



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 9, 2019

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**
 1. Council Meeting Minutes - May 7, 2019 & June 4, 2019
 2. Budget Amendment #1 – Rollover Balance of FY 18-19 Encumbered Funds for Town Code Project
2. Staff Reports
 - A. Deputy Town Manager/Planning Director
 - 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. Public Hearing-Consideration of ZTA-18-09 PB01 Zoning Text Amendment application submitted by the **TAB 2** Town of Southern Shores to amend the Southern Shores Town Code by amending Section 36-132, Regulation of Structures and Uses Nonconforming.
 1. Planning Board Report.
 - B. Consideration of a Special Events and Occupancy Limitation Ordinance – Requested May 7, 2019 by **TAB 3** Councilman Gary McDonald.
 1. Planning Board Report
5. New Business
 - A. Public Hearing and Consider approval of a Proposed Design for a Walking Trail Along South Dogwood **TAB 4** Trail, and approval to seek bids and a construction contract. (Council appropriated \$ 1,000,000 on June 4, 2019.)
 - B. Public Hearing and Consider adoption of Ordinance 2019-07-01, Capital Infrastructure Improvement Planning Committee Recommendation for FY 2019-2020. (Council appropriated \$ 662,340 on June 4, 2019.) **TAB 5**
 - C. Planning Board Appointments for Confirmed Vacancies. **TAB 6**
6. General Public Comment (Limit: 3 minutes per speaker.)
7. Other Business
 - A. Mayor's Comments & Responses
 - B. Council Member's Comments & Responses
8. Closed Session- Motion to hold Closed Session pursuant to NCGS §143-318.11 (a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to the common law attorney-client privilege and N.C.G.S. 143-318.10(e)
9. Adjourn

MINUTES WILL BE EMAILED

**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>
	Revenues				
40-39909	Unassigned Fund Balance	\$5,150			
	Expenditures				
63-50132	Town Code Update	\$5,150			
	TOTAL			TOTAL	\$ -

Explanation: Cost to complete CodeWright contract

Recommended By:

J. Peter Rascoe, III, Town Manager

Approved By: Town Council

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: 5 / 16 / 19 Filing Fee: \$200 Receipt No. N/A Application No. ZTA-18-09

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

AB 01

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 261-2394 Email wlaskett@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

W. H. Smith
Signature

5-16-19
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

ZTA-18-09 PB01

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. The Town further desires that a nonconforming lot which is adjacent to two or less nonconforming lots under the same ownership that contain a single-family dwelling be developable and able to be sold without requiring additional recombination; and

WHEREAS, the Town further desires that a nonconforming lot which is adjacent to a single conforming lot containing a single-family dwelling which was created after January 1, 2015 due to a recombination of two nonconforming lots under the same ownership be developable and able to be sold without requiring additional recombination

1
2 **WHEREAS**, the Town further finds that in accordance with the findings above it
3 is in the interest of and not contrary to the public's health, safety, morals and general
4 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of
5 Ordinances as stated below.

6
7 **ARTICLE II. Construction.**

8
9 For purposes of this ordinance amendment, underlined words (underline) shall be
10 considered as additions to existing Town Code language and strikethrough words
11 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
12 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
13 ("...") shall remain as they currently exist within the Town Code.

14
15 **ARTICLE III. Amendment of Zoning Ordinance.**

16
17 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
18 Shores, North Carolina, that the Town Code shall be amended as follows:

19
20 **PART I.** That subsection (a) of **Sec. 36-132 Regulation of structures and uses** be
21 replaced in its entirety with the following:

22
23 (a) *Nonconforming lots of record.*

24
25 (1) *Development and Sale of Certain Nonconforming Lots without Recombination:*
26 In any district in which single-family dwellings are permitted, a single-family
27 dwelling and customary accessory building may be erected on any currently
28 nonconforming single lot ~~not under the same ownership as any adjacent lot and~~
29 which met all legal requirements at the time of its creation and recording in the
30 Dare County public registry if:

- 31
32 (i) the lot is not under the same ownership as any adjacent lot;
33
34 (ii) the lot meets or exceeds the lot area requirements for the district and is
35 located adjacent to a single conforming lot under the same ownership on
36 which is located an existing single-family dwelling;
37
38 (iii) the lot is one of three or less adjacent nonconforming lots under the
39 ownership of related siblings on September 5, 2018; or
40
41 (iv) the lot is located adjacent to land under the same ownership on which is
42 located an existing single-family dwelling, and the adjacent land is made up
43 of:

44
45 a. no more than two lots all of which are nonconforming; or
46

- 1 b. a single conforming lot not adjacent to any other land under the same
2 ownership that was created after January 1, 2015 due to a recombination
3 of two (2) previously nonconforming lots.
4
5

6 If a currently nonconforming single lot meets the requirements of subsection
7 (a)(1)(i), (ii), (ii) or (iv) then the lot may be sold without being recombined with
8 the remaining land if recombination would have been required by subsection (a)(2)
9 below. All applicable dimensional requirements other than lot area and lot width
10 shall be met for development or redevelopment of such a lot except that a lot having
11 a lot width of fifty (50) feet or less may use a side yard setback of twelve (12) feet.
12

13 (2) *Recombination Required:* If any of the following situations apply, all adjacent
14 lots under the same ownership shall be recombined into: (i) a single lot which may
15 or may not meet the minimum requirements for the district in which such lots are
16 located; or (ii) multiple lots which all meet the minimum requirements for the
17 district in which such lots are located:
18

19 a. Development is proposed upon land ~~under the same ownership~~ which
20 includes one or more nonconforming lots adjacent to one or more other lots
21 under the same ownership;
22

23 b. Demolition or redevelopment exceeding 50% of an existing structure's
24 value is proposed and any portion of the existing structure or associated use
25 is currently or has been within the previous seven (7) years located upon or
26 occurring on two or more lots under the same ownership, as measured from
27 the time of application;
28

29 c. Development is proposed of a new structure or use to be located on two
30 or more lots under the same ownership;
31

32 d. Prior to the sale or transfer of land when any portion of the land being
33 sold or transferred was a parcel or part of a parcel of land upon which an
34 existing structure or associated use is currently or has been within the
35 previous seven (7) years located upon or occurring on two or more lots
36 under the same ownership, as measured from the time of application; or
37

38 e. Prior to the sale or transfer of land including a nonconforming lot or lots
39 adjacent to one or more other lots under the same ownership;
40

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

1 the subdivision process under Chapter 30.

2
3 (3) For purposes of this subsection (a), the term “same ownership” shall be
4 construed broadly to effectuate the reduction of nonconforming lots within the
5 Town. Land and lots under the same ownership shall include, but not be limited to,
6 any of the following or any combination of the following:
7

8 a. A lot is owned, in whole or in part, by an individual and another lot is
9 owned by the same individual or by an Affiliate of the same individual;
10 and/or,
11

12 b. A lot is owned, in whole or in part, by a legal entity and another lot is
13 owned by the same legal entity or by an Affiliate of the same legal entity.
14

15 (4) For purposes of this subsection (a), the following definitions apply:
16

17 a. An “Affiliate” of an owner shall mean:
18

19 (i) In the case of an individual owner, a family member of the owner,
20 or a legal entity controlled by the owner or a family member of the
21 owner.
22

23 (ii) In the case of a legal entity owner, an individual who controls
24 the legal entity or their family member, ~~or~~ another legal entity
25 controlled by the owner or controlled by a family member of any
26 individual who controls the owner.
27

28 b. “Controlled” or “controls” shall mean the power, by ownership, operation
29 of law or contract, whether exercised or not, directly or indirectly, actually
30 or effectively, to operate, supervise, or manage a legal entity, or to appoint
31 or elect the management of the legal entity, or to otherwise direct the
32 operation, supervision or management of the legal entity.
33

34 c. “Family member” of an owner shall mean the owner’s spouse, lineal
35 descendants, siblings and parents whether related by blood or marriage.
36

37 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
38 **Reasonableness.**
39

40 The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted
41 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
42 is applicable. For all of the above-stated reasons and any additional reasons supporting the
43 Town’s adoption of this ordinance amendment, the Town considers the adoption of this
44 ordinance amendment to be reasonable and in the public interest.
45

46 **ARTICLE V. Severability.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

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 _____, 2019.

_____, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: ___AYES___NAYS

STAFF REPORT

To: Southern Shores Planning Board
Date: July 1, 2019
Case: ZTA-18-09 PB01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

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

As requested by Council at the February 5, 2019 Town Council meeting, Town Staff identified the nonconforming lots in the Town and presented its findings to the Town Planning Board at the April 23, 2019 Special Planning Board meeting and to the Town Council at the May 7, 2019 Town Council meeting. Also at the April 23, 2019 Special Planning Board meeting, the Board asked Town Staff to draft a ZTA that includes all of the situations previously identified in ZTA-18-09 PB with the addition of a situation where a lot is less than 100 ft. wide but greater than 20,000 sq. ft that is adjacent to a conforming lot with a single-family dwelling and a situation where three adjacent 50 ft. lots are under the same familial ownership (siblings) when the deed was recorded prior to September 5, 2018. ZTA-19-01 PB01 is an attempt to address all of the nonconforming lot situations that have been identified by Town Staff and the Town Planning Board.

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 amendments are consistent with the Town's currently adopted Land Use Plan. The Town Planning Board unanimously (5-0) recommended approval of ZTA-19-01 PB01 at the June 17, 2019 Planning Board meeting.





Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 2

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

info@southernshores-nc.gov

www.southernshores-nc.gov

NEW

TCA-19-01

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

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the “Town”) is a predominately single-family residential community for families and retirees, as well as a vacation destination for seasonal visitors who rent single family units; and

WHEREAS, the seasonal tourist vacation season from Memorial Day to Labor Day creates a great influx of people who travel through, travel to, visit, and occupy single-family dwellings and vacation cottages within the Town, and that increase in population creates substantial burdens upon the Town’s ability to manage traffic flow, parking, fire services, police services, emergency medical services and other emergency, safety and health services; and

WHEREAS, the Town recognizes that property owners enjoy the use of their property for parties and family related events on a regular basis and that such use should continue long into the future. However, the Town also recognizes that a growing trend on the Outer Banks and other coastal areas in North Carolina and nationally, is to construct large buildings on residentially zoned properties which purport to be single-family dwellings or vacation cottages, but which are often designed for and after construction and permitting advertised, maintained and used as commercial event facilities; and

WHEREAS, the Town’s residential areas have limited means of access due to the layout of roads and limited number of major thoroughfares in the Town. The road layout and limited number of thoroughfares already cause numerous traffic problems, particularly during the high traffic tourist season from approximately Memorial Day to Labor Day each year. The use of single-family dwellings and vacation cottages in residentially zoned areas for pre-planned events, community uses and private parties increases traffic and safety hazards to the attendees, owners, neighbors and visitors to the Town; and

WHEREAS, residential structures in North Carolina are not subject to the same level of safety considerations, inspections or reporting requirements regarding the safety aspects of facilities to which commercial structures and properties are subject. However, during special events a residential structure will potentially have much greater occupancy than usual without the safety precautions afforded by commercial structures. Additionally, except in the case of traditional family events, the occupants for such special events are often transient with little or no knowledge of the property, such as safe means of egress

1 and hazardous materials. This lack of knowledge increases the public safety risks to the
2 occupants and those who may seek to come to their aid in an emergency; and
3

4 **WHEREAS**, knowledge of the date, time, location, number of attendees,
5 hazardous conditions, points of ingress, egress and access, and other information associated
6 with a special event will assist both the SSFVD and the police department in determining
7 how to respond effectively to an emergency during a special event. An effect response can
8 ensure sufficient assets arrive within acceptable response times and will ultimately reduce
9 the potential for injuries and casualties associated with fires or other emergencies; and
10

11 **WHEREAS**, the Town desires to make special events as safe as reasonable
12 possible for the attendees and their neighbors; and
13

14 **WHEREAS**, pursuant to N.C.G.S. Chap. 160A, the Town has duly codified the
15 Town's Code of Ordinances (the "Town Code"); and
16

17 **WHEREAS**, pursuant to North Carolina General Statutes § 160A-174 the Town
18 may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions,
19 or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and
20 dignity of the Town, and may define and abate nuisances; and
21

22 **WHEREAS**, pursuant to N.C.G.S. § 160A-301 the Town may regulate, restrict,
23 and prohibit the parking of vehicles on the public streets, right-of-ways, alleys, and bridges
24 within its jurisdiction.
25

26 **WHEREAS**, pursuant to N.C.G.S. § 160A-300 the Town may prohibit, regulate,
27 divert, control, and limit pedestrian or vehicular traffic upon the public streets, sidewalks,
28 alleys, and bridges of the city.
29

30 **WHEREAS**, pursuant to N.C.G.S. § 160A-291 et seq. the Town may and has
31 established, organized, equipped and maintains a fire department through the Southern
32 Shores Volunteer Fire Department (the "SSVFD") and the SSVFD provides the Town's
33 fire protection and emergency medical services to the Town's citizens. The SSVFD has
34 effective, but limited resources which often require assistance from neighboring
35 governmental entities to address large fires or other emergencies that arise when there are
36 significant numbers of people present; and
37

38 **WHEREAS**, pursuant to N.C.G.S. § 160A-291 et seq. the Town has established
39 and maintains a police department tasked with enforcing the laws of the State and the
40 ordinances and regulations of the Town; and
41

42 **WHEREAS**, pursuant to North Carolina General Statutes § 160A-175 and the
43 Town's police power as provided by the common law of the State of North Carolina the
44 Town may enact and amend ordinances which provide procedures and remedies for
45 violations of its ordinances and to abate nuisances; and
46

1 **WHEREAS**, the Town further finds that in accordance with the findings above it
2 is in the interest of and not contrary to the public's health, safety, morals and general
3 welfare for the Town to amend the Town Code as stated below.
4

5 **ARTICLE II. Construction.**
6

7 For purposes of this ordinance amendment, underlined words (underline) shall be
8 considered as additions to existing Town Code language and strikethrough words
9 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
10 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
11 (“...”) shall remain as they currently exist within the Town Code.
12

13 **ARTICLE III. Amendment of Town Code.**
14

15 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
16 Shores, North Carolina, that the Town Code shall be amended as follows:
17

18 **PART I.** That **Chapter 22, Article III. CAMPING.** be amended as follows:
19

20 ...
21 Secs. 22-65—22-80. –Reserved.
22

23 **PART II.** That **Chapter 22, Article IV. SPECIAL EVENTS AND OCCUPANCY.** be
24 added to the Town Code as follows:
25

26 Sec. 22-81. Purposes.
27

28 The purpose of this Article is to ensure that special events within the Town take into
29 account and are managed such that the public health, safety or welfare of the citizens and
30 visitors to the Town who attend those events or live in the vicinity of the events are taken
31 into account. Theses safety considerations must be balanced with the traditions and
32 substantial community benefits resulting from such special events.
33

34 Sec. 22-82. Definitions.
35

36 Special event, means a temporary public or private gathering, including, but not limited to,
37 pre-planned events, community uses, and private parties held on public or private property.
38 Special event does not include traditional family events.
39

40 Pre-planned events, means private parties of greater than seventy-five (75) attendees,
41 weddings, rehearsal dinners, corporate meetings, retreats, sporting events, cultural events,
42 musical events, celebrations, festivals, fairs, carnivals, circuses or similar events.
43

44 Community uses, means meetings of charitable, political, governmental or civic groups.
45

1 Private parties, means events that are not open to the public, and are held by or on behalf
2 of an individual or organization for the primary purpose of socializing or gathering.
3

4 Traditional family events, means gatherings for traditional events such as holiday parties
5 and meals, birthday parties, funeral services, religious ceremonies and weddings for family
6 members related by blood or marriage to: (i) any of the individual holders of legal title to
7 the property; (ii) a majority of the owners of a business entity holding legal title to the
8 property; or (iii) the beneficiaries of a trust holding legal title to the property.
9

10 **Sec. 22-83. Permit Required; Exemptions.**
11

12 All special events which expect to have more than seventy-five (75) attendees require a
13 special event permit issued under this Article from the Town Planner or his designee.
14 Unless incorporated into the Town's fee schedule, there shall be no fee to obtain a special
15 event permit. The following special events are exempt from obtaining a special event
16 permit:
17

- 18 (1) Special events held at an event facility as that term is defined by the Town's
19 zoning ordinance.
- 20
- 21 (2) Special events held at other commercial facilities that are a traditional and
22 typical use of such facilities, i.e. birthday parties or meetings at restaurants;
23
- 24 (3) Special events held by or managed by the Town; and
25
- 26 (4) Special events within established institutional uses (i.e. schools and churches);
27

28 **Sec. 22-84. Application and Inspection Requirements.**
29

30 An application for a special event permit must be made by the owner of the property upon
31 which the event will be held or by someone else with the owner's written permission to
32 apply on the owner's behalf. All special events that require special event permits under this
33 article shall meet the following application requirements:
34

35 (A) Limited Special Events (75 to 125 expected attendees):

- 36 (1) Application deadline: Fourteen (14) days in advance of the event.
- 37 (2) The applicant shall provide the following information:
 - 38 (a) The date, times and location of the special event;
 - 39 (b) The expected number of attendees; and
 - 40 (c) Contact information for a person in control of the event.
 - 41 (d) A certification by the applicant that they are aware of and intend for
42 the special event to comply with the requirements of the Town's
43 code of ordinances with regard to zoning, nuisances, noise, lights
44 and other relevant provisions.
 - 45 (e) Sketch site plan of property and structures showing the expected
46 location of attendees to the event, points of ingress and egress to any

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

structures on the property, and location of any hazardous materials such as fuel or gas;

- (f) A certification by the applicant that sufficient parking for the events has been provided via onsite parking, via a special events encroachment agreement under Sec. 28-2(2), and/or via offsite parking.
- (g) A certification by the applicant that the contact person provided on the application will at all times have on their person: (i) the phone associated with the contact information; (ii) a copy of the special events permit issued; and (iii) a list of attendees that can be used to determine whether anyone is unaccounted for in an emergency.
- (h) If the special event will be held at a property located adjacent to N.C. Hwy. 12 (Ocean Blvd.) during the period between Memorial Day and Labor Day, the applicant must provide a traffic management plan showing how traffic to the site will be managed in such a way to avoid unreasonable additional congestion upon N.C. Hwy. 12.
- (i) For any special event at which food or drink will be served or that will occur over a more than four (4) hour period, a certification by the applicant that at least one (1) temporary wastewater facility or portable toilet will be onsite.

(B) Large Special Events (Greater than 125 expected attendees):

- (1) Application deadline: Thirty (30) days in advance of the event.
- (2) Inspections:
 - (a) Inspections under this subsection shall be provided more than ten (10) days in advance of the special event.
 - (b) If any exterior decks will be used by attendees at the event, the Applicant must either provide a certification from a licensed professional engineer that all exterior decks are structurally sound to support the potential users of the decks during the special event or must allow the Town's building inspector to inspect the decks to determine whether an engineer's certification is required.
 - (c) In the discretion of the police chief or the fire chief or their designee, the applicant shall allow for an inspection of the exterior grounds of the property to determine potential dangerous conditions on the property and to determine how best to access the property and structures in case of fire or emergency during the special event.
- (3) The applicant shall provide the following information:
 - (a) All application information required for small and limited special events.
 - (b) A detailed scale site plan of property and structures showing the expected location of attendees to the event, points of ingress and egress to any structures on the property, and location of any hazardous materials such as fuel or gas;

- 1 (c) A traffic management plan showing how traffic to the site will be
2 managed in such a way to avoid unreasonable additional congestion
3 upon any adjacent roadways.
4 (d) A certification by the applicant that sufficient parking for the events
5 has been provided via onsite parking, via a special events
6 encroachment agreement under Sec. 28-2(2), and/or via offsite
7 parking along with a narrative and site plan showing all proposed
8 parking and supporting the determination that the parking is
9 sufficient for the special event.
10 (e) For any special event at which food or drink will be served or that
11 will occur over a more than four (4) hour period, a certification by
12 the applicant that at least one (1) temporary wastewater facility or
13 portable toilet per fifty (50) attendees will be onsite.
14 (f) A certification that the designated person to contact under the
15 application will have access to first-aid supplies on-site in sufficient
16 quantities to address minor injuries to at least ten (10) percent of the
17 expected attendees.
18

19 (C) All special events:

- 20 (1) If alcohol is to be served or sold at a special event requiring a permit, the
21 applicant shall obtain any necessary approvals from the Alcoholic Beverage
22 Control Commission, must make such documentation available upon
23 request and must certify on their application that the approvals, if any were
24 required, have been obtained and will be complied with during the event.
25
26 (2) If tents are to be used for a special event requiring a permit, the applicant
27 shall obtain any necessary approvals required under the North Carolina Fire
28 Code, must make such documentation available upon request and must
29 certify on their application that the approvals have been obtained and will
30 be complied with during the event.
31

32 **Sec. 22-85. Limitations on Number of Special Events.**

33
34 No parcel of property may be used for the primary purpose of holding special events unless
35 a zoning permit for an event facility has been issued for the parcel. A parcel of property
36 having more than ten (10) special events requiring a special event permit during a
37 continuous twelve-month period shall be presumed to in use for the primary purpose of
38 holding special events. Traditional family events shall not be subject to this limitation.
39

40 **Sec. 22-86. Maximum Occupancy.**

41
42 Unless otherwise permitted under this section, no single-family dwelling or vacation
43 cottage as defined under the Section 36-57 may be: (i) occupied temporarily for a special
44 event by more than seventy-five (75) people or (ii) advertised to accommodate, designed
45 for, constructed for or actually occupied by more than fourteen (14) overnight occupants
46 when used as a vacation cottage.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Sec. 22-87. Violations.

It shall be a violation of this article to have a special event requiring a permit without obtaining the permit, to materially misrepresent any portion of an application for a special event permit or to have a special event that materially differs from the information provided in a special events permit application. Violations of this Article may subject the property owner and persons managing an event to all of the remedies available under Sec. 1-6 with any civil penalties beginning at up to \$500.00 for the first violation and increasing at a rate of \$250.00 per violation for each additional violation in a continuous twelve-month period. Violations of this Article may also result in the revocation of a special event permit and may subject the associated property and/or applicant to be unable to obtain a special event permit for 1-year following notice of the violation.

ARTICLE IV. 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 Town Code of the Town of Southern Shores, North Carolina which shall remain in full force and effect.

ARTICLE V. Effective Date.

This ordinance amendment shall be in full force and effect from and after the ____ day of _____, 2019.

_____, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney



Town of Southern Shores
5375 N. Virginia Dare Trail, Southern Shores, NC 2
Phone 252-261-2394 / Fax 252-255-0876
info@southernshores-nc.gov
www.southernshores-nc.gov

Redlined

TCA-XX-XX

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

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the “Town”) is a predominately single-family residential community for families and retirees, as well as a vacation destination for seasonal visitors who rent single family units; and

WHEREAS, the seasonal tourist vacation season from Memorial Day to Labor Day creates a great influx of people who travel through, travel to, visit, and occupy single-family residences dwellings and vacation cottages within the Town, and that increase in population creates substantial burdens upon the Town’s ability to manage traffic flow, parking, fire services, police services, emergency medical services and other emergency, safety and health services; and

WHEREAS, the Town recognizes that property owners enjoy the use of their property for parties and family related events on a regular basis and that such use should continue long into the future. However, the Town also recognizes that a growing trend on the Outer Banks and other coastal areas in North Carolina and nationally, is to construct large buildings on residentially zoned properties which purport to be single-family dwellings or vacation cottages, but which are often designed for and after construction and permitting advertised, maintained and used as commercial event facilities; and

WHEREAS, the Town’s residential areas have limited means of access due to the layout of roads and limited number of major thoroughfares in the Town. The road layout and limited number of thoroughfares already cause numerous traffic problems, particularly during the high traffic tourist season from approximately Memorial Day to Labor Day each year. The use of single-family residences dwellings and vacation cottages in residentially zoned areas for pre-planned events, community uses and private parties increases traffic and safety hazards to the attendees, owners, neighbors and visitors to the Town; and

WHEREAS, residential structures in North Carolina are not subject to the same level of safety considerations, inspections or reporting requirements regarding the safety aspects of facilities to which commercial structures and properties are subject. However, during special events a residential structure will potentially have much greater occupancy than usual without the safety precautions afforded by commercial structures. Additionally, except in the case of traditional family events, the occupants for such special events are often transient with little or no knowledge of the property, such as safe means of egress

1 and hazardous materials. This lack of knowledge increases the public safety risks to the
2 occupants and those who may seek to come to their aid in an emergency; and
3

4 **WHEREAS**, knowledge of the date, time, location, number of attendees,
5 hazardous conditions, points of ingress, egress and access, and other information associated
6 with a special event will assist both the SSFVD and the police department in determining
7 how to respond effectively to an emergency during a special event. An effect response can
8 ensure sufficient assets arrive within acceptable response times and will ultimately reduce
9 the potential for injuries and casualties associated with fires or other emergencies; and
10

11 **WHEREAS**, the Town desires to make special events as safe as reasonable
12 possible for the attendees and their neighbors; and
13

14 **WHEREAS**, pursuant to N.C.G.S. Chap. 160A, the Town has duly codified the
15 Town's Code of Ordinances (the "Town Code"); and
16

17 **WHEREAS**, pursuant to North Carolina General Statutes § 160A-174 the Town
18 may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions,
19 or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and
20 dignity of the Town, and may define and abate nuisances; and
21

22 **WHEREAS**, pursuant to N.C.G.S. § 160A-301 the Town may regulate, restrict,
23 and prohibit the parking of vehicles on the public streets, right-of-ways, alleys, and bridges
24 within ~~the~~ its jurisdiction.
25

26 **WHEREAS**, pursuant to N.C.G.S. § 160A-300 the Town may prohibit, regulate,
27 divert, control, and limit pedestrian or vehicular traffic upon the public streets, sidewalks,
28 alleys, and bridges of the city.
29

30 **WHEREAS**, pursuant to N.C.G.S. § 160A-291 et seq. the Town may and has
31 established, organized, equipped and maintains a fire department through the Southern
32 Shores Volunteer Fire Department (the "SSVFD") and the SSVFD provides the Town's
33 fire protection and emergency medical services to the Town's citizens. The SSVFD has
34 effective, but limited resources which often require assistance from neighboring
35 governmental entities to address large fires or other emergencies that arise when there are
36 significant numbers of people present; and
37

38 **WHEREAS**, pursuant to N.C.G.S. § 160A-291 et seq. the Town has established
39 and maintains a police department tasked with enforcing the laws of the State and the
40 ordinances and regulations of the Town; and
41

42 **WHEREAS**, pursuant to North Carolina General Statutes § 160A-175 and the
43 Town's police power as provided by the common law of the State of North Carolina the
44 Town may enact and amend ordinances which provide procedures and remedies for
45 violations of its ordinances and to abate nuisances; and
46

1 **WHEREAS**, the Town further finds that in accordance with the findings above it
2 is in the interest of and not contrary to the public's health, safety, morals and general
3 welfare for the Town to amend the Town Code as stated below.
4

5 **ARTICLE II. Construction.**
6

7 For purposes of this ordinance amendment, underlined words (underline) shall be
8 considered as additions to existing Town Code language and strikethrough words
9 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
10 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
11 (“...”) shall remain as they currently exist within the Town Code.
12

13 **ARTICLE III. Amendment of Town Code.**
14

15 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
16 Shores, North Carolina, that the Town Code shall be amended as follows:
17

18 **PART I.** That **Chapter 22, Article III. CAMPING.** be amended as follows:
19

20 ...

21 **Secs. 22-65—22-80. –Reserved.**
22

23 **PART II.** That **Chapter 22, Article IV. SPECIAL EVENTS AND OCCUPANCY.** be
24 added to the Town Code as follows:
25

26 **Sec. 22-81. Purposes.**
27

28 The purpose of this Article is to ensure that special events within the Town take into
29 account and are managed such that the public health, safety or welfare of the citizens and
30 visitors to the Town who attend those events or live in the vicinity of the events are taken
31 into account. Theses safety considerations must be balanced with the traditions and
32 substantial community benefits resulting from such special events.
33

34 **Sec. 22-82. Definitions.**
35

36 *Special event*, means a temporary public or private gathering, including, but not limited to,
37 pre-planned events, community uses, ~~and private parties and traditional family events~~ held
38 on public or private property. ~~Special event does not include traditional family events.~~
39

40 *Pre-planned events*, means private parties of greater than seventy-five (75) attendees,
41 weddings, rehearsal dinners, corporate meetings, retreats, sporting events, cultural events,
42 musical events, celebrations, festivals, fairs, carnivals, circuses or similar events.
43

44 *Community uses*, means meetings of charitable, political, governmental or civic groups.
45

1 Private parties, means events that are not open to the public, and are held by or on behalf
2 of an individual or organization for the primary purpose of socializing or gathering.
3

4 Traditional family events, means gatherings for traditional events such as holiday parties
5 and meals, birthday parties, funeral services, religious ceremonies and weddings for family
6 members related by blood or marriage to: (i) any of the individual holders of legal title to
7 the property; (ii) a majority of the owners of a business entity holding legal title to the
8 property; or (iii) the beneficiaries of a trust holding legal title to the property.
9

10 **Sec. 22-83. Permit Required; Exemptions.**
11

12 All special events which expect to have more than ~~twentyseventy-five (2575)~~ attendees
13 require a special event permit issued under this Article from the Town Planner or his
14 designee. Unless incorporated into the Town's fee schedule, there shall be no fee to obtain
15 a special event permit. The following special events are exempt from obtaining a special
16 event permit:
17

- 18 (1) Special events held at an event facility as that term is defined by the Town's
19 zoning ordinance.
- 20
- 21 (2) Special events held at other commercial facilities that are a traditional and
22 typical use of such facilities, i.e. birthday parties or meetings at restaurants;
- 23
- 24 (3) Special events held by or managed by the Town; and
- 25
- 26 (4) Special events within established institutional uses (i.e. schools and churches);
27

28 **Sec. 22-84. Application and Inspection Requirements.**
29

30 An application for a special event permit must be made by the owner of the property upon
31 which the event will be held or by someone else with the owner's written permission to
32 apply on the owner's behalf. All special events that require special event permits under this
33 article shall meet the following application requirements:
34

35 ~~(A) Small Special Events (26 to 75 expected attendees):~~

36 ~~(1) Application deadline: Five (5) days in advance of the event.~~

37 ~~(2) The applicant shall provide the following information:~~

38 (A) Limited Special Events (75 to 125 expected attendees):

39 (1) Application deadline: Fourteen (14) days in advance of the event.

40 (2) The applicant shall provide the following information:

- 41 (a) The date, times and location of the special event;
- 42 (b) The expected number of attendees; and
- 43 (c) Contact information for a person in control of the event.
- 44 (d) A certification by the applicant that they are aware of and intend for
45 the special event to comply with the requirements of the Town's

1 code of ordinances with regard to zoning, nuisances, noise, lights
2 and other relevant provisions.

3
4 ~~(B)(A)~~ Limited Special Events (75 to 125 expected attendees):

5 ~~(1) Application deadline: Fourteen (14) days in advance of the event.~~

6 ~~(2)(1) The applicant shall provide the following information:~~

7 ~~(a) All application information required for small special events.~~

8 ~~(b)(e)~~ Sketch site plan of property and structures showing the expected
9 location of attendees to the event, points of ingress and egress to any
10 structures on the property, and location of any hazardous materials
11 such as fuel or gas;

12 ~~(e)(f)~~ A certification by the applicant that sufficient parking for the events
13 has been provided via onsite parking, via a special events
14 encroachment agreement under Sec. 28-2(2), and/or via offsite
15 parking.

16 ~~(e)(g)~~ A certification by the applicant that the contact person provided on
17 the application will at all times have on their person: (i) the phone
18 associated with the contact information; (ii) a copy of the special
19 events permit issued; and (iii) a list of attendees that can be used to
20 determine whether anyone is unaccounted for in an emergency.

21 ~~(e)(h)~~ If the special event will be held at a property located adjacent to N.C.
22 Hwy. 12 (Ocean Blvd.) during the period between Memorial Day
23 and Labor Day, the applicant must provide a traffic management
24 plan showing how traffic to the site will be managed in such a way
25 to avoid unreasonable additional congestion upon N.C. Hwy. 12.

26 ~~(e)(i)~~ For any special event at which food or drink will be served or that
27 will occur over a more than four (4) hour period, a certification by
28 the applicant that at least one (1) temporary wastewater facility or
29 portable toilet will be onsite.

30
31 ~~(C)(B)~~ Large Special Events (Greater than 125 expected attendees):

32 (1) Application deadline: Thirty (30) days in advance of the event.

33 (2) Inspections:

34 (a) Inspections under this subsection shall be provided more than ten
35 (10) days in advance of the special event.

36 (b) If any exterior decks will be used by attendees at the event, the
37 Applicant must either provide a certification from a licensed
38 professional engineer that all exterior decks are structurally sound
39 to support the potential users of the decks during the special event
40 or must allow the Town's building inspector to inspect the decks to
41 determine whether an engineer's certification is required.

42 (c) In the discretion of the police chief or the fire chief or their designee,
43 the applicant shall allow for an inspection of the exterior grounds of
44 the property to determine potential dangerous conditions on the
45 property and to determine how best to access the property and
46 structures in case of fire or emergency during the special event.

1 (3) The applicant shall provide the following information:

- 2 (a) All application information required for small and limited special
3 events.
- 4 (b) A detailed scale site plan of property and structures showing the
5 expected location of attendees to the event, points of ingress and
6 egress to any structures on the property, and location of any
7 hazardous materials such as fuel or gas;
- 8 (c) A traffic management plan showing how traffic to the site will be
9 managed in such a way to avoid unreasonable additional congestion
10 upon any adjacent roadways.
- 11 (d) A certification by the applicant that sufficient parking for the events
12 has been provided via onsite parking, via a special events
13 encroachment agreement under Sec. 28-2(2), and/or via offsite
14 parking along with a narrative and site plan showing all proposed
15 parking and supporting the determination that the parking is
16 sufficient for the special event.
- 17 (e) For any special event at which food or drink will be served or that
18 will occur over a more than four (4) hour period, a certification by
19 the applicant that at least one (1) temporary wastewater facility or
20 portable toilet per fifty (50) attendees will be onsite.
- 21 (f) A certification that the designated person to contact under the
22 application will have access to first-aid supplies on-site in sufficient
23 quantities to address minor injuries to at least ten (10) percent of the
24 expected attendees.

25
26 ~~(D)~~(C) All special events:

- 27 (1) If alcohol is to be served or sold at a special event requiring a permit, the
28 applicant shall obtain any necessary approvals from the Alcoholic Beverage
29 Control Commission, must make such documentation available upon
30 request and must certify on their application that the approvals, if any were
31 required, have been obtained and will be complied with during the event.
- 32
- 33 (2) If tents are to be used for a special event requiring a permit, the applicant
34 shall obtain any necessary approvals required under the North Carolina Fire
35 Code, must make such documentation available upon request and must
36 certify on their application that the approvals have been obtained and will
37 be complied with during the event.

38
39 **Sec. 22-85. Limitations on Number of Special Events.**

40
41 No parcel of property may be used for the primary purpose of holding special events unless
42 a zoning permit for an event facility has been issued for the parcel. A parcel of property
43 having more than ~~three (3)~~ten (10) special events requiring a special event permit ~~may occur~~
44 on any parcel of property within the Town during a continuous twelve-month period shall
45 be presumed to in use for the primary purpose of holding special events. Traditional family
46 events shall not be subject to this limitation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Sec. 22-86. Maximum Occupancy.

Unless otherwise permitted under this section, no single-family ~~residential structuredwelling or vacation cottage~~ as defined under the Section 36-57 may be: (i) occupied temporarily for a special event by more than ~~twentyseventy-five (2575)~~ people or (ii) ~~advertised to accommodate, designed for any overnight period, constructed for or actually occupied~~ by more than ~~twenty (20) people~~fourteen (14) overnight occupants when used as a vacation cottage.

Sec. 22-87. Violations.

It shall be a violation of this article to have a special event requiring a permit without obtaining the permit, to materially misrepresent any portion of an application for a special event permit or to have a special event that materially differs from the information provided in a special events permit application. Violations of this Article may subject the property owner and persons managing an event to all of the remedies available under Sec. 1-6 with any civil penalties beginning at up to \$500.00 for the first violation and increasing at a rate of \$250.00 per violation for each additional violation in a continuous twelve-month period. Violations of this Article may also result in the revocation of a special event permit and may subject the associated property and/or applicant to be unable to obtain a special event permit for 1-year following notice of the violation.

ARTICLE IV. 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 V. Effective Date.

This ordinance amendment shall be in full force and effect from and after the ____ day of _____, ~~2015~~2019.

_____, Mayor

ATTEST:



Town of Southern Shores
5375 N. Virginia Dare Trail, Southern Shores, NC 279
Phone 252-261-2394 / Fax 252-255-0876
info@southernshores-nc.gov
www.southernshores-nc.gov

ORIGINAL

TCA-XX-XX

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

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the “Town”) is a predominately single-family residential community for families and retirees, as well as a vacation destination for seasonal visitors who rent single family units; and

WHEREAS, the seasonal tourist vacation season from Memorial Day to Labor Day creates a great influx of people who travel through, travel to, visit, and occupy single-family residences within the Town, and that increase in population creates substantial burdens upon the Town’s ability to manage traffic flow, parking, fire services, police services, emergency medical services and other emergency, safety and health services; and

WHEREAS, the Town recognizes that property owners enjoy the use of their property for parties and family related events on a regular basis and that such use should continue long into the future. However, the Town also recognizes that a growing trend on the Outer Banks and other coastal areas in North Carolina and nationally, is to construct large buildings on residentially zoned properties which purport to be single-family dwellings, but which are often designed for and after construction and permitting advertised, maintained and used as commercial event facilities; and

WHEREAS, the Town’s residential areas have limited means of access due to the layout of roads and limited number of major thoroughfares in the Town. The road layout and limited number of thoroughfares already cause numerous traffic problems, particularly during the high traffic tourist season from approximately Memorial Day to Labor Day each year. The use of single-family residences in residentially zoned areas for pre-planned events, community uses and private parties increases traffic and safety hazards to the attendees, owners, neighbors and visitors to the Town; and

WHEREAS, residential structures in North Carolina are not subject to the same level of safety considerations, inspections or reporting requirements regarding the safety aspects of facilities to which commercial structures and properties are subject. However, during special events a residential structure will potentially have much greater occupancy than usual without the safety precautions afforded by commercial structures; and

1 **WHEREAS**, knowledge of the date, time, location, number of attendees,
2 hazardous conditions, points of ingress, egress and access, and other information
3 associated with a special event will assist both the SSFVD and the police department in
4 determining how to respond effectively to an emergency during a special event. An effect
5 response can ensure sufficient assets arrive within acceptable response times and will
6 ultimately reduce the potential for injuries and casualties associated with fires or other
7 emergencies; and
8

9 **WHEREAS**, the Town desires to make special events as safe as reasonable
10 possible for the attendees and their neighbors; and
11

12 **WHEREAS**, pursuant to N.C.G.S. Chap. 160A, the Town has duly codified the
13 Town's Code of Ordinances (the "Town Code"); and
14

15 **WHEREAS**, pursuant to North Carolina General Statutes § 160A-174 the Town
16 may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions,
17 or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and
18 dignity of the Town, and may define and abate nuisances; and
19

20 **WHEREAS**, pursuant to N.C.G.S. § 160A-301 the Town may regulate, restrict,
21 and prohibit the parking of vehicles on the public streets, right-of-ways, alleys, and
22 bridges within the its jurisdiction.
23

24 **WHEREAS**, pursuant to N.C.G.S. § 160A-300 the Town may prohibit, regulate,
25 divert, control, and limit pedestrian or vehicular traffic upon the public streets, sidewalks,
26 alleys, and bridges of the city.
27

28 **WHEREAS**, pursuant to N.C.G.S. § 160A-291 et seq. the Town may and has
29 established, organized, equipped and maintains a fire department through the Southern
30 Shores Volunteer Fire Department (the "SSVFD") and the SSVFD provides the Town's
31 fire protection and emergency medical services to the Town's citizens. The SSVFD has
32 effective, but limited resources which often require assistance from neighboring
33 governmental entities to address large fires or other emergencies that arise when there are
34 significant numbers of people present; and
35

36 **WHEREAS**, pursuant to N.C.G.S. § 160A-291 et seq. the Town has established
37 and maintains a police department tasked with enforcing the laws of the State and the
38 ordinances and regulations of the Town; and
39

40 **WHEREAS**, pursuant to North Carolina General Statutes § 160A-175 and the
41 Town's police power as provided by the common law of the State of North Carolina the
42 Town may enact and amend ordinances which provide procedures and remedies for
43 violations of its ordinances and to abate nuisances; and
44

1 **WHEREAS**, the Town further finds that in accordance with the findings above it
2 is in the interest of and not contrary to the public's health, safety, morals and general
3 welfare for the Town to amend the Town Code as stated below.

4
5 **ARTICLE II. Construction.**

6
7 For purposes of this ordinance amendment, underlined words (underline) shall be
8 considered as additions to existing Town Code language and strikethrough words
9 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
10 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
11 (“...”) shall remain as they currently exist within the Town Code.

12
13 **ARTICLE III. Amendment of Town Code.**

14
15 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
16 Shores, North Carolina, that the Town Code shall be amended as follows:

17
18 **PART I.** That **Chapter 22, Article III. CAMPING.** be amended as follows:

19
20 ...
21 **Secs. 22-65—22-80. —Reserved.**

22
23 **PART II.** That **Chapter 22, Article IV. SPECIAL EVENTS AND OCCUPANCY.** be
24 added to the Town Code as follows:

25
26 **Sec. 22-81. Purposes.**

27
28 The purpose of this Article is to ensure that special events within the Town take into
29 account and are managed such that the public health, safety or welfare of the citizens and
30 visitors to the Town who attend those events or live in the vicinity of the events are taken
31 into account. Theses safety considerations must be balanced with the traditions and
32 substantial community benefits resulting from such special events.

33
34 **Sec. 22-82. Definitions.**

35
36 *Special event,* means a temporary public or private gathering, including, but not limited
37 to, pre-planned events, community uses, private parties and traditional family events held
38 on public or private property.

39
40 *Pre-planned events,* means private parties of greater than seventy-five (75) attendees,
41 weddings, rehearsal dinners, corporate meetings, retreats, sporting events, cultural events,
42 musical events, celebrations, festivals, fairs, carnivals, circuses or similar events.

43
44 *Community uses,* means meetings of charitable, political, governmental or civic groups.
45

1 Private parties, means events that are not open to the public, and are held by or on behalf
2 of an individual or organization for the primary purpose of socializing or gathering.

3
4 Traditional family events, means gatherings for traditional events such as holiday parties
5 and meals, birthday parties, funeral services, religious ceremonies and weddings for
6 family members related by blood or marriage to: (i) any of the individual holders of legal
7 title to the property; (ii) a majority of the owners of a business entity holding legal title to
8 the property; or (iii) the beneficiaries of a trust holding legal title to the property.

9
10 **Sec. 22-83. Permit Required; Exemptions.**

11
12 All special events which expect to have more than twenty-five (25) attendees require a
13 special event permit issued under this Article from the Town Planner or his designee.
14 Unless incorporated into the Town's fee schedule, there shall be no fee to obtain a special
15 event permit. The following special events are exempt from obtaining a special event
16 permit:

- 17
18 (1) Special events held at an event facility as that term is defined by the Town's
19 zoning ordinance.
20
21 (2) Special events held at other commercial facilities that are a traditional and
22 typical use of such facilities, i.e. birthday parties or meetings at restaurants;
23
24 (3) Special events held by or managed by the Town; and
25
26 (4) Special events within established institutional uses (i.e. schools and churches);
27

28 **Sec. 22-84. Application and Inspection Requirements.**

29
30 An application for a special event permit must be made by the owner of the property
31 upon which the event will be held or by someone else with the owner's written
32 permission to apply on the owner's behalf. All special events that require special event
33 permits under this article shall meet the following application requirements:
34

35 (A) Small Special Events (26 to 75 expected attendees):

- 36 (1) Application deadline: Five (5) days in advance of the event.
37 (2) The applicant shall provide the following information:
38 (a) The date, times and location of the special event;
39 (b) The expected number of attendees; and
40 (c) Contact information for a person in control of the event.
41 (d) A certification by the applicant that they are aware of and intend
42 for the special event to comply with the requirements of the
43 Town's code of ordinances with regard to zoning, nuisances, noise,
44 lights and other relevant provisions.

45
46 (B) Limited Special Events (75 to 125 expected attendees):

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

- (1) Application deadline: Fourteen (14) days in advance of the event.
- (2) The applicant shall provide the following information:
 - (a) All application information required for small special events.
 - (b) Sketch site plan of property and structures showing the expected location of attendees to the event, points of ingress and egress to any structures on the property, and location of any hazardous materials such as fuel or gas;
 - (c) A certification by the applicant that sufficient parking for the events has been provided via onsite parking, via a special events encroachment agreement under Sec. 28-2(2), and/or via offsite parking.
 - (d) A certification by the applicant that the contact person provided on the application will at all times have on their person: (i) the phone associated with the contact information; (ii) a copy of the special events permit issued; and (iii) a list of attendees that can be used to determine whether anyone is unaccounted for in an emergency.
 - (e) If the special event will be held at a property located adjacent to N.C. Hwy. 12 (Ocean Blvd.) during the period between Memorial Day and Labor Day, the applicant must provide a traffic management plan showing how traffic to the site will be managed in such a way to avoid unreasonable additional congestion upon N.C. Hwy. 12.
 - (f) For any special event at which food or drink will be served or that will occur over a more than four (4) hour period, a certification by the applicant that at least one (1) temporary wastewater facility or portable toilet will be onsite.

(C) Large Special Events (Greater than 125 expected attendees):

- (1) Application deadline: Thirty (30) days in advance of the event.
- (2) Inspections:
 - (a) Inspections under this subsection shall be provided more than ten (10) days in advance of the special event.
 - (b) If any exterior decks will be used by attendees at the event, the Applicant must either provide a certification from a licensed professional engineer that all exterior decks are structurally sound to support the potential users of the decks during the special event or must allow the Town's building inspector to inspect the decks to determine whether an engineer's certification is required.
 - (c) In the discretion of the police chief or the fire chief or their designee, the applicant shall allow for an inspection of the exterior grounds of the property to determine potential dangerous conditions on the property and to determine how best to access the property and structures in case of fire or emergency during the special event.
- (3) The applicant shall provide the following information:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

- (a) All application information required for small and limited special events.
- (b) A detailed scale site plan of property and structures showing the expected location of attendees to the event, points of ingress and egress to any structures on the property, and location of any hazardous materials such as fuel or gas;
- (c) A traffic management plan showing how traffic to the site will be managed in such a way to avoid unreasonable additional congestion upon any adjacent roadways.
- (d) A certification by the applicant that sufficient parking for the events has been provided via onsite parking, via a special events encroachment agreement under Sec. 28-2(2), and/or via offsite parking along with a narrative and site plan showing all proposed parking and supporting the determination that the parking is sufficient for the special event.
- (e) For any special event at which food or drink will be served or that will occur over a more than four (4) hour period, a certification by the applicant that at least one (1) temporary wastewater facility or portable toilet per fifty (50) attendees will be onsite.
- (f) A certification that the designated person to contact under the application will have access to first-aid supplies on-site in sufficient quantities to address minor injuries to at least ten (10) percent of the expected attendees.

(D) All special events:

- (1) If alcohol is to be served or sold at a special event requiring a permit, the applicant shall obtain any necessary approvals from the Alcoholic Beverage Control Commission, must make such documentation available upon request and must certify on their application that the approvals have been obtained and will be complied with during the event.
- (2) If tents are to be used for a special event requiring a permit, the applicant shall obtain any necessary approvals required under the North Carolina Fire Code, must make such documentation available upon request and must certify on their application that the approvals have been obtained and will be complied with during the event.

Sec. 22-85. Limitations on Number of Special Events.

No more than three (3) special events requiring a special event permit may occur on any parcel of property within the Town during a continuous twelve-month period. Traditional family events shall not be subject to this limitation.

Sec. 22-86. Maximum Occupancy.

1 Unless otherwise permitted under this section, no single-family residential structure may
2 be occupied temporarily for a special event by more than twenty-five (25) people or for
3 any overnight period by more than twenty (20) people.

4
5 **Sec. 22-87. Violations.**

6
7 It shall be a violation of this article to have a special event requiring a permit without
8 obtaining the permit, to materially misrepresent any portion of an application for a special
9 event permit or to have a special event that materially differs from the information
10 provided in a special events permit application. Violations of this Article may subject the
11 property owner and persons managing an event to all of the remedies available under Sec.
12 1-6 with any civil penalties beginning at up to \$500.00 for the first violation and
13 increasing at a rate of \$250.00 per violation for each additional violation in a continuous
14 twelve-month period. Violations of this Article may also result in the revocation of a
15 special event permit and may subject the associated property and/or applicant to be
16 unable to obtain a special event permit for 1-year following notice of the violation.

17
18 **ARTICLE IV. Severability.**

19
20 All Town ordinances or parts of ordinances in conflict with this ordinance amendment
21 are hereby repealed. Should a court of competent jurisdiction declare this ordinance
22 amendment or any part thereof to be invalid, such decision shall not affect the remaining
23 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
24 Town of Southern Shores, North Carolina which shall remain in full force and effect.

25
26 **ARTICLE V. Effective Date.**

27
28 This ordinance amendment shall be in full force and effect from and after the ____ day of
29 _____, 2015.

30
31
32
33 _____, Mayor

34
35
36
37 ATTEST:

38
39
40 _____
41 Town Clerk

42
43
44 APPROVED AS TO FORM:
45
46

1
2
3
4
5
6
7
8
9
10
11
12
13

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: ___AYES___NAYS

Special Event and Occupancy Limitation Ordinance Suggestions

Chairperson Morey, Andy Ward

June 24, 2019

PB Comments

- Exempt traditional family events for property owners;
- Remove (ii) and (iii) from definition of traditional family event;
- Increase permit requirement threshold from 25 attendees to 50 attendees;
- Maximum 6 events per lot per year for events with 50 to 100 attendees;
- Maximum 3 events per year per lot for events with 100 plus attendees;
- Remove guest list requirement;
- Remove engineer's certification for decks;
- Suggest inspections of decks but do not require them;
- Inspections should be conducted 30 days prior to the event;
- Require documentation from event planner and/or catering service for the number of attendees;
- Suggest notification of adjacent property owners as a courtesy;
- Refer to the Town's current requirements for tents, signage, noise, trash, and parking;
- Remove requirement for detailed site plan of property and structures showing the expected location of attendees to the event, points of ingress and egress to any structures on the property, and location of any hazardous materials such as fuel or gas;
- Remove traffic management plan requirement;
- Remove sufficient parking requirement
- Remove portable wastewater or portable toilet requirement;
- Remove first aid supplies on-site requirement;
- Remove permitting requirement for serving alcohol;
- Applications must be submitted no later than 30 days prior to the event.



Notice of Public Hearing

The Southern Shores Town Council has approved an appropriation for construction of a five-foot wide concrete walking trail along the northern-half and east side of South Dogwood Trail.

The project's current design may be viewed online on the Town's website in two segments at <https://www.southernshores-nc.gov/south-dogwood-trail-walking-trail-preliminary-plan-design/> and <https://www.southernshores-nc.gov/3-28-18-south-dogwood-trail-walking-trail-preliminary-plandesign-segment-1-fairway-dr-cemetery/>. Or the two-segment plans may be viewed in paper form at the Southern Shores Town Hall at 5375 N. Virginia Dare Trail, Southern Shores, NC 27949. Town staff are available to assist anyone in viewing and understanding the plan features.

A Public Hearing is scheduled before the Southern Shores Town Council for Tuesday July 9, 2019 at 5:30 PM in the Pitts Center at 5377 N. Virginia Dare Trail, Southern Shores NC 27949. The purpose of the Public Hearing will be to receive comments from the public on the proposed design of the walking trail along South Dogwood Trail. Written comments may also be submitted via email to info@southernshores-nc.gov, or via US Mail to Town of Southern Shores, 5375 N. Virginia Dare Trail, Southern Shores, NC 27949.

[The following pages contain emails received at info@southernshores-nc.gov]

Sheila Kane

From: David Feyrer ·
Sent: Sunday, June 09, 2019 2:19 PM
To: info@southernshores-nc.gov
Subject: Dogwood Trail Path - 70 S. Dogwood Comments

Friends,

Thank you for the opportunity to comment on the walking trail plan for South Dogwood Trail. We are David and Sandra Feyrer, property owners at 70 S Dogwood.

We like the plan and very much favor its approval and execution.

Several comments concerning the plan as it relates to my property:

1. It would not bother us if you took down the trees closer to the road to make the routing of the path simpler.
2. It appears as if our water meter will need to be moved.
3. We have a working well whose head is also under the proposed route of the path.

Thank you for your consideration of these concerns.

Sincerely,

David and Sandra Feyrer

Sent from my iPhone

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

https://us1.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=60104350-IToO3cYnV2nz&r_address=fo%40southernshores-nc.gov&report=

Sheila Kane

From: Barbara
Sent: Monday, June 10, 2019 9:06 AM
To: info@southernshores-nc.gov
Subject: Walking trail

So excited to hear that this Trail may become a reality. I have lived on Gunguut trail for 20 years and walked on South Dogwood for just as many constantly battling the cars. During the summertime the road is basically not usable for Town residents for any sort of bike riding or walking. I think this walkway will provide a lot of enjoyment for the town residents and will make residents safer. ThAnk you!



Barbara Anne Williams

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

https://us1.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=60171955-aMphV_xefLsQ&r_address=fo%40southernshores-nc.gov&report=

Sheila Kane

From: Stephanie Baker
Sent: Saturday, June 22, 2019 1:04 PM
To: info@southernshores-nc.gov
Subject: Walking trail on South Dogwood

Dear SS Council Members,

I would like to say thank you for approving an appropriation of construction of a five foot wide concrete walking trail along South Dogwood trail.

As the mother of two boys ages 10 and 13, I would like for them to be able to bike without fear of being hit by a car on South Dogwood. My 10 year old is going into 5th grade at KHES and I only wish this trail had been made sooner as he could have ridden to school in the morning on his bike.

We often pass a few boys riding to school along that stretch and it always makes me very nervous for them as it is dangerous as it is now.

Additionally, I enjoy walking my dog and going for long walks. I never go that direction due to traffic. I am mindful of people walking their dogs along South Dogwood but know some people don't slow down or swerve over to give enough room for them so they need to hop into the brush.

Thank you for moving forward with this in 2019/2020.

Best Regards,

Stephanie Baker

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Sheila Kane

From: Sam Cortez
Sent: Monday, June 24, 2019 11:00 AM
To: info@southernshores-nc.gov
Subject: walking trail, 84 S Dogwood

Hi Peter,

I reviewed the plans for the walking trail along Dogwood. I own a year-round rental house located at 84 South Dogwood Trail.

I am in favor of the trail. However, would it be possible to move the proposed trail at 84 closer to the street, and further away from the house?

thanks,

Sam

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Sheila Kane

From: Mary Lou Hoffert
Sent: Wednesday, June 26, 2019 12:05 PM
To: info@southernshores-nc.gov
Subject: Walking Trail

It appears the about 20 trees will be removed for construction of trail. How many trees will be planted to replace those taken down?

--
Mary Lou Hoffert

If you can read this, thank your teachers.
If it is in English, thank your military.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Sheila Kane

From: James Sias
Sent: Monday, July 01, 2019 11:39 AM
To: info@southernshores-nc.gov
Subject: Sidewalk planning

Dear Planners, June 30, 2019

Our property is 134 S. Dogwood Trail. We are in support of the sidewalk plan and look forward to its completion, we walk in the Neighborhood almost every day.

We have reviewed the drawings and would like to make some suggestions for our particular property.

First we are open to some tree removal to accomplish an attractive and functional design. North of our driveway there is a 42 inch high sand ridge along the front edge of our property with several large trees on the top. Our first choice would be to design the sidewalk to rise up from the driveway up to the top of the sand ridge, similar to the sidewalk in front of the pool area near the country club. This would require the removal of a few trees, a 10 inch tree which is 8 feet from the edge of the street and second 21 inch tree 10 feet from the street.

This would allow for an out lawn at least 3 feet wide and elevation from the street giving a sense of security and preserve the wooded nature of the sand ridge. Another likely more important benefit of this plan is that it will avoid cutting the roots on many of the large loblolly trees. The trees would be weakened such that in hurricane west wind they would be much more likely to fall on our house.

Additionally from what I understand, if the roots are cut the 60 foot loblollys may eventually also weaken and die so would need be removed, not an idea we want to contemplate.

To the south of our driveway we only own a few feet. Our neighbor has left a large bramble growing on the ridge so placing the sidewalk with a setback and cutdown to 2 feet height above the street seems like a good solution to us because we could see south on the street before we pull out of the driveway.

We are out of the outer banks until nearly the end of September so we cannot attend meetings or meet with anyone at our property if you wish to review this request. However I have intimate knowledge of this ridge and its vegetation's because I have been personally grooming and gardening this property myself for several years and could be present on the cell phone if you wish.

Please let us know you received this letter and feel free to suggest alternative ideas to obtain the results needed to complete the sidewalk plan.

Sincerely,

Jim & Jean Sias



Town of Southern Shores

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

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

www.southernshores-nc.gov

Ordinance #2019-07-01

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 2019-2020 (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 in accordance with Town policies and standards, along with budgeted items in "Public Works Department - Streets, Bridges & Canals" in Section 1.A. of the Budget Ordinance adopted June 4, 2019.

Be It Further Ordained by the Town Council, the adopted CIIP as attached incorporates the following added directive:

Recommended capital infrastructure improvements and 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; and in considering economic and environmental conditions, Town staff may implement any individual "target" project with any other "target" project in the best interest of the Town.

This Ordinance is effective upon adoption.

Approved this ____ of July 2019.

Thomas Bennett, Mayor

Attest: _____
Sheila S. Kane, Town Clerk

"Attachment A"

Capital Infrastructure Improvement Plan Recommended to the Town Council
for Fiscal Year 2019-2020

By the Capital Infrastructure Improvement Committee

May 30, 2019

Recommended capital infrastructure improvements and 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; and in considering economic and environmental conditions, Town staff may implement any individual "target" project with any other "target" project in the best interest of the Town. [Projected capital street improvement funds proposed for FY 19-20 budget based on current Town tax base value and .05 levy = \$662,340.]

Group A, Recommended "Targets" in Order of priority for FY 19-20:

1. Hillcrest Drive - Hickory Trail intersection to SSCA tennis courts - 3,700 LF (+/-) (lessen over-width at hill top.)
2. East Dogwood Trail - NC 12 east to Ocean Blvd. w/ stormwater improvements - 670 LF (+/-)
3. Sea Oats Trail - 11th Avenue north to NC Highway 12
4. Dewberry Lane - 230 LF (+/-)

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

5. Chicahauk Trail - NC Hwy 12 to Trinitie Trail intersection - 2,693 LF (+/-)
6. Hillcrest Drive - from New Sea Oats intersection to NC 12 with improvement to Wax Myrtle intersection - 757 LF (+/-)
7. Trinitie Trail - address road subsidence area near Old Passage
8. Wax Myrtle Trail - East Dogwood Trail south to end 2,720 LF (+/-)
 - Incl. Dolphin Run - 410 LF (+/-)
 - Incl. Porpoise Run - 425 LF (+/-)
9. Ginguite Trail - southern segment - 2,000 LF (+/-)
10. Bayberry Trail - entire length - 1,775 LF (+/-) Incl. Dewberry Ln. - 230 LF (+/-)
11. West Holly Trail - entire length - 830 LF (+/-)
12. Clamshell Trail - Otter Slide east to Chicahauk Trail - 3,440 LF (+/-)
13. S. Dogwood Tr. (street only) - entire length - Dogwood Trls. inters. to US Hwy 158 - 12,672 LF (+/-)
14. Ginguite Trail - Northern segment - 1,800 LF (+/-)

Group C, "Other":

15. Spindrift Trail/High Dune Loop/Wild Pony Lane intersection - 160 LF (+/-)
16. East Dogwood Trail - entire length (excl. previous rebuild segment) - 5,000 LF (+/-)
17. Wax Myrtle and Hickory Trail intersection - 170 LF (+/-)
18. Pintail Trail - entire length - 750 LF (+/-)
19. Land Fall Loop - entire length - 330 LF (+/-)
20. 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

Notice of Public Hearing Consideration of FY 2019-2020 Capital Infrastructure Improvement Plan

Notice is hereby given that the Southern Shores Town Council, as a part of its regular scheduled meeting agenda of July 9, 2019, will hold a Public Hearing to consider adoption of a Capital Infrastructure Improvement Plan for Fiscal Year 2019-2020. The regular meeting will be held at 5:30 pm on Tuesday July 9, 2019 at the Pitts Center, 5377 N. Virginia Dare Trail, Southern Shores, NC. The Town Council adopted an annual operation budget for Fiscal Year 2019-2020 on June 4, 2019. Included in that budget is an appropriation of \$662,340 for capital infrastructure projects to be designated and prioritized by the Town Council for implementation by the Town staff during the fiscal year.

A proposed plan is viewable on the Town's website www.southernshores-nc.gov or a copy may be obtained at the Southern Shores Town Hall. Adopted budget documents are also viewable on the Town's website or copies may be obtained at the Southern Shores Town Hall. For additional information or questions, please contact Town Hall at (252) 261-2394.

[The following pages contain emails received at Town Hall in reference to above]

Sheila Kane

From: Peter Rascoe
Sent: Tuesday, July 02, 2019 2:24 PM
To: Sheila Kane
Subject: Fwd: Residents Comments on Proposed 2019-2020 Capital Improvement Plan for the Town of Southern Shores

Peter

Begin forwarded message:

From: Mark Mansfield
Date: July 2, 2019 at 1:52:20 PM EDT
To: <PRascoe@southernshores-nc.gov>
Subject: Residents Comments on Proposed 2019-2020 Capital Improvement Plan for the Town of Southern Shores

Good afternoon, Mr. Rascoe. We, the owners of 242, 244, and 246 Sea Oats Trail, have reviewed the 2019-2020 proposed capital improvement plan for the Town of Southern Shores with respect to inclusion of funding for stormwater management activities . We commend leadership on its vision of dedicated funding to address the increased stormwater needs in our community. In that connection, we request assistance in reducing the adverse impacts of stormwater runoff from both directions in the 200 block of Sea Oats Trail. We each live at the base of Sea Oats Trail and stormwater runoff is increasingly affecting each of our properties. We request assistance from the Town of Southern Shores in implementing a project to effectively manage the stormwater runoff through its capital program. A project similar in concept to that constructed at the intersection of South Dogwood Trail and North Carolina Highway 12 should be a part of this effort. At an appropriate time we also plan to notify members of the Town council. If you have any questions please feel free to contact me via email.

Respectfully,
Mark & Jill Mansfield, 244 Sea Oats Trail
Tim and Christina Brodeur, 242 Sea Oats Trail
John Power, 246 Sea Oats Trail

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:
https://us1.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=62089947-1NKCAmSxMjSP&r_address=ascoe%40southernshores-nc.gov&report=

July 2, 2019

MEMORANDUM

From: Wes Haskett, Deputy Town Manager/Planning Director

To: Town Council

CC: Peter Rascoe, Town Manager

RE: Planning Board Appointments

There are currently three vacant seats on the Town Planning Board. Two of the vacant seats are for regular members which were created by the expiration of their three-year terms. Elizabeth Morey has indicated that she would like to be reappointed to another three-year term. Alternate member Michael Basilone has indicated that he cannot currently commit to serving as a regular member and would like to remain as an appointed alternate member. Alternate member Leo Holland resigned from the Planning Board on June 30, 2019 which leaves one vacant alternate seat. Three applications have been kept on file for upcoming vacancies and two of the three applicants have indicated that they would like to be appointed to a three-year term. The applications submitted by both applicants are enclosed for your consideration in addition to the reappointment of Elizabeth Morey.

		Cycle and Term	Term of Appt. Vacancy Created by Departure of:	TERM OF APPOINTMENT		
				Start Term	End Term	
SEATED MEMBERS (Voting)						
1	Ed Lawler	B1	Glenn Wyder	1-Jul-17	30-Jun-20	
2	VACANT	A2	Joe McGraw	1-Jul-16	30-Jun-19	Vice Chair
3	David Neal	C1	Mike Florez	1-Jul-18	30-Jun-21	Seated
4	Andy Ward	C2	Sam Williams	1-Jul-18	30-Jun-21	Seated
5	VACANT	A1	Elizabeth Morey	1-Jul-16	30-Jun-19	Chair
ALTERNATE MEMBERS (Non-Voting)						
1	VACANT	C3	Leo Holland	1-Jul-18	30-Jun-21	Alternate 1st
2	Michael Basilone	B2	Carlos Gomez	1-Jul-18	30-Jun-21	Alternate 2nd
ETJ MEMBER (Votes on items that affect Martin's Point)						
	COUNTY APPOINTED					
	John Finelli	C3		1-Jul-18	30-Jun-21	ETJ

**TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION**

DATE: 1-10-2019

Municipal Board(s) or Committee(s) interested in: where I am needed and my skills can be utilized

NAME: Donald D. Sowder PHONE: (HOME) (c) 804 393 0179
PHONE: (WORK) _____

Email: DDsowder@aol.com

ADDRESS: 36 GINGUITE TRAIL S.S.

OCCUPATION (Past & Present)

Director Hospital and Government Sales
Vice President - Managing Director
Board of Supervisors (Commissioners)

EMPLOYER

Lederle Laboratories (now Pfizer)
Peer Perspectives New York City
Chesterfield County, VA

EDUCATIONAL BACKGROUND

School(s)	Dates	Area of Study	Cert or Degree
<u>VA Tech</u>	<u>1959</u>	<u>Food Science</u>	<u>BS</u>
<u>Columbia University</u>	<u>1978</u>	<u>Management</u>	<u>Cert</u>
<u>University of VA</u>	<u>1985</u>	<u>Finance</u>	<u>Cert</u>
<u>Army Command & General Staff College</u>		<u>National Security</u>	<u>Diploma</u>

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)

- Several Executive Positions on a National Level - Pharmaceutical and Health care industry
- Retired Colonel USAR - Last Assignment - Inspector General (IMA) United States Military Academy - West Point
- Past elected member - Board of Supervisors (Commissioners) Chesterfield County, VA Responsible for 65,000 constituents
- Active in Southern Shores affairs - Currently Commodore Boat Club

**TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION**

DATE: 12-19-2018

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

PLANNING BOARD

NAME: Anthony DiBernardo PHONE: (HOME) 261-4365

PHONE: (WORK) _____

Email: Anthony081949@ICloud.com

ADDRESS: 32 9th Ave W Southern Shores

OCCUPATION (Past & Present)

EMPLOYER

Retired

State parole agent, Supervisor

Commonwealth of PA.

Deputy District Director, Hearing Examiner
for the State of Pa.

EDUCATIONAL BACKGROUND

School(s)	Dates	Area of Study	Cert or Degree
<u>Temple U.</u>	<u>Grad 1972</u>	<u>Anthropology</u>	<u>BA</u>
<u>CCP</u>	<u>Grad 1968</u>	<u>Liberal Arts</u>	<u>AA</u>

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)

Hearing Examiner - Legally Review cases, Rule on cases and either sentence or Release Accused Review the eligibility of inmates for Parole

S.S. Vegetation Board/Committee - Developed Vegetation Ordinance for the Town

ARB Civic Association - Chairman for 3 years of ARB which
Reviews construction and Renovation Applications
for compliance with covenants.

Historical Landmark Commission - Vice Chair since its inception

Reviews and evaluates applications for
acceptance as a Historical Landmark property