



Town of Southern Shores

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MEETING MINUTES

PLANNING BOARD-FEBRUARY 16, 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, Tony DiBernardo (Vice Chairperson), Andy Ward (Chairperson), Alternate Member Jan Collins, Alternate Member Robert McClendon, Deputy Town Manager/Planning Director Wes Haskett, and Town Clerk Sheila Kane were present.

II. PLEDGE OF ALLEGIANCE:

Chairperson Ward led the Pledge of Allegiance.

III. APPROVAL OF AGENDA:

Vice Chairperson DiBernardo motioned to approve the agenda. Planning Board Member Burek seconded the motion. The motion passed unanimously (5-0).

IV. PUBLIC COMMENT:

None

V. OLD BUSINESS:

- A. Continued final review of Chapter 4, Definitions; Chapter 22, Zoning; Chapter 26, Subdivisions; and Chapter 28, Flood Damage Prevention in the Adoption Draft of the Town Code Update

Chairperson Ward briefed the current board members on the steps taken and timetable of events leading up to the slow progress of the Town code update project. He stated the Town code update project started 5 years ago, and only one current member from the prior board still holds a seat. The prior board did a lot of rewrites and reconfiguring, which was necessary, rather than a review. In moving forward, this board does not need to be redundant if the material has already been reviewed.

Chairperson Ward stated Town Attorney Gallop has reviewed the Zoning Chapter. Once the Planning Board gets through definitions, the process should be able to move quickly.

Planning Director Wes Haskett stated he did not find any topics for discussion in other chapters up for final review by the Planning Board. He stated he had minor comments/corrections for the definitions section.

Chairperson Ward inquired how does CodeWright handle comments and revisions at this juncture?

Planning Director Wes Haskett stated he had discussed with Chad Meadows the Planning Board's current schedule and that they are conducting a review which will produce additional comments that will be forwarded to him. The document would then be revised, and that document would be what goes to the Town Council as a recommended document if you are inclined to do so.

Chairperson Ward asked Mr. Haskett if state law 160D intermingled in here to staff's satisfaction?

[NOTE: 160D is a reconsolidation chapter in the general statutes that the legislature passed that consolidates the planning development zoning regulations in the statutes. Up until this was adopted/ passed, the county had its set of zoning development regulations and municipalities had their own, and 160D combines those chapters and some other changes. As of January 1, 2021, 160D has gone into effect; municipalities have until July 1, 2021, to get their codes into compliance (an extension granted due to COVID-19.)

Planning Director Wes Haskett stated there are certain parts of it that Town Attorney Gallop inserted as comments and those references and corrections have been made. However, our entire zoning ordinance and other code chapters for that matter are not in 160D compliance at this point and that will be the next project. He further stated, it was good to see and good to know that Mr. Gallop pointed out and already got our foot in the door so to speak on the 160D references and corrections. Codewrite did put some 160D corrections in Chapter 22.

DEFINITION REVIEW

Vice Chairperson DiBernardo stated the chapter reference (origin information) at the end of each definition was extremely helpful, a good reference, and he would like to consider leaving it. The Board concurred.

The Planning Board made the following comments/amendments to Chapter 4, Definitions:

- Chapter 4-Leave yellow highlight area chapter reference (origin information) at the end of each definition.
- Page 7- Keep the current definition of *Building Setback Line*, do not use the new definition.
- Page 8- Definition of *Chief* mentions Fire Chief but not Police Chief, it needs to reference both.
- Page 8- No definition for *Child Daycare Small Home* which is a current definition and current permitted use in our list of permitted use table/schedule district regulations as it is now in the use table in the code. It needs to be included to stay consistent.
- Page 8- Planning Director comment- *Coastal Area Management Act (CAMA)* is defined twice.

- Page 9- Planning Director comment- *Coastal High Hazard Area* reference to Section 16-3(b) should be Section 28.5.6
- Page 11- remove *Dune System, Frontal Dune* and *Dune System, Primary Dune*.
- Page 12- *Dwelling Unit Townhouse*-not applicable to Southern Shores currently but the board chose to keep the definition. [Planning Director comment- definition of *Dwelling Townhouse* has no reference to 10 ft. required in current definitions, and definition also not show in 22.4.4A4].
 - Upon further review, the decision was made to leave the definition of *Townhouse* as it may apply in the future (*Dwelling Unit Townhouse* on page 4-12 and *Townhouse Dwelling* on page 4-35).
- Page 14- *First Line of Stable Natural Vegetation* add abbreviation (CAMA) after The Division of Coastal Management.
- Page 14- Planning Director comment-definition of *Fill Material* add “as used in the flood damage prevention ordinance” to the beginning of fill material.
- Page 15- Planning Director comment- Some formatting references do not match up, but otherwise, CodeWright has done well capturing what has been done with the flood ordinance.
- Page 16-Strike the definition for *following*.
- Page16-Add brief definition to *Front Lot Line, Front Setback, Ground Elevation Average, and Ground Elevation Lowest*. Include reference.
- *Page 17-* Add brief definition to *Height, Maximum and Height, Top Plate*. Include reference.
- Page 18-strike “see other “and combine.
 - Strike definition *Home Based Business*
 - Strike definition *Improved Dune Walkover*
 - Strike definition *Large Drive Through Facility*
 - Strike definition *Large Home Dwelling*
- Page 20-Revisit once Chapter 22 is reviewed.
- Page 24 -*Opaque* definition, provide reference such as “used in landscaping buffer.”
- Page 26- Provide a short definition under *Rear Lot Line* and *Rear Setback*, along with a reference.
- Page 29-Address all *Setback* definitions, add a brief definition and then reference to where it is located.
- Page 31 -Planning Director comment -*Special flood Hazard Area (SFHA)* is referenced incorrectly, section should be 28.3.3
- Page 33- Planning Director comment -*Substantial Improvements* reference should be 28.4.4 not 16.4e
- P34- Strike *Tall Telecommunications Tower* and *Temporary Sign*
- Page 35-Strike *Top Plate Height*, as it is redundant.
- Page 36-Planning Director comment-definition of *Violation* has two incorrect references.
- Page 36-Get rid of repeat reference, strike *Unimproved Dune Walkover Access* and *Vehicle Sign*.

- Page 37 -Planning Director comment-recommend leaving the current code definition of *Wind Generation Facility* and strike *Wind Energy Conversion Facility* from definitions, as well as Chapter 22 and all references to that.

Board comments to be addressed outside of Chapter 4 definition review.

Chairperson Ward stated there is no ordinance in the code for *events*, it is a definition. The Town will have to address this in the future, recommending something better than what currently is before the board.

Alternate Member Collins questioned the definition of *Family*. Chairperson Ward asked to have the Town Attorney address the definition.

Vice Chairperson DiBernardo stated under the definition for *Historic Structure*, it references Chapter 22 for Historic Landmarks, there is an error in Chapter 22 that will need to be fixed. State approval is not required. Chairperson Ward stated Historic Landmarks will be addressed with 160D; Planning Director Wes Haskett confirmed.

Alternate Member McClendon requested a word search be performed through the entire code before eliminating a definition.

Chairperson Ward asked Planning Director Wes Haskett to research why *Temporary Use Permit* (page 4-34) referenced special event.

Chairperson Ward stated if there is ambiguity in this to divert back to the code that exists today, especially in definitions, it is probably applicable to today's and I would revert to some definitions here.

Vice Chairperson DiBernardo stated he does not see a definition for *Kennels*, which was brought up previously by an email received from John Finelli. Is there any consideration for that? Martins Point Veterinary is a veterinary and kennel. There is no definition for *Kennel* in the definitions and it is addressed later. There is also no definition for *Veterinary Clinic*. Planning Director Haskett stated he did have comments to address this with the review of Chapter 22 and will forward the comments received from Mr. Finelli to CodeWright.

VI. New Business

None

VII. Public Comment

None

VIII. Planning Board Member Comments

Vice Chairperson DiBernardo welcomed the new Planning Board members and requested staff to provide an updated contact list.

Chairperson Ward requested staff update the member positions on the website and provide him copies of prior approved minutes ready for signing.

IX. Announcements

Planning Director Haskett announced the next meeting of the Planning Board will be Monday, March 15, 2021. There are no pending applications; the board can decide which chapter(s) next to conduct a final review of the Adoption Draft of the Town Code Update.

By Consensus, The Planning Board will start a final review of Chapter 22. Chairperson Ward requested the board look at the old ordinance and how it pertains to what is out there now, in preparation for review of Chapter 22 at next month's meeting.

Planning Director Haskett asked if the board would like Chad Meadows of CodeWright available at the next Planning Board meeting? He further stated that Mr. Meadows will be participating virtually at the next Council meeting, as they begin the review of other chapters not requiring Planning Board review. It was the consensus of the board that would not be necessary at this time.

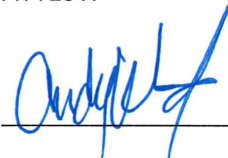
Alternate Member Collins informed the board that she would not be available to attend the March 15th Planning Board meeting.

MOTION: Vice Chairperson DiBernardo moved to set the time for the March 15, 2021, Planning Board meeting at 5:00 PM. The motion was seconded by Planning Board Member Burek. The motion passed unanimously (5-0).

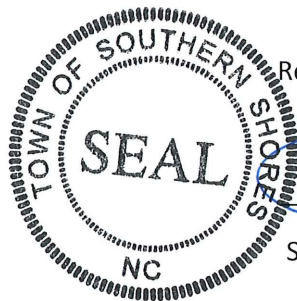
X. Adjourn

MOTION: Hearing no other business, Vice Chairperson DiBernardo moved to adjourn. The motion was seconded by Planning Board Member Burek. The motion passed unanimously (5-0). The time was 7:02 PM.

ATTEST:



Andy Ward, Chairperson



Respectfully submitted,



Sheila Kane, Town Clerk