



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

TCA-23-02

7-14-23

Ordinance 2023-XX-XX

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9
10 AN ORDINANCE TO AMEND THE EXTRATERRITORIAL JURISDICTION OF
11 THE TOWN OF SOUTHERN SHORES TO DELETE CERTAIN AREAS
12 (By Amending and Restating Ordinance Number 79-0006
13 as amended by Ordinances of May 4, 1993, September 22, 1999, and August 29, 2000)

14
15 **ARTICLE I. Purpose(s) and Authority.**

16
17 **WHEREAS** the Town Council of Southern Shores by ordinance number 79-0006
18 on August 7, 1979 brought the properties known as the OBRA (Outer Banks Recreational
19 Association) property and Martin's Point within its extraterritorial jurisdiction pursuant to
20 Section 6-1 of the Town Charter and N.C.G.S. 160A-360; and

21
22 **WHEREAS** the OBRA property was thereafter annexed into the Town of Southern
23 Shores by ordinance adopted on the 5th day of May, 1981 effective June 1, 1981, and
24 thereby became incorporated into the Town corporate limits and no longer a part of the
25 Town's extraterritorial jurisdiction; and

26
27 **WHEREAS** the property known as the residential portion of Martin's Point
28 formerly owned by P. K. Gravely or the China American Tobacco Co. (CATCO), their
29 successors and assigns, was requested to be excluded from the extraterritorial jurisdiction
30 of Southern Shores and the Town Council determined that the residential portion of
31 Martin's Point, but excluding the commercial portion bordering U.S. Highway 158, was no
32 longer an area of critical concern to Southern Shores and was removed and deleted from
33 the extraterritorial jurisdiction of Southern Shores on August 29, 2000; and

34
35 **WHEREAS** the property known as the commercial area of Martin's Point has been
36 requested to be excluded from the extraterritorial jurisdiction of Southern Shores and the
37 Town Council has determined that the commercial portion of Martin's Point bordering U.S.
38 Highway 158, is no longer an area of critical concern to Southern Shores; and

39
40 **WHEREAS** in order to exercise police power jurisdiction authorized by other
41 Statutes, to regulate the planning and development within, and to promote the orderly use
42 of, waters and waterways adjacent to and adjoining the Town and its extraterritorial
43 jurisdictional areas, and to promote the health, safety and welfare of the citizens, residents
44 and visitors to the Town, the Town Council has determined that it is necessary and prudent
45 to amend the existing extraterritorial jurisdiction of the Town as authorized by Section 6-

1 1 of the Town Charter and N.C.G.S. 160D-202(a) in order to eliminate jurisdiction over
2 ETJ Tract No. 1 Martin's Point Commercial to Dare County; and
3

4 **NOW THEREFORE** the Town Council of the Town of Southern Shores, North
5 Carolina does hereby amend and restate the Extraterritorial Jurisdiction Ordinance of
6 August 29, 2000 which amended and restated Ordinance Number 79-0006 as amended on
7 May 4, 1993 and September 22, 1999 as follows:
8

9 **PART I. ETJ Tract to be Relinquished.**

10
11 **BE IT ORDAINED** by the Town Council of Southern Shores, North Carolina, that
12 the following tract is hereby removed and deleted from the extraterritorial jurisdiction of
13 the Town of Southern Shores: Tract No. 1 Martin's Point Commercial, said tract being
14 described as follows and attached in Exhibit 1:
15

16 TRACT NO. 1: MARTIN'S POINT COMMERCIAL. All that certain tract of land
17 beginning at the intersection of the north margin of the right of way of U.S. Highway 158
18 with the west shoreline of Jean Guite Creek; thence along the northern margin of the right
19 of way of U.S. Highway 158 south 70 deg. 03 min. 05 sec. west 1599.00 feet to the eastern
20 shoreline of the Currituck Sound; thence cornering and along the eastern shoreline of the
21 Currituck Sound north 20 deg. 06 min. 24 sec. west 283.72 feet to a point; thence cornering
22 and along the southern boundary of the Martin's Point residential lots north 70 deg. 30 min.
23 51 sec. east 187.33 feet; thence north 20 deg. 06 min. 24 sec. west 50.00 feet; thence north
24 70 deg. 03 min. 05 sec. east 1446.39 feet to the western shoreline of Jean Guite Creek;
25 thence cornering along the western shoreline of Jean Guite Creek south 14 deg. 08 min. 27
26 sec. east 333.92 feet to the point of beginning.
27

28 **PART II. ETJ Tracts to Remain.**

29
30 **WHEREAS**, there exist certain areas of waters bordering or adjacent to the Town
31 of Southern Shores corporate limits; and
32

33 **WHEREAS**, for the purposes of regulating orderly growth and protection of the
34 Town's health and welfare, it is desirable to exercise extraterritorial jurisdiction as to these
35 two tracts pursuant to the General Statutes of North Carolina and Section 6-1 of the Charter
36 incorporating the Town of Southern Shores.
37

38 **THEREFORE, BE IT ORDAINED** by the Town Council of Southern Shores,
39 North Carolina, that the following two areas of the extraterritorial concern be included in
40 the extraterritorial jurisdiction of the Town of Southern Shores for the planning and
41 regulation of development pursuant to Chapter 160D of the North Carolina General
42 Statutes, and other Statutes providing for police power enforcement within areas of
43 extraterritorial jurisdiction, said areas being commonly referred to as (1) the waters of
44 Currituck Sound within one mile of the western corporate limits of the Town but excluding
45 those sound waters located westward of Martin's Point, and (2) the waters of the Atlantic

1 Ocean within one mile of the eastern corporate limits of the Town, each of which tracts is
2 more particularly described as follows:

3
4 Tract No. 1: Currituck Sound Waters. All those waters lying within one mile of the
5 western corporate limits of Southern Shores in Ginguite (a/k/a Jean Guite) Creek also
6 known as Martin's Point Creek and Currituck Sound but excluding those sound waters
7 located westward of Martin's Point and more particularly described as follows: beginning
8 at the intersection of the north margin of the right-of-way of U.S. Highway 158, the same
9 being the north boundary of the town of Kitty Hawk, with the east shoreline of Ginguite
10 Bay or Creek the same being the western corporate limits of Southern Shores; thence along
11 the northern margin of the right-of-way of U.S. Highway 158 westward to its intersection
12 with the east shoreline of Martin's Point; thence northward along the east shoreline of
13 Martin's Point following the meanderings of the mean high water mark to the northernmost
14 point of Martin's Point; thence westward in Currituck Sound on a course of south 67 deg.
15 31 min. 23 sec. west 2,358.78 feet to a point; thence cornering north 10 deg. 21 min. 11
16 sec. west 7,670.27 feet to a point; thence cornering north 64 deg. 29 min. 04 sec. east
17 4994.96 feet to the northwestern corner of the Southern Shores corporate limits located at
18 the intersection of the eastern shoreline of Currituck Sound with the southern boundary of
19 the lands known as the H.C. Hargrave Tract; thence cornering and in a southerly direction
20 along the western corporate limits of Southern Shores, following the meanderings thereof
21 to a point at the intersection of the eastern shoreline of Ginguite Bay or Creek with the
22 north margin of the right-of-way of U.S. Highway 158, the point of beginning.

23
24 Tract No. 2: Atlantic Ocean Waters. All those waters lying within one mile of the
25 eastern corporate limits of Southern Shores in the Atlantic Ocean and bounded as follows:
26 beginning at the southeast corner of the corporate limits of Southern Shores at the
27 intersection of the north boundary of the town of Kitty Hawk with the shoreline of the
28 Atlantic Ocean; thence from the beginning point north 64 deg. 29 min. 04 sec. east,
29 5,020.12 feet to a point; thence cornering north 25 deg. 04 min. 52 sec. west 19,617.00 feet
30 to a point; thence cornering south 64 deg. 29 min. 04 sec. west 5,020.13 feet to the northeast
31 corner of the Southern Shores corporate limits at the intersection of the southern boundary
32 of the lands known as the H.C. Hargrave Tract with the shoreline of the Atlantic Ocean;
33 thence cornering and along the shoreline of the Atlantic Ocean in a southerly direction
34 following the meanderings thereof to the point of beginning.

35
36 The above described tracts are more particularly shown as Tract 2 and Tract 3 on that
37 certain map entitled "Official Zoning Map", by Quible & Associates, P.C., revised January
38 6, 2015 and attached to this ordinance and made a part thereof.

39
40 **ARTICLE II. Amendment of Town Code.**

41
42 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of
43 Southern Shores, North Carolina, that the Town Code shall be amended as follows:

44
45 **PART I. That Sec. 14-37. General regulations.** Be amended as follows:
46

1 **Sec. 14-37. General regulations.**

- 2
- 3 (a) *Fire extinguishing equipment.* All buildings used for public assembly and
4 commercial buildings must have adequate fire extinguishers or an automatic fire
5 extinguishing system as set forth in NFPA standards and as approved by the fire
6 inspector. The fire inspector shall be notified by the owner or user of an automatic
7 fire extinguishing system of its becoming inoperable or taken out of service or when
8 service is restored.
- 9 (b) *"No Smoking" signs.* The fire inspector shall post "No Smoking" signs on any
10 premises where conditions exist which make smoking a fire hazard. No person shall
11 smoke in an area designated nor shall remove or destroy a "No Smoking" sign.
- 12 (c) *Fire hydrants.* The developer and/or builder of any residential dwelling and/or
13 development other than one- and two-family dwellings, as defined in the town's
14 zoning ordinance must provide a water and fire hydrant system for the dwelling or
15 development as approved by the fire inspector.
- 16 (d) *Hydrant map.* The town shall create and maintain a map of public and private fire
17 hydrants within the town ~~and the extraterritorial jurisdiction area of Martins Point.~~
- 18 (e) *Fire sprinkler systems.* Structures with sprinkler systems shall cause them to be
19 inspected by a certified sprinkler inspector each year. Reports of such inspections
20 shall be kept on the premises and a copy forwarded to the fire inspector.

21

22 **PART II. That Sec. 24-2. Areas in extraterritorial jurisdiction.** Be amended as follows:

23

24 **Sec. 24-2. Areas in extraterritorial jurisdiction.**

25

26 The following areas adjacent to the town shall be included in the extraterritorial
27 jurisdiction of the town for the planning and regulation of development, pursuant to G.S.
28 ch. 160A, art. 19 (G.S. 160A-360—160A-459) 160D-202, with said areas being
29 described as follows:

30 *Tract No. 1: Martin's Point Commercial.* All that certain tract of land located
31 and bordered on the east by Ginguite (a/k/a Jean Guite) Creek, on the south by U.S.
32 Highway 158, on the west by Currituck Sound, and on the north by the Martin's
33 Point residential lots and bounded as follows: beginning at the intersection of the
34 north margin of the right-of-way of U.S. Highway 158, the same being the north
35 boundary of the town of Kitty Hawk, with the west shoreline of Ginguite Bay or
36 Creek; thence along the northern margin of the right-of-way of U.S. Highway 158
37 south 70 deg. 03 min. 05 sec. west 1624.11 feet to the eastern shoreline of Currituck
38 Sound; thence cornering and along the eastern shoreline of Currituck Sound north 27
39 deg. 13 min. 01 sec. west 260.69 feet to a point; thence cornering and along the
40 southern boundary of the Martin's Point residential lots north 63 deg. 24 min. 14 sec.
41 east 187.33 feet; thence north 27 deg. 13 min. 01 sec. west 50.00 feet; thence north
42 64 deg. 08 min. 47 sec. east 1496.90 feet to the western shoreline of Ginguite Creek;

1 ~~thence cornering along the western shoreline of Ginguite Creek south 20 deg. 31~~
2 ~~min. 20 sec. east 333.43 feet to the point of beginning.~~

3 *Tract No. 2 1: Currituck Sound Waters.* All those waters lying within one mile
4 of the western corporate limits of Southern Shores in Ginguite (a/k/a Jean Guite)
5 Creek also known as Martin's Point Creek and Currituck Sound but excluding those
6 sound waters located westward of Martin's Point and more particularly described as
7 follows: beginning at the intersection of the north margin of the right-of-way of U.S.
8 Highway 158, the same being the north boundary of the town of Kitty Hawk, with
9 the east shoreline of Ginguite Bay or Creek the same being the western corporate
10 limits of Southern Shores; thence along the northern margin of the right-of-way of
11 U.S. Highway 158 westward to its intersection with the east shoreline of Martin's
12 Point; thence northward along the east shoreline of Martin's Point following the
13 meanderings of the mean high water mark to the northernmost point of Martin's
14 Point; thence westward in Currituck Sound on a course of south 67 deg. 31 min. 23
15 sec. west 2,358.78 feet to a point; thence cornering north 10 deg. 21 min. 11 sec.
16 west 7,670.27 feet to a point; thence cornering north 64 deg. 29 min. 04 sec. east
17 4994.96 feet to the northwestern corner of the Southern Shores corporate limits
18 located at the intersection of the eastern shoreline of Currituck Sound with the
19 southern boundary of the lands known as the H.C. Hargrave Tract; thence cornering
20 and in a southerly direction along the western corporate limits of Southern Shores,
21 following the meanderings thereof to a point at the intersection of the eastern
22 shoreline of Ginguite Bay or Creek with the north margin of the right-of-way of U.S.
23 Highway 158, the point of beginning.

24 *Tract No. 3 2: Atlantic Ocean Waters.* All those waters lying within one mile of
25 the eastern corporate limits of Southern Shores in the Atlantic Ocean and bounded as
26 follows: beginning at the southeast corner of the corporate limits of Southern Shores
27 at the intersection of the north boundary of the town of Kitty Hawk with the
28 shoreline of the Atlantic Ocean; thence from the beginning point north 64 deg. 29
29 min. 04 sec. east, 5,020.12 feet to a point; thence cornering north 25 deg. 04 min. 52
30 sec. west 19,617.00 feet to a point; thence cornering south 64 deg. 29 min. 04 sec.
31 west 5,020.13 feet to the northeast corner of the Southern Shores corporate limits at
32 the intersection of the southern boundary of the lands known as the H.C. Hargrave
33 Tract with the shoreline of the Atlantic Ocean; thence cornering and along the
34 shoreline of the Atlantic Ocean in a southerly direction following the meanderings
35 thereof to the point of beginning.

36
37 **PART III. That Sec. 34-79. Geographic jurisdiction.** Be amended as follows:
38

39 **Sec. 34-79. Geographic jurisdiction.**
40

- 41 (a) This implementation and enforcement plan will encompass areas within the town.
42 The boundaries of this area are shown on the town zoning map and are available for
43 public inspection.
- 44 (b) ~~In addition, the town has established extraterritorial zoning control over Martin's~~
45 ~~Point.~~

1 (eb) The areas of environmental concern likely to be designated in this jurisdiction are
2 classified as ocean hazard and estuarine shoreline.

3 (ec) Most minor development permit requests are likely to be for residential construction
4 and bulkheads.

5
6 **ARTICLE IV. Severability.**

7
8 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
9 hereby repealed. Should a court of competent jurisdiction declare this ordinance
10 amendment or any part thereof to be invalid, such decision shall not affect the remaining
11 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
12 Town of Southern Shores, North Carolina which shall remain in full force and effect.
13

14 **ARTICLE V. Effective Date.**

15
16 This ordinance amendment shall not be in full force and effect until (i) the County has
17 adopted development regulations or (ii) a period of 60 days has elapsed from the ____ day
18 of _____, 2023.
19
20
21

Elizabeth Morey, Mayor

22
23 ATTEST:

24
25 _____
26 Town Clerk
27
28

29 APPROVED AS TO FORM:

30
31 _____
32 Town Attorney
33

34 Date adopted:

35
36 _____
37 Motion to adopt by Councilmember:

38
39 _____
40 Motion seconded by Councilmember:
41

Vote: ___AYES ___NAYS

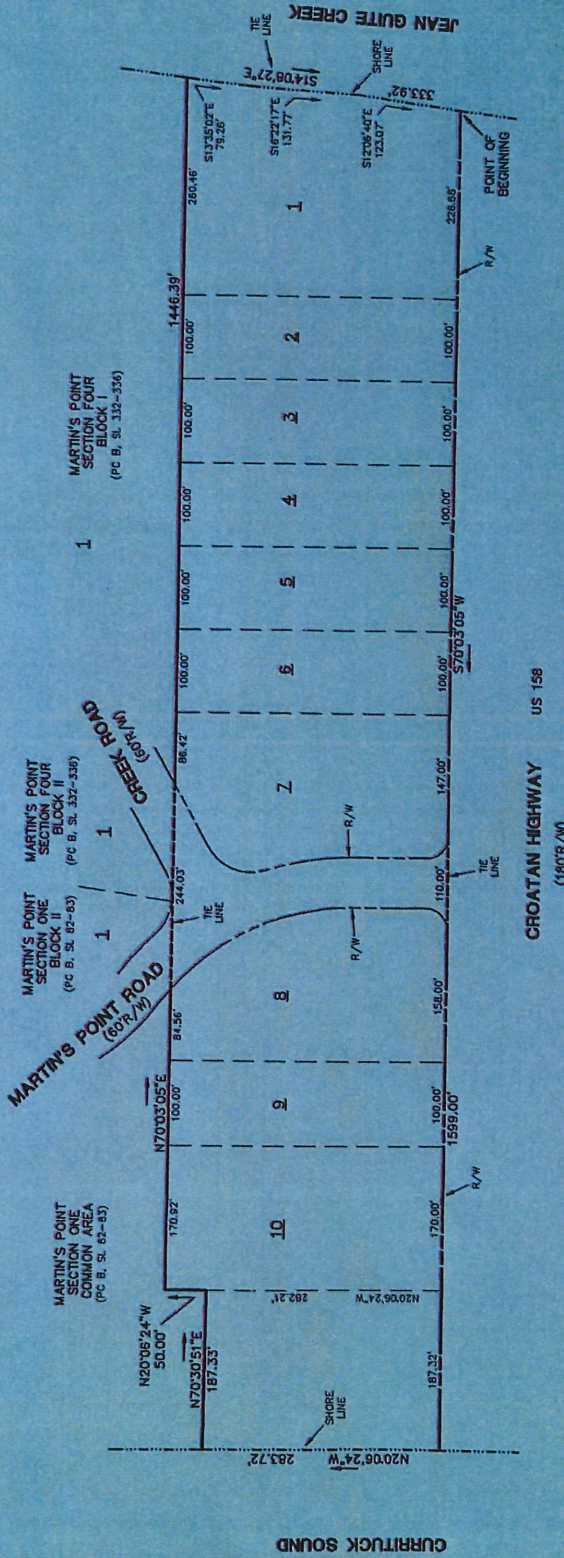
EXHIBIT 1

NOTES

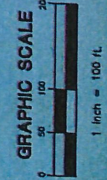
- THIS MAP PERTAINS TO TRACT 1, MARTIN'S POINT COMMERCIAL EXTRA TERRITORIAL JURISDICTION, AS SHOWN ON THE "MARTIN'S POINT COMMERCIAL LOTS" SUBDIVISION RECORDED IN PC B, SL. 74-75
- THIS IS NOT A COMPLETE BOUNDARY SURVEY OF ANY PROPERTIES SHOWN
- AREA - 529,212 sq. ft. (COORR)

TRACT 1 DESCRIPTION

-BEGINNING AT THE INTERSECTION OF THE NORTH MARION OF THE RIGHT OF WAY OF U.S. HIGHWAY 158, THE SAME BEING THE WEST SHORE LINE OF JEAN GUTE CREEK WITH THE WEST SHORE LINE OF JEAN GUTE CREEK ALONG THE NORTHERN MARGIN OF THE RIGHT OF WAY OF U.S. HIGHWAY 158 SOUTH 70 DEG. 03' 05" WEST 1559.00' THENCE CORNER AND ALONG THE CURRITUCK SOUND, THENCE CORNER AND ALONG THE CURRITUCK SOUND TO THE CURRITUCK SOUND NORTH 20 DEG. 00' 24" WEST SOUTHERN TO POINT, THENCE CORNER AND ALONG THE CURRITUCK SOUND TO THE WESTERN SHORE LINE OF JEAN GUTE CREEK, THENCE TO THE WESTERN SHORE LINE OF JEAN GUTE CREEK, THENCE SOUTH 14 DEG. 00' 27" EAST 253.92' TO THE POINT OF BEGINNING



PROFESSIONAL SEAL
L-3740
NORTH CAROLINA
MARTIN SHIPLEY
6/5/23



DISTRICT BASE MAP TOP

TOWN OF SOUTHERN SHORES
MARTIN'S POINT COMMERCIAL LOTS
EXTRA TERRITORIAL JURISDICTION, TRACT 1

AT 1559.00' PC B, SL. 74-75
SOUTHERN SHORES ATLANTIC TNSP DATE CO. N. CAROLINA
SCALE 1" = 100'

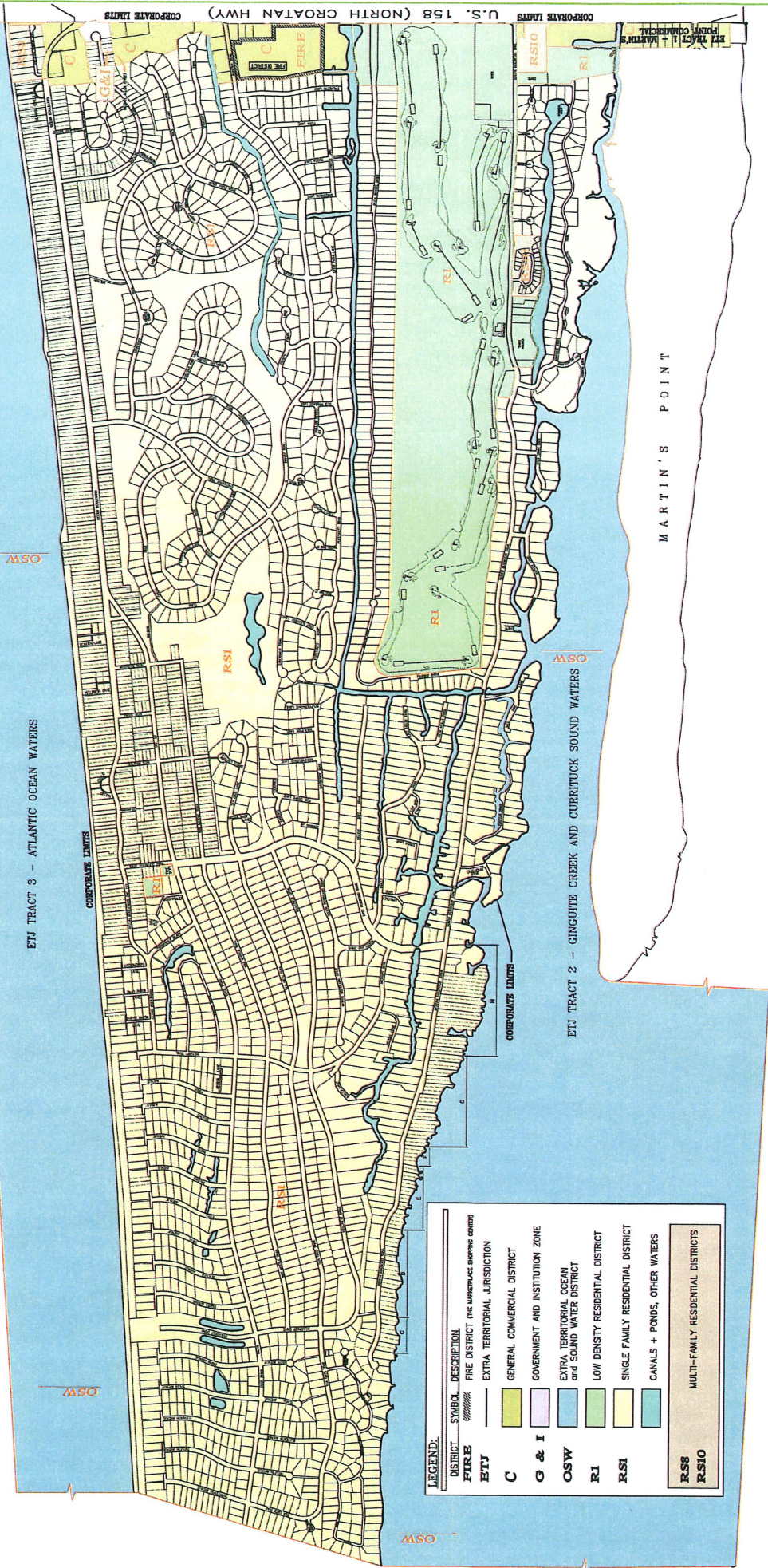
B. V. L. D.
SURVEYING & ENGINEERING
PHONE 718-1000 FAX 379-4411 (252) 441-3141



THIS IS CERTAIN THAT THE OFFICIAL ZONING MAP OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA, WAS ADOPTED BY THE BOARD OF TOWN MANAGER ON 05/16/2015.
 APPROVED: *[Signature]*
 TOWN MANAGER



A T L A N T I C O C E A N



LEGEND:

DISTRICT	SYMBOL	DESCRIPTION
FIRE	////	FIRE DISTRICT (FIRE JURISDICTION EXCEPT WHERE SHOWN OTHERWISE)
ETJ	---	EXTRA TERRITORIAL JURISDICTION
C	[Green Box]	GENERAL COMMERCIAL DISTRICT
G & I	[Purple Box]	GOVERNMENT AND INSTITUTION ZONE
OSW	[Blue Box]	EXTRA TERRITORIAL OCEAN AND SOUND WATER DISTRICT
R1	[Light Green Box]	LOW DENSITY RESIDENTIAL DISTRICT
RS1	[Yellow Box]	SINGLE FAMILY RESIDENTIAL DISTRICT
	[Light Blue Box]	CANALS + PONDS, OTHER WATERS
RS8	[Light Green Box]	MULTI-FAMILY RESIDENTIAL DISTRICTS
RS10	[Light Green Box]	

MARTIN'S POINT

ETJ TRACT 3 - ATLANTIC OCEAN WATERS

ETJ TRACT 2 - GINGUITE CREEK AND CURRITUCK SOUND WATERS

CORPORATE LIMITS

CORPORATE LIMITS

CORPORATE LIMITS U.S. 158 (NORTH CROATAN HWY)

ETJ TRACT 1 - MARTIN'S POINT COMMERCIAL