



Town of Southern Shores

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ZTA-20-01

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. § 160A-381, 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 density of population and the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, 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, pursuant to applicable provisions of Chapter 12, Emergency Management, of the Town Code, and N.C.G.S. § 166A, the Town, through the Mayor, has the authority to declare the existence of a state of emergency; and

WHEREAS, the Town Council finds that it is necessary to enact provisions allowing for temporary emergency accommodations to zoning regulations in order to address the conditions which occur during declared states of emergency or resulting from such emergencies; and

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, morals and general welfare for the Town to amend the Town’s Zoning Ordinance and Town Code of Ordinances 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:

1
2 **PART I.** That subsection (b) of **Sec. 36-416. Planning board action.** be amended as
3 follows:
4

5 ~~(b) No proposal shall be considered by the planning board within 30 days from the filing~~
6 ~~of the proposal with the town. The planning board shall have 30 days within which to~~
7 ~~submit its recommendation to the council.~~ All petitions for a change in the zoning map
8 shall include a legal description for the property involved, the names and addresses of
9 current abutting property owners, and a copy of all or a portion of the applicable tax or
10 zoning map with the applicable property outlined. The planning board shall advise and
11 comment on whether the proposed amendment is consistent with the town comprehensive
12 land use plan and any other officially adopted town plan that is applicable. The planning
13 board shall provide a written recommendation to the town council that addresses plan
14 consistency and other matters as deemed appropriate by the planning board, but a comment
15 by the planning board that a proposed amendment is inconsistent with the town
16 comprehensive land use plan shall not preclude consideration or approval of the proposal
17 by the town council.
18

19 **PART II.** That **Sec. 36-177. Temporary Emergency Zoning Accommodations** be
20 added to the Town Code as follows:
21

22 In the event of an emergency declaration applicable within the Town’s jurisdiction and
23 issued by the United States, the State of North Carolina or the Town of Southern Shores or
24 Dare County pursuant to N.C.G.S. § 166A-19.22, the Mayor may authorize the Town
25 Manager or his designee to exercise their discretion to allow for reasonable temporary
26 accommodations in town zoning regulations consistent with and furthering the purposes of
27 the emergency declaration and in the interests of public health, safety and welfare,
28 including the economic prosperity of the community. Such temporary accommodations
29 shall not extend beyond the termination of the declaration of emergency or the end of the
30 circumstances under the declaration causing the need for accommodations whichever is
31 shorter. All temporary accommodations must be ceased within five (5) days of the
32 expiration of the temporary accommodation. The official designated to manage requests
33 for accommodations may adopt reasonable procedures and requirements to apply for,
34 analyze and provide temporary emergency permits for the accommodations. Temporary
35 emergency accommodations shall not be deemed to constitute a change or modification of
36 the underlying use of the applicable property, to affect any existing nonconforming
37 situations on the property or to create any vested rights. Violation of the provisions of a
38 temporary emergency accommodations permit shall constitute a zoning violation.
39

40 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
41 **Reasonableness.**
42

43 The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted
44 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
45 is applicable. For all of the above-stated reasons and any additional reasons supporting the

1 Town's adoption of this ordinance amendment, the Town considers the adoption of this
2 ordinance amendment to be reasonable and in the public interest.

3
4 **ARTICLE V. Severability.**

5
6 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
7 hereby repealed. Should a court of competent jurisdiction declare this ordinance
8 amendment or any part thereof to be invalid, such decision shall not affect the remaining
9 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
10 Town of Southern Shores, North Carolina which shall remain in full force and effect.

11
12 **ARTICLE VI. Effective Date.**

13
14 This ordinance amendment shall be in full force and effect from and after the ____ day of
15 _____, 2020.

16
17
18 _____
Tom Bennett, Mayor

19 ATTEST:

20
21 _____
22 Town Clerk

23
24
25 APPROVED AS TO FORM:

26
27 _____
28 Town Attorney

29
30 Date adopted:

31
32 _____
33 Motion to adopt by Councilmember:

34
35 _____
36 Motion seconded by Councilmember:

37
38
39
Vote: __AYES__NAYS