



**Town of Southern Shores  
Regular Council Meeting  
July 10, 2018**

The Town of Southern Shores Town Council met in the Pitts Center located at 5377 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, July 10, 2018.

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

**COUNCIL MEMBERS ABSENT:** None

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

**CONSENT AGENDA**

The consent agenda consisted of the following items:

- i. Council Meeting Minutes – June 5, 2018
- ii. Tax Pickups & Releases
- iii. Budget Amendments-(Projects Approved, Budgeted, and Contractually Encumbered in FY17-18, Yet Not Spent - Rollover to FY 18-19)
  1. Budget Amendment #1 Cost to complete CodeWright contract
  2. Budget Amendment #2 Amount to finish architectural work for new fire station
  3. Budget Amendment #3 Police cars, tax and tags and equipment that was ordered FY 17-18 but not yet received.

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

**STAFF REPORTS**

The following Department Heads presented Department reports for the month:

- o Town Planner Wes Haskett presented the monthly report for June. The Historic Landmark Commission met on June 26<sup>th</sup> and recommended historic designation of 116 Ocean Blvd. The public hearing set by the Mayor will be August 7<sup>th</sup>. The next

Planning Board meeting is July 16<sup>th</sup> at which time the board will consider VA-18-05, a Variance application submitted by Attorney E. Crouse Gray, Jr. for a Variance from Section 36-202, (d), (4) and (5) of the Southern Shores Town Code for the property located at 291 Duck Rd. The Board will also conduct an election of officers.

- Police Chief David Kole presented a monthly report for June and presented a PowerPoint presentation of data collected from the "No-Left Turn" weekend (a copy of the PowerPoint presentation is hereby attached)
- Deputy Chief Jay Williams presented the Fire Department's monthly report for June.
- The Town Manager presented the Manager's report and addressed several matters:
  - Hurricane Chris is moving out and hopefully the beaches will be back to normal.
  - The designs for the three segments of South Dogwood Trail walking trail are still being worked on. Once they are complete, they will be presented to Council for consideration.
  - East Dogwood Trail walking trail design should be set to go out for bid next week. On June 19<sup>th</sup> a meeting with the East Dogwood Trail /south side property owners occurred with no major concerns expressed.
  - A draft Fire Services contract commencing July 2019 will be sent to Council in the next couple of weeks, prior to the August meeting. The contract will be an agenda item for August Council Meeting.
  - The architect for the Southern Shores Volunteer Fire Department will be presenting a final design and site plan at the Council's September meeting. He will be seeking any final design comments from Council at that time and will then use that design to go out to bid. He anticipates bringing the lowest bid and a finance package to Council at the Council's November meeting. He also anticipates Council making a final decision at that point on its funding participation, and whether to proceed or not.
  - The NC Turnpike Authority anticipates an environmental review Record of Decision in the next couple of months on the Mid-Currituck Bridge.

Councilman Connors asked the Town Manager when the Town Engineer will get a look at the Fire Department plans. The Town Manager replied as soon as the design and site plan comes out, prior to the September Council meeting, in order to review storm water management at the site per the Town Ordinance.

#### **GENERAL PUBLIC COMMENT**

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

1. Emily Ausband-170 Duck Rd-purchased a 50 x 100 ft. lot perpendicular but adjacent to her 170 Duck Rd property in anticipation of building a small cottage on it. The upcoming text amendment requiring the lot combination should exclude properties that share a small portion of the property line.
2. Bill Cogger-7 Ginguite Trail-thanked Gerri Sullivan for getting group aroused about this zoning coverage thing. We are accommodating the builders and that's what they did when he was on the architectural review board. Opposes zoning text amendment ZTA18-07.
3. Lorelei DiBernardo- 32 9<sup>th</sup> Ave opposes zoning text amendment ZTA -18-04 lot coverage.

4. Nick Nuzzi-41 Skyline Rd- Opposes ZTA 18-07, penalizes homeowners who have purchased properties on two or more 50 ft. wide lots.
5. Joe Van Gieson-228 N Dogwood Trl-does not dispute Police Chief Kole's numbers but one number is the number of cars on Sea Oats on June 24, 2017. The number on June 23, 2018 was 823, the number on June 24, 2017 was 1,967. He does not know if it is 1100 less cars because of the no-left turn test but it tells that something is different in the two years.
6. Ann Sjoerdsma-69 Hickory Trail-compelled to explain what the word "bias" means. Bias is presenting an incomplete report and cherry picking the evidence. ZTA -18-04 is an attempt to improve upon an ordinance already in place.
7. Jay Dunlap-161 Hickory Trl-Can the state help with the traffic issue and perhaps the Town can provide port-a-john installed in heavy traffic locations throughout Town.

### **OLD BUSINESS**

**SECOND READING-** ZTA-18-07, A ZONING TEXT AMENDMENT APPLICATION SUBMITTED BY THE TOWN OF SOUTHERN SHORES TO AMEND TOWN CODE SECTION 36-132, REGULATION OF STRUCTURES AND USES NONCONFORMING. FIRST READING BEFORE COUNCIL PASSED 3-2 ON JUNE 5, 2018.

**MOTION:** Councilman McDonald, following up on an email received today, moved to go into closed session and discuss legal parts of proposed ZTA 18-07 with the Town Attorney in a manner preserving the attorney client privilege pursuant to N.C.G.S. 143-318.11(a)(3). The motion was seconded by Councilman Newberry. The motion passed unanimously (5-0).

**MOTION:** Upon returning to open session, Councilman Conners moved to table ZTA 18-07, and have staff and the Town Attorney work up a ZTA that would require two non-conforming lots that have one structure located on both of them be recombined into one conforming lot if the structure is demolished or otherwise altered in a manner that exceeds 50% of the value of existing structure. The motion was seconded by Councilman McDonald. The motion passed unanimously (5-0).

### **NEW BUSINESS**

#### **COUNCIL APPOINTMENTS TO PLANNING BOARD SEAT VACANCIES**

##### Planning Board Nominations:

- o Seated Member #3: Councilman McDonald nominated David Neal. Nominations closed. Vote: (5-0 in favor)
- o Seated Member #4: Councilman Conners nominated Andy Ward. Councilman McDonald nominated Leo Holland. Nominations closed. Vote 3-2 in favor of Andy Ward. Mayor Bennett, Mayor pro tem Nason and Councilman Conners voted affirmative in favor of Andy Ward; McDonald and Newberry opposed. Nomination of Andy Ward passed.
- o Alternate Member #1: Councilman McDonald nominated Leo Holland. Nominations closed. Vote: (5-0 in favor).
- o Alternate Member #2: Councilman Conners nominated Michael Basilone. Nominations closed. Vote: (4-1 in favor). Councilman Newberry opposed. Nomination passed

#### **Next Agenda Item:**

**PUBLIC HEARING AND CONSIDER ADOPTION OF A CAPITAL INFRASTRUCTURE IMPROVEMENT PLAN FOR FY 2018-2019.**

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

1. Joseph Van Gieson-228 N Dogwood-no comment on the priority of streets but rather the financing. Hopes that the Capital Infrastructure Improvement Plan expense line includes the \$282,000 transfer associated with projects; wants to see the capital improvements expense line at \$1.2 million.

**MOTION:** Councilman McDonald moved to adopt ordinance 2018-07-01 an Ordinance Establishing a Capital Infrastructure Improvement Plan and Authority to Implement. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0).

**Next Agenda Item:**

**PUBLIC HEARING-CONSIDER ZTA-18-04, A ZONING TEXT AMENDMENT APPLICATION SUBMITTED BY THE TOWN OF SOUTHERN SHORES TO AMEND TOWN CODE SECTION 36-202 ESTABLISHING NEW LOT COVERAGE REQUIREMENTS.**

Mayor Bennett read a statement that when he purchased his property and added a storage room under his house the permit officer made him aware that the property was approximately 3% already over lot coverage. A storage room permit was then issued due to the fact of it being under the house and not adding to lot coverage. Town Attorney Gallop stated since the Mayor has no financial gain associated with this zoning text amendment, he has no conflict of interest.

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

1. Richard Walker-30 Skyline Rd.-Wants tax bill to separate the house and land portion (reflecting lot that house is on, not combined lots).
2. Emily Walker-30 Skyline Rd. -wants to keep current ambiance of the Town.
3. Andy Ward-147 Bayberry Trail-not in favor of the ZTA as presented and would like Council to send it back to the new Planning Board for consideration. Sometimes less is more.
4. Ann Sjoerdsma-69 Hickory Trl-Why are we revisiting this issue? Mostly agrees with Andy Ward and Lorelei DiBernardo' s comments. People have spoken as part of CodeWright survey.
5. Joe Van Gieson-228 N Dogwood Trl-Agrees with previous speakers. Proposed ZTA as written is encroaching on the environment. Opposes ZTA-18-04.
6. Gerri Sullivan-31 10<sup>th</sup> Ave.-opposes ZTA 18-04, it will encourage building larger homes, you can double the area you currently have as far as lot coverage. Pervious materials were abused previously and she has heard this is why the Town Code was rewritten in 2010-2011.
7. Lorelei DiBernardo-32 9<sup>th</sup> Ave.-read a letter from her husband opposed to ZTA 18-04 (letter attached).

**MOTION:** Councilman McDonald moved to not pass ZTA-18-04 and not send it back to Planning Board. The motion was seconded by Councilman Newberry. The motion failed (2-3) Councilman McDonald and Newberry voting affirmative; Mayor Bennett, Mayor pro tem Nason and Councilman Conners opposing.

In support of the proposed ZTA, Mayor pro tem Nason stated the lot coverage remains the same at 30%. It encourages people to use pervious materials which they would not ordinarily do on their own. A strict storm water plan would have to be presented, gravel walkways will now be considered coverage. He further stated that he respectfully disagrees with some statements and that swimming pools trap storm water. This amendment gets the Town in line with what is actual coverage and closer to state storm water standards.

Councilman Newberry stated he would not be convinced, agrees with Andy Ward's comments and he is opposed to the proposed ZTA.

Councilman Conners stated he is not totally against everything in the ZTA. He agreed with Mr. Wards numbers.

Mayor Bennett stated Council can consider Mr. Ward's request to send it back to the Planning Board, vote against it, or vote for it.

Councilman McDonald stated he voted this down the first time and the reason he did was sixty-eight percent of the people in the community responded to a survey that had recently been done and they were against it. Their comments were to leave it alone and the majority of our community is against this.

Councilman McDonald then asked Mayor pro tem Nason "How much money do you need to make?"

Councilman Nason immediately asked Councilman McDonald to please retract that statement.

Councilman Nason stated this is about the renovation process and he was making no money from this. He also stated Councilman McDonald's comment was entirely inappropriate and to retract his statement and apologize.

Councilman McDonald refused to apologize, and stated, "the truth sometimes hurts."

Mayor pro tem Nason called for Councilman McDonald to be censured for his comments.

Councilman Newberry stated how is he supposed to censure Councilman McDonald if he did not hear the comment. Councilman Conners stated it was an accusation that Mr. Nason is making money off this change.

Mayor Bennett called for one motion at a time.

**MOTION:** Mayor pro tem Nason moved to not accept ZTA -18-04 but to send it back to the Planning Board for their consideration. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0).

**MOTION:** Mayor pro tem Nason moved to have this board formally censure Mr. McDonald for his comment, stating it was totally out of line and he had no evidence for it. The motion was seconded by Councilman Conners. The motion failed 2-3, Mayor pro tem Nason and Councilman Conners voting affirmative; Mayor Bennett, Councilman Newberry and Councilman McDonald opposing.

[ In reference to ZTA-18-04 discussion, Councilman McDonald asked Mayor pro tem Nason "how much do you need to make", refused to retract the statement, and refused to apologize publicly for making the statement, also stating "the truth sometimes hurts".

**PUBLIC HEARING -CONSIDER ZTA-18-03, A ZONING TEXT AMENDMENT APPLICATION SUBMITTED BY THE SOUTHERN SHORES VOLUNTEER FIRE DEPARTMENT TO AMEND TOWN CODE SECTION 36-163, SECTION 36-165, AND 36-205 ESTABLISHING PARKING, SIGNAGE, AND SETBACK REQUIREMENTS FOR FIRE STATIONS.**

Town Attorney Gallop opened the public hearing and called for comment. Hearing no citizen wishing to speak he asked the Town Planner to present the Staff report.

Wes Haskett, Deputy Town Manager and Planning Director presented the staff report and stated the rear and side setbacks are zero in the ZTA as presented. The Fire Department's architect plans call for an 18-ft. side setback. Council, if they choose, could reduce the side setback in the zoning text amendment.

**MOTION:** Councilman McDonald moved to adopt ZTA-18-03 amending the proposed zero-side setback to 10 ft. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0).

#### GENERAL PUBLIC COMMENT

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

1. Joe Van Gieson-228 N Dogwood-freedom of speech. Councilman Conners has been negative towards his comments, and brought up things from his past. He feels this is to intimidate but it is not going to work.
2. Glenn Wyder-170 Clam Shell-has served proudly on many boards and has never seen a board member attack the integrity of another member, inexcusable. Pleaded with Council to get past the personal issues with each other and do right for the community.

#### MAYOR COMMENTS & COUNCIL COMMENTS

Mayor Bennett thanked the Planning Board applicants for volunteering.

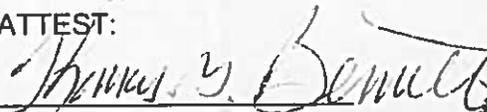
Councilman Newberry stated Council should listen more to the public comments and surveys and the Town's Land Use Plan. The Land Use Plan needs to be looked at when considering zoning text amendments.

Councilman Conners stated when someone is disrespectful to him, you may get disrespect back.

#### ADJOURN

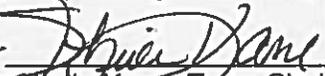
**MOTION:** Hearing no other business, Councilman McDonald moved to adjourn. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0). The time was 8:58 p.m.

ATTEST:

  
Thomas G. Bennett, Mayor



Respectfully submitted,

  
Sheila Kane, Town Clerk

**TOWN OF SOUTHERN SHORES  
TAX DEPARTMENT**

**7/10/2018**

**PICKUPS**

**RELEASES**

March Real

\$8.02

**TOTAL**

**\$0.00**

**\$8.02**

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

**Planning  
Increases**

**Decreases**

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

Explanation: Cost to complete CodeWright contract

Recommended By:

Approved By: Town Council

\_\_\_\_\_  
J. Peter Rascoe, III, Town Manager

\_\_\_\_\_  
Tom Bennett, Mayor

\_\_\_\_\_  
Date

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

**Fire Department  
Increases**

**Decreases**

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

Explanation: Amount to finish architectural work for new fire station

Recommended By:

J. Peter Rascoe, III

Approved By:

Tom Bennett, Mayor

Date

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

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

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

Recommended By:

\_\_\_\_\_  
J. Peter Rascoe, III Town Manager

Approved By: Town Coucil

\_\_\_\_\_  
Tom Bennett , Mayor

\_\_\_\_\_  
Date



# Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949  
Phone 252-261-2394 / Fax 252-255-0876  
info@southernshores-nc.gov  
www.southernshores-nc.gov

## PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

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

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

Please check the applicable Chapter/Article:

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

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

**Applicant**

Name: Town of Southern Shores  
Address: 5375 N. Virginia Ave. Trail  
Southern Shores, NC 27949  
Phone: 252-2394 Email: info@southernshores-nc.gov

**Applicant's Representative (if any)**

Name \_\_\_\_\_  
Agent, Contractor, Other (Circle one)  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

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

Address: \_\_\_\_\_ Zoning district \_\_\_\_\_  
Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_ Lot size (sq. ft.) \_\_\_\_\_

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

Change To: Zoning Map  Zoning Ordinance

[Signature]  
Signature

4-20-18  
Date

\* Attach supporting documentation.



**Town of Southern Shores**

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

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

info@southernshores-nc.gov

www.southernshores-nc.gov

Ordinance-2018-06-03

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

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

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

**WHEREAS**, pursuant to N.C.G.S. § 160A-371 et seq. the Town may enact and amend ordinances regulating the subdivision of land within its territorial jurisdiction; and

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

**WHEREAS**, the Town desires to manage the development of the Town in a manner which maintains the low density character of the Town and requires formal recombination of lots to current Town standards toward a goal of reducing the existence of nonconforming lots. Similarly, the Town desires to allow for existing nonconforming lots that are not otherwise adjacent to lots owned by the same person or entity to be developed rather than vacant and unusable; and

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

**ARTICLE II. Construction.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **ARTICLE V. Severability.**

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

18 **ARTICLE VI. Effective Date.**

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

23  
24 \_\_\_\_\_, Mayor  
25

26 **ATTEST:**

27  
28 \_\_\_\_\_  
29 Town Clerk  
30

31 **APPROVED AS TO FORM:**

32  
33  
34 \_\_\_\_\_  
35 Town Attorney  
36

37 **Date adopted:**

38  
39 \_\_\_\_\_  
40 Motion to adopt by Councilmember:

41 \_\_\_\_\_  
42 Motion seconded by Councilmember:  
43  
44  
45  
46

Vote: \_\_AYES\_\_ NAYS

## STAFF REPORT

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

### GENERAL INFORMATION

**Applicant:** Town of Southern Shores

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

### ANALYSIS

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

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

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

### RECOMMENDATION

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

July 3, 2018

To: Town Council  
From: Town Manager

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

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

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

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





# Town of Southern Shores

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

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

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

## Ordinance #2018-07-01

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

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

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

This Ordinance is effective upon adoption.

Approved this \_\_\_\_ of July 2018.

\_\_\_\_\_  
Thomas Bennett, Mayor

Attest: \_\_\_\_\_  
Sheila S. Kane, Town Clerk

## "Attachment A"

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

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

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

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

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

### **Group C, "Other":**

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



# Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949  
Phone 252-261-2394 / Fax 252-255-0876  
info@southernshores-nc.gov  
www.southernshores-nc.gov

## PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

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

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

Please check the applicable Chapter/Article:

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

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

**Applicant**

Name Town of Southern Shores  
Address: 5375 N. Virginia Dare Trl  
Southern Shores, NC 27949  
Phone 252-2394 Email info@southernshores-nc.gov

**Applicant's Representative (if any)**

Name \_\_\_\_\_  
Agent, Contractor, Other (Circle one)  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

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

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

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

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

Change To: Zoning Map  Zoning Ordinance

Signature [Handwritten Signature]

Date 3-16-18

\* Attach supporting documentation.



**Town of Southern Shores**  
5375 N. Virginia Dare Trail, Southern Shores, NC 27949  
Phone 252-261-2394 / Fax 252-255-0876  
info@southernshores-nc.gov  
www.southernshores-nc.gov

ZTA-18-04

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

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

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

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

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

**ARTICLE II. Construction.**

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

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

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Southern Shores, North Carolina, that Section 36-163 the Town Code shall be amended as follows:

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

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

...

**(6) Maximum allowable lot coverage.**

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

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

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

**ARTICLE V. Severability.**

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

**ARTICLE VI. Effective Date.**

This ordinance amendment shall be in full force and effect from and after the \_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

**ATTEST:**

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

\_\_\_\_\_  
Town Clerk

Vote: Ayes Nays

**APPROVED AS TO FORM:**

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

## STAFF REPORT

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

### GENERAL INFORMATION

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

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

### ANALYSIS

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

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

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

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

13 Land Use Densities) residential community comprised of single family dwellings on large lots (20,000 square feet or larger) served by a small commercial district (56 acres out of 2,175 acres) for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

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

### **RECOMMENDATION**

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

---

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

Wes,

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

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

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

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

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

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

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

Wes Haskett  
Town Planner/Code Enforcement Officer



# Town of Southern Shores

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

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

info@southernshores-nc.gov

www.southernshores-nc.gov

## PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 3/16/2018

Filing Fee: \$200

Receipt No. N/A

Application No. 27A-18-03

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

Please check the applicable Chapter/Article:

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

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

Applicant

Name Southern Shores Volunteer Fire Dept

Address: 15 S. Dogwood Trail

Southern Shores, NC 27949  
Phone 252/261-2272 Email elimbacher112@gmail.com

Applicant's Representative (if any)

Name Edward Limbacher

Agent, Contractor, Other (Circle one)

Address 15 S Dogwood Trail

Southern Shores, NC 27949  
Phone 252/489-1529 Email elimbacher112@gmail.com

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

Address: 15 S Dogwood Trail Zoning district \_\_\_\_\_

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

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

Change To:  Zoning Map  Zoning Ordinance

Signature

Date

3-16-2018

\* Attach supporting documentation.



**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  
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ZTA-18-03

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

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

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

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

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

**ARTICLE II. Construction.**

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

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

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Southern Shores, North Carolina, that Section 36-163 the Town Code shall be amended as follows:

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

Town of Southern Shores, NC  
ZTA-18-03  
Page 1 of 4

1  
2 ...  
3

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

7 PART II. That Town Code Sec. 36-163, (3), c be amended as follows:  
8  
9 ...

- 10  
11 ~~7~~ 8. Fire Stations: one parking space for each employee plus one space for  
12 each 4 seats in the training room.  
13 8 9. Restaurant: one parking space for each three customer seats, plus one  
14 additional parking space for each employee.  
15 9 10. Retail uses not otherwise listed: one parking space for each 300 square  
16 feet of floor area.  
17 ~~10~~ 11. Theaters: one parking space for each three seats.  
18 ~~11~~ 12. Nonprofit entities: a minimum of three parking spaces shall be  
19 provided.

20  
21 PART III. That Town Code Sec. 36-165, (1), c be amended as follows:  
22  
23 ...

24  
25 c. Legal notices, identifications, directional and informational signs erected or  
26 required by governmental bodies, fire stations, public utilities or civic  
27 associations with the approval of town council;

28  
29 PART IV. That Town Code Sec. 36-205, (d) be amended as follows:  
30  
31 ...

- 32  
33 (d) *Dimensional requirements.*  
34 (1) Minimum lot size.  
35 a. Minimum lot size for all uses other than country club shall be 20,000 square  
36 feet.  
37 b. For country club, the minimum lot size shall be 150 acres.  
38 (2) Minimum lot width: 100 feet (measured at building setback line).  
39 (3) Minimum front yard (setback): 25 feet.  
40 (4) Minimum side yard (setback).

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

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

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

21  
22 **ARTICLE V. Severability.**

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

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

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

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37 \_\_\_\_\_  
38 Mayor  
39 ATTEST: Date: \_\_\_\_\_  
40  
41 \_\_\_\_\_  
42 Town Clerk

Vote: Ayes Nayes

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**APPROVED AS TO FORM:**

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

## STAFF REPORT

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

### GENERAL INFORMATION

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

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

### ANALYSIS

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

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

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

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

of Southern Shores citizens.

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

**RECOMMENDATION**

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