



Town of Southern Shores

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

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9 MEETING MINUTES

10 PLANNING BOARD-OCTOBER 18, 2021, 5:00 P.M.

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

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14 I. CALL TO ORDER:

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

19

20 Planning Board Alternate Member Richard Galganski and Jan Collins were also in attendance.

21

22 II. PLEDGE OF ALLEGIANCE:

23 Chairperson Ward led the Pledge of Allegiance.

24

25 III. APPROVAL OF AGENDA:

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

28

29 IV. APROVAL OF MINUTES

30 Vice Chairperson DiBernardo **moved** to approve the minutes of the August 16, 2021, and
31 September 20, 2021 meeting as presented, Seconded by Planning Board Member Burek. The
32 motion passed unanimously (5-0).

33

34 V. PUBLIC COMMENT

35 Public Comment-Ann Sjoerdsma,232 N. Dogwood-supports David Owen's analysis of potential
36 building area on oceanfront properties and ZTA-21-09 looks good.

37

38 VI. OLD BUSINESS

39 **A. ZTA-21-08, a Zoning Text Amendment application submitted by the Town of**
40 **Southern Shores to amend Town Code 36-57, Definition of Specific Terms and**
41 **Words and Section 36-165, Regulations Governing Signage**

42 Planning Board Chairperson Ward continued sign discussions from the previous meeting. The
43 board addressed Sec.36-57 Definitions of specific terms and words. A definition of banner, flag,
44 and pennant were new additions.

45

46 Vice Chairperson DiBernardo stated there was a conflict under the definition of sign, Section
47 36-57 Definition of specific terms and words, signs (1) line 22. The board by **consensus** struck
48 the words “the roof or”.

49
50 Planning Board Member McClendon asked why (page 2 line 20) was flag and pennant excluded
51 but not banner. Planning Director Haskett stated because he considers some of the commercial
52 signs outside of the businesses’ banners. Mr. Haskett further stated we are looking to regulate
53 banner signs and exclude flags and pennants from regulation.

54
55 Planning Board Member McClendon stated with the exclusion of any regulation of flag, there is
56 limited control over size and location. Consideration of flag size should be included in the
57 regulation.

58
59 Chairperson Ward stated he has also witnessed flags draped over deck railings which essentially
60 then makes it a banner.

61
62 Planning Director Wes Haskett stated if flag size regulations were set then it would need to be
63 added to the applicable table. You can regulate the size and the height.

64
65 Planning Board Member McClendon stated regulating the size and height would address his
66 concerns. The content cannot be controlled.

67
68 Vice Chairperson DiBernardo stated a commercial flagpole of 50 feet would fly a 6 x 10 flag.

69
70 Alternate Member Collins and Vice Chairperson Ward both stated a residential flagpole would
71 accommodate a 4 x 6 size flag, approximately.

72
73 Vice Chairperson DiBernardo stated a standard residential flag measures 3 x 5 on a twenty-foot-
74 high pole.

75
76 Chairperson Ward stated if we are going to regulate the flag, how do we say it is not
77 temporary? Planning Director Haskett stated it would have to be temporary by definition. The
78 table would also need a height maximum for flags in Table E. He suggested, keep flag in the
79 definition of sign and add it to Table E (3 x 5 size and 35-foot maximum height was his
80 suggestion). Plus, an exclusion that flags are not subject to 90-day maximum duration similar to
81 the for sale or for lease.

82
83 Chairperson Ward polled the board to see if they were in consensus about the flag regulations.
84 They all agreed.

85
86 Planning Director Haskett provided a summary. Leave flag in the definition of sign on page two,
87 delete D. Flags on page four which is exclusions and go to Table E Temporary signage for
88 residential districts and government commercial districts, put a column flag after banners (12)
89 35 for height and add a number 6. States that flags are not subject to the maximum 90-day
90 duration.

91

92 Chairperson Ward stated we do not have to address pennants as they are not in the definition
93 of sign. Planning Director Haskett concurred with that statement.
94
95 Planning Board Member Finelli asked if a maximum size would also be given. Planning Director
96 Haskett stated if it is considered temporary then it would be 3.5 square feet. Mr. Finelli stated
97 the legislature likes the size 4 x 6 and that is what they put in the NC Planned Community Act.
98
99 Planning Director Haskett stated in the second column for size, flag can state maximum
100 coverage is 24 sq. foot and all other 3.5 per side.
101
102 Planning Board Member McClendon stated if the ordinance passed, a banner could not be
103 larger than 3.5 sq feet, not higher than 12 feet off the ground, and not there for longer than 90
104 days.
105
106 Chairperson Ward asked in the definition of banner do we need to be more definitive? The
107 current definition states it can be attached to a staff or a pole; should we eliminate pole and
108 staff?
109
110 Planning Director Haskett stated he considers the outside advertisement in the ground,
111 banners. If you were to eliminate pole or staff, then you could not regulate them.
112
113 Planning Board Member McClendon felt the definition of banner was good as written in Table
114 E. Planning Board Members agreed by consensus.
115
116 Chairperson Ward reviewed the Tables for a final time, ensuring that all the board's
117 recommendations or changes were reflected.

118 Table A

- 119 • New Category added in Table A-properties owned by civic association or property
- 120 owners' association
- 121 • New Category added in Table A-Churches, Schools, Fire Stations, Country Club
- 122 • Replace 5-foot height maximum under churches, Schools, Fire Stations, and Country
- 123 Club to 6 feet (more consistent).

124 Table B

- 125 • Addition of freestanding sign for single family dwellings, vacation cottages, and
- 126 duplexes.

127 Table E

- 128 • Addition of corner stores requirements (missing from previous version)
- 129 • By consensus of all members-add, banners allowed during business hours only and
- 130 exempted from the 30-day rule.

131
132 Chairman Ward questioned the length of time that commercial banners would be outside.
133 Planning Director Haskett recommended adding a time requirement to banners in Table E, such
134 as banners only displayed during business hours.
135
136 Planning Board Member McClendon recommended allowing one banner per business rather
137 than one banner per shopping center, during business hours only.
138

139 Planning Director Haskett stated that banners are allowed for 30 days only as currently written
140 and the board could recommend an exception stating banners shall not be subject to the
141 maximum duration of 30 days per calendar year (commercial zone). A banner in residential is
142 subject to the 90 days, 12-foot height and 3.5 sq. feet.

143
144 Planning Board Member McClendon stated it may be more convenient from a regulation
145 standpoint to add a sign type column to Table E and add banners. This would make it cleaner
146 and easier to understand.

147
148 Planning Director Wes Haskett stated the Town Attorney had a minor adjustment to Table E.
149 The change was to remove #3 and #4 and create a new category int that table that states all
150 districts on property where the property is for sale or lease. It is just a repositioning
151 requirement for properties for sale or rent.

152
153 Planning Board Alternate Member Richard Galganski asked about sandwich boards outside of
154 commercial businesses. Chairperson Ward stated he was okay with not regulating sandwich
155 boards.

156
157 Vice Chairperson DiBernardo **moved** to forward ZTA-21-08 concerning signs to the Town
158 council with amendments as discussed; Seconded by Planning Board Member Burek. The
159 motion passed unanimously (5-0).

160
161
162 **VII. New Business**
163 ZTA 21-09 amendment to Town Code Section 36-202(d)(6), 36-203 (d)(6), 36-204 (d)(6), and 36-
164 205 (d)(6)c.

165 Planning Director Wes Haskett stated staff is requesting the board tables ZTA-21-09 to allow
166 more time for staff, the Town Attorney, and David Owens from the School of Government to
167 come up with something they all feel more comfortable about presenting.

168
169 Vice Chairperson DiBernardo **moved** to table agenda items ZTA-21-09 until more information
170 from Town staff is received; Seconded by Planning Board Member Lawler. The motion passed
171 unanimously (5-0).

172
173 **Discussion of Produce Stands**

174 Planning Director Wes Haskett stated that Council was interested in allowing produce stands in
175 Town. They have been and are currently on the list of prohibited uses. Mr. Haskett supplied the
176 board with produce stand requirements from the neighboring towns.

177
178 Chairperson Ward felt produce stands would be a good idea and expressed concern about the
179 stands being secured during storms. He felt produce stands would be temporary in nature,
180 possibly 6 months, and would be able to be removed at the end of that time. The stand could be
181 placed on the back of a trailer.

182
183
184

Vice Chairperson DiBernardo stated some produce stands are only at the location for a couple days or even hours, different vendors scheduled throughout a season. The definition needs to define whether it is temporary or permanent.

Planning Board Member McClendon felt that the ZTA would need to plan for both permanent and temporary.

Planning Director Wes Haskett stated staff could take a hybrid approach when creating a draft ZTA.

Chairperson Ward stated it would be best to start the zoning text amendment small and then the board could add to it as needed.

By consensus of all Planning Board Members, staff is to prepare a draft ZTA for produce stands.

Planning Board Member Comments

Vice Chairperson DiBernardo would like the board to address the potential amendments to the Town Code, Chapter 26, Solid Waste sooner than later. He would like to see this item placed on the next agenda.

Chairperson Ward asked Planning Director Wes Haskett to make sure the town website was updated to reflect both alternate members.

Announcements

Planning Director Haskett stated there are no pending applications other than the Town initiated items for the next agenda. The next meeting is Monday, November 15th at 5:00 p.m.

Adjourn

Hearing no further business, **motion** made by Vice Chairperson DiBernardo to adjourn, Seconded by Planning Board Member Burek. Motion passed unanimously. The time was 6:47 P.M.

ATTEST:



Andy Ward, Chairperson

Respectfully submitted,



Sheila Kane, Town Clerk