



**Town of Southern Shores  
Council Meeting  
January 5, 2016**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, January 5, 2016.

**COUNCIL PRESENT:** Mayor Bennett, Mayor Pro Tem Fred Newberry, Council Members Leo Holland, Chris Nason, and Gary McDonald.

**COUNCIL ABSENT:** None

**OTHERS PRESENT:** Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Sheila Kane.

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

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

**AMENDMENTS / APPROVAL OF AGENDA**

**MOTION:** Council Member Nason moved to approve the agenda with an amendment to agenda item six (6) General Public Comment. He requested this item be moved forward in the agenda to be heard after item 3(a) Board reports. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

**CONSENT AGENDA**

The consent agenda consisted of the following items:

- Approval of Minutes- December 1, 2015

**MOTION:** Council Member Holland moved to approve the consent agenda. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0).

**STAFF REPORTS**

Town Planner:

The Town Planner, Wes Haskett presented the Planning Department's monthly report containing the following:

- Permitting and Inspections December 2015

Southern Shores Police Department

Chief Kole presented the Police Department's monthly report for December.

Southern Shores Volunteer Fire Department: Fire Chief, Ed Limbacher presented the Fire Department's monthly report for December.

[Clerk's Note: A copy of staff reports are hereby attached as Exhibit A].

## **BOARD REPORTS**

### Planning Board

Planning Board Chairman Williams reported on three (3) zoning text amendments which were submitted by Aston Properties owners of the Marketplace. The Planning Board recommended approval of all three (3) zoning text amendments. The Planning Board found the zoning text amendments to be consistent with the Town's currently adopted Land Use Plan.

ZTA-15-03: the applicant proposed a Zoning Text Amendment (ZTA) to amend Section 36-57 and Section 36-207 to allow drive-through facilities in the C, General Commercial zoning district. The proposed ZTA defines a drive-through facility or establishment as a customer service facility located in the principal structure, which is intended to enable the customer to transact business with a customer service person located within the principal structure without exiting the motor vehicle. The proposed ZTA would allow pharmacies, restaurants, or fast casual restaurants to have drive-through facilities or establishments. Restaurants or fast casual restaurants with a drive-through facility would not be able to exceed 2,500 square feet, the location of the drive-through facility would be a minimum of 100 feet from any residentially zoned property, and would allow for stacking of a minimum of six cars. Currently, banks are allowed to provide indoor and outdoor teller windows. The Planning Board recommended one change that dealt with parcel size in which the applicant was agreeable. The Planning Board recommended approval of ZTA-15-03 as amended.

ZTA-15-04: the applicant proposed a Zoning Text Amendment (ZTA) to amend Section 36-57 and Section 36-207 to amend the group development requirements in the C, General Commercial zoning district. The proposed ZTA would allow for buildings within a group development more than 35 feet away from another building to be detached and all buildings within 35 feet of another building within the development are to be connected by a breezeway or covered walkway. The proposed ZTA would also remove the lot size restriction of less than 10 acres for group developments which would bring the Marketplace into compliance given the current lot size of approximately 18 acres. The Planning Board recommended approval of ZTA-15-04 as applied.

ZTA-15-05: the applicant proposed a Zoning Text Amendment (ZTA) to amend Section 36-207 to amend the current requirements for lot coverage in the C, General Commercial zoning district. The proposed ZTA would allow for exceptions for commercial lots that use permeable pavement as defined by the NCDENR Stormwater BMP Manual which would be granted the Built Upon Area (BUA) Credit as specified in the manual. Commercial lots that incorporate the use of permeable pavement would be allowed a maximum lot coverage by principal use and all accessory structures of no greater than 70 percent. The Planning Board recommended approval of ZTA-15-05 as applied.

Council Member Holland asked the Planning Board Chairman where the entrance to the drive through (ZTA-15-03) would be. Planning Board Chairman Williams stated it would be out next to the banks and the highway.

Council Member Newberry said he has heard from many citizens that this would be inconsistent with the Land Use Plan and asked the Planning Board Chairman if there has been any traffic studies that would show an impact. Planning Board Chairman Williams stated that in fact the staff report says it is inconsistent but the Planning Board had lengthy discussions on this matter and they found it to be consistent with the land use plan since it is placed on the edge of Town next to the highway. He also stated that he does not know what work has been done to study the traffic impact but that discussion did come up with the

Planning Board and although he has not seen the site plan he has been told it is next to the highway but not located directly into the business which should not impact the traffic.

Council Member Newberry asked the Planning Board Chairman why they have not seen a site plan and Planning Board Chairperson Williams stated the procedure is to request a zoning text amendment before any site plan is created.

Council Member McDonald asked the Planning Board Chairman about a buffer. The Planning Board Chairman stated that a buffer has been in existence. The drive through will be at least a 100 feet from any residential area.

### **GENERAL PUBLIC COMMENT**

Mayor Bennett called on public comment and the following citizen's offered comment with topic(s) as indicated:

- Lee Whitley, Southern Shores property owner – limit size of residences
- Andrew Darling, Southern Shores property owner - Survey
- Lynda Burek, Southern Shores property owner – Town ordinance activities
- Jim Connors, Southern Shores property owner
- Ann Sjoerdsma, Southern Shores property owner – Town Code Project
- Debbie Newberry, Southern Shores property owner – Town Code Project
- Joe Van Gieson, Southern Shores property owner – Code Rewrite
- Ursula Bateman, Southern Shores property owner – Code and Survey
- Geri Sullivan, Southern Shores property owner – Road Conditions
- Norm St. Laurent, Southern Shores property owner
- Tommy Karole, Southern Shores property owner - Code
- Liliias Morrison, Southern Shores property owner - Code
- Andy Ward, Southern Shores property owner
- Wendy Murray, Southern Shores property owner - Events
- Laura Carver, Southern Shores property owner - Events

[Clerk's Note: A copy of the public comment signup sheet is hereby attached as Exhibit B].

### **OLD BUSINESS**

#### Review of Previously Considered Draft Special Event & Occupancy Limitation Ordinance

Mayor Bennett stated this ordinance was discussed at the previous meeting and that Council had tabled the discussion on it. With the recent discussions of events and large homes, Mayor Bennett asked the Council if it should clarify whether this is an avenue they would like to still take up with the other three proposed ordinances.

Council Member Holland stated the draft events ordinance is well intended but is complicated and confusing and if it is confusing to Council it will be confusing to administer it.

Council Member McDonald questioned the enforceability of the ordinance.

Council Member Newberry felt the ordinance is bad the way it is written.

No further discussion or proposed action.

### **NEW BUSINESS**

#### Town Involvement in Events Conducted on Town Controlled Property

Council Member McDonald stated he would like to know the process that businesses go through when they would like to hold an event in the Town of Southern Shores.

The Town Manager stated companies and non-profit organizations seeking to produce events make a request to Town Staff. The Town Manager explained that in this particular event or any of the events the production company or non-profit comes to Town Hall and meets with the Town Manager and the Police Chief to describe the particular details of the proposed event. The Town then impose conditions on the event as necessary. The Town requires liability insurance certificates for larger events. Runcations, a run event production company that produced the last run in Town on December 19<sup>th</sup> in conjunction with the Outer Banks Visitors Bureau, which provided promotional funding as a means of promoting the event to off-season tourists. The Town of Southern Shores provided no funding or in-kind services for this event. This annual Christmas event, consisting of 5K and 10k runs through Southern Shores, started three years ago at the invitation and urging of the Outer Banks Visitor Bureau, as Southern Shores was the only Town without a Christmas event. 139 runners and 12 children participated in the 2015 Christmas run which is open to the public.

The Town Manager stated Runcations is not a Section 501 (c) (3) tax exempt organization but it does produce public events on the Outer Banks and donates from the events' net proceeds to charitable organizations. Runcations has donated over \$10,500 this past year alone to charitable organizations, several of which benefit our Southern Shores residents. The Town Manager also stated since the Town does not appropriate or receive any money from these events, the Town does not audit or inspect the books of any non-profit organization or public event production company holding public events in Town.

The Town Manager stated there is no forms, no applications and public events have been encouraged. The Town of Southern Shores has been a venue during the past five (5) years for approximately 6-7 events a year. The Town has never turned down a request for a public event as all companies or non-profits have been well-known to the Town. The Town in some instances has been described as a 'sponsor' of a public event as a courtesy to the Town for being the venue of the public event.

The Town Attorney addressed Council Member McDonald's concern about liability by stating that since it is someone else's event and the Town is not managing it, the Town's risk is limited. Having an insurance certificate with the Town named helps to cover any risk there might be.

In response to Council Member Newberry's concern that the Town is providing a service without a charge, the Town Manager stated there were no extra costs to the Town for allowing the December 19<sup>th</sup> event to occur in Town. The police officers on duty monitored the running event just like they would any other event, including school traffic, private funeral, or increased traffic. There were no costs to the Town of Southern Shores, and the charities which were awarded the donation directly benefited some citizens of Southern Shores.

The Mayor, Council Member Holland and Council Member Nason all felt the December 19 Christmas running event produced a great sense of community. The Mayor stated the events have a positive public reaction, are great public relations for the Town and are a great image builder for Southern Shores.

No further discussion or proposed action.

#### Town Code Update Project

Council Member Newberry stated he has a concern with the Town Code Re-Write Project as it seems to be more than the initial intent. He stated he has read the contract and feels the public has been misinformed and the Town Code re-write is more planning than administrative

tasks. He stated the survey has some citizens upset and it should be pulled. He stated he has two options:

1. Modify the current contract to limit the project strictly to the scope of rewriting the Town Code - with only administrative changes and changes to bring the Code up to date.
2. Terminate the contract and negotiate a new contract with a new project scope.

Council Member Holland stated he would like to see the product that the consultant presents before making a decision. Council can then vote to accept or deny the product. He also stated the survey was only a component of the project.

Council Member Nason stated the Town needs a Code rewrite. Some of the Code is inconsistent with state law and the Town was unable to keep up with all state law changes leaving the Town behind. He stated he would be open to the idea of clarifying the scope of work. He stated he believes CodeWright is a good consultant that has worked in the area and with citizens, and that we need to work as a community with them to better do a job for the Southern Shores community. He stated the need for a better outreach.

Council Member McDonald agreed with Council Member Nason with the outreach but he stated Council should have not have allowed the Town's Code to fall behind in legal. He stated the Town does need a Code update and the community has to trust Council to do what is right for the Town.

Council Member McDonald further stated Council Member Newberry should be added to the Town Code Technical Advisory Group, and that Council should review who is on the committee currently. The Mayor explained after speaking with the consultant that it is recommended only one Council Member should be placed in the advisory group so as to make sure the group members at ease to speak freely. The Mayor reported that the consultant's opinion is that when more than one Council Member is present in the technical group they tend to dominate the group's direction.

The Town Manager then introduced the consultant, Chad Meadows from CodeWright, and stated he was there to answer any of Council's questions. Mr. Meadows state he was the founder and principal of CodeWright. He has twenty one (21) years as an urban planner, six (6) in local government and fifteen (15) in the private sector. He stated he has drafted seventeen (17) development Codes in communities across the country of which five (5) were in North Carolina. In answer to Council Member Holland's question about number of responses received for the current ongoing survey, as of today six hundred ninety two (692) responses have been received.

Mr. Meadows stated the project's scope of work has not been exceeded as no information or proposals have yet to be presented to the Council, and information is still being gathered. He stated the time will come when CodeWright expects to make recommendations for full vetting by the Council, advisory groups, and the public. He also stated it has always been the intention to focus on the comment boxes in the survey and not the statistics of the survey.

The Mayor suggested forming an oversight committee consisting of Council Member Nason and Newberry and citizens selected by each Council Member which would review the product.

Council Member Nason stated he agreed with the idea of a oversight committee, and stated we need to allow the contractor and staff to develop the product so Council can then review it and make its decisions.

No further discussion or proposed action.

Format for February 16 Strategic Planning Retreat

The Mayor stated the Council's annual Strategic Planning Retreat is scheduled for February 16<sup>th</sup> at 9:00 am. He requested Council to start thinking about the topics they want to discuss and whether they wanted a Meeting Facilitator.

## **Public Hearings**

### ZTA-15-03 Drive Through Facilities

The Town Attorney stated this would be a legislative hearing and opened the public hearing. He called upon the Town Planner Wes Haskett to provide a staff report.

Mr. Haskett provided the staff report (attached). He stated the applicant is proposing a Zoning Text Amendment (ZTA) to amend Section 36-57 and Section 36-207 to allow drive-through facilities in the C, General Commercial zoning district. The proposed ZTA defines a drive-through facility or establishment as a customer service facility located in the principal structure, which is intended to enable the customer to transact business with a customer service person located within the principal structure without exiting the motor vehicle. The proposed ZTA would allow pharmacies, restaurants, or fast casual restaurants to have drive-through facilities or establishments. Restaurants or fast casual restaurants with a drive-through facility would not be able to exceed 2,500 square feet, the location of the drive-through facility would be a minimum of 100 feet from any residentially zoned property, and would allow for stacking of a minimum of six cars. Currently, banks are allowed to provide indoor and outdoor teller windows. Town Staff has determined that the proposed amendment is inconsistent with the Town's currently adopted Land Use Plan

The representative for the applicant, Aston Properties, stated it purchased the Marketplace in Southern Shores a year ago. Aston Properties submitted the zoning text amendment application in order to update the look and make the changes necessary to keep the current tenants. They stated CVS Pharmacy and Starbucks are actively looking for another location if the changes could not be accommodated.

The Town Attorney opened the public hearing and asked for public comment; the following offered comment:

Robin Morgan, Southern Shores Property owner.

Prior to the Town Attorney closing the public hearing, Council Members also made their own statements:

Council Member Newberry stated he had mixed feelings about the changes and did not want to change the ambiance of the Town. He stated we might be setting a precedence.

Council Member Holland stated he had mixed feelings but felt keeping the CVS and Starbucks here for the community was a convenience and asset for our citizens. He also asked rhetorically what type of message are we sending to the rest of the tenants if we are not somewhat cooperative.

Council Member McDonald stated it seems inconsistent with our land use plan and we are low density and want to keep that way.

Council Member Nason stated he did not see the proposed drive-through any different than the current banks' drive-throughs, and the way the shops and traffic are now it would be an improvement.

Mayor Bennett stated we have an owner trying to make improvements and he commends them for their effort and believes the Town should support the improvements.

The Town Attorney closed the public hearing.

**MOTION:** After discussions Mayor Bennett moved to approve ZTA-15-03 Drive-Through Facilities, as presented. The motion was seconded by Council Member Holland.

**MOTION:** Council Member McDonald moved to amend the original motion and table it. The motion was seconded by Council Member Newberry. The motion to amend the Mayor's original motion failed 2-3, Council Member McDonald and Council Member Newberry voting AYE; and Mayor Bennett, Council Member Holland, and Council Member Nason voting NO.

**MOTION:** Mayor Bennett's original motion then passed 3-2, Mayor Bennett, Council Member Nason, and Council Member voting AYE; with Council Member Newberry and Council Member McDonald voting NO.

The Town Attorney noted that a 3/4 majority vote is required for adoption of first time ordinances. The Mayor then scheduled the second reading of this ordinance for the upcoming Special Meeting later in January.

#### ZTA-15-04 Group Developments

The Town Attorney called upon the Town Planner Wes Haskett to provide a staff report.

Mr. Haskett provided the staff report (attached). He stated the applicant is proposing a Zoning Text Amendment (ZTA) to amend Section 36-57 and Section 36-207 to amend the group development requirements in the C, General Commercial zoning district. The proposed ZTA would allow for buildings within a group development more than 35 feet away from another building to be detached and all buildings within 35 feet of another building within the development are to be connected by a breezeway or covered walkway. The proposed ZTA would also remove the lot size restriction of less than 10 acres for group developments which would bring the Marketplace into compliance given the current lot size of approximately 18 acres. Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan.

The applicant's representative Karen Partee for Aston Properties stated the reason for asking for the language to be removed is once they started working through the ordinance the language for group developments which was meant to include the Marketplace actually made it non-compliant and that it restricted it to developments that were ten (10) acres or less. The Marketplace is just over eighteen (18) acres.

Karen Partee from Aston Properties also stated the reason for the non-connected buildings was to give it a more updated architectural style with all four sides visible. This creates a nice sense of place in various pockets of the development rather than the straight connected battleship look.

The Town Attorney opened the public hearing and asked for public comment; the following offered comment:

Robin Morgan, Southern Shores property owner  
Ann Sjoerdsma, Southern Shores property owner  
Paul Borzellino, Southern Shores property owner  
Ursula Bateman, Southern Shores property owner  
Lilias Morrison, Southern Shores property owner

Karen Kranda, Southern Shores property owner  
David Sanders, Southern Shores property owner  
Debbie Newberry, Southern Shores property owner

The Town Attorney closed the public hearing.

**MOTION:** After discussion, Council Member Holland moved to approve ZTA-15-04 Group developments as presented. The motion was seconded by Council Member Nason. The motion passed 3-2; the Mayor, Council Member Holland, and Council Member Nason voting AYE; Council Member Newberry and Council Member McDonald voting NO.

The Town Attorney again noted that a 3/4 majority vote is required for adoption of first time ordinances. The ordinance was scheduled to return for a second reading at the upcoming January Special Meeting.

#### ZTA-15-05 Pervious Pavement & Lot

The Town Attorney called upon the Town Planner Wes Haskett to provide a staff report.

Mr. Haskett provided the staff report (attached). He stated the applicant is proposing a Zoning Text Amendment (ZTA) to amend Section 36-207 to amend the current requirements for lot coverage in the C, General Commercial zoning district. The proposed ZTA would allow for exceptions for commercial lots that use permeable pavement as defined by the NCDENR Stormwater BMP Manual which would be granted the Built Upon Area (BUA) Credit as specified in the manual. Commercial lots that incorporate the use of permeable pavement would be allowed a maximum lot coverage by principal use and all accessory structures of no greater than 70 percent. Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan.

The applicant Aston Properties representative Karen Parte stated when you take the entire acreage of the marketplace versus the pervious areas you get 67% coverage. The overage in coverage puts them in violation and is why they have requested the increase to 70%.

Council Member Newberry questioned Aston Properties why not convert more area to pervious material to get it back into compliance with the 60%.

Karen Partee explained the amount of money and area that would need to be replaced with pervious material would be extensive and the cost would have to be placed on the tenants. The shopping center is struggling as it is and the extra cost will be too much for the current tenants and they will lose them.

Following further discussion amongst Council Members, the Town Attorney opened the public hearing and asked for public comment; the following offered comment:

Jennifer Frost, Southern shores property owner  
Robin Morgan, Southern Shores property owner  
Debbie Newberry, Southern Shores property owner  
Robert Hawk, Southern Shores property owner  
Joe Van Gieson, Southern Shores property owner  
Tommy Karole, Southern Shores property owner  
David Sanders, Southern Shores property owner

After hearing the comments from the citizens, Karen Partee of Aston Properties commented that with the CVS redevelopment and the out parcel redevelopment, Ashton will have to meet storm water regulations as related to water quality and water retention. That requirement is

something that the Town does not have at the property today but would be an improvement to the site.

The Town Attorney called on one other citizen for public comment:  
Debbie Newberry, Southern Shores property owner

The Town Attorney closed the public hearing.

**MOTION:** Council Member McDonald moved to deny proposed ZTA-15-05 Pervious Pavement and Lot Coverage. The motion was seconded by Council Member Newberry. The motion failed 2-3; Council member McDonald and Council Member Newberry voting AYE; Mayor Bennett, Council Member Nason and Council Member Holland voting NO.

**MOTION:** Council Member Nason moved to approve ZTA-15-05 Pervious Pavement and Lot Coverage. The motion was seconded by Council Member Holland. The motion passed 3-2; the Mayor, Council Member Nason, and Council Member Holland voting AYE; Council Member Newberry and McDonald voting NO.

The Town Attorney again noted that a 3/4 majority vote is required for adoption of first time ordinances; the ordinance was scheduled to return for a second reading at the upcoming January Special Meeting.

Discussion of the Rules of Procedure on the Mayor's Authority to Appoint Council Members to Town Committees (Section 14. Appointments)

Council Member Newberry stated while he has no problem with the Mayor appointing Council Members to the Council Committees, he would like the Council to have the final appointment authority decision.

After discussion, no action was proposed.

**OTHER BUSINESS**

Town Manager's report

The Town Manager addressed several matters:

- The Manager stated two matters are being presented by Staff to the Council Finance Committee for discussion this month. The first is the matter of trash pickup in the first quarter which resulted in an exceedance of the projected budget amount due to Dare County having driver difficulties with pick up, and there were some unexplained tonnage increases over last year's same quarter. Staff is trying to work it out now with the County Manager and County Public Works and hopefully will have all information by the Finance Committee meeting date.
- The second item for the Finance Committee is Council has referred alot of work in the last couple months to the Town Attorney and as a result we are projecting costs there that are over what we did last year. That will be brought to the Finance Committee's attention and monitored over the next quarter.
- Using the grant money from the occupancy tax which is derived from the rental properties in Town the beach stabilization program will continue this year. Beach grasses will be replenished in the month of February and sea oats in May using the \$24,000 appropriation from the Dare County Occupancy Tax.
- The demolition to the Tall Pine Bridge is scheduled to begin next Monday and pilings will go in directly after that prior to the February 15<sup>th</sup> moratorium.

Mayor's comments:

Mayor stated flooding on NC12 and East Dogwood as well as Sea Oats and NC12 has gotten worse the past couple of months. He has been in contact with the NCDOT District Engineer who has agreed to meet. The Engineer did say at this point his hands are tied as there is no funding available. The Mayor stated he is hopeful that there may be other pockets of funding that will allow rebuilding of those areas rather than the entire road.

The Mayor stated he has asked citizen Steve Hotchkiss to serve as the citizens representative to the Council's Public Safety Committee.

Council Members' comments:

Council Member Holland stated he wanted to address the comments from a resident at the last Council meeting about the availability of the Town's financial statements on the website. They are on the website under the tab on the right side entitled "Financial Documents". A citizen will find the Town's Budget Ordinance, the Manager-recommended line item budget for FY15-16, quarterly financial statements, monthly budgetary expenditures (check register) plus five (5) years of audit reports. The Finance Committee meeting minutes are also available online under Council Committee meeting minutes. Councilman Holland stated here is a lot of information there and it may be confusing so call the Town Manager or the Finance Officer and they will be more than willing to explain it to you.

Council Member Newberry suggested putting a search engine on the website to make navigating it easier.

Council Member Nason stated he is encourage by the Council discussions. A part of their job is to respectively listen to each other and each do not need to agree but it should be cordial. He would encourage a positive environment in the community whether it is the Code rewrite or the sixteen (16) bedroom house issues. A positive environment will more than likely effect a change. Everyone wants to get to the same spot. We as a community needs to find a way to work together and the more we keep tearing each other down we are only doing ourselves a dissatisfaction. He stated he is trying to work with Council Members he agrees and disagrees with to come to a resolution that is better for the community, not just for an individual.

**ADJOURN**

**MOTION:** Council Member Holland moved to adjourn. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0). The time was 9:21 p.m.

ATTEST:

Respectfully submitted,

\_\_\_\_\_  
Thomas G. Bennett, Mayor

\_\_\_\_\_  
Sheila Kane, Town Clerk

TOWN OF SOUTHERN SHORES - PLANNING DEPARTMENT - MONTHLY REPORT FOR DECEMBER 2015									
ISSUED DATE	PERMIT #	OWNER NAME	ADDRESS	USE	TYPE OF CONSTRUCTION	EST COST	PERMIT FEE	RES/COM	CONTRACTOR
<b>BUILDING PERMITS</b>									
11/30/2015	9229	OUTER BANKS COMMUNITY FOUNDATION, INC.	13 SKYLINE ROAD	INSTITUTIONAL OPERATION - OFFICE FOR NON-PROFIT	OTHER - MECHANICAL	\$ 4,434.49	WAIVED NON-PROFIT	C	OUTER BANKS HEATING & COOLING
11/30/2015	9230	KUTULAS, JOAN	299 DUCK ROAD	SINGLE FAMILY DWELLING	OTHER - MECHANICAL	\$ 15,811.00	\$ 100.00	R	OUTER BANKS HEATING & COOLING
11/30/2015	AMENDED 9128	CICHOCKI, ANDREW	159 YAUPON TRAIL	SINGLE FAMILY DWELLING (UNDER CONSTRUCTION)	ACCESSORY - POOL	\$ 30,000.00	\$ 125.00	R	BRYAN R. WEISBECKER G.C., LLC
12/1/2015	9231	EDGAR, TODD	2 SECOND AVENUE	SINGLE FAMILY DWELLING	REPAIR	\$ 70,000.00	\$ 125.00	R	GRIGGS & CO. HOMES, INC.
12/3/2015	9232	LAMAR, RICHARD	8 FIFTH AVENUE	SINGLE FAMILY DWELLING	OTHER - MECHANICAL	\$ 16,700.00	\$ 100.00	R	R.A. HOY HEATING & A/C, INC
12/3/2015	9233	EMIG, DAVID	1 MOCKINGBIRD LANE	SINGLE FAMILY DWELLING	OTHER - MECHANICAL	\$ 6,750.00	\$ 100.00	R	R.A. HOY HEATING & A/C, INC
12/3/2015	9234	MCDANEL, BRINLEY	245 WOODLAND DRIVE	SINGLE FAMILY DWELLING	OTHER - MECHANICAL	NO CHARGE	\$ 100.00	R	OUTER BANKS HEATING & COOLING
12/7/2015	9236	LOGAN, STEVEN	55 E. DOGWOOD TRAIL	SINGLE FAMILY DWELLING	OTHER - MECHANICAL	\$ 7,700.00	\$ 100.00	R	R.A. HOY HEATING & A/C, INC
12/8/2015	9238	SWOPE, LINDA	88 S. DOGWOOD TRAIL	SINGLE FAMILY DWELLING	OTHER - MECHANICAL	\$ 4,800.00	\$ 100.00	R	R.A. HOY HEATING & A/C, INC
12/9/2015	9239	TOWN OF SOUTHERN SHORES	RIGHT OF WAY WILD SWAN LN	GOVERNMENT - STREET RIGHT OF WAY	OTHER - BULKHEAD	\$ 50,895.00	NO FEE	C	LAYDEN MARINE, INC.
12/9/2015	9237	NEWBERRY, CHARLES JR.	267 N. DOGWOOD TRAIL	SINGLE FAMILY DWELLING	OTHER - BREAKWATER-BOATLIFT-RIP RAP	\$ 25,000.00	\$ 100.00	R	NORTHEASTERN MARINE, INC.
12/11/2015	9242	BUCKHOUT, DANA	50 NORTH DUNE LOOP	SINGLE FAMILY DWELLING	OTHER - MECHANICAL	\$ 6,600.00	\$ 100.00	R	R.A. HOY HEATING & A/C, INC
12/11/2015	9240	KRIEG, JASON	147 DUCK WOODS DRIVE	SINGLE FAMILY DWELLING	REMODEL	\$ 2,900.00	\$ 110.00	R	HARDIN ERIC WYANT
12/15/2015	9243	ROTHROCK, STEPHEN	50 DUCK WOODS DRIVE	SINGLE FAMILY DWELLING	OTHER - MECHANICAL	\$ 6,700.00	\$ 100.00	R	R.A. HOY HEATING & A/C, INC
12/15/2015	9244	HUFFMAN, CARY	95 TRINITIE TRAIL	SINGLE FAMILY DWELLING	OTHER - MECHANICAL	\$ 18,000.00	\$ 100.00	R	R.A. HOY HEATING & A/C, INC
12/17/2015	9245	LEFBOM, JOAN	20 HICKORY TRAIL	SINGLE FAMILY DWELLING	REPAIR	\$ 13,000.00	\$ 140.00	R	COMPASS EDGE CONSTRUCTION, INC
12/17/2015	9246	DANIELS, KARL	168 CHICHAUK TRAIL	SINGLE FAMILY DWELLING	OTHER - MECHANICAL	\$ 17,700.00	\$ 100.00	R	R.A. HOY HEATING & A/C, INC
12/17/2015	9235	PASCHAL, CHARLES	1 SECOND AVENUE	SINGLE FAMILY DWELLING	NEW CONSTRUCTION - SFD	\$ 540,000.00	\$ 3,105.90	R	GRIGGS & CO. HOMES, INC.
12/18/2015	9248	KELLY, FRANCENE	23 PALMETTO LANE	SINGLE FAMILY DWELLING	OTHER - BULKHEAD	\$ 15,000.00	\$ 100.00	R	PROPERTY OWNER
12/21/2015	9249	AUKLAND, BRUCE	69 S. DOGWOOD TRAIL	SINGLE FAMILY DWELLING	OTHER - ELECTRICAL	\$ 2,800.00	\$ 100.00	R	BRS ELECTRICAL SERVICES, INC
12/28/2015	9250	ORPHALL, URSULA	51 SPINDFIFT TRAIL	SINGLE FAMILY DWELLING	OTHER - MECHANICAL	\$ 5,000.00	\$ 100.00	R	R.A. HOY HEATING & A/C, INC
12/28/2015	9252	THIEDE, MATTHEW	17 WOOD DUCK COURT	SINGLE FAMILY DWELLING	OTHER - ELECTRICAL	\$ 800.00	\$ 100.00	R	SUBURBAN ELECTRIC CONTRACTORS OF NC
12/29/2015	9241	SIMMEN, ALFRED	236 N. DOGWOOD TRAIL	SINGLE FAMILY DWELLING	ACCESSORY - POOL	\$ 29,000.00	\$ 125.00	R	CASNCALS POOL & SPA
					<b>BUILDING PERMIT TOTAL \$ RESIDENTIAL</b>	<b>\$834,261.00</b>	<b>\$ 5,230.90</b>		
					<b>BUILDING PERMIT TOTAL \$ COMMERCIAL</b>	<b>\$ 55,329.49</b>	<b>\$ -</b>		
					<b>TOTAL FEES \$ =</b>	<b>\$ 889,590.49</b>	<b>\$ 5,230.90</b>		
					<b># RESIDENTIAL =</b>			<b>21</b>	
					<b># COMMERCIAL =</b>			<b>2</b>	
					<b>PLAN REVIEW/PLANNING/CAMA FEES =</b>		<b>\$ 1,026.00</b>		
					<b>GRAND TOTAL OF FEES COLLECTED</b>		<b>\$ 6,256.90</b>		

# Southern Shores VFD

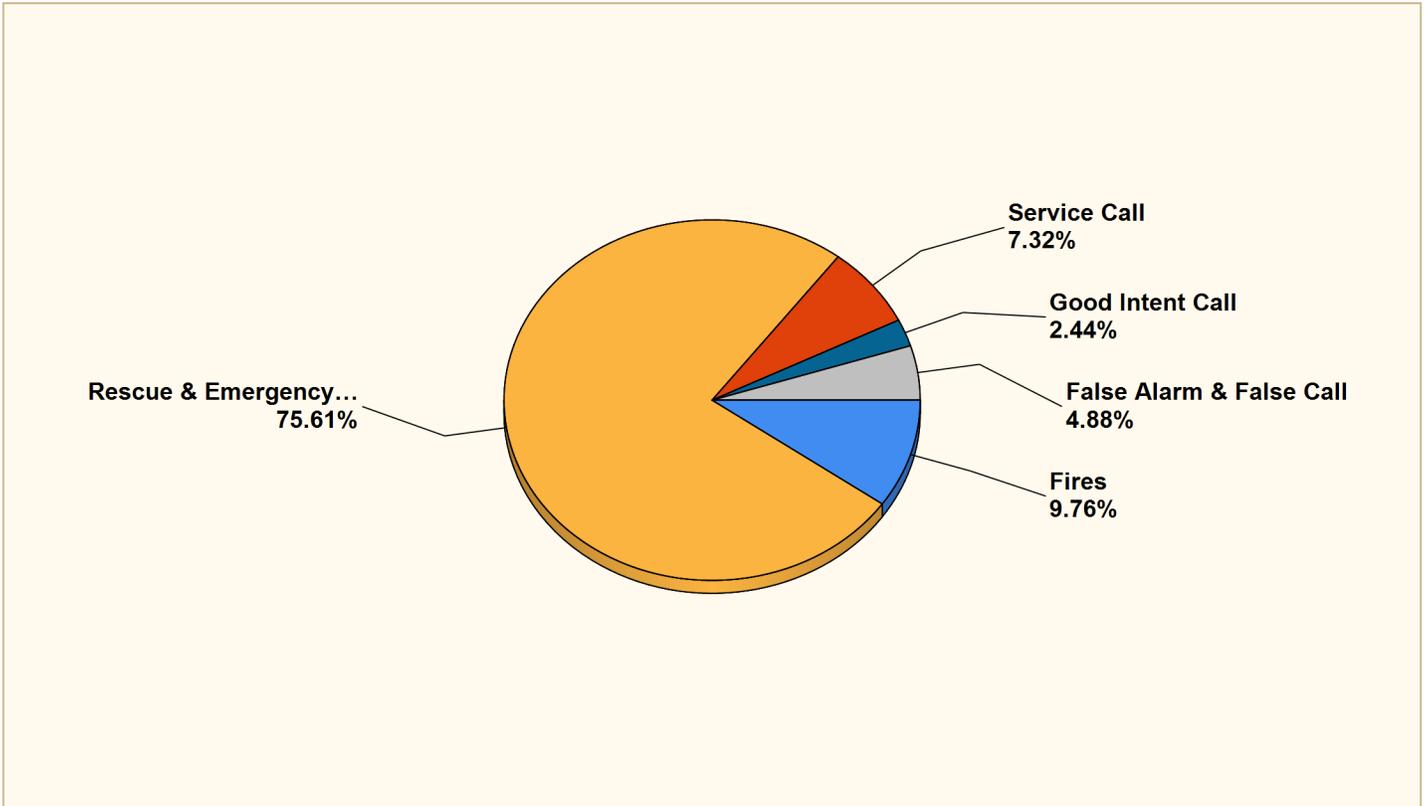
Southern Shores, NC

This report was generated on 1/5/2016 12:31:57 PM



## Breakdown by Major Incident Types for Date Range

Zone(s): All Zones | Start Date: 12/01/2015 | End Date: 12/31/2015



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	4	9.76%
Rescue & Emergency Medical Service	31	75.61%
Service Call	3	7.32%
Good Intent Call	1	2.44%
False Alarm & False Call	2	4.88%
<b>TOTAL</b>	<b>41</b>	<b>100.00%</b>

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.

### Detailed Breakdown by Incident Type

INCIDENT TYPE	# INCIDENTS	% of TOTAL
111 - Building fire	3	7.32%
112 - Fires in structure other than in a building	1	2.44%
321 - EMS call, excluding vehicle accident with injury	31	75.61%
553 - Public service	3	7.32%
651 - Smoke scare, odor of smoke	1	2.44%
733 - Smoke detector activation due to malfunction	2	4.88%
<b>TOTAL INCIDENTS:</b>	<b>41</b>	<b>100.00%</b>

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.

# Southern Shores VFD

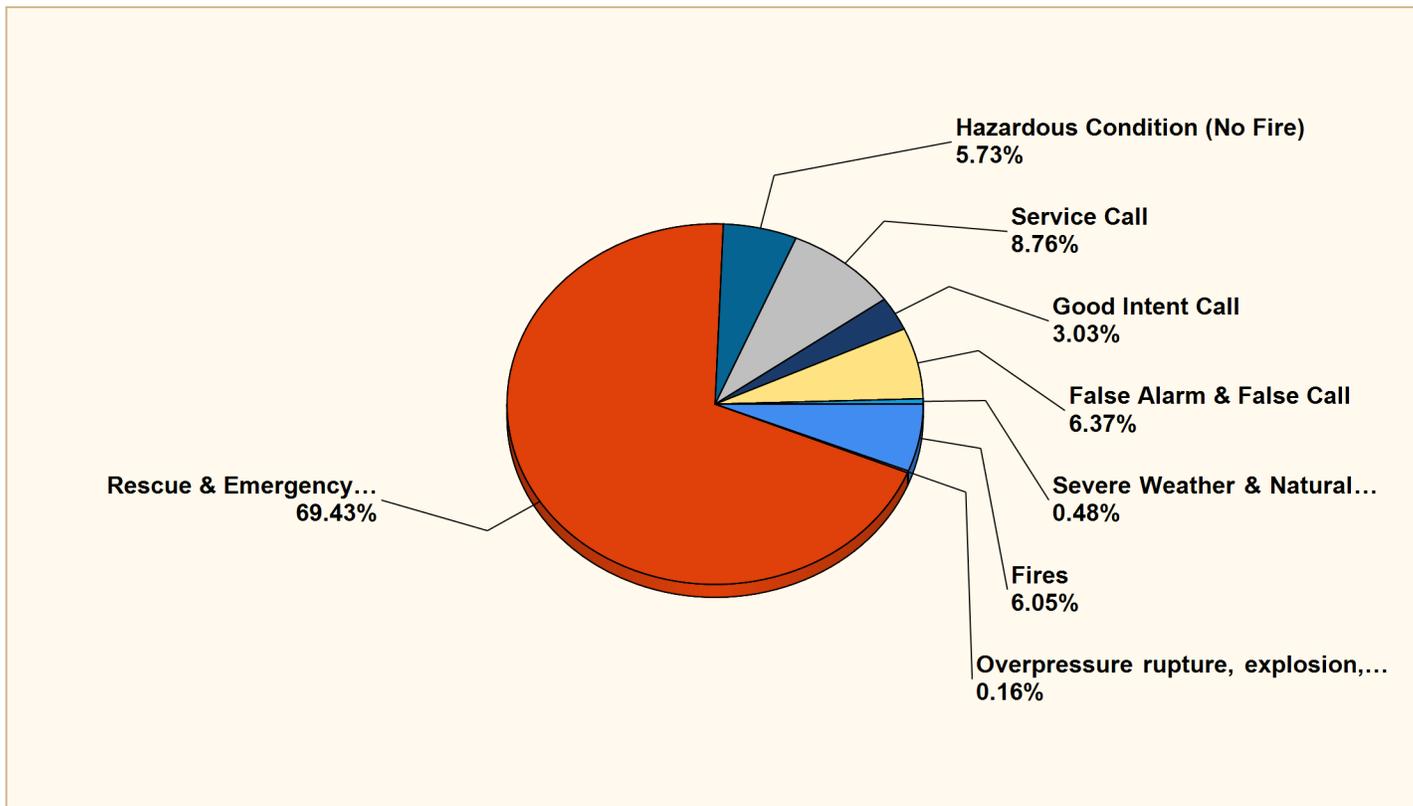
Southern Shores, NC

This report was generated on 1/5/2016 12:32:57 PM



## Breakdown by Major Incident Types for Date Range

Zone(s): All Zones | Start Date: 01/01/2015 | End Date: 12/31/2015



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	38	6.05%
Overpressure rupture, explosion, overheating - no fire	1	0.16%
Rescue & Emergency Medical Service	436	69.43%
Hazardous Condition (No Fire)	36	5.73%
Service Call	55	8.76%
Good Intent Call	19	3.03%
False Alarm & False Call	40	6.37%
Severe Weather & Natural Disaster	3	0.48%
<b>TOTAL</b>	<b>628</b>	<b>100.00%</b>

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.

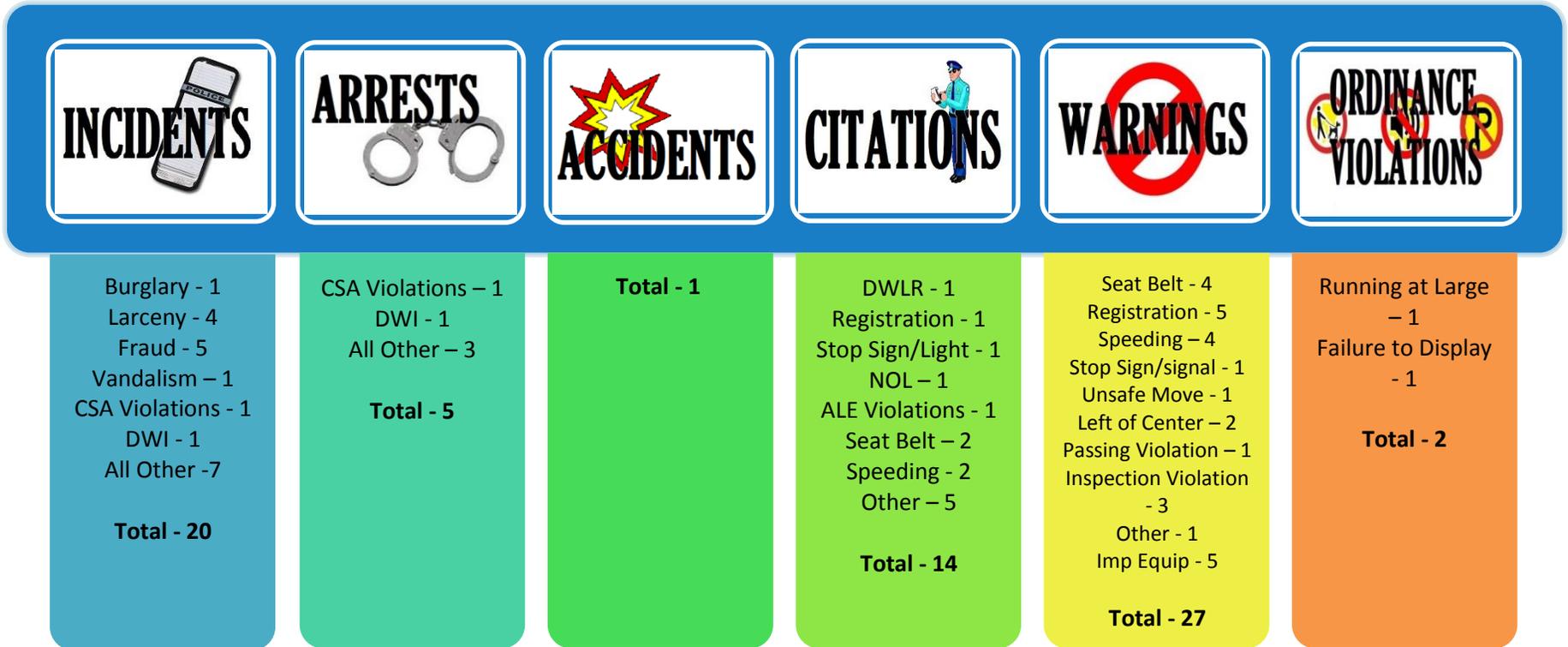
### Detailed Breakdown by Incident Type

INCIDENT TYPE	# INCIDENTS	% of TOTAL
111 - Building fire	20	3.18%
112 - Fires in structure other than in a building	3	0.48%
114 - Chimney or flue fire, confined to chimney or flue	1	0.16%
118 - Trash or rubbish fire, contained	2	0.32%
131 - Passenger vehicle fire	1	0.16%
142 - Brush or brush-and-grass mixture fire	7	1.11%
143 - Grass fire	1	0.16%
150 - Outside rubbish fire, other	1	0.16%
152 - Garbage dump or sanitary landfill fire	1	0.16%
160 - Special outside fire, other	1	0.16%
200 - Overpressure rupture, explosion, overheat other	1	0.16%
300 - Rescue, EMS incident, other	2	0.32%
311 - Medical assist, assist EMS crew	2	0.32%
321 - EMS call, excluding vehicle accident with injury	404	64.33%
322 - Motor vehicle accident with injuries	14	2.23%
323 - Motor vehicle/pedestrian accident (MV Ped)	3	0.48%
324 - Motor vehicle accident with no injuries.	3	0.48%
331 - Lock-in (if lock out , use 511 )	1	0.16%
341 - Search for person on land	2	0.32%
352 - Extrication of victim(s) from vehicle	1	0.16%
353 - Removal of victim(s) from stalled elevator	1	0.16%
364 - Surf rescue	3	0.48%
400 - Hazardous condition, other	2	0.32%
412 - Gas leak (natural gas or LPG)	10	1.59%
413 - Oil or other combustible liquid spill	1	0.16%
420 - Toxic condition, other	1	0.16%
424 - Carbon monoxide incident	4	0.64%
440 - Electrical wiring/equipment problem, other	6	0.96%
442 - Overheated motor	2	0.32%
443 - Breakdown of light ballast	1	0.16%
445 - Arcing, shorted electrical equipment	2	0.32%
463 - Vehicle accident, general cleanup	7	1.11%
500 - Service Call, other	5	0.80%
520 - Water problem, other	1	0.16%
522 - Water or steam leak	1	0.16%
531 - Smoke or odor removal	1	0.16%
550 - Public service assistance, other	2	0.32%
551 - Assist police or other governmental agency	2	0.32%
553 - Public service	39	6.21%
561 - Unauthorized burning	2	0.32%
571 - Cover assignment, standby, moveup	2	0.32%
611 - Dispatched & cancelled en route	6	0.96%
631 - Authorized controlled burning	3	0.48%
651 - Smoke scare, odor of smoke	10	1.59%
700 - False alarm or false call, other	4	0.64%
721 - Bomb scare - no bomb	1	0.16%
730 - System malfunction, other	3	0.48%
733 - Smoke detector activation due to malfunction	12	1.91%
735 - Alarm system sounded due to malfunction	2	0.32%
736 - CO detector activation due to malfunction	1	0.16%
743 - Smoke detector activation, no fire - unintentional	6	0.96%
744 - Detector activation, no fire - unintentional	1	0.16%
745 - Alarm system activation, no fire - unintentional	10	1.59%
814 - Lightning strike (no fire)	3	0.48%
<b>TOTAL INCIDENTS:</b>	<b>628</b>	<b>100.00%</b>

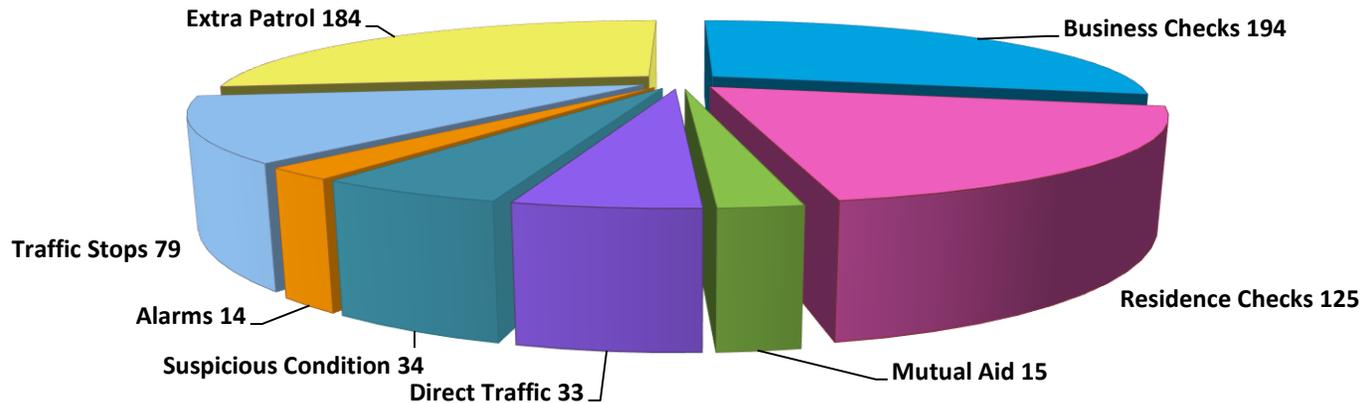
Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.

# December 2015

## Southern Shores Police Department



### Calls For Service - 878





PUBLIC COMMENT SIGN-UP SHEET  
 JANUARY 5, 2016

We encourage your public comments. All speakers must recognize the utmost importance of maintaining the decorum of Town meetings and of the need for all to have an opportunity to speak in a timely and uninterrupted manner. Please limit your comments to 3 minutes and speak courteously and respectfully to the Council as a whole. The 3 minute time allotted is your time to speak. You may choose to use all of it or less, but it is not transferrable to anyone else. Public comment is your opportunity to provide input on Town matters. It is not meant to be a dialogue exchange between you, members of the Council, or others in the audience.

NAME	MAILING ADDRESS OF RESIDENT	TOPIC
Lee Whitley	44 Spindrift	limit size of residences
Andrew Darcine	232 W Dogwood	Survey
LYNDA Burek	46 Fairway DR.	Town Ordinance Activities
Tim Connors	83 Duck woods	
Ann Sjoerdsma	69 Hickory Tr.	Town Code Project
Debbie Newberry	267 Dogwood Trail	Town Code & project
Joe Van Gusion	228 N Dogwood	Code Rewrite
Heather Bateman	360 Sea Oak Tr	Code & survey
Sam Sullivan	31 South Ave	code & survey
NORM ST. LAURENT	63 HICKORY TRAIL	ROAD CONDITIONS
TAMMY KAROLE	77 E. DOGWOOD	CODE
LILIAS MORRISON	43 FAIRWAY	CODE.
Andy Ward	147 Bayberry T	

Robin  
 Wendy Murray  
 Laura Carver

78 Duck Woods Dr.  
 25 Circle Dr

Events  
 events



**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

**TCA-Special Event & Occupancy Limitation**

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 associated  
3 with a special event will assist both the SSFVD and the police department in determining  
4 how to respond effectively to an emergency during a special event. An effect response can  
5 ensure sufficient assets arrive within acceptable response times and will ultimately reduce  
6 the potential for injuries and casualties associated with fires or other emergencies; and  
7

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

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

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

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

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

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

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

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

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 ellipsis  
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, private parties and traditional family events held on  
38 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 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 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 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) 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

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

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

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

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

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

9 (c) A certification by the applicant that sufficient parking for the events  
10 has been provided via onsite parking, via a special events  
11 encroachment agreement under Sec. 28-2(2), and/or via offsite  
12 parking.

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

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

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

27  
28 (C) Large Special Events (Greater than 125 expected attendees):

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

30 (2) Inspections:

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

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

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

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

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

24  
25 **(D) All special events:**

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

37  
38 **Sec. 22-85. Limitations on Number of Special Events.**

39  
40 No more than three (3) special events requiring a special event permit may occur on any  
41 parcel of property within the Town during a continuous twelve-month period. Traditional  
42 family events shall not be subject to this limitation.

43  
44 **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 provided  
10 in a special events permit application. Violations of this Article may subject the property  
11 owner and persons managing an event to all of the remedies available under Sec. 1-6 with  
12 any civil penalties beginning at up to \$500.00 for the first violation and increasing at a rate  
13 of \$250.00 per violation for each additional violation in a continuous twelve-month period.  
14 Violations of this Article may also result in the revocation of a special event permit and  
15 may subject the associated property and/or applicant to be unable to obtain a special event  
16 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 are  
21 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





# 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: 11/13/15

Filing Fee: \$200

Receipt No.

Application No.

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

Please check the applicable Chapter/Article:

- Chapter 30. Subdivisions-Town Code
- Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District
- Chapter 36. Article IX. Planned Unit Development (PUD)
- Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units \*
- Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use
- Chapter 36. Article X. Section 36-303 Fees
- Chapter 36. Article X. Section 36-304-Vested Rights
- Chapter 36. Article XIV. Changes and Amendments

**Certification and Standing:** As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

### Applicant

Name Southern Shores Owner, LLC, represented by Karen Partee

Address: c/o Aston Properties, Inc. 610 E. Morehead St., Suite 100  
Charlotte, NC 28202

Phone 704-319-4922 Email lkpartee@astonprop.com

### Applicant's Representative (if any)

Name N/A

Agent, Contractor, Other (Circle one)

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

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

Address: \_\_\_\_\_ Zoning district \_\_\_\_\_

Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_ Lot size (sq.ft.) \_\_\_\_\_

Request:  Site Plan Review  Final Site Plan Review  Conditional Use  Permitted Use  
 PUD (Planned Unit Development)  Subdivision Ordinance  Vested Right  Variance

Change To:  Zoning Map  Zoning Ordinance

Signature *L. Karen Partee*

November 13, 2015  
Date

\* Attach supporting documentation.

## STAFF REPORT

**To:** Southern Shores Town Council  
**Date:** December 30, 2015  
**Case:** ZTA-15-03  
**Prepared By:** Wes Haskett, Town Planner/Code Enforcement Officer

### GENERAL INFORMATION

**Applicant:** Aston Properties  
610 E. Morehead St., Suite 100  
Charlotte, NC 28202

**Requested Action:** Amendment of the Town Zoning Ordinance by amending Section 36-57, Definitions of Specific Terms and Words; and Section 36-207, C, General Commercial District.

### ANALYSIS

The applicant is proposing a Zoning Text Amendment (ZTA) to amend Section 36-57 and Section 36-207 to allow drive-through facilities in the C, General Commercial zoning district. The proposed ZTA defines a drive-through facility or establishment as a customer service facility located on a lot greater than or equal to 2.5 acres in the principal structure, which is intended to enable the customer to transact business with a customer service person located within the principal structure without exiting the motor vehicle. The proposed ZTA would allow pharmacies, restaurants, or fast casual restaurants to have drive-through facilities or establishments. Restaurants or fast casual restaurants with a drive-through facility would not be able to exceed 2,500 square feet, the location of the drive-through facility would be a minimum of 100 feet from any residentially zoned property, and would allow for stacking of a minimum of six cars. Currently, banks are allowed to provide indoor and outdoor teller windows.

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

- **Goal 2:** Protect, enhance and support land uses that are compatible with surrounding land uses and maintain the existing character of Southern Shores.
- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density (1-3 units per acre) residential community comprised of single family dwellings on large lots (20,000 square feet or larger) served by a small commercial district (56 acres out of 2,175 acres) for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

### RECOMMENDATION

Town Staff has determined that the proposed amendment is inconsistent with the Town's currently adopted Land Use Plan. The Town Planning Board recommended approval of the application (5-1) and unanimously determined that the application is consistent with the Town's currently adopted Land Use Plan.



**Town of Southern Shores**

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Ordinance 2016-XX-XX

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

**ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 36 of the Town's Code of Ordinances (the "Town Code"); and

**WHEREAS**, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

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

**ARTICLE II. Construction.**

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

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

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

**PART I.** That Section 36-57 [Definitions of specific terms and words] be amended as follows:

1  
2 **Sec. 36-57. Definition of specific terms and words.**  
3

4 The following words, terms and phrases, when used in this chapter, shall have the  
5 meanings ascribed to them in this section, except where the context clearly indicates a  
6 different meaning:  
7

8 Drive-through facility or establishment means a customer service facility located  
9 on a lot greater than or equal to 2.5 acres within the principal structure, which is intended  
10 to enable the customer to transact business with a customer service person located within  
11 the principal structure without exiting the motor vehicle. It is presumed that the motor  
12 vehicle exits the premises immediately upon the transaction of business.  
13

14 Restaurant means a business engaged in the service of food and beverages to  
15 patrons seated inside a building or, on a deck as delineated in a site plan approved by the  
16 town or in a vehicle at a drive-through facility. To qualify as a restaurant, an  
17 establishment shall have all the following:

- 18 (1) A food preparation area occupying at least 20 percent of the gross square  
19 footage of the establishment;  
20 (2) At least 75 percent of all customer seats designated for either fast casual or  
21 full-service, full-menu, dining; and  
22 (3) No more than 15 percent of the total square footage of the establishment  
23 devoted to the following permitted accessory entertainment uses,  
24 including and limited to; dance floor, stage, live performance and disc  
25 jockey areas. Accessory entertainment uses referenced in this definition  
26 shall be permitted in a restaurant provided these uses are clearly  
27 subordinate in area, extent, hours of operation, and purpose to areas  
28 designated for food preparation, service, and consumption.  
29

30 **PART II.** That Section 36-207 [C general commercial district] be amended as follows:  
31

32 **Sec. 36-207. C general commercial district.**  
33

34 (b) *Permitted uses.*

- 35 (3) Service establishments, including such uses as:  
36 h. Pharmacy, with or without a drive-through facility  
37

38 (c) *Conditional uses.* The following uses shall be permitted as a conditional use,  
39 subject to the requirements of this district; shall be subject to conditions and  
40 modifications relating to impacts on adjacent properties, transportation and  
41 transportation systems, transportation interconnectivity, stormwater, utilities and  
42 telecommunications facilities (including capacity), vegetation and other elements of the  
43 natural environment, noise, hours of operation, and other factors that the town council  
44 finds applicable; and additional regulations and requirements imposed by the town  
45 council, as provided in article X of this chapter:  
46

- 1 (1) Restaurants without a drive-through facility or with a drive-through  
2 facility, provided:  
3 a. Restaurants with a drive-through facility shall not exceed 2,500  
4 square feet.  
5 b. The location of the drive-through facility is a minimum of 100'  
6 from any residentially zoned property.  
7 c. It allows for stacking of a minimum of six (6) cars.  
8

9 **ARTICLE III. Statement of Consistency with Comprehensive Plan and**  
10 **Reasonableness.**

11  
12 The Town's adoption of this ordinance amendment is consistent with the Town's adopted  
13 comprehensive zoning ordinance, land use plan and any other officially adopted plan that  
14 is applicable. For all of the above-stated reasons and any additional reasons supporting  
15 the Town's adoption of this ordinance amendment, the Town considers the adoption of  
16 this ordinance amendment to be reasonable and in the public interest.  
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 \_\_\_\_\_, 201\_\_.

30  
31  
32  
33 \_\_\_\_\_  
34 Mayor

35 ATTEST:

36 Date: \_\_\_\_\_

37 \_\_\_\_\_  
38 Deputy Clerk

39  
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43  
44  
45  
Vote: Ayes Naves

41 APPROVED AS TO FORM:

42  
43  
44  
45 \_\_\_\_\_  
Town Attorney

## STAFF REPORT

**To:** Southern Shores Town Council  
**Date:** December 30, 2015  
**Case:** ZTA-15-04  
**Prepared By:** Wes Haskett, Town Planner/Code Enforcement Officer

### GENERAL INFORMATION

**Applicant:** Aston Properties  
610 E. Morehead St., Suite 100  
Charlotte, NC 28202

**Requested Action:** Amendment of the Town Zoning Ordinance by amending Section 36-57, Definition of Specific Words and Terms; and Section 36-207, C, General Commercial District to amend the current requirements for group developments.

### ANALYSIS

The applicant is proposing a Zoning Text Amendment (ZTA) to amend Section 36-57 and Section 36-207 to amend the group development requirements in the C, General Commercial zoning district. The proposed ZTA would allow for buildings within a group development more than 35 feet away from another building to be detached and all buildings within 35 feet of another building within the development are to be connected by a breezeway or covered walkway. The proposed ZTA would also remove the lot size restriction of less than 10 acres for group developments which would bring the Marketplace into compliance given the current lot size of approximately 18 acres.

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

- **Goal 2:** Protect, enhance and support land uses that are compatible with surrounding land uses and maintain the existing character of Southern Shores.
- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density (1-3 units per acre) residential community comprised of single family dwellings on large lots (20,000 square feet or larger) served by a small commercial district (56 acres out of 2,175 acres) for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

### RECOMMENDATION

Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan. The Town Planning Board recommended approval of the application (5-1) and unanimously determined that the application is consistent with the Town's currently adopted Land Use Plan.



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Ordinance 2016-XX-XX

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

**ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 36 of the Town's Code of Ordinances (the "Town Code"); and

**WHEREAS**, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

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

**ARTICLE II. Construction.**

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

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

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

**PART I.** That Section 36-57 [Definitions of specific terms and words] be amended as follows:

1  
2 **Sec. 36-57. Definition of specific terms and words.**  
3

4 The following words, terms and phrases, when used in this chapter, shall have the  
5 meanings ascribed to them in this section, except where the context clearly indicates a  
6 different meaning:  
7

8 *Group development* means multiple principal buildings on a single lot of ~~less than~~  
9 ~~ten acres.~~

10  
11 **PART II.** That Section 36-207 [C general commercial district] be amended as follows:  
12

13 **Sec. 36-207. C general commercial district.**  
14

15 (c) Conditional uses. The following uses shall be permitted as a conditional use,  
16 subject to the requirements of this district; shall be subject to conditions and  
17 modifications relating to impacts on adjacent properties, transportation and  
18 transportation systems, transportation interconnectivity, stormwater, utilities and  
19 telecommunications facilities (including capacity), vegetation and other elements of the  
20 natural environment, noise, hours of operation, and other factors that the town council  
21 finds applicable; and additional regulations and requirements imposed by the town  
22 council, as provided in article X of this chapter:  
23

24 (6) Group development of commercial buildings, provided:

25  
26 a. Minimum size of any building shall be 2,500 square feet.  
27

28 b. All buildings constructed within thirty-five (35') of another  
29 building within the development are to be connected by a  
30 breezeway or covered walkway.  
31

32 **ARTICLE III. Statement of Consistency with Comprehensive Plan and**  
33 **Reasonableness.**  
34

35 The Town's adoption of this ordinance amendment is consistent with the Town's adopted  
36 comprehensive zoning ordinance, land use plan and any other officially adopted plan that  
37 is applicable. For all of the above-stated reasons and any additional reasons supporting  
38 the Town's adoption of this ordinance amendment, the Town considers the adoption of  
39 this ordinance amendment to be reasonable and in the public interest.  
40

41 **ARTICLE IV. Severability.**  
42

43 All Town ordinances or parts of ordinances in conflict with this ordinance amendment  
44 are hereby repealed. Should a court of competent jurisdiction declare this ordinance  
45 amendment or any part thereof to be invalid, such decision shall not affect the remaining

1 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the  
2 Town of Southern Shores, North Carolina which shall remain in full force and effect.

3  
4 **ARTICLE V. Effective Date.**

5  
6 This ordinance amendment shall be in full force and effect from and after the \_\_\_ day of  
7 \_\_\_\_\_, 201\_\_.

8  
9  
10  
11 \_\_\_\_\_  
12 Mayor

13 ATTEST:

Date: \_\_\_\_\_

14  
15 \_\_\_\_\_  
16 Deputy Clerk

Vote: Ayes Nays

17  
18  
19  
20 APPROVED AS TO FORM:

21  
22  
23 \_\_\_\_\_  
24 Town Attorney

## STAFF REPORT

**To:** Southern Shores Town Council  
**Date:** December 30, 2015  
**Case:** ZTA-15-05  
**Prepared By:** Wes Haskett, Town Planner/Code Enforcement Officer

### GENERAL INFORMATION

**Applicant:** Aston Properties  
610 E. Morehead St., Suite 100  
Charlotte, NC 28202

**Requested Action:** Amendment of the Town Zoning Ordinance by amending Section 36-207, C General Commercial District.

### ANALYSIS

The applicant is proposing a Zoning Text Amendment (ZTA) to amend Section 36-207 to amend the current requirements for lot coverage in the C, General Commercial zoning district. The proposed ZTA would allow for exceptions for commercial lots that use permeable pavement as defined by the NCDENR Stormwater BMP Manual which would be granted the Built Upon Area (BUA) Credit as specified in the manual. Group developments that incorporate the use of permeable pavement in excess of 5% of the total lot coverage would be allowed a maximum lot coverage by principal use and all accessory structures of no greater than 70 percent.

The Town's currently adopted Land Use Plan contains the following Goal, Policy, and Action Items that are applicable to the proposed ZTA:

- **Goal 2:** Protect, enhance and support land uses that are compatible with surrounding land uses and maintain the existing character of Southern Shores.
- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density (1-3 units per acre) residential community comprised of single family dwellings on large lots (20,000 square feet or larger) served by a small commercial district (56 acres out of 2,175 acres) for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.
- **Action Item 2-b:** The Town shall encourage the use of low impact development techniques and sound environmental preservation practices for all new development, remodeling, and redevelopment within Southern Shores.
- **Policy 7:** Support stormwater management programs that reduce flooding and improve coastal water quality.
- **Action Item 7-b:** Encourage the use of Low Impact Development (LID), vegetative buffers to filter stormwater, impervious surface limits, and innovative stormwater management alternatives to reduce runoff and to improve water quality.
- **Action Item 7-d:** Implement engineering design standards for stormwater management and infrastructure.

**RECOMMENDATION**

Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan. The Town Planning Board recommended approval of the application (4-2) and unanimously determined that the application is consistent with the Town's currently adopted Land Use Plan.



**Town of Southern Shores**

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Ordinance 2016-XX-XX

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

**ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 36 of the Town's Code of Ordinances (the "Town Code"); and

**WHEREAS**, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

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

**ARTICLE II. Construction.**

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

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

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

**PART I.** That Section 36-207 [C general commercial district] be amended as follows:

1 **Sec. 36-207. C general commercial district.**

2  
3 (d) *Dimensional requirements.*

4  
5 (5) Maximum allowable lot coverage by principal use and all accessory  
6 structures: ~~60 percent~~ shall be 60 percent except as allowed under the following  
7 conditions:

- 8  
9 a. Commercial lots shall be allowed the use of permeable pavement as  
10 defined by the NCDENR Stormwater BMP Manual ("Manual").  
11 Employment of this permeable solution shall be granted the Built  
12 Upon Area (BUA) Credit as specified in the Manual.  
13 b. Group Developments which incorporate the use of permeable  
14 pavement as outlined above in excess of 5% of the total lot coverage  
15 shall be allowed a maximum allowable lot coverage by principal use  
16 and all accessory structures of no greater than 70 percent.  
17

18 **ARTICLE II. Statement of Consistency with Comprehensive Plan and**  
19 **Reasonableness.**

20  
21 The Town's adoption of this ordinance amendment is consistent with the Town's adopted  
22 comprehensive zoning ordinance, land use plan and any other officially adopted plan that  
23 is applicable. For all of the above-stated reasons and any additional reasons supporting  
24 the Town's adoption of this ordinance amendment, the Town considers the adoption of  
25 this ordinance amendment to be reasonable and in the public interest.  
26

27 **ARTICLE III. Severability.**

28  
29 All Town ordinances or parts of ordinances in conflict with this ordinance amendment  
30 are hereby repealed. Should a court of competent jurisdiction declare this ordinance  
31 amendment or any part thereof to be invalid, such decision shall not affect the remaining  
32 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the  
33 Town of Southern Shores, North Carolina which shall remain in full force and effect.  
34

35 **ARTICLE IV. Effective Date.**

36  
37 This ordinance amendment shall be in full force and effect from and after the \_\_\_ day of  
38 \_\_\_\_\_, 201\_\_.

39  
40  
41  
42  
43  
44 ATTEST:

\_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

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9  
10

\_\_\_\_\_  
Deputy Clerk

Vote: Ayes Nays

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney