



**Town of Southern Shores**

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TCA-21-04

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

**ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare; and

**WHEREAS**, the floodprone areas within the jurisdiction of the Town of Southern Shores are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

**WHEREAS**, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in floodprone areas of uses vulnerable to floods or other hazards; 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 Subdivision Ordinance and Town Code of Ordinances 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 ellipsis ("...") 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. 16-2. Definitions.** Be amended as follows:

1  
2 **Sec. 16-2. Definitions.**

3  
4 ...

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6 *Regulatory flood protection elevation (RFPE)* means in special flood hazard areas,  
7 the "base flood elevation" plus the "freeboard" for those areas where base flood  
8 elevations have been determined on the FIRM. It also means the base flood depth above  
9 the highest adjacent grade or local elevation standards for those areas identified as AO  
10 zones of the FIRM, or the local elevation standard for those areas identified as shaded X  
11 or X zones on the FIRM.

12 For Southern Shores the RFPE is as follows:

13 ◦In VE zones, the RFPE is the base flood elevation as designated on the effective  
14 FIRM plus three feet of freeboard or an elevation to a minimum of 14 feet NAVD  
15 1988.

16 ◦In AE zones, the RFPE is the Base Flood Elevation as designated on the effective  
17 FIRM plus three feet of freeboard or an elevation to or above eight feet NAVD 1988,  
18 whichever is greater.

19 ◦In AO zones, the RFPE is the designated base flood depth on the effective FIRM  
20 above the highest natural adjacent grade plus one foot of freeboard OR an elevation  
21 to or above eight feet NAVD 1988, whichever is greater.

22 ◦In shaded X and X zones, the RFPE is eight feet NAVD 1988 or the natural grade  
23 elevation if the natural grade is greater than eight feet NAVD 1988.

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

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

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34 **ARTICLE V. Severability.**

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

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42 **ARTICLE VI. Effective Date.**

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

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

ATTEST:

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

APPROVED AS TO FORM:

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

Date adopted:

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

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

Vote: \_\_AYES\_\_NAYS