



TOWN OF SOUTHERN SHORES
TOWN COUNCIL REGULAR MEETING

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

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

www.southernshores-nc.gov

PITTS CENTER

Tuesday, July 02, 2024 at 5:30 PM

AGENDA

Call Meeting to Order

Pledge of Allegiance

Moment of Silence

Amendments to / Approval of Agenda

Consent Agenda

1. Minutes Approval-emailed

Staff Reports

Deputy Town Manager/Planning Director

Monthly Permit Report & Planning Board Update

Affordable Housing Report -Planning Board Member Michael Zehner

Police Chief -Monthly Report

Fire Chief-Monthly Report

Town Manager-milfoil survey update

Town Attorney

General Public Comment (Limit: 3 minutes per speaker.)

Old Business

- [2.](#) Discussion & Direction ZTA-24-03 Commercial Design Standards

New Business

- [3.](#) Public Hearing-Adoption of the Comprehensive Land Use Plan
- [4.](#) Public Hearing-TCA-24-02, Town Code Amendments submitted by the Town of Southern Shores to amend Town Code Section 1-2 by adding definitions for “development” and “development approval” and by amending Town Code Section 16-4(b)(3)a.3. to allow submittal of a FEMA approved form, survey, or other documentation prepared by a licensed professional that demonstrates that the natural grade of a parcel exceeds the RFPE of eight feet instead of an under construction and finished construction elevation certificate in shaded X and X flood zones.

General Public Comment (Limit: 3 minutes per speaker.)

Council Business

Closed Session-NCGS § 143-318.11(6) Town Manager's Annual Performance Evaluation

Adjourn



Town of Southern Shores

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

Date: 4 / 3 / 2024 Filing Fee: \$200 Receipt No.: N/A Application No.: ZTA-24-03

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 (252) 261-2394 Email whaskell@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 X ___ Zoning Ordinance

Whaskell
Signature

4-3-24
Date

* Attach supporting documentation.



Town of Southern Shores

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ZTA-24-03

5-20-24

Ordinance 2024-XX-XX

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

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Southern Shores (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction. Pursuant to this authority and the additional authority granted by N.C.G.S. § 160D-702, 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

WHEREAS, the North Carolina General Assembly adopted 2019 N.C. Sess. Law 111 to clarify and change the land-use regulatory laws of the State, including the recodification of many existing land-use regulatory laws in a newly created N.C.G.S. Chap. 160D pursuant to 2019 N.C. Sess. Law 111, Part II; and

WHEREAS, the Town desires to amend its Town Code to conform to N.C.G.S. Chap. 160D as provided in Part I of these ordinance amendments; and

WHEREAS, the Town desires to enhance the Town’s appearance in the general commercial district by adopting commercial design standards; 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, and general welfare for the Town to amend the Town’s Zoning Ordinance as stated below.

ARTICLE II. Construction.

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

ARTICLE III. Amendment of Zoning Ordinance.

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

3
4 **PART I.** That **Sec. 36-163. Off-street parking requirements.** Be amended as
5 follows:

6
7 **Sec. 36-163. Off-street parking requirements.**
8

9 At the time of erection of any building or structure, or at the time any main building
10 or structure is enlarged or increased in capacity by adding dwelling units, guest rooms,
11 seats or floor area, or before conversion from one zoning use or occupancy to another,
12 permanent off-street parking space shall be provided according to the amounts and
13 specifications provided by this section.

14 (1) *General provisions.*

15 a. Each parking space, for other than single-family residential homes, shall
16 have a minimum length of 18 feet and a minimum width of nine ~~and one-~~
17 ~~half~~ feet. Drive aisle width shall be a minimum of 22 feet. It shall have
18 vehicular access to a publicly dedicated or town approved private street
19 and be located outside of any dedicated right-of-way.

20 ...

21
22 (4) *Minimum parking requirements.* The number of off-street parking spaces
23 required by this section shall be provided on the same lot with the principal use,
24 or in combination with adjacent lots, provided the applicant has secured a
25 shared parking agreement, and special use permit, as described in subsection
26 36-163(1)j., and the required number of off-street parking spaces specified for
27 each use shall be considered as the absolute minimum. Where a fraction of a
28 space is required by this article, the next whole number shall be provided. In
29 addition, a developer shall evaluate his own needs to determine if they are
30 greater than the minimum specified by this article.

31

32 ...

33

34 f. *Reduction of required parking for providing trees.* The total parking
35 requirement for every 20 parking spaces for the proposed use or existing
36 use may be reduced by one parking space for each shade tree that is
37 provided within parking areas for up to five parking spaces. Each shade
38 tree that is planted shall be a minimum of six feet in height when planted.
39 Suitable tree types shall be those recommended for the coastal area by the
40 U.S. Department of Agriculture.

41

42

43 **PART II.** That **Sec. 36-57. Definition of specific terms and words.** Be amended as
44 follows:

1
2 **Sec. 36-57. Definition of specific terms and words.**

3
4 ...

5
6 Finished area. See living space.

7
8 Finished area ratio means the finished area divided by the land area.

9
10 ...

11
12 Land area means the net acreage of a lot.

13
14 ...

15
16 Substantial improvement means any combination of repairs, reconstruction,
17 rehabilitation, addition, or other improvement of a structure, taking place during any one-
18 year period for which the cost equals or exceeds 50 percent of the market value of the
19 structure before the start of construction of the improvement. The one-year period shall
20 be based on the date a certificate of occupancy is issued for the improvement. This term
21 includes structures which have incurred substantial damage, regardless of the actual
22 repair work performed. The term does not, however, include either:

- 23
24 (1) Any correction of existing violations of state or community health, sanitary, or
25 safety code specifications which have been identified by the community code
26 enforcement official and which are the minimum necessary to ensure safe
27 living conditions; or
28 (2) Any alteration of a historic structure, provided that the alteration will not
29 preclude the structure's continued designation as a historic structure and the
30 alteration is approved by variance issued pursuant to section 39-367.

31 ...

32
33 **PART III. That Sec. 36-179. Commercial design standards. Be added as follows:**

34
35 **Sec. 36-179. Commercial design standards.**

36
37 (a) Sketch plan review. Prior to submittal of a site plan review application for all uses
38 other than one and two-family dwelling units, the applicant shall submit to town
39 staff, at least fourteen days prior to a regularly scheduled planning board meeting, 9
40 copies of a sketch plan showing the proposed development for new construction or
41 substantial improvements in the general commercial district. The sketch plan shall

1 consist of a project narrative and conceptual renderings that show the proposed
2 buildings, building elevations, landscaping and parking areas. The planning board
3 shall review and comment on the proposed development and its consistency with the
4 standards in this section and other requirements in this chapter.

5

6 (b) Generally. In the general commercial district, for all uses other than one- and two-
7 family dwelling units, new construction and substantial improvements shall comply
8 with the following standards:

- 9 (1) Exterior building paint colors shall be subtle, neutral and earth tone colors;
- 10 (2) Mechanical equipment and dumpsters shall be screened and shall not be visible
11 from any right-of-way. Screening shall be constructed of wood, or match the
12 materials used for the building;
- 13 (3) Fences shall be constructed of wood, or match the materials used for the
14 building;
- 15 (4) No commercial building front shall remain unbroken (unpierced) by a window,
16 architectural element, entrance or functional general access doorway for more
17 than 50 feet;
- 18 (5) Windows shall comprise no less than 10% and not more than 40% of each
19 building’s vertical wall area;
- 20 (6) No awning or building projection on any building which encroaches on a
21 sidewalk or pedestrian walkway shall extend out from the building more than
22 the width of the sidewalk nor shall it at any point be less than 8 feet above the
23 sidewalk;
- 24 (7) Wall articulations (or breaks in the façade or roofline) shall be designed not less
25 than every 50 feet along the building façade;
- 26 (8) Architectural embellishments with a coastal design that add visual interest are
27 encouraged;
- 28 (9) Low impact development techniques utilized to mitigate potential stormwater
29 impacts are encouraged;
- 30 (10) The finished area ratio for all buildings shall not exceed 0.35. Sites with
31 multiple buildings, tenants, and/or occupants are encouraged to utilize multiple
32 buildings, of varying heights and design, rather than a singular building;
- 33 (11) Building elements that resemble animals, lighthouses, castles or pirate ships are
34 prohibited.

35

36 **PART IV. That Sec. 36-299. Application for building permits, zoning permits and**
37 **site plan requirements. Be amended as follows:**

38

39 ...

40

1 (b) *All uses other than one- and two-family dwelling units.*

2

3 ...

4

5 (2) Site plan requirements. Twelve copies of the site plan shall be submitted no
6 later than 30 days prior to the planning board meeting at which the plan is to be
7 reviewed. All plans shall be prepared, stamped and endorsed by a state
8 registered engineer, surveyor or architect, or other person duly authorized by
9 the state to prepare such plans. All plans shall contain at least the following
10 information:

11

12 ...

13

14 c. Site improvements, show all proposed site improvements including, but
15 not limited to:

16

17 ...

18

19 20. Commercial design elements pursuant to section 36-179, if
20 applicable.

21 ...

22

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

25

26 The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted
27 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
28 is applicable. For all of the above-stated reasons and any additional reasons supporting the
29 Town’s adoption of this ordinance amendment, the Town considers the adoption of this
30 ordinance amendment to be reasonable and in the public interest.

31

32 **ARTICLE V. Severability.**

33

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

39

40 **ARTICLE VI. Effective Date.**

41

42 This ordinance amendment shall be in full force and effect from and after the ____ day of
43 _____, 2024.

44

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Elizabeth Morey, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: ___AYES___NAYS



AGENDA ITEM SUMMARY FORM

MEETING DATE: July 2, 2024

ITEM TITLE: Public Hearing- Adoption of the Comprehensive Land Use Plan

ITEM SUMMARY:

The Town initiated the process to draft a Comprehensive CAMA Land Use Plan with the assistance of Stewart, Inc. in August, 2022. The process involved a survey (with 583 online responses), three stakeholder meetings, two public meetings, a public review and comment period, several Planning Board meetings, one joint Planning Board and Town Council meeting, Town Council authorization for Division of Coastal Management review and approval, and Division of Coastal Management approval. Town Staff is now requesting adoption of the Comprehensive CAMA Land Use Plan. A representative from Stewart, Inc. will present the document and be available for questions (virtually).

STAFF RECOMMENDATION:

Town Staff recommends approval of the adoption of the Comprehensive CAMA Land Use Plan. The Town Planning Board recommended approval (4-1) of the adoption of the Comprehensive CAMA Land Use Plan at the August 9, 2023 Special Planning Board meeting.

REQUESTED ACTION:

Motion to approve Resolution 2024-07-01 to adopt the Comprehensive CAMA Land Use Plan and authorize the Deputy Town Manager/Planning Director to submit the adopted Plan to the State for certification.



Town of Southern Shores

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

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Resolution of the Town of Southern Shores, North Carolina Adopting the Southern Shores Comprehensive CAMA Land Use Plan Resolution # 2024-07-01

WHEREAS, from November, 2022 through February, 2024, the Town of Southern Shores drafted a Comprehensive Coastal Area Management Act (CAMA) Land Use Plan with the assistance of its consultant, Stewart, Inc., and conducted a series of public workshops and meetings as part of a comprehensive public participation program under the leadership of the Southern Shores Planning Board; and

WHEREAS, on August 9, 2023, the Planning Board recommended approval of the adoption of the draft Plan; and

WHEREAS, the Town of Southern Shores conducted a duly advertised public hearing on the draft Plan at the Regular Meeting of the Southern Shores Town Council on July 2, 2024; and

WHEREAS, at the Regular Meeting on July 2, 2024, the Town Council of the Town of Southern Shores, North Carolina found the policies and Future Land Use Map in the draft Plan to be consistent with the Town of Southern Shores’ desired vision for the future and adopted the draft Plan; and

WHEREAS, the adopted Plan will be submitted as required by state law to the District Planner for the Division of Coastal Management under the North Carolina Department of Environmental Quality and forwarded to the Division Director; and

WHEREAS, a review of the adopted Plan by the Coastal Resources Commission (CRC) will be scheduled; and the CRC will then decide on certification of the locally adopted Plan; and

WHEREAS, a certified copy of the Town of Southern Shores Comprehensive CAMA Land Use Plan will be forwarded to the Office for Coastal Management for federal approval.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Council for the Town of Southern Shores, North Carolina has adopted the draft Plan; and

BE IT FURTHER RESOLVED that the Deputy Town Manager/Planning Director of the Town of Southern Shores is hereby authorized to submit the adopted Plan to the State for certification as described above.

Elizabeth Morey, Mayor

Date:

SEAL:

Sheila Kane, Town Clerk

Vote: ___AYES___NAYS

For a copy of the Comprehensive Land Use Plan

The LUP is posted on the town website at https://www.southernshores-nc.gov/sites/default/files/fileattachments/planning/page/2509/2-13-24_draft_comprehensive_land_use_plan.pdf.



AGENDA ITEM SUMMARY FORM

MEETING DATE: July 2, 2024

ITEM TITLE: Public Hearing-TCA-24-02

ITEM SUMMARY:

At the February 6, 2024 Town Council meeting, the Town Council directed Town Staff to draft Town Code amendments to modernize the Town Code. As a result, Town Staff has drafted TCA-24-02 which includes amendments to Town Code Section 1-2 by adding definitions for “development” and “development approval” as defined in N.C.G.S. 160D-102. Town Staff is also proposing to amend Town Code Section 16-4(b)(3)a.3. to allow submittal of a FEMA approved form, survey, or other documentation prepared by a licensed professional that demonstrates that the natural grade of a parcel exceeds the RFPE of eight feet, instead of an under construction and finished construction elevation certificate in shaded X and X flood zones.

Currently, a survey or an under construction elevation certificate and finished construction elevation certificate are required to demonstrate that the natural grade of a parcel exceeds the RFPE of eight feet in shaded X and X flood zones. The proposed language would allow the submittal of a survey, a FEMA approved form (such as a new elevation certificate or elevation certificate on file), or other documentation prepared by a licensed professional (such as a letter or certification) that demonstrates that the natural grade of a parcel exceeds the RFPE of eight feet.

STAFF RECOMMENDATION:

Town Staff has determined that the proposed amendments are consistent with the Town’s currently adopted Land Use Plan and Town Staff recommends approval of the application. The Town Planning Board unanimously recommended approval of the application at the June 17, 2024 Planning Board meeting.

REQUESTED ACTION:

Motion to approve TCA-24-02.

STAFF REPORT

To: Southern Shores Town Council
Date: July 2, 2024
Case: TCA-24-02
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores

Requested Action: Amendment of the Town Code by amending Town Code Town Code Section 1-2 by adding definitions for “development” and “development approval” and by amending Town Code Section 16-4(b)(3)a.3. to allow submittal of a FEMA approved form, survey, or other documentation prepared by a licensed professional that demonstrates that the natural grade of a parcel exceeds the RFPE of eight feet instead of an under construction and finished construction elevation certificate in shaded X and X flood zones

ANALYSIS

At the February 6, 2024 Town Council meeting, the Town Council directed Town Staff to draft Town Code amendments to modernize the Town Code. As a result, Town Staff has drafted TCA-24-02 which includes amendments to Town Code Section 1-2 by adding definitions for “development” and “development approval” as defined in N.C.G.S. 160D-102. Town Staff is also proposing to amend Town Code Section 16-4(b)(3)a.3. to allow submittal of a FEMA approved form, survey, or other documentation prepared by a licensed professional that demonstrates that the natural grade of a parcel exceeds the RFPE of eight feet, instead of a survey or an under construction and finished construction elevation certificate in shaded X and X flood zones.

Currently, a survey or an under construction elevation certificate and finished construction elevation certificate are required to demonstrate that the natural grade of a parcel exceeds the RFPE of eight feet in shaded X and X flood zones. The proposed language would allow the submittal of a survey, a FEMA approved form (such as a new elevation certificate or elevation certificate on file), or other documentation prepared by a licensed professional (such as a letter or certification) that demonstrates that the natural grade of a parcel exceeds the RFPE of eight feet.

RECOMMENDATION

Town Staff has determined that the proposed amendments are consistent with the Town’s currently adopted Land Use Plan and Town Staff recommends approval of the application. The Town Planning Board unanimously recommended approval of the application at the June 17, 2024 Planning Board meeting.



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TCA-24-02
6-5-24
Ordinance 2024-XX-XX

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

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. Chap. 160A, the Town has duly codified the Town’s Code of Ordinances (the “Town Code”); and

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Southern Shores (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures, and land. Pursuant to this authority and the additional authority granted by N.C.G.S. § 160D-702, 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

WHEREAS, in accordance with the finding above, the amendment of the Town’s Code Ordinances as stated below will serve a public purpose and advances the public health, safety and general welfare.

WHEREAS, the North Carolina General Assembly adopted 2019 N.C. Sess. Law 111 to clarify and change the land-use regulatory laws of the State, including the recodification of many existing land-use regulatory laws in a newly created N.C.G.S. Chap. 160D pursuant to 2019 N.C. Sess. Law 111, Part II; and

WHEREAS, the Town desires to amend its Town Code to conform to N.C.G.S. Chap. 160D as provided in these ordinance amendments; and

WHEREAS, the amendment of the Town’s Town Code Ordinances as stated below is based on reasonable consideration, among other things, as to the character of the district, suitability for uses in the area, conserving value of buildings and encouraging the most appropriate use of land throughout the Town.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words

1 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
2 adopted Town Code which are not repeated herein but are instead replaced by an ellipses
3 (“...”) shall remain as they currently exist within the Town Code.
4

5 **ARTICLE III. Amendment of Town Code.**
6

7 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of
8 Southern Shores, North Carolina, that the Town Code shall be amended as follows:
9

10 **PART I.** That **Sec. 1-2. Definitions and rules of construction.** Be amended as
11 follows:
12

13 **Sec. 1-2. Definitions and rules of construction.**
14

15 ...
16

17 *Development.* The term "development" means any of the following:

- 18 (a) The construction, erection, alteration, enlargement, renovation, substantial
19 repair, movement to another site, or demolition of any structure.
- 20 (b) The excavation, grading, filling, clearing, or alteration of land.
- 21 (c) The subdivision of land as defined in section 30-2.
- 22 (d) The initiation or substantial change in the use of land or the intensity of use of
23 land.
24

25 *Development approval.* The term "development approval" means an
26 administrative or quasi-judicial approval made pursuant to this town code that is
27 written and that is required prior to commencing development or undertaking a
28 specific activity, project, or development proposal. Development approvals include,
29 but are not limited to, zoning permits, site plan approvals, special use permits,
30 variances, and certificates of appropriateness. The term also includes all other
31 regulatory approvals required by regulations adopted pursuant to this town code,
32 including plat approvals, permits issued, development agreements entered into, and
33 building permits issued.
34

35 ...
36

37 **PART II.** That **Sec. 16-4. Administration.** Be amended as follows:
38

39 **Sec. 16-4. Administration.**
40

41 ...
42

- 43 (b) *Floodplain development application, permit and certification requirements.*

1 ...

2 (3) *Certification requirements.*

3 a. *Elevation certificates for AE, AO, VE, shaded X and X zones.*

- 4 1. An under construction elevation certificate is required prior to
 5 completion of the framing/sheathing inspection by the town. It shall
 6 be the duty of the permit holder to submit to the floodplain
 7 administrator a certification of the elevation of the reference level in
 8 relation to mean sea level. The floodplain administrator shall review
 9 the certificate data submitted. Deficiencies detected by such review
 10 shall be corrected by the permit holder immediately and prior to
 11 further work being permitted to proceed. Failure to submit the
 12 certification or failure to make required corrections shall be cause to
 13 issue a stop work order for the project.
- 14 2. A final finished construction elevation certificate (FEMA Form 086-
 15 0-33) is required after construction is completed and prior to
 16 certificate of compliance/occupancy issuance. It shall be the duty of
 17 the permit holder to submit to the floodplain administrator a
 18 certification of final as-built construction of the elevation of the
 19 reference level and all attendant utilities. The floodplain administrator
 20 shall review the certificate data submitted. Deficiencies detected by
 21 such review shall be corrected by the permit holder immediately and
 22 prior to certificate of compliance/occupancy issuance. In some
 23 instances, another certification may be required to certify corrected
 24 as-built construction. Failure to submit the certification or failure to
 25 make required corrections shall be cause to withhold the issuance of a
 26 certificate of compliance/occupancy. The finished construction
 27 elevation certificate certifier shall provide at least two photographs
 28 showing the front and rear of the building taken within 90 days from
 29 the date of certification. The photographs must be taken with views
 30 confirming the building description and diagram number provided in
 31 section A [of FEMA Form 086-0-33]. To the extent possible, these
 32 photographs should show the entire building including foundation. If
 33 the building has split-level or multi-level areas, provide at least two
 34 additional photographs showing side views of the building. In
 35 addition, when applicable, provide a photograph of the foundation
 36 showing a representative example of the flood openings or vents. All
 37 photographs must be in color and measure at least three inches by
 38 three inches. Digital photographs are acceptable.
- 39 3. In shaded X and X zones, ~~the under construction elevation certificate~~
 40 ~~and the finished construction elevation certificate may be waived if a~~
 41 ~~survey of the parcel was used to certify the natural grade of the parcel~~
 42 ~~was to or above eight feet NAVD 1988 at the time of permit~~
 43 ~~application. In lieu of the finished construction elevation certificate,~~
 44 ~~an as-built survey of the parcel shall be submitted to certify the~~

1 ~~finished grade of the parcel is compliant with the RFPE or 8 feet~~
2 ~~NAVD 1988 or above. an approved FEMA form, survey or other~~
3 ~~documentation prepared by a licensed professional may be used to~~
4 ~~demonstrate the natural grade of the parcel exceeds the RFPE of eight~~
5 ~~feet instead of an elevation certificate.~~

6
7 ...
8

9 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
10 **Reasonableness.**

11
12 The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted
13 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
14 is applicable; for all the above-stated reasons, including but not limited to it encourages the
15 use of low impact development techniques and sound environmental preservation practice,
16 encourages lot preparation methods that preserve natural vegetation and minimize clear
17 cutting and furthers the founder’s original vision for Southern Shores of a low-density
18 residential community served by a small commercial district. The Town considers the
19 adoption of this ordinance amendment to be reasonable and in the public interest.
20

21 **ARTICLE V. Severability.**

22
23 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
24 hereby repealed. Should a court of competent jurisdiction declare this ordinance
25 amendment or any part thereof to be invalid, such decision shall not affect the remaining
26 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
27 Town of Southern Shores, North Carolina which shall remain in full force and effect.
28

29 **ARTICLE VI. Effective Date.**

30
31 This ordinance amendment shall be in full force and effect from and after the ____ day of
32 _____, 2024.
33

34
35 _____
Elizabeth Morey, Mayor

36 ATTEST:

37
38 _____
39 Town Clerk

40
41
42 APPROVED AS TO FORM:

43
44 _____
45 Town Attorney
46

1 Date adopted:

2

3 _____

4 Motion to adopt by Councilmember:

5 _____

6 Motion seconded by Councilmember:

7

8

Vote: ___AYES___NAYS