



# 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

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES,  
NORTH CAROLINA REQUESTING THE NORTH CAROLINA GENERAL ASSEMBLY  
TO CONSIDER ADOPTION OF CERTAIN LEGISLATION RELATING TO  
REGULATING THE DENSITY OF POPULATION AND OCCUPANCY BY LIMITING  
THE NUMBER OF BEDROOMS IN ONE- AND TWO-FAMILY STRUCTURES WITHIN  
THE TOWN'S JURISDICTION**

**(Resolution #2019-01-01)**

**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**, 2015 N.C. Sess. Law 86 made substantial changes to the text of N.C.G.S. § 160A-381(h) which limited the Town's authority to regulated "building design elements." In particular, the changes to N.C.G.S. § 160A-381 prohibit the Town from regulating density, occupancy or use of residential structures through restrictions on the number of bedrooms as the Town historically has with a maximum limit of seven (7) bedrooms; and

**WHEREAS**, the Town finds that the inability to regulate the density of population within the Town via limitations on the number of bedrooms following the adoption of 2015 N.C. Sess. Law 86 has forced the Town to enact increasingly stricter regulations upon the size and bulk of residential structures within its jurisdiction.; and

**WHEREAS**, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to have the authority to regulate the density of population and occupancy by limiting the maximum number of bedrooms in residential structures so long as the limit adopted is not less than seven (7) bedrooms.

**NOW, THEREFORE BE IT RESOLVED**, the Town Council hereby respectfully requests that the North Carolina General Assembly consider and pass the attached proposed act entitled as follows:

“AN ACT TO ALLOW FOR THE TOWN OF SOUTHERN SHORES TO REGULATE DENSITY AND OCCUPANCY BY SETTING A MAXIMUM NUMBER OF BEDROOMS WITHIN ONE- AND TWO-FAMILY DWELLINGS”

Adopted this 8<sup>th</sup> day of January, 2019.



*Thomas G. Bennett*  
Thomas G. Bennett, Mayor

Attest:  
*Sherla Kane*  
Sherla Kane, Town Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2019

SESSION LAW 2019-\_\_  
\_\_\_\_BILL\_\_\_\_

AN ACT TO ALLOW FOR THE TOWN OF SOUTHERN SHORES TO REGULATE DENSITY AND OCCUPANCY BY SETTING A MAXIMUM NUMBER OF BEDROOMS WITHIN ONE- AND TWO-FAMILY DWELLINGS

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-381 is amended by adding a new subsection to read:

“(h1) To regulate density of population and limit occupancy, a zoning or unified development ordinance may limit the maximum number of bedrooms within structures subject to regulation under the North Carolina Residential Code for One- and Two-Family dwellings so long as the limit adopted is not less than seven (7) bedrooms.”

**SECTION 2.**

This act applies only within the zoning and development jurisdiction of the Town of Southern Shores.

**SECTION 3.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House of Representatives