



Town of Southern Shores

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

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9 MEETING MINUTES

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

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

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14 I. CALL TO ORDER:

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

19

20 Planning Board Alternate Member Richard Galganski was also in attendance.

21

22 II. PLEDGE OF ALLEGIANCE:

23 Chairperson Ward led the Pledge of Allegiance.

24

25 III. APPROVAL OF AGENDA:

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

28

29 IV. APPROVAL OF MINUTES

30 Vice Chairperson DiBernardo **moved** to approve the minutes of September 14, 2021 and October
31 18, 2021 as amended, Seconded by Planning Board Member Burek. The motion passed
32 unanimously (5-0).

33

34 V. PUBLIC COMMENT

35 None

36

37 VI. OLD BUSINESS

38 **A. ZTA-21-09 Maximum Allowable Lot Coverage**

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

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

48
49 Planning Chairperson Ward stated the language is for clarification purposes, not a change in
50 measuring.

51
52 Vice Chairperson DiBernardo **moved** to approve ZTA-21-09 as written, Seconded by Planning
53 Board Chairperson Ward. The motion passed unanimously (5-0).

54
55 **VII. New Business**

56 **ZTA-21-10 Produce Stands**

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

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

82
83 Vice Chairperson recommended adding, on-site garbage or trash receptacles must be provided
84 and emptied daily upon closing of the stand. (Requirement J)

85
86 Chairperson Ward felt the structure of the stand needs to be clarified. Planning Director
87 Haskett stated anything greater than a 12 X 12 structure would trigger the need for a building
88 permit. A portable structure "on wheels" would not trigger a permit requirement.

89
90 Chairperson Ward stated he was not in favor of having the stand remain vacant throughout the
91 off-season and a requirement should be added that the structure is to be removed upon
92 closure.

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

95
96 Planning Board Member Finelli (ETJ) stated the stand may be closed temporarily due to
97 inclement weather conditions.

98
99 **By consensus**, a maximum timeframe for the produce stand to conduct business is April 15-
100 November 15; the produce stand is to be removed three days upon closure. (Requirement K)

101
102 Vice Chairperson DiBernardo **moved** to approve ZTA-21-10 with the addition of (j) and (k), also
103 in item (f) deletion of “three off-street parking places shall be provided”, Seconded by Planning
104 Board Member Burek. The motion passed unanimously (5-0).

105
106 Potential Discussion on Chapter 26 Solid Waste

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

111
112 Chairperson Ward provided images of trash/recycle cans that have been properly labeled and
113 marked with instructions for distance and placement and said it has worked well in
114 communicating proper placement with the rental tenants. He didn’t think stickers would last but
115 suggested a stencil. He further stated, it will be up to Council how much they want to address.
116 The Planning Board needs to implore Town Council to be proactive in this and move the needle.

117
118 Chairperson Ward also stated how many receptacles per residential unit are required is
119 addressed but since we can no longer address number of bedrooms the language may need to
120 say, “per advertised occupancy”. Planning Director Haskett stated he would look into the ability
121 to address number of receptacles by bedroom language and felt it may be okay because the
122 property owner is not being told how many rooms they can have. It would only be stating how
123 many cans you need if you have “x” number of bedrooms.

124
125 Vice Chairperson DiBernardo stated the current ordinance reads, one recycle can no matter the
126 number of rooms and that lids must be closed. If we can clarify things and send it to the real
127 estate companies and hope they do something with it.

128
129 Chairperson Ward stated it is complaint driven and all of this is stuff the Town Council is going to
130 have to take on and how is it enforceable. As an advisory board, we need to make some strong
131 suggestions on what we would like to see occur. One of them is a graduated scale for receptacles
132 for the number of occupants that a house is listed for by the real estate company or by septic
133 capacity.

134
135 Planning Board Member McClendon suggested inserting a small chart with can number
136 requirements. He also stated if Vice Chairperson DiBernardo was willing to mark up the changes
137 he would like to see in Chapter 26 and then the board members can review it from there.

138

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

143
144 Planning Board Member McClendon stated a large majority of the issue is with the rental
145 properties and he would like to see something in place before the next summer season.

146
147 **Public Comment**

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

150
151 **Planning Board Member Comments**

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


156
157 **Announcements**

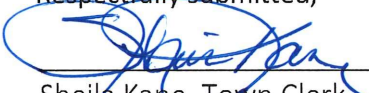
158 Planning Director Haskett stated the next meeting is Monday, December 20th at 5:00 p.m.
159 The sign ordinance ZTA was requested by staff to be tabled at the last Council meeting to
160 address some oversights. Council sent it back to staff. The meeting schedule for the Planning
161 Board 2022 will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

162
163 **By Consensus**, all board members agreed to a 5:00 p.m. meeting start time.

164
165 **Adjourn**

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

168
169
170 ATTEST:
171 
172 Andy Ward, Chairperson

Respectfully submitted,

Sheila Kane, Town Clerk