



# 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: 4 / 5 / 21 Filing Fee: \$200 Receipt No. N/A Application No. ZTA-21-01

**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 **X** \_\_\_ Zoning Ordinance

W. W. Hunt  
Signature

4-5-21  
Date

\* Attach supporting documentation.



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ZTA-21-01

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. 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**, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, and general welfare for the Town to amend the Town’s Zoning Ordinance as stated below.

**ARTICLE II. Construction.**

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~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 an ellipses (“...”) shall remain as they currently exist within the Town Code.

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

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

**PART I.** That **Sec. 36-202. RS-1 single family residential district.** Be amended as follows:

...

(d) Dimensional requirements

...

~~(8) Minimum living space: 1,000 square feet of enclosed living space.~~

1                   (98) Maximum size of single-family dwelling: Single-family dwellings  
2                   shall not exceed 6,000 square feet of enclosed living space.

3  
4     ...  
5

6     **PART II.**     That **Sec. 36-203. RS-8 multifamily residential district.** Be amended as  
7 follows:

8  
9     ...  
10

11           (d) Dimensional requirements

12  
13     ...  
14

15                   ~~(9) Minimum living space: 1,000 square feet of enclosed living space.~~  
16                   (109) Maximum size of single-family dwelling: Single-family dwellings  
17                   shall not exceed 6,000 square feet of enclosed living space.

18

19     **PART III.**    That **Sec. 36-204. RS-10 residential district.** Be amended as follows:

20  
21     ...  
22

23           (d) Dimensional requirements

24  
25     ...  
26

27                   ~~(9) Minimum living space: 1,000 square feet of enclosed living space.~~  
28                   (109) Maximum size of single-family dwelling: Single-family dwellings  
29                   shall not exceed 6,000 square feet of enclosed living space.

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31     **PART IV.**    That **Sec. 36-205. R-1 low-density residential district.** Be amended as  
32 follows:

33  
34     ...  
35

36           (d) Dimensional requirements

37  
38     ...  
39

40                   ~~(9) Minimum living space: 1,000 square feet of enclosed living space.~~  
41                   (109) Maximum size of single-family dwelling: Single-family dwellings  
42                   shall not exceed 6,000 square feet of enclosed living space.

43

1 **PART IV.** That **Chapter 36, Article XIV. CHANGES AND AMENDMENTS.** Be  
2 deleted in its entirety as follows:

3  
4 ~~Sec. 36-415. —Protest to zoning district changes.~~

5 If a petition opposing a change in the zoning classification of any property is filed  
6 with the town, then the proposed amendment may be adopted only by a favorable vote of  
7 three-fourths of the council membership. For purposes of this section, vacant positions on  
8 the council and members who are excused from voting shall not be considered "members  
9 of the council" for calculation for the requisite supermajority. To trigger the three-fourths  
10 vote requirement, the petition must:

- 11 (1) —Be signed by the owners of either:
- 12 a. —Twenty percent or more of the area included in the proposed change; or
  - 13 b. —Five percent of a 100-foot wide buffer extending along the entire boundary  
14 of each discrete or separate area proposed to be rezoned. A street right-of-  
15 way shall not be considered in computing the 100-foot buffer area as long as  
16 that street right-of-way is 100-foot wide or less. When less than an entire  
17 parcel of land is subject to the proposed zoning map amendment, the 100-  
18 foot buffer shall be measured from the property line of that parcel.

19 In the absence of evidence to the contrary, the town may rely on the county tax  
20 listing to determine the "owners" of potentially qualifying areas.

21 (2) —Be in the form of a written petition actually bearing the signatures of the requisite  
22 number of property owners and stating that the signers do protest the proposed  
23 change or amendment.

24 (3) —Be received by the town clerk in sufficient time to allow the town at least two  
25 normal working days before the date established for a public hearing on the  
26 proposed amendment to determine the sufficiency and accuracy of the petition.

27 A person who has signed a protest petition may withdraw his name from the petition at  
28 any time prior to the vote on the proposed zoning amendment. Only those protest  
29 petitions that meet the qualifying standards set forth at the time of the vote on the zoning  
30 amendment shall trigger the supermajority voting requirement.

31 ...

32  
33 **PART V.** That **Chapter 36, Article XIV. CHANGES AND AMENDMENTS.** Be  
34 amended as follows:

35  
36 **Sec. 36-4165.** - **Planning board action.**

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**PART VI.** That **Chapter 36, Article XIV. CHANGES AND AMENDMENTS.** Be amended as follows:

**Sec. 36-4176. - Fee.**

...

**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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Tom Bennett, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

Date adopted:

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\_\_\_\_\_  
Motion to adopt by Councilmember:

\_\_\_\_\_  
Motion seconded by Councilmember:

Vote: \_\_\_AYES\_\_\_NAYS