



# 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:** 1 / 2 / 2025      **Filing Fee:** \$200      **Receipt No.:** N/A      **Application No.:** ZTA-25-01

**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

Whaskett  
Signature

1-2-2025  
Date

\* Attach supporting documentation.



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ZTA-25-01

1-23-2025

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**, prior to the incorporation of the Town, many lots were created within its jurisdiction that have become nonconforming due to their lack of sufficient lot width and area. Over time the character and density of the Town have been developed such that many of these smaller nonconforming lots were built upon as if they were combined with one another.

**WHEREAS**, the Town desires to manage the development of the Town in a manner which maintains the low density character of the Town; and

**WHEREAS**, the Town desires that two nonconforming lots which are adjacent to a single nonconforming lot under the same ownership that contains a single-family dwelling be developable as a single development site; 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**, the Town finds that by enacting this amendment, the Town will not increase the number of nonconforming lots and will, instead, clarify certain specific circumstances under which currently nonconforming lots may be developed; and

1           **WHEREAS**, in accordance with the findings above, the amendment of the Town’s  
2 Zoning Ordinance as stated below will serve a public purpose and advance the public  
3 health, safety and general welfare.  
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. 36-132. Regulation of structures and uses nonconforming.** Be  
19 amended as follows:  
20

21           **Sec. 36-132. Regulation of structures and uses nonconforming.**

22  
23           (a) *Nonconforming lots of record.*

24           (1) *Development and sale of certain nonconforming lots without recombination.* In  
25 any district in which single-family dwellings are permitted, a single-family  
26 dwelling and customary accessory building may be erected on any currently  
27 nonconforming single lot, or two or more currently nonconforming adjacent  
28 lots as a single development site as described in sub-section (a)(1)(e.) below,  
29 ~~which if such lots~~ met all legal requirements at the time of its creation and  
30 recording in the Dare County public registry if:

- 31           a. The single lot is not under the same ownership as any adjacent lot;  
32           b. The single lot meets or exceeds the lot area requirements for the district  
33 and is located adjacent to a single conforming lot under the same  
34 ownership on which is located an existing single-family dwelling;  
35           c. The single lot is one of three or less adjacent nonconforming lots under the  
36 ownership of related siblings on September 6, 2019; or  
37           d. The single lot is located adjacent to land under the same ownership on  
38 which is located an existing single-family dwelling, and the adjacent land  
39 is made up of:  
40           1. No more than two lots all of which are nonconforming; or  
41           2. A single conforming lot not adjacent to any other land under the same  
42 ownership (other than the nonconforming single lot in issue) that was

1 created after January 1, 2015 due to a recombination of two  
2 previously nonconforming lots.

3 e. At least one of two or more nonconforming adjacent lots is located  
4 adjacent to a single nonconforming lot that is under the same ownership  
5 and on which there is located an existing single-family dwelling, and the  
6 adjacent improved land is made up of:

7 1. No more than two lots all of which are nonconforming.

8 If a currently nonconforming single lot meets the requirements of subsection  
9 (a)(1)a, b, c or d then the lot may be sold without being recombined with the  
10 remaining land if ~~recombination would have been required by~~ notwithstanding  
11 the requirements of subsection (a)(2) below. All applicable dimensional  
12 requirements other than lot area and lot width shall be met for development or  
13 redevelopment of such a lot except that a lot having a lot width of 50 feet or  
14 less may use a side yard setback of 12 feet. In circumstances under which  
15 subsection (a)(1)(e.) applies, recombination shall be required as provided in  
16 Section (2) below in the event the applicable lots remain vacant at the time of  
17 such sale.

18 (2) *Recombination required.* If any of the following situations apply, all adjacent  
19 lots under the same ownership shall be recombined into: (i) a single lot which  
20 may or may not meet the minimum requirements for the district in which such  
21 lots are located; or (ii) multiple lots which all meet the minimum requirements  
22 for the district in which such lots are located:

- 23 a. Development is proposed upon land which includes one or more  
24 nonconforming lots adjacent to one or more other lots under the same  
25 ownership;
- 26 b. Demolition or redevelopment exceeding 50 percent of an existing  
27 structure's value is proposed and any portion of the existing structure or  
28 associated use is currently or has been within the previous seven years  
29 located upon or occurring on two or more lots under the same ownership,  
30 as measured from the time of application;
- 31 c. Development is proposed of a new structure or use to be located on two or  
32 more adjacent lots under the same ownership;
- 33 d. Prior to the sale or transfer of land when any portion of the land being sold  
34 or transferred was a parcel or part of a parcel of land upon which an  
35 existing structure or associated use is currently or has been within the  
36 previous seven years located upon or occurring on two or more lots under  
37 the same ownership, as measured from the time of application; or
- 38 e. Prior to the sale or transfer of land including a nonconforming lot or lots  
39 adjacent to one or more other lots under the same ownership;

40 A plat prepared by a North Carolina licensed surveyor showing the  
41 recombination shall be shall be recorded in the Dare County public registry,  
42 and a copy of the recorded plat shall be provided to the town prior to the

1 issuance of a zoning or building permit for development or redevelopment upon  
2 any of the newly created lots. Lots created by a recombination required by this  
3 section shall be deemed to equal or exceed the standards of the town under  
4 chapter 30, and are exempt from the subdivision process under chapter 30.

5  
6 ...

7  
8 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**  
9 **Reasonableness.**

10  
11 The Town's adoption of this ordinance amendment is consistent with the Town's adopted  
12 comprehensive zoning ordinance, comprehensive land use plan and any other officially  
13 adopted plan that is applicable; for all the above-stated reasons, including but not limited  
14 to it encourages the use of low impact development techniques and sound environmental  
15 preservation practice, encourages lot preparation methods that preserve natural vegetation  
16 and minimize clear cutting and furthers the founder's original vision for Southern Shores  
17 of a low-density residential community served by a small commercial district. The Town  
18 considers the adoption of this ordinance amendment to be reasonable and in the public  
19 interest.

20  
21 **ARTICLE V. Severability.**

22  
23 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are  
24 hereby repealed. Should a court of competent jurisdiction declare this ordinance  
25 amendment or any part thereof to be invalid, such decision shall not affect the remaining  
26 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the  
27 Town of Southern Shores, North Carolina which shall remain in full force and effect.

28  
29 **ARTICLE VI. Effective Date.**

30  
31 This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of  
32 \_\_\_\_\_, 2025.

33  
34  
35 \_\_\_\_\_  
Elizabeth Morey, Mayor

36 ATTEST:

37  
38 \_\_\_\_\_  
39 Town Clerk

40  
41  
42 APPROVED AS TO FORM:

43  
44 \_\_\_\_\_  
45 Town Attorney  
46

