



Town of Southern Shores

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

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.go

July 10, 2018

COUNCIL MEETING-5:30 P.M.-PITTS CENTER

1. Opening

- A. Call Meeting to Order (all citizens interested in offering Public Comment are reminded to sign up.)
- B. Pledge of Allegiance
- C. Moment of Silence
- D. Amendments to / Approval of Agenda
- E. Consent Agenda **TAB 1**
 - i. Council Meeting Minutes – June 5, 2018
 - ii. Tax Pickups & Releases
 - iii. Budget Amendments-(Projects Approved, Budgeted, and Contractually Encumbered in FY17-18, Yet Not Spent - Rollover to FY 18-19)
 1. Budget Amendment #1 Cost to complete CodeWright contract
 2. Budget Amendment #2 Amount to finish architectural work for new fire station
 3. Budget Amendment #3 Police cars, tax and tags and equipment that was ordered FY 17-18 but not yet received.

2. Staff Reports

- A. Town Planner
- B. Police Chief
- C. Fire Chief, Southern Shores Volunteer Fire Department
- D. Town Manager's Report
- E. Town Attorney's Report

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

(Note: All matters heard or considered by the Council are subject to possible action by the Council.)

4. Old Business

- A. Second Reading- ZTA-18-07, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend Town Code Section 36-132, Regulation of Structures and Uses Nonconforming. First Reading before Council passed 3-2 on June 5, 2018. **TAB 2**

5. New Business

- A. Council Appointments to Planning Board Seat Vacancies **TAB 3**
- B. Public Hearing and Consider Adoption of a Capital Infrastructure Improvement Plan for FY 2018-2019. **TAB 4**
- C. Public Hearing-Consider ZTA-18-04, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend Town Code Section 36-202 establishing new lot coverage requirements. **TAB 5**
- D. Public Hearing -Consider ZTA-18-03, a Zoning Text Amendment application submitted by the Southern Shores Volunteer Fire Department to amend Town Code Section 36-163, Section 36-165, and 36-205 establishing parking, signage, and setback requirements for Fire Stations. **TAB 6**

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

7. Other Business

- E. Mayor's Comments & Responses
- F. Council Member's Comments & Responses

8. Adjourn



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**Town of Southern Shores
Regular Council Meeting
June 5, 2018**

12 The Town of Southern Shores Town Council met in the Pitts Center located at 5377 N. Virginia
13 Dare Trail at 5:30 p.m. on Tuesday, June 5, 2018.

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15 **COUNCIL MEMBERS PRESENT:** Mayor Bennett, Mayor pro tem Chris Nason and Council
16 Members Fred Newberry, Jim Conners and Gary McDonald.

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18 **COUNCIL MEMBERS ABSENT:** None

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20 **CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE**

21 Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a
22 moment of silence.

23
24 **AMENDMENTS / APPROVAL OF AGENDA**

25 **MOTION:** Mayor pro tem Nason moved to approve the agenda as presented. The motion was
26 seconded by Councilman McDonald. The motion passed unanimously (5-0)

27
28 **CONSENT AGENDA**

29 The consent agenda consisted of the following items:

- 30 i. Council Meeting Minutes – May 1, 2018
31 ii. Proposed Resolution Supporting Funding of Coastal Storm Damage Mitigation Fund

32 **MOTION:** Councilman McDonald moved to approve the consent agenda as presented. The
33 motion was seconded by Councilman Conners. The motion passed unanimously (5-0).

34
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36 **STAFF REPORTS**

37 The following Department Heads presented Department reports for the month:

- 38 o Town Planner Wes Haskett presented monthly reports for both April and May.
39 o Police Chief David Kole presented a monthly report for May.
40 o Fire Chief Ed Limbacher presented the Fire Department's monthly report for May.
41 o The Town Manager presented the Manager's report and addressed several matters:
42 o Ocean Rescue service is up and running with both stationary stands
43 and roving guards.
44 o Preparations for the "No-left turn" weekend are still underway. The
45 Police Department will have traffic counters out.
46 o A draft Southern Shores Volunteer Fire Department contract is
47 currently being reviewed by the parties' attorneys, the draft should be
48 available by the end of summer.

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BOARD REPORTS

PLANNING BOARD

Chairman Williams presented the monthly Planning Board report. He stated that the Planning Board finished Module One in May and that after over nine years of service on the Planning Board, he would not be seeking another term when his current term expires on June 30, 2018.

REPORT AND RECOMMENDATION OF CAPITAL INFRASTRUCTURE IMPROVEMENT PLANNING COMMITTEE (CIIP) -

Councilman Jim Conners (CIIP Committee Co-Chairman) provided a brief summary of the April 4, 2018 committee meeting, along with recommendation for Council consideration.

1. April 4, 2018 Capital Infrastructure Improvement Planning Committee recommendation to Council - #1:(to be either accepted or not accepted by Council in its discretion)

The CIIP Committee's recommendation to Council regarding a complaining citizen and some other complaining property owners on public Fairway Drive that further improvements should be made to public Fairway Drive:

Upon motion of Committee member Jim Kranda, seconded by Committee Andy McConaughy, the CIIP Committee unanimously (6-0) recommends that "Council not expend any funds on capital improvements to Fairway Drive at this time".

2. April 4,2018 Capital Infrastructure Improvement Planning Committee recommendation to Council - #2: (for report only - to be placed on the agenda for action at Council's July 10, 2018 meeting following a Public Hearing}

Upon motion of Committee Co-Chairman Tom Bennett and seconded by Committee Member Al Ewerling, the CIIP Committee unanimously (6-0) recommends to Council the attached Capital Infrastructure Improvement Plan for Fiscal Year 2018-2019 with the added recommendation that "It be approved by Council as authorizing Town staff to expend appropriated capital funds on surveying and design of lesser prioritized streets if it becomes apparent during the fiscal year that all appropriated funds will not be expended on the budgeted higher-priority streets."

Councilman Conners stated CIIP committee member Carlos Gomez has been unable to attend several meetings and suggested Councilman McDonald may want to consider appointing another citizen representative to fill Mr. Gomez's position. Councilman McDonald acknowledged the suggestion.

MOTION: Following a brief discussion, and per the Capital Infrastructure Improvement Planning Committee recommendation, Council voted (3-2) to not expend any funds on capital improvements to Fairway Drive at this time. Mayor Bennett, Mayor pro tem Nason, and Councilman Conners voted affirmative; Councilman Newberry and McDonald opposed.

GENERAL PUBLIC COMMENT

Mayor Bennett called for public comment and the following citizens offered comment:

1. Joe VanGieson-228 N Dogwood-traffic counters need to be in place to collect the data necessary for the no-left turn onto Dogwood Trail the weekend of June 23rd. Counters need to be located on Sea Oats, Wax Myrtle, coming off the Wright Memorial Bridge

- 101 and some data from previous and post weekends. Councilman Conners' comment
102 about "doxing" Town Staff was incorrectly applied.
- 103 2. Steve Kiouisis-74 Spindrift Trl- Business man himself who supports Spiros and the ice
104 cream shop. The family has an interest in this town, design is David Stick flat top style.
105 Traffic will not back up on Juniper Trail. Previous meetings objections just did not make
106 sense to him.
 - 107 3. Kurt Stafurik-48 Duck Woods Dr-Would like a police speed radar sign placed on Duck
108 Woods Dr. the weekend of June 23rd (no-left turn weekend).
 - 109 4. George Berry-239 N Dogwood-homeowners could have the mini cell towers installed on
110 their own property. They could deal directly with the wireless cell tower companies.
111 Construction on lots of 50 ft wide size will take away from the ambience of the Town.
 - 112 5. Chad Weeks-4015 Creek Rd, Martins Point -supports ice cream shop. Bringing
113 something local that will be in Southern Shores for a long time.
 - 114 6. Charles Gregory-170 Tall Cliff-supports Spiros and the ice cream shop, Southern
115 Shores could use a positive business. Wendys and Steamers restaurant recently went
116 in and they have not backed up traffic.
 - 117 7. Ursula Bateman-360 Sea Oats Trl-would like to make sure traffic counters are installed
118 for June 23rd. Weekend traffic will be backed up as usual on Sea Oats, possibly earlier
119 in the day.
- 120
121

122 OLD BUSINESS

123 Prior to the start of Old Business (Items 5A &5B), Mayor pro tem Nason recused himself due to a
124 financial interest.

125

126 Town Attorney Gallop requested Council action to recuse Mayor pro tem Nason from deliberation
127 on Agenda Items 5.A and 5.B. Mayor pro tem Nason also requested recusal by Council. The
128 Mayor called for a vote of all Council Members in support of recusal. All four Council Members
129 voted in the affirmative (4-0).

130

131 5.A) SECOND READING - ZTA-18-05, A ZONING TEXT AMENDMENT APPLICATION
132 SUBMITTED BY 5415 OBX LLC TO AMEND THE SOUTHERN SHORES TOWN CODE BY
133 AMENDING SECTION 36-57, SECTION 36-163, AND SECTION 36-207 TO ESTABLISH A
134 DRIVE-THROUGH FACILITY OR ESTABLISHMENT (SMALL) AS A CONDITIONAL USE IN THE
135 C, GENERAL COMMERCIAL ZONING DISTRICT AND APPLICABLE PARKING
136 REQUIREMENTS. FIRST READING PASSED 3-1 ON MAY 1, 2018.

137

138 Both Councilman McDonald and Newberry questioned the Town Attorney about the possible
139 effects on commercial property along Hwy.158 (allowing drive-through facilities) and to make sure
140 this zoning text amendment will not pertain to commercial property on Juniper Trail.

141

142 Councilman Newberry stated he was concerned what future development could bring.

143

144 Councilman Conners stated this facility will sit between two banks, both having drive-through
145 access.

146

147 Mayor Bennett called for the second reading and asked Councilman McDonald if he would like to
148 make a motion of approval.

149

150 **MOTION:** Councilman McDonald moved to approve ZTA-18-05 a Zoning Text Amendment
151 application submitted by 5415 OBX LLC to amend the Southern Shores Town Code by amending
152 Section 36-57, Section 36-163, and Section 36-207 to establish a Drive-through facility or

153 establishment (small) as a Conditional Use in the C, General Commercial zoning district and
154 applicable parking requirements. The motion was seconded by Councilman Conners. The motion
155 passed unanimously (4-0).
156
157

158 5.B) QUASI-JUDICIAL LAND-USE MATTER: CUP-18-01, A CONDITIONAL USE PERMIT
159 APPLICATION SUBMITTED BY 5415 OBX LLC TO OPEN A DRIVE-THROUGH FACILITY OR
160 ESTABLISHMENT (SMALL) AT 5415 N. CROATAN HWY.
161

162 Town Attorney Gallop opened the public hearing for CUP-18-01 and asked any interested parties
163 wishing to give testimony to be sworn in by the Town Clerk.
164

165 Planning Board Chairman Williams reported the Town Planning Board unanimously (4-0)
166 recommended approval of the application (CUP-18-01) with the following conditions:

- 167 1. The following permits shall be issued prior to submittal of a Building Permit application:
168 a. Storm Water Management Permit as issued by the NCDEQ;
169 b. NCDOT Encroachment Agreement for work within the ROW of Hwy 158 as issued by the
170 NCDOT;
171 c. Improvement Permit and Authorization to Construct a new wastewater collection, treatment
172 and disposal system as issued by the DCHD and reviewed and approved by the NCDHHS;
173 d. Review and approval of potable water distribution system modifications or extensions by the
174 DCWD Engineer;
175 2. The applicant must strictly abide by all requirements of the Town Code and must also strictly
176 comply with all other applicable local, State, and Federal requirements.
177

178 Town Planner, Wes Haskett, presented the staff report stating the applicant seeks a Conditional
179 Use Permit to construct a 910 sq. ft. Ice Cream Shop with a drive-through at 5415 N. Croatan Hwy.
180 The proposed Ice Cream Shop includes a walk-up service area, drive-through service area, and
181 twelve outdoor seats under a canopy. The proposed improvements incorporate pervious
182 pavement as established in Section 36-207, (d), 5 and a landscaping buffer which contains
183 Japanese Black Pines planted 10 ft. on center. A detailed lighting plan has also been submitted
184 which demonstrates compliance with the Town's lighting requirements.
185

186 A Zoning Text Amendment application has been submitted concurrently (passed 4-0) with the
187 application which would establish Ice Cream shops with or without a drive-through facility as a
188 permitted use in the C, General Commercial District provided that a Conditional Use Permit is
189 granted by the Town Council following a recommendation made by the Town Planning Board. In
190 granting any Conditional Use Permit, the Town Council may prescribe appropriate conditions and
191 safeguards in conformity with Article X, Administration and Enforcement. Before granting any
192 Conditional Use Permit, the Town Council shall make affirmative findings that:
193

- 194 a. The applicant has met the requirements of the applicable provisions of the Town Chapter
195 pertaining to Zoning, Subdivision Chapter, and all other applicable Ordinances.
196
197 b. That the use as proposed will conform with the Town's Land Use Plan, and will be
198 compatible with the area in which it is to be located, if developed in accordance with the
199 conditions specified in the Chapter and additionally required by the Town Council as authorized
200 by the Chapter.
201
202 c. That the use will not materially endanger the public health and safety if located where
203 proposed and developed according to the plan submitted.
204

205 d. That the use as proposed will not overburden the Town Volunteer Fire Department's fire-
206 fighting capabilities and the County water supply capacity to the Town, as said facilities and
207 capabilities will exist on the completion date of the conditional use for which the application is
208 made.
209

210 Mr. Haskett further stated the Land Use Plan identifies this area as Commercial in the C, General
211 Commercial zoning district which is consistent with the improvements proposed in the application.
212 All applicable regulations of the Town Zoning Ordinance and all of Town Staff's concerns that are
213 applicable to this application have been identified or are addressed in the recommended
214 conditions. Should the Board recommend approval of the application to the Town Council, Town
215 Staff offers the following conditions for consideration:
216

- 217 1. The following permits shall be issued prior to submittal of a Building Permit application:
 - 218 a. Storm water Management Permit as issued by the NCDEQ;
 - 219 b. NCDOT Encroachment Agreement for work within the ROW of Hwy 158 as issued by the
220 NCDOT;
 - 221 c. Improvement Permit and Authorization to Construct a new wastewater collection,
222 treatment and disposal system as issued by the DCHD and reviewed and approved by
223 the NCDHHS;
 - 224 d. Review and approval of potable water distribution system modifications or extensions by
225 the DCWD Engineer;
- 226 2. The applicant must strictly abide by all requirements of the Town Code and must also strictly
227 comply with all other applicable local, State, and Federal requirements.
228

229 The applicant, Spiros Giannakopoulos, spoke on the history of Nu Quality Ice Cream and that it will
230 cater to the local residents. He stated a great deal of thought went into the building design for this
231 location.
232

233 Mr. Strader, applicant's engineer, stated that all required state permits have been acquired,
234 allowing the project to move ahead.
235

236 Town Attorney Gallop closed the public hearing and called for Council deliberation.
237

238 During the CUP-18-01 presentation, Councilman Connors asked the question of the applicant's
239 presenting engineer – whether the site's design features being proposed are *Low Impact*
240 *Development (LID)* features. The applicant's engineer, Mike Strader replied - absolutely, they are
241 indeed low impact development.
242

243 Councilman Connors also suggested using a different species of plant rather than the proposed
244 Japanese Black Pine. The Mayor concurred with this suggestion.
245

246 **MOTION:** Councilman Connors moved to approve CUP18-01- findings as required by the
247 ordinance and stated by the Staff report are affirmatively found, along with the inclusion of
248 conditions as listed in 1. A-D and 2. as provided in the staff report. The motion was seconded by
249 Mayor Bennett. The motion passed unanimously (4-0).
250

251

252 **NEW BUSINESS**

253 **PUBLIC HEARING: PROPOSED FY 18-19 OPERATING BUDGET - AND CONSIDERATION OF**
254 **FY18-19 BUDGET ORDINANCE 2018-06-01**
255

256 Town Manager/ Budget Officer Peter Rascoe gave a detailed summary of the proposed FY 2018-
257 2019 Budget. Items highlighted were the following:
258 o No tax increase proposed
259 o Balanced budget
260 o New employee classification as of July 1, 2018 and unanimously approved on February 6,
261 2018
262 o Construction of East Dogwood Trail Pedestrian Path as directed on February 20, 2018.
263 o Increase in annual appropriation for capital street improvements as directed on February 20, 2018.
264 o Implement an architect's assessment of Town facility needs as directed on February 20, 2018.
265 o Implement coastal engineer's beach vulnerability study as directed on March 6, 2018.
266 o The Town continues to be free of all debt; provides the most services with the lowest tax rate
267 o The Fire Department proposed expenditure of \$267,700 for projected debt service cost
268 reimbursement to the Fire Department for remainder of FY18-19 in case of the Town
269 Council committing to participation in the Fire Department's financing construction of a new
270 fire station
271 o Ad Valorem taxes account for 50% of the Town's annual revenues
272 o Occupancy Tax (Tourism Tax) account for 35% of the Town's annual revenues
273

274 Councilman McDonald suggested since a potential debt service payment is included in the Fire
275 Department budget line items, the name of that line item should be adjusted to reflect this.
276

277 Town Attorney Gallop opened the public hearing and called for comment:

- 278 1. Joseph Van Gieson (signed up but did not speak) stated Town Manager's
279 presentation answered his question.
- 280 2. Ann Sjoerdsma-69 Hickory Trail- instead of the citizen giving comment, Mayor
281 Bennett consented to the Town Manager answering her posed questions. The Town
282 Manager answered her questions regarding the Town's three financial funds and their
283 fund balances. The Town Manager confirmed with her that by State fiscal law, any
284 funds transferred from the Capital Reserve Fund to the General Fund have to be
285 used for capital projects. He also replied to her, despite reports, there was never any
286 "unbalanced" or "preliminary budget" presented to the Council prior to May 1, 2018.
287 The only budget was the balanced budget presented to Council on May 1, 2018.
288 Council only received projected expenditures and revenues from the Budget Officer
289 during the previous workshop, not a budget.
290

291 Hearing no other citizens wishing to speak, Town Attorney Gallop closed the public hearing and
292 called for Council deliberation.
293

294 Councilman Conners confirmed Council was presented a list of projected revenues and expenses
295 during the workshop, not a proposed budget.
296

297 Councilman Newberry asked where the revenues were going to come from in the future years to
298 service the debt for the Fire Department, assuming Council was to vote to proceed. Town Manager
299 Rascoe stated that is something for next spring's budget planning and he would work with the
300 Council on any such matter before them at that time.
301

302 Councilman Newberry questioned if expenses needed to be trimmed or taxes raised for the
303 revenues needed to fund the Fire Department. Town Manager Rascoe stated that is up to the
304 Council, as it is a function of the Council. He further stated if Council wants to direct him to reduce
305 the services of the Town in order to trim the budget's expenses, that is up to Council. He also
306 stated the act of increasing revenues by raising taxes is up to the Council.
307

308 Mayor pro tem Nason stated there will be some tough decisions to deal with next year and Council
309 is not even sure if they are going forward yet.

310

311 Councilman McDonald stated on the Streets, Bridges and Canals Department he does not see the
312 Yaupon Bulkhead rollover. Town Manager Rascoe stated Council, by Budget Amendment,
313 previously voted to transfer \$195,000 of unused capital improvement funds in the FY 17-18
314 General Fund budget in to the Town's Capital Reserve Fund. A transfer from the Capital Reserve
315 Fund is now proposed in the recommended budget to fund a portion of the proposed of FY18-19
316 Infrastructure Improvement Projects expense already directed by Council in the amount of
317 \$654,870. Council will consider the specific recommended capital improvement projects for FY 18-
318 19 prioritization at its upcoming July 10 meeting, for which completion of the Yaupon Trail capital
319 improvement is one of those projects recommended for priority consideration.

320

321 Councilman McDonald stated the capital infrastructure improvements line was being reduced since
322 it wasn't showing the \$195,000 being rolled over and designated for Yaupon Trail. He further
323 stated, "we have a deficit we are covering, we could take it from the Unassigned Fund Balance
324 and do the same thing."

325

326 Town Manager Rascoe replied Council did not rollover the \$195,000 for any assigned or particular
327 designated project, rather Council enacted a budget amendment transferring \$195,000 of unused
328 budgeted funds into the Capital Reserve Fund to be used for future capital improvement projects.
329 If the unused funds had not been placed into the Capital Reserve Fund, they would have reverted
330 back into the Unassigned Fund Balance at the end of FY17-18.

331

332 Councilman McDonald suggested to the Town Manager he should go back and read the motion
333 made and passed at the time Council approved the transfer of funds to the Capital Reserve Fund.
334 The Town Manager replied he has read the motion and action taken by Council several times. He
335 replied the recorded action to transfer funds to the Capital Reserve Fund by Council was clearly
336 not for any designated or assigned project.

337

338 Councilman Nason stated the \$195,000 went into the Capital Reserve Fund.
339 He stated the Town is also doing an additional \$200,000 in capital projects on top of the Capital
340 Infrastructure Improvement line of \$654,870.

341

342 Town Manager Rascoe reminded Council the proposed budget is his recommendation only, and
343 that Council may accept it or change it.

344

345 Councilman Connors asked Council McDonald if Council were to keep \$195,000 in the Capital
346 Reserve Fund, what services would he want to cut to balance the budget? Councilman McDonald
347 said we could have done that in May had we known where we are going.

348

349 Councilman Connors replied we are not in May, if you want to keep those funds in the Capital
350 Reserve Fund, what would you want to cut? Councilman Connors further stated he would vote
351 leaving the budget as it is and would just adopt it.

352

353 **MOTION:** Mayor Bennett moved to adopt Budget Ordinance 2018-06-01 - *An Ordinance of*
354 *the Southern Shores Town Council Adopting a Budget and Tax Rate for FY 2018-2019 as*
355 *presented. The motion was seconded by Councilman Connors.*

356

357 Councilman McDonald moved to amend the original motion to designate \$195,000 specifically for
358 Yaupon Trail bulkhead improvements - and then pull \$195,000 out of the Town's Unassigned Fund

359 Balance to balance the Manager's proposed budget. Councilman McDonald's Motion failed for lack
360 of a second to his motion.

361
362 The Mayor then called for a vote on the original motion to adopt Budget Ordinance 2018-06-01 as
363 presented. The motion passed (4-1) with Mayor Bennett, Mayor pro tem Nason, Councilman
364 Conners, and Councilman Newberry all voting in the Affirmative - and Councilman McDonald
365 voting in the Negative.

366
367 **NEXT AGENDA ITEM**

368 **PUBLIC HEARING-ZTA-18-06, A ZONING TEXT AMENDMENT APPLICATION SUBMITTED BY**
369 **THE TOWN OF SOUTHERN SHORES TO AMEND THE SOUTHERN SHORES TOWN CODE BY**
370 **AMENDING SECTION 36-175, WIRELESS TELECOMMUNICATIONS SITES, FACILITIES AND**
371 **TOWERS.**

372
373 Planning Board Chairman Williams presented the Planning Board report which recommended
374 approval.

375
376 Town Planner Wes Haskett presented the staff report:

377 *ANALYSIS*

378 *Town Staff is proposing to amend the Town Zoning Ordinance by amending Section 36-175,*
379 *Wireless Telecommunications Sites, Facilities and Towers by adding additional regulations to*
380 *address the placement of new utility poles used for attaching small cell wireless facilities. The*
381 *proposed amendments include the following additional regulations:*

- 382
383 1. *No new utility pole may be installed for the principal use of wireless facilities if a pole exists*
384 *within twenty (20) feet of a desired location.*
385 2. *The minimum distance of a new pole from any residential structure shall be at least 150% of*
386 *the pole height and shall not be located directly in front of any residential structure located in a*
387 *residential zoning district.*
388 3. *Along streets and within subdivisions where there are no existing utility poles (all*
389 *underground utilities), wireless facilities may be attached to street lights in the public right-of-*
390 *way.*
391 4. *New poles may not be erected in a residential area solely for wireless communication*
392 *equipment attachment unless the applicant has demonstrated it cannot reasonably provide*
393 *service by:*
394 • *Installing poles outside of the residential area;*
395 • *Attaching equipment to existing poles within the right-of-way; or*
396 • *Installing poles in rights-of-way not contiguous to parcels used for single family residential*
397 *purposes.*

398
399 *The Town's currently adopted Land Use Plan contains the following Policy that is applicable to*
400 *the proposed ZTA:*

- 401
402 • *Policy 2: The community values and the Town will continue to comply with the founder's*
403 *original vision for Southern Shores: a low density residential community comprised of single*
404 *family dwellings on large-lots (served by a small commercial district for convenience shopping*
405 *and services located at the southern end of the Town. This blueprint for land use naturally*
406 *protects environmental resources and fragile areas by limiting development and growth.*

407
408 *RECOMMENDATION*

409 *Town Staff has determined that the proposed amendment is consistent with the Town's currently*
410 *adopted Land Use Plan and Town Staff recommends that the Board consider this when making*
411 *its recommendation to the Town Council. Please note that prior to adopting or rejecting any*
412 *zoning amendment, the Planning Board shall adopt a statement describing whether its action is*
413 *consistent with the adopted Town Comprehensive Land Use Plan and explaining why the*
414 *Planning Board considers the action taken to be reasonable and in the public interest. That*
415 *statement is not subject to judicial review.*

416
417 **Town Attorney Gallop opened the public hearing and called for comment:**

418 **1. George Berry-239 N. Dogwood-leave an option for property owners to deal directly with the**
419 **wireless cell providers.**

420

421 **Hearing no other citizens wishing to speak the Town Attorney closed the public hearing and turned**
422 **the meeting back over to the Mayor for Council deliberation.**

423

424 **The Mayor questioned the complications involved and what rights do the homeowners have.**

425

426 **Town Planner Wes Haskett stated the original ordinance already states homeowners could work**
427 **directly with wireless providers.**

428

429 **MOTION:** Councilman McDonald moved to approve ZTA-18-06 as presented, amending
430 section 36-175, wireless telecommunications sites, facilities and towers. The motion was seconded
431 by Mayor pro tem Nason. The motion passed unanimously (5-0).

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438 **NEXT AGENDA ITEM**

439 **PUBLIC HEARING-ZTA-18-07, A ZONING TEXT AMENDMENT APPLICATION SUBMITTED BY**
440 **THE TOWN OF SOUTHERN SHORES TO AMEND THE SOUTHERN SHORES TOWN CODE BY**
441 **AMENDING SECTION 36-132, REGULATION OF STRUCTURES AND USES**
442 **NONCONFORMING.**

443

444 **Planning Board Chairman Williams presented the Planning Board report. He stated Town Council**
445 **directed staff to develop a ZTA addressing 50 ft wide lots and 12 ft. wide setbacks. The planning**
446 **Board recommended approval of ZTA-18-07.**

447

448 **Town Planner Wes Haskett presented the staff report:**

449 *ANALYSIS*

450 *Town Staff is proposing to amend the Town Zoning Ordinance by amending Section 36-132,*
451 *Regulation of Structures and Uses Nonconforming to address the development of legally*
452 *nonconforming lots. Since 2016, the Town has received and the Town Planning Board, performing*
453 *the duties of the Town Board of Adjustment, has approved several requests for variances to reduce*
454 *the side yard setback requirements for nonconforming lots from 15 feet to 12 feet. The proposed*
455 *language addresses scenarios that would require the recombination of previously platted lots in*
456 *order to preclude the development of individual nonconforming lots that would be contrary to the*
457 *Town's currently adopted Land Use Plan. The proposed language also includes a reduction in the*
458 *side yard setback requirements from 15 feet to 10 feet which would apply in certain instances when*
459 *the development of an individual nonconforming lot may be allowed.*

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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 amendment is consistent with the Town's currently adopted Land Use Plan and Town Staff recommends that the Board consider this when making its recommendation to the Town Council. Please note that prior to adopting or rejecting any zoning amendment, the Planning Board shall adopt a statement describing whether its action is consistent with the adopted Town Comprehensive Land Use Plan and explaining why the Planning Board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

Town Attorney Gallop opened the public hearing and called for comment:

1. George Berry-239 N. Dogwood Trail-if a current homeowner has three fifty-foot lots, make it an option that an adjacent neighbor could purchase the additional third lot rather than forcing recombination of all three.
2. Rick House-House Engineering- has been the engineer in three of the four granted variances. This would affect homeowners who are in the process of applying for variance.
3. Anne Sjoerdsma-69 Hickory Trail-in the instance of 315 N Dogwood Trail that is for sale, how is a lot advertised for sale if it doesn't meet the 20,000-sq. ft. ordinance.

Hearing no other citizens wishing to speak Town Attorney Gallop closed the public hearing.

Councilman McDonald gave a brief history on the 50ft wide lots and setbacks in Southern Shores.

Councilman Conners asked about the 10-12 number produced as the number of isolated 50 ft lots. Planning Board Chairman Williams stated that is an approximate number of vacant 50 ft wide lots left. There are many more which already have a structure built on them.

Both Mayor Bennett and Mayor pro tem Nason felt that homeowners were going to be penalized for having that third additional lot and more thought needed to go into the zoning text amendment.

Councilman Conners stated the zoning text amendment needed to be passed. It will be runaway development like in KDH and Kitty Hawk "as some people have characterized it".

MOTION: Councilman McDonald moved to approve ZTA-18-07 as written. The motion was seconded by Councilman Newberry. The motion passed 3-2 (will require second reading).

[Clerk's Note: Although a proposed ordinance may pass by a majority vote, a "super majority" is required for an ordinance to be enacted on its first reading. This statutory requirement applies to any ordinance or action having the effect of an ordinance. Therefore, a second reading of ZTA-18-07 will be required to pass by at least a simple majority vote before the ordinance is enacted.]

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GENERAL PUBLIC COMMENT

Mayor Bennett called for public comment and the following citizens offered comment:

1. George Berry-239 N Dogwood Trail-The Town of Duck has passed regulations for use of golf carts and Low Speed Vehicles (LSV) on Town property. You cannot go on RT 12 but can cross it. Look at the regulations in Duck-legalize golf carts.

Town Manager Peter Rascoe reminded that Low Speed Vehicles (LSV) are allowed in the Town of Southern Shores.

MAYOR COMMENTS & COUNCIL COMMENTS

Mayor Bennett and all Council members thanked Planning Board Chairman Sam Williams for his nine years of volunteering for the Town and appreciated all of his dedicated service.

Councilman Connors added that there are many opportunities for the community to volunteer throughout the entire County.

ADJOURN

MOTION: Hearing no other business, Councilman McDonald moved to adjourn. The motion was seconded by Councilman Nason. The motion passed unanimously (5-0). The time was 8:53 p.m.

ATTEST:

Respectfully submitted,

Thomas G. Bennett, Mayor

Sheila Kane, Town Clerk



**TOWN OF SOUTHERN SHORES
TAX DEPARTMENT**

7/10/2018

PICKUPS

RELEASES

March Real

\$8.02

TOTAL

\$0.00

\$8.02

**Town of Southern Shores
Budget Amendment Number # 1**

**Planning
Increases**

Decreases

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	Revenues Unassigned Fund Balance	\$16,867			
63-50132	Expenditures Town Code Update	\$16,867			
	TOTAL			TOTAL	\$ -

Explanation: Cost to complete CodeWright contract

Recommended By:

Approved By: Town Council

J. Peter Rascoe, III, Town Manager

Tom Bennett, Mayor

Date

**Town of Southern Shores
Budget Amendment Number #2**

**Fire Department
Increases**

Decreases

Account Number	Description	Amount	Account Number	Description	Amount
	Revenues				
40-39909	Unassigned Fund Balance	\$57,857			
	Expenditures				
54-50402	Architectural Services	\$57,857			

Explanation: Amount to finish architectural work for new fire station

Recommended By:

J. Peter Rascoe, III

Approved By:

Tom Bennett, Mayor

Date

**Town of Southern Shores
Budget Amendment Number # 3**

Police Increases			Streets Decreases		
Account Number	Description	Amount	Account Number	Description	Amount
40-39909	Revenues Unassigned Fund Balance	\$53,604			
51-50175 51-50151	Expenditures Capital Outlay- Vehicle Equipment Purchase	\$43,593 \$10,011			
	TOTAL			TOTAL	\$ -

Explanation: Police cars, tax and tags and equipment that was ordered FY 17-18 but not yet received.

Recommended By:

J. Peter Rascoe, III Town Manager

Approved By: Town Coucil

Tom Bennett , Mayor

Date



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: 4/20/18 Filing Fee: \$200 Receipt No. N/A Application No. Z-1A-18-01

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 Ave. Trail
Southern Shores, NC 27949
Phone: 252-2394 Email: info@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

[Signature]
Signature

4-20-18
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

Ordinance-2018-06-03

**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. § 160A-381, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the density of population and the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, 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, pursuant to N.C.G.S. § 160A-371 et seq. the Town may enact and amend ordinances regulating the subdivision of land within its territorial jurisdiction; and

WHEREAS, prior to the incorporation of the Town, many lots were created within its jurisdiction that have become nonconforming due to their lack of sufficient lot width and area. Over time the character and density of the Town have been developed such that many of these smaller nonconforming lots were built upon as if they were combined with one another. In recent years, the Town has seen a trend towards redevelopment of such informally combined parcels to the ends of breaking them back into the smaller nonconforming lots and building dwellings upon the nonconforming lots. Such redevelopment is inconsistent with the low density character of the Town; and

WHEREAS, the Town desires to manage the development of the Town in a manner which maintains the low density character of the Town and requires formal recombination of lots to current Town standards toward a goal of reducing the existence of nonconforming lots. Similarly, the Town desires to allow for existing nonconforming lots that are not otherwise adjacent to lots owned by the same person or entity to be developed rather than vacant and unusable; 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, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances as stated below.

ARTICLE II. Construction.

1 For purposes of this ordinance amendment, underlined words (underline) shall be
2 considered as additions to existing Town Code language and strikethrough words
3 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
4 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
5 ("...") shall remain as they currently exist within the Town Code.

6
7 **ARTICLE III. Amendment of Zoning Ordinance.**

8
9 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
10 Shores, North Carolina, that the Town Code shall be amended as follows:

11
12 **PART I.** That subsection (a) of Sec. 36-132 Regulation of structures and uses be
13 replaced in its entirety with the following:

14
15 **(a) *Nonconforming lots of record.***

16
17 (1) In any district in which single-family dwellings are permitted, a single-family
18 dwelling and customary accessory building may be erected on any single lot not
19 under the same ownership as any adjacent lot and which met all legal requirements
20 at the time of its creation and recording in the Dare County public registry. All
21 applicable dimensional requirements other than lot area and lot width shall be met
22 for development or redevelopment of such a lot except that a lot having a lot width
23 of fifty (50) feet or less may use a side yard setback of twelve (12) feet.

24
25 (2) If any of the following situations apply, all adjacent lots under the same
26 ownership shall be recombined into: (i) a single lot which may or may not meet the
27 minimum requirements for the district in which such lots are located; or (ii) multiple
28 lots which all meet the minimum requirements for the district in which such lots
29 are located:

30
31 a. Development is proposed upon land under the same ownership which
32 includes one or more nonconforming lots adjacent to one or more other lots
33 under the same ownership;

34
35 b. Demolition or redevelopment exceeding 50% of an existing structure's
36 value is proposed and any portion of the existing structure or associated use
37 is currently or has been within the previous seven (7) years located upon or
38 occurring on two or more lots under the same ownership, as measured from
39 the time of application;

40
41 c. Development is proposed of a new structure or use to be located on two
42 or more lots under the same ownership;

43
44 d. Prior to the sale or transfer of land when any portion of the land being
45 sold or transferred was a parcel or part of a parcel of land upon which an
46 existing structure or associated use is currently or has been within the

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previous seven (7) years located upon or occurring on two or more lots under the same ownership, as measured from the time of application; or

e. Prior to the sale or transfer of land including a nonconforming lot or lots adjacent to one or more other lots under the same ownership;

A plat prepared by a North Carolina licensed surveyor showing the recombination shall be shall be recorded in the Dare County public registry, and a copy of the recorded plat shall be provided to the Town prior to the issuance of a zoning or building permit for development or redevelopment upon any of the newly created lots. Lots created by a recombination required by this section shall be deemed to equal or exceed the standards of the Town under Chapter 30, and are exempt from the subdivision process under Chapter 30.

(3) For purposes of this subsection (a), the term "same ownership" shall be construed broadly to effectuate the reduction of nonconforming lots within the Town. Land and lots under the same ownership shall include, but not be limited to, any of the following or any combination of the following:

a. A lot is owned, in whole or in part, by an individual and another lot is owned by the same individual or by an Affiliate of the same individual; and/or,

b. A lot is owned, in whole or in part, by a legal entity and another lot is owned by the same legal entity or by an Affiliate of the same legal entity.

(4) For purposes of this subsection (a), the following definitions apply:

a. An "Affiliate" of an owner shall mean:

(i) In the case of an individual owner, a family member of the owner, or a legal entity controlled by the owner.

(ii) In the case of a legal entity owner, an individual who controls the legal entity, or another legal entity controlled by the owner.

b. "Controlled" or "controls" shall mean the power, by ownership, operation of law or contract, whether exercised or not, directly or indirectly, actually or effectively, to operate, supervise, or manage a legal entity, or to appoint or elect the management of the legal entity, or to otherwise direct the operation, supervision or management of the legal entity.

c. "Family member" of an owner shall mean the owner's spouse, lineal descendants, siblings and parents whether related by blood or marriage.

1 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
2 **Reasonableness.**

3
4 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
5 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
6 is applicable. For all of the above-stated reasons and any additional reasons supporting the
7 Town's adoption of this ordinance amendment, the Town considers the adoption of this
8 ordinance amendment to be reasonable and in the public interest.
9

10 **ARTICLE V. Severability.**

11
12 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
13 hereby repealed. Should a court of competent jurisdiction declare this ordinance
14 amendment or any part thereof to be invalid, such decision shall not affect the remaining
15 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
16 Town of Southern Shores, North Carolina which shall remain in full force and effect.
17

18 **ARTICLE VI. Effective Date.**

19
20 This ordinance amendment shall be in full force and effect from and after the ____ day of
21 _____, 2018.
22

23
24 _____, Mayor
25

26 **ATTEST:**

27
28 _____
29 Town Clerk
30

31 **APPROVED AS TO FORM:**

32
33
34 _____
35 Town Attorney
36

37 **Date adopted:**

38
39 _____
40 Motion to adopt by Councilmember:
41

42 Motion seconded by Councilmember:
43
44
45
46

Vote: __AYES__ NAYS

STAFF REPORT

To: Southern Shores Town Council
Date: May 30, 2018
Case: ZTA-18-07
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Town of Southern Shores

Requested Action: Amendment of the Town Zoning Ordinance by amending Section 36-132, Regulation of Structures and Uses Nonconforming

ANALYSIS

Town Staff is proposing to amend the Town Zoning Ordinance by amending Section 36-132, Regulation of Structures and Uses Nonconforming to address the development of legally nonconforming lots. Since 2016, the Town has received and the Town Planning Board, performing the duties of the Town Board of Adjustment, has approved several requests for variances to reduce the side yard setback requirements for nonconforming lots from 15 feet to 12 feet. The proposed language addresses scenarios that would require the recombination of previously platted lots in order to preclude the development of individual nonconforming lots that would be contrary to the Town's currently adopted Land Use Plan. The proposed language also includes a reduction in the side yard setback requirements from 15 feet to 12 feet which would apply in certain instances when the development of an individual nonconforming lot may be allowed.

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 and the Town Planning Board have determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan and the Town Planning Board recommended approval of the application (5-0).

July 3, 2018

To: Town Council
From: Town Manager

Re: Council appointments (3-year term) to the Town Planning Board
[Town Code Sec. 24-24]
[Council Rules of Procedure, Section 14]

In accordance with the Council's Rules of Procedure, Section 14, I have exerted ongoing efforts to seek applications from interested residents of the Town for potential vacancies on Town boards and committees. Attached are applications from the four (4) Town residents who have applied. In accordance with Section 14 of the Council Rules of Procedure, I present these applicants *to the Council for discussion, nomination and a vote* regarding the four (4) vacancies that now exist on the Town Planning Board as of June 30, 2018.

Pursuant to Town Code Section 24-24 the Planning Board vacancies that now exist as of June 30, 2018 are:

- Seated (voting) Member #3
- Seated (voting) Member #4
- Alternate Member #1
- Alternate Member #2

TOWN OF SOUTHERN SHORES BOARD VOLUNTEER APPLICATION DATE: 05/14/2018

Municipal Board(s) or Committee(s) interested in: Planning and Zoning Board or special committees.

NAME: Michael Basilone PHONE: (HOME) 252-455-5265
PHONE: (WORK) _____ Email: mwbasilone@yahoo.com
ADDRESS: 308 Sea Oats Tr., Southern Shores, N.C. 27949

OCCUPATION (Past & Present) EMPLOYER Parallel Design Construction company 1995-2003 part time construction work during high school and college. ECS Mid-Atlantic employed as an Environmental Scientist from January 2004 to September 2009. 2010 to present: Fire Captain with the Kitty Hawk Fire Department. See attached resumer

EDUCATIONAL BACKGROUND School(s) Dates Area of Study Cert or Degree B.S. Geography with a minor in Environmental Science and Oceanography from Old Dominion University. Currently working on a master's in public administration with a focus on emergency services management.

Specific experiences, training or interest, which you have that you feel would be useful in the work of this Board or Committee: (Use additional pages if needed)

I am a Fire Captain in the Kitty Hawk Fire Department, serving directly under the Chief. My duties include: planning, organizing, coordinating and directing the emergency and non-emergency activities of a fire suppression company. I perform as the officer in charge for all shift duties, managing a shift of four firefighters which is supplemented by volunteers. I run company training and multi company training events. I am the head of the SOG committee and I serve on the town website development and improvement committee. I establish command and assume the role of Incident Commander of emergency scenes while making strategic and tactical decisions. I research, recommend, implement and enforce policies, directives and procedures. I determine how to deploy personnel and equipment during storm events and hurricanes, ensuring proper staffing levels and maintaining a state of readiness with personnel and equipment. I manage long range planning for departmental budgets including the uniform budget and develop and implement training programs for new firefighters both career and volunteer. I supervise the completion and accuracy of incident reports and manage the inspections of child safety seats. As captain, I perform pre incident surveys for every commercial building within the response district, ensuring that firefighters are familiar with these buildings. I also perform fire prevention inspections as a NC Fire Inspector Level II.

I have a diverse background working with many different groups of people. In college I traveled to Costa Rica to map evacuation routes on the slopes of an active volcano (Volcan Arenal). There were communities living on the slopes of the volcano and we worked with the community members and government officials to use data collection and GIS systems to map

evacuation routes in the event of an eruption. During high school and college, I also worked on construction crews and was often placed with Spanish-speaking crews so I could help translate. While I am not fluent in Spanish, I was able to converse with my fellow crew members easily, and we developed a good working relationship and often became friends. During my time working as an environmental scientist I worked alongside engineers, project managers, lawyers, state environmental representatives and developers to achieve a common goal. I know how to gather and analyze data scientifically, I have a BS and am currently working on a Masters of Public Administration with a focus on Emergency Services Management. I have a proven track record of finishing projects on time.

Time management and transparency have served me well throughout all of my professional experiences. My first job with Kitty Hawk Fire Department was actually working as an ocean rescue lifeguard. In our area, people routinely die in rip currents. To prevent rip current deaths the lifeguards speak to every person on the beach to educate them about water safety and the location of rip currents. This required interactions with hundreds of people on every shift. I excelled at teaching people about the importance of ocean safety. During my time as a Fire Captain, I have worked with paid and volunteer firefighters, members of the community, teachers at our local schools, suppliers and vendors and town council members.

Overall, I have experience both in and out of the fire service that has provided me with a background and capabilities that are well suited for success serving on boards and committees.

Michael W. Basilone

308 Sea Oats Tr., Kitty Hawk, N.C., 27949, Cell (252) 455-5265
mbasilone@kittyhawktown.net

EDUCATION

OLD DOMINION UNIVERSITY, *Norfolk, Virginia*

December 2001

Bachelor of Science in Geography, with a minor cluster in Environmental Science and Oceanography.

EDUCATION

COLUMBIA SOUTHERN UNIVERSITY, *Orange Beach, Alabama*

Expected graduation: May 2020

Masters of Public Administration with a focus on Emergency Services Management (Current GPA 4.0)

EXPERIENCE

KITTY HAWK FIRE DEPARTMENT, KITTY HAWK, N.C.

2010- Present

Fire Captain/EMT, started as an Ocean Rescue Lifeguard and Volunteer Firefighter

- Administration, supervision and management of the fire department
- Fire suppression
- HAZMAT response
- Rescue operations
- Emergency medical services
- Received two life safety awards
- Implements department goals and objectives through a comprehensive administration program and coordinates department operations, inspections, maintenance and training under the direction of the Fire Chief.

ECS MID-ATLANTIC, LLC, *Virginia Beach, Virginia*

January 2004 –September 2009

Environmental Scientist

- Phase I and II environmental site assessments
- AutoCAD (Computer Aided Design) site drawings, borings logs, soil profiles and well schematics
- GIS data collection and entry
- Underground storage tank (UST) closures
- Wetland delineation
- Asbestos, Lead, Radon and Mold Inspections/Hazardous Material Surveys

PARALLEL DESIGN, WILLIAMSBURG, *Virginia*
2003

Intermittently from 1995 –November

Carpenter

- Worked part time in a variety of capacities for many residential, commercial and renovation projects
- Custom trim carpentry
- Masonry, plumbing and electrical work performed during renovations

Teaching Assistant

- Lectured on physical geography to over one hundred students

ADDITIONAL SKILLS

LICENSES AND CERTIFICATIONS: North Carolina Certs: EMT, Fire I and II, PPE, Driver Operator/ Pumps, HAZMAT Level I Responder, Emergency Vehicle Driver, Aerials and NC Fire inspector II (I am able to inspect every building within my district.) child safety seat technician, CPR instructor, Fire Instructor I, Fire Officer I. I have completed ICS 100, 200 and 700. NFA classes: Leadership I, II and III, Arson Investigation for the first responder, Incident safety Officer and Decision Making for the Initial Company Officer. Formerly OSHA 40 Hour HAZWOPER (Hazardous Waste Operations and Emergency Response) Certified last active 2007, State of Virginia Asbestos Inspector License last current in 2007; State of North Carolina Asbestos Inspector License last current in 2007, State of Virginia Lead Inspector and Risk Assessor License last active in 2007.

SOFTWARE KNOWLEDGE: Emergency Reporting, Microsoft Office, GIS Arcview; AutoCAD and GPS

FOREIGN LANGUAGES: Basic Spanish. Practiced during extensive Latin American travels, management of Spanish-speaking construction crews, and sales to Spanish speaking construction companies.



5-21-13-BOARD-VOLUNTEER-APPLICATION

TOWN OF SOUTHERN SHORES

BOARD VOLUNTEER APPLICATION

DATE: 6/28/2013

Municipal Board(s) or Committee(s) interested in: Planning Board

NAME: DAVID NEAL

PHONE: (HOME) 252 261 5279

PHONE: (WORK) 252 202 6325

Email: dlnnc@ymail.com

ADDRESS: 81 wild swan lane Southern Shores, NC 27949

OCCUPATION (Past & Present) EMPLOYER

General Contractor-34 years David Neal Construction T/A LB Neal Construction
President NC Licence
19750

EDUCATIONAL BACKGROUND

School(s) Dates Area of Study Cert or Degree

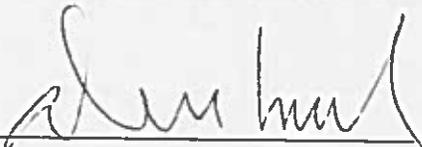
HIGH SCHOOL: Daycroft Prep school 1961-1965 Greenwich Ct

COLLEGE: Principia College- 1965-1969 Elsay, Ill BA Bus Admin

Specific experiences, training or interest, which you have that you feel would be useful in the work of this Board or Committee: (Use additional pages if needed)

As a residential home builder for 34 years I have watched the Outer Banks grow and change.

I would like to help with not only preserving the quality, space, and individuality of our beloved Southern Shores, but also to try and accomodate the inevitable continued growth with an appreciation for quality construction, preservation of space- trees, natural growth where possible, and respect for the individuality of those who now live here, and those to come.

SUBMITTED BY: DAVID NEAL 



TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION

DATE: 5/8/18

Municipal Board(s), Commission(s), or Committee(s) interested in:

Planning and Zoning

NAME: Andy Ward

PHONE: (HOME) 261-4126

PHONE: (WORK) 256-0853

Email: andyward147@gmail.com

ADDRESS: 147 Bayberry Trail, S.S.

OCCUPATION (Past & Present)

General Building Contractor

EMPLOYER

self

EDUCATIONAL BACKGROUND

School(s)

NC State University

Dates

1972-76

Area of Study

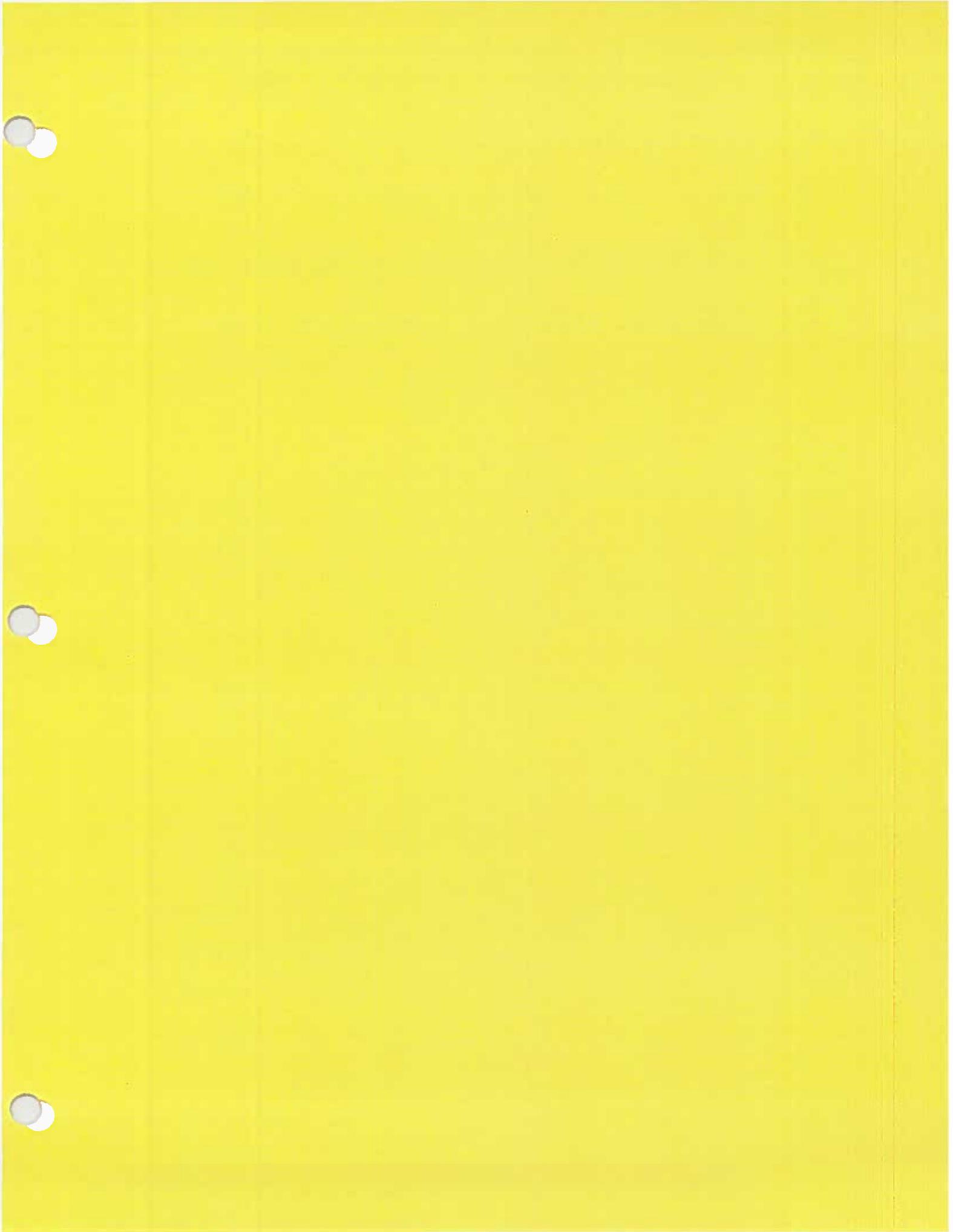
Textiles/Business

Cert or Degree

4yr. graduate degree

Specific experiences, training or interest, which you have that you feel would be useful in the work of this Board, Commission, or Committee: (Use additional pages if needed)

As a residential builder and longtime resident (35+ years), I feel I can offer a valuable perspective in zoning and planning decisions that affect our life style here in Southern Shores.



**TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION**

DATE: 21 May 2017 _____

Municipal Board(s), Commission(s), or Committee(s) interested in: Town Planning Board

NAME: Leo L Holland PHONE: (HOME) 252-255-5780 _____
PHONE: (CELL) 252-256-2488 _____
Email: lholland23@embarqmail.com _____

ADDRESS: 23 Spindrift Trail, Southern Shore, NC 27949 _____

OCCUPATION (Past & Present)	EMPLOYER
Varies marketing & finance management positions	John Deere C&F Division _____
<u>Division Manager Product Support</u>	John Deere C&F Division _____
<u>Product Support Advisor</u>	James River Equipment _____

EDUCATIONAL BACKGROUND

School(s)	Dates	Area of Study	Cert or Degree
University Wisconsin – Platteville	1959-1963 _____	Agriculture & Economics	BS Degree _____
<u>Wharton School of Finance</u>	1997 _____	<u>Finance</u>	Certificate _____

Specific experiences, training or interest, which you have that you feel would be useful in the work of this Board, Commission, or Committee: (Use additional pages if needed)

President of SSCA Board of Directors
President of CPOA Board of Directors
Served on Town Council for four years
Served on Town Finance Committee
Served as Alternate on original Board of Adjustments
Assistant Treasurer on Dare County Tourism Board
Assistant Chairman on Dare County Tourism Board
Past Grand Knight of Knights of Columbus
Faithful Navigator of Knights of Columbus Assembly
Assisted in organizing past three years November 11 Veterans Day Ceremony
Lead transition of canals to TOSS and worked with early dredge project

I believe my experience with various Boards qualifies me to be a candidate to serve on the Town Planning Board. _____



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27919

Phone 252-261-2391 / Fax 252-255-0876

www.southernshores-nc.gov

Ordinance #2018-07-01

An Ordinance Establishing a Capital Infrastructure Improvement Plan and Authority to Implement

Be It Ordained, the Town Council of the Town of Southern Shores, after a Public Hearing held this date, does hereby adopt and establish a Capital Infrastructure Improvement Plan (CIIP) for Fiscal Year 2018-2019 (as described on Attachment A incorporated herein by reference), and authorizes the Budget Officer to enter into agreements and contracts necessary to implement the CIIP along with budgeted items in "Public Works Department - Streets, Bridges & Canals" in Section 1.A. of the Budget Ordinance adopted June 5, 2018. Upon award of an agreement or contract to expend funds for an infrastructure improvement project indicated in the CIIP, and in accordance with current Town policy established by the Council on January 9, 2018, the Budget Officer shall report such award to the Council, for information purposes only, at a Council meeting subsequent to award.

Be It Further Ordained by the Town Council, the adopted CIIP as attached incorporates the following added directive: Town staff is authorized to expend appropriated capital funds on surveying and design of lesser prioritized streets if it becomes apparent during the fiscal year that all appropriated funds will not be expended on the targeted higher-priority streets.

This Ordinance is effective upon adoption.

Approved this ____ of July 2018.

Thomas Bennett, Mayor

Attest: _____
Sheila S. Kane, Town Clerk

"Attachment A"

[April 4, 2018 recommendation of CIIP Committee to the Town Council of the following FY2018-2019 Capital Infrastructure Improvement Plan with authorization for Town staff to expend appropriated capital funds on surveying and design of lesser prioritized streets if it becomes apparent during the fiscal year that all appropriated funds will not be expended on the targeted higher-priority streets.]

Group A, Recommended "Targets" in Order of priority for FY 18-19:

1. Yaupon Trail - Phase 1 (north end) - 700 LF (+/-) and all remaining bulkheading
2. Yaupon Trail - Phase 2 (south end) - 1,000 LF (+/-)
3. Juniper Trail - Remaining segment - 2,447 LF (+/-)

Group B, In order of priority subsequent to completion of Group A:

4. Clamshell Trail - Otter Slide east to Chicahauk Trail - 3,440 LF (+/-)
5. Ginguite Trail - southern segment - 2,000 LF (+/-)
6. Hillcrest Drive - Hickory Trail intersection to SSCA tennis courts - 3,700 LF (+/-)
7. Ginguite Trail - Northern segment - 1,800 LF (+/-)
8. Chicahauk Trail - NC Hwy 12 to Trinitie Trail intersection
9. Sea Oats Trail - 11th Avenue north to Sea Oats Court
10. Bayberry Trail - entire length - 1,775 LF (+/-) Incl. Dewberry Ln. - 230 LF (+/-)
11. West Holly Trail - entire length - 830 LF (+/-)
12. Wax Myrtle Trail - East Dogwood Trail south to end 2,720 LF (+/-)
 - Incl. Dolphin Run - 410 LF (+/-)
 - Incl. Porpoise Run - 425 LF (+/-)

Group C, "Other":

13. South Dogwood Trail - entire length 12,408 LF (+/-)
14. Spindrift Trail/High Dune Loop/Wild Pony Lane intersection - 160 LF (+/-)
15. East Dogwood Trail - entire length (excl. previous rebuild segment) - 5,000 LF (+/-)
16. Wax Myrtle and Hickory Trail intersection - 170 LF (+/-)
17. Pintail Trail - entire length - 750 LF (+/-)
18. Land Fall Loop - entire length - 330 LF (+/-)
19. Happy Indian Lane cul-de-sac - 320 LF (+/-)
21. Teal Court - S. Dogwood to cul-de-sac - 275 LF (+/-)
22. North Dogwood Trail - entire length - 5,966 LF (+/-)
23. Turtle Pond Court - entire length - 470 LF (+/-)
24. Trinitie Trail (s/w impr. emphasis) - Clam Shell int. to CPOA Park - **Design Only**



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: 3/16/18 Filing Fee: \$200 Receipt No. N/A Application No. 2TA-18-04

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 252-2394 Email info@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

Signature [Handwritten Signature]

Date 3-16-18

* Attach supporting documentation.



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ZTA-18-04

**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. § 160A-381, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, 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, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; 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, morals and general welfare for the Town to amend the Town's Zoning 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 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 Section 36-163 the Town Code shall be amended as follows:

PART I. That Town Code Sec. 36-202, (d) shall be amended as follows:

Town of Southern Shores, NC
ZTA-18-04
Page 1 of 3

...

- (6) Maximum allowable lot coverage.
- a. Maximum allowable lot coverage shall be 30 percent, except for town-owned facilities and fire stations;
 - b. Maximum allowable lot coverage shall be 85 percent for town-owned facilities and fire stations.
 - c. Pervious materials and turfstone/pavers for driveways and parking areas contribute 50% to lot coverage.
 - d. Gravel walkways shall not contribute to lot coverage.
 - e. The outermost 4 feet of eaves shall not contribute to lot coverage.
 - f. Up to 500 square feet of the water area of swimming pools shall not contribute to lot coverage.
 - g. Open-slatted decks that allow water to penetrate through to pervious material, not exceeding a total of 25% of the total footprint area of the attached single-family dwelling, shall not contribute to lot coverage.
 - h. Those allowances and/or exemptions listed in sub-sections g. and h. of this-paragraph (6) shall be available only to an applicant for a building/zoning permit for a single-family dwelling, or adjacent swimming pool, or attached open-slatted deck over pervious material, upon presentation of a survey with all applicable requirements including plan certification, for a Lot Disturbance and Stormwater Management Permit as described in Sec. 36-171 (3) of the Town Code of Ordinances.

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 _____, 2018.

Mayor

ATTEST:

Date: _____

Town Clerk

Vote: Ayes Naves

APPROVED AS TO FORM:

Town Attorney

STAFF REPORT

To: Southern Shores Town Council
Date: June 29, 2018
Case: ZTA-18-04
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Town of Southern Shores
5375 N. Virginia Dare Trl.
Southern Shores, NC 27949

Requested Action: Amendment of the Town Zoning Ordinance by amending Section 36-202, RS-1, Single-family Residential zoning district.

ANALYSIS

At the August 21, 2017 Planning Board meeting, the Town Planning Board unanimously recommended approval (4-0) of the proposed language to amend the Town Zoning ordinance to establish new lot coverage requirements which was subsequently denied (3-2) by the Town Council on September 5, 2017. On February 6, 2018, the Town Council voted (3-2) to send the proposed language back to the Planning Board for reconsideration with additional proposed language. The amendments would establish the following changes in how lot coverage is calculated in the RS-1, Single-family Residential zoning district:

- c. Pervious materials and turfstone/pavers for driveways and parking areas contribute 50% to lot coverage.
- d. Gravel walkways shall not contribute to lot coverage.
- e. The outermost 4 feet of eaves shall not contribute to lot coverage.
- f. Up to 500 square feet of the water area of swimming pools shall not contribute to lot coverage.
- g. Open-slatted decks constructed over pervious material, not exceeding a total of 25% of the total footprint area of the attached single-family dwelling, shall not contribute to lot coverage.
- h. Those allowances and/or exemptions listed in sub-sections g. and h. of this-paragraph (6) shall be available only to an applicant for a building/zoning permit for a single-family dwelling, or adjacent swimming pool, or attached open-slatted deck over pervious material, upon presentation of a survey with all applicable requirements including plan certification, for a Lot Disturbance and Stormwater Management Permit as described in Sec. 36-171, (3) of the Town Code of Ordinances.

The Town's currently adopted Land Use Plan contains the following Policies and Action Items that are applicable to the proposed amendments:

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density (1-3 units per acre) (see Map

13 Land Use Densities) residential community comprised of single family dwellings on large lots (20,000 square feet or larger) served by a small commercial district (56 acres out of 2,175 acres) 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.

- **Action Item 2-b:** The Town shall encourage the use of low impact development techniques and sound environmental preservation practices for all new development, remodeling and redevelopment within Southern Shores.
- **Policy 7:** Support stormwater management programs that reduce flooding and improve coastal water quality.
- **Action Item 7-b:** Encourage the use of Low Impact Development (LID), vegetative buffers to filter stormwater, impervious surface limits, and innovative stormwater management alternatives to reduce runoff and to improve water quality.

RECOMMENDATION

Town Staff and the Town Planning Board have determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan and the Town Planning Board recommended approval of the application (4-0).

From: Joseph Anlauf <jjanlauf@gmail.com>
Sent: Monday, April 16, 2018 11:17 AM
To: Wes Haskett
Cc: Peter Rascoe; David Deel
Subject: Re: FW: Lot Coverage ZTA

Wes,

It is important to have ordinance language that differentiates between impervious coverage and permeable coverage. There are multitudes of products available to homeowners to make desired property improvements while being responsible stewards to the environment and the community. Creating ordinance language that recognizing the availability of these products and in turn provides an incentive for implementation will help promote the use of these products and the management of stormwater community wide.

Generic coverage limitations that appear in ordinances ultimately stem from the desire to manage the amount of stormwater runoff generated from impervious surfaces while protecting green open spaces designed to address the stormwater runoff through infiltration. Stormwater management is the main point of Low Impact Development standards. Adding incentives to use permeable products by way of coverage breaks is promoting LID.

Sincerely,
Joseph J. Anlauf, PE
Anlauf Engineering, PLLC
4721 W. Eckner Street
Kitty Hawk, NC 27949
(252)489-7143

On Mon, Apr 16, 2018 at 10:15 AM, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Joe. As directed by Council, the Planning Board will be reviewing a Zoning Text Amendment application on Monday to amend the Town's current lot coverage requirements for the RS-1 zoning district. The proposed changes are as follows:

- c. Pervious materials and turfstone/pavers for driveways and parking areas contribute 50% to lot coverage.
- d. Gravel walkways shall not contribute to lot coverage.
- e. Gravel or grass driveways with a pervious base shall not contribute to lot coverage.
- f. The outermost 4 feet of eaves shall not contribute to lot coverage.
- g. Up to 500 square feet of the water area of swimming pools shall not contribute to lot coverage.
- h. Open-slatted decks constructed over pervious material, not exceeding a total of 25% of the total footprint area of the attached single-family dwelling, shall not contribute to lot coverage.
- i. Those allowances and/or exemptions listed in sub-sections g. and h. of this-paragraph (6) shall be available only to an applicant for a building/zoning permit for a single-family dwelling, or adjacent swimming pool, or attached open-slatted deck over pervious material, upon presentation of a survey with all applicable requirements including plan certification, for a Lot Disturbance and Stormwater Management Permit as described in Sec. 36-171, (3) of the Town Code of Ordinances.

Do you have any comments and do you consider pervious pavement, turfstone, pavers as LID?

Wes Haskett
Town Planner/Code Enforcement Officer



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: 3/16/2018

Filing Fee: \$200

Receipt No. N/A

Application No. 27A-18-03

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 Permk 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 Southern Shores Volunteer Fire Dept

Address: 15 S. Dogwood Trail

Southern Shores, NC 27949
Phone 252/461-2272 Email elimbecher112@gmail.com

Applicant's Representative (if any)

Name Edward Limbecher

Agent, Contractor, Other (Circle one)

Address 15 S Dogwood Trail

Southern Shores, NC 27949
Phone 252/489-1529 Email elimbecher112@gmail.com

Property Involved: Southern Shores Martin's Point (Commercial only)

Address: 15 S Dogwood Trail 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

Signature

Date

3-16-2018

* Attach supporting documentation.



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ZTA-18-03

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. § 160A-381, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, 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, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; 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, morals and general welfare for the Town to amend the Town's Zoning 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 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 Section 36-163 the Town Code shall be amended as follows:

PART I. That Town Code Sec. 36-163, (1) be amended as follows:

1
2 ...
3

4 n. Required parking spaces for fire stations that cannot be provided on the site
5 of the fire station may be located on Town-owned property and/or within the
6 Town right-of-way.

7 PART II. That Town Code Sec. 36-163, (3), c be amended as follows:
8

9 ...
10

11 ~~7~~ 8. Fire Stations: one parking space for each employee plus one space for
12 each 4 seats in the training room.

13 ~~8~~ 9. Restaurant: one parking space for each three customer seats, plus one
14 additional parking space for each employee.

15 ~~9~~ 10. Retail uses not otherwise listed: one parking space for each 300 square
16 feet of floor area.

17 ~~10~~ 11. Theaters: one parking space for each three seats.

18 ~~11~~ 12. Nonprofit entities: a minimum of three parking spaces shall be
19 provided.

20
21 PART III. That Town Code Sec. 36-165, (1), c be amended as follows:
22

23 ...
24

25 c. Legal notices, identifications, directional and informational signs erected or
26 required by governmental bodies, fire stations, public utilities or civic
27 associations with the approval of town council;

28
29 PART IV. That Town Code Sec. 36-205, (d) be amended as follows:
30

31 ...
32

33 (d) *Dimensional requirements.*

34 (1) Minimum lot size.

35 a. Minimum lot size for all uses other than country club shall be 20,000 square
36 feet.

37 b. For country club, the minimum lot size shall be 150 acres.

38 (2) Minimum lot width: 100 feet (measured at building setback line).

39 (3) Minimum front yard (setback): 25 feet.

40 (4) Minimum side yard (setback).

- 1 a. Minimum side yard setback for all other uses shall be 15 feet;
- 2 b. An additional five-foot side yard adjacent to the street is required for a corner
- 3 lot;
- 4 c. ~~Minimum side yard setback shall be 15 feet for swimming pools.~~ Minimum
- 5 side yard setback for fire stations shall be 0 feet when adjacent to Town-
- 6 owned property or a Town right-of-way;
- 7 d. Minimum side yard setback shall be 15 feet for swimming pools.
- 8 (5) Minimum rear yard (setback): ~~25 feet.~~
- 9 a. Minimum rear yard setback for all other uses shall be 25 feet;
- 10 b. Minimum rear yard setback for fire stations shall be 0 feet from Town-owned
- 11 property

12
13 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
14 **Reasonableness.**

15
16 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
17 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
18 is applicable. For all of the above-stated reasons and any additional reasons supporting
19 the Town's adoption of this ordinance amendment, the Town considers the adoption of
20 this ordinance amendment to be reasonable and in the public interest.

21
22 **ARTICLE V. Severability.**

23
24 All Town ordinances or parts of ordinances in conflict with this ordinance amendment
25 are hereby repealed. Should a court of competent jurisdiction declare this ordinance
26 amendment or any part thereof to be invalid, such decision shall not affect the remaining
27 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
28 Town of Southern Shores, North Carolina which shall remain in full force and effect.

29
30 **ARTICLE VI. Effective Date.**

31
32 This ordinance amendment shall be in full force and effect from and after the ___ day of
33 _____, 2018.

34
35
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37 _____
38 Mayor
39 ATTEST: Date: _____
40
41 _____
42 Town Clerk

Vote: Ayes Nayes

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APPROVED AS TO FORM:

Town Attorney

STAFF REPORT

To: Southern Shores Town Council
Date: June 29, 2018
Case: ZTA-18-03
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Southern Shores Volunteer Fire Department
15 S. Dogwood Trl.
Southern Shores, NC 27949

Requested Action: Amendment of the Town Zoning Ordinance by amending Section 36-163, Off-street Parking Requirements; Section 36-165, Regulations Governing Signs; and Section 36-205, R-1, Low-density Residential District.

ANALYSIS

The applicant is proposing to amend the Town Zoning Ordinance by amending Section 36-163, Section 36-165, and 36-205 to establish new parking, signage, and setback requirements for Fire Stations. First, the applicant is proposing to amend Section 36-163, Off-street Parking Requirements by adding language to allow required parking spaces for Fire Stations that cannot be provided on the site of the fire station to be located on Town-owned property and/or within the Town right-of-way. Currently, all required parking spaces for any use must be provided on the site of the use and outside of any right-of-way. Second, the applicant is proposing to amend Section 36-163 to establish new parking requirements for Fire Stations which would require one parking space for each employee plus one space for each 4 seats in the training room. There are currently no specific parking requirements for Fire Stations and as a result, the current Fire Station being used at 15 S. Dogwood Trl. provides parking spaces based on the parking requirements for a municipal building which requires one parking space for each 200 square feet of net office area, plus one space for each two seats in municipal council chambers.

Third, the applicant is proposing to amend Section 36-165, Regulations Governing Signs, by exempting legal notices, identifications, directional and informational signs for Fire Stations from signage requirements. Currently, only governmental bodies, public utilities, or civic associations with the approval of Town Council are exempt from signage requirements. Finally, the applicant is proposing to amend Section 36-205, R-1, Low-density Residential District by establishing a 0 ft. side and rear setback requirement for Fire Stations when adjacent to Town-owned property or a Town right-of-way.

The Town's currently adopted Land Use Plan contains the following Policy and Action Item that are applicable to the proposed amendments:

- **Policy 12:** The Town shall encourage and support the improvement of all of the public safety services [i.e., the TOSS Police Department and Southern Shores Volunteer Fire Department, Inc. (a Town contractor), ocean rescue (a Town contractor), and the Dare County EMS rescue services] to enhance the security and safety of the life and property

of Southern Shores citizens.

- **Action Item 12-b:** The need for additional/new fire stations or improvements to existing fire stations should be examined, in conjunction with the Southern Shores Volunteer Fire Department, Inc.

RECOMMENDATION

Town Staff and the Town Planning Board have determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan and the Town Planning Board recommended approval of the application (4-0).