



# 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:** 3 / 11 / 2024      **Filing Fee:** \$200      **Receipt No.:** N/A      **Application No.:** ZTA-24-02

**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

W. A. [Signature]  
Signature

3-11-24  
Date

\* Attach supporting documentation.



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ZTA-24-02

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

6  
7 **Action Item 26-b:** Encourage lot preparation methods that preserve natural  
8 vegetation and minimize clear cutting.

9  
10 **ARTICLE II. Construction.**

11  
12 For purposes of this ordinance amendment, underlined words (underline) shall be  
13 considered as additions to existing Town Code language and strikethrough words  
14 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the  
15 adopted Town Code which are not repeated herein but are instead replaced by an ellipsis  
16 (“...”) shall remain as they currently exist within the Town Code.

17  
18 **ARTICLE III. Amendment of Zoning Ordinance.**

19  
20 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of  
21 Southern Shores, North Carolina, that the Town Code shall be amended as follows:

22  
23 **PART I.** That **Sec. 36-171. Lot disturbance and stormwater management.** Be  
24 amended as follows:

25  
26 **Sec. 36-171. Lot disturbance and stormwater management.**

27 Subject to the requirements of G.S. 460A-417(b) 160D-1110(e), if applicable, in all  
28 town zoning districts, ~~including all areas within the extraterritorial jurisdiction,~~ no  
29 grading, filling, or other alteration of the topography or elevation of any unimproved lot,  
30 or, or demolition and clearing of improved property, nor any manmade change to any  
31 improved real estate resulting in the discharge of stormwater onto adjacent property and  
32 requiring a building permit, shall be undertaken prior to the issuance of a lot disturbance-  
33 stormwater management permit by the zoning administrator.

- 34 (1) All applications for lot disturbance and stormwater management shall be  
35 accompanied by a survey and site plan of the proposed improvements prepared  
36 by a state licensed professional surveyor, engineer, architect or other person  
37 duly authorized by the state to prepare such plans showing the actual  
38 dimensions and shape of the lot, and showing the surveyed pre-disturbance  
39 ground elevation at the corners of the proposed structure referenced to mean  
40 sea level. The application shall also describe the disturbance or development  
41 activity which is proposed for the lot. The application and accompanying  
42 survey shall be sufficiently detailed for the zoning administrator to confirm that  
43 following construction of the proposed improvements the property will retain  
44 all stormwater generated by a one and one-half inch rain event and will not  
45 adversely affect any stormwater management system previously constructed by

1 the town or on adjacent properties. No fill material may be re-distributed or  
2 placed on a lot in the rear or side setback areas unless the final horizontal-to-  
3 vertical slope is equal to or less than 3:1. This shall be calculated from the  
4 finished final grade to the rear and side property lines. The burden shall be on  
5 the applicant to make such a showing, and the zoning administrator, in his  
6 discretion, may request reasonable additional information to make a decision on  
7 the application.

8  
9 (2) Upon inspection, the zoning administrator shall confirm that the survey detail  
10 submitted conforms generally to the pre-disturbance condition of the lot with  
11 respect to its elevations, and that the proposed disturbance activity will not  
12 create any hazards or disturb land or lots other than that owned by the applicant  
13 or his agent. The zoning administrator shall make such notation or comments  
14 on the permit as needed to further establish the pre-disturbance topography and  
15 elevation of the lot for later use in determining the permitted height of any  
16 structures subsequently constructed on said lot. The zoning administrator may  
17 modify an existing lot disturbance and stormwater management permit  
18 requirement during the construction process.

19 (3) The zoning administrator is hereby authorized to include requirements in the  
20 permit which minimize the disturbance or damage of any adjacent lots or land,  
21 including any reasonable conditions meeting current best management practices  
22 for retaining all stormwater generated by a one and one-half inch rain event. All  
23 required stormwater improvements shall be maintained in a manner that  
24 ensures that the improvements will continue to satisfy all applicable  
25 requirements in the issued permit. When required by the zoning administrator, a  
26 certification executed by the person duly authorized by the state to prepare such  
27 plans attesting to compliance with all applicable stormwater requirements shall  
28 be shown on the survey.

29  
30 (4) In addition to the provisions above, in the general commercial district, no  
31 removal of trees greater than 6 inches in diameter, measured at 4.5 feet above  
32 the ground, within a front, side or rear yard (setback) on any unimproved lot,  
33 shall be undertaken prior to the issuance of a lot disturbance-stormwater  
34 management permit by the zoning administrator.

35  
36 a. It shall be an offense for any person to remove a tree in violation of the  
37 provisions of this section. It shall be an offense for a property owner to  
38 employ, authorize or direct any third person or entity to remove a tree in  
39 violation of the provisions of this section.

40  
41 b. A separate offense shall be deemed to have been committed for each tree  
42 removed in violation of the provisions of this section.  
43

1 c. When a tree is removed in violation of this ordinance, a warning citation  
2 shall be issued to the offender allowing 30 days to abate the violation. A  
3 replacement tree similar in size shall be required to abate the violation. If  
4 the violation is not abated within 30 days, the offender shall be subject to a  
5 civil penalty in accordance with town code section 1-6(d).

6  
7 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**  
8 **Reasonableness.**

9  
10 The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted  
11 comprehensive zoning ordinance, land use plan and any other officially adopted plan that  
12 is applicable; for all the above-stated reasons, including but not limited to it encourages the  
13 use of low impact development techniques and sound environmental preservation practice,  
14 encourages lot preparation methods that preserve natural vegetation and minimize clear  
15 cutting and furthers the founder’s original vision for Southern Shores of a low-density  
16 residential community served by a small commercial district. The Town considers the  
17 adoption of this ordinance amendment to be reasonable and in the public interest.  
18

19 **ARTICLE V. Severability.**

20  
21 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are  
22 hereby repealed. Should a court of competent jurisdiction declare this ordinance  
23 amendment or any part thereof to be invalid, such decision shall not affect the remaining  
24 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the  
25 Town of Southern Shores, North Carolina which shall remain in full force and effect.  
26

27 **ARTICLE VI. Effective Date.**

28  
29 This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of  
30 \_\_\_\_\_, 2024.  
31

32  
33 \_\_\_\_\_  
Elizabeth Morey, Mayor

34 ATTEST:

35  
36 \_\_\_\_\_  
37 Town Clerk

38  
39 APPROVED AS TO FORM:

40  
41 \_\_\_\_\_  
42  
43 Town Attorney

44  
45 Date adopted:  
46

1 \_\_\_\_\_  
2 Motion to adopt by Councilmember:

3 \_\_\_\_\_  
4 Motion seconded by Councilmember:

5  
6

Vote: \_\_\_AYES\_\_\_NAYS