



Town of Southern Shores

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

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Ordinance # 2021-04-01

AN ORDINANCE ESTABLISHING AND CREATING THE SOUTHERN SHORES
BEACH EROSION CONTROL AND FLOOD AND HURRICANE WORKS
MUNICIPAL SERVICE DISTRICTS OF THE TOWN OF SOUTHERN SHORES,
NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, Chapter 160A, Article 23 of the North Carolina General Statutes authorizes towns within North Carolina to define service districts to finance, provide, or maintain for such districts one or more services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire town; and

WHEREAS, said statutes further provide that the town may define a service district for the purpose of beach erosion control and flood and hurricane protection works; and

WHEREAS, acting in response to a need for action due to long term erosion of the Town's oceanfront due to storms, tides, sea level rise and wave action, the Town is committed to a beach nourishment project in order to maintain a wide recreation beach strand and protective sandbar system, to protect the public's ability to use the beach, to protect structures of historic significance, to maintain a tax and economic base, and to protect infrastructure including facilities for public recreational access. The Town Council for the Town of Southern Shores has determined that the creation of two (2) municipal service districts for erosion control and hurricane protection works will be for the benefit of those properties located within the service district boundaries which are in need of such services to a demonstrably greater extent than the remainder of the town; and

WHEREAS, the Town Council for the Town of Southern Shores further finds that each of the proposed districts is in need of projects and programs to the standards of N.C.G.S. 160A-537(a) to a demonstrably greater extent than the remainder of the town to meet the needs and goals set forth above due to, among other things, their increased need for beach erosion, flood control and hurricane protection works; their proximity to the Atlantic Ocean; their general elevation and topography; the influence of the ocean on the use of the properties within each district; their substantial tax base; their location seaward of the primary thoroughfare, NC12, and associated infrastructure; and the historic significance of some of area and some of the particular properties within the districts; and

1 **WHEREAS**, pursuant to such determinations and in accordance with applicable
2 provision of the General Statutes, the Town Council for the Town of Southern Shores has
3 defined such districts, and does determine, as a fact, that the proposed districts are in need
4 of one or more of the services, facilities, or functions listed in G.S. 160A-536(a) to a
5 demonstrably greater extent than the remainder of the town; and,
6

7 **WHEREAS**, a map of the proposed districts showing their proposed boundaries,
8 a copy of which is attached hereto and incorporated by reference, a statement showing
9 that the proposed district meets the standards set out in G.S.160A-357(a), and a plan for
10 providing in the district one or more of the services listed in G.S. 160A-536 has been
11 created; all of which has been incorporated into a report which has been available for
12 public inspection in the office of the Town Clerk for four (4) weeks prior to the public
13 hearing on the matter of the establishment of the service districts; and
14

15 **WHEREAS**, the Town Council for the Town of Southern Shores caused a notice
16 of such hearing to be duly published in the Coastland limes, a newspaper having general
17 circulation in the Town of Southern Shores and Dare County, said hearing having been
18 conducted on March 16, 2021, and the Town Clerk duly certified to the Town Council
19 that the required mailing of notice of the hearing was completed, all in conformity to
20 G.S.160A-537(c); and
21

22 **WHEREAS**, pursuant to N.C.G.S. 160A-537(c1), the Town received three (3)
23 timely written requests for exclusion of a tract or parcel from the proposed municipal
24 service districts from the following property owners: (i) Thomas Peabody; (ii) Charles L.
25 and Janan B. Usher; and (iii) the Southern Shores Civic Association. Upon review of the
26 owners' reasons for the associated parcels to be excluded, the Town Council finds that
27 the tracts or parcels requested for exclusion are in need of the services, facilities, or
28 functions of the proposed districts in which they lie to a demonstrably greater extent than
29 the remainder of the town, and the Town Council declines to exclude the requested tracts
30 or parcels from the proposed districts; and
31

32 **WHEREAS**, the Town further finds that in accordance with the findings above it
33 is in the interest of and not contrary to the public's health, safety, morals and general
34 welfare for the Town to adopt this ordinance.
35

36 **ARTICLE II. Ordinance.**
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38 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town
39 of Southern Shores, North Carolina, that:
40

- 41 1. The Town of Southern Shores has fully complied with each and every
42 requirement of Chapter 160A, Article 23 of the North Carolina General
43 Statutes and determines and finds same as a fact.
44
- 45 2. The Southern Shores Beach Erosion Control and Flood and Hurricane Works
46 Municipal Service Districts for erosion control and flood and hurricane works

1 is hereby established and created in accordance with the following
2 description:

3
4 **District 1-**

5 i. All properties ~~east of Ocean Blvd/NC 12 beginning at the southern~~
6 ~~town limit extending to Ocean Blvd;~~ and that abut the ocean beach
7 of the Atlantic Ocean having an eastern boundary greater than or
8 equal to 25 feet, beginning at the southern town limit and
9 extending to the northern town limit.

10
11 ii. ~~All properties east of Ocean Blvd. from the split at Ocean Blvd/NC~~
12 ~~12 extending to Hickory Trail; and~~

13
14 iii. ~~All properties north of Hickory Trail that abut the Atlantic Ocean~~
15 ~~extending to the northern town limit.~~

16
17 **District 2-**

18 i. All properties in District 1; and

19
20 ii. All properties located east of Ocean Blvd/NC 12 and Duck
21 Road/NC12 beginning at the southern town limit extending north
22 to the northern town line; and

23
24 iii. All properties located west of and abutting Ocean Blvd/NC 12.
25 beginning at the southern town line extending north to 137 Ocean
26 Blvd, and abutting Duck Road/NC 12 beginning at 139 Duck Road
27 extending north to 149 Duck Road.

28
29 3. The Town of Southern Shores may levy property taxes within each of the
30 service districts in addition to those throughout the town in order to finance,
31 provide or maintain for the district, services provided therein, in addition to or
32 to a greater extent than those financed, provided or maintained for the entire
33 town.

34
35 4. This ordinance shall take effect at the beginning of fiscal year for 2021-2022
36 on July 1, 2021.

37
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39 **ARTICLE III. Severability.**

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

1 **ARTICLE V. Effective Date.**

2
3 This ordinance shall be in full force and effect from and after the 1st day of July, 2021.

4
5
6
7 Tom Bennett, Mayor

8
9 ATTEST:

10 _____
11 Town Clerk

12
13 APPROVED AS TO FORM:

14
15 _____
16 Town Attorney

17
18 Date of First Vote: 04/13/2021

19
20 _____
21 Motion to adopt by Councilmember: Councilman Neal

22
23 Motion seconded by Councilmember: Mayor pro tem Morey

24 Vote: 4 AYES 0 NAYS

25
26 Date of Second Vote: _____

27
28 _____
29 Motion to adopt by Councilmember:

30
31 Motion seconded by Councilmember:

32 Vote: ___AYES___NAYS
33