



# 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](http://www.southernshores-nc.gov)

Council Meeting  
February 7, 2012  
7:00 p.m.-Pitts Center

The following Council Members were present: Mayor Hal Denny, Mayor pro tem Jodi Hess, Council Members George Kowalski, David Sanders and Larry Lawhon. Also present: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Carrie Gordin.

Mayor Denny called the meeting to order, led the Pledge of Allegiance and held a Moment of Silence for Edna Contratti, a long-time resident.

## **APPROVAL OF AGENDA**

Mayor pro tem Hess moved to approve the agenda as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

## **APPROVAL OF MINUTES** – January 24, 2012

Mayor pro tem Hess moved to approve the January 24, 2012 minutes as presented. Council Member Sanders seconded.

The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

## **CONSENT AGENDA**-FY 2011-2012 Budget Amendment #14

Mayor pro tem Hess moved to approve Budget Amendment #14 as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

[Clerk's Note: A copy of FY 2011-2012 Budget Amendment #14 is hereby attached as Exhibit A].

## **RECOGNITION OF TOWN CLERK**

Mayor Denny recognized Carrie Gordin, Town Clerk, on her receiving the title of Certified Municipal Clerk (CMC) from the International Institute of Municipal Clerks.

## **STAFF REPORTS**

### Town Planner

Wes Haskett, Planner, presented his monthly report. He stated Town Staff and the Town Planning Board are proposing an amendment to the Wind Energy Facilities ordinance as a result of reviewing a recent Conditional Use Permit application for a Wind Generation Facility (WGF). A proposed amendment would require certification by the manufacturer(s) of the monopole and wind turbine, not the entire WGF. There was consensus among all Council Members for Town Staff to draft a proposed amendment to be initially presented to the Planning Board for subsequent Council consideration.

[Clerk's Note: A copy of the Town Planner's report is hereby attached as Exhibit B].

Police Department

Chief Kole presented monthly report. Chief Kole reported that Officer Tracy Mann was selected by her peers as Officer of the Year at their annual awards banquet.

Southern Shores Volunteer Fire Department

Chief Harvey presented monthly report.

**REPORTS FROM BOARDS, COMMITTEES, AND ASSOCIATIONS**

Town Planning Board

Chairperson Sam Williams reported that supplemental language for the Planning Board's proposed draft Stormwater Management Ordinance has been submitted to staff for consideration in its upcoming report to Council.

[Clerk's Note: A copy of the Planning Board Recap is hereby attached as Exhibit C].

Southern Shores Civic Association- SSCA

Ross Mitchell reported it is time to renew membership or join the SSCA. He stated the SSCA properties have been cleaned up from Hurricane Irene but there are certain areas that still need some attention and he asked anyone wishing to volunteer to contact the SSCA office.

Chicahawk Property Owner's Association- CPOA

Jim Kranda reported that the CPOA's new walking path at Clamshell Trail and Otter Slide Lane has been opened.

**GENERAL PUBLIC COMMENT**

Lori Williams, 109 Pudding Pan Lane, stated there has been positive comments on the Town's Facebook page regarding the requirement to remove tents, canopies etc. from the beach.

**PUBLIC HEARING**

ZTA-12-01: Event Facilities

Mayor Denny opened the public hearing.

The Town Planner provided a brief summary stating the applicant is requesting to amend three sections of the Town Code to allow Event Facilities in the commercial zoning district as a permitted use. The proposed amendment provides a definition of Event Facilities and also includes conditions. The Planning Board unanimously recommended approval of the applicant's proposed text amendment at the January 17, 2012 Planning Board meeting.

Following Council's January 24 meeting, Town Staff drafted a proposed alternate definition of Event Facility and proposed other conditions.

Applicant James Douglas stated the proposed use would be good for the location.

Mayor pro tem Hess had a concern regarding the ingress/egress to the site.

Mr. Douglas stated this type of business lends to people carpooling and most events would be held during times when traffic flow is lower. Police Chief Kole also stated he doesn't see where traffic would be an issue.

Mayor pro tem Hess had a concern regarding the current septic system.

Mr. Douglas stated he would abide by whatever the health department and fire marshal say is required.

Mayor Denny asked for public comment. Hearing none he closed the public hearing.

Council Member Kowalski stated he supports the amended language as written.

Council Member Sanders stated this is an opportunity to make use of the existing shopping center facility and he supports it.

Mayor pro tem Hess moved to approve ZTA-12-01: Event Facilities as amended by Town staff and that the proposed amendment is consistent with the Town's Land Use Plan. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

[Clerk's Note: A copy of the amended ZTA-12-01: Event Facilities ordinance is hereby attached as Exhibit D].

## **OLD BUSINESS**

### **Submittal of Bid Specifications and Design for Chicahawk Trail Road Improvement Project for Council Consideration**

Joe Anlauf, Anlauf Engineering, stated the project plan is fully permitted and upon Council's approval of the submitted bid specifications they will be advertised to receive bids.

Council had no questions or comments.

The Town Manager stated the homeowners/residents of Chicahawk Trail were notified by various methods.

Mayor Denny moved that Council authorize the Town Manager to let the bid specifications as presented to contractors. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

## **NEW BUSINESS**

### **Disposal of Surplus Property**

The Town Manager stated after evaluating Police Department operations over the last two fiscal years, and after lengthy discussions with the Police Chief, Fire Chief, and Surf Rescue Director, he has concluded that the ownership and maintenance of either of the Town-owned vessels are not budgetarily feasible. These vessels are not needed for current operations of the Police Department or Fire Department.

He recommends that the Town Council authorize the vessels to be sold and that the proceeds be retained in an established sub-fund of the current Capital Reserve Fund dedicated for future capital needs of the Southern Shores Police Department.

Mayor pro tem Hess moved to declare the following items surplus and authorize their disposition by any means legally available as authorized by NCGS 160A-266(a), and place the proceeds in a sub-fund of the Capital Reserve Fund dedicated for future capital needs of the Police Department.

1. 2001-19ft. Carolina Skiff Model # PR198OV, registration #NC6118P-Hull#EKHS1681D101 with 80hp-Yamaha motor 4 stroke-Model #F80TLRZ, Serial #67GL305577S with trailer.
2. 1996-20ft. Grady White Model 208 Adventure, registration #NC7448CM Hull#NTLAD576J596 with 150hp-Yamaha motor V-6, Model #C150TXRJ, Serial #6G44L701415X with trailer.

Mayor Denny seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

#### Consideration to Appoint Planning Board Member Vacancy

The Town Planner stated two applications were received.

Following Council discussion Council Member Kowalski moved to appoint Gray Berryman to fill the vacant alternate position to finish the term until June 30, 2012. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

#### Consideration of Reappointment to Board of Adjustment

The Town Planner stated Leo Holland is willing to serve another three-year term if Town Council re-appoints him.

Mayor Denny moved to reappoint Leo Holland to another three-year term beginning on January 1, 2012. Mayor pro tem Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

#### Southern Shores Volunteer Fire Department Pension and Local Relief Fund Board Appointment

The Town Manager stated this appointee is governed by general statues and the current citizen appointee does not wish to be reappointed. This board requires appointments by two members being elected by the fire department, two citizens to be appointed by Council and one member appointed by the Commissioner of Insurance.

Council Member Sanders moved to appoint Bob Ruff for a two-year term to the Local Firemen's Relief Fund Board. Council Member Lawhon seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

OTHER ITEMS

Town Manager

The Town Manager reported the Juniper/Trinitie Trail Bridge is open. The paving is scheduled to be done in about three weeks during which time the bridge will be closed. He stated as previously discussed the bulkhead needs some repairs and he will be bringing the cost to Council for approval.

He reported federal funding for the Tall Pine Bridge replacement has been obligated.

He stated the SSCA is holding a meeting in late March with the local property management services and Town staff will also be attending to review issues and concerns for the upcoming tourist season.

He stated the installation of six new parking spaces in Town right of way on the west site of Ocean Boulevard near 146 Ocean Boulevard will occur approximately March 1 and that another life guard stand will be placed on the beach near the same address.

He reviewed upcoming items for the February 21 Council meeting: quarterly financial report, staff report of the Planning Board's proposed stormwater ordinance, review of Planning Board's responses to the state's comments on the Town's draft Land Use Plan, and a CIP Committee report with a recommended budget amendment.

Town Attorney-None

Mayor-None

Council

Council Member Kowalski asked when the solar lights for the Town sign would be installed. The Town Manger stated the equipment is in and will be installed soon along with permanent landscaping.

Council Member Kowalski also asked about the status of the cemetery improvements. The Town Manager stated it is mostly finished with some final landscaping to occur.

The Town Manager stated Public Works will begin street sweeping this month.

Council Member Sanders stated it is nice to see the Chicahauk Trail Road Project finally in motion.

Hearing no other business Council Member Lawhon moved to adjourn the meeting at 8:20 p.m. Mayor Denny seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.



Respectfully submitted:

Carrie Gordin  
Carrie Gordin, Town Clerk



**Exhibit B**

**2-7-12 TC Report  
Town Planner  
Month of January**

**1. Wind Energy Facilities Zoning Text Amendment**

-As a result of reviewing the Millis Conditional Use Permit application for a Wind Generation Facility (WGF), it is recommended by Town Staff and the Town Planning Board that the Town Council consider amending the Town's Wind Energy Facilities Ordinance. Currently, the ordinance requires documentation signed and sealed by the manufacturer and a North Carolina registered engineer that the WGF can withstand sustained winds of at least 130 mph. This means that a single manufacturer is responsible for certifying that the entire wind generation facility meets the 130 mph requirement. In the event that there are multiple manufacturers involved, it would be impossible or difficult to obtain a manufacturer's certification of a product they do not produce. The A proposed amendment would require certification by the manufacturer(s) of the monopole and wind turbine, not the entire WGF. A North Carolina registered engineer would still be required to provide certification that the entire facility can meet the 130 mph requirement. If there are no objections, Town Staff will proceed with developing a proposed Zoning Text Amendment to the Wind Energy Facilities Ordinance.

**2. Draft Land Use Plan**

-The proposed responses to the State's comments on the draft Land Use Plan will be submitted for your review and consideration at the February 21<sup>st</sup> Council Workshop meeting. Once responses have been approved by the Town Council, they will be submitted to the State and then hopefully we can move forward with the adoption process.

**3. Mailed 0 Code Enforcement Violation Letters in January**

**4. Permitting and Inspections for January, 2012**

- 1 Zoning Permit was issued.
- 17 building permits were issued: 1 new single-family dwelling, 1 addition, and 15 others
- 68 Dare County building inspections were conducted (36 job sites).
- Total amount of fees collected in January was \$5,691.00.

**Exhibit C**

**To: Southern Shores Town Council (Hal Denny, Jodi Hess, George Kowalski, Larry Lawhon, David Sanders)**

**Copies: Town Manager (Peter Rascoe)**

**Town Attorney (Ben Gallop)**

**Town Staff (David Kole, Bonnie Swain, Carrie Gordin, Pat Forrester)**

**Planning Board (Mike Florez, Bill Gleason, Larry Lawhon, Elizabeth Morey, Bob Palombo, Jay Russell, Sam Williams and ETJ Rep. Ed Overton)**

**From: Wes Haskett, Town Planner**

**Date: February 2, 2012**

**Re: January 17, 2012 Planning Board Meeting Recap**

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**RECOMMENDED ACTIONS FOR THE TOWN COUNCIL – Approval of ZTA-12-01 Event Facilities**

**PLANNING BOARD MEETING JANUARY 17, 2012**

Chairperson Sam Williams called the meeting to order at 7:00 pm. Planning Board Members Mike Florez, Bill Gleason, Bob Palombo, Jay Russell, Sam Williams, alternate member Elizabeth Morey, and Town Planner Wes Haskett were present. ETJ Representative Ed Overton was absent.

**APPROVAL OF AGENDA**

Chairperson Williams suggested amending the agenda by moving the review of ZTA-12-01 under New Business to follow Approval of Agenda, followed by a discussion of amending the Town's Wind Generation Facility Ordinance, and by adding discussion of amending the draft Stormwater Management Ordinance and the upcoming joint Town Council/Planning Board meeting to Old Business. Bob Palombo motioned to approve the agenda as amended. Jay Russell seconded the motion. The motion passed unanimously (5-0).

Agenda items for the meeting included:

1. ZTA-12-01: Event Facilities Zoning Text Amendment
2. Wind Energy Facilities Zoning Text Amendment Discussion
3. Amendment of Draft Stormwater Management Ordinance
4. Joint Town Council/Planning Board Meeting Discussion

**ZTA-12-01: EVENT FACILITIES ZONING TEXT AMENDMENT**

Chairperson Williams introduced the application and called upon Wes Haskett to present the Staff Report (attached).

The applicant, Jim Douglas, spoke on behalf of the application and stated that the proposed location for the proposed Event Facility would be located in the former Meridian and La Piola restaurant space in the Southern Shores Crossing shopping center. He stated that it would be a great location for the proposed business and that the wedding market is large. There are plenty of parking spaces provided and hopefully the proposed use would bring life to the shopping center. Events would be held mostly on weekends for limited hours, not a 24/7 operation. An Event Facility would do well in Southern Shores by creating a shell for events, similar to Jennette's Pier, which is currently booked solid.

Chairperson Williams asked about the square footage of the space to be used in the shopping center. Mr. Douglas stated 4,300 square feet which has a Mediterranean design. The space would be redesigned if the application was approved.

Chairperson Williams asked how many people would be attending the events. Mr. Douglas stated that most weddings consist of 100 to 130 people. Some nonprofit events could be larger. There will not be a set arrangement for tables. The tables will be set-up so that they can be rearranged as needed. Mr. Douglas felt that a prime opportunity for businesses to conduct meetings or seminars was being missed.

Chairperson Williams asked about the proposed parking requirements. Mr. Douglas stated that he had discussed the requirements with Mr. Haskett. Mr. Haskett stated that about 30 parking spaces would be required based on the space's square footage and that the previous restaurants had a maximum occupancy of 120 persons. Mr. Douglas stated that he had discussed occupancy with Dare County and a higher occupancy could be permitted.

Chairperson Williams stated that there are 138 parking spaces provided for the shopping center. If an event was held and 30 to 40 spaces were occupied, there would be plenty of parking spaces left for the other businesses in the shopping center. Mr. Douglas stated that is why the space is ideal. Most events would be held in the evening, after 5:00 p.m. He hopes that this business will bring other associated businesses, such as a salon or a bakery, to the shopping center.

Bill Gleason asked if the Fire Marshal or Dare County would be in charge of occupancy. Mr. Douglas stated that the use would not be like a restaurant and the water/sewer use would be less than a restaurant.

Mike Florez asked if the proposed language would make the proposed use allowable. Wes Haskett stated yes, it would be a new permitted use with a new definition and parking requirements.

Bob Palombo motioned to recommend approval of the application to the Town Council as presented. Bill Gleason seconded the motion. The motion passed unanimously.

Mike Florez motioned that the application is consistent with the Town's currently adopted Land Use Plan. Bob Palombo seconded the motion. The motion passed unanimously.

Chairperson Williams called for a five minute recess at 7:12.

The Chairperson called the meeting back to order at 7:17.

### **APPROVAL OF MINUTES**

Mike Florez motioned to approve the minutes of the December 19, 2011 Planning Board Meeting. Bob Palombo seconded the motion. The motion passed unanimously.

### **PUBLIC COMMENT**

Gray Berryman, 37 Skyline Road, stated that he had submitted an application for the vacant alternate Planning Board position and was attending to see how the Southern Shores Planning Board meetings were conducted. Chairperson Williams welcomed Mr. Berryman and stated that the Town Council would be considering the appointment to the vacant position at the February 7, 2012 Town Council meeting.

### **WIND GENERATION FACILITY ZONING TEXT AMENDMENT DISCUSSION**

Chairperson Williams began the discussion by referring to the Wind Energy Facilities Ordinance requirement that all applications for Wind Generation Facilities (WGF) must include documentation signed and sealed by the manufacturer and a North Carolina registered engineer that the WGF can withstand sustained winds of at least 130 miles per hour. In the Millis application, multiple manufacturers were involved. Chairperson Williams stated that, since the current ordinance states that a single manufacturer is responsible for certifying that the entire

wind generation facility meet the wind load requirement and that in the Millis application there were multiple manufacturers involved, Chapter 36, Article VI, Section 36-176 (e) (1) (c) should be revised.

Chairperson Williams stated proposed language to address this issue was distributed prior to the meeting for Board consideration and asked for comments on the proposed language. Following discussion of the proposed language, Bob Palombo motioned to request Town Staff to draft a proposed Zoning Text Amendment to the Wind Energy Facilities Ordinance. The draft ZTA should reflect the revised language agreed to by the Board. Bill Gleason seconded the motion. The motion passed unanimously.

### **AMENDMENT OF DRAFT STORMWATER MANAGEMENT ORDINANCE**

Chairperson Williams began the discussion by stating that the Town Council, as well as Willo Kelly, had expressed concern about a paragraph in Section 36-478 (a) of the draft Stormwater Management Ordinance. The subject paragraph addresses prescriptive standards and performance standards. The current proposed language is backwards. Chairperson Williams stated proposed revised language was distributed prior to the meeting for Board consideration and asked for comments on the proposed language. Following discussion of the proposed language, Bob Palombo motioned to approve the amendment to the draft Stormwater Management Ordinance. Bill Gleason seconded the motion. The motion passed unanimously and the proposed revised language will be presented to the Town Council, on February 21, 2012, by Town Staff during their report on the draft ordinance.

### **JOINT TOWN COUNCIL/PLANNING BOARD MEETING DISCUSSION**

Chairperson Williams reported that the joint Town Council/Planning Board meeting would be held during the Town Council's annual retreat on February 14, 2012 and February 15, 2012. The Planning Board discussion is to focus on current and future Planning Board projects (a draft list of current and future projects is attached). Notice of the joint meeting will be given to Planning Board members as soon as the date and time are confirmed.

### **PUBLIC COMMENT**

None

### **PLANNING BOARD MEMBER COMMENTS**

Jay Russell stated years ago, the Town Council did not approve a list of projects for the Planning Board to pursue and the Planning Board would initiate projects as needed. One example is the Home Occupations Ordinance in which Planning Board members spent a lot of time working on it until the Town Council asked the Planning Board to stop because the Town Council did not ask the Planning Board to pursue it. Chairperson Williams responded by stating that now, prior to pursuing a project, a Statement of Work is to be developed by the Planning Board and approved by the Town Council.

Chairperson Williams reported that the Town Council approved ZTA-11-03 (proposed by TowneBank) at their last meeting.

### **ANNOUNCEMENTS**

Chairperson Williams noted that the next Planning Board meeting will be held February 21, 2012.

Wes Haskett asked that the Planning Board members please complete and submit a Dare County Comprehensive Transportation Plan survey.

### **ADJOURNMENT**

Bob Palombo motioned to adjourn. Bill Gleason seconded the motion. The motion passed unanimously and the meeting adjourned at 8:20 p.m.

### **STAFF REPORT**

**To:** Southern Shores Planning Board  
**Date:** January 10, 2012  
**Case:** ZTA-12-01  
**Prepared By:** Wes Haskett, Town Planner/Code Enforcement Officer

### **GENERAL INFORMATION**

**Applicant:** James Douglas  
Events One, LLC  
101 Shell Circle  
Kitty Hawk, NC 27949

**Requested Action:** Amendment of the Town Zoning Ordinance regarding the following Sections: 36-57, 36-163, and 36-207.

### **ANALYSIS**

The applicant is requesting to amend Section 36-57, Definition of specific words and terms; Section 36-163, Off-street parking requirements; and 36-207, C general commercial zoning district in order to allow Event Facilities within the C general commercial zoning district as a permitted use (permitted use by right). The proposed amendment provides a definition of Event Facilities as a venue for events including, but not limited to, weddings, rehearsal dinners, corporate meetings, retreats, community uses, and private parties. The proposed amendment also includes language which requires one parking space per 150 square feet of floor area and that a septic permit must be obtained from the county health department to accommodate the maximum number of attendees permitted.

### **RECOMMENDATION**

The proposed amendments are consistent with the currently adopted Land Use Plan and Town Staff recommends approval of the proposed amendments.

Exhibit D

## Town Staff Recommended Alternative

### Sec. 36-57. Definition of specific terms and words.

*Establishment* means that portion of a building owned or held through tenancy used for the purpose specified.

*Event facility* means an establishment for weddings, rehearsal dinners, corporate meetings, retreats, community uses, and private parties. Food and beverage service for purchase by individual patrons from the establishment owner, whether seated or non-seated, shall constitute a restaurant as defined in Section 36-57 which shall require a conditional use permit.

*Family* means one or more persons occupying a single-family dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain more than five persons.

### Sec. 36-163. Off-street parking requirements.

At the time of erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking space shall be provided according to the amounts and specifications provided by this section.

#### (1) *General provisions.*

- a. Each parking space, for other than single-family residential homes, shall have a minimum length of 18 feet and a minimum width of ten feet. Drive aisle width shall be a minimum of 22 feet. It shall have vehicular access to a publicly dedicated or town approved private street and be located outside of any dedicated right-of-way.
- b. When a parking space abuts an open space, the two feet at the end of the parking space shall be left unpaved to allow for drainage, in which case a bumper or wheel stop shall be installed.
- c. Sufficient maneuvering space shall be provided so that no vehicle will be required to back into the public right-of-way. Such space shall be a minimum dimension of ten feet by ten feet and contiguous with the driveway if a required parking space is located in the driveway.
- d. No parking spaces for residential use, except for single-family and two-family use, shall be located in the required front yard.
- e. Required parking spaces and driveways for other than single-family and two-family uses shall be graded, improved with concrete or I-2 asphalt and maintained in a manner which will provide a surface permitting safe and

convenient use in all weather conditions.

- f. Required off-street parking spaces are permanent areas and shall not be used for any other ground purpose.
- g. All space requirements which are based upon employment shall be computed on the basis of the greatest number of persons on duty at any one period during time of peak use. In instances where calculations indicate a portion of one space is required, an additional full space shall be provided.
- h. Each application for a zoning permit submitted to the zoning administrator shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the zoning administrator to determine whether or not the requirements of this section are met. All required parking and drive areas shall be shown on the site plan application.
- i. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.
- j. Any off-street parking space required by a use permitted in any residential district shall be provided on the same lot with the use by which it is required. Off-street parking space in conjunction with commercial uses in other districts shall not be permitted in a residential district.
- k. Where off-street parking is provided between the building line and the street right-of-way line for any business use, a buffer strip of at least five feet in width shall be provided adjacent to such street right-of-way line. Curb cuts through such buffer strips shall be separated by a minimum of 50 feet unless otherwise approved by the town council.
- l. All parking spaces which abut open space or buffer space shall have a fixed wheel stop of concrete, plastic or chemically-treated wood six inches in height. Allowances shall be made for two feet of overhang within the parking space so that no part of any car can be located within the required yard.
- m. Where a driveway meets the paved street in the town right-of-way there may be not more than two flares or aprons constructed. The sum of the two flares shall not exceed the width of the driveway by more than five feet. The sum of all construction in the town right-of-way on one platted lot cannot exceed 20 feet.

- (2) *Requirements for parking lots.* Where parking space for five or more cars is permitted or required (other than single-family detached dwellings and townhouses), the following provisions shall be complied with:
- a. *Curb bumpers.* The required front and side yards shall be set off from the parking area by a fixed curb approved by the zoning administrator, not less than six inches or more than two feet high.
  - b. *Drainage.* Parking lots shall not drain onto or across public sidewalks, roadways or into adjacent property except where a drainage easement has been provided or obtained.
  - c. *Entrances.* On all corner lots, no vehicular openings shall be located at closer than 15 feet from the point of intersection of the established street right-of-way lines. No entrance or exit, whether on a corner lot or not, shall exceed 30 feet in width at the property line, or 40 feet at the curblines. There shall be a minimum distance between one-way driveways of 50 feet measured along the curblines.
  - d. *Internal circulation.* The internal circulation plan of parking lots shall be approved by the town council.
  - e. *Lighting.* Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.
  - f. *Markings.* Each parking space shall be marked off and maintained so as to be distinguishable.
  - g. *Off-street loading.*

1. One or more loading spaces shall be provided for standing, loading and unloading operations, either inside or outside a building and on the same premises with every building or structure erected after the enactment of this article, and shall be in accordance with the requirements of the following table. A loading berth shall have minimum plan dimensions of 12 feet by 60 feet and a 14 foot overhead clearance. A loading space need not be necessarily a full berth but shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served thereby. The town engineer shall determine the sufficiency of loading space but in no case shall the use of such space hinder the free movement of vehicles and pedestrians over a street, sidewalk, parking lot or alley.

Use Classification	Space Requirements
Retail operations, and all first floor non-residential uses, with a gross floor area of less than 20,000 square feet.	A loading space (not necessarily a full berth) as defined in this section.

Retail operations, including restaurant and office buildings with a gross floor area of 20,000 square feet or more.	One loading berth for every 20,000 square feet, or fraction thereof, of floor area.
Office building with a gross floor area of 100,000 square feet or more.	One loading berth for every 100,000 square feet of floor area.

2. Loading spaces shall be located at least 50 feet from any street right-of-way and shall be paved with asphalt, concrete, or porous paving as approved by the town engineer or an open-face paving block over sand and filter-cloth base, provided the open-face paving block is equivalent to turfstone with regards to compressive strength, density, absorption and durability.
- h. *Planting.* Buffer strips (subsection (1)k of this section) and not less than 15 percent of any parking lot land area shall be planted with trees or shrubs. The buffer shall be comprised of planting material placed ten feet on center and having minimum height of five feet when planted and expected to reach a height of eight feet within three years. Suitable plant types shall be those recommended for the coastal area by the U.S. Department of Agriculture. The vegetation plan shall be approved by the town council.
  - i. *Solid waste and recycling container requirements.* Sufficient space shall be provided on the premises for the location of a solid waste container. Such solid waste container location may be in a required parking lot provided, however, that such location does not occupy a required parking space or maneuvering space and further provided that such solid waste container location shall provide convenient and safe access to the servicing vehicle.
  - j. *Surfacing.* All parking lots shall be provided and maintained with concrete or I-2 asphalt surface and paved drainage facilities adequate to provide safe and convenient access in all weather conditions.
  - k. *Yards.* No parking lot shall be located closer than five feet to a public right-of-way. The area between the parking lot and the street right-of-way shall be planted in accordance with subsection (2)h of this section and maintained with lawn or other appropriate planting, or shall be improved otherwise as approved in site plan review.
- (3) *Minimum parking requirements.* The number of off-street parking spaces required by this section shall be provided on the same lot with the principal use and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. Where a fraction of a space is required by this article, the next whole number shall be provided. In addition, a developer

shall evaluate his own needs to determine if they are greater than the minimum specified by this article.

a. *Residential and related uses.*

1. Single-family detached dwelling units and townhouses: three parking spaces for each dwelling unit with up to four bedrooms (including all areas used for sleeping), and one additional space for each two bedrooms (including areas useable for sleeping), or fraction thereof, in excess of four.
  - (i) Bedrooms and/or areas useable for sleeping shall be defined and determined by the county health department in establishing residence occupancy limits for wastewater/septic system.
  - (ii) An eight-foot-wide drive aisle shall be provided, which must be separate from any parking spaces, such that no vehicle will be required to back into the public right-of-way. The following exception shall apply: one required parking space may be located behind each parking space in an under house parking area or enclosed garage, or lined up outside in such a manner that it is located in the drive aisle.
  - (iii) Each parking space shall have a minimum length of 18 feet and a minimum width of eight feet.
2. Multifamily residence group housing projects and condominiums: 2 1/2 parking spaces on the same lot for each unit.
3. Hotel, motel: 1 1/2 parking spaces for each room to be rented plus one additional parking space for each employee.
4. Dwelling, large home: one parking space for each bedroom. Bedrooms and/or areas useable for sleeping shall be defined and determined by the county health department in establishing residence occupancy limits for wastewater/septic system. A ten-foot-wide drive aisle shall be provided, which must be separate from any parking spaces, such that no vehicle will be required to back into the public right-of-way. Each parking space shall have a minimum length of 18 feet and minimum width of ten feet. The drive aisle and one-half of the required parking spaces shall have an improved surface of concrete or asphalt. Other required and additional spaces may be either gravel, perforated paving blocks, or polymer open-cell soil stabilization systems. Such porous parking areas shall be excluded from lot coverage calculations.

b. *Public and semipublic uses.*

1. Churches: one parking space for each three seats in the sanctuary.
2. Clinic (medical and dental): five parking spaces for each doctor assigned plus one parking space for each employee, but not less than ten spaces total.
3. Elementary school: one parking space for each classroom and administrative office.
4. Event facilities: one space for each 150 square feet of floor area
45. Nursing home: one parking space for each five beds intended for patient use, and one space for each three employees.
56. Public or private clubs: one parking space for each 200 square feet of gross floor space.
67. Telephone switching stations or electric substations: one parking space for each employee.

c. *Retail and office uses.*

1. Animal hospitals: five spaces per veterinarian, plus one space for each employee, but not less than 16 spaces.
2. Funeral home: one parking space for each four seats in the chapel or parlor.
3. Garden center/nursery: one space for every 500 square feet of outdoor retail display area.
4. General or professional offices, banks (doctors and dentists, see clinic requirements): one parking space for each 200 square feet of gross floor space, plus one space for each two employees.
5. Grocery or appliance stores: one parking space for each 500 square feet of gross floor area.
6. Municipal building: one parking space for each 200 square feet of net office area, plus one space for each two seats in municipal council chambers.
7. Municipal complex: one parking space for each 200 square feet of gross floor space.
8. Restaurant: one parking space for each three customer seats, plus

one additional parking space for each employee.

9. Retail uses not otherwise listed: one parking space for each 200 square feet of floor area.
  10. Theaters: one parking space for each three seats.
  11. Nonprofit entities: a minimum of three parking spaces shall be provided.
- d. *Off-street parking and/or storage of certain vehicles prohibited.*
1. Trucks, trailers, semitrailers, (self-propelled or detached) and prefabricated cargo shipping containers or similar containers shall not be used as a storage or other type of accessory structure in any zoning district.
  2. Nothing in this section shall apply to any vehicle stored in compliance with applicable town codes. This regulation shall not be interpreted to prohibit the timely unloading and loading of commercial trailers in any district.

(Code 1988, § 11-6.01; Ord. No. 2006-09-02, art. V, 11-28-2006; Ord. No. 2007-07-01, art. IV, 8-7-2007; Ord. No. 2007-09-02, art. III, 9-4-2007; Ord. No. 2011-01-01, art. VIII, pts. III, IV, 1-4-2011)

**Sec. 36-207. 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:
  - a. Business.
  - b. Financial.
  - c. Governmental.
  - d. Medical and professional.
- (2) Retail stores, including such uses as:
  - a. Antiques.
  - b. Books.
  - c. Cameras.

- d. Candy.
- e. Clothing.
- f. Craft goods.
- g. Delicatessens.
- h. Drugs.
- i. Flowers.
- j. Food stores.
- k. Gifts.
- l. Hardware.
- m. Health and beauty aids.
- n. Hobby goods.
- o. Household appliances.
- p. Jewelry.
- q. Leather goods.
- r. Magazines.
- s. Medical supplies.
- t. Music and musical instruments.
- u. Office supplies.
- v. Sporting goods.
- w. Tobacco products.
- x. Toys.
- y. Video rentals.
- z. Wines.

- (3) Service establishments, including such uses as:
  - a. Barbershops and beauty shops.
  - b. Business service--copying, photocopying and computer services.
  - c. Churches.
  - d. Dry cleaning and laundry pickup stations.
  - e. Funeral homes.
  - f. Indoor motion picture theaters.
  - g. Pharmacy.
  - h. Radio and television broadcasting studios (excluding transmitter sites).
  - i. Shoe repair.
- (4) Single-family dwellings, two-family (duplexes) dwellings, multifamily dwellings, large home dwellings, and accessory buildings, according to the dimensional requirements of RS-8 multifamily residential district. Large home dwellings shall be exempt from section 36-203(d)(8) requirements. For multifamily dwellings, the lot coverage shall not exceed 40 percent.
- (5) Town-owned or leased facilities.
- (6) Planned unit developments in accordance with article IX of this chapter.
- (7) Parking lots and sewage treatment drainfields, 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 drainfields are necessary or incidental.
- (8) Collocated wireless facilities permitted to use streamlined processing in compliance with section 36-175(b).
- (9) Estuarine bulkheads must be permitted by all applicable local, state and federal agencies having jurisdiction.
- (10) Dwelling, large homes.
- (11) Event facilities
  - a. Customer parking requirements for Event Facilities shall be one space for each 150 square feet of floor area;

- b. A septic permit must be obtained from the county health department to accommodate the maximum number of attendees permitted.
- c. Food preparation shall meet all local and State requirements.
- d. All events in which alcohol is to be served shall not be held until an approved State ABC permit has been issued.
- e. All events shall be in compliance with all Town Code requirements, including the Town Noise Ordinance.

(c) *Conditional uses.* The following uses shall be permitted as a conditional use, subject to the requirements of this district; shall be subject to conditions and modifications relating to impacts on adjacent properties, transportation and transportation systems, transportation interconnectivity, stormwater, utilities and telecommunications facilities (including capacity), vegetation and other elements of the natural environment, noise, hours of operation, and other factors that the town council finds applicable; and additional regulations and requirements imposed by the town council, as provided in article X of this chapter:

- (1) Restaurants.
- (2) Veterinary clinic, provided that all boarding runs and kennels are in an enclosed, heated, and air conditioned building.
- (3) Child day care center, subject to other requirements of this chapter and provided the following conditions are met:
  - a. The facility shall adhere to the minimum requirements of and be licensed by the state department of human resources.
  - b. Pickup and dropoff areas shall be provided separate from the drive aisle. The pickup and dropoff areas shall be designed so that no child is required to cross the parking lot or any other traffic areas.
- (4) Sewage system effluent disposal subsurface drainfields and repair areas, under the following conditions:
  - a. The lot shall be in existence and recorded at the time of adoption of this provision;
  - b. The drainfield shall not exceed a total area of 14,400 square feet;
  - c. There shall be no sewage treatment facilities other than the disposal drainfields;
  - d. There shall be no aboveground appurtenances;
  - e. A buffer strip shall be planted between the drainfield and/or repair area

and any adjacent right-of-way, in accordance with the technical requirements of section 36-163(2)h (parking lot planting), and maintained;

- f. Maintenance and operation of the drainfields, in compliance with state, county and town laws, rules and regulations, shall be a continuing condition of approval; failure to do so shall result in revocation of approval of the development by the town, and the owner and/or operator of the drainfield shall cease all use of the drainfield until such use is authorized by the town.
- (5) Group development of town-owned or leased facilities.
  - (6) Group development of commercial buildings, provided:
    - a. Minimum size of any building shall be 2,500 square feet.
    - b. All buildings are to be connected by a breezeway or covered walkway.
  - (7) Garden center/nursery, provided:
    - a. A ten-foot high solid fence must surround all storage areas for business vehicles, equipment and bulk storage.
    - b. All principal and accessory structures must conform to the building code (e.g., greenhouses) with no agricultural exceptions.
    - c. Outdoor plant displays (retail/nursery areas) access walks shall comply with site accessibility requirements of the building code (e.g., wheelchairs and motorized carts).
    - d. Required parking spaces and drive aisles shall be asphalt or concrete. Business vehicle and equipment parking and drive area shall be gravel/crush and run.
    - e. Customer parking requirements for outdoor retail display areas shall be one space for every 500 square feet of retail space.
  - (8) Wireless telecommunications sites in compliance with section 36-175.
  - (9) Wind generation facility in compliance with the requirements of section 36-176.
  - (d) *Dimensional requirements.*
  - (1) Minimum lot size: Commercial lots shall be of sufficient size to meet requirements of the Dare County Health Department, to provide adequate siting for structures, and to provide parking, loading and maneuvering space for vehicles as required by section 36-163. In addition, a visual buffer strip is required where a commercial use or zone abuts a residential zone.

- (2) Minimum front yard: 25 feet.
- (3) Minimum side yard: ten feet. No side yard required if commercial building constructed with a common wall. An additional five-foot-yard adjacent to the street is required for a corner lot.
- (4) Minimum rear yard: 20 feet.
- (5) Maximum allowable lot coverage by principal use and all accessory structures: 60 percent.
- (6) Height:

Height, Top Plate	26 feet
Height, Maximum	35 feet

- (7) No building or other facility (such as parking areas, incinerators, trash collection areas, etc.) shall be located nearer than 50 feet to boundaries of residential districts.
- (8) Where a commercial use or zone abuts a residential zone, a buffer of dense vegetative planting or natural vegetation is required. The buffer area shall have a minimum width of 20 feet with two rows of planting material placed ten feet on center that are a minimum of five feet in height when installed that expect to achieve a height of eight feet within three years. Suitable plant types shall be those recommended for the coastal area by the U.S. Department of Agriculture which can be expected to reach a mature growth of eight to ten feet. Vegetation plan to be approved by the town council.
- (9) All uses and improvements for commercial facility(ies) including, but not limited to parking areas, vehicular access ways, active and repair septic areas and required open spaces shall be contained entirely within the general commercial zoning district, except as provided in section 36-26, Rules governing the interpretation of district boundaries.

(Code 1988, § 11-7.10; Ord. No. 01-10-016, pt. II, 10-2-2001; Ord. No. 01-11-018, pt. I, 11-5-2001; Ord. No. 05-04-03, art. IV, 5-3-2005; Ord. No. 07-01-01, art. III, 2-6-2007; Ord. No. 2009-08-01, pts. IV, V, 1-5-2010; Ord. No. 2011-04-01, art. III, pt. VIII, 4-5-2011)