoning amendment was adopted. This section also only applies to amendments made within 3 years of the adoption of this amendment.

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 of the above-stated reasons and any additional reasons supporting the Town's adoption of this ordinance amendment, 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 _____, 2025.

Elizabeth Morey, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

1
2
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5
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10
11

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: ____AYES ____NAYS