



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 / 18 / 2025

Filing Fee: \$200

Receipt No.: N/A

Application No.: ZTA-25-03

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

Whaskett
Signature

4-18-2025
Date

* Attach supporting documentation.



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ZTA-25-03

5-13-2025

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, the Town desires to reinstate adequate guiding standards for Special Use Permit decisions in the Town's Zoning Ordinance; and

WHEREAS, the Town's currently adopted Comprehensive Land Use Plan contains the following Policy that is applicable to the proposed amendments,

LUC 3.1: Support development design and approvals that reinforce the low-density nature of the community and are at an appropriate scale for the commercial district.

WHEREAS, in accordance with the findings above, the amendment of the Town's Zoning Ordinance as stated below will serve a public purpose and advance the public health, safety and general welfare.

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.

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

3
4 **PART I.** That **Sec. 36-300. Application for permit for special uses.** Be amended
5 as follows:
6

7 **Sec. 36-300. Application for permit for special uses.**

8
9 ...

10
11 (12) In granting any special use permit, the town council may prescribe appropriate
12 conditions and safeguards to ensure the use is in conformity with this article.
13 Violation of such conditions and safeguards, when made a part of the terms
14 under which the special use permit is granted, shall be deemed a violation of
15 this article and punishable under article XI of this chapter. Conditions and
16 safeguards imposed under this subsection shall not include requirements for
17 which the town does not have authority under statute to regulate nor
18 requirements for which the courts have held to be unenforceable if imposed
19 directly by the town, including, without limitation, taxes, impact fees, building
20 design elements within the scope of G.S. 160D-702(b), driveway-related
21 improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-
22 307, or other unauthorized limitations on the development or use of land.

23
24 (13) Before they may grant any special use permit or vested right, the town council
25 shall make affirmative findings that the applicant has shown:

- 26
27 a. The applicant has met the requirements of the applicable provisions of the
28 town chapter pertaining to zoning, subdivision chapter, and all other
29 applicable ordinances.
30 b. That the use as proposed will conform with the town's comprehensive land
31 use plan, and will be compatible with the area in which it is to be located,
32 if developed in accordance with the conditions specified in the chapter and
33 additionally required by the town council as authorized by the chapter.
34 c. That the use will not materially endanger the public health and safety if
35 located where proposed and developed according to the plan submitted.
36 d. That the use as proposed will not overburden the town fire department
37 fire-fighting capabilities and the county water supply capacity to the town,
38 as said facilities and capabilities will exist on the completion date of the
39 special use for which the application is made.
40 e. That the use will not substantially injure the value of adjoining property,
41 unless the use is a public necessity.
42

1 (134)The town council shall determine contested facts and make its decision within
2 a reasonable time. The decision shall be based upon competent, material, and
3 substantial evidence in the record. The decision shall be reduced to writing and
4 reflect the town council's determination of contested facts and their application
5 to the applicable standards. The written decision shall be signed by the mayor
6 or other duly authorized member of the council. The decision is effective upon
7 filing the written decision with the town clerk. The decision of the town council
8 shall be delivered by personal delivery, electronic mail, or by first-class mail to
9 the applicant, property owner, and to any person who has submitted a written
10 request for a copy, prior to the date the decision becomes effective. The person
11 required to provide notice shall certify that proper notice has been made.

12
13 (145)Special use permits issued pursuant to this section shall be recorded by the
14 applicant in the county registry.

15 (156)Upon final approval of a special use permit application and accompanying site
16 plan by the town council, the building inspector and zoning administrator, upon
17 application for a building permit and zoning permit, shall issue a building
18 permit and zoning permit within one year from the date of such approval,
19 provided that all other requirements are met. If a building permit and zoning
20 permit are not applied for and issued within one year from the date of final
21 approval of the special use permit application and accompanying site plan, the
22 special use permit approval and site plan expire and the applicant must submit a
23 new special use permit application and accompanying site plan, conforming to
24 the then current provisions of the zoning chapter and all other applicable
25 ordinances, for review by the planning board and town council and pay the
26 applicable fees. If any of the conditions of approval or any part of them should
27 be held invalid or void, the entire permit shall be void immediately.

28
29 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
30 **Reasonableness.**

31
32 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
33 comprehensive zoning ordinance, comprehensive land use plan and any other officially
34 adopted plan that is applicable; for all the above-stated reasons, including but not limited
35 to it encourages the use of low impact development techniques and sound environmental
36 preservation practice, encourages lot preparation methods that preserve natural vegetation
37 and minimize clear cutting and furthers the founder's original vision for Southern Shores
38 of a low-density residential community served by a small commercial district. The Town
39 considers the adoption of this ordinance amendment to be reasonable and in the public
40 interest.

41
42 **ARTICLE V. Severability.**

43
44 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
45 hereby repealed. Should a court of competent jurisdiction declare this ordinance

1 amendment or any part thereof to be invalid, such decision shall not affect the remaining
2 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
3 Town of Southern Shores, North Carolina which shall remain in full force and effect.
4

5 **ARTICLE VI. Effective Date.**
6

7 This ordinance amendment shall be in full force and effect from and after the ____ day of
8 _____, 2025.
9

10
11 _____
Elizabeth Morey, Mayor

12 ATTEST:
13

14 _____
15 Town Clerk
16
17

18 APPROVED AS TO FORM:
19

20 _____
21 Town Attorney
22

23 Date adopted:
24

25 _____
26 Motion to adopt by Councilmember:
27

28 _____
29 Motion seconded by Councilmember:
30

Vote: ____AYES____NAYS