



Town of Southern Shores

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Town of Southern Shores
Council Meeting
February 6, 2007
7:00 PM.-Pitts Center

The Southern Shores Town Council met on February 6, 2007 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Dan Shields, Jodi Hess, David Sanders, and Brian McDonald.

Also present were: Webb Fuller, Town Manager; Carrie Gordin, Town clerk; and Ben Gallop, attorney, sitting in for Ike McRee, Town Attorney.

Mayor Smith called the meeting to order at 7:00 p.m., led the Pledge of Allegiance and held a moment of silence for the armed forces serving around the world.

APPROVAL OF AGENDA

Mayor Smith moved to amend the agenda to hold a closed session following the end of the meeting to consult with the attorney on a personnel matter. Mayor pro tem Shields seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

PUBLIC COMMENT

Mayor Smith opened the public comment section of the agenda and stated that council may reserve the option to respond to issues raised under the public comment during council's agenda.

Nancy Birindelli, 303 Sea Oats Trail, stated she was not going to talk about canals. She is the co-chairman of the League of Women's Voters and presented council with copies of the annual Dare County Citizens Guide. She recognized Lorie Williams, editor of the guide and who is a resident of the town. She stated that 10,000 copies are distributed throughout the county. She thanked council for their continued financial support and that it is used in printing the guide.

John Gualtieri, 140 Grey Squirrel Lane, stated that he is a retired attorney and that he and his wife retired here. He stated that he is speaking as a concerned citizen. He stated that he is opposed to council's action of condemnation of the CPOA property for the canal dredging project. He stated that council will have a difficult time in court and this course of action will be expensive. He asked what sense does it make to attempt to condemn a property for a recreational purpose when it is already dedicated for recreational purpose. Why would council want to alienate a significant number of residents by destroying a natural habitat and making it a dump site when properties abutting the canals are subject to specific covenants providing a place for dredging spoils. He

stated that the citizens will fight to stop this procedure as well as the permitting process. He questions the validity of a partial or temporary condemnation. He begged council to look at alternative sites and asked them to reconsider this approach.

Elsa Edwards, 28 Periwinkle Place, stated that she is not here to talk about condemnation proceedings. She stated that she and her husband have been residents for 27 years. She stated that she has experience with dredging. She stated that when the pond on Circle Drive was dredged she used the spoils on their property. She stated that they had seven truck loads of spoils spread on their property from May to September and there was no odor and no problems, that it enhanced their property.

Mrs. Edwards stated that the waterways and ponds have been filling in and now the town has storm water problems. She asked that everyone think carefully and not postpone the dredging.

Jimmy Pierce, 6 Palmetto Lane, stated he was one of the eighty-seven applicants for the police chief position and one of the eight who was interviewed. He is currently a law enforcement officer. He commended the town manager for using the assessment center process, that it is a great tool. He stated the process is a fair, impartial, unbiased way to select a candidate. He stated that he has talked to Chief Kole and feels he is highly qualified. He stated that some may think they know about law enforcement matters but if you are not in law enforcement you don't really know how it works. He asked council to let the man run the police department and stay out of the day to day operations and to stand behind him.

Hearing no further comments, Mayor Smith closed the public comment section of the agenda.

REPORTS

Planning Board

George Kowalski, chairman of the Planning Board presented the January 16, 2006, Planning Board report.

[Clerk's Note: A copy of the January 16, 2006, Planning Board report is attached hereto as Exhibit A and made part of these minutes].

Consideration for LDA-2007-01-01-Outer Banks Dentistry

Chairman Kowalski stated that the board recommends approval for LDA-2007-01-01- Outer Banks Dentistry site plans with conditions. The new commercial structure (2400sf) is located on the corner of South Dogwood Trail and US 158, with the access from South Dogwood Trail.

The town manager stated the town engineer submitted additional conditions to be considered upon approval of the site plan.

John Delucia, project architect for the dentist office was present and stated that he has no problems with the additional conditions from the town engineer.

Council Member Hess moved to approve LDA- 2007-01-01-Outer Banks Dentistry site plan to include the standard and special conditions and to include as #6 under special conditions as submitted by the town engineer. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of the standard and special conditions are attached hereto as Exhibit B and made part of these minutes].

Mayor pro tem Shields announced that the Land Use Plan committee is holding a public meeting on March 29, 2007, beginning at 6 p.m. until 8 p.m. at the Duck Woods Country Club. He invited everyone to attend and share their comments with the committee.

LDA-2007-01-02- SSCA North Marina Pavilion Site Plan-Conditional Use

The town manager stated that the proposed amended site plan presented is improvements to the Southern Shores Civic Association (SSCA) property at the North Marina and at the Loblolly Marina. He stated that a conditional use hearing is required by the town's zoning ordinance.

Mayor pro tem Shields moved to set the date for the conditional use hearing at the March 6, 2007 council meeting. Mayor Smith seconded.

Council Member Hess questioned the need for security lighting and asked what provisions have been made.

Tom Bennett, president of SSCA, stated discussion has been held on the lighting issue and that SSCA would accommodate whatever council approves.

The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

Southern Shores Volunteer Fire Department

Chief Harvey presented the monthly fire report.

Police Department

Lt. Paul Terry presented the monthly police report. He stated that he would like to clarify a newspaper article reporting that following a search and arrest on a property at Wax Myrtle Trail weapons of mass destruction was found. He stated that narcotics and a weapon were found. The weapon was a sawed off shotgun.

The town manager introduced David Kole and stated that he would begin work tomorrow as the police administrator. The town manager stated there are certain state requirements that need to be completed before becoming the chief. His wife, Sally, was also introduced.

CONSENT AGENDA

Approval of Minutes – January 9, 2007

Budget Amendments FY- 2006-07

Mayor pro tem Shields moved to approve the consent agenda as presented. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of the Budget Amendment are attached hereto as Exhibit C and made part of these minutes].

PUBLIC HEARINGS

Ordinance 2007-01-01-Amending Section 7.10-C-General Commercial District regarding restaurants.

Mr. Gallop opened the public hearing.

The town manager stated there are no comments from staff this is a house keeping item.

Mike Stone, 8 Sandfiddler Court, stated that he saw no problems with leaving restaurants as a permitted use. He stated by placing restaurants as a conditional use requires that the kitchen, bathrooms, dining area, etc must be a certain percentage. He stated that the restaurant owner would know more of what percentage the areas would need to be then the town. He would like to see restaurants remain as a permitted use.

Hearing no other public comments Mr. Gallop closed the public hearing. Council Member McDonald questioned why the ordinance is being changed. Council Member Hess stated that restaurants can't be considered as a permitted and conditional use and they are already a conditional use. She stated that the use was changed when liquor by the drink was approved but it was an oversight when adopted to remove restaurants from the permitted use language.

Council Member Sanders asked if the planning board should look at the ordinance again regarding the percentages.

Mayor pro tem Shields moved to approve Ordinance 2007-01-01 as presented. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of Ordinance 2007-01-01-Amending Section 7.10-C-General Commercial District regarding restaurants are attached hereto as Exhibit D and made part of these minutes].

Ordinance 2007-01-02- Extra-Territorial Jurisdiction – Removing Residential Zoning Control

The town manager stated this ordinance is also a house keeping item. He stated that several years ago Martin's Point residential zoning area was removed from the town's zoning jurisdiction but the zoning ordinance was not amended to reflect that change. He stated that the town still controls zoning jurisdiction over the commercial area of Martin's Point.

Mr. Gallop opened the public hearing and hearing no public comments he closed the public hearing.

Mayor pro tem Shields moved to approve Ordinance 2007-01-02 as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of Ordinance 2007-01-02- Extra-Territorial Jurisdiction – Removing Residential Zoning Control are attached hereto as Exhibit E and made part of these minutes].

OLD BUSINESS-None

NEW BUSINESS

OTHER ITEMS

Council Members

Council Member Sanders asked council to direct the planning board to look at the details of restaurants in the zoning ordinance to clarify Mr. Stone's comments.

Council Member Hess reported she would be attending two meetings: one on Friday for the traffic committee to discuss the intersection at NC 12 and a meeting on the government channel 20.

Mayor-None

Town Manager

Mr. Fuller presented Resolution 2007-02-01 for council approval to take the proper procedural steps for condemnation of specific Chichahauk common property for a spoil site for the canal dredging project.

Council Member Hess stated that this is not an easy step, a most difficult decision. She asked the attorney if there is time for this process. Mr. Gallop stated there is always risk. He stated there are two ways to condemn a property: 1) a quick take procedure allows for compensation for the property to be paid to the court for the value of the property and 2) a not quick take procedure that allows time for lawsuits to addressed and compensation for the property may be held for a longer period of time.

The town manager stated that to receive the grant money the permits need to be approved and the contract for the project must be let before June 30, 2007. He stated that the grant money may be re-appropriated if the town shows they are moving ahead, he doesn't know.

The attorney stated that either at the acquisition phase or the permitting phase could stop or delay the process.

Council Member McDonald stated that this project has been on-going for many years. Spoil sites have been actively pursued and no one has agreed to allow the spoils. He asked if the permitting was in process and the town had an opportunity to use a different site what would the town need to do. The town manager stated that we would go through the same permitting process.

Council Member McDonald stated that no one wants to condemn property but the cost of doing nothing is going to impact the town. The taxes would need to be raised ten cents and that is not the answer. He stated if we lose the canals then we will have ditch front properties. Property values will go down. Now is the time we don't have any other choices, more forward for the benefit of all. He stated we can stop the project, which is not an option, or double the tax rate and haul the spoils away. The site is not a nature preservative we need eight acres-who has it?

Council Member Sanders stated that there has been mentioned of a special assessment or special use district but the town cannot, by law, set an assessment on specific property for canal dredging, they can for street maintenance. He stated the civic associations could set assessments.

Council Member Sanders stated at this time the town is trying to move forward with the permitting process and can not until they have a spoil site identified. He stated the waterways need to be maintained and if there is any other way he would like to see it.

Mayor pro tem Shields moved to adopt Resolution 2007-02-01 as presented. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of Resolution 2007-02-01 is attached hereto as Exhibit F and made part of these minutes].

Town Attorney - None

PUBLIC COMMENT

Mayor Smith opened the public comment section of the agenda.

Several people originally signed up to speak but declined.

Karl Daniels, 162 Chicahauk Trail, stated that he sent a letter to the town's attorney and he asked if he received it. He was told yes. He stated that he is against the project and he is disturbed about what is being said tonight.

Nick Nuzzi, 36 Porpoise Run, stated he disagrees with council's decision and that he feels council is opening up a can of worms by condemning the property. He said it is wrong council will be putting up a sizable amount of money to get eight acres.

Mr. Nuzzi stated that he doesn't think council can take the property and then give it back. He stated he thinks the town will miss the June 30 deadline and this will have divided the Town. He asked that council reconsider their actions. He stated that the state may give more money if they knew the spoils were being taken away to protect the environment. He feels other options should be considered.

Hearing no further comments, Mayor Smith closed the public comment section of the agenda.

Mayor pro tem Shields moved to go into closed session under NCGS 143.318.11(a)(3) to consult with the attorney on a personnel issue. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

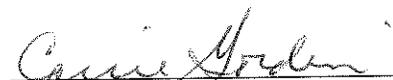
Mayor pro tem Shields moved to enter into open session, no action was taken in closed session and he moved to adjourn at 9:20 p.m. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

ATTEST



Don Smith, Mayor

Respectfully submitted:



Carrie Gordin, Town Clerk

EXHIBIT A

Memorandum

To: Southern Shores Town Council
CC: Town Manager
From: George Kowalski, Chairman, Planning Board
Date: 3/7/2007
Re: Recap, Planning Board Meeting of January 16, 2007

Planning Board recommended actions for the Town Council:

- 1. Approve the site application, subject to special conditions, LDA 2007-01-01, the Outer Banks Dentistry.**
- 2. Subsequent to the notification of adjacent property owners and subsequent to holding a public hearing, approve the site application, subject to special conditions, LDA 2007-01-02, the SCA North Marina Pavilion.**

Organization: Chairman Kowalski called the meeting to order at 7:00 PM. Planning Board members George Kowalski, Georgine Poisal, Jay Russell, Dave Peckens, Joe Walter, ETJ Representative Ed Overton, Alternate Nancy Wendt, and Alternate Jim Connors were all present. Also in attendance were the Code Enforcement Administrator Mike Hejduk and Administrative Support Assistant Cyndy Gabrys.

Public Comment: There was no public comment.

Committee Reports:

The **Stormwater Management Advisory Committee** report was presented by Jay Russell, who stated that the committee met with Robert McClendon of the UNC Coastal Studies Institute. The committee had several concerns regarding the direction of the report and asked that the emphasis be changed. This will be done and the committee is awaiting the next rough draft of the report.

The **Hazard Mitigation Plan Committee** report was given by Mike Hejduk. A meeting was held on Wednesday, January 10, 2007 at 10:00 AM. A second meeting will be held Wednesday January 17, 2007 at 9:00 AM. The committee is well on its way reviewing all aspects of the plan.

The **Vegetative Advisory Committee** report, along with a discussion, was presented by its chairman, Jim Connors. Jim presented four possible concepts to explore to develop into an ordinance, serving to preserve vegetation in our community. The first two concepts primarily dealt with the idea of requiring permits to remove trees in Southern Shores and listed the replacement requirements for those trees. Concept three was a Vegetation Density Concept that required the establishment of tree density units per acre. Concept four was a copy of the proposed town of Duck Tree Canopy requirements ordinance, which requires a 15% tree canopy cover per lot with listed desirable species of trees. The concepts were written in much greater detail than shown here. Jim asked for the Planning Board's input. In general, the Board was not satisfied with the approaches taken by any of the concepts and asked that a greater focus be placed upon what the problems might be, i.e. clear cutting, and address any issues that an ordinance may possibly raise. If insufficient residential tree canopy is an issue, then address that problem or if quality and quantity of tree replacement is the issue, then treat that issue separately. Jim felt that a committee goal and time limit needed to be set, since this committee has been running for six years. The Vegetation Committee would also like to hold an Open Meeting during the month of March to discuss their findings and proposals and seek public input. The Planning Board did not object to this Open meeting.

The **Land Use Plan/ Steering Committee:** Mike Hejduk said that this committee will have its first meeting of the year, on January 24, 2007.

Site Plan Applications:

1. LDA 2007-01-01: The Outer Banks Dentistry

This is a resubmittal of construction plans to build a dentist office on the corner of S. Dogwood Trail and US 158, originally approved by the Council on April 8, 2005, but never acted upon by the principal applicants, Scott and Danyea Bobrow.

Essentially it is the same application except that the building has been reduced in size from 3,351 square feet to 2,400 square feet. A short discussion was held regarding a couple of mistakes on the site map but all requirements that were previously met, satisfy current requirements .

Subsequent to discussion, the Board, by motion, unanimously approved a recommendation that Council approve the application LDA 2007-01-01 subject to the Standard Conditions and the Special Conditions as follows:

1. Installation of a 1" water service line by subsurface boring versus open trench and be deep enough not to impact paved roadway.
2. No construction access from US 158 or equipment/vehicle parking on multi-purpose path adjacent to UC 158.
3. Subject to review and comment by the Town Engineer especially length and depth of proposed drainage swale along S Dogwood Trail.

4. Included painted Stop Bar and Stop Sign at the property line. Paint In & Out arrow pavement makings on driveway.
5. Previous approvals for Water Tap, Health Dept., Lighting Plan, Stormwater accepted.

2. LDA 2007-01-02: The SSCA North Marina Pavilion

This is an application by the SSCA to construct a 1,120 square foot (20 x 56') pavilion on the West side of the North Marina. Also included in this application is the installation of an Accessible Route from the Pavilion to the expanded parking area, including an Accessible parking space and an Accessible Temporary Toilet.

In addition to the above listed work, this is also an application for the installation of a lit flagpole on the Loblolly Marina grounds.

Adjacent property owners to both marina properties need to be notified and a public hearing needs to be held.

Subsequent to discussion, the Board, by motion, unanimously approved a recommendation that Council approve the application LDA 2007-01-02 subject to the Standard Conditions and the Special Conditions as follows:

1. Notify all adjacent property owners as required by CAMA regulations and Zoning Ordinance for Conditional Uses Applications subject to a Public Hearing.
2. CAMA Minor Permit Application & Permit required for construction.
3. Structure to meet NC Building Code requirements for Open Buildings (i.e. engineered).
4. Coordinate construction with Canal Dredging project and spoils handling.
5. Lighting, on both marina properties, to be shielded so as not to be visible off site.

Old Business:

- 1. Ordinance No. 2006-06-PB9 (An Ordinance of the Southern Shores Town Council Relating to Amending the Zoning Ordinance Relating to Home Occupations.)**

Planning Board member Nancy Wendt explained that, at this present time, there was nothing new to report. She and Chairman Kowalski are reworking the language for the parking and signage requirement portions of this ordinance and hopefully this will be completed by the next Planning Board meeting and open for discussion.

2. Planning Board Rules of Procedure:

Since Mike Hejduk noticed a discrepancy with the last Section # 21: Adoption of Ordinances generally. It was changed to read the same as it reads in Chapter 7 of the Town Code as follows:

There shall be a quorum of three (3) members for conducting official business, and official action must be supported by a majority of the five (5) members of the board. When the planning board is enlarged by addition of extraterritorial representation, official actions will require a quorum of four (4) members and at least four (4) members of the planning board as thus constituted must support any official action.

A new vote was taken to accept this change and it was unanimously passed. The Planning Board will now follow those rules. The Planning Board was also asked if they would like to follow Council's new practice of having individual members respond to public comments, if they so deemed fit. Comments would be made during their individual, Other Items section, of the Agenda. The Board members unanimously agreed.

New Business:

There was no new business.

Other Items:

There were no other items.

Announcements:

1. Next regular meeting: Tuesday, February 20, 2007; 7:00PM Pitts Center

Adjournment: Upon motion, the Planning Board meeting adjourned at 9:10 PM.

EXHIBIT B

Application LDA 2007-01-01 subject to the Standard Conditions and the Special Conditions as follows:

1. Installation of a 1" water service line by subsurface boring versus open trench and be deep enough not to impact paved roadway.
2. No construction access from US 158 or equipment/vehicle parking on multi-purpose path adjacent to UC 158.
3. Subject to review and comment by the Town Engineer especially length and depth of proposed drainage swale along S Dogwood Trail.
4. Included painted Stop Bar and Stop Sign at the property line. Paint In & Out arrow pavement markings on driveway.
5. Previous approvals for Water Tap, Health Dept., Lighting Plan, Stormwater accepted and
6. as:

Quible & Associates, PC has reviewed the drawing entitled "Site Plan; Scott & Danyeel Bobrow; Lots 35 & 36, Block 51, Sec B, Kitty Hawk Beach" dated 08/02/04 with revisions thru 01/16/07 as prepared by Albemarle & Associates, LTD. and offer the following comments:

1. The North Carolina Accessibility Code (NCAC) specifies that a parked vehicle overhangs shall not reduce the minimum clear width (4 ft.) of an accessible route. The accessible parking space (space no. 10) vehicle overhang reduces the four foot wide minimum clear width of the connecting accessible route and therefore violates this standard.
2. The "Parking Detail" depicted in the lower left hand corner of Site Plan indicates a "6' wide sidewalk" where vehicle parks adjacent to a sidewalk to compensate for the two foot overhang, thereby leaving a clear four foot walk width. The site plan, however, details a four foot wide sidewalk. See above comment.
3. The NCAC specifies "accessible parking spaces and access aisles may have a 1/4 inch per foot maximum slope in all directions for drainage." (1/4 inch per foot equates to a slope of 2.1%) The site plan depicts an accessible space with a cross slope of 7.5% and therefore violates this standard.
4. Consideration should be given to relocating the proposed parking lot light pole fixture (west side of parking lot between spaces 1 and 10 to minimize potential for conflicts with vehicles backing out of these spaces.
5. With respect to "ease" of vehicles getting out of spaces 1 and 10, consideration should be given to eliminating space 1 for vehicle parking and instead striped for "no parking, turn around space only".
6. The slope of the entrance driveway connecting to Dogwood Trail, appears to be around 11 to 12%. Site plan engineer should confirm to Town, in writing, that larger vehicles, i.e delivery trucks (UPS/Fed X), emergency & solid waste vehicles can safely mitigate the vertical transition between Dogwood and the parking lot without "scrapping" the pavement or otherwise damaging the vehicle.
7. To minimize potential of stormwater runoff from the driveway apron ponding and /or flowing out at interface with Dogwood Trail, consideration should be given to installation of a "slotted" drain pipe /culvert within driveway apron. This pipe should be tied into the proposed roadside swales.
8. Proposed swale depth within Dogwood Trail appears to be on the shallow side, consideration should be given to increasing depth to 18".

EXHIBIT C

Budget Amendments FY2006-07 #11 and #12

Town of Southern Shores
Budget Amendment Number # 12

Public Works Increases			Public Works Decreases		
Account Number	Description	Amount	Account Number	Description	Amount
58-50109	Equipment Maintenance	\$1,000.00	59-50151	Equipment Purchase	\$1,000.00
TOTAL		\$ 1,000	TOTAL		\$ 1,000

Explanation: Maintenance on owned Public Works equipment.

Recommended By

Wesley Fuller, Town Manager

Approved By

Don Griffin, Mayor

Date

EXHIBIT D

Ordinance No. 2007-01-01

Town of Southern Shores
Council Meeting
February 6, 2007
Page 13 of 20

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
AMENDING THE ZONING ORDINANCE
RELATING TO SECTION 7.10 – C – GENERAL COMMERCIAL DISTRICT**

Dare County, North Carolina

BE IT ORDAINED BY THE SOUTHERN SHORES TOWN COUNCIL AS FOLLOWS:

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 and subsequently amended.

This amendment removes the category of *restaurants* from the Permitted Uses - service establishments. Ordinance 2005-04-03 designated Restaurants as a Conditional Use in the General Commercial District and subject to the conditions as defined in Section 3.02 Definition of Specific Terms and Words.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Zoning Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Zoning Ordinance shall be shown in italics (*italics*).

Article III. Amend Section 7.10 C – General Commercial District

A. Intent

The C District is established to provide for the proper grouping and development of commercial facilities to serve permanent and seasonal residents.

B. Permitted Uses

The following uses shall be permitted by right:

1. Offices including such uses as:

*business
financial
governmental
medical and professional*

2. Retail stores, including such uses as:

*antiques
books
cameras
candy*

clothing
craft goods
delicatessen
drugs
flowers
food stores
gifts
hardware
health and beauty aids
hobby goods
household appliances
jewelry
leather goods
magazines
medical supplies
music and musical instruments
office supplies
sporting goods
tobacco products
toys
video rentals
wines

3. *Service establishments, including such uses as:*

barber and beauty shops
business service – copying, photocopying and computer services
churches
dry cleaning and laundry pick-up stations
funeral homes
indoor motion picture theaters
pharmacy
radio and television broadcasting studios (excluding transmitter sites)
restaurants
shoe repair

4. *Single-family dwelling, two-family (duplexes) dwelling, multi-family dwellings, large home dwellings, and accessory buildings according to the dimensional requirements of RS-8 multi-family residential district. Large home dwellings shall be exempt from Section 7.02.D.8 Requirements. For multi-family dwellings, lot coverage shall not exceed forty (40) percent.*
5. *Town-owned or leased facilities.*
6. *Planned unit development in accordance with Article IX.*
7. *Parking lots and sewage treatment drain fields when located on a lot which is adjacent to and adjoins real property in an adjacent municipality upon which a principal building or use has been approved by the municipality and to which the parking lot and sewage treatment drain fields are necessary or incidental.*
8. *Estuarine bulkheads. Estuarine bulkheads must be permitted by all applicable local, state and federal agencies having jurisdiction.*

Article IV. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article V. Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 6th day of February 2007.

S E A L

Don Smith, Mayor

ATTEST:

VOTE: 5 Aye 0 Nay

Carrie Gordin, Town Clerk

Approved as to form:

Ike McRee, Town Attorney

DATE OF FINAL RECOMMENDATION BY PLANNING BOARD: NOVEMBER 20, 2006
DATE INTRODUCED BY TOWN COUNCIL: DECEMBER 5, 2006
DATE(S) ADVERTISED: JANUARY 18 AND JANUARY 25, 2007
NAME OF NEWSPAPER: COASTLAND TIMES
DATE OF PUBLIC HEARING: FEBRUARY 6, 2007

EXHIBIT E

Ordinance 2007-01-02

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
AMENDING THE ZONING ORDINANCE
RELATING TO SECTION 7.05 – EXTRA-TERRITORIAL RESIDENTIAL DISTRICT**

Dare County, North Carolina

BE IT ORDAINED BY THE SOUTHERN SHORES TOWN COUNCIL AS FOLLOWS:

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 and subsequently amended.

This amendment specifically addresses the removal of Section 7.05 ET-1 Extra Territorial Residential District which is no longer under the jurisdiction of the Town of Southern Shores.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Zoning Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Zoning Ordinance shall be shown in italics (*italics*).

Article III. Remove Section 7.05 ET-1 Extra Territorial Residential District

A. ~~Intent~~

~~The ET-1 District is established to permit residents of the area of extraterritorial jurisdiction to influence the character of their community without adversely affecting the Town of Southern Shores. The district provides for low density development of detached dwellings and is intended to promote a stable, permanent neighborhood.~~

B. ~~Permitted Uses~~

~~The following uses shall be permitted by right:~~

- ~~1. Detached single family dwelling.~~
- ~~2. Customary accessory buildings including but not limited to swimming pools, tennis courts, and garages provided no living space is provided in the accessory structure.~~
- ~~3. Home occupations as defined in Section 3.02 of this ordinance.~~
- ~~4. Town owned or leased facilities.~~
- ~~5. Piers and docks, only when accessory to a building for which a building permit has been obtained. Piers and docks must be permitted by all applicable local, state and federal agencies having jurisdiction. The activity associated with the pier or dock must be permitted by the zoning district where the pier or dock is anchored. No such permitted dock or pier shall extend into adjacent waters more than seventy five (75) feet from an estuarine bulkhead, Mean High Waterline, or from a line connecting the outermost limits of the Coastal Wetlands on either side of the proposed structure, whichever is nearest the channel. Only one pier or dock is permitted per building site.~~
- ~~6. Estuarine Bulkheads. Estuarine bulkheads must be permitted by all applicable local, state, and federal agencies having jurisdiction.~~

C. ~~Conditional Uses Permitted~~

~~The following uses are permitted subject to the requirements of this district and such additional regulations and requirements as may be imposed by the Town Council as provided in Article X:~~

~~Recreational facilities including boat launching areas, tennis courts, community centers, libraries, picnic areas, bathing beaches, and concessions integral thereto provided that there is no commercial activity and no sign other than a direction noncommercial sign is allowed.~~

D. *Dimensional Requirements*

1.	<i>Minimum lot size:</i>	<i>20,000 square feet</i>
2.	<i>Minimum lot width:</i>	<i>100 feet (measured at the building setback line)</i>
3.	<i>Minimum front yard (setback):</i>	<i>40 feet</i>
4.	<i>Minimum side yard (setback):</i>	<i>Twelve and one-half (12.5) feet; an additional Twelve and one-half foot side yard adjacent to The street is required for a corner lot</i>
5.	<i>Minimum rear yard (setback):</i>	<i>25 feet</i>
6.	<i>Maximum allowable lot coverage:</i>	<i>30%</i>
7.	<i>Height:</i>	<i>35 feet</i>
8.	<i>Minimum living space:</i>	<i>1200 square feet of enclosed living space</i>

Article IV. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article V. Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 6th day of February 2007.

S E A L

Don Smith, Mayor

ATTEST:

VOTE: 5 Aye 0 Nay

Carrie Gordin, Town Clerk

Approved as to form:

Ike McRee, Town Attorney

DATE OF FINAL RECOMMENDATION BY PLANNING BOARD: NOVEMBER 20, 2006
DATE INTRODUCED BY TOWN COUNCIL: DECEMBER 5, 2006
DATE(S) ADVERTISED: JANUARY 18 AND JANUARY 25, 2007
NAME OF NEWSPAPER: COASTLAND TIMES
DATE OF PUBLIC HEARING: FEBRUARY 6, 2007

Exhibit F

Resolution 2007-02-01

**Resolution Authorizing the Acquisition of a Property Interest in Certain
Property of Chicahauk Property Owners Association, Inc.**

Whereas, in the course of designing and preparing for the dredging and improvements of the canal system within the Town of Southern Shores, the Southern Shores Civic Association and the Chicahauk Property Owners Association, Inc. conveyed their respective canals to the Town of Southern Shores; and

Whereas, the Town of Southern Shores is responsible for maintaining the canal system and associated waterways for the safe and efficient use by those navigating and recreating within the canal system; to insure a healthy canal system and waterway through natural flushing and movement of otherwise stagnant waters; and the enhancement of storm water management;

Whereas, after investigating numerous options to dewater or dispose of dredge spoil material the Town of Southern Shores entered into negotiation with the Board of Directors for Chicahauk Property Owners Association, Inc. for the dewatering and temporary placement of dredge spoil material on property belonging to that entity but the town has been unable to acquire the needed property interest by negotiated conveyance; and

Whereas, the governing body for the Town of Southern Shores has determined that it is necessary and in the public interest to acquire an easement over certain property owned by Chicahauk Property Owners Association, Inc. for the purpose of establishing, improving or upgrading recreational facilities (the canal system) and improving drainage facilities.

Now, Therefore, Be it Resolved, by the Town Council for the Town of Southern Shores that:

1. The Town of Southern Shores shall acquire by the exercise of its eminent domain authority, for the purposes set forth above, an easement over property of Chicahauk Property Owners Association, Inc. more particularly identified as Dare County Parcel Identification Number 986715740376.
2. The Town Manager and Town Attorney are authorized and directed to institute the necessary proceedings under Chapter 40A of the General Statutes of North Carolina to acquire the property interest herein described.

Adopted this 6th day of February 2007.

Mayor Don Smith

ATTEST:

Carrie Gordin, Town Clerk