

**SUGGESTION: Restore the 14-person septic-capacity limitation to detached single-family dwellings that are permitted in the Town's various residential districts. There is no need to differentiate transient occupancies. Amend Sec. 36-202, regarding the RS-1 single-family residential district to read:**

**[(b)Permitted uses:]**

- (1) Detached single-family dwellings that have septic-system capacity for no more than 14 people. Single-family dwellings with greater septic-system capacity are prohibited.**

**(This language would be repeated in Sec. 36-203, the RS-8 multifamily residential district; Sec. 36-204, the RS-10 residential district; and Sec. 36-205, the R-1 low-density residential district.)**

**Planning Board special meeting, Jan. 2, 2019**

**SUGGESTION: Amend Southern Shores Town Code 36-202(d)(9), “Maximum size of single-family dwellings” in the RS-1 single-family residential district, to read:**

**Single-family dwellings built on lots that are 20,000 square feet or larger shall not exceed 6,000 square feet of enclosed living space. Single-family dwellings built on lots that are between 15,000 and 19,999 square feet shall not exceed 4,000 square feet of enclosed living space. Single-family dwellings built on lots that are between 10,000 and 14,999 square feet shall not exceed 3,500 square feet. Single-family dwellings built on lots that are 9,999 square feet or smaller shall not exceed 3,000 square feet of enclosed living space.**

**(This language would be repeated in Sec. 36-203, the RS-8 multifamily residential district; Sec. 36-204, the RS-10 residential district; and Sec. 36-205, the R-1 low-density residential district.)**

**Summary:**

**20,000 sf or greater: 6,000 sf**

**15,000 to 19,999 sf: 4,000 sf**

**10,000 to 14,999 sf: 3,500 sf**

**9,999 sf or smaller: 3,000 sf**

**Planning Board special meeting, Jan. 2, 2019**

**SUGGESTION: Restore the pre-Jan. 22, 2016 definition of “family,” in Town Code sec. 36-57, by eliminating the phrase about the Vacation Rental Act, but amend it slightly to include “unless all members are related by blood, marriage, *adoption, or law. . .*”**

1. What is a “single-family dwelling” in Southern Shores?

A “dwelling, single-family” is defined in Town Code sec. 36-57 as “a detached building designed for or occupied exclusively by one family.”

2. How does the Town Code define “family”?

“Family” is defined in sec. 36-57 as “one or more persons occupying a single-family dwelling unit, provided that unless all members are related by blood or marriage *or that the dwelling unit is being used as a vacation rental under the North Carolina Vacation Rental Act (N.C.G.S. Chap. 42A)*, then no such family shall contain more than five persons.”

Before Jan. 22, 2016, when the Town Council approved the zoning text amendment on maximum house size, the Town Code defined a family without the italicized reference to the N.C. Vacation Rental Act. This phrase was inserted in every large-house ZTA considered by the Council then.

Therefore, before Jan. 22, 2016, a single-family dwelling was a detached building designed for or occupied exclusively by an unlimited number of persons, all of whom were related by blood or marriage, or, lacking such familial bonds, by no more than five persons. The bedroom and septic-capacity restrictions were also in place.

The definition before the January 2016 amendment is standard language in the North Carolina Residential Code.

The Kitty Hawk Town Code currently has the same definitions of “dwelling, single-family” and “family” as the Southern Shores Code—absent the N.C. Vacation Rental Act reference. The Codes of KDH, Nags Head, and Duck all have variations on these two definitions. None refers to the Vacation Rental Act.

### **3. What does the N.C. Vacation Rental Act say about a “single-family” dwelling or home?**

Only this: In the definitions section of the Vacation Rental Act, which is N.C. General Statutes sec. 42A-4(2), a “residential property” is defined as:

"an apartment, condominium, *single-family home*, townhouse, cottage, or other property that is devoted to residential use or occupancy by one or more persons for a definite or indefinite period."

A "vacation rental" is defined under the Act as "the rental of residential property for vacation . . . for fewer than 90 days by a person who has a place of permanent residence to which he or she intends to return."

It would appear that the Town of Southern Shores has applied the new definition of “family” so as to allow any vacation rental house that is occupied by “one or more persons,” to be built in the single-family residential district. (E.g., the house SAGA is building at 98 Ocean Blvd.)

In other words, the Vacation Rental Act has been used to circumvent the intent, purpose, and scope of the Town’s low-density/low-impact zoning plan.

The "intent" behind establishing the RS-1 single-family residential district is clearly set forth in Town Code sec. 36-202:

"The RS-1 district is established to provide for the low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area. The district is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environmental and adjacent land uses."

Similar language appears in the Town’s land-use plan.