



Town of Southern Shores

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

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www.southernshores-nc.gov

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9 **SPECIAL MEETING MINUTES**
10 **PLANNING BOARD-JANUARY 24, 2023, 5:00 P.M.**
11 **LOCATION: PITTS CENTER-5377 N VIRGINIA DARE TRAIL, SOUTHERN SHORES, NC 27949**
12
13
14 **CALL TO ORDER:**
15 Chairperson Andy Ward called the meeting to order at 5:00 pm. Planning Board Members Ed
16 Lawler, Robert McClendon, Jan Collins, Tony DiBernardo (Vice Chairperson), Andy Ward
17 (Chairperson), and Deputy Town Manager/Planning Director Wes Haskett were present. Planning
18 Board Member (ETJ) John Finelli was also in attendance.
19
20 **ALSO IN ATTENDANCE:** Jay McLeod, AICP, Planning Manager (Transportation and Planning)
21 representing Stewart, Inc.
22
23 **PLEDGE OF ALLEGIANCE:**
24 Chairperson Ward led the Pledge of Allegiance.
25
26 **APPROVAL OF AGENDA:**
27 Vice Chairperson DiBernardo recommended a change in the agenda order, placing new business
28 agenda item #9 ahead of old business item #8. **Motion** made by Vice Chair DiBernardo to
29 approve the agenda with the recommended reversal of business items, Seconded by Planning
30 Board Member Collins. The motion passed unanimously (5-0).
31
32 **APPROVAL OF MINUTES – NOVEMBER 21, 2022**
33 Chairperson Ward moved to approve the minutes as corrected, Seconded by Vice Chairperson
34 DiBernardo/ The motion passed unanimously.
35
36 **APPROVAL OF VA-22-01 ORDER & APPROVAL OF VA-22-02 ORDER (Variance Application**
37 **Decision)**
38 Vice Chairperson DiBernardo moved to approve VA-22-01 Order for the EMS/ Fire Station and
39 VA-22-02 Order for 36 Ginguite, Seconded by Chairperson Ward. The motion passed
40 unanimously.
41
42 **PUBLIC COMMENT**
43 None
44
45
46 **NEW BUSINESS**

47 Land Use Plan Update project survey results and discussion of potential goals for the plan.
48 Jay McLeod with Stewart Inc. presented a PowerPoint presentation highlighting the project
49 survey results and areas of needed discussion [a copy of the PowerPoint is attached as exhibit].
50

51 Planning Manager Jay McLeod reviewed the results of the survey with the board.
52

53 Planning Manager Jay McLeod asked the Planning Board Members if there was something that
54 they thought was relevant and needed to be brought forward. He said traffic congestion and
55 preserving the natural environment were high on the list.
56

57 Vice Chairperson DiBernardo stated the results of the survey are based on timing, two years ago
58 the results would reflect high interest in the construction of giant homes and in the summer the
59 results would be focused on the traffic issue.
60

61 Chairperson Ward stated housing affordability is not a huge concern in this survey. He felt short
62 term rentals needed to be expanded and defined as an Airbnb or weekly rentals for a cottage
63 through the real estate. He stated that he suspects the survey results on the issue would go up if
64 short term rental was well defined.
65

66 Planning Manager Jay McLeod stated that he did not see anything in the survey results that
67 weren't heard the first time when interviewing stakeholders and having those public meetings
68 from right at the beginning. These survey results show a lot of reinforcing information which was
69 encouraging.
70

71 Planning Manager Jay McLeod stated high density development is not going to be too much of
72 an issue since there is a septic limit. Preservation of the habitat is good because it preserves the
73 residential feel which people value. He asked the Planning Board Members if anyone saw
74 anything in the survey results that surprised them or something they were surprised not to see.
75

76 After reviewing the survey results with the board, Planning Manager Jay McLeod moved on to a
77 review of the draft goals.

- 78 1. Access to the Water
 - 79 2. Land Use Compatibility
 - 80 3. Environment
 - 81 4. Water Quality
 - 82 5. Natural Hazards
 - 83 6. Character
 - 84 7. Infrastructure
 - 85 8. Mobility
- 86

87 Planning Board Member (ETJ) Finelli stated under 3. Environment it reads, "prohibit the filling of
88 wetlands", it should say prohibit the filling of "coastal wetlands."
89

90 Planning Board Member (ETJ) Finelli also stated 3. Environment, it reads "allowing bulkheads
91 only as a last resort". He said most of all the canals are bulkheaded and he felt the term "last
92 resort" should be removed. Planning Manager Jay McLeod stated that came from citizens who

93 wanted to keep the natural environment, he asked the other board members their thoughts
94 about addressing it.

95
96 Chairperson Ward recommended 3c. to read as allow hard armoring on the canals and sound,
97 not on the beach.

98
99 Planning Board Member McClendon asked how much of the Land Use Plan should be goals and
100 ambitions versus what can be accomplished? The State Legislature controls such things as ocean
101 front development and character issues. Planning Manager Jay McLeod stated the council will
102 need to determine how far they want to push it, a lot of times the state regulations are the bare
103 minimum that's required and sometimes it's prohibitions are overreaching. The legislature
104 changes laws every year on certain things and the plan will need to be revisited regularly. He
105 further stated short term rentals can be regulated through zoning.

106
107 Chairperson Ward stated Land Use Plans are more suggestive in their language and that is
108 inherent to Land Use Plans all over. Planning Manager Jay McLeod stated it contains many
109 aspirations.

110
111 Chairperson Ward stated policy two of the Land Use Plan should be highlighted and in bold
112 letters, it reads, the community values and the town will continue to comply with the founder's
113 original vision for Southern Shores a low-density residential community comprised of single-
114 family dwellings on large lots served by a small commercial district.

115
116 Chairperson Ward asked the board to provide Planning Manager Jay McLeod with a list of at
117 least three recommendations you strongly support and/or that should receive additional
118 development or exploration.

119
120 Vice Chairperson DiBernardo stated the three he strongly supports are #4, #5, and #8 which are
121 water quality, natural hazards and mobility. He felt they all added to the atmosphere of the town
122 but recommended some tweaking to each one. He also stated short term rentals under 6b. may
123 be challenging but would lead to a better quality of life for residents but most likely unrealistic or
124 unattainable.

125
126 Planning Manager Jay McLeod asked if Vice Chairperson DiBernardo could email him those
127 suggested changes. He also stated short term rentals could be named as a use, define the use
128 and put it in the zoning table and then zone it out of the different districts.

129
130 Planning Board Member Jan Collins agreed with Planning Board Member DiBernardo that #4
131 (water quality) was important. She recommended Dr. George Bonner with Coastal Studies
132 Institute as a great resource. She stated a public sewer system rather than septic could be a
133 long-term solution to water quality issues.

134
135 Chairperson Ward stated the issues he would strongly support are lot coverage, mixed-use
136 regulations and design standards, population density which includes home sharing and Airbnb
137 rentals, and policy two of the current land use plan.

138

139 Planning Manager Jay McLeod stated he would reach out to Planning Director Wes Haskett for
140 more information on the mixed-use standards.
141
142 Planning Manager Jay McLeod stated residents mentioned the desire to have a gathering space,
143 a kind of civic and social space.
144
145 Planning Board Member McClendon stated his top recommendations were 7f. under
146 Administration and Facilities and 7G. Civic Gathering, and 8B Enhance Pedestrian Connectivity.
147 He would like to see the town do a master plan rather than just continuous add-ons. If the town
148 has a desire to have commercial areas look a certain way, then the town should take the lead by
149 creating a master plan and have the government spaces look that way and set an example.
150
151 Planning Board Member Lawler stated #4 Water Quality seems very aspirational but there is no
152 base line. The town needs to find a way to establish a baseline and be consistent with testing.
153
154 Planning Board Member McClendon asked the other board members if they thought the town
155 should place money in the budget for a water quality program? It was the consensus of the
156 members that there needed to be a baseline and consistent testing to even determine when
157 there is a water quality issue. Chairperson Ward stated it would need to be on the priority item
158 list.
159
160 Planning Board Member McClendon stated we would need consistent data to be able to tell
161 when there was an issue such as a failing septic system in an area. The town couldn't step in or
162 try to assist the issue without that consistent data.
163
164 Chairperson Ward stated this is certainly a priority item that needs to be funded. And a baseline
165 established.
166
167 Planning Board Member Jan Collins suggested the possibility of a septic health program to help
168 those who cannot afford to have the repairs or replacement of the septic systems that are causing water
169 quality issues.
170
171 Chairperson Ward stated the next item for discussion is three goals or recommendations that
172 need a minor rewrite.
173
174 Chairperson Ward Listed his three goals/recommendations:
175 1A. access to the water- the civic association was deeded the rights to access ways
176 and the town should not take claim if opportunity arises.
177
178 Planning Manager Jay McLeod stated the Coastal Area Management Act wants people to provide
179 public access points so 1a. is "soft-touched" and words like reasonable and arises are used.
180 Chairperson Ward also stated on page 5, item two once again the Civic Association owns those
181 areas, and it doesn't cost the town anything. The civic associations would never sell or transfer
182 their properties. He further stated there is room for partnerships between the town and
183 associations, such as a civic type building.
184

185 Vice Chairperson DiBernardo stated the maintenance of walking and bike paths need to be
186 included under general repairs and road repair.
187
188 Planning Board Members McClendon and Collins agreed that sidewalks and bike paths could be a
189 great place for partnership between the town and the civic associations.
190
191 Planning Board Member Lawler stated not all paths need to be paved.
192
193 Chairperson Ward stated the last one on page six about making connections with the walking
194 paths to the Marketplace and Southern Shores Crossing. He stated they already exist and
195 perhaps they just need to be made clearer.
196
197 Planning Board Member Lawler also mentioned the request for golf carts on the multi-use paths
198 and stated golf carts need to stick to the streets and be street legal because both a golf cart and
199 a pedestrian walking cannot fit on the paths.
200
201 Chairperson Ward moved onto the discussion area of remove or reimagine of the Land Use Plan
202 rewrite. His suggestion was to remove chickens. He stated there are 58 sets of covenants and
203 the oldest says no chickens.
204
205 Planning Board Member McClendon stated chickens do not need to be in our aspirational goals
206 one way or the other.
207
208 Chairperson Ward reiterated that the civic associations would not relinquish property to the
209 town, perhaps a partnership but not relinquish.
210
211 Chairperson Ward moved onto the last Land Use Plan rewrite discussion request,
212 recommendations that are missing and should be included immediately.
213
214 Vice Chairperson DiBernardo stated the town does not have a Communication Director, but it
215 would be good if the town would start communicating its qualities and characters that make it a
216 good community, maritime forest and bird sanctuary being examples.
217
218 Planning Board Member McClendon asked to make an addition to Natural Hazards and
219 Stormwater Management Facilities and Infrastructure. The town has addressed storm water
220 issues as streets have been rebuilt and then developed which requires trees to be taken down in
221 many instances, but the town does not have a very specific mandate to replace and to replant
222 native plants in these infrastructures. He felt it was important to address, especially if others are
223 being asked to preserve trees, the town should try to rebuild some of the environment that was
224 removed for the project (redevelopment plan).
225
226 Chairperson Ward stated trash and recycle is still an ongoing issue and deserves a spot in the
227 Land Use Plan.
228
229 Chairperson Ward stated the Council requested the Planning Board to look at fruit and vegetable
230 stands but he did not see anything in the plan about promoting these items. He further stated
231 food trucks are something the town may want to pursue as well in the future.

232
233 Chairperson Ward stated event regulations are something that we may want to revisit in the
234 long-range plan, reasonable control of the event permitting process. The “no-mini hotel” issue
235 has been settled to the best of the Planning Board and Council’s ability.
236
237 Vice Chairperson DiBernardo sated the state has regulations concerning alcohol usage at
238 events you must get licensed.
239
240 Chairperson Ward stated affordable housing was mentioned quite a bit in the survey. Long range
241 planning should consider partnering as a town, a community with lower Currituck and Dare
242 County mainland to put in affordable housing in those areas. He felt the building opportunity
243 was much larger in those areas as the price of land in Southern Sores is substantially more.
244
245 Planning Board Member McClendon stated it isn’t just low-income housing, it can be accessory
246 dwelling units. He stated the older community could benefit from accessory dwelling units.
247
248 Vice Chairperson DiBernardo asked Planning Board Director Wes Haskett to confirm current
249 accessory dwelling units can have either a bedroom or a kitchen but not both. Mr. Haskett
250 confirmed, sleeping facilities or a stove/oven.
251
252 Planning Manager Jay McLeod stated the plan rewrite will officially come before the Planning
253 Board as a legislative item to review and make a recommendation to the council so there will be
254 another opportunity for comment at a public meeting.
255
256 Hearing no more comments, Chairperson Ward moved onto the next agenda item.
257
258
259 **B.ZTA-23-01: Zoning Text Amendment application submitted by the Town of Southern Shores to**
260 **amend Town Code Section 36-57, Definition of Specific Terms and Words.**
261
262 Planning Director/Deputy Town Manager Wes Haskett presented the staff report which stated,
263 in 2019 the N.C. General Assembly enacted North Carolina General Statutes Chapter 160D, Local
264 Planning and Development Regulation, which consolidated and clarified former Chapters 160A
265 and 153A that addressed development regulations for Municipalities and Counties. This
266 amendment addresses 160d-706 when adopting regulations under this article a local
267 government may not use a definition of building, dwelling, dwelling unit, bedroom, or sleeping
268 unit that is inconsistent with any definition of those terms in another statute or in a rule adopted
269 by a state agency, including the State Building Code. The ZTA includes definitions for bedroom,
270 building, and dwelling unit. A dwelling unit is a revised definition, building is a revised definition,
271 and all three of those terms come from the 2018 Residential Building Code Chapter Two-
272 definitions. The definition of dwelling comes from 160d-102-15.
273
274 Chairperson Ward reviewed RS-1 dwelling unit old definition versus the new definition. He stated
275 the new definition clarifies that the strict definition is saying that no dwelling unit which is
276 defined is in the accessory structure. Planning Director Haskett stated he disagrees, that the
277 definition does not change the allowed use as it is now (sleeping or stove/oven).
278

279 Planning Board Member (ETJ) Finelli stated a single-family definition takes care of the concerns;
280 you cannot have these physically separated from one another.

281
282 Planning Director Haskett stated you can have a dwelling that has more than one dwelling unit.
283

284 Chairperson Ward stated the ordinance needs to be black and white and not left to
285 interpretation.

286
287 Vice Chairperson DiBernardo stated we are just approving these definitions and how they fall
288 into the ZTA, we do not have a choice about the definitions. He stated Chairperson Ward's
289 accessory dwelling unit concerns will have to be discussed at a future meeting, but this ZTA is
290 definitions only.

291
292 Chairperson Ward asked Planning Director Haskett to place ADU's Accessory Dwelling Units on as
293 a future agenda item. He stated the zoning ordinance says no dwelling unit is allowed in an
294 accessory structure which he considers this language here stiffens up what Mr. Haskett is
295 interpreted doesn't leave any room for interpretation. Planning Board Member McClendon
296 disagreed.

297
298 Vice Chairperson DiBernardo **moved** to approve ZTA-23-01 concerning the definition and specific
299 terms; a motion to approve the definition of the specific terms of bedroom, building, dwelling
300 and dwelling unit, Seconded by Planning Board Member McClendon. The vote passed 4-1 with
301 Chairperson Ward voting not to approve.

302
303 **OLD BUSINESS**

304 **Discussion of potential commercial design standard**

305 By consensus of the board, the discussion is to be moved to the following month's agenda.
306

307 Chairperson Ward asked the board members to prepare at the next meeting a list of design
308 standard items so that Planning Director Haskett can prepare a zoning text amendment.

309
310
311 **PUBLIC COMMENT**

312 None

313
314 **PLANNING BOARD MEMBER COMMENTS**

315 Planning Board Member (ETJ) Finelli stated if the board explores the accessory dwelling units
316 make sure to look at the protective covenants, some may say flat out single family residential.
317

318 **ANNOUNCEMENTS**

319 Planning Director Wes Haskett stated the next meeting will be held Wednesday, February 22nd
320 at 5:00 pm.

321
322
323 **ADJOURN**

324 Hearing no further business, **motion** made by Chairperson Ward to adjourn, Seconded by Vice
325 Chairperson DiBernardo. Motion passed unanimously. The time was 7:10 P.M.

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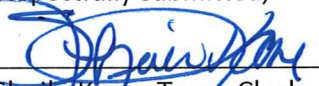
ATTEST:



Andy Ward, Chairperson



Respectfully submitted,



Sheila Kane, Town Clerk