



Town of Southern Shores

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MEETING MINUTES

PLANNING BOARD-NOVEMBER 15, 2021, 5:00 P.M.

LOCATION: PITTS CENTER-5377 N VIRGINIA DARE TRAIL, SOUTHERN SHORES, NC 27949

I. CALL TO ORDER:

Chairperson Andy Ward called the meeting to order at 5:00 pm. Planning Board Members Lynda Burek, Ed Lawler, Robert McClendon, John Finelli (ETJ), Tony DiBernardo (Vice-Chairperson), Andy Ward (Chairperson), Deputy Town Manager/Planning Director Wes Haskett, and Town Clerk Sheila Kane were present.

Planning Board Alternate Member Richard Galganski was also in attendance.

II. PLEDGE OF ALLEGIANCE:

Chairperson Ward led the Pledge of Allegiance.

III. APPROVAL OF AGENDA:

Vice Chairperson DiBernardo **moved** to approve the agenda, Seconded by Planning Board Member Burek. The motion passed unanimously (5-0).

IV. APROVAL OF MINUTES

Vice Chairperson DiBernardo **moved** to approve the minutes of September 14, 2021 and October 18, 2021 as amended, Seconded by Planning Board Member Burek. The motion passed unanimously (5-0).

V. PUBLIC COMMENT

None

VI. OLD BUSINESS

A. ZTA-21-09 Maximum Allowable Lot Coverage

Planning Director Wes Haskett presented the staff report which read as, the proposed amendments to Sections 36-202 (d)(6), 36-203 (d)(6), 36-204 (d)(6), and 36-205 (d)(6)c are a result of comments provided by the Town Attorney regarding the use of the first line of stable natural vegetation on oceanfront lots for determining lot coverage. His comments referred to N.C.G.S. 77-20 which establishes that the seaward boundary of oceanfront properties is the mean high-water mark. The proposed amendments are an effort to make it clear that the Town's lot coverage requirements for lots where the boundary is the Atlantic Ocean only use

the first line of stable natural vegetation to establish lot coverage by using a portion of the lots, not for establishing the seaward boundary or area of the lots.

Planning Chairperson Ward stated the language is for clarification purposes, not a change in measuring.

Vice Chairperson DiBernardo **moved** to approve ZTA-21-09 as written, Seconded by Planning Boar Chairperson ward. The motion passed unanimously (5-0).

VII. New Business

ZTA-21-10 Produce Stands

Planning Director Haskett stated at the May 4, 2021 Town Council meeting, Council adopted ZTA-21-04 which established prohibited uses in the Town. One of the prohibited uses was produce stands and Council directed the Planning Board to recommend a ZTA that would allow produce stands in the Commercial zoning district. The proposed ZTA establishes produce stands as a permitted use in the Commercial zoning district and it includes requirements that address setbacks, hours of operation, parking, signage, and vehicular and pedestrian traffic safety. Staff put together ZTA-21-10 and kept it simple. The requirements are as follows:

- A. All stands shall meet the yard requirements for the C general commercial district;
- B. No sales shall be conducted between 8:00 p.m. and 7:00 a.m.;
- C. No additional lighting shall be allowed;
- D. All stands shall comply with all applicable Dare County Health Department requirements;
- E. Only one stand per lot shall be allowed;
- F. When located on a lot with fifty (50) or more existing parking spaces, no additional parking spaces will be required. When located on a lot with less than fifty (50) existing parking spaces, a minimum of three (3) off-street parking spaces shall be provided. When located on a vacant lot, a minimum of three (3) parking spaces shall be provided on an adjacent lot with existing parking spaces that is under same ownership;
- G. One freestanding sign not exceeding 32 square feet in area or 6 feet in height shall be allowed.
- H. If applicable, a building and/or electrical permit shall be obtained;
- I. The display, storage and/or sale area shall not impede vehicular or pedestrian traffic and parking;

Vice Chairperson recommended adding, on-site garbage or trash receptacles must be provided and emptied daily upon closing of the stand. (Requirement J)

Chairperson Ward felt the structure of the stand needs to be clarified. Planning Director Haskett stated anything greater than a 12 X 12 structure would trigger the need for a building permit. A portable structure "on wheels" would not trigger a permit requirement.

Chairperson Ward stated he was not in favor of having the stand remain vacant throughout the off-season and a requirement should be added that the structure is to be removed upon closure.

Planning Board Member Lawler stated the produce stand may only be open on weekends in the shoulder months.

Planning Board Member Finelli (ETJ) stated the stand may be closed temporarily due to inclement weather conditions.

By consensus, a maximum timeframe for the produce stand to conduct business is April 15-November 15; the produce stand is to be removed three days upon closure. (Requirement K)

Vice Chairperson DiBernardo **moved** to approve ZTA-21-10 with the addition of (j) and (k), also in item (f) deletion of “three off-street parking places shall be provided”, Seconded by Planning Board Member Burek. The motion passed unanimously (5-0).

Potential Discussion on Chapter 26 Solid Waste

Vice Chairperson DiBernardo stated his original concern was the number of receptacles, the markings on them, and nothing to enforce the trash being left at the street. As he progressed and read Chapter 26, he found there is a lot of strikethroughs and a lot of additions that have to be done. Consistency is important and this chapter lacks word consistency.

Chairperson Ward provided images of trash/recycle cans that have been properly labeled and marked with instructions for distance and placement and said it has worked well in communicating proper placement with the rental tenants. He didn’t think stickers would last but suggested a stencil. He further stated, it will be up to Council how much they want to address. The Planning Board needs to implore Town Council to be proactive in this and move the needle.

Chairperson Ward also stated how many receptacles per residential unit are required is addressed but since we can no longer address number of bedrooms the language may need to say, “per advertised occupancy”. Planning Director Haskett stated he would look into the ability to address number of receptacles by bedroom language and felt it may be okay because the property owner is not being told how many rooms they can have. It would only be stating how many cans you need if you have “x” number of bedrooms.

Vice Chairperson DiBernardo stated the current ordinance reads, one recycle can no matter the number of rooms and that lids must be closed. If we can clarify things and send it to the real estate companies and hope they do something with it.

Chairperson Ward stated it is complaint driven and all of this is stuff the Town Council is going to have to take on and how is it enforceable. As an advisory board, we need to make some strong suggestions on what we would like to see occur. One of them is a graduated scale for receptacles for the number of occupants that a house is listed for by the real estate company or by septic capacity.

Planning Board Member McClendon suggested inserting a small chart with can number requirements. He also stated if Vice Chairperson DiBernardo was willing to mark up the changes he would like to see in Chapter 26 and then the board members can review it from there.

Chairperson Ward requested all Planning Board Members to bring five constructive ideas to the next meeting for continued discussion of Chapter 26, Solid Waste. He stated then it can go to Council, and they can tell us how far they want the Planning Board to dig into this because it will be staff that would need to implement the changes.

Planning Board Member McClendon stated a large majority of the issue is with the rental properties and he would like to see something in place before the next summer season.

Public Comment

Duke Geraghty- Past Government Affairs Director for Home Builder's Association-comment on decks as part of lot coverage.

Planning Board Member Comments

Planning Board Member Lawler asked for an update on the Marketplace permitting. Planning Director Haskett stated he has not heard anything on the permit, but Town Engineer Joe Anlauf met last week with project engineer Kim Hamby on site. Mr. Anlauf provided them with a list of approximately 10-12 items to address.

Announcements

Planning Director Haskett stated the next meeting is Monday, December 20th at 5:00 p.m. The sign ordinance ZTA was requested by staff to be tabled at the last Council meeting to address some oversights. Council sent it back to staff. The meeting schedule for the Planning Board 2022 will have a start time of 5:00 p.m. if the board is agreeable.

By Consensus, all board members agreed to a 5:00 p.m. meeting start time.

Adjourn

Hearing no further business, **motion** made by Planning Board Member Lawler to adjourn, Seconded by Chairperson Ward. Motion passed unanimously. The time was 7:05 P.M.

ATTEST:

Andy Ward, Chairperson

Respectfully submitted,

Sheila Kane, Town Clerk