

**FINAL**



## **Town of Southern Shores**

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**Special Planning Board Meeting**

**May 4, 2020**

**5:30 p.m., Pitts Center**

### **MEETING MINUTES**

#### **I. CALL TO ORDER:**

Chairperson Andy Ward called the Special Meeting to order at 5:30 p.m. Planning Board Members Tony DiBernardo, Ed Lawler, David Neal, Don Sowder, Andy Ward, Permit Officer Dabni Shelton, Building Inspector Buddy Shelton, and Deputy Town Manager/Planning Director Wes Haskett were present.

#### **II. PLEDGE OF ALLEGIANCE:**

Chairperson Ward led the Pledge of Allegiance.

#### **III. APPROVAL OF AGENDA:**

David Neal motioned to approve the agenda. Ed Lawler seconded the motion. The motion passed unanimously (5-0).

#### **IV. PUBLIC COMMENT:**

None.

#### **V. OLD BUSINESS:**

None.

#### **VI. NEW BUSINESS:**

A. Consideration of the new flood maps and update to Southern Shores Town Code Chapter 16, Flood Damage Prevention Ordinance

Buddy Shelton explained the three flood zones (AE, AO, and VE), reference levels, and construction requirements.

Ed Lawler asked if duct work has to be elevated. Buddy Shelton stated that duct work also has to be above the regulatory flood protection elevation (RFPE).

David Neal asked where the AO zoned properties were located. Buddy Shelton stated Pelican Watch, some of the Avenues, and some areas in between.

Chairperson Ward asked Wes Haskett to present the Staff Report and go through the summary of changes to the Flood Damage Prevention Ordinance.

Wes Haskett presented the Staff Report (attached).

Chairperson Ward stated that in November, 2019, the Town adopted ZTA-19-02 which addressed fill and building height. It was a good move and compromise to keep the 35 ft. maximum height from the average of the existing grade at the corners of a structure and from up to 8 ft. if the average is below 8 ft. Most of the builders in the area seem satisfied with the 8 ft. requirement. Runoff was also addressed by requiring a 3:1 slope in side and rear setback areas. 8 ft. is a magic number and lead us to our discussion today of the 8 ft. Local Elevation Standard (LES).

David Neal stated that the Town isn't being overly aggressive going with the 8 ft. LES and we are applying the 8 ft. LES in the Shaded X and Unshaded X flood zones because we previously could not, and to help alleviate impacts of the new flood maps.

Chairperson Ward stated that his sister's slab on grade house at 65 E. Dogwood Trl. has previously had 6 inches of water in it. A slab on grade at that elevation would not have been allowed if we had the 8 ft. LES.

Wes Haskett stated that the changes on pages 9 and 34 resulted from comments submitted by the Outer Banks Homebuilders Association.

The Board and Town Staff discussed how the depth of pilings in the VE flood zone is determined and when elevation certificates must be submitted.

The Board discussed and agreed with comments submitted by ETJ Representative John Finelli.

Don Sowder motioned to recommend approval of the new flood maps and update to the Flood Damage Prevention Ordinance to the Town Council. Tony DiBernardo seconded the motion.

Chairperson Ward opened the floor for public comments.

Mark Martin, 191 Wax Myrtle Trl. thanked the Town Staff and stated that a lot of time, discussion, and work was involved.

Matt Neal thanked the Town Staff and stated that the Towns and the County worked together on this. The new maps are wrong and what we are doing is good for the future of our island.

Chairperson Ward stated that Mark Martin and Matt Neal both live in Southern Shores and are both representatives of the Outer Banks Homebuilders Association. They are both citizens and raise families here and that is appreciated. He then thanked them for what they had done.

Chairperson Ward stated that the Board will make a recommendation on the new flood maps and update to the Flood Damage Prevention Ordinance at the May 18, 2020 Planning Board meeting.

**VII. PLANNING BOARD MEMBER COMMENTS:**

None.

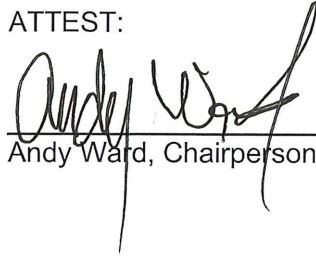
**VIII. ANNOUNCEMENTS:**

None.

**IX. ADJOURNMENT:**

Tony DiBernardo motioned to adjourn. David Neal seconded the motion and the meeting adjourned at 7:15 p.m.

ATTEST:



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Andy Ward, Chairperson

RESPECTFULLY SUBMITTED:



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Wes Haskett, Deputy Town  
Manager/Planning Director

## STAFF REPORT

**To:** Southern Shores Planning Board  
**Date:** May 4, 2020  
**Case:** TCA-20-01  
**Prepared By:** Wes Haskett, Interim Town Manager/Planning Director

### GENERAL INFORMATION

**Applicant:** Town of Southern Shores

**Requested Action:** Amendment of the Town Code by amending Chapter 16, Flood Damage Prevention

### ANALYSIS

Typically, FEMA requires local FIRMS and flood ordinances to be updated every ten years. The adoption process requires Planning Board review and recommendation prior to a Public Hearing held by the Town Council. The current FIRMS for Dare County and the Town of Southern Shores became effective on September 20, 2006. The preliminary FIRMS were released on June 30, 2016 and become effective on June 19, 2020. Town Staff and officials from Dare County and the other Municipalities have been meeting regularly as a CRS Users Group since the Preliminary Flood Maps were released. Discussion has primarily focused on public awareness of historical flooding, property owners dropping flood insurance policies vs. potential flood claims and their impact on local, State, and Federal levels, responsible building practices, and developing higher regulatory standards for construction.

The preliminary FIRMS have been available for viewing on the State's Flood Risk Information System website. The proposed language for updating our Flood Damage Prevention Ordinance and a summary of proposed changes have been provided to you and made available to stakeholders. The proposed language has been color coded to indicate the source of the proposed changes: The required Federal and State clarifications and modifications are indicated in green and Town Staff's recommended changes are in purple. Staff recommendations are consistent with the CRS Users Group's recommendations and have been reviewed and approved by the State. Included in Staff's recommended changes is a minimum building elevation of eight (8) feet above mean sea level throughout the entire Town either through freeboard requirements or a local elevation standard of 8 feet in the AE, AO, Shaded X and X Zones. The VE Flood Zone is subject to the designated base flood elevation (BFE) on the FIRM and staff is recommending a freeboard requirement in addition to the BFE.

Our Permit Officer and Floodplain Administrator, Dabni Shelton and Building Inspector, Buddy Shelton are in attendance tonight. Dabni has spent a significant amount of time getting us to where we are today in this process, and she has done a great job in doing so.