



**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, January 04, 2022 at 5:30 PM**

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## **AGENDA**

### **Call Meeting to Order**

Pledge of Allegiance

Moment of Silence

### **Amendments to / Approval of Agenda**

#### **Consent Agenda**

1. December 7, 2021 Draft Minutes (emailed)

#### **Staff Reports**

Deputy Town Manager/Planning Director

Police Chief

Fire Chief

2. Town Manager's Report

-Mid Currituck Bridge Update Discussion

-Potential Council Retreat

-Pavement Maintenance

-Town Bridge Inspections

Town Attorney

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

#### **Old Business**

3. Continuation of Council Vacancy Discussion

#### **New Business**

4. Public Hearing ZTA-21-09 a Zoning Text Amendment application submitted by the Town of Southern Shores to amend Town Code Section 36-202 (d)(6), Maximum Allowable Lot Coverage; Section 36-203 (d)(6), Maximum Allowable Lot Coverage; Section 36-204 (d)(6), Maximum Allowable Lot Coverage; Section 36-205 (d)(6), Maximum Allowable Lot Coverage.

5. Public Hearing-ZTA-21-10, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend Town Code Section 36-207 (b), Permitted Uses and Section 36-209, Prohibited Uses in all Districts.

6. Capital Project Ordinance for Beach Nourishment

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

#### **Council Business**

#### **Adjourn**



# Town of Southern Shores

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## **MEMORANDUM**

To: Mayor and Town Council  
From: Cliff Ogburn, Town Manager  
Date: December 30, 2021  
Re: Manager's Report

Provided below is a brief summary of items I plan to discuss during my staff report at your January 4, 2022, Council meeting.

1. Mid- Currituck Bridge – As stated on the NC DOT webpage – “On Dec. 13, 2021, the N.C. Department of Transportation received notification that the U.S. District Court for the Eastern District of N.C. decided in favor of NCDOT and the Federal Highway Administration. A lawsuit was filed in April 2019 by the Southern Environmental Law Center (on behalf of the North Carolina Wildlife Federation and No MCB-Concerned Citizens and Visitors Opposed to the Mid-Currituck Bridge) challenging the FHWA and NCDOT’s environmental analysis and decision document for the project. The court ruled that NCDOT and FHWA complied with applicable federal laws and regulations. The project team is evaluating the schedule and working on next steps to move forward”.

Though it remains to be seen, it has been reported in the local news outlets that the SELC plans to appeal the decision.

The Council may want to discuss with the Town’s Attorney what action or steps, if any, the Council may want to pursue.

2. Potential Council Retreat – If the Council has a desire to schedule a retreat this winter with a facilitator, it would be wise to decide dates before facilitator calendars fill up.

A one- or two-day retreats could be used to:

- Provide an opportunity for board members to learn more about each other's motivations, interests, and work preferences,
- Clarify their mutual expectations, goals, and identity as a governing board,
- Establish broad priorities,
- Define what "success" or "progress" will look like, and/or
- Set budget priorities for the coming fiscal year.

3. Pavement Maintenance Implementation Plan – I will provide an update of the progress with SEPI engineering to begin the process of street maintenance for the coming year.

4. Town Bridge Inspections - We received notification from NC DOT that they are currently preparing for the 2022 inspection cycle. The bridges to be inspected are located at S. Dogwood and Snow Goose Canal, E. Dogwood and Great Blue Heron Canal, and Yaupon Trail and Pelican Canal. The Federal Highway Administration covers 80% of the inspection cost. The remaining 20% or \$650 is our cost. We inquired about adding the Trinitie Trail culvert to these inspections, but it does not qualify due to its narrower width. We are working to get a quote from the DOT contractor as well as the engineering firm who last inspected the culvert in 2014.



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7  
8

9 **MEETING MINUTES**

10 **PLANNING BOARD-NOVEMBER 15, 2021, 5:00 P.M.**

11 **LOCATION: PITTS CENTER-5377 N VIRGINIA DARE TRAIL, SOUTHERN SHORES, NC 27949**

12  
13

14 **I. CALL TO ORDER:**

15 Chairperson Andy Ward called the meeting to order at 5:00 pm. Planning Board Members Lynda  
16 Burek, Ed Lawler, Robert McClendon, John Finelli (ETJ), Tony DiBernardo (Vice-Chairperson),  
17 Andy Ward (Chairperson), Deputy Town Manager/Planning Director Wes Haskett, and Town  
18 Clerk Sheila Kane were present.

19

20 Planning Board Alternate Member Richard Galganski was also in attendance.

21

22 **II. PLEDGE OF ALLEGIANCE:**

23 Chairperson Ward led the Pledge of Allegiance.

24

25 **III. APPROVAL OF AGENDA:**

26 Vice Chairperson DiBernardo **moved** to approve the agenda, Seconded by Planning Board  
27 Member Burek. The motion passed unanimously (5-0).

28

29 **IV. APROVAL OF MINUTES**

30 Vice Chairperson DiBernardo **moved** to approve the minutes of September 14, 2021 and October  
31 18, 2021 as amended, Seconded by Planning Board Member Burek. The motion passed  
32 unanimously (5-0).

33

34 **V. PUBLIC COMMENT**

35 None

36

37 **VI. OLD BUSINESS**

38 **A. ZTA-21-09 Maximum Allowable Lot Coverage**

39 Planning Director Wes Haskett presented the staff report which read as, the proposed  
40 amendments to Sections 36-202 (d)(6), 36-203 (d)(6), 36-204 (d)(6), and 36-205 (d)(6)c are a  
41 result of comments provided by the Town Attorney regarding the use of the first line of stable  
42 natural vegetation on oceanfront lots for determining lot coverage. His comments referred to  
43 N.C.G.S. 77-20 which establishes that the seaward boundary of oceanfront properties is the  
44 mean high-water mark. The proposed amendments are an effort to make it clear that the  
45 Town’s lot coverage requirements for lots where the boundary is the Atlantic Ocean only use

46 the first line of stable natural vegetation to establish lot coverage by using a portion of the lots,  
47 not for establishing the seaward boundary or area of the lots.

48

49 Planning Chairperson Ward stated the language is for clarification purposes, not a change in  
50 measuring.

51

52 Vice Chairperson DiBernardo **moved** to approve ZTA-21-09 as written, Seconded by Planning  
53 Boar Chairperson ward. The motion passed unanimously (5-0).

54

## 55 VII. New Business

### 56 ZTA-21-10 Produce Stands

57 Planning Director Haskett stated at the May 4, 2021 Town Council meeting, Council adopted  
58 ZTA-21-04 which established prohibited uses in the Town. One of the prohibited uses was  
59 produce stands and Council directed the Planning Board to recommend a ZTA that would allow  
60 produce stands in the Commercial zoning district. The proposed ZTA establishes produce stands  
61 as a permitted use in the Commercial zoning district and it includes requirements that address  
62 setbacks, hours of operation, parking, signage, and vehicular and pedestrian traffic safety. Staff  
63 put together ZTA-21-10 and kept it simple. The requirements are as follows:

- 64 A. All stands shall meet the yard requirements for the C general commercial  
65 district;
- 66 B. No sales shall be conducted between 8:00 p.m. and 7:00 a.m.;
- 67 C. No additional lighting shall be allowed;
- 68 D. All stands shall comply with all applicable Dare County Health Department  
69 requirements;
- 70 E. Only one stand per lot shall be allowed;
- 71 F. When located on a lot with fifty (50) or more existing parking spaces, no  
72 additional parking spaces will be required. When located on a lot with less  
73 than fifty (50) existing parking spaces, a minimum of three (3) off-street  
74 parking spaces shall be provided. When located on a vacant lot, a  
75 minimum of three (3) parking spaces shall be provided on an adjacent lot  
76 with existing parking spaces that is under same ownership;
- 77 G. One freestanding sign not exceeding 32 square feet in area or 6 feet in  
78 height shall be allowed.
- 79 H. If applicable, a building and/or electrical permit shall be obtained;
- 80 I. The display, storage and/or sale area shall not impede vehicular or  
81 pedestrian traffic and parking;

82

83 Vice Chairperson recommended adding, on-site garbage or trash receptacles must be provided  
84 and emptied daily upon closing of the stand. (Requirement J)

85

86 Chairperson Ward felt the structure of the stand needs to be clarified. Planning Director  
87 Haskett stated anything greater than a 12 X 12 structure would trigger the need for a building  
88 permit. A portable structure "on wheels" would not trigger a permit requirement.

89

90 Chairperson Ward stated he was not in favor of having the stand remain vacant throughout the  
91 off-season and a requirement should be added that the structure is to be removed upon  
92 closure.

93 Planning Board Member Lawler stated the produce stand may only be open on weekends in the  
 94 shoulder months.

95  
 96 Planning Board Member Finelli (ETJ) stated the stand may be closed temporarily due to  
 97 inclement weather conditions.

98  
 99 **By consensus**, a maximum timeframe for the produce stand to conduct business is April 15-  
 100 November 15; the produce stand is to be removed three days upon closure. (Requirement K)

101  
 102 Vice Chairperson DiBernardo **moved** to approve ZTA-21-10 with the addition of (j) and (k), also  
 103 in item (f) deletion of “three off-street parking places shall be provided”, Seconded by Planning  
 104 Board Member Burek. The motion passed unanimously (5-0).

105  
 106 Potential Discussion on Chapter 26 Solid Waste

107 Vice Chairperson DiBernardo stated his original concern was the number of receptacles, the  
 108 markings on them, and nothing to enforce the trash being left at the street. As he progressed  
 109 and read Chapter 26, he found there is a lot of strikethroughs and a lot of additions that have to  
 110 be done. Consistency is important and this chapter lacks word consistency.

111  
 112 Chairperson Ward provided images of trash/recycle cans that have been properly labeled and  
 113 marked with instructions for distance and placement and said it has worked well in  
 114 communicating proper placement with the rental tenants. He didn’t think stickers would last but  
 115 suggested a stencil. He further stated, it will be up to Council how much they want to address.  
 116 The Planning Board needs to implore Town Council to be proactive in this and move the needle.

117  
 118 Chairperson Ward also stated how many receptacles per residential unit are required is  
 119 addressed but since we can no longer address number of bedrooms the language may need to  
 120 say, “per advertised occupancy”. Planning Director Haskett stated he would look into the ability  
 121 to address number of receptacles by bedroom language and felt it may be okay because the  
 122 property owner is not being told how many rooms they can have. It would only be stating how  
 123 many cans you need if you have “x” number of bedrooms.

124  
 125 Vice Chairperson DiBernardo stated the current ordinance reads, one recycle can no matter the  
 126 number of rooms and that lids must be closed. If we can clarify things and send it to the real  
 127 estate companies and hope they do something with it.

128  
 129 Chairperson Ward stated it is complaint driven and all of this is stuff the Town Council is going to  
 130 have to take on and how is it enforceable. As an advisory board, we need to make some strong  
 131 suggestions on what we would like to see occur. One of them is a graduated scale for receptacles  
 132 for the number of occupants that a house is listed for by the real estate company or by septic  
 133 capacity.

134  
 135 Planning Board Member McClendon suggested inserting a small chart with can number  
 136 requirements. He also stated if Vice Chairperson DiBernardo was willing to mark up the changes  
 137 he would like to see in Chapter 26 and then the board members can review it from there.

138

139 Chairperson Ward requested all Planning Board Members to bring five constructive ideas to the  
 140 next meeting for continued discussion of Chapter 26, Solid Waste. He stated then it can go to  
 141 Council, and they can tell us how far they want the Planning Board to dig into this because it will  
 142 be staff that would need to implement the changes.

143

144 Planning Board Member McClendon stated a large majority of the issue is with the rental  
 145 properties and he would like to see something in place before the next summer season.

146

#### 147 **Public Comment**

148 Duke Geraghty- Past Government Affairs Director for Home Builder's Association-comment on  
 149 decks as part of lot coverage.

150

#### 151 **Planning Board Member Comments**

152 Planning Board Member Lawler asked for an update on the Marketplace permitting. Planning  
 153 Director Haskett stated he has not heard anything on the permit, but Town Engineer Joe Anlauf  
 154 met last week with project engineer Kim Hamby on site. Mr. Anlauf provided them with a list of  
 155 approximately 10-12 items to address.

156

#### 157 **Announcements**

158 Planning Director Haskett stated the next meeting is Monday, December 20<sup>th</sup> at 5:00 p.m.  
 159 The sign ordinance ZTA was requested by staff to be tabled at the last Council meeting to  
 160 address some oversights. Council sent it back to staff. The meeting schedule for the Planning  
 161 Board 2022 will have a start time of 5:00 p.m. if the board is agreeable.

162

163 **By Consensus**, all board members agreed to a 5:00 p.m. meeting start time.

164

#### 165 **Adjourn**

166 Hearing no further business, **motion** made by Planning Board Member Lawler to adjourn,  
 167 Seconded by Chairperson Ward. Motion passed unanimously. The time was 7:05 P.M.

168

169

170 ATTEST:

Respectfully submitted,

171

172 \_\_\_\_\_  
Andy Ward, Chairperson\_\_\_\_\_  
Sheila Kane, Town Clerk



## AGENDA ITEM SUMMARY FORM

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**MEETING DATE:** January 4, 2022

**ITEM TITLE:** Public Hearing- ZTA-21-09

**ITEM SUMMARY:**

At the March 2, 2021 Town Council meeting, the Town Council instructed Town Staff to take valuable elements out of the adoption draft of the Town Code Update written by CodeWright for review by the Planning Board and the Town Council for future consideration. The proposed amendments to Sections 36-202 (d)(6), 36-203 (d)(6), 36-204 (d)(6), and 36-205 (d)(6) are a result of comments provided by the Town Attorney regarding the use of the first line of stable natural vegetation on oceanfront lots for determining lot coverage. His comments referred to N.C.G.S. 77-20 which establishes that the seaward boundary of oceanfront properties is the mean high water mark. The proposed amendments are an effort to make it clear that the Town's lot coverage requirements for lots where the boundary is the Atlantic Ocean only use the first line of stable natural vegetation to establish lot coverage by using a portion of the lots, not for establishing the seaward boundary or area of the lots. If approved, the proposed amendments would not change how lot coverage is calculated on lots where the boundary is the Atlantic Ocean (see lot coverage information on enclosed as-built survey).

**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 proposed ZTA. The Town Planning Board unanimously (5-0) recommended approval of the application at the November 15, 2021 Planning Board meeting. The proposed language was drafted with the assistance of Professor David Owens with the UNC School of Government. The language suggested by Professor Owens clarifies that the first line of stable natural vegetation is used to establish lot coverage by using a portion of the lots, not for establishing the seaward boundary or area of the lots.

**REQUESTED ACTION:**

Motion to approve ZTA-21-09.



## STAFF REPORT

**To:** Southern Shores Town Council  
**Date:** January 4, 2022  
**Case:** ZTA-21-09  
**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 36-202 (d)(6), 36-203 (d)(6), 36-204 (d)(6), and 36-205 (d)(6).

### ANALYSIS

At the March 2, 2021 Town Council meeting, the Town Council instructed Town Staff to take valuable elements out of the adoption draft of the Town Code Update written by CodeWright for review by the Planning Board and the Town Council for future consideration. The proposed amendments to Sections 36-202 (d)(6), 36-203 (d)(6), 36-204 (d)(6), and 36-205 (d)(6) are a result of comments provided by the Town Attorney regarding the use of the first line of stable natural vegetation on oceanfront lots for determining lot coverage. His comments referred to N.C.G.S. 77-20 which establishes that the seaward boundary of oceanfront properties is the mean high water mark. The proposed amendments are an effort to make it clear that the Town's lot coverage requirements for lots where the boundary is the Atlantic Ocean only use the first line of stable natural vegetation to establish lot coverage by using a portion of the lots, not for establishing the seaward boundary or area of the lots. If approved, the proposed amendments would not change how lot coverage is calculated on lots where the boundary is the Atlantic Ocean (see lot coverage information on enclosed as-built survey).

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 amendments are consistent with the Town's currently adopted Land Use Plan and Town Staff recommends approval of the proposed ZTA. The Town Planning Board unanimously (5-0) recommended approval of the application at the November 15, 2021 Planning Board meeting. The proposed language was drafted with the assistance of Professor David Owens with the UNC School of Government. The language suggested by Professor Owens clarifies that the first line of stable natural vegetation is used to establish lot coverage by using a portion of the lots, not for establishing the seaward boundary or area of the lots.



# Town of Southern Shores

Item 4.

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:** 10 / 13 / 21      **Filing Fee:** \$200      **Receipt No.** N/A      **Application No.** ZTA-21-09

**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 whaskett@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

Wm Awa  
Signature

10-13-21  
Date

\* Attach supporting documentation.



**Town of Southern Shores**

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ZTA-21-09

Ordinance 2022-01-02

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 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.**

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

**PART I.** That **Sec. 36-202. RS-1 single-family residential district.** Be amended as follows:

**Sec. 36-202. RS-1 single-family residential district.**

...

(d) *Dimensional requirements.*

1 ...

2

3 (6) Maximum allowable lot coverage.

4 a. Maximum allowable lot coverage shall be 30 percent, except for town-  
5 owned facilities and fire stations;

6 b. Maximum allowable lot coverage shall be 85 percent for town-owned  
7 facilities and fire stations.

8 c. Gravel walkways shall not contribute to lot coverage.

9 d. Open-slatted decks that allow water to penetrate through to pervious  
10 material, not exceeding a total of 25 percent of the total footprint area of  
11 the attached single-family dwelling, shall not contribute to lot coverage.

12 e. Those allowances and/or exemptions listed in subsection d. of this  
13 paragraph (6) shall be available only to an applicant for a building/zoning  
14 permit for a single-family dwelling or attached open-slatted deck over  
15 pervious material, upon presentation of a survey with all applicable  
16 requirements including plan certification, for a lot disturbance and  
17 stormwater management permit as described in subsection 36-171(3) of  
18 the Town Code of Ordinances.

19 In the case of ~~an oceanfront~~ a lot where the boundary is the Atlantic Ocean,  
20 only that portion of the lot area landward of the first line of stable natural  
21 vegetation (as defined by CAMA) shall be used for calculating the calculation  
22 of lot coverage as it pertains to impervious surface limits included in the  
23 maximum allowable lot coverage constraints.

24

25 **PART II.** That **Sec. 36-203. RS-8 multifamily residential district.** Be amended as  
26 follows:

27

28 **Sec. 36-203. RS-8 multifamily residential district.**

29

30 ...

31 (d) *Dimensional requirements.*

32

33

34 ...

35

36 (6) Maximum allowable lot coverage by principal use and all accessory structures:  
37 30 percent. In the case of ~~an oceanfront~~ a lot where the boundary is the Atlantic  
38 Ocean, only that portion of the lot area landward of the first line of stable  
39 natural vegetation (as defined by CAMA) shall be used for calculating the  
40 calculation of lot coverage as it pertains to impervious surface limits included  
41 in the maximum allowable lot coverage constraints.

1 **PART III.** That **Sec. 36-204. RS-10 residential district.** Be amended as follows:

2

3 **Sec. 36-204. RS-10 residential district.**

4

5 ...

6

7 (d) *Dimensional requirements.*

8

9 ...

10

11 (6) Maximum allowable lot coverage: 30 percent. In the case of ~~an oceanfront~~ a lot  
12 where the boundary is the Atlantic Ocean, only that portion of the lot area  
13 landward of the first line of stable natural vegetation (as defined by CAMA)  
14 shall be used for calculating the calculation of lot coverage as it pertains to  
15 impervious surface limits included in the maximum allowable lot coverage  
16 constraints.

17

18 ...

19

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

22

23 **Sec. 36-205. RS-1 low-density residential district.**

24

25 ...

26

27 (d) *Dimensional requirements.*

28

29 ...

30

31 (6) Maximum allowable lot coverage.

32

a. Maximum allowable lot coverage shall be 30 percent, except for town-owned  
33 facilities and fire stations;

34

b. Maximum allowable lot coverage shall be 85 percent for town-owned  
35 facilities and fire stations; and

36

c. Maximum allowable lot coverage shall be 40 percent for school facilities.

37

In the case of ~~an oceanfront~~ a lot where the boundary is the Atlantic Ocean,  
38 only that portion of the lot area landward of the first line of stable natural  
39 vegetation (as defined by CAMA) shall be used for calculating the calculation  
40 of lot coverage as it pertains to impervious surface limits included in the  
41 maximum allowable lot coverage constraints.

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**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 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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Tom Bennett, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

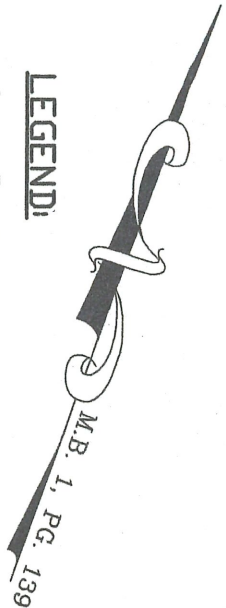
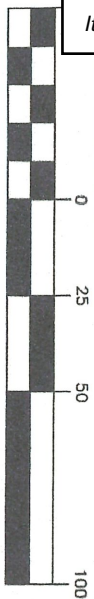
Date adopted:

\_\_\_\_\_  
Motion to adopt by Councilmember:

\_\_\_\_\_  
Motion seconded by Councilmember:

Vote: \_\_\_AYES\_\_\_NAYS





- LEGEND:**
- ⊙ Ex. Rebar
  - ⊠ Ex. CM
  - ⊕ Water Meter
  - ⊗ Water Valve
  - ▲ CATV
  - ☀ Fire Hydrant
  - ☀ Gas Tank

**NOTES:**

Address: 64A Ocean Boulevard

Lot Area = 39,868 Sq. Ft.

West of Veg. Line= 30,012 Sq. Ft.

Ex. Lot Coverage

West of Veg. Line= 8948.4 Sq. Ft. (29.8%)

Flood Zones are subject to change

Setbacks shown are as per the Town of Southern Shores Zoning and CAMA; they do not reflect any Restrictive Covenants that may exist.

This survey was based on the existing property corners found in conjunction with the recorded reference given.

Certifier hereon is not responsible for utilities and/or features that are not visible at the time of the survey, nor any additional setbacks that are not shown.

I, M. DOUGLAS STYONS, JR., P.L.S., certify that this plat was drawn from an actual field land survey that the error of closure as calculated by latitudes and departures is at least 1:10,000;

Witness my hand and seal this 20th day of August A.D. 2019



P.L.S.

L-3227

ATLANTIC OCEAN  
S18°09'46"E

APPROX. M.H.W. @ ELEV. 1.2' NAVD 88 AS MEASURED BY S.S.S. ON 9-27-16

87.54'

456.97'  
183.96'

WOOD RETAINING WALL (TYPICAL)

60' CAMA ETBACK FOR STRUCTURES LESS THAN 5,000 SQ. FT. (OTHERS APPLY)

FLSNV AS PER CAMA STAKES

EX. 5/8" REBAR FLUSH

120' CAMA SETBACK FOR STRUCTURES LESS THAN 5,000-9,999 SQ. FT. (OTHERS APPLY)

(3)

D.B. 2071, Pg. 715

N70°05'00"E

S70°05'00"W

454.29'

130.4'

395.34'

N19°55'00"W

N03°48'24"W

EX. 5/8" REBAR BENT FLUSH

20.67'

(90° R/W)

OCEAN BOULEVARD

FINAL AS-BUILT SURVEY OF

LOT 4R, BLOCK 6, SOUTHERN SHORES

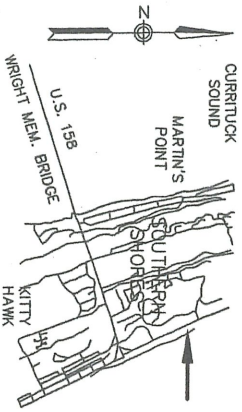
SECTION 1 (RECOMBINED LOT)

SURVEYED FOR

64A OCEAN BLVD, LLC

ATLANTIC TOWNSHIP  
SOUTHERN SHORES

DARE COUNTY  
NORTH CAROLINA



SITE

ATLANTIC OCEAN

VICINITY MAP (N.I.S.)

DATE: 8-19-19  
REV. DATE:

F.I.R.M.: 3720 9867 00 J  
F.I.R.M. DATE: 9-20-06  
FLOOD ZONE: VE (12.0')

SCALE: 1" = 50'  
FILE NO.: 16-244  
DWG NO.: 16244AB

REC. REF. P.C.-1, SL. 139  
D.B. 2107, GP. 934  
PIN NO.: 20986712956104

*Styons Surveying Services*

*Styons Surveying Services*

2700 N. Croatan Hwy. Kill Devil Hills, NC. 27948  
Phone: (252) 441-1415 Fax: (252) 480-1182

Any unauthorized use or alteration of this document is prohibited  
A red seal must be present for this to be an original document



## AGENDA ITEM SUMMARY FORM

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**MEETING DATE:** January 4, 2022

**ITEM TITLE:** Public Hearing- ZTA-21-10

**ITEM SUMMARY:**

At the March 2, 2021 Town Council meeting, the Town Council instructed Town Staff to take valuable elements out of the adoption draft of the Town Code Update written by CodeWright for review by the Planning Board and the Town Council for future consideration. At the May 4, 2021 Town Council meeting, Council adopted ZTA-21-04 which established prohibited uses in the Town. One of the prohibited uses was produce stands and Council directed the Planning Board to recommend a ZTA that would allow produce stands in the Commercial zoning district. The proposed ZTA establishes produce stands as a permitted use in the Commercial zoning district and it includes requirements that address setbacks, hours of operation, parking, signage, trash receptacles, and vehicular and pedestrian traffic safety.

**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 proposed ZTA. The Town Planning Board unanimously (5-0) recommended approval of the application at the November 15, 2021 Planning Board meeting.

**REQUESTED ACTION:**

Motion to approve ZTA-21-10.



## STAFF REPORT

**To:** Southern Shores Town Council  
**Date:** January 4, 2022  
**Case:** ZTA-21-10  
**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 amending Section 36-207 (b), Permitted Uses and Section 36-209, Prohibited Uses in all Districts.

### ANALYSIS

At the March 2, 2021 Town Council meeting, the Town Council instructed Town Staff to take valuable elements out of the adoption draft of the Town Code Update written by CodeWright for review by the Planning Board and the Town Council for future consideration. At the May 4, 2021 Town Council meeting, Council adopted ZTA-21-04 which established prohibited uses in the Town. One of the prohibited uses was produce stands and Council directed the Planning Board to recommend a ZTA that would allow produce stands in the Commercial zoning district. The proposed ZTA establishes produce stands as a permitted use in the Commercial zoning district and it includes requirements that address setbacks, hours of operation, parking, signage, trash receptacles, and vehicular and pedestrian traffic safety.

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 amendments are consistent with the Town's currently adopted Land Use Plan and Town Staff recommends approval of the proposed ZTA. The Town Planning Board unanimously (5-0) recommended approval of the application at the November 15, 2021 Planning Board 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: 11 / 2 / 21 Filing Fee: \$200 Receipt No. N/A Application No. ZTA-21-10

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 (252) 261-2394 Email whaskett@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. H. W. H.  
Signature

11-2-21  
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-21-10 Ordinance

2022-01-03

11-17-2021

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 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.**

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

**PART I.** That **Sec. 36-207.C general commercial district.** Be amended as follows:

**Sec. 36-207. C general commercial district.**

...

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

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...

(11) Produce stands. The retail sale of fruits, vegetables, and plants subject to the following requirements:

- a. All stands shall meet the yard requirements for the C general commercial district;
- b. No sales shall be conducted between 8:00 p.m. and 7:00 a.m.;
- c. No additional lighting shall be allowed;
- d. All stands shall comply with all applicable Dare County Health Department requirements;
- e. Only one stand per lot shall be allowed;
- f. When located on a lot with fifty (50) or more existing parking spaces, no additional parking spaces will be required. When located on a lot with fewer than fifty (50) existing parking spaces, a minimum of three (3) off-street parking spaces shall be provided. When located on a vacant lot, parking spaces shall be provided on an adjacent lot with existing parking spaces that is under same ownership;
- g. One freestanding sign not exceeding 32 square feet in area or 6 feet in height shall be allowed.
- h. If applicable, a building and/or electrical permit shall be obtained;
- i. The display, storage and/or sale area shall not impede vehicular or pedestrian traffic and parking;
- j. On-site garbage or trash receptacles must be provided and properly maintained at all times;
- k. May operate from April 15<sup>th</sup> to November 15<sup>th</sup>. Any structures, stands and accessory materials shall be removed and the property cleaned up within 3 days upon seasonal closure.

**PART II.** That **Sec. 36-209. Prohibited uses.** Be amended as follows:

**Sec. 36-209. Prohibited uses in all districts.**

(a) The following uses shall be prohibited in all districts:

...

- ~~(36)~~ Produce stands;
- ~~(37)~~ Satellite dish farms;

- 1        (~~387~~)     Sexually oriented businesses;
- 2        (~~398~~)     Shooting ranges;
- 3        (~~4039~~)    Slaughterhouses;
- 4        (~~410~~)     Smoke and vapor shops;
- 5        (~~421~~)     Solar Energy farms;
- 6        (~~432~~)     Storage or processing of radioactive or infectious waste;
- 7        (~~443~~)     Tattoo, body piercing, and body art establishments;
- 8        (~~454~~)     Taxi and pedicab storage and dispatch; or
- 9        (~~465~~)     Use of a boat, houseboat, or other floating structure as a temporary or
- 10                permanent residence (this shall not prevent the overnight occupancy of a vessel
- 11                temporarily moored while in transit on navigable waters).

12  
13 ...  
14

15 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**  
16 **Reasonableness.**

17  
18 The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted  
19 comprehensive zoning ordinance, land use plan and any other officially adopted plan that  
20 is applicable. For all of the above-stated reasons and any additional reasons supporting the  
21 Town’s adoption of this ordinance amendment, the Town considers the adoption of this  
22 ordinance amendment to be reasonable and in the public interest.

23  
24 **ARTICLE V. Severability.**

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

31  
32 **ARTICLE VI. Effective Date.**

33  
34 This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of  
35 \_\_\_\_\_, 2021.

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38 \_\_\_\_\_  
Tom Bennett, Mayor

39 ATTEST:  
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41 \_\_\_\_\_  
42 Town Clerk

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APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

Date adopted:

\_\_\_\_\_  
Motion to adopt by Councilmember:

\_\_\_\_\_  
Motion seconded by Councilmember:

Vote: \_\_\_AYES\_\_\_NAYS

**Kitty Hawk:**

Produce stand. The retail sale of fruits, vegetables, flowers, containerized house or bedding plants, herbs and other agricultural food products, such as jam, jelly, vinegar, eggs, cheese or honey, subject to the following terms and conditions:

- a. The project site must have frontage along U.S. Highway 158 or N.C. Highway 12;
- b. No produce, plants or related products shall be located within the town or state right-of-way or in designated parking spaces or fire lanes;
- c. The activity may not utilize on-site required parking spaces to conduct retail activities or storage;
- d. No sales shall be conducted after 10:00 p.m. and prior to 7:00 a.m.;
- e. No music shall be produced on the site which music is audible beyond the property lines of the lot on which the sales are being conducted;
- f. Any signs must meet the current standards of this chapter and applicable sign permit requirements;
- g. No additional lighting shall be allowed on the site;
- h. Trailers or vehicles used to transport produce and materials to the site shall be concealed from observation from town streets and state rights-of-way;
- i. Prior to issuance of a conditional use permit, the applicant shall present a scaled site plan illustrating the location of all vendor display and storage areas, pedestrian circulation areas and ways, and location of required parking;
- j. Any structures must meet wind construction standards and tie-down standards per state building code;
- k. One paved off-street parking stall shall be required for each 300 square feet of occupied retail space. For purposes of this section, retail space shall be that area occupied for the display, sale or storage of goods;
- l. The required parking shall not be allowed in public or private rights-of-way, fire lanes or travel lanes designated on approved site plan;
- m. Any tent occupying over 200 square feet of the site shall require approval from the fire chief;
- n. Sanitary facilities shall be required in a manner consistent with the International Building Code for a similarly sized retail space and shall be located on the subject property and within 200 feet of the market;
- o. On-site garbage or trash receptacles must be provided and properly maintained at all times.

**Nags Head:**

### Section 7.76 Outdoor Stands, Accessory to Shopping Centers and Group Development.

Outdoor stands, accessory to shopping centers and group development, are permitted in accordance with Section 6.6, Table of Uses and Activities, subject to other requirements of this UDO and provided that the following conditions are met:

7.76.1. The principle sale of items at an outdoor stand shall be limited to either fresh produce, hot dogs, coffee, ice cream or Italian ice, fudge, and reservations or ticket sales.

7.76.2. Sites less than ten (10) acres in area shall be allowed only one stand. Sites ten (10) acres in area and greater shall be allowed up to two outdoor stands with no more than one (1) stand selling fresh produce, hot dogs, coffee, ice cream or Italian ice, and/or fudge. The stands shall not be required to be a permanent structure and may, with the exception of stands for reservations or ticket sales, be located upon a trailer. When located upon a trailer, skirting shall be installed around the perimeter to screen the wheels, axles and towing hitch from view.

7.76.3. The stand area, inclusive of display counters and awnings, shall not exceed four hundred (400) square feet for produce stands and shall not exceed one hundred fifty (150) square feet for hot dog, coffee, ice cream and Italian ice, fudge, and reservations or ticket sales stands.

Refrigeration units may be utilized within the stand area. The location of the stand on the site shall comply with minimum district yard regulations for principal use structures, except that stands for reservations or ticket sales shall be located within shopping centers or group developments, such as within common areas or walkways, and shall not be located within any parking area.

7.76.4. Produce and reservations or ticket sales stands shall be temporary and may be operated for a period of time not to exceed 180 days annually; the dates of operation shall be limited to between May 1 and November 1 each year. Hot dog, coffee, ice cream and Italian ice and fudge stands may be operated year round but shall not be left on the property overnight and must be removed daily.

7.76.5. All stands shall comply with applicable Dare County Health Department regulations and permitting requirements.

7.76.6. When located on a site with fifty (50) or more existing parking spaces, no additional parking spaces will be required. When located on a site with less than fifty (50) parking spaces a minimum of three (3) off-street parking spaces in accordance with parking regulations of this UDO shall be provided.

7.76.7. When the regulations contained in the subsection are in conflict with the general regulations of Town Code Section 12, Article III, Peddlers and Itinerant Merchants, the provisions of this UDO shall prevail.

#### **Duck:**

(C) Operational standards for the temporary outdoor display, storage and sale of produce goods and holiday goods sold at independent stands.



(1) Produce goods shall include fruits and vegetables and other similar goods, subject to approval of the Zoning Administrator.

(2) Holiday goods shall include, but are not limited to, Christmas trees and pumpkins, as determined by the Zoning Administrator.

(3) The outdoor display, storage and/or sale of produce goods and/or holiday goods shall be permitted for a period not to exceed 30 consecutive days 4 times per year.

(4) A temporary occupancy permit for outdoor storage shall be obtained prior to the commencement of any outdoor display, storage and/or sale of goods, except for outdoor storage facilities appurtenant to retail facilities with approved permanent outdoor storage facilities, governed by division (E) below.

(5) Prior to the issuance of any temporary occupancy permit for outdoor storage, a plan shall be submitted to the Zoning Administrator that designates the display, storage and sale area to be used. The plan shall include the property owner's written permission and shall indicate compliance with setbacks and parking requirements. In addition, the plan shall illustrate the location of any proposed signage, structures and/or stands.

(6) The proposed display, storage and/or sale area shall not impede vehicular or pedestrian traffic and parking.

(7) The designated display, storage and/or sale area shall not be located within required landscape areas.

(8) A refundable cleanup fee in accordance with the adopted fee schedule of the town shall be deposited prior to the issuance of a temporary nonresidential use permit for outdoor storage, display or sales. Any structures, stands and accessory materials shall be removed and the property cleaned up within 3 days of the temporary occupancy permit termination date in order for the deposit to be refunded.

(9) If applicable, building, electrical, fire prevention code and hazardous use permits shall be obtained.

(10) No temporary occupancy permit shall be issued until the applicant provides a signed statement indicating his or her knowledge of and intention to comply with business license and peddlers permit requirements.

(11) The requirements for fees and permits are not applicable to displays that are incidental to the main retail business operating at the site.

### **Currituck County:**

#### V. Produce Stands

The sale of fresh vegetables and produce, as defined in the North Carolina General Statutes, from curbside stands or in a similar fashion shall:

- (1) Be located on the same lot as a principal use;
- (2) Be limited to retail sale of agricultural or horticultural products;
- (3) Be located outside sight triangles or other areas that may result in visual obstructions to drivers;
- (4) Not exceed 1,000 square feet in area; and
- (5) Provide adequate ingress/egress and off-street parking

#### PRODUCE STAND OR PRODUCE SALES

A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such uses also include “pick your own” establishments where customers gather their own produce from the fields for purchase and off-site consumption.



## AGENDA ITEM SUMMARY

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**MEETING DATE:** January 4, 2022

**ITEM TITLE:** Capital Project Ordinance for Beach Nourishment

**ITEM SUMMARY:**

The Capital Project Ordinance will recognize revenues and appropriate expenditures for the beach nourishment project going forward and track the cost for each part of the project over multiple years without adopting a beach nourishment budget each year. A project ordinance authorizes all appropriations necessary for the completion of the project and neither it nor any part of it need be readopted in any subsequent fiscal year. However, each year the budget officer will include in the budget, information detailing adopted project ordinances which will have appropriations available for expenditure during the budget year. The Council can, and most likely will, amend the ordinance as costs change or new line items are added. This doesn't impact the Council's ability to adjust tax rates each year.

**STAFF RECOMMENDATION:** Staff recommends approval.

**REQUESTED ACTION:** A motion to approve the attached Capital Project Ordinance for Beach Nourishment

**ATTACHMENTS:** Draft copy of the Capital Project Ordinance



# 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

## BEACH NOURISHMENT PROJECT ORDINANCE #2022-01-01

BE IT ORDAINED by the Governing Board of the Town of Southern Shores, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance as adopted January 4, as follows:

Section 1. The project authorized is a locally funded beach nourishment project to be financed by the sale of special obligation bonds to be repaid from one of the following sources: contributions from Dare County, ad valorem revenues, grant funds from the North Carolina Department of Environmental Quality, or other sources of revenue.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the bond resolution and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering and Construction Oversight	\$678,604
Mobilization/Demobilization	\$1,700,345
Pumping Costs	\$8,050,500
Benthic Monitoring	\$40,000
Turtle Monitoring	\$15,674
Sand fencing	\$183,600
Professional Fees	\$121,338
Contingency	\$535,128

Section 4. The following revenues are anticipated to be available to complete this project:

Proceeds from special obligation bonds	\$5,545,541
NC Department of Environmental Quality Grant	\$1,408,247
Contribution from Dare County	\$4,371,401

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy federal, state, and local regulations. The terms of the bond resolution should also be met.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues in this capital project in every budget submission made to this Board.

Section 9. Copies of this project ordinance shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and Finance Officer for direction in carrying out this project.

Adopted this 4<sup>th</sup> day of January 2022.

\_\_\_\_\_  
**Elizabeth Morey, Mayor**

**ATTEST:**

\_\_\_\_\_  
Sheila Kane, Town Clerk