



TOWN OF SOUTHERN SHORES
TOWN COUNCIL REGULAR MEETING

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

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

www.southernshores-nc.gov

PITTS CENTER

Tuesday, October 04, 2022 at 5:30 PM

AGENDA

Call Meeting to Order

Pledge of Allegiance

Moment of Silence

Amendments to / Approval of Agenda

Consent Agenda

1. Amend Budget Ordinance FY2022-2023
2. Budget Amendment #14
3. Minute Approval

Presentations

4. Audit Presentation -Teresa Osborne

Staff Reports

Deputy Town Manager/Planning Director

Monthly Permit Reports

Planning Board Update

Police Chief

Fire Chief

Town Manager

Use of Vacant Lot Beside Pitts Center

Beach Nourishment

Town Attorney

General Public Comment (Limit: 3 minutes per speaker.)

Old Business

New Business

5. Reconstruction Task Force-Annual Appointment
6. Public Hearing-Final Subdivision Plat Submitted by Matthew Casella to Subdivide the Property Located at 267 Hillcrest Dr.
7. Public Hearing-ZTA-21-08 Application Submitted by the Town of Southern Shores to Amend Town Code Sections 36-57 and 36-165

- [8.](#) Public Hearing-ZTA-22-10 Application Submitted by the Town of Southern Shores to Amend Town Code Section 36-207(c)(11)i
- [9.](#) Consideration of RFQ for Trinitie/ Juniper Bridge
- [10.](#) Consideration of Proposals-Ginguite Trail Drainage Improvement Project

General Public Comment (Limit: 3 minutes per speaker.)

Council Business

Adjourn



AGENDA ITEM SUMMARY FORM

MEETING DATE: October 4, 2022

ITEM TITLE: Amend Budget Ordinance FY22-23

ITEM SUMMARY:

The amendment to the Budget Ordinance is to reflect the transfer from the Capital Reserve Fund to the General Fund



Town of Southern Shores

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Ordinance No. 2022-06-01

An Ordinance of the Southern Shores Town Council Adopting a Budget and Tax Rate for FY 2022-23

BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina that the following be the various budgets for FY 2022-23:

SECTION I. GENERAL FUND

- A. Appropriations: The following amounts are appropriated for the operation of the Town government and its activities for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

Administration Department	\$ 1,211,333
Code Enforcement & Inspections Department	\$ 419,826
Fire Department	\$ 1,004,243
Ocean Rescue Services	\$ 184,000
Police Department	\$ 2,113,039
Public Works Department	* \$ 602,741
Public Works Department – Streets, Bridges, Beaches & Canals	* \$ 2,276,039
Sanitation Services	\$ 879,555
Contribution to Capital Reserve Fund for Canals	\$ 100,000
Total General Fund Appropriations	\$ 8,790,776

- B. Estimated Revenues: It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2022 and ending June 30, 2023 to meet foregoing appropriations:

Property Taxes- Current Year	\$ 3,133,958
NCVTS- Current Year	\$ 102,321
MSD 1 Taxes	\$ 194,100
MSD 2 Taxes	\$ 173,574
Town Wide – Beach Nourishment	\$ 657,850
Property & Vehicle Taxes- Prior Years, Penalties and Interest	\$ 8,000
Subtotal: Property and Vehicle Taxes	\$ 4,269,803
Land Transfer	\$ 350,735
Local Option Sales Tax	\$ 1,400,000
Occupancy Tax	\$ 1,381,935
Other Intergovernmental Revenues	\$ 662,979
Building Permits & Fees	\$ 172,500
Unassigned Fund Balance	\$ 365,309
Transfer IN from Capital Reserve Fund	\$ 177,415
Other Revenues	\$ 10,100
	\$ 4,520,973

Total General Fund Revenues **\$ 8,790,776**

SECTION II. CAPITAL RESERVE FUND AND EXPENDITURES

FY 22-23 Appropriations Authorized:

Transfer OUT to General Fund "Canal Maintenance"	\$100,000
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*Transfer OUT to General Fund for Beach Nourishment Debt Service Payment	\$177,415
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FY 22-23 Revenues Anticipated:

Transfer IN from General Fund for "Canal and Channel Maintenance"	\$100,000
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*Unassigned CRF Fund Balance (Beach Nourishment) Debt Service Payment	\$ 177,415
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SECTION III. CEMETERY FUND

Appropriations Authorized:

Cemetery Maintenance and Beautification	\$ 3,140
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Revenues Anticipated:

Proceeds from Sales of Cemetery Plots	\$ 1,000
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Cemetery Fund- Unassigned Fund Balance	\$ 2,140
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CEMETERY FUND-UBF (as of 6/30/21) **\$ 65,063**

SECTION IV. TAX RATE ESTABLISHED

There is hereby levied a property tax of twenty-three point fifty-eight cents (\$0.2358) on each one hundred dollars (\$100) valuation of real and personal taxable property in the Town of Southern Shores, as listed for taxes as of January 1, 2022 by the Dare County Tax Department, for the purpose of raising revenue included in "Property Taxes – Current Year" and "Vehicle Taxes – Current Year" in the General Fund, being Section I. B. of this Ordinance.

The rate of tax is based on an estimated total valuation of real and personal property for the purpose of taxation of \$ 1,600,631,190 (taxable property value) with an estimated collection rate of 99.65%, and an estimated total valuation of vehicles of \$52,257,916 with an estimated collection rate of 99.96%. The estimated rate of collection is based on the fiscal year 2020-21 collection rate pursuant to NCGS §159-13(b)(6).

There is hereby levied a property tax of seven point fifteen cents (\$0.0715) on each one hundred (\$100) valuation of real and personal taxable property located in MSD 1 in the Town of Southern Shores for beach nourishment, three cents (\$0.03) on each one hundred (\$100) valuation of real and personal taxable property located in MSD 2 in the Town of Southern Shores and four cents (\$0.04) on each one hundred (\$100) valuation of real and personal taxable property located in the Town of Southern Shores, as listed for taxes as of January 1, 2022 by the Dare County Tax Department, for the purpose of raising revenue included in "Property Taxes-Current Year" and "NCVTS" in the General Fund, being Section I.B. of this ordinance.

The tax rate is based on an estimated total valuation of real and personal property for the purpose of taxation in MSD 1 as \$272,833,010, MSD 2 as \$581,487,526 and Town Wide as \$1,600,631,190 with an estimated collection rate of 99.65%. The estimated rate of collection is based on the fiscal year 2020-21 collection rate pursuant to NCGS 159-13(b)(6).

SECTION V. EXPENDITURES

All expenditures must be made in accordance with governing North Carolina General Statutes and adopted Town policies regarding purchasing and bidding. The Budget Officer is authorized to expend funds consistent with the governmental functions and amounts shown as appropriated and to execute such documents necessary for same.

Notwithstanding Town policies regarding purchasing and bidding, the Budget Officer is authorized to execute documents for the following items or services in accordance with the specific appropriations established by this Ordinance or as the budget may be amended during the fiscal year: Multi-year lease, lease-purchase, or purchase of vehicles and equipment.

SECTION VI. LEASE REVENUES

The Budget Officer is hereby authorized to negotiate in the best interest of the Town and execute such documents necessary for the realization of revenues or other consideration from lease or use of any Town property with a term not to exceed three years.

SECTION VII. FIRE SERVICES

An amount of \$ 314,020 is included (as shown on adopted line item budget) in the total amount appropriated in Section 1. A. for "Fire Department". This funding is for reimbursement to the Southern Shores Volunteer Fire Department, Inc. (SSVFD) for that entity's debt service costs incurred during FY 2021-22 for funding for a new fire station as described in the effective contract for fire services between the Town and the SSVFD.

SECTION VIII. BUDGET OFFICER LINE TRANSFER AUTHORIZATION

The Budget Officer is authorized to re-allocate intra-departmental appropriations among the various objects of expenditures as he considers necessary for effective budget performance and is also authorized to affect inter-departmental transfers within the same Fund for effective budget performance. The Budget Officer is also authorized to affect, within the same Fund, intra-departmental and inter-departmental transfers from a Departmental contingency line appropriation established in accordance with NCGS §159-13(b)(3), with such contingency line transfers being in accordance with NCGS §159-13(b)(3).

SECTION IX. BUDGET OFFICER RESTRICTIONS

No salary increases may be made without approval of the Town Council. Inter-fund transfers not established in this budget document may only be performed by authorization of the Town Council.

SECTION X. UTILIZATION OF BUDGET AND BUDGET ORDINANCE

This Ordinance and the Budget Document shall be the basis of the financial plan for operations of the Town of Southern Shores, North Carolina Municipal Government during the fiscal year 2020-21. Copies of this Budget Ordinance shall be furnished to the Clerk of the Town Council and to the Budget Officer and Finance Officer and is to be kept on file by them for their direction in the disbursement of funds.

ADOPTED this _____ day of June, 2022.

Mayor Elizabeth Morey

ATTEST:

Sheila Kane, Town Clerk

seal

*Amended on October 04, 2022

..



TOWN OF SOUTHERN SHORES
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PITTS CENTER

Tuesday, September 06, 2022 at 5:30 PM

MINUTES

1 Call Meeting to Order

2 Pledge of Allegiance

3 Moment of Silence

4 Present

5 Mayor Elizabeth Morey

6 Mayor pro tem Matt Neal

7 Council Member Leo Holland

8 Council Member Paula Sherlock

9 Council Member Mark Batenic

10

11 Amendments to / Approval of Agenda

12 Motion made by Council Member Holland to approve the agenda as presented, Seconded by Council
 13 Member Sherlock. The motion passed unanimously (5-0).

14 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock,
 15 Council Member Batenic

16

17 Consent Agenda

18 The consent agenda consisted of the following:

- 19 1. Minutes-August 2, 2022 Regular Mtg. & Closed Session
- 20 2. Budget Amendment #12 & #13
- 21 3. Tourism Board's Re-appointment of Council Member Holland through 2023
- 22 4. Government Access Channels Proposed Attendance Policy
- 23 5. Proclamation from Children and Youth Partnership -Diaper Need Awareness Week
- 24 6. Resolution in support of legislation re: digging dangerous holes on the beach

25

26 **Motion** made by Council Member Holland to approve the consent agenda as presented, Seconded by
 27 Council Member Sherlock. The motion passed unanimously (5-0).

28 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock,
 29 Council Member Batenic

30

31

General Public Comment (Limit: 3 minutes per speaker.)

Public Comment-Len Schmitz-184 Wax Myrtle- spoke in opposition to the year around speed limit change along Ocean Blvd/NC12 in Southern Shores. The reduced speed limit will allow golf carts on NC12, and he feels this will become a safety hazard.

Staff Reports

Deputy Town Manager/Planning Director Wes Haskett presented the monthly permit report for August. He also reported the Planning Board will meet on September 19th to consider ZTA 22-10 mixed use group development of commercial and residential buildings, ZTA 22-08 Casey Varnell on behalf of Pledger Palace, and possible ZTA 21-08 regulations governing signs. The Historic Landmarks Commission may be meeting on September 27th to consider a certificate of appropriateness application submitted by Courtney Clements 23 Porpoise Run.

Mayor Morey asked if there have been any complaints on the activity at the Marketplace Shopping Center and if they are required to provide the town updates.

Planning Director Haskett stated there were a couple complaints initially during the demolition, but the building inspector has done a great job ensuring a specific plan was in place for the fence and construction area. The contractor is not required to provide updates other than request inspections or permits.

Police Chief David Kole presented the Police Department Report for the month of August.

Fire Chief Ed Limbacher presented the Fire Department Report for the month of August.

Town Manager Cliff Ogburn provided operational highlights on the following:

- Ginguite Trail Stormwater Project Update is out to bid. The bid period began on August 25th and will close September 29th. The project is on the website, and it has been sent to multiple bidders. Staff is hopeful to get the project started in October or November.
- Beach Nourishment-Weeks Marine is considering starting Southern Shores in the next couple weeks, this would be at the first subline located at approximately 60 Ocean Blvd and work their way south. There will be meetings occurring every two weeks to provide updates on the projects (all four towns) and answer questions from the public and other stakeholders.
- Paving Project for 2022 is substantially complete. The contractor started August 1st and finished August 26th. There are still some punch list items to address and we are still waiting on some of the costs per quantity. Ideally there would be enough savings to overlay Mizzen Mast and Turtle Pond. The overlay work on Hickory, Chicahauk and Sound View is the look that we are going for, the patching is the first step and then the overlay is the look we are seeking. The second year of the paving plan can be adjusted, and staff would like to further discuss this at the mid-month workshop meeting.

Council Member Sherlock asked if the ocean front property owners will be notified of the start of the beach nourishment project? Town Manager Ogburn stated it will be placed on the website and in the newsletter. The website also has a map that tracks the progress of the beach nourishment.

Town Attorney Hornthal reported the two CAMA permits that were issued back in 2018 to SAGA for development for the sites located at 98 and 134 Ocean Blvd. were appealed to an administrative law judge who affirmed the local CAMA Permit Officer's permit. The petitioners then appealed that to the next level of appeal which is Wake County Superior Court and Judge Rebecca Holt Wake County issued her opinion on June 19th affirming both the administrative law judge and the original permits issued by the local officer. The petitioners then had 30 days to appeal that decision and that deadline ran on August 18, 2022, with no appeal. The permits are good.

Old Business

None

New Business

7. Public Hearing-PSP-22-01, a preliminary subdivision plat submitted by Matthew Casella to subdivide the property located at 267 Hillcrest Dr.

Town Attorney Hornthal opened the public hearing and called on Planning Director Haskett for the staff report.

Deputy Town Manager/Planning Director Wes Haskett presented the staff report which read as, the Town's Subdivision Ordinance establishes a review process for subdivisions that requires Town Council approval of all preliminary and final subdivision plats (except for exempted subdivisions). The applicant is requesting to subdivide the lot located at 267 Hillcrest Dr. into two new lots. The existing single-family dwelling and other improvements currently situated at 267 Hillcrest Dr. are proposed to be located on new Lot 1-B with a lot size of 70,360 sq. ft. and the remaining property is proposed to be located on new Lot 1-A with a lot size of 52,016 sq. ft. Both lots as proposed meet the Town's minimum lot size requirement of 20,000 sq. ft. and lot width of 100 ft. Both lots also meet the Town's frontage requirement by providing at least 30 ft. of frontage that abuts a public right-of-way or private street.

Town Staff recommends approval of the preliminary plat with the following conditions:

1. The exemption certificate shown on the preliminary plat shall be deleted.
2. A certificate of approval by the Planning Board shall be added to the final plat.
3. A certificate of approval by the Town Council shall be added to the final plat.

The Town Planning Board unanimously (5-0) recommended approval of the preliminary plat with the above conditions at the August 15, 2022 Planning Board meeting.

Town Attorney Hornthal called on the public for comment. Hearing no citizen wanting to provide comment he closed the public hearing.

Council Member Holland stated the only question that the Planning Board had was if the well was a functioning well? The applicant stated he did not have a definitive answer yet.

Council Member Sherlock stated the subdivision plat meets all the requirements and she has spoken to homeowners in the area and they agree.

Motion made by Mayor pro tem Neal to approve PSP 22-01 with the following conditions:

1. The exemption certificate shown on the preliminary plat shall be deleted.
2. A certificate of approval by the Planning Board shall be added to the final plat.
3. A certificate of approval by the Town Council shall be added to the final plat.

Motion Seconded by Council Member Holland. The motion passed unanimously (5-0).

Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock, Council Member Batenic

8. Public Hearing-ZTA-22-09, a Zoning Text Amendment application submitted by Mila Smith to amend Town Code Sections 36-163 and 36-207(b)(3)

Town Attorney Hornthal opened the public hearing and called on Planning Director Haskett for the staff report.

Planning Director Wes Haskett presented the staff report. The applicant is proposing a Zoning Text Amendment (ZTA) to amend Town Code Sections 36-163 and 36-207(b)(3) to allow group fitness, aerobics, dance, martial arts, yoga, gym, and/or weight training as a permitted use in the C, General Commercial zoning district. The proposed amendments to Section 36-207(b)(3) establish the proposed use which would allow various group fitness service establishments. The proposed amendments to Section 36-163 establish the minimum parking requirement for the proposed use which requires one parking space for each 250 square feet of gross floor space. As a permitted use, such establishments could be approved administratively if they are proposed to be located in an existing building and a site plan is not required. If a site plan is required, it would have to be reviewed by the Planning Board and the Town Council.

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan and Town Staff recommends approval of the proposed ZTA. The Town Planning Board unanimously (6-0) recommended approval of the application at the August 15, 2022 Planning Board meeting.

Town Attorney Hornthal called on the public for comment. The applicant addressed Council.

Applicant Mila Smith shared her prepared statement, essentially thanking the Council for their consideration and her wanting to see the process through. She unfortunately has chosen to not relocate her business to Southern Shores at this time. The location she had in mind was rented to another business before this zoning text amendment process could be completed.

Hearing no further comment, Town Attorney Hornthal closed the public hearing.

Council was disappointed Ms. Smith had changed her mind and hoped that she may reconsider in the future.

Mayor pro tem Neal had no issue with adding the use.

Hearing no opposition to adding the use, Mayor Morey called for a motion.

Motion made by Council Member Sherlock to approve ZTA 22-09 as recommended by staff and the Planning Board, Seconded by Council Member Batenic. The motion passed unanimously (5-0),

Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock, Council Member Batenic

9. Discussion of Potential Crosswalk at Tenth Ave

NC DOT Division 1 has agreed with a recommendation from an evaluation of the town's crosswalks done by the State Traffic Safety Engineer and a consultant from VHB Engineering for an additional crosswalk at 10th Ave and Duck Road. The study was performed as a cursory review while a study was being performed for the Town of Duck. DOT will fund the installation of the crosswalk and the Town will need to fund the cost for the overhead lighting.

Council Member Batenic asked if NCDOT would do another crosswalk study if Council chose to pursue? Town Manager Ogburn stated perhaps if Council requested one.

Mayor pro tem Neal stated adding another crosswalk between the two lights makes sense. We have had more citizen advocacy to place it on Tenth Ave. and it is more centrally located between the lights.

Council Member Holland agreed that we have had more citizen's request the crosswalk be placed at Tenth Avenue.

Mayor Morey stated by viewing the aerial photos the pathway through tenth Avenue is well utilized. Ideally, Council would like to see a paths on both side of NC12 the whole way from the south end of NC12 to the north end of town. This Council has recognized and hope to get a Tourism Grant to do a segment of the pathway and then continue from there. Council hears from the residents that they want more paths on NC12 and a safe way to get across the road to get to the beach.

Mayor Morey allowed comment from a citizen wishing to speak.

Public Comment-Stacia and Mark LeBlanc-#9 Tenth Ave -spoke in opposition to the crosswalk being placed at Tenth Ave. They advocated for the crosswalk to be located on 9th or 11th Avenue, as there are more houses located on those streets.

Mayor Morey stated Council has heard from several residents that live on the dunes behind the avenues and they use a path that gets them to the cul de sac on Tenth Avenue. These residents have advocated for the crosswalk on Tenth Avenue.

Motion made by Council Member Batenic to approve the installation of a crosswalk at 10th Avenue by NC DOT and a Town expense not to exceed \$4,000 to install the overhead solar lights., Seconded by Council Member Holland. The motion passed unanimously (5-0).

Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock, Council Member Batenic

General Public Comment

Public Comment-Tony DiBernardo-32 Ninth Ave- sent emails to several Council Members throughout the years and have only heard back from two. The footpath on Duck Road is atrocious and the town needs to look at its infrastructure and maintain it.

197 **Council Business**

198 Council Member Holland provide a Tourism Board report. Occupancy collections for the month of June
199 were up 7%, 5.19% year to date. Meal's collections were up 1.2%, 5% year to date. Visitor spending in
200 NC increased 45% in 2021, equating to an additional 12-13 thousand jobs related to the Tourism
201 business. This keeps our tax dollars down.

202 Council Member Batenic asked the manager how many more weekends the barriers will be out on the
203 streets? Town Manager Ogburn stated this past weekend was the last one for the season.

204 Mayor Morey stated the next meeting is a Council workshop meeting scheduled for Tuesday,
205 September 20th at 9:00 a.m. Council hopes to hear an update from the Kimley Horn Report and Council
206 will discuss budget issues. There will be a Mayor's Chat October 19th at 4:00 p.m.

207

208 **Adjourn**

209 Council Member Holland moved to adjourn, Seconded by Mayor Morey. Motion passed unanimously
210 (5-0).



AGENDA ITEM SUMMARY FORM

MEETING DATE: October 4, 2022

ITEM TITLE: Public Hearing-Final Subdivision Plat

ITEM SUMMARY:

Section 12-69 of the Town Code requires an annual appointment of a Reconstruction Task Force which would be activated upon the declaration of a building moratorium following a major storm event. The task force is responsible for advising the Town Council on a wide range of post-storm reconstruction issues. A primary function of the task force is to receive and review damage reports and other analyses of post-storm circumstances and to compare these circumstances with mitigation opportunities identified prior to the storm, to discern appropriate areas for post-storm change and innovation. The Task Force consists of two elected officials, two Planning Board members, Town Staff, a representative from the building or realty community, one representative from the SSCA, and one representative from the CPOA:

- Mayor
- Mayor Pro Tem
- Planning Board Chairperson
- Planning Board Vice Chairperson
- Town Manager
- Deputy Town Manager/Planning Director
- Police Chief
- Fire Chief
- SSCA President
- CPOA President
- Construction Community Representative (David Buchanan)

STAFF RECOMMENDATION:

Appointment of the Reconstruction Task Force.

REQUESTED ACTION:

Motion to appoint the Reconstruction Task Force.



AGENDA ITEM SUMMARY FORM

MEETING DATE: October 4, 2022

ITEM TITLE: Public Hearing-Final Subdivision Plat

ITEM SUMMARY:

The Town's Subdivision Ordinance establishes a review process for subdivisions that requires Planning Board review and approval of all preliminary and final subdivision plats (except for exempted subdivisions). The applicant is requesting to subdivide the lot located at 267 Hillcrest Dr. into two new lots. The existing single-family dwelling and other improvements currently situated at 267 Hillcrest Dr. are proposed to be located on new Lot 1-B with a lot size of 70,360 sq. ft. and the remaining property is proposed to be located on new Lot 1-A with a lot size of 52,016 sq. ft. Both lots as proposed meet the Town's minimum lot size requirement of 20,000 sq. ft. and lot width of 100 ft. Both lots also meet the Town's frontage requirement by providing at least 30 ft. of frontage that abuts a public right-of-way or private street.

STAFF RECOMMENDATION:

Approval of the final plat to subdivide the property located at 267 Hillcrest Dr.

REQUESTED ACTION:

Motion to approve the final plat to subdivide the property located at 267 Hillcrest Dr.



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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Item 6.

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

Date: 8/4/22 Filing Fee: \$100/lot Receipt No. 667115 Application No. PSP-22-01

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 Matthew Casella
Address: 196 Bright Lantern Lane
Phone 804-201-0908 Email MWCasella@gmail.com

Applicant's Representative (if any)

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

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

Address: 267 Hillcrest Drive Zoning district R5-1
Section 94 Block 94 Lot 1 Lot size (sq.ft.) _____

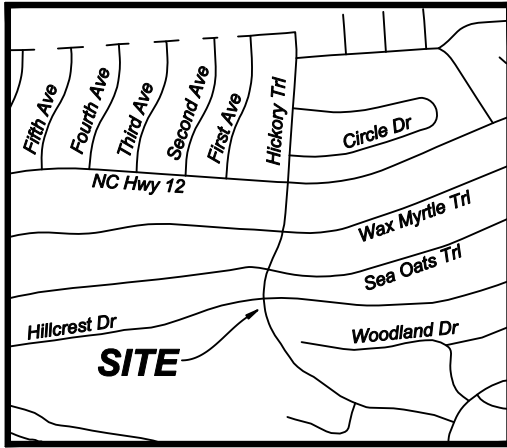
Request: ☐ Site Plan Review ☐ Final Site Plan Review ☐ Conditional Use ☐ Permitted Use
☐ PUD (Planned Unit Development) ☒ Subdivision Ordinance ☐ Vested Right ☐ Variance

Change To: ☐ Zoning Map ☐ Zoning Ordinance

[Signature]
Signature

8/4/22
Date

* Attach supporting documentation.



VICINITY MAP
NTS

- NOTES**
1. Area by coordinate computation as shown.
 2. Physical address: 267 Hillcrest drive
 3. Parcel ID #021406000, Pin #986813234972
 4. Flood zone as shown; panel #3720986800K (F.I.R.M. zone subject to change by F.E.M.A.)
 5. Recorded References: M.B. 2, Pg. 268, D.B. 2078, Pg. 619
 6. It is the sole responsibility of the permitting municipality to verify site compliance with all ordinances, zoning, & setbacks requirements prior to the issuance of permits. Surveyor makes no certification as to compliances either shown or implied.
 7. This survey is subject to any facts that may be disclosed by a full and accurate title search.
 8. Boundary from survey by Michael Barr dated 8/13/1982, recorded references listed and physical evidence found.
 9. Combined grid factor: 0.99999515

Curve Table				
Curve	Length	Radius	Direction	Chord
C1	134.91'	100.65'	S06°45'57"W	125.04'
C2	143.98'	606.41'	S38°21'53"W	143.64'
C3	44.74'	144.50'	N13°07'15"W	44.57'
C4	172.58'	202.01'	N28°43'33"W	167.38'

Line Table		
Line	Length	Bearing
L1	0.88'	S45°46'20"W
L2	0.61'	N00°00'09"W

LEGEND

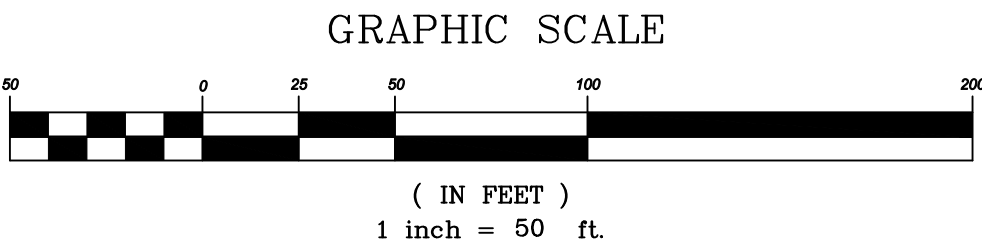
- EX. PIPE
- REBAR SET
- EX. REBAR
- EX. CONC. MON.
- CONC. MON. SET
- EX. PK NAIL
- PK NAIL SET
- FIBER OPTIC
- CATV PED.
- UTILITY POLE
- ELEC. BOX
- LIGHTPOST
- WATER METER

I, Jamie E. Furr, Certify that this plat was drawn under my supervision from an actual survey made under my supervision (description recorded in M.B. 2, Pg. 268) that the boundaries not surveyed are clearly indicated as drawn from information found in shown references, that the ratio of precision or positional accuracy as calculated is 1:10,000+, that this plat was prepared in accordance with G.S. 47-30 as amended. I further certify that the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land. . Witness my original signature, license number and seal, this,

9th Day Of September, 2022

Jamie E. Furr, PLS L-4692

Note: Boundary Lines Not Surveyed
Shown In Dashed Lines (---)



Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which property is located in the subdivision jurisdiction of Town of Southern Shores and that I hereby adopt this plan subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted.

Matthew Casella _____ Date _____
Allison Casella _____ Date _____

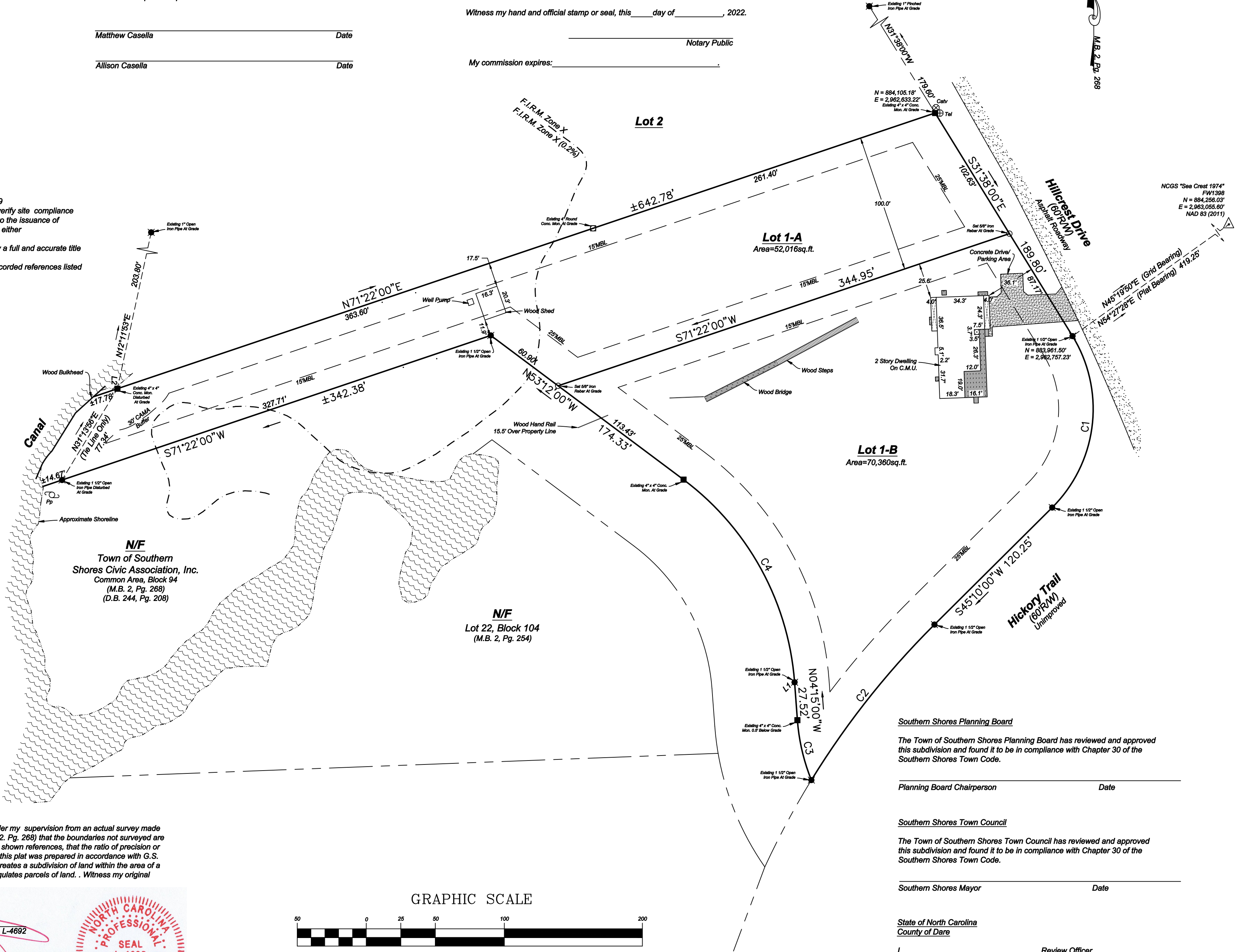
Notary Certificate
State of North Carolina
County of Dare

I, _____, of the County and State aforesaid, certify that Matthew Casella & Allison Casella, personally appeared before me this day and acknowledged the execution of this foregoing instrument.

Witness my hand and official stamp or seal, this _____ day of _____, 2022.

My commission expires: _____

Notary Public



Southern Shores Planning Board

The Town of Southern Shores Planning Board has reviewed and approved this subdivision and found it to be in compliance with Chapter 30 of the Southern Shores Town Code.

Planning Board Chairperson _____ Date _____

Southern Shores Town Council

The Town of Southern Shores Town Council has reviewed and approved this subdivision and found it to be in compliance with Chapter 30 of the Southern Shores Town Code.

Southern Shores Mayor _____ Date _____

State of North Carolina
County of Dare

I, _____, Review Officer of Dare County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____

EASTERN GEOMATICS, PLLC

P.O. BOX 1026 PHONE: 252-441-4590
(305 SOUNDVIEW DRIVE) FIRM LIC#: P-0733
KILL DEVIL HILLS, N.C. 27948

REVISIONS

NO.	DATE	DESCRIPTION	BY	APP.
1	9/7/2022	Subdivision Creating Lot 1-A & Lot 1-B	JEF	
2	9/19/2022	Southern Shores Planning Board & Town Council Comments	JEF	

Matthew & Allison Casella

Lot 1-A & Lot 1-B, Block 94, Southern Shores

ATLANTIC TOWNSHIP DARE COUNTY NORTH CAROLINA

FILE NO.:
22-2061-FP

SCALE
1"=50'
SURVEYED
JEF
DRAWN
JEF
CHECKED
JEF
SURVEY DATE
4/25/2022

SHEET NO :
1
OF 1 SHEETS



AGENDA ITEM SUMMARY FORM

MEETING DATE: October 4, 2022

ITEM TITLE: Public Hearing-ZTA-21-08

ITEM SUMMARY:

At the March 2, 2021 Town Council meeting, the Town Council instructed Town Staff to take valuable elements out of the adoption draft of the Town Code Update written by CodeWright for review by the Planning Board and the Town Council for future consideration. The proposed amendments to Section 36-57, Definition of Specific Terms and Words and 36-165, Regulations Governing Signs are a result of a U.S. Supreme Court ruling that signage requirements should be content neutral. In an effort to make the Town's sign requirements content neutral, the proposed language addresses signage based on the applicable zoning district the subject property lies within. The Planning Board first considered the application at the October 18, 2021 Planning Board meeting and recommended approval to the Town Council.

The Town Council considered the application at the November 9, 2021 Town Council meeting. Following several comments during the public hearing, the Town Council voted to send the application back to Town Staff and the Planning Board for revisions, including allowing signs in the Town right-of-way during campaign season. Town Staff has made several revisions to the proposed language since November, 2021 which include: Allowing temporary signs in the Town right-of-way during campaign season with permission of the adjacent property owner(s), revised the requirements for signs on properties that are for sale or lease, revised the definition of "sign", revised the definition of "temporary sign", revised the requirements for signs at major entrances to subdivisions, revised the requirements for wall signs in the Commercial zoning district, and revised the requirements for temporary signs in all zoning districts.

STAFF RECOMMENDATION:

Approval of ZTA-21-08.

REQUESTED ACTION:

Motion to approve ZTA-21-08.

STAFF REPORT

To: Southern Shores Town Council
Date: October 4, 2022
Case: ZTA-21-08
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores

Requested Action: Amendment of the Town Zoning Ordinance by amending Section 36-57, Definition of Specific Terms and Words and Section 36-165, Regulations Governing Signs.

ANALYSIS

At the March 2, 2021 Town Council meeting, the Town Council instructed Town Staff to take valuable elements out of the adoption draft of the Town Code Update written by CodeWright for review by the Planning Board and the Town Council for future consideration. The proposed amendments to Section 36-57, Definition of Specific Terms and Words and 36-165, Regulations Governing Signs are a result of a U.S. Supreme Court ruling that signage requirements should be content neutral. In an effort to make the Town's sign requirements content neutral, the proposed language addresses signage based on the applicable zoning district the subject property lies within. The Planning Board first considered the application at the October 18, 2021 Planning Board meeting and recommended approval to the Town Council.

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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 approval of the proposed ZTA. The Town Planning Board unanimously (6-0) recommended approval of the application at the September 19, 2022 Planning Board meeting.



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: 8 / 9 / 21 Filing Fee: \$200 Receipt No. N/A Application No. ZTA-21-08

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) 261-2394 Email whaskett@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]

Date 8-9-21

* Attach supporting documentation.



Town of Southern Shores

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

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ZTA-21-08

9-19-22

Ordinance 2022-XX-XX

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. § 160D-701, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction. Pursuant to this authority and the additional authority granted by N.C.G.S. § 160D-702, 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, the Town desires content neutral signage standards and regulations that ensure that permitted signs reflect the aesthetics desired by its residents; promote traffic safety; and, provide minimum interference with individual property rights;

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, and general welfare for the Town to amend the Town's Zoning Ordinance 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 the Town Code shall be amended as follows:

PART I. That **Sec. 36-57. Definition of specific terms and words.** Be amended as follows:

Sec. 36-57. Definition of specific terms and words.

1 ...

2
3 Banner means any cloth, bunting, plastic, paper, or similar non-rigid material
4 attached to any structure, staff, pole, rope, wire, or framing. Banners are temporary in
5 nature and do not include flags.

6
7 ...

8
9 Flag means any symbol or words printed or painted on cloth plastic, canvas, or other
10 like material with distinctive colors, patterns, or symbols attached to a pole or staff and
11 anchored along only one edge or supported or anchored at only two corners.

12
13 ...

14
15 Pennant means a triangular or irregular piece of fabric or other material, commonly
16 attached in strings or strands, or supported on small poles intended to flap in the wind.

17
18 ...

19
20 *Sign* means any writing, pictorial representation, illustration, decoration (including
21 any material used to differentiate sign copy from its background), landscaping form,
22 emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer,
23 spinner, ribbon, sculpture, statue, or any other figure or character that:

- 24 (1) Is a structure or any part thereof (including the roof or wall of a building); or
25 (2) Is written, printed, projected, painted, constructed, or otherwise placed or
26 displayed upon or designed into landscaping or a structure or a board, plate,
27 canopy, awning, marquee, or vehicle, or upon any material object or device
28 whatsoever; and
29 (3) By reason of its form, color, wording, symbol, design, illumination or motion,
30 attracts or is designed to attract attention to the subject thereof ~~or is used as a~~
31 ~~means of identification, advertisement, or announcement or political or artistic~~
32 ~~expression or decoration; but~~
33 (4) Landscaping constitutes a sign only to the extent that it is planted, trimmed,
34 graded, arranged, or installed in such a manner as to convey an explicit
35 commercial message.

36 ~~*Sign, commercial,* means a sign which identifies, advertises, or directs attention to a~~
37 ~~business, or is intended to induce the purchase of goods, property, or service, including,~~
38 ~~without limitation, any sign naming a brand of goods or service and real estate signs, as~~
39 ~~further defined below.~~

40 ~~*Sign, noncommercial,* means a sign designed and intended to promote, support, call~~
41 ~~attention to, or give notice to a cause, nonprofit and noncommercial service, or political~~
42 ~~message of an individual, charitable organization, political group or other entity. Any~~

symbols, letters or other identifying characteristics describing the commercial sponsor of a noncommercial sign shall not exceed four inches in height and may not be repeated on the same face of the sign. A noncommercial sign shall contain no commercial advertising or statements, logos, designs or trademarks designed or intended to promote or produce financial gain other than donations for charitable organizations such as groups which are tax exempt pursuant to the Internal Revenue Code.

Sign, noncommercial charity event, means a temporary sign designed and intended to promote, support, call attention to, or give notice to a specific noncommercial event wholly organized by a nonprofit individual, charitable organization, political group or other entity that is tax exempt pursuant to the Internal Revenue Code.

Sign, permanent, means a sign attached or affixed to a building, window, or structure, or the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Sign, off-site, means an off-site sign is any sign other than an on-site sign including signs erected for the provision of outdoor displays or display space as a business on a lease or rental basis.

Sign, on-site, means a sign relating in its subject matter to the premises on which it is located, or to products, services, accommodations, or activities on these premises.

Sign, real estate, means a sign indicating the availability for sale, rent, or lease of the specific lot, building, or portion of a building upon which the sign is posted.

Sign, temporary, means a sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs, or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs. A temporary sign is:

- (1) Is ~~intended~~ for a temporary period. The temporary period may be different for various types of events or circumstances the sign advertises;
- (2) Is ~~Typically~~ constructed from nondurable materials, including paper, cardboard, cloth, plastic, and/or wallboard;
- (3) Does not constitute a structure subject to the town's building code and zoning code provisions.

Sign, vehicle, means a permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, parked trailer or any parked device capable of being towed, which is displayed in public view under such circumstances as to location on the premises, time of day, duration, availability of other parking space on the premises, and the proximity of the vehicle to the area on the premises where it is loaded, unloaded or otherwise carries out its principal function, which circumstances indicate that the primary purpose of said display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

...

PART II. That **Sec. 36-165. Regulations governing signs.** Be amended as follows:

Sec. 36-165. Regulations governing signs.

The town adopts these standards and regulations to ensure that permitted signs reflect the aesthetics desired by its residents; promote traffic safety; and, provide minimum interference with individual property rights.

(1) *Exclusions.* The following shall not be included in the application of these regulations:

- a. ~~Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;~~
- b. ~~Flags and insignia of any government except when displayed in connection with commercial promotion;~~
- c. ~~Legal notices, identifications, directional and informational signs erected or required by governmental bodies, fire stations, public utilities or civic associations with the approval of town council;~~
- da. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- e. ~~Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;~~
- fb. Temporary signs of less than three days duration located within a public right-of-way.
- c. Fence-wrap signs affixed to fences surrounding a construction site, and used to indicate the construction firms actively working on a development site in accordance with N.C.G.S. 160D-908.
- d. Pennants.

(2) *Number and area.*

- a. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- b. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including frames and all of the elements of the matter displayed. The area of a double-faced sign shall be the area of one face of the sign, provided that the two faces are of the same

size and are parallel to one another with no more than 24 inches between each sign face.

(3) *Sign permit required.* No sign shall hereafter be erected or attached to, suspended from, or supported on a building or structure, nor shall any existing sign or outdoor advertising structure be structurally altered, remodeled or relocated, until a sign permit for same has been issued by the zoning administrator. No permit is required for signs ~~enumerated in subsection (8), (11) or (12) of this section in residential districts, temporary signs,~~ or any sign not exceeding three square feet in area.

(4) *Material and design.* All signs requiring a permit shall be constructed and designed, according to generally accepted engineering practices, to withstand wind pressures and load distribution as specified in the current building code.

(5) *Inspection required.* Each sign or outdoor advertising structure subject to the regulations of subsection (3) of this section may be subject to an annual inspection by the building inspector for the purpose of ensuring that the structure is maintained in a safe condition. The fee for the annual inspection shall be in accordance with a regularly adopted fee schedule of the town. When a sign becomes structurally unsafe, the building inspector shall give written notice to the owner of the sign or outdoor advertising structure that the sign or outdoor advertising structure shall be made safe or removed within ten days of receipt of such notice.

(6) *Illuminated signs.* All signs or outdoor advertising structures in which electrical wiring and connections are to be used shall require a permit and shall comply with the electrical code of the state and be approved by the building inspector. The light source shall not be visible from the road right-of-way or from adjacent property.

(7) *Prohibited signs.* The following signs, sign construction, and displays are prohibited:

- a. Any sign erected or maintained which is a copy or imitation of an official highway sign and carrying the words "STOP" or "DANGER" except such signs installed by the Town to regulate bicycle traffic on town-owned multipurpose pathways.
- b. Any sign that obstructs corner visibility or visibility at a driveway between a height of two feet and ten feet.
- c. A sign attached to any traffic sign, utility pole or structure, or tree.
- d. Any sign that obstructs ingress and egress to any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any room or building as required by law.
- e. Any sign that violates any provision of any law of the state relative to outdoor advertising.
- f. ~~Any off-site signs.~~

- 1 gf. Any sign which contains, employs, or utilizes lights or lighting which rotates,
- 2 flashes, moves or alternates.
- 3 hg. Any sign located within a public or private right-of-way except as provided
- 4 in this section.
- 5 ih. Any signs painted on or affixed to a roof surface.
- 6 ji. Vehicle signs.
- 7 kj. Signs supported in whole or in part by water, air or gas.
- 8 l. ~~Tourist-oriented directional signs.~~

9 (8) *Signs permitted in residential districts.* The following requirements apply:

- 10 a. ~~Directional signs not over four square feet in area indicating the location of~~
- 11 ~~churches, schools, hospitals, parks, scenic or historic places, or other places~~
- 12 ~~of general interest. Any such sign and mounting shall not exceed three feet in~~
- 13 ~~total height.~~
- 14 b. ~~One two-sided name sign or bulletin board, not to exceed a total height of~~
- 15 ~~nine feet above approved grade as shown on the site plan, or exceeding 32~~
- 16 ~~square feet in size per face (excluding any support structure), for any~~
- 17 ~~permitted church, school or other semipublic institution, which sign or board~~
- 18 ~~may be indirectly lighted and shall be set back at least 15 feet from the~~
- 19 ~~property line.~~
- 20 c. ~~Temporary real estate sign, provided such sign shall be located on the site it~~
- 21 ~~advertises, shall be neatly painted and maintained, shall be removed when the~~
- 22 ~~property has been sold, shall not be illuminated, and in accordance with the~~
- 23 ~~following standards:~~
- 24 1. ~~"For Sale" sign: One "For Sale" sign not to exceed five square feet in~~
- 25 ~~area, including riders, shall be permitted to be placed on the site it~~
- 26 ~~advertises. The lower edge of "For Sale" sign shall be no more than three~~
- 27 ~~feet above ground level, and the upper edge no more than five feet above~~
- 28 ~~ground level.~~
- 29 2. ~~"For Lease" or "For Rent" sign: One "For Lease" or "For Rent" sign not~~
- 30 ~~to exceed 3½ square feet in area shall be permitted to be placed on the~~
- 31 ~~principal building it advertises.~~
- 32 d. ~~Temporary nonilluminated signs not exceeding six square feet in area~~
- 33 ~~advertising the general contractor, contractor, subcontractor, architect,~~
- 34 ~~landscape architect or other such professional persons or organizations~~
- 35 ~~engaged in or associated with the lawful construction, alteration, remodeling,~~
- 36 ~~or demolition of any building or use; provided that such signs shall be limited~~
- 37 ~~to one to each organization involved, and that the signs shall be removed upon~~
- 38 ~~completion of the work involved or issuance of a certificate of occupancy,~~
- 39 ~~whichever comes first.~~
- 40 e. ~~Signs announcing the name of a subdivision located on the premises at major~~
- 41 ~~entrances provided that such signs are neatly constructed and maintained;~~

limited to announcing only the name of the subdivision; do not obstruct corner visibility; and do not exceed 32 square feet in area.

f. ~~Directional signs that bear no commercial information.~~

g. ~~Temporary "Open House" real estate signs shall be permitted in any residential district subject to the following conditions:~~

1. ~~There shall be a maximum of one such sign for the house offered for sale.~~

2. ~~The sign shall have a maximum area of six square feet.~~

3. ~~The sign shall not be placed in the right-of-way.~~

4. ~~The sign may be double-faced and shall not be illuminated.~~

5. ~~The sign shall only be displayed between the hours of 8:00 a.m. and 8:00 p.m. and only when a salesperson is on duty at the home for sale.~~

6. ~~No such sign shall be displayed for more than 30 days in any calendar year.~~

h. ~~Country Club signs. One freestanding sign per street frontage. Sign may be one or two-sided, not to exceed a total height of nine feet above existing grade or exceeding 32 square feet in size per face (excluding support structure), which may be indirectly lighted and shall be set back at least 15 feet from the property line.~~

(9) ~~Signs permitted in commercial (C) district. Total signage for each lot, tract or parcel in business use is limited to one square foot of sign area for each two linear feet of frontage facing on a public street right-of-way, not to exceed 64 square feet, and subject to the following limitations and qualifications:~~

a. ~~Wall signs placed against the exterior walls of buildings shall not extend more than six inches beyond the building wall surface and shall not exceed 20 percent of the exposed finished wall surface including openings.~~

b. ~~One freestanding sign per lot may be located either temporarily or permanently on the ground but shall not exceed 32 square feet in area and shall not exceed 12 feet in height above street grade.~~

c. ~~Window signs shall be placed only inside a commercial building and shall not exceed 75 percent of the glass area of the pane upon which the sign is displayed.~~

d. ~~Retail shopping center. In lieu of the above requirements for signs in the commercial (C) district, retail shopping centers may have the following on-site signage:~~

1. ~~Freestanding sign. Only one freestanding sign shall be allowed. The sign structure shall be located permanently on the ground and the sign structure and the sign shall not exceed 12 feet above street grade. The sign shall be limited to 64 square feet of sign display area on each sign face. There shall be no more than two sign faces on the freestanding sign.~~

The sign structure shall be proportional to the sign display area, but in no event greater than 1½ times the approved sign display area. No messages shall be displayed on the sign structure other than on the sign display area on the sign face.

2.— Wall signs. One square foot of business sign area for each linear foot of store frontage shall be allowed. Stores which are corner stores or end stores shall be entitled to the amount of linear footage based on the total frontage of the store front and adjacent exterior side. Wall signs shall be placed on the exterior wall of the building which it advertises and shall not extend more than 15 inches beyond the wall surfaces.

3.— Canopy sign. One under canopy sign, visible from the sidewalk, will be permitted for each store and shall not exceed four square feet in sign area, nor be a hazard to pedestrians.

4.— Ice vending structure (automated). Wall signs placed against the exterior walls of structure shall not extend more than six inches beyond the structure wall surface and shall not exceed 20 percent of the exposed finished wall surface on which the signage is located including openings.

(10) — *Noncommercial signs.* Noncommercial signs, except noncommercial charity event signs, shall be allowed in all districts, on vacant and developed lots, subject to the following limitations:

a.— No sign shall exceed six square feet in area on each side and shall not be illuminated.

b.— No sign shall exceed ten feet in height above street grade.

c.— The side yard and front yard setback from any property line shall be at least five feet. In the case of a corner lot, to ensure adequate sight clearance for a distance of not less than 40 feet from the point of intersection of the intersecting right of way lines, the side yard and front yard setback shall be no less than 15 feet.

d.— Such signs shall be taken down within three calendar days after the event.

e.— Such signs shall be treated as temporary signs.

(11) — *Noncommercial charity event signs.* Noncommercial charity event signs shall be allowed in all districts, on vacant and developed lots, subject to the following limitations:

a.— Signs shall be of a temporary "banner type" sign; shall be made of a flexible or plasticized cloth, plastic or similar materials; and shall not be attached to the ground or any other structure with the purpose of being more than a temporary fixture.

b.— Sponsor logos may appear on a noncommercial charity event sign but such logos shall be subordinate to the principle message of the sign and, in aggregate, shall not exceed 15 percent of the total area of one side of the sign.

e. ~~No sign shall have an area greater than 60 square feet on any one face. No sign shall have more than two sides containing any message or sponsor logo.~~

d. ~~No sign shall be installed having a top height greater than ten feet.~~

e. ~~No sign shall be erected or installed in a town right-of-way or on other town-owned property unless the event is organized by the town.~~

f. ~~No sign shall be erected or installed more than four weeks prior to the date of the event and the sign shall be removed no later than three days upon conclusion of the event. One sign shall only be located on the site where the charity event is to occur.~~

(12) ~~Temporary signs permitted in all zones.~~ Temporary signs may be posted on property in all zones of the town, subject to the following requirements and those applicable provisions stated elsewhere in this section.

a. ~~The total square footage for temporary signs posted on a lot in all residential zones shall not exceed six square feet. The total square footage for temporary signs posted on a building lot in all other zones, in the aggregate, shall not exceed 32 square feet, with no individual sign exceeding 32 square feet. The total square footage of a sign is measured to include all of the visible display area of one side of the sign.~~

b. ~~No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.~~

c. ~~No temporary sign shall be illuminated or painted with light-reflecting paint.~~

d. ~~A temporary sign shall only be posted with the consent of the property owner or occupant.~~

e. ~~A temporary sign may be posted for a period of up to 90 days, at which time the sign shall be removed or replaced.~~

f. ~~A temporary sign shall not advertise or promote any commercial enterprise or event not conducted on the same building lot but may provide directional information to the public.~~

(13) ~~Signs permitted in government and institutional (G/I) district.~~

a. ~~Town-owned facilities are subject to the following conditions:~~

1. ~~One freestanding sign with frame or one attached sign with frame per facility. Any such freestanding sign with frame shall not exceed 48 square feet, shall be located permanently on the ground and the sign structure and the sign shall not exceed four feet above street grade. Any such attached sign with frame shall not exceed 24 square feet, shall be placed on the exterior wall of the building which it identifies and shall not extend more than 15 inches beyond the wall surfaces.~~

2. ~~Directional signs as permitted in subsection (8) of this section.~~

b. Nonprofit entities qualified under section 501(c)(3) of the Internal Revenue Code:

1. One freestanding sign with frame or one attached sign with frame per facility. Any such freestanding sign with frame shall not exceed four square feet, shall be located permanently on the ground and the sign structure and the sign shall not exceed three feet above street grade. Any such attached sign with frame shall not exceed four square feet.

2. Directional signs as permitted in subsection (8) of this section.

**TABLE A. PERMANENT SIGNAGE IN A RESIDENTIAL DISTRICT
FOR NONRESIDENTIAL USES**

<u>Type of Nonresidential Use</u>	<u>Maximum Number of Signs per Lot (#)</u>	<u>Cumulative Sign Area per Lot (sq. ft.)</u>	<u>Maximum Surface Area for a Single Sign (sq. ft.)</u>	<u>Maximum Height (feet) above grade</u>	<u>Type of Signs Allowed</u>	<u>Additional Requirements</u>
Churches, Schools, Fire Stations, Country Clubs	2	64	32 per side	6	Wall Sign; Freestanding Sign	1. Signs shall not be internally illuminated. 2. Signs shall be at least 15 feet from a lot line. 3. Signs shall be located outside of sight distance triangles.
Properties Owned by a Civic Association or Property Owners Association	4	64	32 per side	6	Freestanding Sign	1. Shall be placed on property owned by the Civic Association or Property Owners Association. 2. Signs shall be located outside of sight distance triangles.

**TABLE B. PERMANENT SIGNAGE IN A RESIDENTIAL DISTRICT FOR
RESIDENTIAL USES**

<u>Type of Residential Use</u>	<u>Maximum Number of Signs per Lot (#)</u>	<u>Maximum Surface Area for a Single Sign (sq. ft.)</u>	<u>Maximum Height (feet above grade)</u>	<u>Type of Signs Allowed</u>	<u>Additional Requirements</u>
<u>Major Entrances to Subdivisions</u>	<u>4</u>	<u>32 per side</u>	<u>6</u>	<u>Freestanding Sign</u>	1. Shall be placed on property within the subdivision. 2. Shall not obstruct corner visibility. 3. Shall be allowed in Town rights-of-way.
<u>Single-family Dwellings, Vacation Cottages, Duplexes</u>	<u>1 Wall Sign</u> <u>1 Freestanding Sign</u>	<u>12 (Wall Sign and Freestanding Sign)</u>	<u>30 (Wall Sign)</u> <u>6 (Freestanding sign);</u>	<u>Wall Sign; Freestanding Sign</u>	N/A

1

TABLE C. PERMANENT SIGNAGE IN THE COMMERCIAL DISTRICT

<u>Sign Type</u>	<u>Maximum Number of Signs per Lot (#)</u>	<u>Cumulative Sign Area per Lot (sq. ft.)</u>	<u>Maximum Surface Area for a Single Sign (sq. ft.)</u>	<u>Maximum Height (feet above grade)</u>	<u>Additional Requirements</u>
<u>Wall Sign</u>	<u>1 per business; 2 for corner stores or end stores in group developments</u>	<u>For group developments: 1 per every linear foot of store frontage for each store; For all other uses: 1 per every 2 linear feet of lot frontage with a maximum of 64</u>	<u>20% of the exposed wall surface (including openings)</u>	<u>Top of the wall</u>	<p><u>1. Sign shall not extend more than 15 inches beyond building wall surface.</u></p> <p><u>2. Stores which are corner stores or end stores shall be entitled to the amount of linear footage based on the total frontage of the store front and adjacent exterior side.</u></p>
<u>Freestanding Sign</u>	<u>1</u>	<u>Greater of: 64 per face; maximum of 2 faces; or 1 per every 2 linear feet of lot frontage; maximum of 64</u>	<u>32</u>	<u>12</u>	<p><u>1. Sign structure shall not exceed the sign surface area by more than 1.5 times</u></p> <p><u>2. No messages shall be displayed on sign structure.</u></p>
<u>Canopy Sign</u>	<u>1 per business</u>	<u>4</u>		<u>Under canopy of roof</u>	<u>1. Sign shall not create a hazardous situation for pedestrians.</u>
<u>Window Sign</u>	<u>No limit</u>	<u>1 per every 2 linear feet of lot frontage; maximum of 64</u>	<u>75% of the glass pane where displayed</u>	<u>N/A</u>	<u>N/A</u>

2

TABLE D. PERMANENT SIGNAGE IN THE GOVERNMENT/INSTITUTIONAL DISTRICT

<u>Sign Type</u>	<u>Maximum Number of Signs per Lot (#)</u>	<u>Cumulative Sign Area per Lot (sq. ft.)</u>	<u>Maximum Height (feet above grade)</u>	<u>Type of Signs Allowed</u> <u>Additional Requirements</u>
Freestanding Sign	1 per establishment	48 (including frame)	4	1. Signs shall be placed at least 5 feet from all lot lines. 2. Signs shall be located outside of sight distance triangles.
Wall Sign	1 per establishment	24 (including frame)	Top of Wall	Sign shall not extend more than 15 inches beyond building wall surface.

1

TABLE E. TEMPORARY SIGNAGE

<u>Sign Type</u>	<u>Maximum Number of Signs per Lot (#)</u>	<u>Maximum Surface Area for a Single Sign (sq. ft.)</u>	<u>Maximum Height (feet above grade)</u>	<u>Maximum Duration</u>	<u>Additional Requirements</u>
<u>Residential Districts</u>					
Freestanding Sign	3	6 per side	5	90 days	1. Temporary signs shall not be illuminated or painted with light-reflecting paint or other light reflecting materials. 2. Temporary signs shall be placed outside the right-of-way except from 30 days before early voting begins and 10 days after an election. 3. Freestanding temporary signs may be posted for a period of up to 90 days, at which time the sign shall be removed or replaced. 4. All temporary signs placed in the right-of-way shall have prior permission from the adjacent property owner(s).

TABLE E. TEMPORARY SIGNAGE

<u>Sign Type</u>	<u>Maximum Number of Signs per Lot (#)</u>	<u>Maximum Surface Area for a Single Sign (sq. ft.)</u>	<u>Maximum Height (feet above grade)</u>	<u>Maximum Duration</u>	<u>Additional Requirements</u>
<u>Banners</u>	<u>2</u>	<u>24</u>	<u>35</u>	<u>90 days</u>	1. Temporary signs shall not be illuminated or painted with light-reflecting paint or other light reflecting materials.
<u>Flags</u>	<u>N/A</u>	<u>24</u>	<u>35</u>	<u>N/A</u>	1. Temporary signs shall not be illuminated or painted with light-reflecting paint or other light reflecting materials.
<u>Government/Institutional and Commercial Districts</u>					
<u>Freestanding Sign</u>	<u>1</u>	<u>32 per side</u>	<u>5</u>	<u>90 days</u>	<p>1. Temporary signs shall not be illuminated or painted with light-reflecting paint or other light reflecting materials.</p> <p>2. Temporary signs shall be placed outside the right-of-way except from 30 days before early voting begins and 10 days after an election.</p> <p>3. Freestanding temporary signs may be posted for a period of up to 90 days, at which time the sign shall be removed or replaced.</p> <p>4. All temporary signs placed in the right-of-way shall have prior permission from the adjacent property owner(s).</p>
<u>Banners</u>	<u>2</u>	<u>24</u>	<u>35</u>	<u>N/A</u>	<p>1. Temporary signs shall not be illuminated or painted with light-reflecting paint or other light reflecting materials.</p> <p>2. Banners shall only be displayed during business hours.</p>
<u>Flags</u>	<u>2</u>	<u>24</u>	<u>35</u>	<u>N/A</u>	1. Temporary signs shall not be illuminated or painted with light-reflecting paint or other light reflecting materials.

TABLE E. TEMPORARY SIGNAGE

<u>Sign Type</u>	<u>Maximum Number of Signs per Lot (#)</u>	<u>Maximum Surface Area for a Single Sign (sq. ft.)</u>	<u>Maximum Height (feet above grade)</u>	<u>Maximum Duration</u>	<u>Additional Requirements</u>
					2. <u>Flags shall only be displayed during business hours.</u>
All Districts on Property Where the Lawful Construction, Alteration, Remodeling, or Demolition of any Building or Use is Taking Place					
<u>Freestanding Sign</u>	<u>5</u>	<u>6 per side</u>	<u>5</u>	<u>N/A</u>	<p>1. <u>Temporary signs shall not be illuminated or painted with light-reflecting paint or other light reflecting materials.</u></p> <p>2. <u>Shall be removed upon completion of the work involved or issuance of a certificate of occupancy, whichever comes first.</u></p>
All Districts on Property Where the Property is For Sale or Lease					
<u>Freestanding Sign (for sale)</u>	<u>1</u>	<u>6 per side</u>	<u>5</u>	<u>N/A</u>	<p>1. <u>Temporary signs shall not be illuminated or painted with light-reflecting paint or other light reflecting materials.</u></p> <p>2. <u>For properties that are actively listed for sale, the sign shall be placed on the site it advertises and shall be removed following sale of the property.</u></p> <p>3. <u>Corner lots may place up to two freestanding signs on a lot.</u></p>
<u>Wall Sign (for rent or lease)</u>	<u>1</u>	<u>3.5</u>	<u>20</u>	<u>N/A</u>	<p>1. <u>Temporary signs shall not be illuminated or painted with light-reflecting paint or other light reflecting materials.</u></p> <p>2. <u>For properties that are actively listed for rent or lease, the sign shall be placed on the principal building that is listed for rent or lease.</u></p>

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 _____, 2022.

Elizabeth Morey, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: ____AYES ____NAYS



AGENDA ITEM SUMMARY FORM

MEETING DATE: October 4, 2022

ITEM TITLE: Public Hearing-ZTA-22-10

ITEM SUMMARY:

At the May 19, 2022 Planning Board meeting, the Board recommended approval of a revised version of ZTA-22-06 which established mixed use group development of commercial and residential buildings as a Special Use in the C, General Commercial zoning district. Some of the recommended revisions included some of the dimensional requirements from the C, General Commercial zoning district. On June 7, 2022, the Town Council adopted ZTA-22-06 with most of the language recommended by the Board, including a requirement for maximum building height, which is established in the dimensional requirements for the C, General Commercial zoning district.

The maximum building height requirement for the C, General Commercial zoning district (and all other zoning districts) states: Maximum building height shall be 35 feet, measured from the average of the existing, undisturbed grade at the building corners. If the average of the existing, undisturbed grade at the corners of the building is less than eight feet above mean sea level, the maximum building height may be measured from up to eight feet above mean sea level. Only the first sentence from that requirement was included in the Planning Board's recommendation and what was ultimately adopted by the Town Council. Town Staff believes that omitting the second sentence was an oversight, and that it should be included in the requirements for mixed use group development of commercial and residential buildings as it is a part of the maximum building height requirement for all zoning districts.

STAFF RECOMMENDATION:

Approval of ZTA-21-10.

REQUESTED ACTION:

Motion to approve ZTA-21-10.

STAFF REPORT

To: Southern Shores Town Council
Date: October 4, 2022
Case: ZTA-22-10
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores
Requested Action: Amendment of the Town Zoning Ordinance by amending Section 36-207(c)(11)i.

ANALYSIS

At the May 19, 2022 Planning Board meeting, the Board recommended approval of a revised version of ZTA-22-06 which established mixed use group development of commercial and residential buildings as a Special Use in the C, General Commercial zoning district. Some of the recommended revisions included some of the dimensional requirements from the C, General Commercial zoning district. On June 7, 2022, the Town Council adopted ZTA-22-06 with most of the language recommended by the Board, including a requirement for maximum building height, which is established in the dimensional requirements for the C, General Commercial zoning district.

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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 approval of the proposed ZTA. The Town Planning Board unanimously (6-0) recommended approval of the application at the September 19, 2022 Planning Board meeting.



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

Item 8.

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

Date: 9 / 6 / 22

Filing Fee: \$200

Receipt No. N/A Application No. ZTA-22-10

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) 261-2394 Email whaskett@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 **X** ___ Zoning Ordinance

Wm. Haskett
Signature

9-6-22
Date

* Attach supporting documentation.



Town of Southern Shores

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ZTA-22-10

9-6-22

Ordinance 2022-XX-XX

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. § 160D-701, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction. Pursuant to this authority and the additional authority granted by N.C.G.S. § 160D-702, 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, 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, and general welfare for the Town to amend the Town's Zoning Ordinance 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 the Town Code shall be amended as follows:

PART I. That **Sec. 36-207. C general commercial district.** Be amended as follows:

Sec. 36-207. C general commercial district.

...

(c) *Special uses.* The following uses shall be permitted as a special use, subject to the requirements of this district; shall be subject to conditions and modifications relating

to impacts on adjacent properties, transportation and transportation systems, transportation interconnectivity, stormwater, utilities and telecommunications facilities (including capacity), vegetation and other elements of the natural environment, noise, hours of operation, and other factors that the town council finds applicable; and additional regulations and requirements imposed by the town council, as provided in article X of this chapter:

...

(11) Mixed use group development of commercial and residential buildings, provided:

...

- i. Maximum building height shall be 35 feet, measured from the average of the existing, undisturbed grade at the building corners. If the average of the existing, undisturbed grade at the corners of the building is less than eight feet above mean sea level, the maximum building height may be measured from up to eight feet above mean sea level.

...

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 _____, 2022.

ATTEST:

Elizabeth Morey, Mayor

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: ___AYES___NAYS



AGENDA ITEM SUMMARY

Item # 9

MEETING DATE: October 4, 2022

ITEM TITLE: Consideration of RFQ Professional Engineering Services Planning and Design Services for the Juniper/Trinitie Trail Bridge Replacement Project

ITEM SUMMARY:

At the September 20, 2022, workshop meeting, Council received a presentation from Kimley Horn which included three alternatives for the replacement of the Trinitie/Juniper Bridge. Council selected option #2. The RFQ is now being presented for consideration.

STAFF RECOMMENDATION:

Staff recommends approval of the Request for Qualifications

REQUESTED ACTION:

Motion to approve the RFQ Professional Engineering Services Planning and Design Services for the Juniper/Trinitie Trail Bridge Replacement Project as presented.



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

REQUEST FOR QUALIFICATIONS

Professional Engineering Services **Planning and Design Services for the Juniper/Trinitie Trail Bridge** **Replacement Project.**

1. Description of Project:

Pursuant to North Carolina general Statute §143-64.31, the Town Council of the Town of Southern Shores, NC, cordially invites you to submit statements of qualifications to provide professional engineering services for the above referenced purpose. The Town is seeking a qualified firm capable of providing planning and design services for a Cored Slab Bridge for the Juniper/Trinitie Trail Bridge Replacement Project. The work will include but not limited to hydraulic design, geotechnical investigations with foundation recommendations, location and surveys, erosion control plans, roadway design, structure design, preparation of permit application, preparation of planning document, preparation of construction contract proposal and estimates, and utility conflict plans.

The purpose of this RFQ is to select the firm determined to be best able to provide the required Professional Engineering Services based on the criteria specified herein and to generally set forth the terms and conditions whereby the Town will contract with the selected firm.

The Request for Qualifications packet submitted, and possible subsequent interviews shall serve as the basis for selection. The information provided in the RFQ notice from the Town is intended to give information to the prospective firms concerning the required services and the basis for awarding of the agreement for engineering services. It is not necessarily intended to completely define the selection criteria or contractual relationship to be entered into by the Town of Southern Shores and the successful firm(s).

2. Required Qualifications:

In order to be considered for this contract, a service provider, person or firm must demonstrate that it has significant experience with similar projects. The person/firm performing the work and responsible for the work must be a registered Professional Engineer and must have a good ethical and professional standing. It will be the responsibility of the selected private firm to verify the registration of any corporate subsidiary or subcontractor prior to submitting a Letter of Interest.

The firm must have the financial ability to undertake the work and assume the liability. The selected firm will be required to furnish proof of required insurance coverage in the amounts specified by the Town of Southern Shores. The firm must have an adequate accounting system to identify costs chargeable to the project.

3. Statement of Qualifications (SOQ):

Any person or firm desiring to be considered for providing the desired services to the Town of Southern Shores, should please submit a SOQ in written format, eight (8) total hard copies also in digital format, and one (1) copy to: Clerk, Town of Southern Shores, 5375 N. Virginia Dare Trail, Southern Shores, NC 27949 at skane@southernshores-nc.gov. All Qualifications Packages must be received by 2:00 PM **Month**, **Year**, 2022.

4. Contents of SOQ:

The SOQ must be signed by the person expecting to be communicated with during the selection process and must include a direct contact phone number and email address with the signature line. The SOQ should be in letter form and should consist of and describe in concise form the following items:

- a. Biographical information on all professional staff who will provide services, including a list of customary sub-contractors and consultants the person or firm typically uses in providing the described services.
- b. A list of projects performed in the last ten (10) years by the person or firm, which indicate experience within the scope of this project. Include Pictures of finished projects and note any projects in residential settings. Note and explain any major legal or technical problems or challenges encountered on those projects.
- c. Provide detailed examples of experience of the specific designer(s), and Engineer-in-Charge of a firm, proposed for this work. Include all certifications and describe specific examples of local government projects that each designer may have worked on and their role in the project.
- d. Describe in detail the firm or person's current workload, including current projects, and current staffing availability.
- e. Describe in detail the firm's or person's experience in cored slab bridge design.
- f. A written statement acknowledging that the Town is the proprietor of all work product developed for or on behalf of the Town by the selected firm or person, regardless of location, type, and format of the work product - and acknowledging that all work product will be retained and submitted to the Town, or a specified agent or contract consultant of the Town at the Town's direction, upon request, regardless of whether the work product is considered a "trade secret".

- g. Provide a minimum of three (3) professional references from a local government, including name, organization, telephone number, email address (if available), and applicable project name(s).
- h. The selected consultant will work with the Town to identify optional additions based on budget availability and limitations. While it is believed that this scope includes all elements essential to complete a full assessment, proposing firms are advised to include any items that they believe may have been overlooked, and necessary for compliance with Federal, State, County and Town funding programs.
- i. Proposing firms may also note any required items that they believe may be excessive or unnecessary.

5. Evaluation Determination:

The Town will develop a Review Committee to meet to review, discuss, and score the submittals and select the preferred firm based on the Evaluation Criteria listed below. In the event that the committee determines that more than one firm is qualified, they may elect to short list the firms for further evaluation, including interviews as necessary.

The selected consultant will be notified by telephone or email. Notification may not be sent to firms not selected. After negotiations, the selected firm will be required to execute a contract with the Town of Southern Shores.

It is critical that all potential respondents are given clear and consistent information. As a result, we highly encourage those parties wishing to submit qualifications to register with the contact person listed below. Registered respondents will be contacted directly regarding any addenda or any clarifications of this solicitation contents.

Contact Person:

David Bradley, Public Works Director

Phone: (252)256-2503

Email: dbradley@southernshore-nc.gov

Mailing Address: 5375 N. Virginia Dare Trail, Southern Shores, NC 27949

6. SOQ Evaluation Criteria:

- 1. COMPANY EXPERIENCE AND QUALIFICATIONS–20%
 - 1.1. Provide detailed information of relevant projects performed by your firm. Include date of completion and schedule.

- 1.2. List three (3) professional service references with a contact person, phone number and e-mail.
- 1.3. Provide a list of any legal judgments against your firm within the last 5 years associated with project performance or professional liability. Upon request, the firm shall provide clarification of the judgment.
2. PROFESSIONAL EXPERIENCE–20%
 - 2.1. Include a brief resume of key personnel that will perform work on this project. Please indicate professional registrations, experience, and qualifications.
3. PROJECT UNDERSTANDING AND APPROACH – 40%
 - 3.1. Provide a recommended scope of work to include: Cored Slab Bridge Planning and Design
4. QUALITY ASSURANCE / QUALITY CONTROL QA/QC–20%
 - 4.1. Describe the firm's procedures or programs for managing schedules, time, and cost control.
 - 4.2. Discuss location logistics if the Consultant's office is not located within 30 miles of the Town.

7. Proposed Schedule:

Date of Issue:

Deadline to Submit Letter of Interest:

Deadline for Questions:

Post Responses to RFIs/Questions:

Deadline to Submit RFQ:

8. Public Records:

Upon receipt by the Town, your Qualifications Package is considered a public record except for material that qualifies as "Trade Secret" information under North Carolina General Statute §66-152, et seq. staff will review your Qualifications Package and make a recommendation to the Town Council for award.. In addition, members of the general public who submit public record requests will also have access to information not identified as "Trade Secret". To properly designate material as a trade secret under these circumstances, each person or firm must take the following precautions: (a) any trade secret submitted by a person or firm should be submitted in a separate, sealed envelope marked "Trade Secret- Confidential and Proprietary Information-Do Not Disclose Except for the Purpose of Evaluating this Qualifications Package", and (b) the same trade secret/confidentiality designation should be stamped on each page of the trade secret materials contained in the envelope.

In submitting a Qualifications Package, each person or firm agrees that the Town Council may reveal any trade secret materials contained in such response to all Town

officials and Town staff who may be requested by the Town Council to be involved in the selection process and to any outside consultant or other third parties who are may be hired by the Town Council to assist in the selection process. Furthermore, each person or firm agrees to indemnify and hold harmless the Town and each of its officers, employees, and agents from all costs, damages, and expenses incurred in connection with refusing to disclose any material that the person or firm has designated as a trade secret. Any person or firm that designates its entire Qualifications Package as a trade secret may be disqualified from the selection process.



Agenda Item Summary Sheet

Date: 9/29/22

Item #: 10

Item Title: Ginguite Trail Drainage Improvement Project

Item Summary: Town staff received bids for the proposed Ginguite Trail Drainage Improvement Project. The project includes a groundwater lowering system designed to reduce the duration of time that stormwater is standing in the roadway after a rain event.

Staff Recommendation: Staff recommends that the Project be awarded to the lowest qualified bidder.

Requested Action: Motion to approve budget amendment awarding Ginguite Stormwater project to lowest qualified bidder.

Attachments:

Bid Tabulation Sheet

Plan Sheet C1

Plan Sheet C2

Budget Amendment

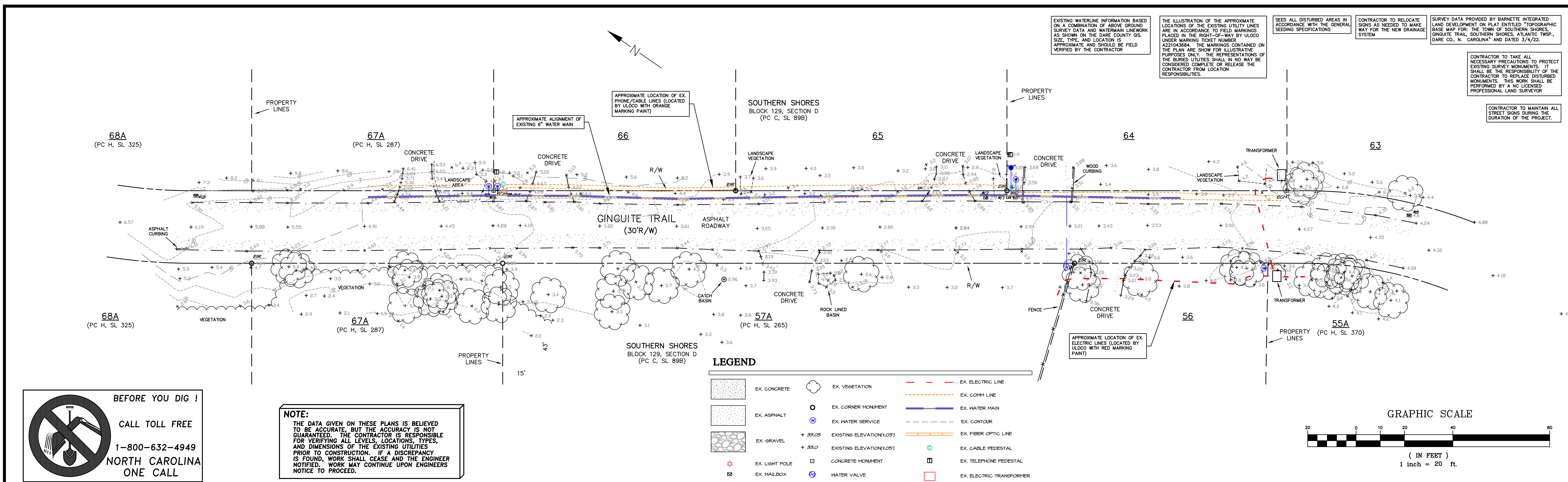
Bid Tabulation Sheet - Ginguite Trail Drainage Improvement Project

9/29/2022

Contractor	Envelope #1		Envelope #2			Engineer's Estimate Range
	Proof of Contractors License	MB & WB Efforts	Lump Sum	Unit Price Sheet Completion	Acknowledgment of Addendums	
Envirotech Unlimited Construction Services	X	X	\$ 38,599.69	X	X	\$ 36,555.85 42,039.23
Fred Smith Company	X	X	\$ 101,800.00	X	X	

Prepared by Anlauf Engineering, PLLC


 JOSEPH J. ANLAUF
 9/29/22



IT SHALL BE THE RESPONSIBILITY OF ALL CONTRACTORS TO WORKING IN THE VICINITY OF UTILITY LINES TO COORDINATE CONSTRUCTION ACTIVITIES WITH THE UTILITY COMPANIES. THE FOLLOWING IS A LIST OF CONTACT INFORMATION FOR THE KNOWN UTILITY COMPANIES HAVING UTILITIES WITHIN THE PROJECT AREA:

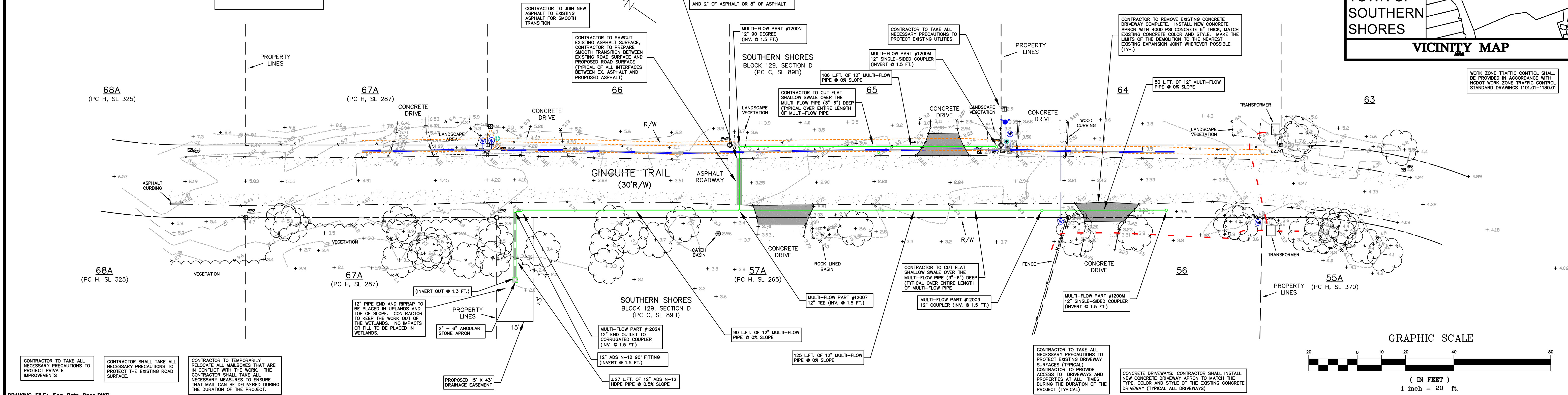
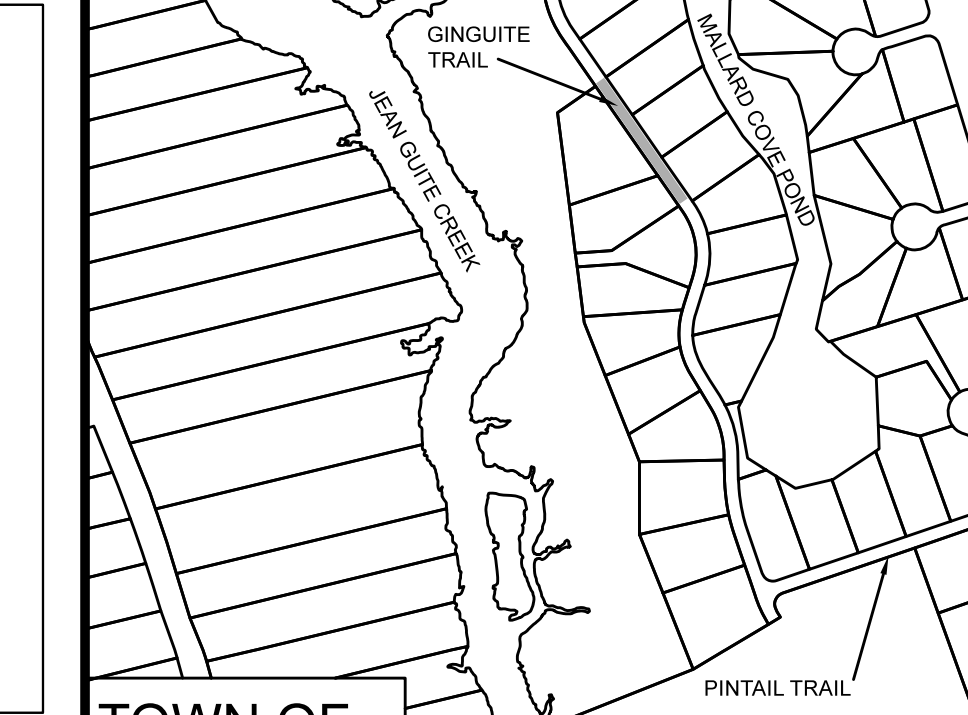
CENTURY LINK
CHUCK RILEY
ELIZABETH CITY, NORTH CAROLINA
OFFICE: (252)335-0561
CELL: (252)216-6379
EMAIL: CHARL.H.SWINDLE@CENTURYLINK.COM

CHARTER COMMUNICATIONS
CINDY MUSICA, CONSTRUCTION COORDINATOR
OFFICE: (252)715-2106
CELL: (252)561-0049
EMAIL: CINDY.MUSICA@CHARTERCOM.COM

DARE COUNTY WATER DEPARTMENT
SAMMY MOWERY, HEAD OF DISTRIBUTION
OFFICE: (252)475-5990
CELL: (252)256-1721
EMAIL: SAMMY.MOWERY@DARECO.EDU

DOMINION NC POWER
CLAY CARTER, COORDINATOR ELECTRICAL DISTRIBUTION DESIGN
OFFICE: (252)256-2155
CELL: (252)340-3396
EMAIL: CLAY.E.CARTER@DOMINIONENERGY.COM

ALTHOUGH THIS INFORMATION IS PROVIDED THIS NOTE IN NO WAY SIGNIFIES THAT THESE ARE THE ONLY UTILITIES WITHIN THE RIGHT-OF-WAY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL THE UTILITIES LOCATED IN ACCORDANCE WITH THE LAW.



DRAWING FILE: Sea Data Base.DWG
PLOT SCALE: 1"=20'

Anlauf Engineering Services, PLLC
CIVIL ENGINEERING SERVICES

ANLAUF-ENGINEERING.NET • 472 W. EASEY ST. CARY, NC 27513 • (919) 499-7444

REVISIONS

NO.	DATE	DESCRIPTION

EX. CONDITIONS & NEW WORK

GINGUITE TRAIL

TOWN OF SOUTHERN SHORES

DARE COUNTY
NORTH CAROLINA

COMMISSION NO. **P16001.33**

DESIGNED BY **JJA**

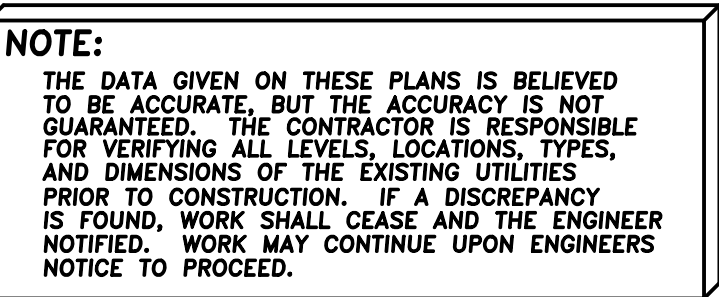
DRAWN BY **JJA**

CHECKED BY **JJA**

ISSUE DATE **8/23/22**

SHEET NO. **1**

OF 2 SHEETS



* Horizontal Installation, gradient = 0.1, pressure = 10 psi for 100 hours

**Town of Southern Shores
Budget Amendment Number # 15**

Streets Increases			Streets Decreases		
Account Number	Description	Amount	Account Number	Description	Amount
40-32900	<u>Revenues</u> Interest Income	\$42,000			
57-50990	<u>Expenditures</u> Ginguite Stormwater Proj	\$42,000			
TOTAL			TOTAL		\$ -

Explanation: Cost of construction and engineering of Ginguite Trail Stormwater Project

Recommended By:

Cliff Ogburn, Town Manager

Approved By: Town Council

Elizabeth Morey, Mayor

Date _____