



Town of Southern Shores

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TCA-22-04

11-29-22

Ordinance 2022-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. Chap. 160A, the Town has duly codified the Town’s Code of Ordinances (the “Town Code”); and

WHEREAS, the North Carolina General Assembly adopted 2019 N.C. Sess. Law 111 to clarify and change the land-use regulatory laws of the State, including the recodification of many existing land-use regulatory laws in a newly created N.C.G.S. Chap. 160D pursuant to 2019 N.C. Sess. Law 111, Part II; and

WHEREAS, the Town desires to amend its Town Code to conform to N.C.G.S. Chap. 160D as provided in this ordinance amendment; 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 Code 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. 1-13. Conflicts of interest.** Be amended as follows:

Sec. 1-13. Conflicts of interest.

1 (a) Town council. A town council member shall not vote on any legislative decision
2 regarding a development regulation adopted pursuant to this Town Code where
3 the outcome of the matter being considered is reasonably likely to have a direct,
4 substantial, and readily identifiable financial impact on the member. A town
5 council member shall not vote on any zoning amendment if the landowner of the
6 property subject to a rezoning petition or the applicant for a text amendment is a
7 person with whom the member has a close familial, business, or other
8 associational relationship.
9

10 (b) Appointed boards. Members of appointed boards shall not vote on any advisory or
11 legislative decision regarding a development regulation adopted pursuant to this
12 Town Code where the outcome of the matter being considered is reasonably likely
13 to have a direct, substantial, and readily identifiable financial impact on the
14 member. An appointed board member shall not vote on any zoning amendment if
15 the landowner of the property subject to a rezoning petition or the applicant for a
16 text amendment is a person with whom the member has a close familial, business,
17 or other associational relationship.
18

19 (c) Administrative staff. No staff member shall make a final decision on an
20 administrative decision required by this Town Code if the outcome of that
21 decision would have a direct, substantial, and readily identifiable financial impact
22 on the staff member or if the applicant or other person subject to that decision is a
23 person with whom the staff member has a close familial, business, or other
24 associational relationship. If a staff member has a conflict of interest under this
25 section, the decision shall be assigned to the supervisor of the staff person or such
26 other staff person as may be designated by the development regulation or other
27 ordinance.
28

29 1. No staff member shall be financially interested or employed by a business
30 that is financially interested in a development subject to regulation under
31 this Town Code unless the staff member is the owner of the land or
32 building involved. No staff member or other individual or an employee of
33 a company contracting with the town to provide staff support shall engage
34 in any work that is inconsistent with his or her duties or with the interest
35 of the town, as determined by the town.
36

37 (d) Quasi-judicial decisions. A member of any board exercising quasi-judicial
38 functions pursuant to this Town Code shall not participate in or vote on any quasi-
39 judicial matter in a manner that would violate affected persons' constitutional
40 rights to an impartial decision maker. Impermissible violations of due process
41 include, but are not limited to, a member having a fixed opinion prior to hearing
42 the matter that is not susceptible to change, undisclosed ex parte communications,
43 a close familial, business, or other associational relationship with an affected
44 person, or a financial interest in the outcome of the matter.
45

1 (e) Resolution of objection. If an objection is raised to a board member's participation
2 at or prior to the hearing or vote on a particular matter and that member does not
3 recuse himself or herself, the remaining members of the board shall by majority
4 vote rule on the objection.

5
6 (f) Familial relationship. For purposes of this section, a "close familial relationship"
7 means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term
8 includes the step, half, and in-law relationships.
9

10 **ARTICLE IV. Severability.**

11
12 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
13 hereby repealed. Should a court of competent jurisdiction declare this ordinance
14 amendment or any part thereof to be invalid, such decision shall not affect the remaining
15 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
16 Town of Southern Shores, North Carolina which shall remain in full force and effect.
17

18 **ARTICLE V. Effective Date.**

19
20 This ordinance amendment shall be in full force and effect from and after the ____day of
21 _____, 2023.
22

23
24 _____
Elizabeth Morey, Mayor

25 ATTEST:

26 _____
27
28 Town Clerk
29

30
31 APPROVED AS TO FORM:

32 _____
33
34 Town Attorney
35

36 Date adopted:
37

38 _____
39 Motion to adopt by Councilmember:
40

41 Motion seconded by Councilmember:
42
43

Vote: ___AYES___NAYS