

**FINAL**



## **Town of Southern Shores**

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### **Special Planning Board Meeting**

**July 2, 2020**

**5:00 p.m., Pitts Center**

#### **MEETING MINUTES**

##### **I. CALL TO ORDER:**

Chairperson Andy Ward called the Special Meeting to order at 5:00 p.m. Planning Board Members Tony DiBernardo, Ed Lawler, Don Sowder, Andy Ward, Alternate Member Lynda Burek, and Deputy Town Manager/Planning Director Wes Haskett were present. Alternate Member Lynda Burek served as a voting member due to the absence of Planning Board Member David Neal.

##### **II. PLEDGE OF ALLEGIANCE:**

Chairperson Ward led the Pledge of Allegiance.

##### **III. APPROVAL OF AGENDA:**

Don Sowder motioned to approve the agenda. Tony DiBernardo seconded the motion. The motion passed unanimously (5-0).

##### **IV. PUBLIC COMMENT:**

None.

##### **V. OLD BUSINESS:**

None.

##### **VI. NEW BUSINESS:**

A. Consideration of ZTA-20-01, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Southern Shores Town Code by amending Section 36-416, Planning Board Action and by adding Section 36-177, Temporary Emergency Zoning Accommodations.

Wes Haskett presented the Staff Report (attached).

The Board discussed the proposed amendments to Section 36-416 and the timeline for submitting Zoning Text Amendment (ZTA) applications.

Don Sowder proposed revising the proposed language for Section 36-177. No action was taken.

Tony DiBernardo suggested reordering the hierarchy of Government in Section 36-177 so that Dare County is listed before the Town of Southern Shores and motioned to

recommend approval of the proposed ZTA to the Town Council as amended. Ed Lawler seconded the motion. The motion passed unanimously.

**VII. PUBLIC COMMENT:**

None.

**VIII. PLANNING BOARD MEMBER COMMENTS:**

None.

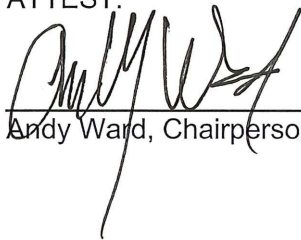
**IX. ANNOUNCEMENTS:**

None.

**X. ADJOURNMENT:**

Tony DiBernardo motioned to adjourn. Don Sowder seconded the motion and the meeting adjourned at 5:45 p.m.

ATTEST:

  
\_\_\_\_\_  
Andy Ward, Chairperson

RESPECTFULLY SUBMITTED:

  
\_\_\_\_\_  
Wes Haskett, Deputy Town  
Manager/Planning Director

**STAFF REPORT**

**To:** Southern Shore Planning Board  
**Date:** June 25, 2020  
**Case:** ZTA-20-01  
**Prepared By:** Wes Haskett, Deputy Town Manager/Planning Director

**GENERAL INFORMATION**

**Applicant:** Town of Southern Shores  
**Requested Action:** Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Southern Shores Town Code by amending Section 36-416, Planning Board Action and by adding Section 36-177, Temporary Emergency Zoning Accommodations.

**ANALYSIS**

At the May 19, 2020 Town Council meeting, the Town Council read and considered a letter from the President of the Outer Banks Restaurant Association requesting that Dare County and all of its municipalities consider allowing temporary accommodations for businesses impacted by the COVID-19 pandemic. Specifically, the letter requested allowing restaurant carts, kiosks, and food trucks on their operational premises, and allowing outdoor dining since Phase 2 of the Governor’s Safer at Home Order restricts restaurants to 50% capacity. As a result of these requests and the circumstances involved, and after hearing recommendations from the Town Attorney, the Town Council agreed that the Town’s Declaration of a State of Emergency should be revised to allow for reasonable temporary accommodations in the Town’s Zoning regulations as a short term solution. The Town Council also directed Town Staff to draft a Zoning Text Amendment (ZTA) to address the requests. During that discussion, the Town Council recognized that the Town Zoning Ordinance currently requires the Planning Board to have a minimum of 30 days to consider amendments to the Town Zoning Ordinance, which prevented the Town from being able to quickly address the requests in the form of a Zoning Text Amendment application, as recommended by the Town Attorney.

As directed by the Town Council, Town Staff is proposing to amend the Southern Shores Town Code by amending Section 36-416, Planning Board Action and by adding Section 36-177, Temporary Emergency Zoning Accommodations. The proposed amendment to Section 36-416 removes the current requirement for the Planning Board to have a minimum of 30 days to consider amendments to the Town Zoning Ordinance. The proposed Section 36-177 allows for the Mayor to authorize the Town Manager or his designee to exercise their discretion to allow for reasonable temporary accommodations in Town Zoning regulations consistent with and furthering the purposes of a declared State of Emergency and in the interests of public health, safety and welfare, including the economic prosperity of the community. Such temporary accommodations cannot extend beyond the termination of the State of Emergency or the end of the circumstances under the declaration causing the need for accommodations, whichever is shorter. All temporary accommodations must be ceased within five days of the expiration of the temporary accommodation.

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 has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan and Town Staff recommends that the Board consider this when making its recommendation to the Town Council. Please note that prior to adopting or rejecting any zoning amendment, the Planning Board shall adopt a statement describing whether its action is consistent with the adopted Town Comprehensive Land Use Plan and explaining why the Planning Board considers the action taken to be reasonable and in the public interest.