

- **WHAT IS THE TOWN CODE?**

- The Town Code is a legal document that contains all of the general and permanent legislation that governs Southern Shores. It houses the Charter of the Town, which gives the Town authority to operate as a municipality under North Carolina State Law. It contains information on the **administrative structure** of the Town, authorizing the Town to provide public services such as law enforcement, fire protection, and utility services, and contains the Town's **regulatory rules**, which govern how buildings are built, how land may be used, and the control of nuisances and protection of the public safety. The Town Code may be viewed by clicking here. (link to [https://www.municode.com/library/nc/southern\\_shores/code\\_of\\_ordinances/toc](https://www.municode.com/library/nc/southern_shores/code_of_ordinances/toc))

The Town Code is a legal or regulatory document that contains the laws of operation. It does not (and should not) contain Town policies or aspirational statements that are not legal or regulatory in nature. Policies are subjective and can change with changing conditions. Laws are objective, subject to legal scrutiny by the courts, and are required to undergo well-defined and detailed procedures (like advertised public hearings) before being changed. Policies are important tools for ensuring the Town functions as intended for its residents, and policies should be well documented and available for review by the public, but not in the Town Code. One element of this Town Code update project is a designated location for the assembly and documentation of Town policies outside the Town Code.

- **WHY IS THE TOWN UPDATING THE TOWN CODE?**

- The Town Code was "recodified" (or updated) fairly recently in 2009. However, there have been numerous changes in state and federal laws since 2009 that are not reflected in the Town's standards. Additionally, many aspects of the current code are obsolete, confusing, or do not support the contemporary goals of the Town.

The Town is choosing to update the Town Code in order to come into compliance with new laws such as limitation on controls over single-family homes, telecommunications towers, signage, and others. Additionally, through this update, the Town will address confusion about issues such as the auxiliary police force, cemetery fees, and CAMA regulations.

The Town Code will be also be updated to reflect the Town's current development pattern: most of the Town is built out, and the majority of new development will likely be infill or redevelopment. Infill and redevelopment require differently tailored development standards that include additional flexibility and options.

The Town is also considering consolidating and reorganizing several code sections that pertain to land use and development into a Unified Development Ordinance (UDO). Reorganizing development-related regulations into a consolidated and well-illustrated UDO is another way for the Town's development regulations to be made more predictable, user-friendly, clear, and efficient.

- **WILL THIS PROJECT LOOSEN OR 'RELAX' THE TOWN'S CURRENT STANDARDS?**

- Some residents have expressed concerns that the Town Code rewrite project will result in a wide scale reduction in the Town's standards for development quality. This is not the intent or objective of the project. There are new state laws that bar the Town from applying design controls to single-family and two-family developments. There are also new state laws that bar the Town from adopting environmental standards for stormwater and riparian areas that are more restrictive than any applicable minimum state standards. There is new legal precedent from the United States Supreme Court that indicate signage rules that regulate based on sign content (the text or imagery on the sign) are likely unconstitutional. The Town Code project does intend to address these evolving state laws and federal precedent as means of ensuring the Town is not subject to legal challenge.

Some stakeholders have indicated that the interaction between the current residential building heights, limitations on fill, and elevation above base flood requirements combine to make development on the Town's remaining vacant lots difficult. It has been suggested that the Town explore ways to incorporate more flexibility into the Town Code to allow owners of vacant lots which are difficult to build on to realize their investment goals while also protecting the established community character. This issue may be considered since development of vacant lands and redevelopment are the only means by which residents and landowners will be able to meet their future housing needs.

The decision on whether or not to include additional flexibility in the Town Code to address these kinds of situations rests solely with the Town's elected officials.

- **HOW WILL THIS UPDATE PROCESS WORK?**

- This project is divided into four tasks. Task 1, Project Initiation, was completed in October 2015. During Task 1, the consulting team spent two days in Southern Shores to meet with Town staff, conduct key stakeholder interviews, tour the town, and conduct a kick off meeting with the Technical Group and the public.

In Task 2, Code Assessment, the consulting team will review the current Town Code and make recommendations as to changes and additions. These recommendations will be reviewed by staff and the Technical Group and undergo two rounds of revisions before being presented at a Public Forum. The public will have an opportunity to review the suggestions and make additional comments on changes to be considered by the Technical Group and the consulting team.

In Task 3, Code Drafting, the consulting team will update the entire Town Code in three groups of chapters, or modules. Each module will go to staff and the Technical Committee, undergo revisions, and have example graphics added. Updates from all three modules will be presented at a second Public Forum. As with the Code Assessment in Task 2, the public will have an opportunity to review the suggestions and make additional comments on changes to be considered by the Technical Group and the consulting team.

In Task 4, Adoption, the consulting team will consolidate all three modules of chapters along with any revisions resulting from the public forum and all graphics into a single

document. This document will go to the Planning Board for a public hearing. Revisions in response to comments from the Planning Board and the public will be made, then the document will be transmitted to the town for adoption by Town Council through the public hearing process.

- **WHAT IS THE PROJECT SCHEDULE?**

- This project is expected to take about 14 months. The consulting team is currently working on Task 2, Code Assessment, which is expected to conclude in late January 2016. Task 3, Code Drafting, is expected to take six months and conclude in July 2016. Task 4, Adoption, is the final task and is expected to conclude in December 2016.

- **WHO IS DOING THE WORK?**

- CodeWright Planners, LLC is the consulting firm retained by the Town to assist planning staff with the revisions to the current Town Code. They will be working directly with a Technical Group, the Planning Board, and the Town Council, as well as receiving input from all interested residents and stakeholders within the Town.

CodeWright is a small planning and zoning firm in Durham, NC. The firm is currently working with numerous communities across the state to update and improve their planning and regulatory documents. More information on the firm can be found at [www.codewright.info](http://www.codewright.info).

- **WHAT WILL THE FINAL PRODUCTS INCLUDE?**

- The final product of this project will be an updated Town Code that includes clear, predictable regulations in a more user-friendly format.

This project will also reorganize the development regulations inside the Town Code to be easier to understand and more predictable. The development regulations for Southern Shores will be housed within the Town Code and are intended to be better organized and more user-friendly.

- **HOW WILL THE TOWN COUNCIL BE INVOLVED?**

- Town Council is the governing body who ultimately choose to adopt an updated Town Code.
- One member of Town Council will also serve on the Technical Group to offer the Council's perspective on the details of the project and to keep Council as a whole informed throughout the process.

- **HOW WILL THIS PROCESS AFFECT THE ZONING ON MY PROPERTY?**

- It won't affect your current zoning.
- There are no plans at this time to change the zoning map or districts of the Town. As a nearly built-out, mature town, Southern Shores is not in need of a zoning overhaul, and that is not the focus of this project.
- There will likely be some changes made to development procedures and to the district standards for new development in order to ensure that the Town can meet its current vision and goals.

- **HOW CAN I STAY INFORMED OR GET INVOLVED?**

There are a number of planned public meetings during which you can learn about the project and give input on the process:

- The first Public Forum will take place near the end of Task 2, Code Assessment, in late January or early February 2016.
- The second Public Forum will take place near the end of Task 3, Code Drafting, in late July or early August 2016.
- There will be at least one public hearing during Task 4, Adoption, in late 2016.
- Additionally, all Technical Group meetings are open to the public.

Draft copies of all work products, scheduling details for all meetings, and any other public input opportunities will be posted on this site.

- **HOW CAN I ASK A QUESTION OR MAKE A COMMENT?**

- You can send an e-mail to the project e-mail site at [tosstowncode@gmail.com](mailto:tosstowncode@gmail.com) and a member of the consulting team will respond.
- You may also contact the Town's project manager, Wes Haskett, at [whaskett@southernshores-nc.gov](mailto:whaskett@southernshores-nc.gov) with any questions or comments.