

To: Southern Shores Town Council (Hal Denny, Jodi Hess, George Kowalski, Jim Pfizenmayer, Kevin Stroud)

Town Attorney (Ben Gallop)

Copies: Interim Town Manager (Chief David Kole)

Town Staff (Pat Forrester, Carrie Gordon, Alvin Rountree, Merrie Smith, Bonnie Swain)

Planning Board (Mike Florez, Bill Gleason, Larry Lawhon, Bob Palombo, Jay Russell, Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)

From: Wes Haskett, Town Planner

Date: March 30, 2010

Re: Recap, Planning Board Meeting March 15, 2010

PLANNING BOARD RECOMMENDATIONS FOR THE TOWN COUNCIL:

APPROVE ZTA-10-01 – Zoning Text Amendment for Height Calculation Formula

MEETING RECAP

- I. **CALL TO ORDER:** Vice Chairman Jay Russell called the meeting to order at 7:00pm. Planning Board Members Bob Palombo, Mike Florez, Sam Williams, ETJ Representative Ed Overton and alternate members Bill Gleason and Larry Lawhon were present. Chairperson Nancy Wendt was absent with excuse. Also in attendance were Planning Board Administrative Assistant Merrie Smith, Code Enforcement Officer Alvin Rountree and Town Planner Wes Haskett.
- II. **APPROVAL OF AGENDA:** Larry Lawhon motioned to approve the agenda. Mike Florez seconded the motion. The motion passed unanimously.
- III. **APPROVAL OF MINUTES:** Sam Williams motioned to approve the minutes from the December 7, 2009 Planning Board meeting. Bob Palombo seconded the motion. The motion passed unanimously.
- IV. **PUBLIC COMMENT:**
None
- V. **PERMIT APPLICATIONS:**
ZTA-10-01: A request from the Code Enforcement Department to amend the Zoning Ordinance to change the existing height calculation formula.

Alvin Rountree, Code Enforcement Officer, reported that the Code Enforcement Department started working on this request over a year ago which has been a concern with staff and local builders. The current building height restriction is 35 feet which is measured from the lowest corner of the ground elevation to the top of the tallest part of

the structure and the 26 feet from the average ground elevation to the top of the highest top plate. The proposed Zoning Text Amendment (ZTA) is a request to change the formula for measuring building height from using the lowest corner of the structure to the average of the four corners of the structure. The justification for the proposed Zoning Text Amendment is as follows:

- Document and clarify the code requirements for building on a lot with a hole;
- Discourage property owners with lots that are uneven, hilly or have holes from clear cutting, or extensively filling and/or radically reshaping the land in order to accommodate the house design they want to build;
- Reduce high impact development practices (i.e., clear cutting, extensive fill, soil removal) that exacerbate stormwater problems;
- Minimize wear and tear on local roads caused by movement of heavy equipment and hauling of fill or soil being removed; and
- Encourage practices that are consistent with the Town's desire to save trees and vegetation in order to preserve the character of Southern Shores and to encourage environmentally sound or "Green" development.

The potential consequences of not approving the proposed ZTA are:

- Legal issues/risk of lawsuits related to stormwater and mold; and
- Property owners with uneven lots who wish to take full advantage of the maximum size primary structure permitted under the current ordinance will have no option but to clear cut, fill, and remove soil ("dig down to get level") to prepare their lots for development.

These high impact development methods could create more stormwater run off issues and increase wear and tear on local roads caused by the movement of heavy equipment and hauling of soil and vegetation. A companion ZTA needs to be developed to limit the amount of fill permitted on any lot to the amount required to bring the base elevation out of the flood plain or to provide for the building pad as required in the N.C. Building Code. A companion ZTA would also need to require the depth of pilings on any lot to be calculated based on the original grade of the property not the finished grade after filling. The potential consequence of approving the proposed ZTA is that the actual height of new structures could increase which results in the perception that increased finished heights would block views for neighboring property owners.

The criteria for Planning Board approval and recommendation are:

- Is the proposed ZTA consistent with the community's vision and priorities for Southern Shores? Yes
- Is the proposed ZTA consistent with the current Comprehensive Land Use Plan for Southern Shores? Yes
- Is the proposed ZTA the best option for the current opportunity or problem? Yes
- Is the proposed ZTA enforceable with existing Code Enforcement resources? Yes
- Is the justification for approving the proposed ZTA compelling? Yes

Following Alvin's presentation and diagram explanations, Sam Williams questioned the perception that the ZTA will result in higher finished heights and the Planning Board concluded that any increase in height would be minimal. Mike Florez noted that the

proposed ZTA will allow for better preservation of the natural topography of Southern Shores as well as provide builders/site planners with the opportunity to be more creative when considering the development of a vacant parcel.

Sam Williams moved to recommend approval of the proposed ZTA to the Town Council. Larry Lawhon seconded the motion. The motion carried unanimously (6-0).

VI. OTHER BUSINESS – NEW:

None

VII. ANNOUNCEMENTS:

None

VIII. REGULAR MEETINGS:

Regularly scheduled meetings for the next month are:

1. Planning Advisory Group April 5, 2010
2. Planning Board April 19, 2010 Pitts Center 7pm
3. Planning Advisory Group April 19, 2010 following Planning Board regular meeting.

IX. ADJOURNMENT:

Larry Lawhon made a motion and Ed Overton seconded the motion to adjourn. The Planning Board meeting adjourned at 7:50 pm.

Staff Recommendations

Staff recommends approval.