



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: 10 / 7 / 2025 Filing Fee: N/A Receipt No.: N/A Application No.: TCA-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
- ☒ Other Chapter-Town Code

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 ☐ Other Ordinance

W. Whaskett
Signature

10-7-2025
Date

* Attach supporting documentation.



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TCA-25-01

10-20-2025

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. Chap. 160A, the Town has duly codified the Town's Code of Ordinances (the "Town Code"); 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 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. 1-14. Reconsideration of action on development and amendment requests.** Be deleted as follows:

1 **~~Sec. 1-14. Reconsideration of action on development and amendment requests.~~**

2
3 ~~(a) If an application for an administrative development approval, zoning map amendment,~~
4 ~~regulation amendment, or any other legislative development request is denied by the~~
5 ~~decision-making authority, on any basis other than the failure of the applicant to~~
6 ~~submit a complete application, no same application proposing the same or similar~~
7 ~~development on all or part of the same land or the same or similar text amendment~~
8 ~~shall be submitted within one (1) year after the date of denial unless the decision-~~
9 ~~making authority waives this time limit as follows:~~

10
11 ~~(1) The owner of land subject to this subsection, or the owner's authorized~~
12 ~~agent, may submit a written request for waiver of the time limit, along with~~
13 ~~a fee to defray the cost of processing the request, to the zoning~~
14 ~~administrator, who shall transmit the request to the decision-making~~
15 ~~authority.~~

16
17 ~~(2) The decision-making authority may grant a waiver of the time limit only on~~
18 ~~a finding by two-thirds of its membership that the owner or agent has~~
19 ~~demonstrated that:~~

20
21 ~~a. There is a substantial change in circumstances relevant to the issues~~
22 ~~or facts considered during review of the prior application that might~~
23 ~~reasonably affect the decision-making authority's application of the~~
24 ~~relevant review standards to the development proposed in the new~~
25 ~~application; or~~

26
27 ~~b. New or additional information is available that was not available at~~
28 ~~the time of review of the prior application and that might reasonably~~
29 ~~affect the decision-making authority's application of the relevant~~
30 ~~review standards to the development proposed in the new~~
31 ~~application. A request to be heard on this basis must be filed with~~
32 ~~the zoning administrator within 30 days from receipt of the written~~
33 ~~notice of the decision. However, such a request does not extend the~~
34 ~~30-day period within which an appeal must be taken; or~~

35
36 ~~c. The new application proposed to be submitted is materially different~~
37 ~~from the prior application; or~~

38
39 ~~d. The final decision on the prior application was based on a material~~
40 ~~mistake of fact.~~

41
42 ~~(b) If an application for a quasi-judicial development decision is denied, on any basis~~
43 ~~other than the failure of the applicant to submit a complete application, no application~~
44 ~~proposing the same or similar development on all, or part of the same land shall be~~

1 reconsidered unless the applicant submits a new application that clearly demonstrates
2 the following:

3
4 (1) There is a substantial change in circumstances relevant to the issues or facts
5 considered during review of the prior application that might reasonably
6 affect the decision-making authority's application of the relevant review
7 standards to the development proposed in the new application; or

8
9 (2) New or additional information is available that was not available at the time
10 of review of the prior application and that might reasonably affect the
11 decision-making authority's application of the relevant review standards to
12 the development proposed in the new application; or

13
14 (3) The new application proposed to be submitted is materially different from
15 the prior application; and

16
17 (4) The decision-making authority determines the new application is authorized
18 in accordance with this subsection.
19

20 (c) ~~The zoning administrator or decision-making authority may, however, at any time~~
21 ~~consider a new application affecting the same property as an application previously~~
22 ~~denied. A new application is one that differs in some substantial way from the one~~
23 ~~previously considered.~~

24
25 **PART II. That Sec. 6-5. Building permit. Be amended as follows:**
26

27 **Sec. 6-5. Building permit.**

28
29 Except where exempted by law, any person proposing to erect, construct, or build
30 any building or structure, including retaining walls from five feet to a maximum of six
31 feet in height and fences, or proposing to make structural additions, repairs or alterations
32 to existing structures, or proposing to make changes in the case of existing structures,
33 shall make application for a building permit to the building inspection department. The
34 application shall be on a form provided by the department and contain such information,
35 as required thereon, as will enable the department to properly pass upon the application
36 including, but not limited to, the square footage of the proposed structure, including all
37 porches, decks, garages, stairways and the like, and the estimated cost of construction.
38 The application shall be accompanied by the following information and documentation:

39 (1) Proof of a water tap and a valid septic tank or other sewage treatment permit
40 issued by the county department of health, where applicable.

- (2) Two or more sets of plans and specifications for the proposed work as may be required by the department, where applicable.
- (3) A surety bond in the amount of \$5,000.00 payable to the town, conditioned upon the completion of construction in accordance with the building code and all applicable statutes and ordinances, and the repair of any public facilities, including streets, water lines and utilities, which are damaged during the course of construction, where applicable.
- (4) A plat or survey of the lot by a state registered surveyor or design professional showing the proposed location of the structure and the elevation of the building site for flood purposes.

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, comprehensive land use plan and any other officially adopted plan that is applicable; for all the above-stated reasons, including but not limited to it encourages the use of low impact development techniques and sound environmental preservation practice, encourages lot preparation methods that preserve natural vegetation and minimize clear cutting and furthers the founder's original vision for Southern Shores of a low-density residential community served by a small commercial district. 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 _____, 2025.

Elizabeth Morey, Mayor

ATTEST:

Town Clerk

1 APPROVED AS TO FORM:

2
3 _____
4 Town Attorney

5
6 Date adopted:

7
8 _____
9 Motion to adopt by Councilmember:

10
11 _____
12 Motion seconded by Councilmember:

13
Vote: ____AYES____NAYS