



**Town of Southern Shores**

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TCA-24-02

6-5-24

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. Chap. 160A, the Town has duly codified the Town’s Code of Ordinances (the “Town Code”); and

**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 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 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.

**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

1 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the  
2 adopted Town Code which are not repeated herein but are instead replaced by an ellipses  
3 (“...”) shall remain as they currently exist within the Town Code.  
4

5 **ARTICLE III. Amendment of Town Code.**  
6

7 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of  
8 Southern Shores, North Carolina, that the Town Code shall be amended as follows:  
9

10 **PART I.** That **Sec. 1-2. Definitions and rules of construction.** Be amended as  
11 follows:  
12

13 **Sec. 1-2. Definitions and rules of construction.**  
14

15 ...  
16

17 *Development.* The term "development" means any of the following:

- 18 (a) The construction, erection, alteration, enlargement, renovation, substantial  
19 repair, movement to another site, or demolition of any structure.
- 20 (b) The excavation, grading, filling, clearing, or alteration of land.
- 21 (c) The subdivision of land as defined in section 30-2.
- 22 (d) The initiation or substantial change in the use of land or the intensity of use of  
23 land.  
24

25 *Development approval.* The term "development approval" means an  
26 administrative or quasi-judicial approval made pursuant to this town code that is  
27 written and that is required prior to commencing development or undertaking a  
28 specific activity, project, or development proposal. Development approvals include,  
29 but are not limited to, zoning permits, site plan approvals, special use permits,  
30 variances, and certificates of appropriateness. The term also includes all other  
31 regulatory approvals required by regulations adopted pursuant to this town code,  
32 including plat approvals, permits issued, development agreements entered into, and  
33 building permits issued.  
34

35 ...  
36

37 **PART II.** That **Sec. 16-4. Administration.** Be amended as follows:  
38

39 **Sec. 16-4. Administration.**  
40

41 ...  
42

43 (b) *Floodplain development application, permit and certification requirements.*

1 ...

2 (3) *Certification requirements.*

3 a. *Elevation certificates for AE, AO, VE, shaded X and X zones.*

- 4 1. An under construction elevation certificate is required prior to  
5 completion of the framing/sheathing inspection by the town. It shall  
6 be the duty of the permit holder to submit to the floodplain  
7 administrator a certification of the elevation of the reference level in  
8 relation to mean sea level. The floodplain administrator shall review  
9 the certificate data submitted. Deficiencies detected by such review  
10 shall be corrected by the permit holder immediately and prior to  
11 further work being permitted to proceed. Failure to submit the  
12 certification or failure to make required corrections shall be cause to  
13 issue a stop work order for the project.
- 14 2. A final finished construction elevation certificate (FEMA Form 086-  
15 0-33) is required after construction is completed and prior to  
16 certificate of compliance/occupancy issuance. It shall be the duty of  
17 the permit holder to submit to the floodplain administrator a  
18 certification of final as-built construction of the elevation of the  
19 reference level and all attendant utilities. The floodplain administrator  
20 shall review the certificate data submitted. Deficiencies detected by  
21 such review shall be corrected by the permit holder immediately and  
22 prior to certificate of compliance/occupancy issuance. In some  
23 instances, another certification may be required to certify corrected  
24 as-built construction. Failure to submit the certification or failure to  
25 make required corrections shall be cause to withhold the issuance of a  
26 certificate of compliance/occupancy. The finished construction  
27 elevation certificate certifier shall provide at least two photographs  
28 showing the front and rear of the building taken within 90 days from  
29 the date of certification. The photographs must be taken with views  
30 confirming the building description and diagram number provided in  
31 section A [of FEMA Form 086-0-33]. To the extent possible, these  
32 photographs should show the entire building including foundation. If  
33 the building has split-level or multi-level areas, provide at least two  
34 additional photographs showing side views of the building. In  
35 addition, when applicable, provide a photograph of the foundation  
36 showing a representative example of the flood openings or vents. All  
37 photographs must be in color and measure at least three inches by  
38 three inches. Digital photographs are acceptable.
- 39 3. In shaded X and X zones, ~~the under construction elevation certificate~~  
40 ~~and the finished construction elevation certificate may be waived if a~~  
41 ~~survey of the parcel was used to certify the natural grade of the parcel~~  
42 ~~was to or above eight feet NAVD 1988 at the time of permit~~  
43 ~~application. In lieu of the finished construction elevation certificate,~~  
44 ~~an as-built survey of the parcel shall be submitted to certify the~~

1 ~~finished grade of the parcel is compliant with the RFPE or 8 feet~~  
2 ~~NAVD 1988 or above. an approved FEMA form, survey or other~~  
3 ~~documentation prepared by a licensed professional may be used to~~  
4 ~~demonstrate the natural grade of the parcel exceeds the RFPE of eight~~  
5 ~~feet instead of an elevation certificate.~~

6  
7 ...

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

11  
12 The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted  
13 comprehensive zoning ordinance, land use plan and any other officially adopted plan that  
14 is applicable; for all the above-stated reasons, including but not limited to it encourages the  
15 use of low impact development techniques and sound environmental preservation practice,  
16 encourages lot preparation methods that preserve natural vegetation and minimize clear  
17 cutting and furthers the founder’s original vision for Southern Shores of a low-density  
18 residential community served by a small commercial district. The Town considers the  
19 adoption of this ordinance amendment to be reasonable and in the public 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 \_\_\_\_\_, 2024.

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

1 Date adopted:

2

3 \_\_\_\_\_

4 Motion to adopt by Councilmember:

5 \_\_\_\_\_

6 Motion seconded by Councilmember:

7

8

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