



# Town of Southern Shores

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

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[www.southernshores-nc.gov](http://www.southernshores-nc.gov)

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9 **MEETING MINUTES**

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

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

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14 **I. CALL TO ORDER:**

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

19

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

21

22 **II. PLEDGE OF ALLEGIANCE:**

23 Chairperson Ward led the Pledge of Allegiance.

24

25 **III. APPROVAL OF AGENDA:**

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

28

29 **IV. APPROVAL OF MINUTES**

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

33

34 **V. PUBLIC COMMENT**

35 None

36

37 **VI. OLD BUSINESS**

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

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

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

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

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

54  
55 **VII. New Business**

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

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

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

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

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

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

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

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

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

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

105  
106 Potential Discussion on Chapter 26 Solid Waste

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

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

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

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

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

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

138

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

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

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147 **Public Comment**

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

150  
151 **Planning Board Member Comments**

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

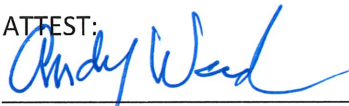
156  
157 **Announcements**

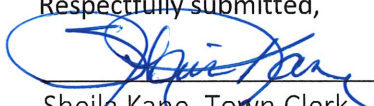
158 Planning Director Haskett stated the next meeting is Monday, December 20<sup>th</sup> at 5:00 p.m.  
159 The sign ordinance ZTA was requested by staff to be tabled at the last Council meeting to  
160 address some oversights. Council sent it back to staff. The meeting schedule for the Planning  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

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

164  
165 **Adjourn**

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

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169  
170 ATTEST:  
171   
172 Andy Ward, Chairperson

Respectfully submitted,  
  
Sheila Kane, Town Clerk