



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: 2 / 8 / 2024 Filing Fee: \$200 Receipt No.: N/A Application No.: ZTA-24-01

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 Zoning Ordinance

W. H. Huth
Signature

2-8-24
Date

* Attach supporting documentation.



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ZTA-24-01

2-21-24

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 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 these ordinance amendments; and

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

1 commercial district for convenience shopping and services located at the southern
2 end of the Town). This blueprint for land use naturally protects environmental
3 resources and fragile areas by limiting development and growth.

4
5 **Action Item 2-b:** The Town shall encourage the use of low impact development
6 techniques and sound environmental preservation practices for all new
7 development, remodeling and redevelopment within Southern Shores.

8
9 **Policy 7:** Support stormwater management programs that reduce flooding and
10 improve coastal water quality.

11
12 **Action Item 7-b** Encourage the use of Low Impact Development (LID),
13 vegetative buffers to filter stormwater, impervious surface limits, and innovative
14 stormwater management alternatives to reduce runoff and to improve water
15 quality.

16
17 **Policy 26:** Promote open space, tree protection, and natural vegetation diversity.

18
19 **Action Item 26-b** Encourage lot preparation methods that preserve natural
20 vegetation and minimize clear cutting.

21
22 **ARTICLE II. Construction.**

23
24 For purposes of this ordinance amendment, underlined words (underline) shall be
25 considered as additions to existing Town Code language and strikethrough words
26 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
27 adopted Town Code which are not repeated herein but are instead replaced by an ellipses
28 (“...”) shall remain as they currently exist within the Town Code.

29
30 **ARTICLE III. Amendment of Zoning Ordinance.**

31
32 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of
33 Southern Shores, North Carolina, that the Town Code shall be amended as follows:

34
35 **PART I.** That **Sec. 24-27. Powers and duties.** Be amended as follows:

36
37 (a) It shall be the duty of the planning board to prepare plans and to coordinate the plans
38 of the town and those of others so as to bring about a coordinated and harmonious
39 development of the area. The planning board is hereby designated as the planning
40 agency for the preparation or revision of the zoning ordinances of the town, under
41 authority of G.S. ~~ch. 160A, art. 19 (G.S. 160A-360—160A-459)~~ 160D-301. In
42 addition, the planning board is directed and authorized:

- 43 (1) ~~To acquire and maintain in current form such basic information and materials~~
44 ~~as are necessary to an understanding of past trends, present conditions, and~~
45 ~~forces at work to cause changes in these conditions. To prepare, review,~~
46 maintain, monitor, and periodically update and recommend to the town council

1 a comprehensive plan, and such other plans as deemed appropriate, and conduct
2 ongoing related research, data collection, mapping, and analysis.

3 (2) ~~To prepare and, from time to time, amend and revise a comprehensive and~~
4 ~~coordinated plan for the physical development of the area. The comprehensive~~
5 ~~plan shall be the planning board's recommendations to the council for the~~
6 ~~orderly development of the town including, among other things, the general~~
7 ~~location, character, and extent of streets, bridges, waterways, parks,~~
8 ~~playgrounds, open spaces, and public utilities. To facilitate and coordinate~~
9 ~~citizen engagement and participation in the planning process.~~

10 (3) ~~To establish principles and policies for guiding action in the development of the~~
11 ~~area including the expenditure of public funds on public structures or facilities.~~
12 ~~To develop and recommend policies, ordinances, development regulations,~~
13 ~~administrative procedures, and other means for carrying out plans in a~~
14 ~~coordinated and efficient manner.~~

15 (4) ~~To prepare and recommend ordinances or amendments to existing ordinances~~
16 ~~promoting orderly development of the area, along the lines indicated in the~~
17 ~~comprehensive plan, including a zoning ordinance and subdivision regulations.~~
18 ~~The planning board may initiate, from time to time, proposals for the~~
19 ~~amendment of the zoning ordinance and subdivision regulations based upon its~~
20 ~~studies and the comprehensive plan. To advise the town council concerning the~~
21 ~~implementation of plans, including, but not limited to, review and comment on~~
22 ~~all zoning text and map amendments as required by G.S. 160D-604.~~

23 (5) ~~To determine whether specific proposed developments referred to it by~~
24 ~~governmental or private agencies in the area conform to the principles and~~
25 ~~requirements of the comprehensive plan for the area and to make~~
26 ~~recommendations concerning them. To exercise any functions in the~~
27 ~~administration and enforcement of various means for carrying out plans that the~~
28 ~~town council may direct.~~

29 (6) ~~To make any other recommendations which it sees fit for improving the~~
30 ~~development of the area. To provide a preliminary forum for review of quasi-~~
31 ~~judicial decisions, provided that no part of the forum or recommendation may~~
32 ~~be used as a basis for the town council.~~

33 (7) ~~To perform any other duties which may lawfully be assigned to it. To perform~~
34 ~~any other related duties that the town council may direct.~~

35 (8) ~~To keep the council and the general public informed and advised as to matters~~
36 ~~subject to its review and consideration.~~

37 (b) ~~In carrying out such powers and duties, the board is authorized to receive~~
38 ~~contributions from private agencies and organizations or from individuals, in~~
39 ~~addition to any sums which may be appropriated for its use by the council. It may~~
40 ~~accept and disburse such contributions for special purposes or projects, subject to~~
41 ~~any specified conditions which it deems acceptable, whether or not such projects are~~
42 ~~included in the approved budget.~~

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

3
4 **Sec. 36-203. RS-8 multifamily residential district.**
5

6 ...

7
8 (d) *Dimensional requirements.*

9
10 ...

- 11
12 (6) For multifamily dwellings, the lot coverage shall not exceed 40 percent.
13 Maximum allowable lot coverage by all other principal uses and all accessory
14 structures: 30 percent. In the case of a lot where the boundary is the Atlantic
15 Ocean, only that portion of the lot area landward of the first line of stable
16 natural vegetation (as defined by CAMA) shall be used for the calculation of lot
17 coverage as it pertains to impervious surface limits included in the maximum
18 allowable lot coverage constraints.

19
20 ...

21
22 **PART III.** That **Sec. 36-207. C general commercial district.** Be amended as follows:

23
24 **Sec. 36-207. C general commercial district.**
25

26 ...

27
28 (b) *Permitted uses.* The following uses shall be permitted by right:

- 29 (4) Detached single-family dwellings, two-family (duplexes) dwellings;
30 ~~multifamily dwellings,~~ and accessory buildings, according to the density and
31 dimensional requirements of the RS-8 multifamily residential district. ~~For~~
32 ~~multifamily dwellings, the lot coverage shall not exceed 40 percent.~~

33
34 (c) *Special Uses.*

35
36 ...

- 37
38 (1) Restaurants without a drive-through or with a drive through facility, provided:
39

1 ...

2

3 b. The location of the drive-through facility is a minimum of 100 feet from ~~any~~
4 residentially zoned property districts and residential uses and a minimum of 50
5 feet from any planned unit development.

6 (1.5) Drive-through facility or establishment (small) provided:

7

8 ...

9

10 b. The location of the drive-through facility is a minimum of 100 feet from ~~any~~
11 residentially zoned property districts and residential uses and a minimum of 50
12 feet from any planned unit development.

13

14 ...

15

16 (11) Mixed use group development of commercial and residential buildings,
17 provided:

18

19 ...

20

21 j. No building or other facility (such as parking spaces, incinerators, trash
22 collection areas, etc.) shall be located nearer than 50 feet to boundaries of
23 residential districts, residential uses or planned unit developments.

24 k. Where a mixed use group development abuts a residential zone district,
25 residential use or planned unit development, a buffer of dense vegetative planting
26 or natural vegetation is required (see requirements in section 36-207(d)(8)).

27

28 ...

29

30 (12) Multifamily dwellings according to the density and dimensional
31 requirements of the RS-8 multifamily residential district.

32

33 ...

34

35 (d) *Dimensional requirements.*

36

1 ...

2

3 (7) No building or other facility (such as parking areas, incinerators, trash
4 collection areas, etc.) shall be located nearer than 50 feet to boundaries of
5 residential districts, residential uses or planned unit developments.

6 (8) Where a commercial use or ~~zone~~ district abuts a residential ~~zone~~ district,
7 residential use or planned unit development, a buffer of dense vegetative planting
8 or natural vegetation is required. The buffer area shall have a minimum width of
9 20 feet with two rows of planting material placed ten feet on center that are a
10 minimum of five feet in height when installed that expect to achieve a height of
11 eight feet within three years. Suitable plant types shall be those recommended for
12 the coastal area by the U.S. Department of Agriculture which can be expected to
13 reach a mature growth of eight to ten feet. Vegetation plan to be approved by the
14 town council. Buffers shall be maintained by the property owner. Dead vegetation
15 shall be replanted during the appropriate planting season.

16

17 ...

18

19 **PART IV. That Sec. 36-209. Prohibited uses in all districts.** Be amended as follows:

20

21 **36-209. Prohibited uses in all districts.**

22

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

24

25 ...

26

27 (25) Manufacturing, processing, assembly and other industrial facilities;

28 (26) Miniature golf courses;

29 (267)Motor vehicle body and paint establishments;

30 (278)Motor vehicle dealerships;

31 (289)Motor vehicle washing establishments;

32 (2930)Night clubs;

33 (301)Nitrogenous tankage, fish meal or manufacture, of any fertilizer materials
34 carrying an objectionable odor;

35 (342)Nursing homes;

36 (323)Outdoor advertising or billboards except where prohibition is preempted by
37 state or federal law;

38 (334)Outdoor shooting ranges;

- 1 (345)Package treatment plant wastewater disposal systems that discharge to surface
- 2 waters;
- 3 (356)Pawn shops;
- 4 (367)Satellite dish farms;
- 5 (378)Sexually oriented businesses;
- 6 (389)Shooting ranges;
- 7 (3940)Slaughterhouses;
- 8 (401)Smoke and vapor shops;
- 9 (412)Solar energy farms;
- 10 (423)Storage or processing of radioactive or infectious waste;
- 11 (434)Storage units;
- 12 (445)Tattoo, body piercing, and body art establishments;
- 13 (446)Taxi and pedicab storage and dispatch; or
- 14 (457)Use of a boat, houseboat, or other floating structure as a temporary or
- 15 permanent residence (this shall not prevent the overnight occupancy of a vessel
- 16 temporarily;
- 17 (48) Warehouses;
- 18 (49) Wind farms.

19
 20 **PART V. That Sec. 36-297. Building and zoning permits required; time**
 21 **limitations for site plans and building permits.** Be amended as follows:

22
 23 **Sec. 36-297. Building and zoning permits required; time limitations for site plans, and**
 24 **building permits and zoning permits.**

25
 26 (a) The following provisions pertaining to time limitations to obtain building and
 27 zoning permits, and to commence, ~~and~~ continue ~~and complete~~ construction, shall
 28 apply in all cases in which site plan approval is required, unless otherwise provided
 29 for in section 36-304. ~~Subsection (a)(4) of this section, pertaining to site plan~~
 30 ~~extensions, shall not apply in instances where a landowner has been granted a vested~~
 31 ~~right pursuant to section 36-304.~~

32 (1) *Building and zoning permits required.* No building or other structure shall be
 33 erected, moved, added to, or structurally altered, without a permit issued by the
 34 building inspector and zoning administrator. No building or zoning permit shall
 35 be issued except in conformity with the provisions of this article. A zoning
 36 permit, if required, shall be issued by the zoning administrator prior to the
 37 issuance of a building permit. A fee for building permits and zoning permits is
 38 required which shall be in accordance with a regularly adopted fee schedule of
 39 the town.

1 (2) *Time limitation to obtain building permit and zoning permit.* Upon final
2 approval of a site plan, if required by the town council, the building inspector
3 and zoning administrator may issue a building permit and zoning permit within
4 180 days one year from the date of such approval, provided that all other
5 requirements are met. If a building permit and zoning permit are not issued
6 within 180 days one year from the date of final approval of the site plan, the
7 site plan expires and the applicant must submit a new site plan, conforming to
8 the then current provisions of the zoning chapter and all other applicable
9 ordinances, for review by the planning board and town council and pay the
10 applicable fees.

11 (3) *Time limitation to commence and continue construction.* If the start of
12 construction has not commenced within 180 days from the date of issuance of a
13 building permit, the building permit, zoning permit and the approval of that site
14 plan shall expire. If, after commencement, the work is discontinued for a period
15 of 12 months one year, the building permit, zoning permit, and site plan shall
16 immediately expire. No work authorized by any permit or site plan that has
17 expired shall be performed until a new site plan has been approved and a new
18 building permit and zoning permit have been issued and all applicable fees
19 paid.

20 (4) *Time limitation to complete construction.* ~~If the work authorized by any~~
21 ~~building permit, issued in accordance with an approved site plan, is started but~~
22 ~~not prosecuted to completion within 18 months of the date of issuance of the~~
23 ~~building permit and zoning permit, the approval of that site plan shall expire~~
24 ~~and the building permit and zoning permit shall be revoked. At the time of~~
25 ~~expiration, all work shall cease, and shall be allowed to continue only after a~~
26 ~~new site plan has been reviewed and approved by the planning board and town~~
27 ~~council, and a new building permit and zoning permit issued and all applicable~~
28 ~~fees paid. The new site plan shall depict work in accordance with the then~~
29 ~~current provisions of the town zoning chapter and any further construction or~~
30 ~~use shall be in conformity with those regulations.~~

31 (b) ~~As an alternative to subsections (a)(2), (3) and (4) of this section, a developer may,~~
32 ~~no sooner than 60 days and no later than 30 days prior to the date of expiration of a~~
33 ~~site plan, petition the town council and upon a subsequent finding by the town~~
34 ~~council that the delay in construction has been due to circumstances beyond the~~
35 ~~control of the developer, and that an extension of the approval of the site plan will~~
36 ~~not be detrimental to the health, safety and general public welfare, and will be in~~
37 ~~harmony with the spirit and intent of the town zoning ordinance, the town council~~
38 ~~may extend the approval of the site plan for up to 90 days. In the event the town~~
39 ~~council grants an extension to a site plan and the time limitation for the building~~
40 ~~permit and zoning permit have expired pursuant to G.S. 160A-418 and G.S. 160A-~~
41 ~~382, the applicant will be required to purchase a new building permit and zoning~~
42 ~~permit. If a site plan expires or the town council does not grant an extension, the~~
43 ~~applicant must submit a new site plan conforming to the then current provisions of~~
44 ~~the zoning ordinance and pay the applicable fees.~~

1 (4) Permit choice. If an application made in accordance with approved regulation
2 is submitted for a development approval required pursuant to this chapter and a
3 development regulation changes between the time the application was
4 submitted and a decision is made, the applicant may choose which version of
5 the development regulation will apply to the application. If the development
6 permit applicant chooses the version of the rule or ordinance applicable at the
7 time of the permit application, the development permit applicant shall not be
8 required to await the outcome of the amendment to the rule, map, or ordinance
9 prior to acting on the development permit. This section applies to all
10 development approvals issued by the town.

11
12 **PART VI.** That **Sec. 36-299. Application for building permits, zoning permits and**
13 **site plan requirements.** Be amended as follows:

14
15 **Sec. 36-299. Application for building permits, zoning permits and site plan**
16 **requirements.**

17
18 ...

19
20 (b) *All uses other than one- and two-family dwelling units.*

- 21 (1) Site plans must be reviewed by the planning board and approved by the town
22 council before a building permit and zoning permit for construction may be
23 issued.
- 24 (2) Site plan requirements. Twelve copies of the site plan shall be submitted no
25 later than 30 days prior to the planning board meeting at which the plan is to be
26 reviewed. All plans shall be prepared, stamped and endorsed by a state
27 registered engineer, surveyor or architect, or other person duly authorized by
28 the state to prepare such plans. All plans shall contain at least the following
29 information:
- 30 a. *Property and ownership information.*
- 31 1. Present recorded owner and the map book reference of the site
32 property.
 - 33 2. Owners, lot numbers or map book and page reference of all adjacent
34 properties.
 - 35 3. Boundary of the entire lot by course and distance.
 - 36 4. Width of the existing rights-of-way.
 - 37 5. Nature or purpose, location and size of existing easements.
 - 38 6. Iron pins three-eighths of one inch in diameter and 36 inches in
39 length, or concrete monuments shall be shown and installed at all lot
40 corners, points of tangents, and any angle point along a given course
41 of the lot.

- 1 7. Plan drawn to at least one inch: 100-foot scale showing north arrow.
- 2 8. Zoning district of the site and all adjacent properties.
- 3 9. Lot area by upland; by swamp, marsh and wetland; and the total area.
- 4 b. *Existing features information.*
- 5 1. Streets showing the type and width of pavement, curbs and
- 6 sidewalks.
- 7 2. Topographic features of the lot and existing grades for the lot, streets,
- 8 storm drainage, etc.
- 9 3. All underground utilities and facilities.
- 10 4. All existing buildings and structures.
- 11 5. Wetlands as certified by the U.S. Army Corps of Engineers or their
- 12 authorized agent.
- 13 6. Flood zone, base flood elevation, and map reference, as determined
- 14 by the latest FEMA flood insurance rate map, with the notation
- 15 "flood zones subject to change by FEMA."
- 16 c. Site improvements, show all proposed site improvements including, but
- 17 not limited to:
- 18 1. ~~Anticipated final appearance~~ Proposed to scale architectural
- 19 elevations of the front, sides, rear and rooflines of proposed structures
- 20 shown on the site plan, ~~plus a rendering showing the anticipated front~~
- 21 ~~appearance of the structure relative to landscaping. Final appearance~~
- 22 ~~of all structures shall be determined at time of building permit~~
- 23 ~~application.~~
- 24 2. Proposed building type and material (i.e., steel, brick, concrete or
- 25 wood frame), number of floors and dimensions.
- 26 3. Proposed lowest floor elevation.
- 27 4. Location and type of all sidewalks and curbs with the site.
- 28 5. ~~Proposed method for treating wastewater, location of all wastewater~~
- 29 ~~collection and treatment facilities (including any applicable property~~
- 30 ~~to be reserved for possible future wastewater use), name of any~~
- 31 ~~regulatory agency that must approve wastewater system, name of and~~
- 32 ~~written approval for connection from any organization that will~~
- 33 ~~collect or dispose of wastewater.~~
- 34 65. Layout and number of parking stalls, driveway connections, and
- 35 internal traffic plans.
- 36 76. Finished grades.
- 37 87. A tabulation of the total number of dwelling units of various types in
- 38 the project and the overall project density in dwelling units per acre.

1 98. Rights-of-way improvements in accordance with the policy of the
2 town council.

3 ~~109.~~ Storm drainage in accordance with the policy of the town council.

4 ~~110.~~ A tabulation of lot coverage by type of cover and overall project
5 coverage and percent coverage.

6 ~~1211.~~ Limits of land disturbing activity and the calculated area of land
7 disturbance.

8 ~~1312.~~ Proposed use under this chapter, pertaining to zoning.

9 ~~1413.~~ Parking requirements and spaces provided.

10 ~~1514.~~ Proposed signage and calculations.

11 ~~1615.~~ Proposed water supply.

12 ~~1716.~~ Proposed outdoor lighting.

13 ~~1817.~~ Required and provided buffers, and proposed landscaping.

14 ~~1918.~~ Location of solid waste container, plus location of separate
15 recycling container.

16 19. A rendering showing the proposed front, sides, and rear appearances
17 of the structures relative to views from adjacent properties, including
18 retained vegetation, proposed landscaping and other site elements.

19 20. Proposed number of bedrooms and/or occupants.

20 d. All items on the site plan and all pertinent provisions of this chapter,
21 pertaining to zoning, shall be addressed by the applicant before the site
22 plan is presented for review by the planning board.

23 e. Dimensional requirements and development standards shall be in
24 accordance with the district in which the development is to be located.

25 (3) *Water and wastewater treatment and disposal.*

26 a. No proposed site plan shall be accepted by the town, as part of an
27 application for approval or conditional approval by the planning board,
28 without written tentative approval of the proposed sewage treatment and
29 disposal facilities by the department of environmental health or the state
30 department having jurisdiction.

31 i. For improvements that require a new wastewater treatment facility, or
32 connection to an existing wastewater treatment facility, documentation
33 from the North Carolina Utilities Commission certifying that the owner of
34 the wastewater treatment facility is an approved public utility; is the utility
35 franchise holder; and is the permit holder issued by the North Carolina
36 Department of Environmental Quality. All documentation of these
37 requirements shall be submitted with the site plan application.

38 ii. For improvements that require connection to an existing wastewater
39 treatment facility, documentation from the North Carolina Department of

1 Environmental Quality certifying that the wastewater treatment facility is
2 in compliance with all applicable requirements must be submitted with the
3 site plan application, including adherence to permit conditions issued by
4 the North Carolina Department of Environmental Quality.

5 b. No proposed site plan shall be accepted by the town, as part of an
6 application for approval or conditional approval by the planning board,
7 without written tentative approval of the proposed water distribution
8 facilities by the water department or the state department having
9 jurisdiction.

10 (4) The planning board may recommend approval, conditional approval or
11 rejection of any proposed site plan. Upon completion of review, the planning
12 board will transmit their recommendations to the town council. The town
13 council may approve, approve with specific requirements or disapprove any site
14 plan. A rejected site plan may be resubmitted, in accordance with this section,
15 when redrafted to meet the specifications of this article and upon payment of a
16 plan review fee.

17 (5) *Site plan amendments.*

18 a. Following town council's final site plan approval, minor changes or
19 amendments to the approved site plan may be approved by the zoning
20 administrator upon written application if the site plan as amended will
21 otherwise meet the requirements for approval. All other changes or
22 amendments to an approved site plan must be approved by the town
23 council after review by the planning board in the same manner required for
24 the initial review of a site plan.

25 b. Changes or amendments to an approved site plan may be considered minor
26 if, in the discretion of the zoning administrator, they have no substantial
27 impact on neighboring properties or the general public and do not prevent
28 the spirit and intent of a condition of the prior approval or the
29 requirements of the zoning ordinance from being met. If, in the zoning
30 administrator's sole discretion, the zoning administrator cannot clearly
31 determine whether a change or amendment qualifies as minor or upon the
32 written request of the applicant, the changes or amendments to a site plan
33 shall be considered by the town council after review by the planning board
34 in the same manner required for the initial review of a site plan.

35 (6) Prior to issuance of a building permit and zoning permit, evidence shall be
36 presented to the town showing satisfaction of all appropriate state and federal
37 permits, including but not limited to:

38 a. U.S. Army Corps of Engineers wetlands permit.

39 b. NCDOT driveway permit and/or encroachment application for work in a
40 state right-of-way.

41 c. State soil erosion and sedimentation control plan approval.

42 d. State stormwater plan approval.

- e. State or town CAMA permit.
- f. Receipts for payment of water connection fee, county regional water system.
- g. Septic tank or other wastewater treatment approval by the department of environmental health or other appropriate permitting agencies. Proposed method for treating wastewater, location of all wastewater collection and treatment facilities (including any applicable property to be reserved for possible future wastewater use), name of any regulatory agency that must approve wastewater system, name of and written approval for connection from any organization that will collect or dispose of wastewater.

(7) Inspections of sites involving public rights-of-way and inspections of any on-site construction shall be made by the town.

PART VII. That **Sec. 36-300. Application for permit for special uses.** Be amended as follows:

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

...

- (1) Written application for a special use permit shall be submitted to the planning and code enforcement department board no later than 30 days prior to the planning board meeting at which the plan is to be reviewed. Such written application shall indicate the section of this article under which a permit is being sought, and shall contain the information required by the appropriate section and such other information as may be required, to ensure compliance with this article. No application shall be deemed complete unless it is accompanied by a site plan drawn to scale which complies with the site plan requirements contained in section 36-299.
- (2) ~~a. The written application shall include a list of the names and addresses of all abutting property owners and the owners of property immediately across the street from the property affected by the special use application. The list shall be supplied by the applicant and shall be current according to the most recent tax listing abstract as filed in the office of the county tax supervisor. The town council shall hold a public hearing and shall give written notice, including the date and time of a public hearing at which the application will be considered, to the owners as contained in said listing. Notice shall be sent by certified mail to the last address of such owners as appears on the list supplied by the applicant. Notice shall be given at least ten days in advance of such public hearing by a legal advertisement placed in a newspaper having general circulation in the county. Notice of these hearings shall be posted on the property concerned for at least ten days prior to the public hearing.~~

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b. ~~The planning board shall review the application for a special use permit and shall submit its recommendation as to approval or disapproval along with such conditions as it may deem necessary to the town council.~~

(3) ~~In instances where a property owner seeks to obtain a vested right, pursuant to section 36-304, a public hearing shall be held by the town council. The town council shall give written notice by certified mail including the date and time of the public hearing to the owner of the property or his agent for which the vested right is sought. Notice shall be given at least ten days in advance of such public hearing by a legal advertisement placed in a newspaper having general circulation in the county. Notice of these hearings shall be posted on the property concerned for at least ten days prior to the public hearing.~~

(3) The town planning board shall review the application for a special use permit and recommend approval, conditional approval or rejection of the application. The board shall submit its recommendation as to approval or disapproval along with such conditions as it may deem necessary to town staff.

(4) ~~Any party may appear in person, or by agent or attorney.~~

(4) The town council shall hold an evidentiary hearing and town staff shall give written notice, including the date and time of the evidentiary hearing at which the application will be considered, to the owners as contained in said listing. Written notice shall also be given to the person or entity whose application is the subject of the hearing and to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing. Notice shall be sent by certified mail to the last address of such owners as appears on the list supplied by the applicant and subsequently verified by town staff. Notice shall be given at least ten days in advance of such evidentiary hearing by a legal advertisement placed in a newspaper having general circulation in the county. Notice of these hearings shall be posted on the property concerned for at least ten days prior to the evidentiary hearing.

(5) ~~Before they may grant any special use permit or vested right, the town council shall make affirmative findings that:~~

a. ~~The applicant has met the requirements of the applicable provisions of the town chapter pertaining to zoning, subdivision chapter, and all other applicable ordinances.~~

b. ~~That the use as proposed will conform with the town's land use plan, and will be compatible with the area in which it is to be located, if developed~~

1 in accordance with the conditions specified in the chapter and additionally
2 required by the town council as authorized by the chapter.

3 e. ~~That the use will not materially endanger the public health and safety if~~
4 ~~located where proposed and developed according to the plan submitted.~~

5 d. ~~That the use as proposed will not overburden the town volunteer fire~~
6 ~~department fire fighting capabilities and the county water supply capacity~~
7 ~~to the town, as said facilities and capabilities will exist on the completion~~
8 ~~date of the special use for which the application is made.~~

9 (5) In instances where a property owner seeks to obtain a vested right, pursuant to
10 section 36-304, a public hearing shall be held by the town council. Town staff
11 shall give written notice by certified mail including the date and time of the
12 public hearing to the owner of the property or his agent for which the vested
13 right is sought. Notice shall be given at least ten days in advance of such public
14 hearing by a legal advertisement placed in a newspaper having general
15 circulation in the county. Notice of these hearings shall be posted on the
16 property concerned for at least ten days prior to the public hearing.

17
18 (6) ~~In granting any special use permit, the town council may prescribe appropriate~~
19 ~~conditions and safeguards in conformity with this article. Violation of such~~
20 ~~conditions and safeguards, when made a part of the terms under which the~~
21 ~~special use permit is granted, shall be deemed a violation of this article and~~
22 ~~punishable under article XI of this chapter. Upon final approval of a site plan~~
23 ~~by the town council, the building inspector, upon proper application, shall issue~~
24 ~~a building permit within 180 days from the date of such approval, provided that~~
25 ~~all other requirements are met. If a building permit is not applied for and issued~~
26 ~~within 180 days from the date of final approval of the site plan, the site plan~~
27 ~~expires and the applicant must submit a new site plan, conforming to the then~~
28 ~~current provisions of the zoning chapter and all other applicable ordinances, for~~
29 ~~review by the planning board and town council and pay the applicable fees. If~~
30 ~~any of the conditions of approval or any part of them should be held invalid or~~
31 ~~void, the entire permit shall be void immediately.~~

32
33 (6) Any party may appear in person, or by agent or attorney.

34
35 (7) The zoning administrator shall transmit to the town council all applications,
36 reports, and written materials relevant to the matter being considered. The
37 administrative materials may be distributed to the members of the town council
38 prior to the hearing if at the same time they are distributed to the town council a
39 copy is also provided to the applicant and to the landowner if that person is not
40 the applicant. The administrative materials may be provided in written or
41 electronic form. The administrative materials shall become a part of the hearing
42 record. Objections to inclusion or exclusion of administrative materials to the

1 hearing record may be made before or during the hearing. Rulings on
2 unresolved objections shall be made by the town council at the hearing.

3
4 (8) The applicant, the town, and any person who would have standing under G.S.
5 160D-1402(c) shall have the right to participate as a party at the evidentiary
6 hearing. Other witnesses may present competent, material, and substantial
7 evidence that is not repetitive as allowed by the town council. Objections
8 regarding jurisdictional and evidentiary issues, including, but not limited to, the
9 timeliness of an appeal or the standing of a party, may be made to the town
10 council. The mayor shall rule on any objections, and the mayor's rulings may be
11 appealed to the full town council. These rulings are also subject to judicial
12 review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues
13 may be raised for the first time on judicial review.

14
15 (9) The mayor or any member acting as mayor and the town clerk are authorized to
16 administer oaths to witnesses in any matter coming before the town council.
17 Any person who, while under oath during a proceeding before the town council
18 determining a quasi-judicial matter, willfully swears falsely is guilty of a Class
19 1 misdemeanor.

20
21 (10) The town council through the mayor, or in the mayor's absence anyone acting
22 as mayor, may subpoena witnesses and compel the production of evidence. To
23 request issuance of a subpoena, persons with standing under G.S. 160D-1402(c)
24 may make a written request to the mayor explaining why it is necessary for
25 certain witnesses or evidence to be compelled. The mayor shall issue requested
26 subpoenas he or she determines to be relevant, reasonable in nature and scope,
27 and not oppressive. The mayor shall rule on any motion to quash or modify a
28 subpoena. Decisions regarding subpoenas made by the mayor may be appealed
29 to the full town council. If a person fails or refuses to obey a subpoena issued
30 pursuant to this subsection, the town council or the party seeking the subpoena
31 may apply to the General Court of Justice for an order requiring that its
32 subpoena be obeyed, and the court shall have jurisdiction to issue these orders
33 after notice to all proper parties.

34
35 (11) The town council may grant a continuance to any party or upon the town
36 council's own motion. Requests for continuances should be made in writing, but
37 may be made orally at a meeting of the town council. The mayor may grant a
38 continuance request prior to a meeting if the applicant makes a written request.
39 The mayor may always defer ruling on such a request to allow for the decision
40 to be made by the full town council.

1 (a) If notices of hearing have already been issued, the party granted a
2 continuance is responsible for the administrative costs of noticing an additional
3 hearing if such costs are incurred.

4
5 (12) In granting any special use permit, the town council may prescribe appropriate
6 conditions and safeguards in conformity with this article. Violation of such
7 conditions and safeguards, when made a part of the terms under which the
8 special use permit is granted, shall be deemed a violation of this article and
9 punishable under article XI of this chapter. Conditions and safeguards imposed
10 under this subsection shall not include requirements for which the town does
11 not have authority under statute to regulate nor requirements for which the
12 courts have held to be unenforceable if imposed directly by the town, including,
13 without limitation, taxes, impact fees, building design elements within the
14 scope of G.S. 160D-702(b), driveway-related improvements in excess of those
15 allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized
16 limitations on the development or use of land.

17
18 (13) The town council shall determine contested facts and make its decision within a
19 reasonable time. The decision shall be based upon competent, material, and
20 substantial evidence in the record. The decision shall be reduced to writing and
21 reflect the town council's determination of contested facts and their application
22 to the applicable standards. The written decision shall be signed by the mayor
23 or other duly authorized member of the council. The decision is effective upon
24 filing the written decision with the town clerk. The decision of the town council
25 shall be delivered by personal delivery, electronic mail, or by first-class mail to
26 the applicant, property owner, and to any person who has submitted a written
27 request for a copy, prior to the date the decision becomes effective. The person
28 required to provide notice shall certify that proper notice has been made.

29
30 (14) Special use permits issued pursuant to this section shall be recorded by the
31 applicant in the county registry.

32
33 (15) Upon final approval of a special use permit application and accompanying site
34 plan by the town council, the building inspector and zoning administrator, upon
35 application for a building permit and zoning permit, shall issue a building
36 permit and zoning permit within one year from the date of such approval,
37 provided that all other requirements are met. If a building permit and zoning
38 permit are not applied for and issued within one year from the date of final
39 approval of the special use permit application and accompanying site plan, the
40 special use permit approval and site plan expires and the applicant must submit
41 a new special use permit application and accompanying site plan, conforming
42 to the then current provisions of the zoning chapter and all other applicable
43 ordinances, for review by the planning board and town council and pay the

1 applicable fees. If any of the conditions of approval or any part of them should
2 be held invalid or void, the entire permit shall be void immediately.

3
4 **PART VIII.** That **Sec. 36-304. Vested right.** Be deleted in its entirety and replaced as
5 follows:
6

7 **Sec. 36-304. Vested right.**

8 A vested right shall be deemed established with respect to any property upon the
9 valid approval or conditional approval of a site specific development plan, following
10 notice and public hearing by the town council. Such vested right shall confer upon the
11 landowner the right to undertake and complete the development and use of said property
12 under the terms and conditions of the site specific development plan. The town council
13 may approve a site specific development plan upon such terms and conditions as may
14 reasonably be necessary to protect the public health, safety, and welfare. Landowners
15 seeking vested rights shall fully comply with all provisions stated herewith, and G.S.
16 160A-385.1, as amended.

17 (1) *Establishment.*

- 18 -a. Any property owner wishing to establish vested rights shall make their
19 intentions known, in writing, to the town at the time of submittal of the site
20 specific development plan. If the town is not notified, in writing, at the
21 time of submittal of a site specific development plan, then the application
22 shall proceed in accordance with section 36-299 for permitted uses or
23 section 36-300 for special uses.
- 24 -b. Property owners electing to pursue the vested rights option will be subject
25 to review procedures as specified in section 36-300, pertaining to
26 application for building permits for special uses, and hence forth, the
27 project under consideration for vested rights will be processed as a special
28 use, subject to all conditions, specifications, procedures, and required
29 findings as outlined in section 36-300. If the option for granting of vested
30 rights is successfully exercised, such rights will be specified and issued as
31 part of the special use permit.
- 32 -c. A vested right may be established only for uses that are currently
33 permitted by right or by special use permits in the appropriate zoning
34 district.

35 (2) *Duration and termination.*

- 36 -a. A right which has been vested as provided for in this section shall remain
37 vested for a period of two years from the date of town council approval of
38 the site specific development plan. This vesting shall not be extended by
39 any amendments or modifications to a site specific development.
- 40 -b. The town council may rescind the approval of a site specific development
41 plan for failure to comply with applicable terms and conditions of the
42 approval or the chapter pertaining to zoning.

- 1 e. Upon issuance of a building permit, the provisions of G.S. 160A-418 and
2 160A-422 shall apply, except that a permit shall not expire or be revoked
3 because of the running of time while a vested right under this section is
4 outstanding.
- 5 d. A right which has been vested as provided in this section shall terminate at
6 the end of the applicable vesting period with respect to buildings and uses
7 for which no valid building permit applications have been filed.

8 (3) ~~Subsequent changes prohibited; exceptions.~~

- 9 a. ~~A vested right, once established as provided for in this section, precludes~~
10 ~~any zoning action by the town which would change, alter, impair, prevent,~~
11 ~~diminish, or otherwise delay the development or use of the property as set~~
12 ~~forth in an approved site specific development plan, except:~~
- 13 1. ~~With the written consent of the affected landowner;~~
 - 14 2. ~~Upon findings at a public hearing by the town council that natural or~~
15 ~~manmade hazards on or in the immediate vicinity of the property, if~~
16 ~~uncorrected, would pose a serious threat to the public health, safety,~~
17 ~~and welfare if the project were to proceed as contemplated in the site~~
18 ~~specific development plan;~~
 - 19 3. ~~To the extent that the affected landowner received compensation for~~
20 ~~all costs, expenses, and other losses incurred by the landowner,~~
21 ~~including but not limited to all fees, paid in consideration of~~
22 ~~financing, and all architectural, planning, marketing, legal, and other~~
23 ~~consultant's fees incurred after approval by the town, together with~~
24 ~~interest thereon at the legal rate until paid. Compensation shall not~~
25 ~~include any diminution in value of the property which is caused by~~
26 ~~such action;~~
 - 27 4. ~~Upon findings at a public hearing by the town council that the~~
28 ~~landowner or his representative intentionally supplied inaccurate~~
29 ~~information or made material misrepresentations which made a~~
30 ~~difference in the approval by the town of the site specific~~
31 ~~development plan; or~~
 - 32 5. ~~Upon the enactment or promulgation of a state or federal law or~~
33 ~~regulation which precludes development as contemplated in the site-~~
34 ~~specific development plan, in which case the town may modify the~~
35 ~~affected provisions, upon a finding at a public hearing by the town~~
36 ~~council that the change in state or federal law has a fundamental~~
37 ~~effect on the plan.~~
- 38 b. ~~Nothing in this article shall prevent the town from amending this chapter,~~
39 ~~pertaining to zoning, or the official map in such a way that a development~~
40 ~~project for which a vested right has been established is rendered~~
41 ~~nonconforming in any way.~~

- 1 e. ~~The establishment of a vested right shall not preclude the application of~~
2 ~~overlay zoning, which imposes additional requirements but does not affect~~
3 ~~the allowable type or intensity of use, or ordinances or regulations, which~~
4 ~~are general in nature and applicable to all property, subject to land use~~
5 ~~regulations by the town including, but not limited to, building, fire,~~
6 ~~plumbing, electrical, and mechanical codes. Otherwise, applicable new~~
7 ~~regulations shall become effective with respect to property which is~~
8 ~~subject to a site-specific development plan upon the expiration or~~
9 ~~termination of the vesting rights period provided for in this section.~~
- 10 d. ~~The establishment of a vested right shall not preclude, change, or impair~~
11 ~~the authority of the town to adopt and enforce zoning chapter provisions~~
12 ~~governing nonconforming situations or uses.~~

13 (4) ~~Miscellaneous provisions.~~

- 14 a. ~~A vested right obtained under this section is not a personal right, but shall~~
15 ~~attach to and run with the applicable property. After approval of a site-~~
16 ~~specific development plan, all successors to the original landowner shall~~
17 ~~be entitled to exercise such rights.~~
- 18 b. ~~Each site specific development plan, which obtains a vested right under~~
19 ~~this section, shall contain the following notation: "Approval of this plan~~
20 ~~establishes a vested right under G.S. 160A-385.1. Unless terminated at an~~
21 ~~earlier date, the vested right shall be valid until (date)."~~
- 22 e. ~~In the event that G.S. 160A-385.1 is repealed, this section shall be deemed~~
23 ~~repealed and the provisions hereof no longer effective.~~
- 24 d. ~~This section shall be effective October 1, 1991, and shall only apply to site~~
25 ~~specific development plans for which a vested right has been applied for~~
26 ~~and obtained on or after October 1, 1991.~~

27
28 **36-304. Vested rights – site-specific vesting plans.**

29
30 (a) Site-Specific Vesting Plan. A site-specific vesting plan consists of a plan submitted to
31 the town in which the applicant requests vesting pursuant to this section, describing with
32 reasonable certainty on the plan the type and intensity of use for a specific parcel or
33 parcels of property. The plan may be in the form of, but not be limited to, any of the
34 following plans or approvals: a planned unit development plan, a subdivision plat, or a
35 special use permit. Unless otherwise expressly provided by the town, the plan shall at a
36 minimum meet the requirements of a site plan set forth in section 36-299.

37
38 (b) Establishment of Vested Right. A vested right is established with respect to any
39 property upon the valid approval, or conditional approval, of a site-specific vesting plan
40 as provided in this section. Such a vested right confers upon the landowner the right to
41 undertake and complete the development and use of the property under the terms and
42 conditions of the site-specific vesting plan, including any amendments thereto.
43

1 (c) Approval and Amendment of Plans. If a site-specific vesting plan is based on an
2 approval required by a local development regulation, the town shall provide whatever
3 notice and hearing is required for that underlying approval. A duration of the underlying
4 approval that is less than two years does not affect the duration of the site-specific vesting
5 plan established under this section. If the site-specific vesting plan is not based on such
6 an approval, a legislative hearing with notice as required by G.S. 160D-602 shall be held.
7 The town may approve a site-specific vesting plan upon any terms and conditions that
8 may reasonably be necessary to protect the public health, safety, and welfare. Conditional
9 approval results in a vested right, although failure to abide by the terms and conditions of
10 the approval will result in a forfeiture of vested rights. The town shall not require a
11 landowner to waive the landowner's vested rights as a condition of developmental
12 approval. A site-specific vesting plan is deemed approved upon the effective date of the
13 town's decision approving the plan or another date determined by the town council upon
14 approval. An approved site-specific vesting plan and its conditions may be amended with
15 the approval of the owner and the town as follows: any substantial modification must be
16 reviewed and approved in the same manner as the original approval; minor modifications
17 may be approved by staff, if such are defined and authorized by local regulation.

18
19 (d) Continuing Review. – Following approval or conditional approval of a site-specific
20 vesting plan, the town may make subsequent reviews and require subsequent approvals
21 by the town to ensure compliance with the terms and conditions of the original approval,
22 provided that these reviews and approvals are not inconsistent with the original approval.
23 The town may, pursuant to G.S. 160D-403(f), revoke the original approval for failure to
24 comply with applicable terms and conditions of the original approval or the applicable
25 local development regulations.

26
27 (e) Duration and Termination of Vested Right.

28
29 (1) A vested right for a site-specific vesting plan remains vested for a period of
30 two years. This vesting shall not be extended by any amendments or
31 modifications to a site-specific vesting plan unless expressly provided by the
32 town.

33
34 (2) Notwithstanding the provisions of subdivision (1) of this subsection, the town
35 may provide for rights to be vested for a period exceeding two years but not
36 exceeding five years where warranted in light of all relevant circumstances,
37 including, but not limited to, the size and phasing of development, the level of
38 investment, the need for the development, economic cycles, and market
39 conditions or other considerations. These determinations are in the sound
40 discretion of the town and shall be made following the process specified for the
41 particular form of a site-specific vesting plan involved in accordance with
42 subsection (a) of this section.

43
44 (3) Upon issuance of a building permit, the provisions of G.S. 160D-1111 and
45 G.S. 160D-1115 apply, except that a permit does not expire and shall not be

1 revoked because of the running of time while a vested right under this section is
2 outstanding.

3
4 (4) A right vested as provided in this section terminates at the end of the
5 applicable vesting period with respect to buildings and uses for which no valid
6 building permit applications have been filed.

7
8 (f) Subsequent Changes Prohibited; Exceptions.

9
10 (1) A vested right, once established as provided for in this section, precludes any
11 zoning action by the town which would change, alter, impair, prevent, diminish,
12 or otherwise delay the development or use of the property as set forth in an
13 approved site-specific vesting plan, except under one or more of the following
14 conditions:

15
16 a. With the written consent of the affected landowner.

17
18 b. Upon findings, by ordinance after notice and an evidentiary hearing,
19 that natural or man-made hazards on or in the immediate vicinity of the
20 property, if uncorrected, would pose a serious threat to the public health,
21 safety, and welfare if the project were to proceed as contemplated in the
22 site-specific vesting plan.

23
24 c. To the extent that the affected landowner receives compensation for all
25 costs, expenses, and other losses incurred by the landowner, including, but
26 not limited to, all fees paid in consideration of financing, and all
27 architectural, planning, marketing, legal, and other consulting fees
28 incurred after approval by the local government, together with interest as
29 provided under G.S. 160D-106. Compensation shall not include any
30 diminution in the value of the property which is caused by the action.

31
32 d. Upon findings, by ordinance after notice and an evidentiary hearing,
33 that the landowner or the landowner's representative intentionally supplied
34 inaccurate information or made material misrepresentations that made a
35 difference in the approval by the town of the site-specific vesting plan or
36 the phased development plan.

37
38 e. Upon the enactment or promulgation of a State or federal law or
39 regulation that precludes development as contemplated in the site-specific
40 vesting plan or the phased development plan, in which case the town may
41 modify the affected provisions, upon a finding that the change in State or
42 federal law has a fundamental effect on the plan, by ordinance after notice
43 and an evidentiary hearing.

44
45 (2) The establishment of a vested right under this section does not preclude the
46 application of overlay zoning or other development regulations which impose

1 additional requirements but do not affect the allowable type or intensity of use, or
2 ordinances or regulations which are general in nature and are applicable to all
3 property subject to development regulation by the town, including, but not limited
4 to, building, fire, plumbing, electrical, and mechanical codes. Otherwise
5 applicable new regulations become effective with respect to property which is
6 subject to a site-specific vesting plan upon the expiration or termination of the
7 vesting rights period provided for in this section.

8
9 (3) Notwithstanding any provision of this section, the establishment of a vested
10 right does not preclude, change, or impair the authority of the town to adopt and
11 enforce development regulations governing nonconforming situations or uses.

12
13 (g) Miscellaneous Provisions.

14
15 (1) A vested right obtained under this section is not a personal right, but attaches
16 to and runs with the applicable property. After approval of a site-specific vesting
17 plan, all successors to the original landowner are entitled to exercise these rights.

18
19 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
20 **Reasonableness.**

21
22 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
23 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
24 is applicable; for all the above-stated reasons, including but not limited to it encourages the
25 use of low impact development techniques and sound environmental preservation practice,
26 encourages lot preparation methods that preserve natural vegetation and minimize clear
27 cutting and furthers the founder's original vision for Southern Shores of a low-density
28 residential community served by a small commercial district. The Town considers the
29 adoption of this ordinance amendment to be reasonable and in the public interest.

30
31 **ARTICLE V. Severability.**

32
33 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
34 hereby repealed. Should a court of competent jurisdiction declare this ordinance
35 amendment or any part thereof to be invalid, such decision shall not affect the remaining
36 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
37 Town of Southern Shores, North Carolina which shall remain in full force and effect.

38
39 **ARTICLE VI. Effective Date.**

40
41 This ordinance amendment shall be in full force and effect from and after the ___ day of
42 _____, 2024.

43
44
45 _____
Elizabeth Morey, Mayor

46 ATTEST:

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Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: ___AYES___NAYS