



Town of Southern Shores

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

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

www.southernshores-nc.go

April 2, 2019

COUNCIL MEETING-5:30 P.M.-PITTS CENTER

1. Opening
 - A. Call Meeting to Order (all citizens interested in offering Public Comment are reminded to sign up.)
 - B. Pledge of Allegiance
 - C. Moment of Silence
 - D. Amendments to / Approval of Agenda
 - E. Consent Agenda **TAB 1**
 1. Council Meeting Minutes – February 26, 2019 & March 5, 2019
 2. Proclamation -Child Abuse Prevention Month, April 2019
2. New Business
 - A. Public Hearing - On Coastal Engineer's (APTIM) recommendations for beach nourishment in year 2022. **TAB 2**
 - B. Consideration of Budget Amendment #11 – for APTIM to perform Beach Surveys in June 2019.
3. Staff Reports
 - A. Deputy Town Manager/Planning Director
 - B. Police Chief
 - C. Fire Chief, Southern Shores Volunteer Fire Department
 - D. Town Manager's Report
 - E. Town Attorney's Report
4. General Public Comment (Limit: 3 minutes per speaker.)

(Note: All matters heard or considered by the Council are subject to possible action by the Council.)
5. Old Business
6. New Business-Continued
 - C. Public Hearing - to consider ZTA-19-01 (ZTA 19-01 including ZTA 19-01CUP), a Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Southern Shores Town Code by amending Section 36-57, Definition of Specific Terms and Words; 36-202, RS-1 Single-family Residential District; 36-204, RS- 10 Residential District; and 36-205, R-1 Low-density Residential District. [Council adoption was recommended by the Planning Board on March 18, 2019 for ZTA 19-01 / Planning Board did not recommend ZTA 19-01CUP.] **TAB 3**
 - D. Public Hearing - to consider ZTA-18-10, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Southern Shores Town Code by adding Sec 36-209, RSOF-1 Single-family Ocean Front Overlay Residential District. [Council adoption was not recommended by the Planning Board on January 22, 2019.] **TAB 4**
7. General Public Comment (Limit: 3 minutes per speaker.)
8. Other Business
 - A. Mayor's Comments & Responses
 - B. Council Member's Comments & Responses
9. Adjourn



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Child Abuse Prevention Month, April 2019 Proclamation

Proclamation # 2019-04-01

Whereas, children are vital to our state's future success, prosperity and quality of life as well as being our most vulnerable assets;

Whereas, all children deserve to have safe, stable, nurturing homes and communities they need to foster their healthy growth and development;

Whereas, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community;

Whereas, communities that provide parents with the social support, knowledge of parenting and child development and resources they need to cope with stress and nurture their children ensure all children grow to their full potential;

Whereas, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community;

Therefore, we, the Town of Southern Shores do hereby proclaim

April as Child Abuse Prevention Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

Tom Bennett, Mayor
Town of Southern Shores

Date



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February 26, 2019- COUNCIL PLANNING SESSION MINUTES

February 26, 2019 Minutes: The Town of Southern Shores Town Council met in the Pitts Center located at 5377 N. Virginia Dare Trail at 9:00 a.m. on Tuesday, February 26, 2019 to conduct a planning session.

COUNCIL MEMBERS PRESENT: Mayor Bennett, Mayor pro tem Chris Nason, and Council Members Fred Newberry, Jim Conners and Gary McDonald.

OTHERS PRESENT: Fire Chief Ed Limbacher, Town Manager Peter Rascoe, Deputy Town Manager/Planning Director Wes Haskett, Finance & Human Resource Officer Bonnie Swain, Town Clerk Sheila Kane and Town Attorney Robert Hobbs

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

Mayor Bennett called the meeting to order at 9:00 A.M., led the Pledge of Allegiance, and held a moment of silence.

SOUTHERN SHORES VOL. FIRE DEPT. FACILITIES CONSTRUCTION AND FINANCING REPORT (CHIEF LIMBACHER)

Council received a brief update from SSVFD Fire Chief Ed Limbacher on the current progress of site clearing and commencement of construction of his Department's new fire station. Also present at the planning session was Town Attorney Robert Hobbs to brief the Council on the SSVFD lender's communication of requested changes to the current 10-year contract between the SSVFD and the Town of Southern Shores. Sometime after the Town entered into the new contract, the Town Attorney and Town Manager were notified by the lender's local closing attorney that due to the type of financing mechanism being provided the SSVFD by its lender, certain changes in the SSVFD's new contract with the Town were being requested in order for the lender to protect its security interest. Attorney Robert Hobbs presented three documents for Council consideration/approval.

- Comprehensive Declaration of Easements
- Assignment of Fire Services Contract
- Amended and Restated Fire Services Contract

MOTION: Mayor Bennett moved to approve all three documents as presented by Town Attorney Robert Hobbs. The motion was seconded by Councilman Conners and passed unanimously (4-0).

Southern Shores Volunteer Fire Department

Progress report

2/20/2019



Site Status



- I have been on the site each day to meet with Gregory Peck (Superintendent for A. R. Chesson) to discuss any issues or problems.
 - Demo is complete
 - Site work is 95% complete
 - Last Friday, all the tree stumps were removed. This was somewhat of an issue due to all the power lines along Pintail Trail. However, we are fortunate that our Asst. Chief, Ronnie Carlson, is also a supervisor for Dominion Power, which made it easier to work through this issue. At this point, most of the site prep is complete.
-

Soil Remediation



- A representative from McCallum Testing was on site each day to direct and approve how much soil was necessary to take out. (This was so the contractor removed only what was necessary, basically saving money)
 - I am waiting for a final report from SCN on the soil remediation quantities and if there will be any additional costs associated with this work.
-

Issues to Date



- DPW gate – Chesson has redesigned the gate.
 - The original gate was a bi-fold wooden gate.
 - The new gate will be able to be rolled open and closed and will be much more durable. Greg and I met with David Bradley and advised him as to the gate design and progress. The gate has been installed, they are working on the driveway, hopefully it will be done in a week or so.
 - Citizen complaint – A resident from Foxwood Circle complained when the company doing the site work was using a vibrating roller to compact the site. After the complaint, they used a different method to complete the work.
-

Moving forward – next phase



- The next phase will be setting the footer.
 - Greg said he expects to begin this process on Wednesday.
-

Financing



- Financing has changed, we were able to negotiate a better rate which if you remember was 3.71, the new rate is 3.15.
- As everyone remembers the payment at 3.71 was \$333,551.96 annually.
- Under the new rate the payment will be \$314,020 annually.
- That is a savings of \$19,531 per year or \$488,299 over the life of the loan.

TOWN FACILITIES ASSESSMENT REPORT - OAKLEY COLLIER ARCHITECTS, PA (TIM OAKLEY AND ANN COLLIER)

At Council's February 20, 2018 Planning Session meeting Council unanimously voted to direct the Town Manager to budget for a facilities assessment in the FY2018-2019 budget (Motion made by Mayor Bennett and seconded by Council McDonald).

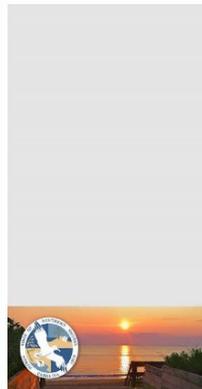
Town Manager Peter Rascoe stated the Town Hall building itself has three deficiencies noted by staff; work flow, confidentiality, and deficiency of space. Also noted by the consultants were security issues, no protection for employees.

Conditions Assessment Options

Town of Southern Shores

Oakley Collier Architects

February 26th, 2019 / #18033



Condition Assessment Findings

Town Hall Year: 1936 SF=2,900
 - Inefficient Layout
 - Functionally Obsolete
 - Code Deficiencies

Police Dept Year: 1936 SF=2,665
 - Lacking Security Upgrades
 - Functionally Obsolete
 - Insufficient Vehicular Circulation

Kern P. Pitts Year: 1999 SF=4,000
 - Inefficient Layout
 - Inadequate Construction for Modifications
 - Code/Accessibility Deficiencies

Public Works Year: 2001 SF=3,000
 - Insufficient Staff Support Space
 - Does Not Meet Space Needs
 - Code/Accessibility Deficiencies

Town Hall



Police Dept



Kern P. Pitts



Public Works



Option 1

(Improve Building Deficiencies/Expand Police Dept)

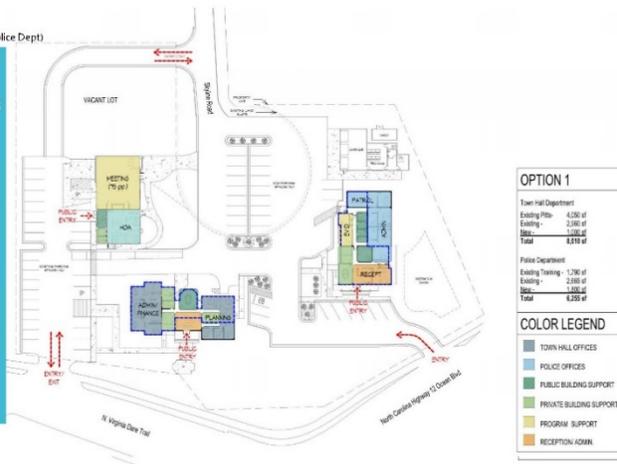
Design Benefits

- Improves building deficiencies
- Brings buildings up to code
- Provides parking (60 total)
- Provides access to/from site
- Improves vehicular access
- Expands Police Department
- Expands Town Hall

Challenges

- Three building systems to maintain
- Town Hall Efficiency

Total SF: 14,265 SF
 Cost: \$2,141,297



Option 2

(New Town Hall/Expand Police Department)

Design Benefits

- Improves building deficiencies
- Brings buildings up to code
- Provides more functional space for Town Hall Departments
- Provides parking (88 total)
- Provides access to/from site
- Improves vehicular access
- Expands Police Department

Challenges

- Departments are still separate
- Two building systems to maintain
- Provides no sally port

Total SF: 16,255 SF
 Cost: \$5,109,059



Option 3

(New Town Hall & Police Department)

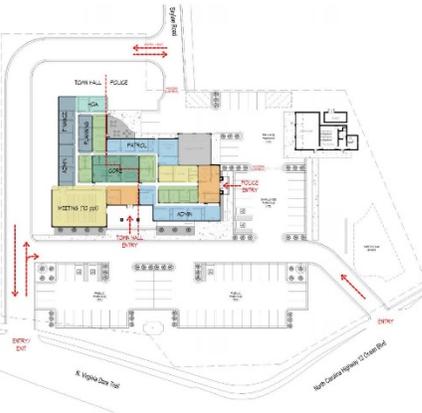
Design Benefits

- Meets town needs future/current
- Brings all programs together
- One set of building systems to maintain
- Provides parking (72 total)
- Provides access to/from site
- Improves vehicular access

Challenges

- Largest upfront cost

Total SF: 17,290 SF
Cost: \$5,917,190



OPTION 3	
Town Hall Department	
Existing Floor	9,4
Existing	9,4
New	8,225
Total	17,625
Police Department	
Existing Floor	1,725
Existing	1,725
New	2,000
Total	3,725
New Facility	15,525

COLOR LEGEND	
[Blue Box]	TOWN HALL OFFICES
[Light Blue Box]	POLICE OFFICES
[Green Box]	PUBLIC BUILDING SUPPORT
[Light Green Box]	PRIVATE BUILDING SUPPORT
[Yellow Box]	PROGRAM SUPPORT
[Orange Box]	RECEPTION AREAS

Option 1 (PW)

(Improve Building Deficiencies) Expand Public Works

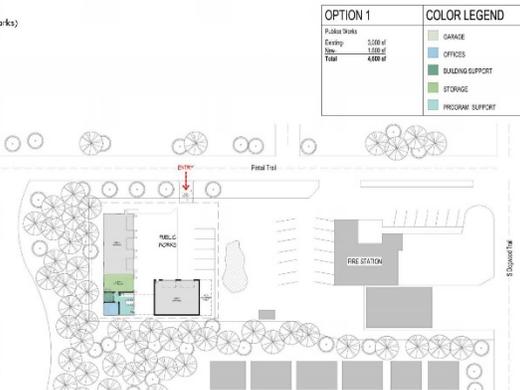
Design Benefits

- Improves building deficiencies
- Brings buildings up to code
- Provides access to road
- Provides addition storage
- Provide additional garage bays

Challenges

- Site Limitations
- Offsite storage (EMS)

Total SF: 4,600 SF
Cost: \$476,895



OPTION 1	
Public Works	
Existing	1,000
New	1,100
Total	4,600

COLOR LEGEND	
[Light Blue Box]	GARAGE
[Blue Box]	OFFICES
[Green Box]	BUILDING SUPPORT
[Light Green Box]	STORAGE
[Yellow Box]	PROGRAM SUPPORT

PROJECT BUDGET SUMMARY

Properties Condition Assessment

PLANNING COST ANALYSIS	
Option One	
Scope of Work	Extended
Town Hall- Renovate & Addition	\$609,585
Pitts Building- Code Deficiencies	\$197,350
Police Station- Renovate & Addition	\$843,510
Police Training- Code Deficiencies	\$20,500
General Sitework	\$200,000
Construction + Soft Costs Total	\$2,141,297

PLANNING COST ANALYSIS	
Option Two	
Scope of Work	Extended
Demo	\$200,000
New Town Hall	\$2,400,000
Police Station- Renovate & Addition	\$1,443,510
Police Training- Code Deficiencies	\$20,500
General Sitework	\$400,000
Construction + Soft Costs Total	\$5,109,059

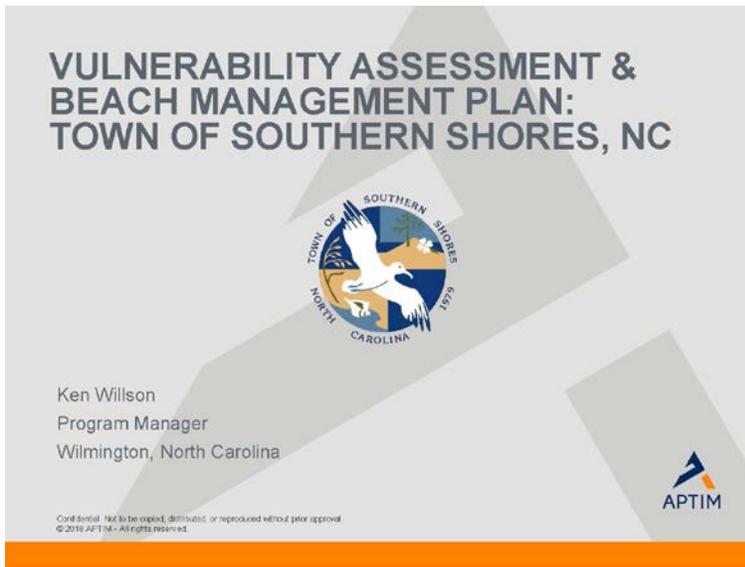
PLANNING COST ANALYSIS	
Option Three	
Scope of Work	Extended
Demo	\$200,000
New Town Hall/Police Station	\$4,650,000
Police Training- Code Deficiencies	\$20,500
General Sitework	\$400,000
Construction + Soft Costs Total	\$5,917,190

PLANNING COST ANALYSIS	
Public Works	
Scope of Work	Extended
Public Works- Renovate & Addition	\$374,775
General Sitework	\$50,000
Construction + Soft Costs Total	\$476,895

BREAK (10:05-10:25 a.m.)

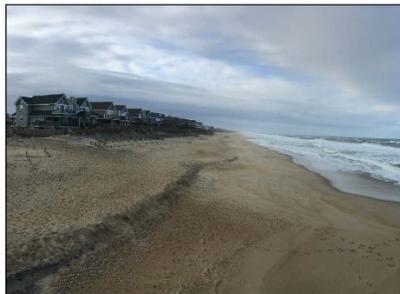
Mayor Bennett called a brief recess.

BEACH MANAGEMENT PLAN REPORT - APTIM COASTAL PLANNING & ENGINEERING OF NORTH CAROLINA, INC.
(KEN WILSON)



PRESENTATION OUTLINE:

1. *Introduction/Background*
2. *Vulnerability Analysis*
3. *Project Extent / Project Volume*
4. *Cost*
5. *Schedule*
6. *Recommendations*



INTRODUCTION / BACKGROUND:

- ▶ *2 Parts: Storm Vulnerability Analysis & Development of Beach Management Plan*
- ▶ *Stated Goals of Beach Management Plan:*
 - > provides a reasonable level of storm damage reduction to public and private development
 - > mitigates long-term erosion that could threaten public and private development, recreational opportunities, and biological resources
 - > maintains a healthy beach that supports valuable shorebird and sea turtle nesting habitat
- ▶ Beach Management Plan aims to coordinate the efforts of Southern Shores with neighboring communities in Dare County to achieve cost savings where possible
- ▶ Establishes eligibility for the Town to recoup sand losses from coastal storms through FEMA Public Assistance Program

INTRODUCTION / BACKGROUND:

Project Location and Beach Profiles:



VULNERABILITY ANALYSIS:

- ▶ *SBEACH – Storm Induced Beach Change Model - USACE*
- ▶ *Simulated Multiple Scenarios:*

Table 5. Peak Water Levels Modeled

Scenario	Tide	SLR Rate	Year	Surge (ft)	Tide (ft, NAVD)	Stage (ft, NAVD)
1	Measured	N/A	2003	4.44	1.18	5.62
3	Measured	Measured	2018	4.44	1.41	5.85
4	Spring	Measured	2018	4.44	2.27	6.71
11	Measured	RCP 8.5	2048	4.44	2.19	6.63
14	Spring	RCP 8.5	2048	4.44	3.05	7.49

VULNERABILITY ANALYSIS:



VULNERABILITY ANALYSIS:



VULNERABILITY ANALYSIS:



VULNERABILITY ANALYSIS:



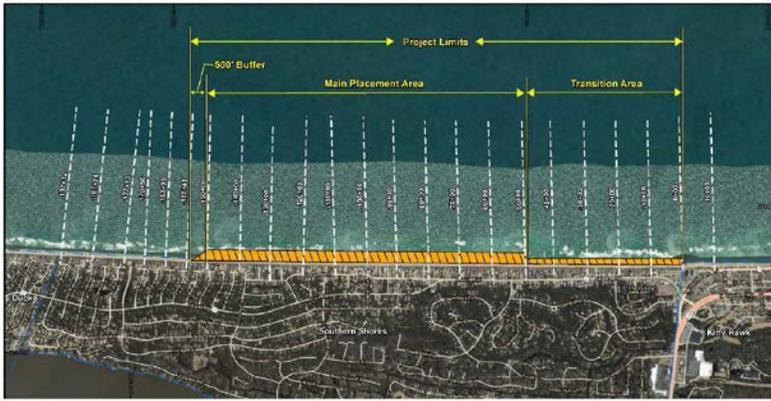
BEACH MANAGEMENT PLAN:

- ▶ *Project Extent*
 - > *Erosion Rates*
 - > *Vulnerability Analysis*
 - > *Beach Volumes*
- ▶ *Project Volume*
- ▶ *Project Schedule*
- ▶ *Project Cost Estimates*

PROJECT EXTENT / PROJECT VOLUME:

- ▶ *Manageable long-term erosion rates*
- ▶ *Current configuration of the dune system provides good protection*
- ▶ *SBEACH Used to determine where dune crest is vulnerable*
- ▶ *Average volume of "healthy beach"*
- ▶ *Which profiles exhibit a sand deficit...*

PROJECT EXTENT / PROJECT VOLUME:



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PROJECT EXTENT / PROJECT VOLUME:

- ▶ Option 1: 45 cy/ft. Main Fill, 30 cy/ft. Transition Fill – 665,650 cy
- ▶ Option 2: 30 cy/ft. Main Fill & Transition Fill – 492,300 cy
- ▶ Option 3: 57 cy/ft. Main Fill, 30 cy/ft. Transition Fill – 803,050 cy



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COST:

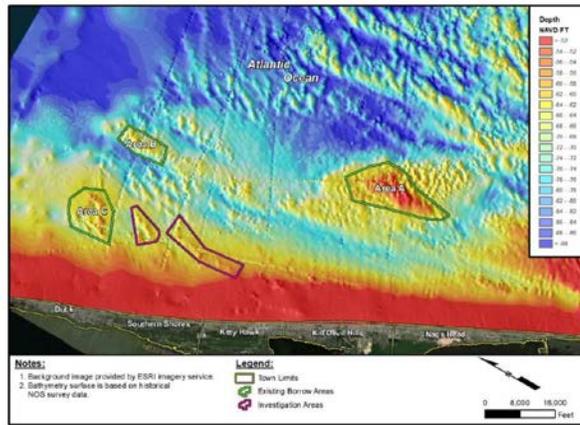
Executive Summary Table 2. Project Option Cost Estimates

Option	Volume (cy)	Permitting / Design Soft Cost	Construction Cost	Construction Soft Cost	Construction Env. Monitoring Costs	Contingency Cost (10%)	TOTAL COST
1	665,650	\$435,000	\$9,708,000	\$219,500.00	\$178,600.00	\$1,053,900	\$11,593,000
2	492,300	\$435,000	\$7,425,000	\$201,500.00	\$129,800.00	\$819,100	\$9,010,400
3	803,050	\$435,000	\$11,443,000	\$233,500.00	\$213,000.00	\$1,232,500	\$13,557,000

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COST:



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SCHEDULE:

Table 12. Proposed Project Schedule for Southern Shores Beach Nourishment Project

Milestone	Start Date	Completion Date	Number of Months
Project Initiations (Interagency Kickoff Meeting)	February-2020	February-2020	1
Borrow Area Development/Refinement	April-2020	February-2021	10
Final Design Work	July-2020	January-2021	6
Federal Permitting	February-2020	June-2021	16
State Permitting	November-2020	June-2021	7
Obtaining Easements for Construction	January-2021	January-2022	12
Development of Construction Plans and Specifications	December-2020	June-2021	6
Solicitation of Bids	June-2021	August-2021	1.5
Award Construction Contract	August-2021	September-2021	1.5
Construction	May-2022	October-2022	5

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RECOMMENDATIONS:

- ▶ Determine Whether to Pursue Project / Which Option To Pursue
- ▶ Begin Coordination with County and Neighboring Communities
- ▶ Initiate Financial Planning
- ▶ Continued Monitoring of the Beach Profiles (2019)

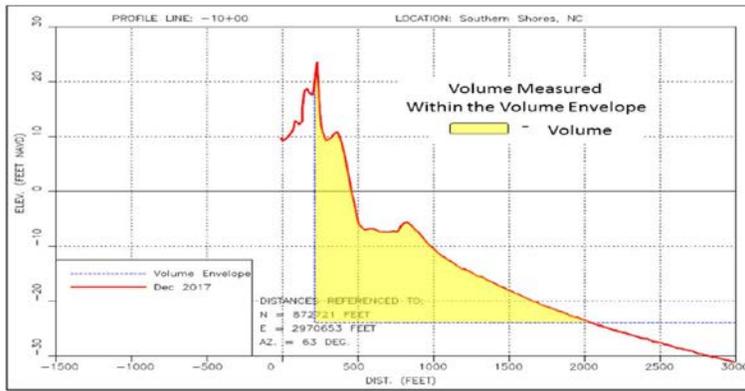
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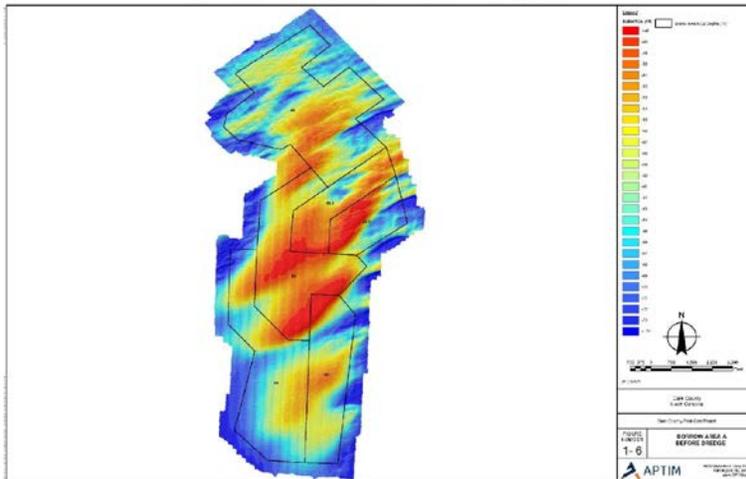
QUESTIONS

Ken Willson
Kenneth.Willson@aptim.com
910 443 4471

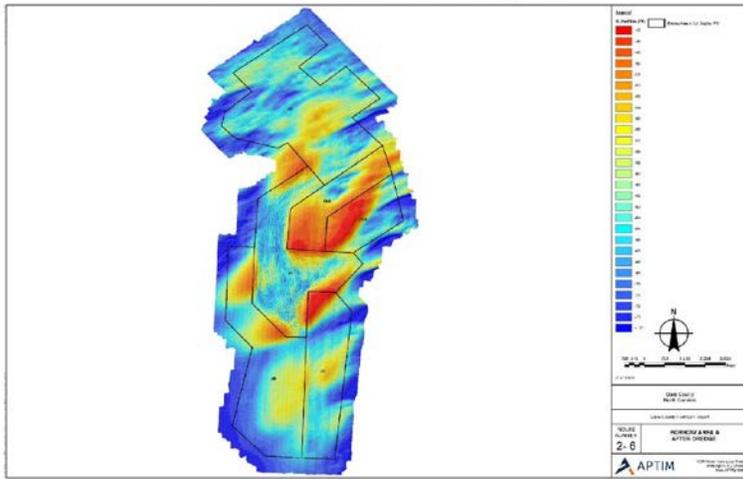
BEACH MANAGEMENT PLAN: PROJECT EXTENT (BEACH VOLUMES)



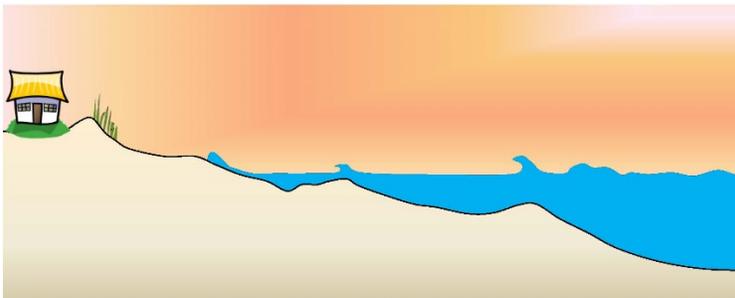
Sand Source For Future Projects



Sand Source For Future Projects

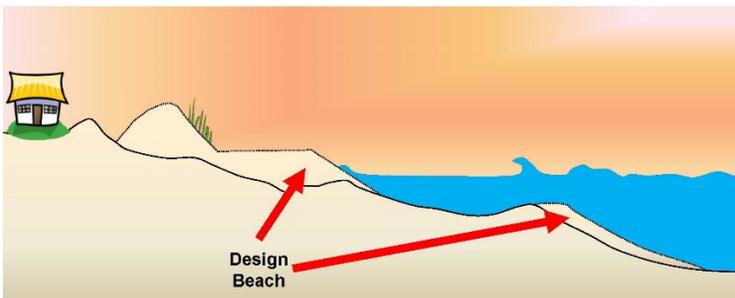


STORM DAMAGE REDUCTION PROJECT



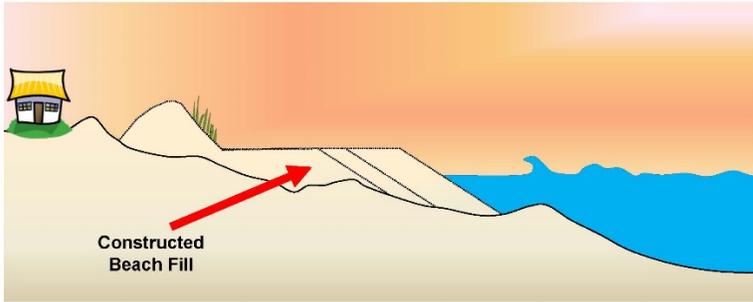
Pre-Project Conditions

STORM DAMAGE REDUCTION PROJECT



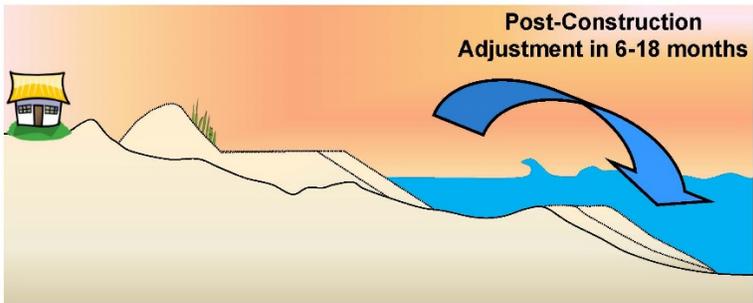
Design Beach

STORM DAMAGE REDUCTION PROJECT



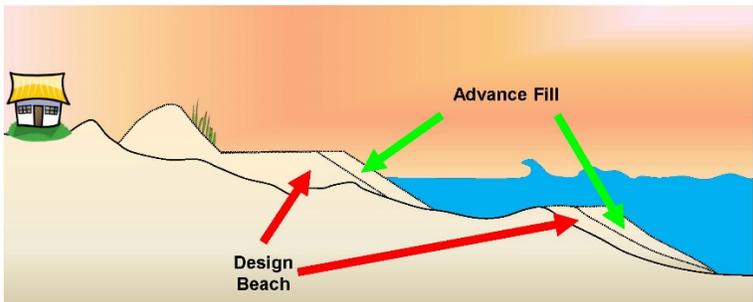
Initial Construction

STORM DAMAGE REDUCTION PROJECT



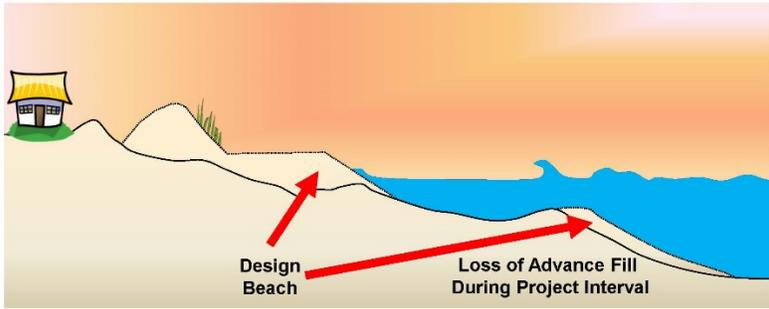
Equilibration of Beach Fill

STORM DAMAGE REDUCTION PROJECT



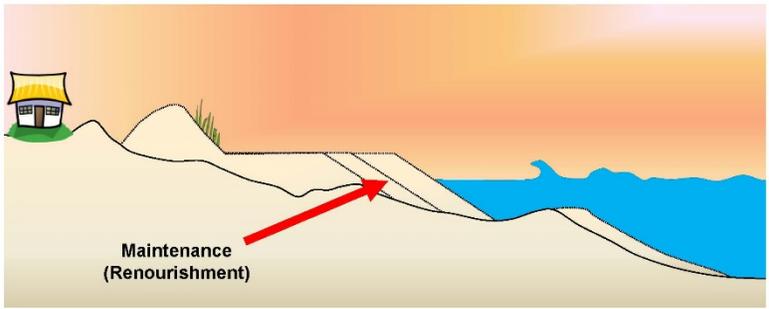
Nourishment Interval

STORM DAMAGE REDUCTION PROJECT



Nourishment Interval

STORM DAMAGE REDUCTION PROJECT

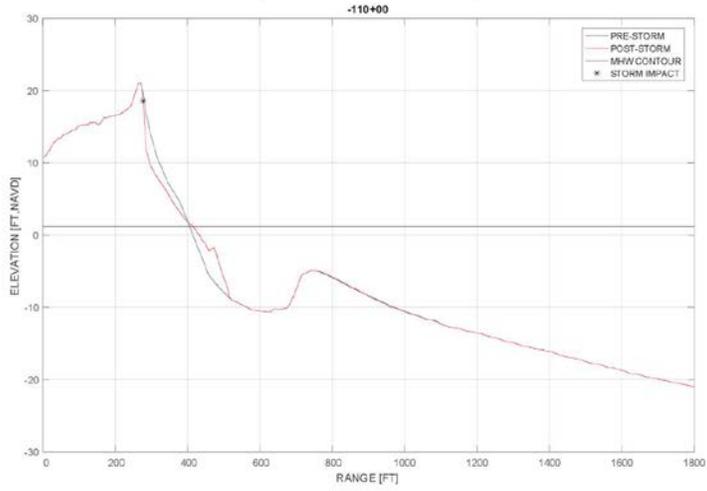


Maintenance = Beach Renourishment

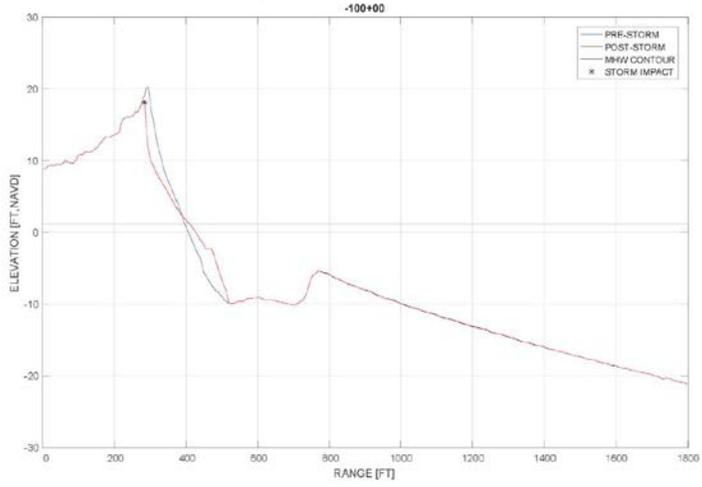
PROJECT EXTENT / PROJECT VOLUME:

- ▶ Rates from 2004 to 2006:
 - > Average rate < 1.0 cy/ft./yr. (-150+00 through 0+00)
 - > Average rate ~ -5 cy/ft./yr. between -140+00 and -40+00)
- ▶ Rates from 2006 to 2017 – Every profile exhibited positive volume change with an average of ~ 3 cy/ft./yr.
 - > 2017 rates on south end reflect placement of fill during 2017 beach project
- ▶ Rates from 2013 to 2017 along northern 3 profiles (N. of Hillcrest Dr.) – 0.4 cy/ft./yr.
- ▶ Anomalous erosion that occurred along south end leading to beach project.

BEACH MANAGEMENT PLAN: PROJECT EXTENT (BEACH VOLUMES)



BEACH MANAGEMENT PLAN: PROJECT EXTENT (BEACH VOLUMES)



FINANCIAL PLANNING - POSSIBLE BEACH NOURISHMENT - DEC ASSOCIATES, INC. (DOUG & ANDREW CARTER)
D.E.C. Associates Inc., a Charlotte-based financial consulting firm presented financial planning and options available for large projects such as beach nourishment.



Town of Southern Shores

Shoreline Protection Project and Financial Planning Discussion

February 26, 2019

Contents

- General Introduction
- Shoreline Protection Financial Planning
- Financing Modes Available
- Services We Provide
- Conclusion/Questions

General Introduction

- Southern Shores recognizes the need for financial planning with particular emphasis on the beach as the primary economic driver
- Town has identified need for nourishment of shoreline and beginning to review alternatives for funding
- Current focus on most cost effective means to meet the need, including methods to raise estimated nourishment costs
- N.C. Statutes provide limited means to finance shoreline protection and likely necessitating partnership with the Town and Dare County
- We are here to discuss the role of financial planning in moving forward with shoreline protection and the long term role it plays in town finances

General Introduction

What is a financial advisor?

- Independent firm that provides advice related to financial management and raising capital
- Registered with the SEC & MSRB

Who is DEC Associates and firm professionals?

- N.C. based advisor, ranked number one by volume for the over 14 years of firm existence for N.C. local government clients
- Provides advice with respect to debt, pay-go and other sources for capital
- Provides financial advice related to financial planning and execution of the plans
- Financial policy development

Shoreline Protection Financial Planning

Importance of financial planning

- Provides a road map
- Sets policies and achievement objectives
- Measures achievement
- Provides for annual review and can change as needed
- Provides for greater financial alternatives
- Provides tool to match needs with priorities

Creation of town-wide financial policies

- Financial metrics – fund balance levels, etc.
- Investment policies
- Debt policies
- Appropriate accounting mode for beach costs

Shoreline Protection Financial Planning

Shoreline protection creates upfront capital investment and operating cost to meet beach objectives

- Borrowing of the initial beach nourishment cost is customary
- Potential for partnership with the County
- Debt service and operating cost for the beach likely would be best accounted for by a separate Beach Fund
- Planning will consume approximately two years potentially

Long term beach maintenance is a continuing cost and process into the future

- Continue to accumulate beach fund future maintenance cost
- Plan for future maintenance capital cost and methods to fund

Financing Modes Available

Pay-Go

Borrowed

- General Obligation Bonds
 - Voter referendum required
 - Authorization Lasts for 7 Years
 - Public hearing process to authorize vote
 - Pledges unlimited tax levy to pay debt service
- Installment Purchase Financing – G.S. 160A-20
 - Voter Referendum not required
 - Requires public hearing
 - Requires pledge of real property for collateral
 - Requires increased time to due to real property pledge
 - Cost of property appraisals and other cost

Financing Modes Available

Borrowed (continued)

- Special Assessment Bonds – G.S. 160A-220
 - Special Assessment would be petitioned by 66% of property to be assessed – a voluntary process
 - Multiple public hearings
 - Able to be blended with another type of borrowing – not likely singular method
 - Requires pledge of property assessment
- Special Obligation Bonds (SOBs) – G.S. 159I-30 – Generally preferred method
 - No voter referendum required
 - State law requires use of municipal service district (MSD)
 - MSD can be formed and levy (or not) a tax inside the district
 - Requires pledge of taxes and/or fees not levied by the town
 - May need partnership with the County

Financing Modes Available

Unique N.C. elements of SOBs

- Selected revenues are identified as source of credit pledge
 - Can only pledge selected tax revenues that are not levied by the Town
 - Any other lawful source of non-tax revenue can be pledged – examples
 - Potential use of inter local agreements
- Revenues for Debt Repayment
 - Pledge of selected Town tax and other revenues and can remain in the General Fund budget as customary
 - Actual revenue sources for debt service could include portion of Occupancy Tax, Town wide property taxes, municipal service district taxes, others?

Services We Provide

- DEC Associates Inc would provide a full "Soup to Nuts" suite of services for the entire shoreline protection project timeline
 - Advise on structure, timing and raising of funds to create the revenue streams to fund the project
 - Creation of funding model projecting revenues and expenditures needed to fund the project and its continual maintenance
 - Creation of calendars through the planning and issuance phases to keep the project on timing
 - Advise on the financial structure and credit package needed to attract banks and favorable interest rates
 - Complete LGC support including presentations, data creation and application process
 - Work in concert with the County and other neighboring Towns to achieve lowest cost of project through timing or coupling of projects

Final Observations

Town Council will need to determine which funding method best accomplishes the goals of the nourishment project

Long term planning is essential – not only for initial project, but future maintenance and beach operating costs as well

Costs and timing will need to be accurately identified in order to begin creating the Financial Plan for funding of nourishment project

DEC would be pleased to assist the Town and its staff in creation of the Financial Plan and implementation of it

COUNCIL COMMENTS

Councilman Newberry stated all three presenters made a point that Southern Shores needs long-term planning. There could be significant financial challenges ahead if Council was to consider what was presented today. It seems like everything that Southern Shores has done has been just in time. A better job at long term planning is needed. He further stated all the presentations were excellent. In April budget items will be considered and how we are going to pay for them.

Mayor Bennett stated he agreed with Councilman Newberry long range planning concept and stated it is Council's function. Council needs to be sitting down and figuring what the needs are and how to prioritize them. He stated he is willing work with Council, involve staff, and establish some guidelines.

Councilman McDonald stated what Council looked at today has between a 17-24-million-dollar price tag. The Fire Department is already out there, an expense that has been budgeted. He said Beach nourishment is something we can't just ignore, so a plan must be developed to do that. The facilities assessment was excellent. If you look at the deficiencies, there is a large amount of money that needs to be spent just to bring the buildings up to standard.

Councilman Conners thanked the Town Manager for arranging today's speakers, He stated he thinks this is a planning meeting and agrees that a little more formalizing of that can be done but Council needs to work together.

Mayor Bennett stated Council working together is critical. Whether Council meets all together in a public venue or as individuals on a committee and report back. He stated he would like to hear Council's thoughts on discussing budgeting, financing and a long-range plan. The Mayor suggested a staff and council committee to start.

Councilman Conners stated he would like to have more planning sessions where full Council and staff are present.

Councilman Newberry stated he would like to hear from the public.

Councilman Conners agreed that he felt public meeting with the full Council involved is the way to go but Council needs to find a way to get the public to attend the meetings.

Town Manager Rascoe interjected stating Council may find that it will be pretty easy to get the public in attendance once you start talking MSD's and what it is going to cost.

TOWN MANAGER COMMENTS

Town Manager Peter Rascoe stated the first item Council heard today that needs to be done this current fiscal year was mentioned by Ken Willson, a survey in June at the cost of \$15,000. Mr. Rascoe recommended that this item be placed on the April agenda as a budget amendment for Council consideration. He stated Council will be able to then decide if they want to continue with the beach nourishment process for sure.

He further stated Council's budget planning sessions are coming up in April. The cost of DEC for two components of the contract, also the cost of Ken Willson's firm, can be considered for FY 19-20. These are items Council could go along and commit to now, as far as beach nourishment. He stated once Doug Carter is under contract, all the things discussed today will fall into place. The question is going to be when and the Town should know by tomorrow as to what type of financial commitment the County can provide.

Councilman McDonald stated he would like to see the beach survey budget amendment on the March agenda because the project needs to be scheduled for June. Town Manager Rascoe stated the March agenda has already gone out and that Mr. Willson said April timeframe is fine.

GENERAL PUBLIC COMMENT

1. Paul Borzellino-16 7th Ave-Supports beach nourishment and would like to see northern end included in the nourishment project. Thanked Council for paying attention to needs. The financial experts brought in for planning session were excellent.
2. Ann Sjoerdsma-69 Hickory-would like a public information session to discuss what went on today. Moving faster than what she would like.

ADJOURN

MOTION: Councilman McDonald moved to adjourn. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0). The time was 12:30 p.m.

ATTEST:

Thomas G. Bennett, Mayor

Respectfully submitted,

Sheila Kane, Town Clerk



Town of Southern Shores
Regular Council Meeting
March 5, 2019

The Town of Southern Shores Town Council met in the Pitts Center located at 5377 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, March 5, 2019.

COUNCIL MEMBERS PRESENT: Mayor Bennett, Mayor pro tem Chris Nason and Council Members Fred Newberry, Jim Conners and Gary McDonald.

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Town Attorney Ben Gallop, Town Manager Peter Rascoe and Town Clerk Sheila Kane

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a moment of silence.

AMENDMENTS / APPROVAL OF AGENDA

MOTION: Councilman Conners moved to approve the March 5, 2019 agenda as presented. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0).

CONSENT AGENDA

The consent agenda consisted of the following items:

- Council Meeting Minutes – February 5, 2019
- Resolution 2019-03-01 Resolution in Support of Continued Funding for The Safe Routes to Schools Program
- Tax Pick up & Releases
- Budget Amendment #8 - Anticipated increased legal costs for the remainder of fiscal year.
- Budget Amendment #9 - Revenue from new copier provider / pass-through for year's current provider cost.
- 2019-2020 GEAC Budget Approval, Interlocal Agreement & Standing Operating Procedures for Government Education Access Channels.
- Budget Amendment #10 – D.A.R.E. Grant Revenue - for expense of School Resource Officer Training

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MOTION: Councilman Conners moved to approve the consent agenda as presented. The motion was seconded Mayor Bennett. The motion passed unanimously (5-0).

STAFF REPORTS

The following Department Heads presented Department reports for the month:

- Town Planner Wes Haskett presented the Planning Department’s monthly report for February. The Planning Board’s next meeting is March 18th.
- Police Chief David Kole presented his Department’s monthly report for February and asked the public to remember to lock their cars as there has been several reports of items stolen from vehicles.

Councilman McDonald asked Police Chief David Kole if there was any update to the vandalism at 62 Ocean Blvd. Chief Kole stated it is still an open and pending investigation.

- Fire Chief Limbacher presented the Fire Department’s monthly report for February and praised all safety personnel involved in the recent fire on Dogwood Trail.
- The Town Manager presented the Manager’s report on operations highlights:
 - The Town Manager attended a planning meeting with Town Managers, Mayors, the County Manager, and the Chairman to the Dare County Board of Commissioners to discuss protocols for utilizing funds in the occupancy tax, beach nourishment fund that the county maintains. The county reported by 2022 there will be 7.5 million dollars in the fund available for new projects (this is not inclusive of maintenance money which has been set aside out of the fund). There are other areas in the county that need beach nourishment but the message from the county appears to be that if Southern Shores would like to participate in the 2022 allocation they would need for the Town to basically pull the trigger and commit to a project as soon as possible. The soon as possible is preferably the first meeting in April if Council is serious about engaging in the beach nourishment project that was discussed by Council on February 26th- Council Planning session. The County reported the next allocation after 2022 would be in 2027. The Town Manager further reported that the 7.5 million would be the county’s share and Southern Shores would be responsible for committing to the other half, matching the funds. In running the numbers, the Town would need to commit to the revenue generated by roughly .08 cents on the current tax base of the Town. If planning pans out and Council chose to hire DEC & Associates the revenue possibly could be raised by municipal service districts, a combination of districts or town wide increase. Southern Shores would need to come up with the revenue raised by .08 cents town wide in order to participate. If Southern Shores is serious about the project in 2022 then Council would need to commit with the county by form of a resolution. This should be placed on the April agenda and Council could certainly hold a public hearing at this time. If Council commits by resolution, the recommendation would be to go ahead and hire DEC and Associates to start planning immediately.

- 88 ○ Mallard Cove Patio Homes Association has requested the Town take over their
89 private street and place their request on the April agenda for Council
90 consideration. The Town Manager has requested a list of documents from the
91 homeowner association to aid Council in their deliberations.
92 ○ Town Attorney Gallop had nothing to report.

93

94 Councilman Connors inquired if the Mallard Cove Homeowner Association had money set aside
95 for street improvement/repairs and if these funds would be turned over to the Town if their
96 request is granted. Town Manager Rascoe stated he has not received any information other
97 than the letter of request.

98

99 **MOTION:** Councilman Connors moved to add further discussion of the beach vulnerability
100 report and beach nourishment project 2022 to the April 2nd agenda. The motion was seconded
101 by Mayor pro tem Nason. Councilman Newberry asked to amend the motion to include a public
102 hearing on beach nourishment. The motion was amended and seconded by Mayor pro tem
103 Nason. The amended motion passed unanimously (5-0).

104

105

106 **GENERAL PUBLIC COMMENT**

107 Mayor Bennett called for public comment and the following citizens offered comment:

- 108 1. Nancy Birindelli-303 Sea Oats-representing the Dare League of Women Voters by
109 distributing the 2019 Citizen Guide.
- 110 2. Anthony Dibernardo-32 Ninth Ave-the most simple, clear and concise way to limit
111 bedrooms is by using septic. Carolina Designs has the new Saga homes advertised as room
112 for 100 guests. Is this a quasi-motel, Air B&B? Council needs to be proactive.
- 113 3. Ann Sjoerdsma-69 Hickory Trail-ZTA 18-09 has never been subjected to a public hearing.
114 Preferential treatment with the Mayor's motion tonight. Not satisfied with disclosure that
115 Mr. Nason gave at the last meeting in regard to his relationship with Mr. Love-his financial
116 arrangements, what benefit has he received and would appreciate a recusal ahead of
117 these motions. "Mr. Love may be threatening litigation. I don't threaten, but I do think an
118 ethics complaint is something to be considered".

119

120

121 **OLD BUSINESS**

122 **Proposal to Adopt Planning Board's Recommendation (PB) of ZTA-18-09 (Non-Conforming 123 Lots)**

124 **MOTION:** Councilman Connors moved that the Town Council adopts ZTA-18-09 alpha as
125 presented to the Town Council by the Planning Board at the Town Council February 5, 2019
126 regular scheduled Town Council meeting. The motion was seconded by Mayor Bennett.

127

128 **MOTION:** Mayor pro tem Nason moved to be recused from this vote per the Town
129 Attorney's guidance. The motion was seconded by Councilman McDonald. The motion passed
130 unanimously (5-0).

131

132 Councilman Connors stated at the last Council meeting, Council was unable to make a decision
133 and that seems to be a developing pattern among the Council. He would like to approve this
134 motion because it solves the original problem, recombination of lots. He stated further
135 research is going to be taken but he sees no reason to keep delaying and delaying. Both Council
136 and the Planning Board have done their jobs. It is a very confusing issue and Council keeps
137 kicking the can down the road. If Council does not adopt this motion, he foresees at least three
138 months or more before it comes back to Council for consideration.

139

140 Councilman McDonald stated Council sent this back to the Planning Board at their last meeting
141 and that he recalls this ZTA is only for changing one lot and that he asked that of the Town
142 Attorney at the last meeting.

143

144 Town Attorney Gallop stated he does not believe that is correct. There are two different
145 changes, one change does deal with one single lot which he addressed when questioned, but
146 the second change addresses multiple lots. Also, Council's action directed staff to go back and
147 identify all the non-conforming lots and bring that back to Council. That passed unanimously.

148

149 Councilman McDonald stated the other thing is that the Planning Board did not act on ZTA PB.
150 They voted on 18-09 at their meeting and directed it be corrected and he stated he assumed it
151 would come back and that would be PB.

152

153 Town Attorney Gallop stated that is incorrect. The Planning Board voted to recommend with a
154 specific change and that recommendation with specific change is ZTA 18-09PB.

155

156 Councilman McDonald asked what is the specific change?

157

158 Town Attorney Gallop stated the specific change can be found on page 2 line 40 "not adjacent
159 to any other land under the same ownership" was the recommendation request, a
160 recommendation with that language included in that spot. That is different than a vote to draft
161 this and bring it back. The Planning Board's vote to recommend with that change and that puts
162 it in front of the board.

163

164 Councilman McDonald thanked Attorney Gallop and questioned since Council sent it back has
165 no action been taken on this ZTA by the Planning Board. He stated he has an issue with a full
166 Council directing it to go back and now Council is bringing it back without giving the Planning
167 Board a chance or opportunity to view it? He further stated, procedure wise it is not in line with
168 what we decided.

169

170 Town Attorney Gallop stated the Council direction was not to send it back to Planning Board
171 but rather to give the Planning Board specific work and staff specific work on determining the
172 non-conforming lots; consider that and come up with another recommendation, that will be
173 different. He stated the motion was not related to this specific provision ordinance anyway.
174 There was a public hearing, it had a recommendation from the Planning Board, and the board
175 can either vote up or down on the motion or it can table it. He further stated he thought it is
176 appropriately here from a procedural perspective for the board to consider.

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Mayor Bennett called for any further discussion.

Councilman Conners stated he would like to add that he is deliberately trying to call a vote on this. He wants the residents to know that at least some Council Members are trying to solve the original problem, and work on this needs to continue.

Councilman McDonald stated that is what we directed at our last meeting.

Councilman Conners called the question and Mayor Bennett called for a vote. The motion failed (2-2) Councilman Conners and Mayor Bennett voting affirmative; Councilman Newberry and Councilman McDonald opposing. (Mayor pro tem Nason recused)

NEXT AGENDA ITEM

Proposal to Refer to Planning Board an Ordinance (To Be Drafted by Staff) Allowing for Sale or Development of Non-Conforming Lots at Least 20,000 SF in Area and Greater Than or Equal to 50 Feet in Width

Mayor Bennett made a motion “have staff draft a ZTA for Planning Board consideration with proposed ordinance language that would allow the sale or development of a non-conforming lot that is at least twenty-thousand square feet in area and greater than or equal to 50’ feet in width”, called for a second and opened the floor for deliberations

Councilman McDonald asked the Mayor if he would amend his motion to include less house size on different size lots. Mayor Bennett stated it would be cumbersome and chose to leave his motion as made.

Councilman Newberry clarified that this would be going back to the Planning Board and Council was not voting on an ordinance this evening. Mayor Bennett confirmed that this was to go to the Planning Board for consideration.

MOTION: Mayor Bennett moved again to have staff draft a ZTA for Planning Board consideration with proposed ordinance language that would allow the sale or development of a non-conforming lot that is at least twenty-thousand square feet in area and greater than or equal to 50’ feet in width. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0).

NEXT AGENDA ITEM

A Discussion About the Membership and Composition of the CIIP Committee

MOTION: Councilman Newberry moved to have the CIIP (Capital Infrastructure Improvement Planning Committee) be solely composed of citizen representatives and that the Councilmen currently on the CIIP should resign from it and their seats be filled by citizen representatives approved by the Council. The motion was seconded by Councilman McDonald.

222 Councilman Newberry stated the Mayor and the Mayor pro tem are on the CIIP committee by
223 default and that he did serve on that committee for a short time but has done a lot of
224 rethinking and believes the committee should solely be made up of citizen representatives that
225 should be able to identify, research and recommend capital improvement projects. This
226 committee should have access to staff resources. Mr. Newberry stated it is pretty obvious
227 Council members were influencing the committee.

228
229 Councilman Nason stated it gets too political and unnecessary. He would rather see it
230 abolished, getting Council off the committee, and allowing staff to do their job.

231
232 Councilman Connors agrees with the politicizing and that the committee should be abolished
233 and turned over to the Town Manager.

234
235 Mayor Bennett stated the CIIP committee has been effective and works well. He is not in favor
236 of abolishing the committee.

237
238 Councilman McDonald stated it is hard to get community members involved and that the CIIP
239 committee does not need to be dissolved. He agrees that Council is an influence on the
240 committee and agrees with Councilman Newberry's motion.

241
242 Hearing no other comments Mayor Bennett called for a vote. The motion failed (2-3)
243 Councilman Newberry and Councilman McDonald voting affirmative; Mayor Bennett, Mayor
244 pro tem Nason and Councilman Connors opposing.

245
246

247 **GENERAL PUBLIC COMMENT**

248 Mayor Bennett again called for public comment and the following citizens offered comment:

- 249 1. Ann Sjoerdsma-69 Hickory Trl-beach nourishment, rush to judgement and one month is
250 not enough time to get word out. Council is doing a great disservice is they "pull the
251 trigger"; on beach nourishment. The issue is whether Southern Shores needs it.

252
253

254 **MAYOR COMMENTS & COUNCIL COMMENTS**

255 Mayor Bennett reiterated that it is the County that has created this timeframe, window of
256 opportunity. Southern Shores can join in or not.

257

258 Councilman Newberry stated he would like to hear from the public on beach nourishment but is
259 not ready to make a decision in April.

260

261 Councilman Connors reminded the public of his meeting scheduled in the Pitts Center on March
262 15th at 6pm on the possibility of a branch library in Southern Shores.

263

264 Councilman McDonald asked that the beach nourishment public hearing be placed at the
265 beginning of the agenda, so the public does not have to wait to be heard. He also asked the Mr.
266 Haskett, Deputy Town Manager/Town Planner if the Town had an events ordinance. Mr. Haskett

267 stated the ordinance addresses facilities where the primary function is to host events and to his
268 knowledge the Town does not currently have any.

269

270 **Consensus of all Council**, to place the beach nourishment public hearing ahead of staff reports on
271 the April 2nd agenda.

272

273

274 **CLOSED SESSION-** Request of the Town Attorney for a Closed Session pursuant to NCGS § 143-
275 318.11(a)(3): to consult with the Southern Shores Town Attorney to preserve the attorney-client
276 privilege with regard to the matter of the Request of Gwendolyn Snyder-Smuts for a Hearing
277 before the Town of Southern Shores Board of Adjustment to appeal a decision of the Town Zoning
278 Administrator [APA-19-01].

279

280 **ADJOURN**

281 MOTION: Upon returning from closed session and hearing no other business, Councilman
282 McDonald moved to adjourn the meeting. The motion was seconded by Mayor pro tem Nason.
283 The motion passed unanimously (5-0). The times was 8:21 p.m.

284

285 ATTEST:

Respectfully submitted,

286

287

288 _____
Thomas G. Bennett, Mayor

Sheila Kane, Town Clerk

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VULNERABILITY ASSESSMENT & BEACH MANAGEMENT PLAN: TOWN OF SOUTHERN SHORES, NC



Ken Willson
Program Manager
Wilmington, North Carolina



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PRESENTATION OUTLINE:

1. *Introduction/Background*
2. *Vulnerability Analysis*
3. *Project Extent / Project Volume*
4. *Cost*
5. *Schedule*
6. *Recommendations*



2



INTRODUCTION / BACKGROUND:

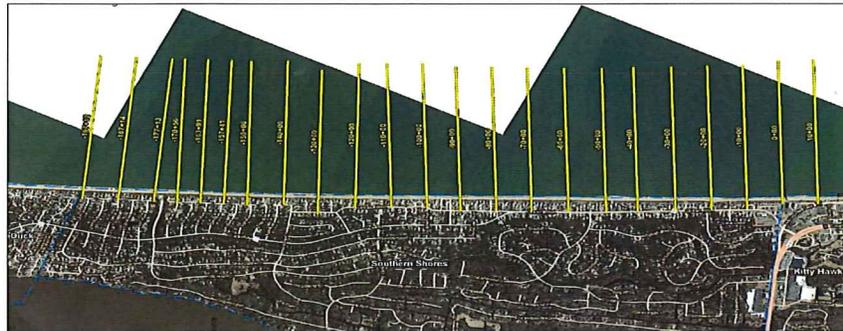
- ▶ *2 Parts: Storm Vulnerability Analysis & Development of Beach Management Plan*
- ▶ *Stated Goals of Beach Management Plan:*
 - > provides a reasonable level of storm damage reduction to public and private development
 - > mitigates long-term erosion that could threaten public and private development, recreational opportunities, and biological resources
 - > maintains a healthy beach that supports valuable shorebird and sea turtle nesting habitat
- ▶ Beach Management Plan aims to coordinate the efforts of Southern Shores with neighboring communities in Dare County to achieve cost savings where possible
- ▶ *Establishes eligibility for the Town to recoup sand losses from coastal storms through FEMA Public Assistance Program*

3



INTRODUCTION / BACKGROUND:

Project Location and Beach Profiles:



VULNERABILITY ANALYSIS:

- ▶ *SBEACH – Storm Induced Beach Change Model - USACE*
- ▶ *Simulated Multiple Scenarios:*

Table 5. Peak Water Levels Modeled

Scenario	Tide	SLR Rate	Year	Surge (ft)	Tide (ft, NAVD)	Stage (ft, NAVD)
1	Measured	N/A	2003	4.44	1.18	5.62
3	Measured	Measured	2018	4.44	1.41	5.85
4	Spring	Measured	2018	4.44	2.27	6.71
11	Measured	RCP 8.5	2048	4.44	2.19	6.63
14	Spring	RCP 8.5	2048	4.44	3.05	7.49



VULNERABILITY ANALYSIS:



BEACH MANAGEMENT PLAN:

- ▶ *Project Extent*
 - > *Erosion Rates*
 - > *Vulnerability Analysis*
 - > *Beach Volumes*
- ▶ *Project Volume*
- ▶ *Project Schedule*
- ▶ *Project Cost Estimates*

10



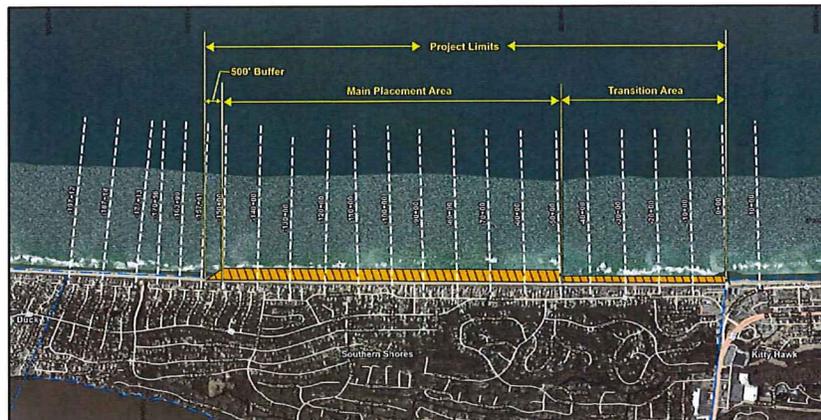
PROJECT EXTENT / PROJECT VOLUME:

- ▶ *Manageable long-term erosion rates*
- ▶ *Current configuration of the dune system provides good protection*
- ▶ *SBEACH Used to determine where dune crest is vulnerable*
- ▶ *Average volume of "healthy beach"*
- ▶ *Which profiles exhibit a sand deficit...*

11



PROJECT EXTENT / PROJECT VOLUME:



12



PROJECT EXTENT / PROJECT VOLUME:

- ▶ Option 1: 45 cy/ft. Main Fill, 30 cy/ft. Transition Fill – 665,650 cy
- ▶ Option 2: 30 cy/ft. Main Fill & Transition Fill – 492,300 cy
- ▶ Option 3: 57 cy/ft. Main Fill, 30 cy/ft. Transition Fill – 803,050 cy



13



COST:

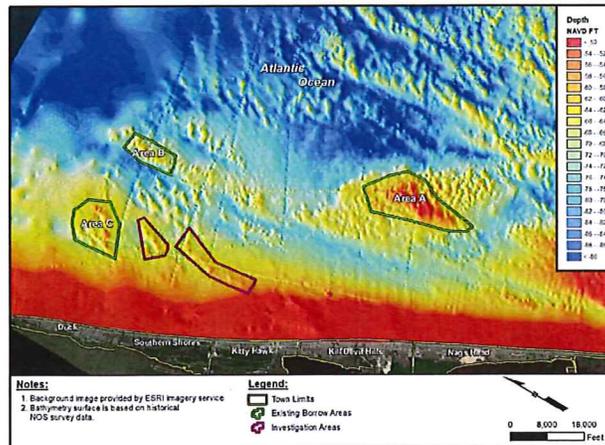
Executive Summary Table 2. Project Option Cost Estimates

Option	Volume (cy)	Permitting / Design Soft Cost	Construction Cost	Construction Soft Cost	Construction Env. Monitoring Costs	Contingency Cost (10%)	TOTAL COST
1	665,650	\$435,000	\$9,708,000	\$219,500.00	\$176,600.00	\$1,053,900	\$11,593,000
2	492,300	\$435,000	\$7,425,000	\$201,500.00	\$129,800.00	\$819,100	\$9,010,400
3	803,050	\$435,000	\$11,443,000	\$233,500.00	\$213,000.00	\$1,232,500	\$13,557,000

14



COST:



15



SCHEDULE:

Table 12. Proposed Project Schedule for Southern Shores Beach Nourishment Project

Milestone	Start Date	Completion Date	Number of Months
Project Initiations (Interagency Kickoff Meeting)	February-2020	February-2020	1
Borrow Area Development/Refinement	April-2020	February-2021	10
Final Design Work	July-2020	January-2021	6
Federal Permitting	February-2020	June-2021	16
State Permitting	November-2020	June-2021	7
Obtaining Easements for Construction	January-2021	January-2022	12
Development of Construction Plans and Specifications	December-2020	June-2021	6
Solicitation of Bids	June-2021	August-2021	1.5
Award Construction Contract	August-2021	September-2021	1.5
Construction	May-2022	October-2022	5

16



RECOMMENDATIONS:

- ▶ *Determine Whether to Pursue Project / Which Option To Pursue*
- ▶ *Begin Coordination with County and Neighboring Communities*
- ▶ *Initiate Financial Planning*
- ▶ *Continued Monitoring of the Beach Profiles (2019)*

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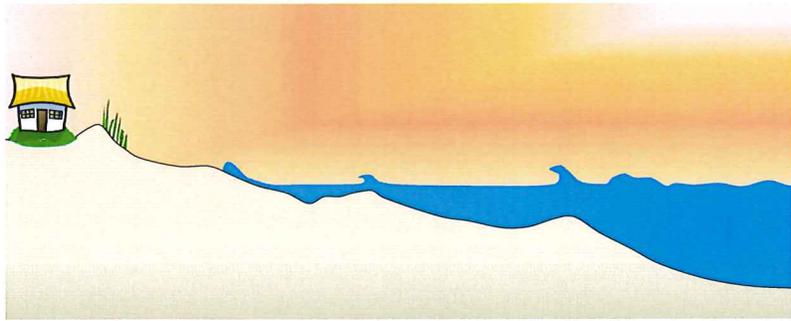
QUESTIONS

Ken Willson
Kenneth.Willson@aplrim.com
910 443 4471

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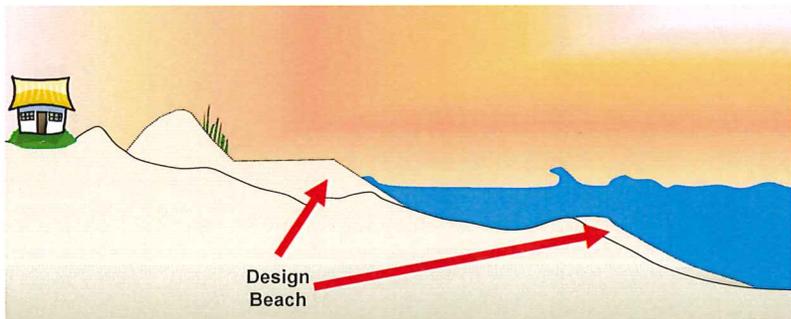


STORM DAMAGE REDUCTION PROJECT



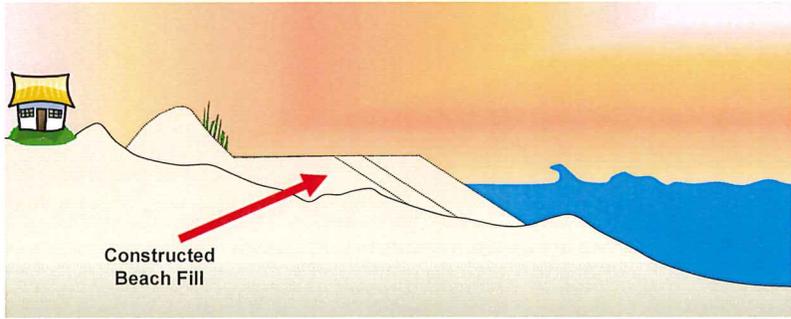
Pre-Project Conditions

STORM DAMAGE REDUCTION PROJECT



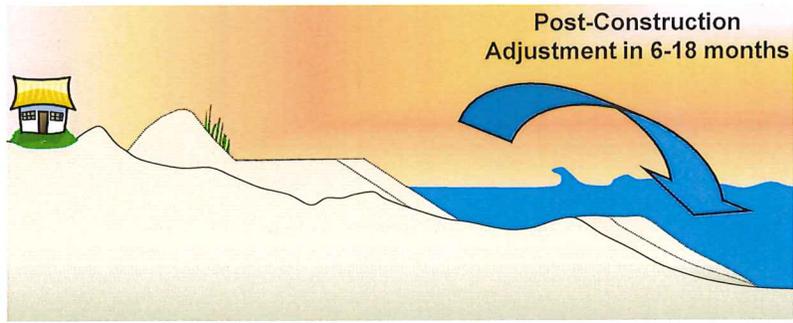
Design Beach

STORM DAMAGE REDUCTION PROJECT



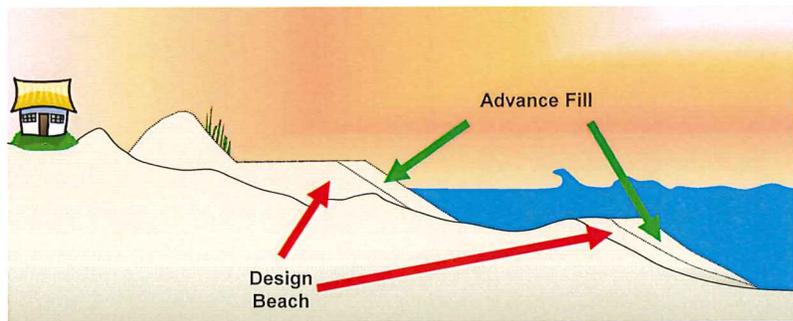
Initial Construction

STORM DAMAGE REDUCTION PROJECT



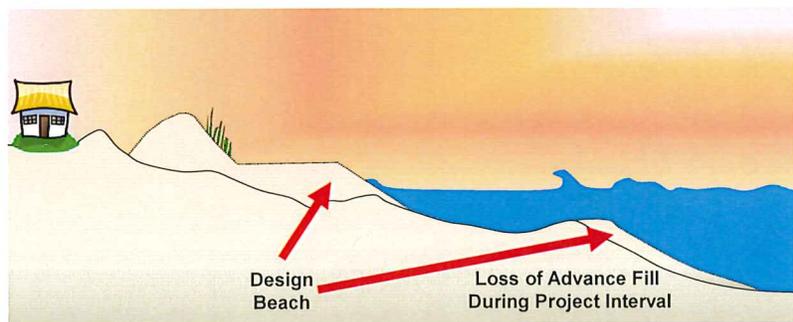
Equilibration of Beach Fill

STORM DAMAGE REDUCTION PROJECT



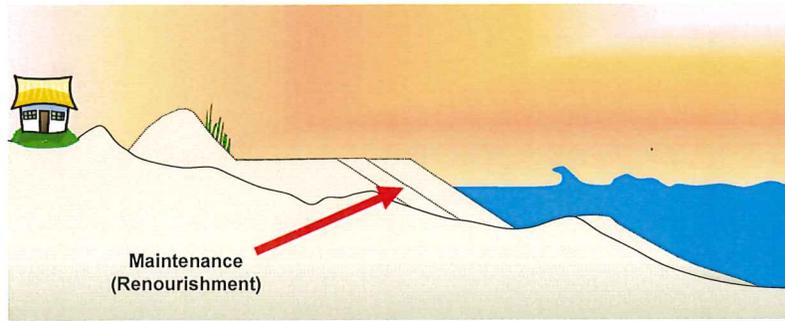
Nourishment Interval

STORM DAMAGE REDUCTION PROJECT



Nourishment Interval

STORM DAMAGE REDUCTION PROJECT

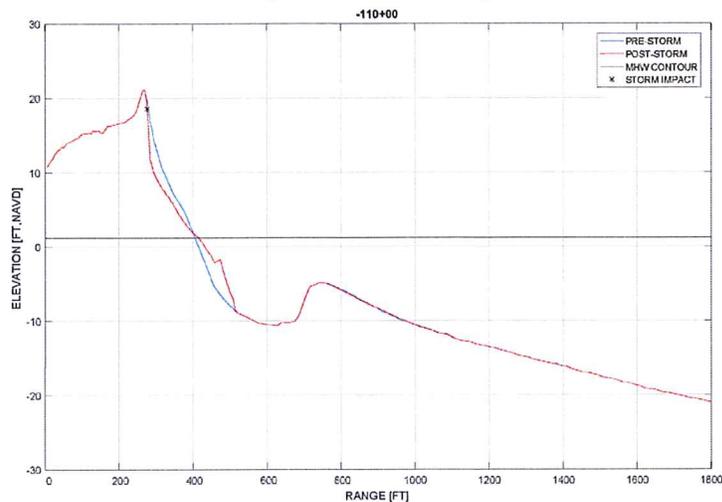


Maintenance = Beach Renourishment

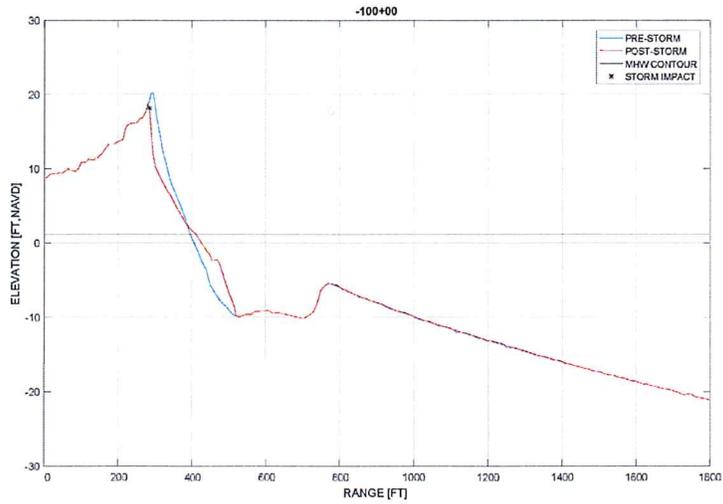
PROJECT EXTENT / PROJECT VOLUME:

- ▶ Rates from 2004 to 2006:
 - > Average rate < 1.0 cy/ft./yr. (-150+00 through 0+00)
 - > Average rate ~ -5 cy/ft./yr. between -140+00 and -40+00)
- ▶ Rates from 2006 to 2017 – Every profile exhibited positive volume change with an average of ~ 3 cy/ft./yr.
 - > 2017 rates on south end reflect placement of fill during 2017 beach project
- ▶ Rates from 2013 to 2017 along northern 3 profiles (N. of Hillcrest Dr.) – 0.4 cy/ft./yr.
- ▶ Anomalous erosion that occurred along south end leading to beach project.

BEACH MANAGEMENT PLAN: PROJECT EXTENT (BEACH VOLUMES)



BEACH MANAGEMENT PLAN: PROJECT EXTENT (BEACH VOLUMES)



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Expect the Extraordinary.

**TOWN OF SOUTHERN SHORES NORTH CAROLINA
VULNERABILITY ASSESSMENT
&
BEACH MANAGEMENT PLAN**



SUBMITTED TO:

TOWN OF SOUTHERN SHORES

SUBMITTED BY:

APTIM COASTAL PLANNING & ENGINEERING OF NORTH CAROLINA, INC.

December 2018

EXECUTIVE SUMMARY

The Town of Southern Shores authorized Aptim Coastal Planning & Engineering of North Carolina, Inc. (APTIM) to conduct a Vulnerability Assessment and develop a Beach Management Plan that can be used by the Town for future planning. The Vulnerability Assessment focusses on potential damage associated with a storm having similar characteristics as Hurricane Isabel, which impacted the Outer Banks in 2003. The Beach Management Plan provides a long-term vision for the Town of Southern Shores to sustain the beaches that support a significant portion of their local economy and maintains the tax base of the Town. In order to sustain the beaches, the Beach Management Plan aims to maintain the Town's oceanfront beach and dune to a configuration that 1) provides a reasonable level of storm damage reduction to public and private development, 2) mitigates long-term erosion that could threaten public and private development, recreational opportunities, and biological resources, and 3) maintains a healthy beach that supports valuable shorebird and sea turtle nesting habitat.

Furthermore, the Beach Management Plan aims to coordinate the efforts of Southern Shores with neighboring communities in Dare County to achieve cost savings where possible. The 2017 beach nourishment project undertaken through a cooperative effort on the part of Dare County, and the Towns of Duck, Southern Shores, Kitty Hawk, and Kill Devil Hills, was implemented in a way that maximized cost savings and cost sharing. In this regard, the Southern Shores Beach Management Plan has been developed in such a way to align with other regional actions to achieve cost-sharing and cost savings. Furthermore, by developing a management plan before the beach reaches a critically eroded state, the Town may be able to maintain a greater level of storm damage reduction.

In addition to providing a higher level of storm damage reduction, implementation of a beach management plan establishes eligibility for the Town to recoup sand losses from coastal storms through FEMA's Public Assistance Program. Typically, coastal communities are eligible for public assistance funds for their beaches through Category B and Category G of the Public Assistance Program authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act. While the Town is currently eligible for Category B assistance, this typically equates to a maximum of 6 cy/lf of sand to form temporary emergency dune structures, the purpose of which is to provide a minimal amount of protection until a more permanent solution is implemented. Through the implementation of the Beach Management Plan, the Town would be eligible for Category G funds, which allows for beaches to be considered eligible facilities under certain conditions. The options included in the Beach Management Plan were designed to meet these conditions, which may allow for reimbursement to replace sand lost from the beach as a result of a presidentially declared disaster.

Vulnerability Assessment

The vulnerability assessment employed the Storm Induced Beach Change Model (SBEACH). APTIM used the storm characteristics of Hurricane Isabel such as wave heights, wave period, water level, and duration to drive the model. Given this storm occurred over 15 years ago, APTIM simulated the storm using three (3) different sea level scenarios: 1) as it occurred in 2003; 2) the storm with water levels based on 15 years of sea level rise (2018 equivalent); and 3) the storm with 30 years of sea level rise from present day (2048 equivalent). Sea level rise rates were based on

the North Carolina Sea Level Rise Assessment Report (NC CRC, 2015). The SBEACH results informed the development of the Beach Management Plan with regards to what sections of the Town may be vulnerable to impacts from the design storm, and what amount of additional volume would be required to reduce that vulnerability.

Beach Management Plan

The results of the vulnerability analysis, as well as the beach assessment conducted by APTIM in February 2018, were used in the development of a beach management plan for the Town of Southern Shores. The Beach Management Plan is aimed at sustaining the oceanfront beach along the entirety of the Town of Southern Shores. The Town's approximately 3.7 miles of shoreline varies in regards to the height and width of the primary dune, the distance structures are set back from the vegetation, and the rates of volume change that occur from station to station. Therefore, efforts first focused on understanding which portions of the Town require additional beach fill to achieve the goals of the overall plan. Both long-term erosion rates and storm impacts were analyzed to identify portions of the shoreline where structures are presently, or in the near future, may be vulnerable to the effects of chronic erosion and episodic storm events.

The extent of the Town's shoreline recommended for consideration for future beach nourishment is the southern 15,500 feet of shoreline from Station -155+00 (located approximately 200 ft. south of 5th Ave.) to the southern Town boundary with Kitty Hawk (Station 0+00). The area recommended for fill placement is more specifically described in terms of three (3) sub-sections. The "Main Placement Area" extends from Station -150+00 (located near 3rd Ave.) south to Station -50+00 (located approximately 450 feet south of Chicahawk Trl.). This area was identified based on the evaluation of the SBEACH storm damage vulnerability analysis and the beach volume analysis. The second sub-section is referred to as the "Transition Area". This area extends 5,000 feet from Station -50+00 (located approximately 450 feet south of Chicahawk Trl.) south to the Town boundary with Kitty Hawk at Station 0+00. The third sub-section extends approximately 500 feet north of 3rd Ave. and is referred to as the "Taper".

Once the linear extent of the proposed project was determined, three (3) design volume options were developed, which were aimed at optimizing the extent of storm damage reduction. The design volume options were based on an analysis that concluded that for SBEACH Storm Scenarios 3, 11, and 14, the average volume contained in the "volume envelope" of those profiles not impacted by the storm was 846 cy/lf, 858 cy/lf, and 872 cy/lf, respectively. In calculating these averages, Station 0+00 was considered to be an outlier. Therefore, Station 0+00 was not included in the calculation of average volumes. The average volumes within the "volume envelope" were used as a proxy for the targeted volume recommended to be present within the volume envelope on any given profile, to provide a reasonable level of storm damage reduction for each of the (3) three design volume options.

Options 1 and 2 are based on the results of Scenario 3, and therefore, are focused on providing a reasonable level of storm damage reduction based on a design storm similar to Hurricane Isabel with 2018 sea levels. This scenario also assumed the storm impacted the coast during a similar period in the lunar tidal cycle as when Hurricane Isabel impacted Dare County. Option 3 is based on the results of Scenario 11, and therefore, is focused on providing a reasonable level of storm damage reduction based on a design storm similar to Hurricane Isabel with 2048 sea levels.

Scenario 11 similarly assumed the storm impacted the coast during a similar period in the lunar tidal cycle as when Hurricane Isabel impacted Dare County. The 2048 sea levels are based on the RCP 8.5 greenhouse gas projections from the IPCC 5th Assessment Report (AR5). As a point of interest, the water levels in Scenario 11 were similar to water levels in Scenario 4. Scenario 4 was a design storm similar to Hurricane Isabel with 2018 sea levels; however in contrast to Scenario 3, Scenario 4 was formulated to impact the Town during spring tide as opposed to the actual period in the lunar tidal cycle that Hurricane Isabel impacted Dare County in September 2003.

Option 1 assumes a targeted volume density of 846 cy/lf to be maintained along the Southern Shores oceanfront based on the Scenario 3 analysis. The average density measured along the Town's oceanfront in the "Main Placement Area", which extends from Station -150+00 (located near 3rd Ave.) to -50+00 (located approximately 450 feet south of Chicahawk Trl.), was 801 cy/lf at the time of the December 2017 survey. Therefore, the fill density recommended for this option in the Main Placement Area is 45 cy/lf. At a density of 45 cy/lf, the Main Placement Area fill would require approximately 450,000 cy of sand. Placement of sand is also recommended south of the Main Placement Area to form a contiguous project with the Kitty Hawk/South Southern Shores project constructed in 2017 and scheduled for renourishment in 2022. This area is referred to as the Transition Area. Option 1 includes beach fill at 30 cy/lf between Stations -50+00 and 0+00, for an additional volume of 150,000 cy. Assuming a fill density at the northern end of the Main Placement Area of 45 cy/lf., a 500 ft. long taper would require approximately 11,250 cy, bringing the total design volume of Option 1 to 611,250 cy. Typically, beach nourishment projects include a design volume, and an advanced fill volume, which is determined based on spreading losses and annual erosion losses projected to occur between nourishment intervals. For the Options presented in this report, a nourishment interval of 5 years was assumed. The advanced fill volume recommended for Option 1 is 54,400 cy, bringing the total volume for Option 1 to 665,650 cy.

Similar to Option 1, Option 2 assumes a targeted volume density of 846 cy/lf, to be maintained along the Southern Shores oceanfront based on the Scenario 3 analysis. Option 2 volumes were based on evaluating the average density measured along the Town's oceanfront along both the "Main Placement Area" and the "Transition Area", which was 818 cy/lf at the time of the December 2017 survey. This average excludes Station 0+00 as it is considered an outlier. The deficiency in volume with an average of 818 cy/lf., and a target volume of 846 cy/lf., is 28 cy/lf. The fill density recommended for both the Main Placement Area and the Transition Area for Option 2 is 30 cy/lf. The number was increased from 28 cy/lf to 30 cy/lf to stay consistent with average fill densities proposed along Kitty Hawk, which in part was based on constructability limitations for the types of dredges anticipated to be used to construct the project. At a density of 30 cy/lf, the 15,000 foot long fill area would require approximately 450,000 cy of sand. Assuming a fill density at the northern end of the fill area of 30 cy/lf., a 500 foot-long taper would require approximately 7,500 cy, bringing the total design volume of Option 2 to 457,500 cy. The advanced fill volume recommended for Option 2 is 34,800 cy, bringing the total volume for Option 2 to 492,300 cy.

Option 3 assumes a targeted volume density of 858 cy/lf, to be maintained along the Southern Shores oceanfront based on the Scenario 11 analysis. As previously stated, the average density measured along the Town's oceanfront in the "Main Placement Area", which extends from Station -150+00 (located near 3rd Ave.) to -50+00 (located approximately 450 feet south of Chicahawk

Trl.), was 801 cy/lf at the time of the December 2017 survey. Therefore, the fill density recommended for Option 3 in the Main Placement Area is 57 cy/lf. At a density of 57 cy/lf, the Main Placement Area fill would require approximately 570,000 cy of sand. Similar to Option 1, Option 3 recommends placement of 30 cy/lf along the 5,000 foot-long Transition Area to form a contiguous project with Kitty Hawk, for an additional volume of 150,000 cy. Assuming a fill density at the northern end of the Main Placement Area of 57 cy/lf., a 500 ft. long taper would require approximately 14,250 cy, bringing the total design volume of Option 3 to 734,250 cy. The advanced fill volume recommended for Option 3 is 68,800 cy, bringing the total volume for Option 3 to 803,050 cy.

The scope of the development of this beach management plan was to determine a minimum cross sectional volume needed to provide an acceptable level of storm damage reduction. During the design and permitting of a proposed project, the design engineer will establish design parameters for the proposed beach fill that will include a dune fronted by a beach berm. Design parameters for both the dune and berm will include crest elevations, crest widths, and slopes that would provide the recommended cross-sectional volume. The detailed design process will also include an evaluation of ways to optimize the design of the fill that would achieve the design goals for the lowest cost.

Executive Summary Table 1 shows the design fill volume, advanced fill volume, taper fill volume, and total volume for each of the three options.

Executive Summary Table 1. Optional Design Summary

Design	Design Volume ⁽¹⁾	Transition Area Volume ⁽²⁾	Advanced Fill Volume ⁽³⁾	Taper Volume ⁽⁴⁾	Total Volume	Avg. Fill Density ⁽⁵⁾
Option 1	450,000	150,000	54,400	11,250	665,650	40
Option 2	300,000	150,000	34,800	7,500	492,300	30
Option 3	570,000	150,000	68,800	14,250	803,050	48

⁽¹⁾Volume (CY) to construct the Main Placement Area excluding tapers, transition fill, and advanced fill (Stations -150+00 to -50+00).

⁽²⁾Volume (CY) to construct the Transition Area (Stations -50+00 to 0+00).

⁽³⁾Volume (CY) included to account for diffusion losses and background erosion. Re-nourishment interval assumed to be 5 years.

⁽⁴⁾Volume (CY) to construct a 500 foot taper on the northern end of the beach fill (Stations -155+00 to -150+00).

⁽⁵⁾Total Volume included in the Design Volume and Transition Area divided by 15,000 feet.

Estimated Schedule

A project schedule was developed to best coordinate the efforts of Southern Shores with neighboring communities in Dare County to achieve cost savings where possible. The 2017 beach nourishment projects undertaken through a cooperative effort on the part of Dare County, and the Towns of Duck, Kitty Hawk, and Kill Devil Hills, were designed with a 5-year maintenance cycle. The first maintenance event is scheduled for summer of 2022. The project schedule included in the Beach Management Plan was developed to align construction of a beach nourishment project for the Town of Southern Shores with the maintenance work scheduled for 2022.

The construction of a beach nourishment project for the Town of Southern Shores will require the completion of the following items:

- Financial Planning and Establishment of Revenue Streams
- Development/Refinement of Borrow Areas
- Final Design Work
- Environmental Documentation and Permitting (State and Federal)
- Obtaining Easements for Construction
- Development of Construction Plans and Specifications
- Solicitation of Construction Bids
- Awarding Construction Contract

The detailed project schedule included in the Beach Management Plan suggests that efforts associated with design and permitting the project should be initiated in February 2020 to allow for a 2022 construction timeframe. However, APTIM recommends that an updated beach profile survey be conducted in the Spring of 2019 to align with the annual beach profile surveys conducted by Duck, Kitty Hawk, and Kill Devil Hills. The reasons for this are discussed in the recommendations section of the report.

The overall schedule takes into consideration the time that was required to conduct similar tasks for the 2017 Multi-Town beach nourishment projects. APTIM consulted with state and federal agencies to re-calibrate the timeframe for permitting efforts. The majority of the items required to be completed in order to construct a project are items that can be coordinated and cost shared with other Dare County Towns.

Estimated Cost

Project cost estimates were developed for each of the three (3) options, to account for permitting/design, construction, pre-construction/construction administration, and environmental monitoring anticipated to be required during construction. The cost estimates also include a 10% contingency. Executive Summary Table 2 summarizes the associated costs for the three (3) options.

Executive Summary Table 2. Project Option Cost Estimates

Option	Volume (cy)	Permitting / Design Soft Cost	Construction Cost	Construction Soft Cost	Construction Env. Monitoring Costs	Contingency Cost (10%)	TOTAL COST
1	665,650	\$435,000	\$9,708,000	\$219,500.00	\$176,600.00	\$1,053,900	\$11,593,000
2	492,300	\$435,000	\$7,425,000	\$201,500.00	\$129,800.00	\$819,100	\$9,010,400
3	803,050	\$435,000	\$11,443,000	\$233,500.00	\$213,000.00	\$1,232,500	\$13,557,000

Recommendations

Based on the analysis and conclusions discussed in this report, APTIM is recommending the following:

1. **Determine Which Option To Pursue:** Given the information presented in this report, the Town of Southern Shores should first determine if it wishes to pursue any of the three beach fill options presented. If the Town determines that it wishes to pursue one of the three presented beach nourishment options, it must then decide which option provides the most cost effective approach. APTIM is prepared to support the Town with any of the three Options as a project we believe will achieve the Town's goals. More specifically, APTIM believes each option will maintain the oceanfront beach and dune to a configuration that 1) provides a reasonable level of storm damage reduction to public and private development, 2) mitigates long-term erosion that could threaten public and private development, recreational opportunities, and biological resources, and 3) maintains a healthy beach that supports valuable shorebird and sea turtle nesting habitat. The Town must determine which option is feasible given fiscal restraints.
2. **Begin Coordination with County and Neighboring Communities:** During the planning stages of the 2017 Multi-Town beach nourishment project, regular meetings were convened with Town and County representatives as well as the Town's Engineers and Financing Consultants. A similar meeting should be scheduled for the Spring of 2019 to begin the planning process for a potential 2022 project. During the meeting, the Towns and County should be provided updates on proposed volume and cost estimates, as well as a draft schedule of those efforts needed to be completed to go to construction in 2022. Discussions at this meeting should also focus on the need for additional sand sources for future projects. Furthermore, this meeting should aim to establish which Towns are planning to move forward with a 2022 project.
3. **Initiate Financial Planning:** A successful beach management program will require a stable revenue stream dedicated to the program. The Town of Southern Shores is in a favorable position to implement a beach management plan given the history of Dare County's willingness to partner with local communities on such programs. Furthermore, the opportunity to partner with neighboring local communities to cost share in some aspects of the project, has the potential to further reduce the Town's cost share to implement the overall program. Early and proper financial planning is vital to developing a revenue stream to support a beach management program. Other local communities in Dare County that have implemented similar programs, coordinated early on in the planning process with both Dare County and outside professional financial advisors. If the Town determines that it wishes to implement a beach management program, APTIM recommends the Town not only coordinate the initial plan with Dare County and its neighbors, but also seeks professional financial advice to properly budget and plan for the program.

- 
4. **Continue Monitoring of the Beach Profiles:** As witnessed along the Town's southern shoreline between 2015 and 2017, the beach is a highly dynamic area. Sand movement due to storm events can cause considerable changes in the level of protection available by dunes and beach berms. For this reason, it is important to regularly monitor the beach profile. Based on observed trends and current beach densities, APTIM recommends that an updated beach profile survey be conducted in the Spring of 2019 to align with the annual beach profile surveys conducted by Duck, Kitty Hawk, and Kill Devil Hills.

The analysis detailed in this report is based on beach profile surveys conducted along the Town's oceanfront in December 2017. If the Town of Southern Shores decides to pursue one of the recommended options, conducting beach profile surveys in the Spring of 2019 will serve several purposes. First, the surveys will allow engineers to determine whether the measured positive volume change reported in the 2018 Beach Assessment Report is continuing, or if that trend was being influenced by the construction of the 2017 Multi-Town Project. If negative volume changes are measured, these updated profile data would allow us to re-evaluate volume estimates, which directly correlates to cost estimates. Furthermore, collection of survey data in 2019 would ensure that the necessary engineering analysis could be performed starting in early 2020 rather than having to wait until new data are collected in Spring 2020, which may result in a slide in the schedule.



Through the implementation of these recommendations, the Town of Southern Shores will be establishing a beach management plan specifically aimed at achieving the shoreline management goals of the Town. The adoption of this beach management plan will allow for long-term financial planning which is key to implementing a successful program. This type of long-term planning and active coordination with neighboring Towns will leverage cost saving opportunities realized through multi-town cooperation. Furthermore, the implementation of a beach management program now, before the beaches reach a critically eroded state, allows the Town to provide a greater level of storm damage reduction at a lower cost.

**Town of Southern Shores
Budget Amendment Number # 11**

Streets, Bridges & Canals

Increases			Decreases		
Account Number	Description	Amount	Account Number	Description	Amount
	Revenues				
40-39909	Unassigned Fund Balance	\$15,000			
	Expenditures				
57-50138	Beach Surveys	\$15,000			

Explanation: To perform beach surveys in June 2019

Recommended By:

J. Peter Rascoe, III, Town Manager

Approved By:

Tom Bennett, Mayor

Date

BLANK

STAFF REPORT

To: Southern Shores Town Council
Date: March 20, 2019
Case: ZTA-19-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores
Requested Action: Amendment of the Town Zoning Ordinance by amending Section 36-57, Definition of Specific Terms and Words; 36-202, RS-1 Single-family Residential District; Section 36-204, RS-10 Residential District; and 36-205, R-1 Low-density Residential District

ANALYSIS

As requested by the Town Council, Town Staff is proposing to amend the Town Zoning Ordinance by amending Section 36-57, Section 36-202, Section 36-204, and Section 36-205 in an effort to effectively regulate the density of population within the Town by regulating the size and bulk of residential structures within its jurisdiction and the use of property as vacation cottages, particularly those having maximum overnight occupancy and/or septic capacity in excess of fourteen (14) persons. The proposed language would establish that detached single-family dwellings and vacation cottages are permitted uses in the RS-1 Single-family Residential District, the RS-10 Residential District, and the R-1, Low-density Residential District provided that such residential structures shall not be: (i) advertised to accommodate, designed for, constructed for or actually occupied by more than fourteen (14) overnight occupants when used as a vacation cottage; or (ii) have a maximum septic capacity sufficient to serve more than fourteen (14) overnight occupants. ZTA-19-01CUP includes the same proposed language in addition to establishing vacation cottages (high density) as Conditional Uses on lots that are at least 175,000 sq. ft.

The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low-density residential community comprised of single family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

RECOMMENDATION

Town Staff and the Town Planning Board have determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan. The Town Planning Board unanimously (5-0) recommended approval of ZTA-19-01 PB at the March 18, 2019 Planning Board meeting which includes the addition of Section 36-204, RS-10 Residential District.



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2394 / Fax 252-255-0876
info@southernshores-nc.gov
www.southernshores-nc.gov

PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 2/15/19 Filing Fee: \$200 Receipt No. N/A Application No. ZTA-19-01

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

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 261-2394 Email whiskey@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

W. W. Hunt
Signature

2-15-19
Date

* Attach supporting documentation.



Town of Southern Shores

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

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

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ZTA-19-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the “Town”) is a predominately single-family residential community for families and retirees, as well as a vacation destination for seasonal visitors who rent single-family dwellings; and

WHEREAS, The Town is a quiet seaside residential community comprised primarily of small low density neighborhoods consisting of single family homes primarily on large lots (i.e., at least 20,000 sq ft); and

WHEREAS, the Town has long desired to maintain its low density residential character by not permitting large oversized homes, increased commercial development and increased density. The Town recognizes that increases in density increase the need for public services related to safety, fire prevention, water supply, schools and traffic congestion; and

WHEREAS, the Town recognizes that a growing trend on the Outer Banks and other coastal areas in North Carolina and nationally, is to construct large buildings on residentially zoned properties which purport to be single-family dwellings, but which are often designed for and after construction and permitting advertised, maintained and used as vacation cottages or event facilities for large numbers of people; and

WHEREAS, pursuant to North Carolina General Statutes § 160A-174 the Town may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town, and may define and abate nuisances; and

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, 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

1
2 **WHEREAS**, pursuant to N.C.G.S. § 160A-383, the Town may use zoning
3 regulations to provide adequate light and air; to prevent the overcrowding of land; to
4 avoid undue concentration of population; to lessen congestion in the streets; to secure
5 safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision
6 of transportation, water, sewerage, schools, parks, and other public requirements. In
7 doing so, the Town may take into account the character of the Town's zoning districts
8 and their peculiar suitability for particular uses with a view to conserving the value of
9 buildings and encouraging the most appropriate use of land throughout the Town; and

10
11 **WHEREAS**, 2015 N.C. Sess. Law 86 made substantial changes to the text of
12 N.C.G.S. § 160A-381(h) which limited the Town's authority to regulated "building
13 design elements." In particular, the changes to N.C.G.S. § 160A-381 prohibit the Town
14 from regulating density or use of residential structures through restrictions on the number
15 of bedrooms as the Town has historically regulated such density. These changes require
16 that the Town's Zoning Ordinance be updated accordingly; and

17
18 **WHEREAS**, the Town finds that in order to effectively regulate the density of
19 population within the Town following the adoption of 2015 N.C. Sess. Law 86 the Town
20 must regulate the size and bulk of residential structures within its jurisdiction and the use
21 of property as vacation cottages, particularly those having maximum overnight
22 occupancy and/or septic capacity in excess of fourteen (14) persons; and

23
24 **WHEREAS**, the Town finds that vacation cottages, whether offered for rental or
25 not, with overnight occupancy or septic capacity of fourteen (14) persons or less should
26 be a permitted use in certain residential districts, and that vacation cottages having a
27 greater overnight occupancy or septic capacity should be prohibited in order to regulate
28 the density of population within the Town.

29
30 **WHEREAS**, the Town finds that such regulation will not result in a decrease in
31 value of buildings and lands within the Town and is consistent with the Town's unique
32 single-family residential nature and character; and

33
34 **WHEREAS**, the Town further finds that in accordance with the findings above it
35 is in the interest of and not contrary to the public's health, safety, morals and general
36 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of
37 Ordinances as stated below.

38
39 **ARTICLE II. Construction.**

40
41 For purposes of this ordinance amendment, underlined words (underline) shall be
42 considered as additions to existing Town Code language and strikethrough words
43 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
44 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
45 ("...") shall remain as they currently exist within the Town Code.
46

1 **ARTICLE III. Amendment of Zoning Ordinance.**

2
3 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
4 Shores, North Carolina, that the Town Code shall be amended as follows:

5
6 **PART 1. That Sec 36-57. Definitions of specific terms and words.** be amended as
7 follows:

8 ...
9 *Dwelling, large home*, means any residential structure exceeding the maximum size,
10 maximum transient occupancy capacity or maximum septic capacity for such structures
11 in the zoning district in which it is located. Large home dwellings are not a permitted use
12 in any zoning district.

13 ...
14
15 Transient occupancy, means overnight occupancy in a residential structure for periods of
16 less than thirty (30) days for vacation, leisure, recreation or other purposes by a person or
17 persons who have a place of residence to which they intend to return including when such
18 property or structure is offered in whole or in part for rent or use by the day, week, or
19 other period of less than thirty (30) days.

20 ...
21
22 Vacation cottage, means the use of a property and associated single-family dwelling in
23 whole or in part for any part of a calendar year for the purpose of transient occupancy.
24 Any property or structure advertised in a manner meeting the definition of vacation
25 cottage shall be presumed to be actually in use as a vacation cottage.

26 ...

27
28 **PART 2. That Sec 36-202. RS-1 single-family residential district.** be amended as
29 follows:

30 (a) *Intent*. The RS-1 district is established to provide for the low-density development of
31 single-family detached dwellings in an environment which preserves sand dunes, coastal
32 forests, wetlands, and other unique natural features of the coastal area. The district is
33 intended to promote stable, permanent neighborhoods characterized by low vehicular
34 traffic flows, abundant open space, and low impact of development on the natural
35 environment and adjacent land uses. In order to meet this intent, the density of population
36 in the district is managed by establishment of minimum lot sizes, building setback and
37 height limits, parking regulations and maximum occupancy limits for single-family
38 residences used as vacation cottages.

39 ...
40 (b) Permitted uses. The following uses shall be permitted by right:
41 (1) Detached single-family dwelling and vacation cottages provided that such residential
42 structure shall not be: (i) advertised to accommodate, designed for, constructed for or
43 actually occupied by more than fourteen (14) overnight occupants when used as a
44 vacation cottage; or (ii) have a maximum septic capacity sufficient to serve more than
45 fourteen (14) overnight occupants.

46 ...

1
2 **PART 3. That Sec 36-205. R-1 low-density residential district.** be amended as
3 follows:

4 (a) *Intent.* The R-1 district is intended to encourage the development of permanent low-
5 density residential neighborhoods and community facilities necessary for the health and
6 safety and general welfare of the community. In order to meet this intent, the density of
7 population in the district is managed by establishment of minimum lot sizes, building
8 setback and height limits, parking regulations and maximum occupancy limits for single-
9 family residences used as vacation cottages.

10 ...
11 (b) Permitted uses. The following uses shall be permitted by right:

12 (1) Detached single-family dwelling and vacation cottages provided that such residential
13 structure shall not be: (i) advertised to accommodate, designed for, constructed for or
14 actually occupied by more than fourteen (14) overnight occupants when used as a
15 vacation cottage; or (ii) have a maximum septic capacity sufficient to serve more than
16 fourteen (14) overnight occupants.

17 ...
18
19 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
20 **Reasonableness.**

21
22 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
23 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
24 is applicable. For all of the above-stated reasons, any reasons stated during the meetings
25 at which this ordinance amendment was considered and any additional reasons
26 supporting the Town's adoption of this ordinance amendment, the Town considers the
27 adoption of this ordinance amendment to be reasonable and in the public interest.

28
29 **ARTICLE V. Severability.**

30
31 All Town ordinances or parts of ordinances in conflict with this ordinance amendment
32 are hereby repealed. Should a court of competent jurisdiction declare this ordinance
33 amendment or any part thereof to be invalid, such decision shall not affect the remaining
34 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
35 Town of Southern Shores, North Carolina which shall remain in full force and effect.

36
37 **ARTICLE VI. Effective Date.**

38
39 This ordinance amendment shall be in full force and effect from and after the ____ day of
40 _____, 2019.

41
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43
44 _____,
45 Tom Bennett, Mayor
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ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: __AYES__NAYS

BLANK



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2394 / Fax 252-255-0876
info@southernshores-nc.gov
www.southernshores-nc.gov

PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 2 / 15 / 19 Filing Fee: \$200 Receipt No. N/A Application No. ZTA-19-01
CUP

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

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 261-2394 Email whaskette@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

W. Hunt
Signature

2-15-19
Date

* Attach supporting documentation.



Town of Southern Shores

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

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

info@southernshores-nc.gov

www.southernshores-nc.gov

ZTA-19-01 CUP

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the “Town”) is a predominately single-family residential community for families and retirees, as well as a vacation destination for seasonal visitors who rent single-family dwellings; and

WHEREAS, The Town is a quiet seaside residential community comprised primarily of small low density neighborhoods consisting of single family homes primarily on large lots (i.e., at least 20,000 sq ft); and

WHEREAS, the Town has long desired to maintain its low density residential character by not permitting large oversized homes, increased commercial development and increased density. The Town recognizes that increases in density increase the need for public services related to safety, fire prevention, water supply, schools and traffic congestion; and

WHEREAS, the Town recognizes that a growing trend on the Outer Banks and other coastal areas in North Carolina and nationally, is to construct large buildings on residentially zoned properties which purport to be single-family dwellings, but which are often designed for and after construction and permitting advertised, maintained and used as vacation cottages or event facilities for large numbers of people; and

WHEREAS, pursuant to North Carolina General Statutes § 160A-174 the Town may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town, and may define and abate nuisances; and

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, 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

1
2 **WHEREAS**, pursuant to N.C.G.S. § 160A-383, the Town may use zoning
3 regulations to provide adequate light and air; to prevent the overcrowding of land; to
4 avoid undue concentration of population; to lessen congestion in the streets; to secure
5 safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision
6 of transportation, water, sewerage, schools, parks, and other public requirements. In
7 doing so, the Town may take into account the character of the Town's zoning districts
8 and their peculiar suitability for particular uses with a view to conserving the value of
9 buildings and encouraging the most appropriate use of land throughout the Town; and

10
11 **WHEREAS**, 2015 N.C. Sess. Law 86 made substantial changes to the text of
12 N.C.G.S. § 160A-381(h) which limited the Town's authority to regulated "building
13 design elements." In particular, the changes to N.C.G.S. § 160A-381 prohibit the Town
14 from regulating density or use of residential structures through restrictions on the number
15 of bedrooms as the Town has historically regulated such density. These changes require
16 that the Town's Zoning Ordinance be updated accordingly; and

17
18 **WHEREAS**, the Town finds that in order to effectively regulate the density of
19 population within the Town following the adoption of 2015 N.C. Sess. Law 86 the Town
20 must regulate the size and bulk of residential structures within its jurisdiction and the use
21 of property as vacation cottages, particularly those having maximum overnight
22 occupancy and/or septic capacity in excess of fourteen (14) persons; and

23
24 **WHEREAS**, the Town finds that vacation cottages, whether offered for rental or
25 not, with overnight occupancy or septic capacity of fourteen (14) persons or less should
26 be a permitted use in residential and commercial districts, and that vacation cottages
27 having a greater overnight occupancy should only be allowed on large parcels of property
28 and only as a conditional use in order to regulate the density of population within the
29 Town.

30
31 **WHEREAS**, the Town finds that such regulation will not result in a decrease in
32 value of buildings and lands within the Town and is consistent with the Town's unique
33 single-family residential nature and character; and

34
35 **WHEREAS**, the Town further finds that in accordance with the findings above it
36 is in the interest of and not contrary to the public's health, safety, morals and general
37 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of
38 Ordinances as stated below.

39
40 **ARTICLE II. Construction.**

41
42 For purposes of this ordinance amendment, underlined words (underline) shall be
43 considered as additions to existing Town Code language and strikethrough words
44 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
45 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
46 ("...") shall remain as they currently exist within the Town Code.

1
2 **ARTICLE III. Amendment of Zoning Ordinance.**
3

4 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
5 Shores, North Carolina, that the Town Code shall be amended as follows:
6

7 **PART 1. That Sec 36-57. Definitions of specific terms and words.** be amended as
8 follows:
9

10 ...
11 *Dwelling, large home*, means any residential structure exceeding the maximum size,
12 maximum transient occupancy capacity or maximum septic capacity for such structures
13 in the zoning district in which it is located. Large home dwellings are not a permitted use
14 in any zoning district.
15

16 *Transient occupancy*, means overnight occupancy in a residential structure for periods of
17 less than thirty (30) days for vacation, leisure, recreation or other purposes by a person or
18 persons who have a place of residence to which they intend to return including when such
19 property or structure is offered in whole or in part for rent or use by the day, week, or
20 other period of less than thirty (30) days.
21 ...
22

23 *Vacation cottage*, means the use of a property and associated single-family dwelling in
24 whole or in part for any part of a calendar year for the purpose of transient occupancy.
25 Any property or structure advertised in a manner meeting the definition of vacation
26 cottage shall be presumed to be actually in use as a vacation cottage.
27 ...
28

29 *Vacation cottage (high density)*, means a vacation cottage where the associated
30 residential structure: (i) advertised to accommodate, designed or constructed with a
31 maximum overnight occupant capacity of more than 14 persons, or (ii) having a
32 maximum septic capacity sufficient to serve more than fourteen (14) overnight occupants.
33 Any property or structure advertised in a manner meeting the definition of vacation
34 cottage (high density) shall be presumed to be actually in use as a vacation cottage (high
35 density).
36

37 **PART 2. That Sec 36-202. RS-1 single-family residential district.** be amended as
38 follows:
39

40 (a) *Intent*. The RS-1 district is established to provide for the low-density development of
41 single-family detached dwellings in an environment which preserves sand dunes, coastal
42 forests, wetlands, and other unique natural features of the coastal area. The district is
43 intended to promote stable, permanent neighborhoods characterized by low vehicular
44 traffic flows, abundant open space, and low impact of development on the natural
45 environment and adjacent land uses. In order to meet this intent, the density of population
in the district is managed by establishment of minimum lot sizes, building setback and

1 height limits, parking regulations and maximum occupancy limits for single-family
2 residences used as vacation cottages.

3 ...

4 (b) *Permitted uses.* The following uses shall be permitted by right:

5 (1) Detached single-family dwelling and vacation cottages provided that such residential
6 structure shall not be: (i) advertised to accommodate, designed for, constructed for or
7 actually occupied by more than fourteen (14) overnight occupants when used as a
8 vacation cottage; or (ii) have a maximum septic capacity sufficient to serve more than
9 fourteen (14) overnight occupants.

10 ...

11 (c) *Conditional uses permitted.* The following uses are permitted, subject to the
12 requirements of this district and such additional regulations and requirements as may be
13 imposed by the town council, as provided in article X of this chapter:

14 ...

15 (8) Vacation cottages (high density).

16 (d) *Dimensional requirements.*

17 (1) Minimum lot size: 20,000 square feet generally and 175,000 sq. ft. for vacation
18 cottages (high density)

19 ...

20
21 **PART 3.** That Sec 36-205. **R-1 low-density residential district.** be amended as
22 follows:

23 (a) *Intent.* The R-1 district is intended to encourage the development of permanent low-
24 density residential neighborhoods and community facilities necessary for the health and
25 safety and general welfare of the community. In order to meet this intent, the density of
26 population in the district is managed by establishment of minimum lot sizes, building
27 setback and height limits, parking regulations and maximum occupancy limits for single-
28 family residences used as vacation cottages.

29 ...

30 (b) *Permitted uses.* The following uses shall be permitted by right:

31 (1) Detached single-family dwelling and vacation cottages provided that such residential
32 structure shall not be: (i) advertised to accommodate, designed for, constructed for or
33 actually occupied by more than fourteen (14) overnight occupants when used as a
34 vacation cottage; or (ii) have a maximum septic capacity sufficient to serve more than
35 fourteen (14) overnight occupants.

36 ...

37 (c) *Conditional uses permitted.* The following uses are permitted, subject to the
38 requirements of this district and additional regulations and requirements imposed by the
39 town council, as provided in article X of this chapter:

40 ...

41 (9) Vacation cottages (high density).

42 ...

43 (d) *Dimensional requirements.*

44 (1) Minimum lot size.

45 a. Minimum lot size for all uses other than ~~country club~~ those listed here
46 specifically shall be 20,000 square feet.

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...
c. For vacation cottages (high density), the minimum lot size shall be 175,000 sq. ft.
...

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, land use plan and any other officially adopted plan that is applicable. For all of the above-stated reasons, any reasons stated during the meetings at which this ordinance amendment was considered and any additional reasons supporting the Town's adoption of this ordinance amendment, 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 _____, 2019.

_____,
Tom Bennett, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

1 Town Attorney

2

3 Date adopted:

4

5

6 _____
Motion to adopt by Councilmember:

7

8 _____
Motion seconded by Councilmember:

9

10

11

12

Vote: ___AYES___NAYS

BLANK



Town of Southern Shores

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

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

info@southernshores-nc.gov

www.southernshores-nc.gov

ZTA 19-01 PB

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the “Town”) is a predominately single-family residential community for families and retirees, as well as a vacation destination for seasonal visitors who rent single-family dwellings; and

WHEREAS, The Town is a quiet seaside residential community comprised primarily of small low density neighborhoods consisting of single family homes primarily on large lots (i.e., at least 20,000 sq ft); and

WHEREAS, the Town has long desired to maintain its low density residential character by not permitting large oversized homes, increased commercial development and increased density. The Town recognizes that increases in density increase the need for public services related to safety, fire prevention, water supply, schools and traffic congestion; and

WHEREAS, the Town recognizes that a growing trend on the Outer Banks and other coastal areas in North Carolina and nationally, is to construct large buildings on residentially zoned properties which purport to be single-family dwellings, but which are often designed for and after construction and permitting advertised, maintained and used as vacation cottages or event facilities for large numbers of people; and

WHEREAS, pursuant to North Carolina General Statutes § 160A-174 the Town may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town, and may define and abate nuisances; and

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, 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

1
2 **WHEREAS**, pursuant to N.C.G.S. § 160A-383, the Town may use zoning
3 regulations to provide adequate light and air; to prevent the overcrowding of land; to avoid
4 undue concentration of population; to lessen congestion in the streets; to secure safety from
5 fire, panic, and dangers; and to facilitate the efficient and adequate provision of
6 transportation, water, sewerage, schools, parks, and other public requirements. In doing so,
7 the Town may take into account the character of the Town's zoning districts and their
8 peculiar suitability for particular uses with a view to conserving the value of buildings and
9 encouraging the most appropriate use of land throughout the Town; and

10
11 **WHEREAS**, 2015 N.C. Sess. Law 86 made substantial changes to the text of
12 N.C.G.S. § 160A-381(h) which limited the Town's authority to regulated "building design
13 elements." In particular, the changes to N.C.G.S. § 160A-381 prohibit the Town from
14 regulating density or use of residential structures through restrictions on the number of
15 bedrooms as the Town has historically regulated such density. These changes require that
16 the Town's Zoning Ordinance be updated accordingly; and

17
18 **WHEREAS**, the Town finds that in order to effectively regulate the density of
19 population within the Town following the adoption of 2015 N.C. Sess. Law 86 the Town
20 must regulate the size and bulk of residential structures within its jurisdiction and the use
21 of property as vacation cottages, particularly those having maximum overnight occupancy
22 and/or septic capacity in excess of fourteen (14) persons; and

23
24 **WHEREAS**, the Town finds that vacation cottages, whether offered for rental or
25 not, with overnight occupancy or septic capacity of fourteen (14) persons or less should be
26 a permitted use in certain residential districts, and that vacation cottages having a greater
27 overnight occupancy or septic capacity should be prohibited in order to regulate the density
28 of population within the Town.

29
30 **WHEREAS**, the Town finds that such regulation will not result in a decrease in
31 value of buildings and lands within the Town and is consistent with the Town's unique
32 single-family residential nature and character; and

33
34 **WHEREAS**, the Town further finds that in accordance with the findings above it
35 is in the interest of and not contrary to the public's health, safety, morals and general
36 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of
37 Ordinances as stated below.

38
39 **ARTICLE II. Construction.**

40
41 For purposes of this ordinance amendment, underlined words (underline) shall be
42 considered as additions to existing Town Code language and strikethrough words
43 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
44 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
45 ("...") shall remain as they currently exist within the Town Code.
46

1 **ARTICLE III. Amendment of Zoning Ordinance.**

2
3 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
4 Shores, North Carolina, that the Town Code shall be amended as follows:

5
6 **PART 1. That Sec 36-57. Definitions of specific terms and words.** be amended as
7 follows:

8 ...
9 Dwelling, large home, means any residential structure exceeding the maximum size,
10 maximum transient occupancy capacity or maximum septic capacity for such structures in
11 the zoning district in which it is located. Large home dwellings are not a permitted use in
12 any zoning district.

13 ...
14
15 Transient occupancy, means overnight occupancy in a residential structure for periods of
16 less than thirty (30) days for vacation, leisure, recreation or other purposes by a person or
17 persons who have a place of residence to which they intend to return including when such
18 property or structure is offered in whole or in part for rent or use by the day, week, or other
19 period of less than thirty (30) days.

20 ...
21
22 Vacation cottage, means the use of a property and associated single-family dwelling in
23 whole or in part for any part of a calendar year for the purpose of transient occupancy. Any
24 property or structure advertised in a manner meeting the definition of vacation cottage shall
25 be presumed to be actually in use as a vacation cottage.

26 ...

27
28 **PART 2. That Sec 36-202. RS-1 single-family residential district.** be amended as
29 follows:

30 (a) Intent. The RS-1 district is established to provide for the low-density development of
31 single-family detached dwellings in an environment which preserves sand dunes, coastal
32 forests, wetlands, and other unique natural features of the coastal area. The district is
33 intended to promote stable, permanent neighborhoods characterized by low vehicular
34 traffic flows, abundant open space, and low impact of development on the natural
35 environment and adjacent land uses. In order to meet this intent, the density of population
36 in the district is managed by establishment of minimum lot sizes, building setback and
37 height limits, parking regulations and maximum occupancy limits for single-family
38 residences used as vacation cottages.

39 ...
40 (b) Permitted uses. The following uses shall be permitted by right:
41 (1) Detached single-family dwelling and vacation cottages provided that such residential
42 structure shall not be: (i) advertised to accommodate, designed for, constructed for or
43 actually occupied by more than fourteen (14) overnight occupants when used as a vacation
44 cottage; or (ii) have a maximum septic capacity sufficient to serve more than fourteen (14)
45 overnight occupants.

46 ...

1
2 **PART 3.** That **Sec 36-204. RS-10 residential district.** be amended as follows:

3 (a) *Intent.* The RS-10 district is established as an area in which the principal use of the
4 land is for high-density residential purposes not to exceed ten dwelling units per net acre.
5 The district also provides for the development of less intensive residential uses as well as
6 for compatible supporting uses. In order to meet this intent, the density of population in the
7 district is managed by establishment of minimum lot sizes, building setback and height
8 limits, parking regulations and maximum occupancy limits for single-family residences
9 used as vacation cottages.

10 ...
11 (b) Permitted uses. The following uses shall be permitted by right:

12 (1) Detached single-family dwelling and vacation cottages provided that such residential
13 structure shall not be: (i) advertised to accommodate, designed for, constructed for or
14 actually occupied by more than fourteen (14) overnight occupants when used as a vacation
15 cottage; or (ii) have a maximum septic capacity sufficient to serve more than fourteen (14)
16 overnight occupants.

17 ...
18
19 **PART 4.** That **Sec 36-205. R-1 low-density residential district.** be amended as follows:

20 (a) *Intent.* The R-1 district is intended to encourage the development of permanent low-
21 density residential neighborhoods and community facilities necessary for the health and
22 safety and general welfare of the community. In order to meet this intent, the density of
23 population in the district is managed by establishment of minimum lot sizes, building
24 setback and height limits, parking regulations and maximum occupancy limits for single-
25 family residences used as vacation cottages.

26 ...
27 (b) Permitted uses. The following uses shall be permitted by right:

28 (1) Detached single-family dwelling and vacation cottages provided that such residential
29 structure shall not be: (i) advertised to accommodate, designed for, constructed for or
30 actually occupied by more than fourteen (14) overnight occupants when used as a vacation
31 cottage; or (ii) have a maximum septic capacity sufficient to serve more than fourteen (14)
32 overnight occupants.

33 ...
34
35 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
36 **Reasonableness.**

37
38 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
39 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
40 is applicable. For all of the above-stated reasons, any reasons stated during the meetings at
41 which this ordinance amendment was considered and any additional reasons supporting the
42 Town's adoption of this ordinance amendment, the Town considers the adoption of this
43 ordinance amendment to be reasonable and in the public interest.

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46 **ARTICLE V. Severability.**

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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 _____, 2019.

_____,
Tom Bennett, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: ___AYES___NAYS

BLANK

STAFF REPORT

To: Southern Shores Town Council
Date: January 30, 2019
Case: ZTA-18-10
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores
Requested Action: Amendment of the Town Zoning Ordinance by adding Section 36-209, RSOF-1 Single-family Ocean Front Overlay Residential District.

ANALYSIS

Town Staff is proposing to amend the Town Zoning Ordinance by adding Section 36-209, RSOF-1 Single-family Ocean Front Overlay Residential District as directed by Council on December 11, 2018. The proposed language was considered by the Town Planning Board as one of several concepts to address large single-family dwellings at the January 2, 2019 Special Planning Board meeting, the January 7, 2019 recessed Special Planning Board meeting, and the January 22, 2019 Planning Board meeting. The proposed language establishes an oceanfront overlay district that includes:

- An impervious pavement side yard setback requirement;
- For single-family dwellings having greater than 4,000 sq. ft. of enclosed living space and not having greater than the 6,000 sq. ft. maximum enclosed living space:
 - Increased front and side setback requirements;
 - Impervious pavement side yard setback requirement;
 - Increased lot coverage requirements;
 - Decreased maximum building height;
- Fenced in refuse/recycle areas;
- Landscape buffers;
- Increased parking requirements.

The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density residential community comprised of single family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

RECOMMENDATION

Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan. The Town Planning Board determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan and unanimously recommended denial (4-0) of the ZTA at its January 22, 2019 meeting.



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2394 / Fax 252-255-0876
info@southernshores-nc.gov
www.southernshores-nc.gov

PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 1/22/19 Filing Fee: \$200 Receipt No. N/A Application No. 27A-18-10

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

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 261-2394 Email whastkett@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

Whastkett
Signature

1-22-19
Date

* Attach supporting documentation.



Town of Southern Shores

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

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

info@southernshores-nc.gov

www.southernshores-nc.gov

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the "Town") is a predominately single-family residential community for families and retirees, as well as a vacation destination for seasonal visitors who rent single-family dwellings; and

WHEREAS, The Town is a quiet seaside residential community comprised primarily of small low density neighborhoods consisting of single family homes primarily on large lots (i.e., at least 20,000 sq ft); and

WHEREAS, the Town has long desired to maintain its low density residential character by not permitting large oversized homes, increased commercial development and increased density. The Town recognizes that increases in density increase the need for public services related to safety, fire prevention, water supply, schools and traffic congestion; and

WHEREAS, the Town recognizes that a growing trend on the Outer Banks and other coastal areas in North Carolina and nationally, is to construct large buildings on residentially zoned properties which purport to be single-family dwellings, but which are often designed for and after construction and permitting advertised, maintained and used as vacation rentals or event facilities for large numbers of people; and

WHEREAS, pursuant to North Carolina General Statutes § 160A-174 the Town may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town, and may define and abate nuisances; and

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, 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

1
2 **WHEREAS**, pursuant to N.C.G.S. § 160A-383, the Town may use zoning
3 regulations to provide adequate light and air; to prevent the overcrowding of land; to
4 avoid undue concentration of population; to lessen congestion in the streets; to secure
5 safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision
6 of transportation, water, sewerage, schools, parks, and other public requirements. In
7 doing so, the Town may take into account the character of the Town's zoning districts
8 and their peculiar suitability for particular uses with a view to conserving the value of
9 buildings and encouraging the most appropriate use of land throughout the Town; and

10
11 **WHEREAS**, 2015 N.C. Sess. Law 86 made substantial changes to the text of
12 N.C.G.S. § 160A-381(h) which limited the Town's authority to regulated "building
13 design elements." In particular, the changes to N.C.G.S. § 160A-381 prohibit the Town
14 from regulating density or use of residential structures through restrictions on the number
15 of bedrooms as the Town has historically regulated such density. These changes require
16 that the Town's Zoning Ordinance be updated accordingly; and

17
18 **WHEREAS**, the Town finds that in order to effectively regulate the density of
19 population within the Town following the adoption of 2015 N.C. Sess. Law 86 the Town
20 must regulate the size and bulk of residential structures within its jurisdiction; and

21
22 **WHEREAS**, the Town finds that having a reasonable maximum size limitation of
23 single-family dwellings of 6,000 sq. ft. and providing additional regulation of single-
24 family dwellings between 4,000 sq. ft. and 6,000 sq. ft. is a fair and equitable balancing
25 of the Town's interests to regulate size and population density and to maintain the
26 historical and residential character of developed areas of Town compared with property
27 owners' interests in using their property for residential purposes; and

28
29 **WHEREAS**, the Town finds that such regulation will not result in a decrease in
30 value of buildings and lands within the Town and is consistent with the Town's unique
31 single-family residential nature and character; and

32
33 **WHEREAS**, the Town further finds that in accordance with the findings above it
34 is in the interest of and not contrary to the public's health, safety, morals and general
35 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of
36 Ordinances as stated below.

37
38 **ARTICLE II. Construction.**

39
40 For purposes of this ordinance amendment, underlined words (underline) shall be
41 considered as additions to existing Town Code language and strikethrough words
42 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
43 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
44 ("...") shall remain as they currently exist within the Town Code.

45
46 **ARTICLE III. Amendment of Zoning Ordinance.**

1
2 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
3 Shores, North Carolina, that the Town Code shall be amended as follows:
4

5 **PART 1. That Sec 36-209. RSOF-1 single-family ocean front overlay residential**
6 **district.** be added as follows:
7

8 (a) Intent. The RSOF-1 district is established to provide for the low-density
9 development of single-family detached dwellings in an environment which
10 preserves sand dunes and other unique natural features of the oceanfront area of
11 the Town. The district is intended to promote stable, permanent neighborhoods
12 characterized by low vehicular traffic flows, abundant open space, and low impact
13 of development on the natural environment and adjacent land uses. The district is
14 also intended to promote the continued use of single-family detached dwellings as
15 rental homes for vacationing tourists in a manner consistent with historical and
16 residential character of developed areas of the Town.

17
18 (b) Permitted Uses. The uses permitted within the RS-1 zoning district by right shall
19 be permitted by right.
20

21 (c) Conditional Uses. The uses permitted as conditional uses in the RS-1 zoning
22 district shall be permitted as conditional uses using the standards and
23 requirements of the RS-1 zoning district.
24

25 (d) Dimensional Requirements. The dimensional requirements and analysis of the
26 RS-1 zoning district shall apply except the following requirements shall apply to
27 all single-family dwellings:
28

29 (1) Impervious pavement side yard (setback): 10 feet.
30

31 And the following shall apply to single-family dwellings having greater than
32 4,000 sq. ft. of enclosed living space and not having greater than the 6,000 sq. ft.
33 maximum enclosed living space allowed within the RS-1 district:
34

35 (2) Minimum front yard (setback): 50 feet.

36 (3) Minimum side yard (setback): 25 feet.

37 (4) Impervious pavement side yard (setback): 15 feet.

38 (5) Maximum allowable lot coverage: 25 percent.

39 (6) Height: 28 feet.
40

41 (e) Refuse/Recycling Receptacle Area: A fenced area hidden from view of the public
42 but accessible to users of the property shall be provided in a sufficient size to
43 enclose and contain the number of trash receptacles required by Town Code Sec.
44 26-6.
45

1 (f) Landscaping Buffer Requirements. The following landscape buffering
2 requirements shall apply:
3

- 4 (1) Along the front property line, a single row of plantings 10 feet wide shall
5 be planted and maintained.
6 (2) Along the side property line of a structure having no greater than 4,000 sq.
7 ft. of enclosed living space, a single row of plantings 10 feet wide shall be
8 planted and maintained.
9 (3) Along the side property line of a structure having greater than 4,000 sq. ft.
10 of enclosed living space, a double staggered row of plantings 15 feet wide
11 shall be planted and maintained.
12 (4) All plantings shall be of a species that is known to adapt to and survive in
13 local conditions.
14

15 (g) Parking Requirements. In addition to the parking requirements of Sec. 36-163, the
16 following shall apply to all parking areas within the district:
17

- 18 (1) Parking spaces shall be 10 feet by 20 feet.
19 (2) All parking spaces shall be adjacent to a two way 18 feet wide (minimum)
20 drive aisle.
21 (3) No stacked parking shall be allowed.
22
23

24 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
25 **Reasonableness.**
26

27 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
28 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
29 is applicable. For all of the above-stated reasons, any reasons stated during the meetings
30 at which this ordinance amendment was considered and any additional reasons
31 supporting the Town's adoption of this ordinance amendment, the Town considers the
32 adoption of this ordinance amendment to be reasonable and in the public interest.
33

34 **ARTICLE V. Severability.**
35

36 All Town ordinances or parts of ordinances in conflict with this ordinance amendment
37 are hereby repealed. Should a court of competent jurisdiction declare this ordinance
38 amendment or any part thereof to be invalid, such decision shall not affect the remaining
39 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
40 Town of Southern Shores, North Carolina which shall remain in full force and effect.
41

42 **ARTICLE VI. Effective Date.**
43

44 This ordinance amendment shall be in full force and effect from and after the ____ day of
45 _____, 2018.
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Tom Bennett, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: ___AYES___NAYS