



**TOWN OF SOUTHERN SHORES**  
**TOWN COUNCIL REGULAR MEETING**

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

[www.southernshores-nc.gov](http://www.southernshores-nc.gov)

**PITTS CENTER**

**Wednesday, November 05, 2025 at 1:00 PM**

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## **AGENDA**

### **Call Meeting to Order**

Pledge of Allegiance

Moment of Silence

### **Amendments to / Approval of Agenda**

#### **Consent Agenda**

1. Budget Amendment #15
2. Budget Amendment #16
3. Minutes approval-October 7, 2025
4. Contract for Fire Protection Services -Martins Point Tax District (Dare County)

#### **Presentations**

5. Employee Recognition Years of Service-Tracy Mann 15 Years

#### **Staff Reports**

Planning Director/Deputy Town Manager

Police Chief

Fire Chief

Town Manager-NC Resilient Coastal Communities Program (RCCP)

Town Attorney

#### **General Public Comment (Limit: 3 minutes per speaker.)**

#### **Old Business**

#### **New Business**

6. Award of Cemetery Irrigation Proposal & Budget Amendment #17
7. Public Hearing- Consider TCA-25-01, a Town Code Amendment request submitted by the Town of Southern Shores to amend Town Code Section 1-14 to remove the requirements for reconsideration of disapproved development and amendment requests and Town Code Section 6-5 to clarify when building permits are required for retaining walls and to remove the requirement to obtain a building permit for fences.

#### **Council Business**

#### **Adjourn**

**Town of Southern Shores  
Budget Amendment Number # 15**

## Increases

## Decreases

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39944	<b><u>Revenues</u></b> NCLM Grant	\$5,000			
51-50151	<b><u>Expenditures</u></b> Equipment Purchase	\$5,000			
TOTAL			TOTAL		\$ -

Explanation: to recognize grant money from NCLM for new message board

Recommended By:

Approved By: Town Council

Cliff Ogburn, Town Manager

Elizabeth Morey, Mayor

Date \_\_\_\_\_

**Town of Southern Shores  
Budget Amendment Number # 16**

[illegible]

Explanation: to recognize the sale of the Admin. Vehicle and the savings on purchase of new vehicle.

Money will be used for a Pay and Class Study and a workforce study.

Recommended By:

Approved By: Town Council

Cliff Ogburn, Town Manager

Elizabeth Morey, Mayor

Date



# Town of Southern Shores

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## Meeting Minutes

Pitts Center – 5375 N. Virginia Dare Trail, Southern Shores, NC

Date: Tuesday, October 7, 2025

Time: 1:00 PM

## Attendance

Present:

- Mayor Morey
- Mayor Pro Tem Neal
- Council Member Sherlock
- Council Member Neilson

Absent:

- Council Member Batenic

## Call to Order

Mayor Morey called the meeting to order at 1:00 PM.

The Council and public stood for the Pledge of Allegiance followed by a Moment of Silence.

## Amendments to / Approval of Agenda

Mayor Morey called for a motion or amendment to the agenda.

**MOTION:** Motion to approve the agenda as presented by Council Member Sherlock, Seconded by Council Member Neilson. Motion carried unanimously.

## Consent Agenda

The consent agenda consisted of the minutes from August 5, 2025, and September 2, 2025, and Budget Amendments #13 and #14.

**MOTION:** Motion to approve the consent agenda made by Council Member Sherlock, seconded by Council Member Neilson. Motion carried unanimously.

## **Presentations**

### Annual Audit Presentation

Finance Officer Bonnie Swain introduced Reid Parker from Carl, Riggs, and Ingram CPA firm who presented the audit for fiscal year 2024-2025. Mr. Parker reported this was the firm's third year conducting the audit for Southern Shores.

Mr. Parker presented that the financial statements were fairly presented in all material respects with no internal control deficiencies. He reported that the town's net position at year-end was \$24,649,950, which represented a decrease of approximately \$1,860,000 from the previous year. This decrease was attributed to approximately \$400,000 in paving expenses, \$115,000 for new computer service charges, and increases in salaries particularly in public safety.

The fund balance at year-end closed at \$11,317,989, a decrease of \$2,275,000 related to capital outlay expenditures in infrastructure. The Juniper Trail Bridge went into service this year, along with cemetery driveway and NC 12 bike path improvements totaling about \$500,000 in capital outlays. The unassigned fund balance was \$6,200,000, well above the town's fund balance policy of 3.5.

Mr. Parker noted there was a prior period adjustment of about \$87,000 due to a change in accounting principles related to accrued compensation (GASB statement 101), not because of any errors.

Council Member Neilson asked about challenges municipalities might face in the next five years. Mr. Parker identified staffing as the most significant problem, noting high turnover in finance positions at small municipalities creates sustainability issues.

Council Member Sherlock inquired about the impact of the fire department transition on the audit. Mr. Parker explained that the accounting impact would primarily occur in fiscal year 2026 rather than the current audit.

## **Staff Reports**

### Planning Director/Deputy Town Manager

Planning Director/Deputy Town Manager Wes Haskett reported:

- 52 permits were issued in September: 12 zoning permits, 21 building permits, 18 trade permits, and 1 sign permit
- Total fees collected were \$11,451.77
- Two warning citations were mailed for solid waste ordinance violations

Mr. Haskett updated the Council on Paul Gamiel's Hill Life Saving Station discussion from the previous meeting, noting he had spoken with the Historic Landmarks Commission about potentially designating the Hillcrest Beach site as a historic landmark. The Commission agreed it was a good candidate. He also spoke with the SSCA president who was open to discussing the designation and placing a new marker at the site.

Mayor Morey and Council Members expressed interest in moving forward with establishing a committee consisting of two Council members, two Landmarks Commission members, an SSCA representative, Mr. Bob Moir, and town staff to discuss next steps. Council Members Neilson and Sherlock volunteered to serve as the Council representatives.

Mayor pro tem Neal **nominated** Council Member Sherlock and Neilson to serve as council representatives on the Paul Gamiel's life Saving Station historic designation committee, Mayor Morey seconded the nomination. Following the vote, the nomination of Council Member Sherlock and Council Member Neilson was passed.

Mr. Haskett also mentioned that the Planning Board would meet on October 20th to consider ZTA-25-06, which would address:

- Consider removing the requirements for reconsideration of disapproved development and amendment requests (as promised now that HB 926 has become law)
- Town Code Section 6-5 to clarify when permits are required for walls and to remove the requirement to obtain a building permit for fences
- Town Code Section 36-297(a)(3) to establish that new building permits and zoning permits are required following expiration.

#### Fire Chief

Fire Chief Limbacher reported the department responded to 82 calls in September.

The Chief reported that all four captain positions have now been filled, with the last captain starting on Thursday. He also reported on a successful fire prevention event at Kitty Hawk Elementary the previous day, which included participation from Southern Shores, Kitty Hawk, KDH, and Dare County EMS.

#### Town Manager

Town Manager Cliff Ogburn presented the first quarter budget report, highlighting:

- Clean audit with no findings
- Unassigned fund balance of \$6,222,000 or 55% of general fund expenditures
- Property values increased 2.07% (the year before revaluation)
- The town had spent about \$44,000 more than it had brought in during the first quarter, but this was significantly better than previous years due to the timing of revenue collection
- The town had collected 18.71% of anticipated revenues to date, which was \$231,000 more than the same time last year
- The town had spent 17.99% of the budgeted expenditures, which was \$94,000 less than the same period last year

Mr. Ogburn reviewed the beach nourishment reserve status, explaining that after the final debt payment next fiscal year in June of 2027, the town would have approximately \$2,100,000 in the beach nourishment fund.

Mr. Ogburn reported on continued cemetery improvements and mentioned that a budget amendment would likely be needed for additional improvements including irrigation, fence replacement on the north end, and landscaping.

Mr. Ogburn asked if the Council wanted to discuss the speed limit on NC 12 at the November meeting, as follow-up to a March workshop. Council Member Sherlock noted concerns about driving safety with increased speed limits, especially for residents with driveways on NC 12. The Council agreed to add this item to the November agenda.

Mayor Morey suggested considering an annual contribution to the cemetery fund similar to the canal fund structure.

#### Town Attorney

Town Attorney Philip Hornthal had no report.

#### **General Public Comment**

Dave Traub of 172 Ocean Boulevard addressed the Council regarding trash cans left along public roads, particularly on Ocean Boulevard. He described it as an unsightly and chronic problem, especially with rental properties, where tenants have little knowledge of local rules or incentive to follow them. He suggested several solutions including:

- A fee system for rental companies to fund town services for bin retrieval
- Direct responsibility for rental agencies or their staff to return bins after collection
- Financial penalties for chronic violations
- Expanding rollback service to areas like Ocean Boulevard

#### **New Business**

##### Discussion of Dare Housing Foundation and Councilmember Appointment

Mayor Pro Tem Neal explained that the Dare County Housing Task Force is establishing a nonprofit foundation (Dare Housing Foundation) to address housing needs in the county. The foundation will be governed by a 13-member board including representatives from each municipality, 4 private sector members, 2 county commissioners, and a Dare County Board of Education representative.

Mayor Morey noted that she served on the nonprofit subcommittee and Mayor Pro Tem Neal served on the site selection subcommittee of the Housing Task Force. Both emphasized the importance of public and private collaboration to address housing issues. The nonprofit will seek grant funding, offer sponsorships to various

stakeholders, focus outreach to non-resident property owners, and develop sketch plans for housing development.

Council Member Neilson questioned whether the private sector would contribute financially to the foundation, as they would also benefit from the housing solutions. Mayor Pro Tem Neal indicated that all funding sources would be considered as the foundation establishes itself.

**MOTION** to appoint Mayor Pro Tem Matt Neal to serve as the Town's representative on the Dare Housing Foundation made by Mayor Morey, seconded by Council Member Sherlock. Motion carried unanimously.

6. Public Hearing-Consider LDA-25-01, a Landmark Designation Application submitted by Perrin Gardner to designate 39 Ocean Blvd. as a Historic Landmark

Town Attorney Phillip Hornthal opened the public hearing.

Planning Director Haskett presented the application to designate the property and structure (a flat top) at 39 Ocean Boulevard as a historic landmark. He reported that the Historic Landmarks Commission had unanimously recommended approval at their September 4th meeting.

Mr. Haskett presented details about the property:

- Historic and current name: Drop Anchor
- Built in 1952 by Moonlight Enterprises Inc.
- 1,504 square foot structure originally used as a vacation home, now a year-round residence
- Features vertical wood unpainted T1-11 siding and is constructed on a concrete slab
- Has been modernized over the years but maintains its original design
- Similar in construction to the flat top design Frank Stick brought to Dare County in the late 1940s

Sally Gudas spoke in support of the application, noting that the property satisfies all criteria for designation. She mentioned that it would be one of only two historic landmark flat tops remaining in the original family, the other being the Pipkin Cottage. She added that the owner, Perrin Gardner, is an excellent resource on the history of Southern Shores.

Hearing no further comments, Town Attorney Phillip Hornthal closed the public hearing.

Council was in support of designating 39 Ocean Blvd. as a Historic Landmark and had no questions for the applicant.

**MOTION** to approve the ordinance designating the property and structure which is a flat top at 39 Ocean Boulevard as a historic landmark made by Mayor Morey, seconded by Council Member Neilson. Motion carried unanimously.



## Council Business

Council Member Neilson reported on his participation in the 250th anniversary of the signing of the Declaration of Independence committee. He noted that 13 Skyline Drive (Historic flat top) in Southern Shores will be one of the stops on the Passport Trail, with a plaque, description, and QR code for visitors. He also mentioned his recent interview with Current TV for their "Behind the Board" segment.

Mayor Pro Tem Neal updated the Council on the Corridor Committee's progress, reporting they are close to completing a draft to present to Council in November or December. He added that the annual Parade of Homes sponsored by the Outer Banks Home Builder Association will have two homes in Southern Shores.

Council Member Sherlock expressed continued interest in improving the town cemetery.

Mayor Morey emphasized that the Corridor Committee consists of volunteers and invited residents to attend meetings to learn more about the work. She announced that the next council meeting would be on Wednesday, November 5, 2025, at 1:00 PM (instead of Tuesday) due to Election Day. She added that the next Flat Top Tour will be scheduled for April 25, 2026.

## Adjourn

Hearing no further business, **Motion** to adjourn made by Mayor pro tem Neal, Seconded by Council Member Neilson. Motion carried unanimously. The time was 2:14 P.M.

ATTEST:

\_\_\_\_\_  
Elizabeth Morey, Mayor

Respectfully submitted,

\_\_\_\_\_  
Sheila Kane, Town Clerk

# CONTRACT FOR FIRE PROTECTION SERVICES

## STATE OF NORTH CAROLINA COUNTY OF DARE

This contract, made and entered into this the \_\_\_\_th day of \_\_\_\_ 2025, by and between the County of Dare hereinafter called the County, and the Town of Southern Shores hereinafter called the Town.

### WITNESSETH

That for and in consideration of the mutual covenants hereinafter contained, and pursuant to authority granted by G.S. 153A-233, do hereby covenant and agree as follows:

1. The Town agrees to furnish and provide fire protection service to all property within the unincorporated Martins Point Tax District by dispatching upon all calls seeking a fire response within the Martins Point Tax District, appropriate fire response apparatus, adequate personnel to operate the same, and personnel to lead response operations in the same manner the Town responds to similar calls for service in its jurisdictional limits.
2. Fire taxes collected for the Martins Point Tax District will be disbursed to the Town on a monthly basis.
3. This contract may be terminated by either party at the end of any fiscal year by giving 180 days written notice of its intent to terminate to the other party by registered or certified mail.

### EXECUTION

In witness where of the County of Dare has caused these presents to be pre-audited as required by the Local Government Budget and Fiscal Control Act and be signed in its name by its Chairman and attested by its Clerk, this the 4th day of AUGUST 2025

**PREAUDIT:**

**ATTEST:**

Sally Detasse 7/30/2025  
Finance Officer

Shylar Foley  
Clerk

[Signature]  
Chairman, Dare County Board of Commissioners

In witness where of the Town of Southern Shores has caused these presents to be pre-audited as required by the Local Government Budget and Fiscal Control Act and to be signed in its name by its Mayor and attested by its Clerk, this the \_\_\_\_th day of \_\_\_\_ 2025

**PREAUDIT:**

**ATTEST:**

\_\_\_\_\_  
Finance Officer

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor, Town of Southern Shores



## AGENDA ITEM SUMMARY

### Item #\_6\_\_

**MEETING DATE:** November 5, 2025

**ITEM TITLE:** Award of Cemetery Irrigation Proposal & Budget Amendment

#### **ITEM SUMMARY:**

In a continued efforts to make improvements to the town's cemetery, a Request for Proposals was advertised for irrigation. Two bids were received.

Mo Grow and H2O, LLC – \$22,686.08

Daniel's Irrigation - \$16,950.00

Staff is requesting approval of a budget amendment in the amount of \$19,000 to cover the expense of the irrigation project and additional fencing, mulch, grass seed and fertilizer

#### **Staff Recommendation and Action:**

A motion to authorize the town manager to enter into a contract with the low bidder, Daniels Irrigation and approval of a budget amendment in the Cemetery Fund for \$19,000

**Town of Southern Shores  
Budget Amendment Number # 17**

[illegible]

Explanation: Cost to install irrigation, new fence, grass and mulch in cemetery

Recommended By:

Approved By: Town Council

Cliff Ogburn, Town Manager

Elizabeth Morey, Mayor

Date \_\_\_\_\_



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** November 5, 2025

**ITEM TITLE:** Public Hearing-TCA-25-01

**ITEM SUMMARY:**

At the May 6, 2025 Town Council meeting, Council directed Town Staff to draft Town Code amendments to modernize the Town Code. At the September 2, 2025 Town Council meeting, Council adopted ZTA-25-05, which established requirements for reconsideration of disapproved development and amendment requests. During the discussion of ZTA-25-05, Town Staff stated that if/when the proposed prohibition on waiting periods in H.B. 926 is passed by the legislature, Town Staff will draft amendments to remove the language in Section 1-14 if it is adopted by the Town Council. On October 6, 2025, H.B. 926 became law, which included an amendment to N.C.G.S 160D-601 which states: A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval.

As a result, Town Staff is proposing to amend the Town Code by deleting Section 1-14 in order to be consistent with the amendment to N.C.G.S 160D-601 included in H.B. 926. Town Staff is also proposing to amend Town Code Section 6-5 to clarify when building permits are required for retaining walls and to remove the requirement to obtain a building permit for fences in order to be consistent with N.C.G.S. 160D-1110. The Town's current Comprehensive Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- 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.

**STAFF RECOMMENDATION:**

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Comprehensive Land Use Plan and Town Staff recommends approval of the application. The Town Planning Board unanimously (5-0) recommended approval of the application at the October 20, 2025 Planning Board meeting.

**REQUESTED ACTION:**

Motion to approve ZTA-25-05.

## STAFF REPORT

**To:** Southern Shores Town Council  
**Date:** November 5, 2025  
**Case:** TCA-25-01  
**Prepared By:** Wes Haskett, Deputy Town Manager/Planning Director

### GENERAL INFORMATION

**Applicant:** Town of Southern Shores  
**Requested Action:** Amendment of Town Code by deleting Section 1-14 and amending Section 6-5.

### ANALYSIS

At the May 6, 2025 Town Council meeting, Council directed Town Staff to draft Town Code amendments to modernize the Town Code. At the September 2, 2025 Town Council meeting, Council adopted ZTA-25-05, which established requirements for reconsideration of disapproved development and amendment requests. During the discussion of ZTA-25-05, Town Staff stated that if/when the proposed prohibition on waiting periods in H.B. 926 is passed by the legislature, Town Staff will draft amendments to remove the language in Section 1-14 if it is adopted by the Town Council. On October 6, 2025, H.B. 926 became law, which included an amendment to N.C.G.S 160D-601 which states: A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval.

As a result, Town Staff is proposing to amend the Town Code by deleting Section 1-14 in order to be consistent with the amendment to N.C.G.S 160D-601 included in H.B. 926. Town Staff is also proposing to amend Town Code Section 6-5 to clarify when building permits are required for retaining walls and to remove the requirement to obtain a building permit for fences in order to be consistent with N.C.G.S. 160D-1110. The Town's current Comprehensive Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- 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.

### RECOMMENDATION

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Comprehensive Land Use Plan and Town Staff recommends approval of the application. The Town Planning Board unanimously (5-0) recommended approval of the application at the October 20, 2025 Planning Board meeting.



# Town of Southern Shores

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## 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

Whaskett  
Signature

10-7-2025  
Date

\* Attach supporting documentation.





## Town of Southern Shores

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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:



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Proof of a water tap and a valid septic tank or other sewage treatment permit 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 Motion seconded by Councilmember:

12  
13 Vote: \_\_\_AYES\_\_\_NAYS