

# Town of Southern Shores

## "A Town of Volunteers"

6 Skyline Road, Southern Shores, NC 27949

Telephone: (252) 261-2394 Fax: (252) 261-0452

Web Site: southernshores.org

E-mail: [toss@beachlink.com](mailto:toss@beachlink.com)

Council Meeting  
November 1, 1999  
9:00 a.m.-Pitts Center

1. Mayor Wood called the meeting to order at 9:04 a.m.  
Councilman Pitts absent.
2. Al Smith led the Pledge of Allegiance
3. Moment of Silence

Mayor Wood asked that a moment of silence be held for several families in Town. Eunice James, Margaret Spencer Bates, and Harold Sharksmith passed away, Frank Klahre's son was killed in an auto accident, and Beverly Lehman's grandson drowned.

4. Consent Agenda

Mayor Wood asked that the consent agenda be approved. Councilman Campbell made a motion to approve the consent agenda as presented. Councilman Sutherland seconded. Approved unanimously.

5. Planning Board Report

Chairman Morgan reported that the Planning Board had 4 items on the agenda for its October meeting. She reported the All Saint's Episcopal Church presented a change on the site plan to amend the parking area. The Planning Board recommends Council's approval of the changes.

Chairman Morgan reported that Ben Cahoon presented the plan for renovations to the East Fire Station. The Planning Board recommends Council's approval of the site plan.

Chairman Morgan reported the Kitty Hawk Hotel (Outer Banks Resort) presented a site plan requesting a parking lot and septic repair area to be placed at property on the Town side. The Planning Board recommends the proposed access onto north NC 12 be denied.

Page 2  
Council Meeting  
November 1, 1999

Planning Board Report cont'd

She explained since the Planning Board meeting was held it was noted that a 20' buffer may be needed between the parking lot and Pelican's Watch and the Town's zoning ordinance doesn't allow a free standing parking lot. The site plan needs to come back to the Planning Board.

Chairman Morgan reported Tom White and the American Justice of Criminal Law are reviewing the Sexually Oriented Business ordinance. The ordinance should be presented to Council at the December meeting.

Chairman Morgan stated that the Telecommunications Tower moratorium needs to be extended.

Chairman Morgan stated the Planning Board agreed to stand by their original draft zoning ordinance regarding large homes.

Councilman Kennedy asked if the County approved their Telecommunications ordinance. Chairman Morgan said yes and the Planning Board would like a 6-month extension to write the actual ordinance for Southern Shores.

Mayor Wood asked Council to address each item presented by the Planning Board. Councilman Campbell made a motion to approve the amended parking plan to the All Saint's Episcopal Church as presented. Councilman Kennedy seconded. Approved unanimously.

Councilman Sutherland made a motion to approve the site plan with the modifications to the east fire station on Duck Road as presented. Councilman Kennedy seconded. Approved unanimously.

John Delucia gave a brief description on the proposed hotel in Kitty Hawk and the traffic flow. Councilman Sutherland asked if the access onto north NC12 could be a right turn only? J. Delucia said it should not be a problem. He stated the developers are also concerned of the traffic impact.

Chairman Morgan stated the Planning Board has very strong feelings against the traffic access onto north NC12 and they want to keep the commercial traffic on the Kitty Hawk side. J. Morrison stated he feels that the proposed access would become a "short cut" and then it would be a driveway management problem.

Page 3  
Council Meeting  
November 1, 1999

Planning Board cont'd

Councilman Kennedy asked J. Delucia when he will hear from NCDOT? J. Delucia stated this plan was NCDOT recommendations. Mayor Wood stated the NCDOT recommendations should be considered.

Mayor Wood asked the Planning Board to review the site plan for the proposed hotel in Kitty Hawk and make new recommendations.

J. Delucia stated a municipality has the first right of refusal on traffic plans submitted. Councilman Kennedy stated he would like to hear what NCDOT would propose for the traffic flow on the north side of the proposed parking lot.

Councilman Sutherland asked if delaying an answer regarding the parking lot would affect construction? J. Delucia said it would not since this is a proposed 14-month project.

Gerald George, developer of the proposed hotel, stated this is a hotel for Kitty Hawk and Southern Shores and they are sensitive to the issues.

Mayor Wood announced the public hearing for the six-month extension of the Telecommunications Towers would be held December 7.

Mayor Wood stated the Sexually Oriented Business ordinance would be presented when all comments have been reviewed and format changes have been made.

6. Public Hearings

Mayor Wood explained that this is the second public hearing being held on the same amended zoning ordinance regarding large homes. The first public hearing was held on September 22. He explained there have been a few technical changes but no substantial ones. After the public hearing Council will review each part and vote to keep or delete each part of the draft ordinance and then recombine the ordinance for a vote on the ordinance as a whole.

Mayor Wood called the public hearing to order at 9:30 a.m.

Public Hearings cont'd

Randall Wrenn stated he had spoken at Planning Board meetings and the first public hearing on proposed changes to the zoning ordinance regarding the over-crowding, height, lot coverage, set backs, and parking and septic regulations that need to be addressed to maintain the quality of life in Southern Shores. He stated some residents have already moved due to unwanted changes that are now taking place. He commented the Planning Board has been working on this for nine months and he feels it is time to come to a conclusion.

Randy Jones, attorney for the Outer Banks Home Builders (OBHB), stated they are not opposed to the concerns being addressed but questions need to be raised regarding the side yard setbacks, lot disturbance, and height. The effects of this ordinance will be felt in the future and the OBHB recommends that a task force be put into place to recommend changes that would benefit all.

Pat Storey spoke at the first public hearing and now would like to comment that the September hearing was an attempt to intimidate by the legalese. The Planning Board has spent ample time and it is time to complete the ordinance.

Pete Macfarlane commented the bigger houses would, in time, require water lines to be replaced with bigger ones. He believes the water lines to be adequate for structures that are 2,000-sq. ft. but bigger houses that are fully involved by fire will impact the water supply.

Mayor Wood asked for any other comments, hearing none he closed the public hearing at 9:40 a.m.

Mayor Wood explained the Council asked the Planning Board to consider retaining the existing the 10' side yard setback at the October 15 meeting and the Planning Board did not agree to any of the proposed changes.

Randy Jones commented that he attended that meeting and there was some confusion on the outcome relating to the proposed zoning ordinance.

Councilman Sutherland made a motion to vote section by section on the proposed zoning ordinance. Councilman Campbell seconded. Approved unanimously.

Mayor Wood explained he would read all the parts of the ordinance to be voted on. He began by reading Part 1-A Article III, Section 3.02 Building, Accessory.

Page 5  
Council Meeting  
November 1, 1999

Public Hearings cont'd

Councilman Campbell moved to adopt Part 1-A as presented. Councilman Kennedy seconded. Approved unanimously.

Mayor Wood read Part 1-B. Article III, Section 3.02 Habitable Floors and Stories. Councilman Sutherland moved to adopt Part 1-B as presented. Councilman Campbell seconded. Approved unanimously.

Councilman Kennedy explained that for this ordinance to pass four (4) members needs to vote unanimously.

Mayor Wood read Part 1-C. Article III, Section 3.02 Height, top plate. Councilman Sutherland moved to adopt Section C as presented. Councilman Kennedy seconded. Approved unanimously.

Mayor Wood read Part 1-D (1) and (2). Article IV, Section 4.14 Habitable Floors. Councilman Campbell moved to adopt Part 1-D (1) and (2) as presented. Councilman Sutherland seconded. Approved unanimously.

Mayor Wood read Part 1-E. Article VI, Requirements for Parking Lots (B). Councilman Kennedy moved to adopt Part I-E as presented. Councilman Sutherland seconded. Approved unanimously.

Mayor Wood read Part 1-F. Article VI, Section 6.01C.1 General Provisions, Minimum Parking Requirements, Residential and related uses. Councilman Campbell moved to adopt Part 1-F as presented. Councilman Sutherland seconded. Approved unanimously.

Mayor Wood read Part 1-G. Article VI, Section 6.09 Lot Disturbance. Councilman Campbell moved to adopt Part 1-G as presented. Councilman Kennedy seconded. Approved unanimously.

Mayor Wood read Part 1-H Article VII, Section 7.01.D.4., 7.02.D.4.,7.03.D.4, and 7.04.D.4 Side yard setback. Councilman Sutherland moved to adopt Part 1-H as presented. Councilman Kennedy seconded. Councilman Campbell voting NO.

Mayor Wood read Part 1-I. Article VII, Section 7.01 D.6, 7.02 D.6, 7.03 D.6 and 7.04 D.6 Dimensional requirements. Councilman Sutherland moved to adopt Part 1-I as presented. Councilman Campbell seconded. Approved unanimously.

Page 6  
Council Meeting  
November 1, 1999

Public Hearings cont'd

Mayor Wood read Part 1-J. Article VII, Section 7.01D.9, 7.02 D.10, 7.03 D.10, and 7.04 D 9. Pool Fences. Councilman Campbell moved to adopt Part 1-J as presented. Councilman Sutherland seconded. Councilman Kennedy voted NO.

Councilman Sutherland made a motion to adopt the zoning ordinance except for Part 1, Section H and J. Approved unanimously.

Tom White, Town Attorney, explained that now the Sections H and J could be presented at the next Council meeting or go back to the Planning Board.

Councilman Sutherland made a motion to address these two sections H and J at the December Council meeting. Councilman Kennedy seconded. Approved unanimously.

Councilman Sutherland stated that he had intended to suggest that the Planning Board develop language to grandfather non-conformance caused by a 15' side yard set back but he would wait until the vote at the next Council meeting. The Planning Board should look into such a change to get a leg up, however.

Mayor Wood read Part II through IV with the effective date to be 1 May 2000. Approved unanimously.

Councilman Campbell asked if part H and J needed to have a public hearing. Tom White stated a public hearing is not needed.

Jim Morrison explained the side yard setback needs to be corrected if the 15' side yard setback is not approved.

Mayor Wood thanked the Planning Board for their hard work. He stated this is not an ordinance aimed against any one group. It is needed and more issues are to be considered in Phase II. All input will be welcome.

Councilman Campbell stated a task force in Southern Shores is done by holding a public hearing.

Mayor Wood called the second public hearing to order regarding an amendment of the zoning ordinance Article VI, Section 7.10 C. Conditional use.

Tom White corrected Article VI to read Article VII.

Page 7  
Council Meeting  
November 1, 1999

Public Hearings cont'd

Mayor Wood asked for any comments. Hearing none the public hearing was closed.

Mayor Wood explained this ordinance sets conditions to allow a garden nursery in the Town's commercial zone. Mayor Wood read the proposed ordinance.

Robin Morgan explained the Planning Board attached the conditions since this type of operation has some light industry.

Councilman Campbell moved to adopt the ordinance as presented with the correction of Article VI being changed to Article VII. Approved unanimously.

Hal Denny asked if an application has been submitted and if so where is the proposed site? Chairman Morgan replied by saying yes an application has been filed and the garden nursery will be on U.S. Hwy 158 in Martin's Point.

6. Old Business

a. Personal Watercraft Ordinance

Councilman Sutherland gave a review of the proposed ordinance to amend Chapter 10, Article II of the Town Code regarding the use of personal watercraft (jet skis). Councilman Sutherland further noted an ordinance expanding Town jurisdiction over waterways to include all of Ginguite Bay and some of Currituck Sound was passed at the October 5 Council meeting. Councilman Campbell moved to adopt the personal watercraft ordinance as presented. Councilman Kennedy seconded. Approved unanimously.

Al Smith asked how is this ordinance going to be enforced? What type of identification is going to be used ?

Lt. Merriman explained the police department is looking into ways of identifying the PWC users and setting up the test and everything that goes along with this ordinance.

Councilman Kennedy commented that the December 1, 1999 effective date may need further consideration.

Councilman Campbell made a motion to amend the effective date for the PWC ordinance to April 1, 2000. Councilman Kennedy seconded. Approved unanimously.

Old Business cont'd

Greg Solesbee stated the Coast Guard sets the "no wake speed". Tom White stated the Police Department would be enforcing the Town's regulations.

Jack Bradley commented the 5-MPH wake speed is very common in all the personal watercraft ordinances.

David Sanders commented there is no definition of a personal watercraft in the ordinance. Mayor Wood explained the definition is found in the State statute, which is part of the ordinance.

Mayor Wood and the Council thanked Jack Bradley for all his input into this issue.

b. Fireworks Contract

For Council's approval, Tom Gjestson presented a contract for a joint Southern Shores-Kitty Hawk fireworks gala on January 1, 2000 to be produced by Zambelli Fireworks. Each town will receive a \$10,000.00 grant from the Dare County Tourism Board to cover the costs of the event. Councilman Campbell made a motion to approve the contract and have the Mayor sign it. Councilman Sutherland seconded. Approved unanimously.

7. New Business

a. NCDOT Feasibility Study Resolution

Councilman Kennedy made a motion to approve the presented resolution for NCDOT to do a Feasibility Road Study. Councilman Sutherland seconded. Approved unanimously.

b. Amend Town Code Article II, Section 6-26, Nuisances

Councilman Sutherland made a motion to adopt two amendments to the Town Code Article II, Section 6-26 Nuisances prohibiting open placement or storage of home appliances, junked cars, building parts or materials, etc.

New Business cont'd

Randall Wrenn commented there is a lot of wood that has washed up from the hurricanes and no way to dispose of it. Councilman Kennedy recommends putting a container some place for this type of debris and then having it removed.

Bill Fargo commented the beach needs cleanup also. There is a lot of debris at Skyline Dr. and High Dune Loop.

Mayor Wood commented the beach does need to be policed for debris and removal and the next Council could address this issue.

Mayor Wood called for a consensus vote to add the two provisions to the nuisance ordinance as presented. Approved unanimously.

c. Volunteer Luncheon

Tom Gjestson requested that Council approve the annual Volunteer's Luncheon. Councilman Kennedy moved to approve the Volunteer Luncheon on December 17 at a cost not to exceed \$800.00. Councilman Sutherland seconded. Approved unanimously.

d. Budget Ordinance-Hurricane

Tom Gjestson reported he submitted project requests to FEMA in the amount of \$99,659.00 for debris cleanup and other items from Hurricanes Dennis and Floyd. Council needs to approve the budget ordinance for the outlay and income of \$100,000.00 (\$95,000.00 appropriated to the streets department and \$5,000.00 to the Police Department). Councilman Kennedy moved to adopt budget ordinance 99/00-3 in the amount of \$100,000.00. Councilman Campbell seconded. Approved unanimously.

Tom Gjestson reported at this time 235 truckloads have been chipped.

Fire Chief Greg Solesbee commented when all the brush debris is removed the fire department will issue burn permits.

e. Contributions

Mayor Wood stated the League of Women's Voters is requesting a contribution for their annual Dare County Citizen's Guide. Mayor Wood made a motion to contribute \$100.00 for the Citizens' Guide to be used for a public purpose. Councilman Kennedy seconded. Approved unanimously.

New Business cont'd

Mayor Wood announced the American Legion Post 26 are requesting a contribution to be used toward a new building. Mayor Wood made a motion to contribute \$100.00 to the American Legion Post 26 to be used for public purpose. Councilman Sutherland seconded. Approved unanimously.

f. Southern Shores/Kitty Hawk Beautification

Mayor Wood commented this item would be tabled until more discussion can be held with the Town of Kitty Hawk before any decisions are made. The Town of Kitty Hawk is proposing the 2 towns share the cost in maintenance beautification of U.S. Hwy. 158 leading up to the 100<sup>th</sup> anniversary of flight celebration to be held in 2003. Councilman Sutherland stated this would need to be addressed during next year's budget.

g. Multi-Use Path Maintenance

Tom Gjestson reported Avery Landscaping is working on the repair and upkeep of the multiuse path and will submit a maintenance plan. He recommended approval of \$3,500.00 plus a 10% contingency for the project. Councilman Campbell moved to approve \$3,500.00 plus a 10% contingency for maintenance of the multiuse plan and the funds to taken from the beautification portion of the Town budget. Councilman Kennedy seconded. Approved unanimously. Mr. Gjestson commented that the landscaper found obstacles and that their contract requires them to remove debris.

h. SSCA Land and Paving requests

Mayor Wood asked that this item be tabled until further notice. More discussion is needed before Council can make any recommendations.

i. Town contributions to SSVFD for E. Station renovation

Tom Gjestson made a recommendation that \$45,000.00 be taken from the current year's fire department budget and given to them to use toward the renovation of the East station. Mr. Gjestson explained the fire department budget has \$5,000.00 budgeted in building reserve and \$40,000.00 originally earmarked for a new fire truck that could be used for the renovation. Council moved to allow expenditure of \$45,000.00 from the FY99/00 fire department budget to defray expenditures for renovations on the fire department's east station. Approved unanimously.

New Business cont'd

j. Moratorium on Occupancy

Councilman Campbell reported that a conference call was held with Rich Ducker from the Institute of Government to discuss adopting a moratorium on the building of large houses in Southern Shores. Those who participated in the conference call were Councilmen Campbell and Sutherland; Mike Hejduk, Code Enforcement Administrator; Robin Morgan, Planning Board Chairman; and Tom Gjestson, Town Manager.

Councilman Campbell explained that a moratorium on building needs to be written very precisely, stating clearly what the objective is and it needs to be for a reasonable period of time. He explained this is needed to give the Planning Board and Council time to write Phase II of the large home ordinance.

Councilman Campbell made a motion to direct the Planning Board to write a draft moratorium that would restrict a structure from having seven (7) bedrooms or more and having an occupancy of 14 people or more for an eight-month period. A public hearing is to be held on December 7 at 7:30 p.m. Councilman Sutherland seconded. Approved unanimously.

Councilman Sutherland also would like the Planning Board to draft language into the zoning ordinance for grandfathering of the side yard setback if it is changed to 15'.

8. Public Comment

Pat Storey invited everyone to attend a water quality meeting sponsored by the Dare County League of Women Voters at the Nags Head Complex on Tuesday Nov. 16.

She also thanked Council for their contribution to the annual directory and she encouraged everyone to get out and vote on Nov. 2.

Al Smith thanked Council for their contribution towards the new American Legion building. He invited everyone to come for the grand opening on Nov. 6 at 2 p.m. He also would like Council to consider changing the zoning ordinance that allows candidate election signs to be placed 8 weeks prior to the election. He would like the time to be two weeks prior to the election.

9. Council's Agenda

Councilman Kennedy-none

Councilman Campbell wished everyone the best in the upcoming election.

Councilman Campbell expressed some concern over the proposed Outer Banks Hotel in Kitty Hawk. He asked if there would be a loss of revenue to the Town by allowing a parking area and septic repair area on the property as proposed? It was stated there would be no loss of revenue. Councilman Sutherland commented there is also concern over the congested traffic pattern that will occur from this project.

Tom White stated that the tax collection is irrelevant if the project complies with the zoning ordinance.

Councilman Campbell explained that Council approved the cemetery roadwork to be done by the Duck Woods Country Club and that Council would pay for the crush-and-run. Councilman Campbell made a motion that an amount not to exceed \$1,000.00 for crush-and-run for the road at the Town cemetery with the actual work being performed by the Duck Woods Country Club. Councilman Kennedy seconded. Approved unanimously.

Councilman Sutherland reported that the multiuse path would be completed by NCDOT along NC 12 by May. Survey work is projected to be completed by the end of November.

Councilman Sutherland announced that the annual fire department awards dinner will be given on January 21, 2000 at the Ramada Inn in Kill Devil Hills.

Councilman Sutherland reported it may be time to consider banning "seine fishing" in certain areas of the Town. A net had been set in the traditional "trout" hole on the weekend of 30 Oct upsetting many recreational fishermen. The Town of Nags Head has already banned it in certain areas. Several fishermen have complained the seine fishermen are taking all the fish. Councilman Sutherland is willing to look into this subject.

10. Mayor's Agenda

Mayor Wood stated that he had hoped Kern (Councilman Pitts) would be here today being it is the last Council meeting for both of them before the new Council is sworn in. He hopes that Kern will be able to attend the December meeting so that he may receive recognition for his long service as a Mayor and Councilman. He asked that everyone keep Kern in their prayers and the Town owes him "big" for his 20 years of service

Mayor Wood stated this is his last meeting before a new Mayor is elected but he hopes to be around to volunteer. His real regret is that Jerry Beshens didn't get to fill his term and we all still miss him. He thanked everyone and he thinks the people and the town are wonderful. Thank you all.

11. Town Manager's Agenda

Tom Gjestson presented a resolution from the Albermarle Commission to release funds in the amount of \$552.66. Mr. Gjestson explained this is done annually and does not come from the Town's budget. Councilman Sutherland moved to approve the resolution from the Albermarle Commission. Councilman Campbell seconded. Approved unanimously

Tom Gjestson asked Fire Chief Solesbee for any further comments. He had none.

Lt. Merriman gave the monthly police report. Chief Brazell is attending a chief's conference.

Tom Gjestson recommended that Council approve the expenditure of not to exceed \$1,300 for the contract with Mr. McDowell, engineer, for his review of plans for the proposed wastewater treatment plant at Ginguite Woods, \$400.00 for a color printer in the administration department, \$450.00 for a print server for the Building Inspections Department, and to put \$750 in reserve for the new Council to attend the Mayor/ Council school on December 8-10. Councilman Campbell made a motion to approve all the expenditures as presented. Councilman Sutherland seconded. Approved unanimously.

Tom Gjestson alerted Council that the roof on Town Hall has been inspected for hurricane damage and shingles have been lost. Insurance claims have been submitted and there is a warranty claim that may be used for the repairs.

Tom Gjestson recommends for Council's approval the expenditure of \$250.00 for parts and \$250.00 for the repair of the exterior flagpoles.

November 1, 1999

Town Manager Agenda cont'd

Tom Gjestson reported the Police Department has asked for Council's approval to purchase a safe in the amount of \$500.00, the purchase of parts for the gun reloader in the amount of \$600.00, and an outlay of \$650.00 which will be paid back through a grant for the purchase of safety equipment for the vehicles.

Tom Gjestson recommends an expenditure not to exceed \$1,000.00 be approved by Council for a holiday dinner for all employees.

Councilman Sutherland asked if the Police Department purchased their camcorder? It was reported they had. The Police Department will offer film any resident's property if they furnish the tape. Contact the Police Department if interested.

Councilman Sutherland made a motion to approve the purchase of all items as presented by the Town Manager. Councilman Kennedy seconded. Approved unanimously.

Tom Gjestson commented the large item pickup date has not yet been set.

12. Town Attorney's Agenda-none

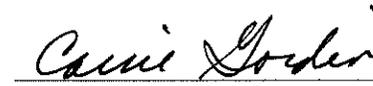
13. Announcements-none

Councilman Sutherland made a motion to adjourn the meeting at 12:00 p.m. Approved unanimously.

ATTEST:

Respectfully submitted:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Town Clerk

**TOWN OF SOUTHERN SHORES**  
**TAX DEPARTMENT MONTHLY REPORT**

**MONTH:** October, 1999

**DATE:** November 1, 1999

**COLLECTIONS**

**Month To Date**

Current Year - 1999	\$ 177,740.34
Prior Years - 1979-1998	\$ 2,987.15
Interest	\$ 394.37

**YEAR TO DATE**

Current Year - 1999	\$ 194,526.85
Prior Years - 1979-1998	\$ 9,357.42
Interest	\$ 891.97



# Town of Southern Shores

"A Town of Volunteers"

6 Skyline Road, Southern Shores, NC 27949

Telephone: (252) 261-2394 Fax: (252) 261-0452

Web Site: southernshores.org

E-mail: [toss@beachlink.com](mailto:toss@beachlink.com)

## AN ORDINANCE AMENDING CHAPTER 6, ARTICLE II OF THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES

**BE IT ORDAINED** by the Town Council of the Town of Southern Shores as follows:

**PART 1.** Sections 6-26 of Article II, Nuisances of the Code of Ordinances is amended by adding new subparagraphs 10 and 11 to read as follows:

### **Sec. 6-26. Certain Conditions Declared Nuisances**

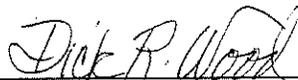
10. *Abandoned Personal Property.* The open storage or placement of any icebox, refrigerator, freezer, stove, glass, building materials (except on a building site of an uncompleted structure for which there exists a valid building permit and a Certificate of Compliance has not been issued), building rubbish, and similar items, wrecked or junk motor vehicles, or parts thereof.

11. *Damages Household Contents and Buildings.* Household contents or portions of a building or other structure remaining in an open area, lot or parcel of land following damage by fire, wind, water, erosion or any combination thereof.

**PART 2.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**PART 3.** This ordinance shall be in full force and effect from and after the 1<sup>st</sup> day of November 1999.

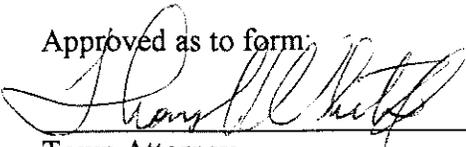
Adopted this the 1<sup>st</sup> day of November 1999.

  
\_\_\_\_\_  
Dick Wood, Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk

Approved as to form:

  
\_\_\_\_\_  
Town Attorney

**AN ORDINANCE AMENDING CHAPTER 10, ARTICLE II,  
OF THE CODE OF ORDINANCES OF THE  
TOWN OF SOUTHERN SHORES**

Be it ordained by the Town Council of the Town of Southern Shores as follows:

PART 1. Preamble. It is the intent of the Town Council of the Town of Southern Shores to revise the Town ordinance governing personal watercraft as a result of the adoption by the North Carolina General Assembly of G.S. 75A-13.3 effective December 1, 1999, and in order to provide certain more restrictive regulations than contained in G.S. 75A-13.3 and to exercise the powers granted to the Town by G.S. 160A-176.2.

PART 2. Section 10-14, of Article II, BEACH AND WATERWAY USAGE, of the Code of Ordinances is hereby deleted in its entirety and replaced with the following revised Section 10-14:

**Sec. 10-14. Personal Watercraft Operation.** Personal watercraft operations within the Town of Southern Shores and the areas of its extraterritorial jurisdiction shall be governed by the provisions of North Carolina General Statute 75A-13.3 which is incorporated herein as if fully set out and those more restrictive regulations as provided herein which shall control and govern over conflicting provisions of G.S. 75A-13.3 as provided by G.S. 75A-13.3 (h) and 160A-176.2. The more restrictive regulations area as follows:

- (a) No person under the age of 16 shall operate a personal watercraft, nor shall any person knowingly allow a person under the age of 16 to operate a personal watercraft, on and upon the waters of the Town of Southern Shores and the waters within the area of extraterritorial jurisdiction of the Town.
- (b) No person may launch or operate a personal watercraft before obtaining a permit from the Southern Shores Police Department. The permit so obtained shall be carried by the personal watercraft operator whenever operating the watercraft and be exhibited to any police officer upon request. In order to obtain a permit the operator must:
  - (1) Appear in person at the Southern Shores Police Department during normal office hours 8:00 A.M. to 5:00 P.M. weekdays, excepting holidays, and
  - (2) Pass a written test with 70% correct answers showing knowledge of the provisions of G.S. 75A-13.3, The Rules of The Road, and this ordinance, and
  - (3) Present proof of current registration of the personal watercraft with the State of North Carolina or with another state and exhibit the identifying number displayed on each side of the bow, and

- (4) Provide proof of insurance covering the operation of the personal watercraft showing a minimum coverage of \$100,000.00 for each person, \$100,000.00 each occurrence, and \$50,000.00 property damage, and
- (5) Show proof of having attended a U.S. Coast Guard approved course on safe boating and navigational rules of the road or a boater safety education course approved by the National Association of State Boating Law Administrators (NASBLA), and
- (6) Pay a permit fee of \$25.00.

(c) Upon compliance with the above subsection (b), the Police Department shall issue a permit to the applicant as follows:

- (1) To a permanent resident or real property owner of the Town of Southern Shores or Martin's Point - a permit which expires one calendar year from the date of issuance, or
- (2) To a non-permanent resident - a permit which shall expire fourteen (14) days from the date of issuance.

(d) The following operating regulations shall apply to all personal watercraft operations:

- (1) No person shall operate a personal watercraft between the hours of 7:00 o'clock P.M. and 7:00 o'clock A.M. daily.
- (2) Except for purposes of ingress and egress to and from the point of launch and waters where personal watercraft operations are conducted, and then at no wake speed of not more than five (5) miles per hour, no personal watercraft shall be operated:

[a] In the Atlantic Ocean within 200 yards of the shoreline or within 100 yards of a fishing pier;

[b] On any waters within the Town canal and lagoon system;

[c] In Ginguite (a/k/a Jean Guite) Bay and Creek which is defined as all waters southward of a straight line drawn from the northern tip of Martin's Point Northeastward to the Southern edge of the Southern Shores Civic Association Bathing Beach located on the west shoreline of Southern Shores;

[d] In Currituck Sound within 400 yards of the shoreline of Martin's Point and within 400 yards of the shoreline of Southern Shores.

- (3) The harassment of wildlife by any activities such as repeated circling or other repetitive maneuvers in close proximity to nesting areas is prohibited.

PART 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART 4. This ordinance shall be in full force and effect from and after April 1, 2000 and upon the installation of notice signs at each highway entrance to the Town except along U.S. Highway 158 where signs shall be posted at each Town street entrance, and at the intersection of the entrance to Martin's Point and U.S. Highway 158. Further a sign shall be posted on a Town Street in close proximity to any boat launch area which is provided for use by the public or SSCA Members and guests. The signs required shall give notice that (1) the Town has personal watercraft regulations more strict than state law, and (2) all personal watercraft operators must obtain a permit from the Town Police Department.

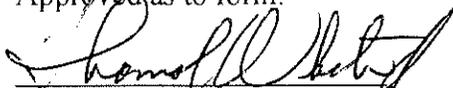
Adopted this the 1st day of November, 1999.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk

Approved as to form:

  
\_\_\_\_\_  
Town Attorney



# Town of Southern Shores

"A Town of Volunteers"

6 Skyline Road, Southern Shores, NC 27949

Telephone: (252) 261-2394 Fax: (252) 261-0452

Web Site: southernshores.org

E-mail: [toss@beachlink.com](mailto:toss@beachlink.com)

## AN ORDINANCE TO AMEND THE TOWN ZONING ORDINANCE OF THE TOWN OF SOUTHERN SHORES

**BE IT ORDAINED**, by the Council of the Town of Southern Shores, North Carolina, that the zoning ordinance of the Town of Southern Shores be amended as follows:

**Part I.** Amend Article VII, General Provisions, Section 7.10 C-General Commercial District, C. Conditional Uses to add:

5. Garden Center/Nursery, provided:

- a. A 10-foot high solid fence must surround all storage areas for business vehicles, equipment and bulk storage.
- b. All principal and accessory structures must conform to the North Carolina State Building Code (e.g. greenhouses) with no agricultural exceptions.
- c. Outdoor plant displays (retail/ nursery areas) access walks shall comply with site accessibility requirements of the North Carolina State Building Code (wheelchairs and motorized carts).
- d. Required parking spaces and drive aisles shall be asphalt or concrete. Business vehicle and equipment parking and drive area shall be gravel/crush and run.
- e. Customer parking requirements for outdoor retail display areas shall be one (1) space for every 500 square feet of retail space.

**Part II.** All ordinances or parts of ordinances in conflict with ordinance are hereby repealed.

**Part III.** This ordinance shall be in full force and effect from and after the 1st day of November 1999.

SEAL

ATTEST:

Cecilia Gordon  
Town Clerk

Dick R. Wood  
Dick Wood, Mayor Wood

Approved as to form:

Thomas L. White, Jr.  
Thomas L. White, Jr. Attorney



Notice is hereby given that the Town Council of Southern Shores will conduct a public hearing on Monday, November 1, 1999 (Council Meeting) at 9:00 a.m. in the Pitts Center. Please note the change in the date for the Council meeting due to November 2, 1999 being Election Day.

The purpose of the public hearing is review the proposed amendment to the Zoning Ordinance Article VI, General Provisions, Section 7.10 C- General Commercial District, C. Conditional Uses to add: 5. Garden Center/Nursery.

A copy of the proposed amendment is on file at the Town of Southern Shores during regular working hours.

The public is hereby urged to be present for the Public Hearing. Any person desiring to be heard on the request should appear at the time and place above specified.

Submitted by:  
Carrie Gordin  
Town Clerk

10-19,28c

NORTH CAROLINA  
DARE COUNTY.

**AFFIDAVIT OF PUBLICATION**

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared

Susan M. Simpson, treasurer

....., who being first duly sworn, deposes and says: that he (she) is of The Times Printing Co., Inc., engaged in the publication of a newspaper known as THE COASTLAND TIMES, published, issued, and entered as second class mail in the Town of Manteo, in said County and State; that he is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in THE COASTLAND TIMES on the following dates:

October 19, 28, 1999

.....; and that the said newspaper in which said notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Sections 1-596 and 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 9<sup>th</sup> day of December 1999

Sworn to and subscribed to before me, this 9<sup>th</sup>

day of December, 1999

Patricia A. McClene  
Notary Public

My Commission expires: Aug 12, 2000



# Town of Southern Shores

## "A Town of Volunteers"

6 Skyline Road, Southern Shores, NC 27949

Telephone: (252) 261-2394 Fax: (252) 261-0452

Web Site: southernshores.org

E-mail: [toss@beachlink.com](mailto:toss@beachlink.com)

### Amendments To The Zoning Ordinance Of The Town Of Southern Shores

**BE IT ORDAINED** by the Council of the Town of Southern Shores, North Carolina that the Zoning Ordinance be amended as follows:

#### PART I.

- A. Amend Article III, Section 3.02 to change the definition of BUILDING, ACCESSORY to read as follows:

**BUILDING, ACCESSORY:** A subordinate building consisting of walls and a roof, the use of which is clearly incidental to that of the principal building on the same lot, even where the Accessory Building is attached to the principal structure by breezeways, covered walkways, Walkways, or other structures not constituting enclosed living space.

- B. Add the following new definition to Article III, Section 3.02

**HABITABLE FLOORS AND STORIES: (Living Space):** Enclosed areas within a structure which are located below the top plate, and containing rooms or areas which have been designed, and constructed for human habitation.

- C. Amend Article III, Section 3.02, Height by deleting the existing top plate definition and replacing it with the following new definition:

**TOP PLATE:** The point at which the structural wall framing and the structural roof framing join together at the top of the uppermost habitable floor. When a building is designed with top plates at more than one (1) horizontal level, the uppermost plate is the one referred to and regulated by this ordinance.

- D. Amend Article IV, Section 4.14 Habitable Floors to read as follows:

#### Section 4.14 Habitable Floors

1. For the purpose of this Zoning Ordinance, area or space above the top plate of a habitable floor which is open, unrestricted, and unobstructed such as used in an A-frame, cathedral ceiling or opposed shed roof type construction shall not be considered as a part of such habitable floor.

2. The enclosed area above the top plate of a structure shall not be inhabited by any person or used for any purpose other than the storage of personal effects or property

- E. Amend Article VI, Requirements for Parking Lots, the introductory (first) sentence of Section 6.01.B to read as follows:

#### B. Requirements for Parking Lots

Where parking space for five (5) or more vehicles are permitted or required (other than single family detached dwellings and townhouses), the following provisions shall be compiled with:

F. Amend Article VI, Section 6.01.C.1 to read as follows;

Single family detached dwelling units and townhouses: Three- (3) parking spaces for each dwelling unit with up to four (4) bedrooms (including all areas used for sleeping), and one (1) additional space for each two bedrooms (including areas useable for sleeping) or fraction thereof, in excess of four (4).

- a. Bedrooms and/or areas useable for sleeping shall be defined and determined by the County Health Department in establishing residence occupancy limits for wastewater/septic treatment.
- b. A ten- (10) foot wide drive aisle shall be provided, which must be separate from any parking spaces such that no vehicle will be required to back into the public right-of-way.
- c. Each parking space shall have a minimum length of eighteen (18) feet and a minimum width of ten (10) feet.

G. Amend Article VI, to add new Section 6.09 Lot Disturbance to read as follows:

Section 6.09 Lot Disturbance. Subject to the requirements of N.C. G.S. 160-A-417 (b), if applicable, in all Southern Shores zoning districts but excluding all areas within the Extraterritorial Jurisdiction, no grading, filling, or other alteration of the topography or elevation of any unimproved lot shall be undertaken prior to the granting of a permit by the Building Inspector.

A. All applications for lot disturbance permits shall be accompanied by a survey or sketch showing the actual dimensions and shape of the lot, and showing the surveyed pre-disturbance ground elevation(s). The application shall also describe the disturbance activity which is proposed for the lot.

B. Upon inspection, the Building Inspector shall confirm that the survey or sketch detail submitted conforms generally to the pre-disturbance condition of the lot with respect to its elevations, and that the proposed disturbance activity will not create any hazards or disturb land or lots other than that owned by the applicant or his agent. The Building Inspector shall make such notations or comments on the permit as needed to further establish the pre-disturbance topography and elevation of the lot for later use in determining the permitted height of any structures subsequently constructed on said lot.

C. The Building Inspector is hereby authorized to include requirements in the permit which minimize the disturbance or damage of any adjacent lots or land.

H. Amend Article VII, Sections 7.01 D.6, 7.02 D.6, 7.03 D.6, and 7.04 D.6 each to read as follows;

6. Maximum allowable lot coverage 30%. In the case of an oceanfront lot, only that area landward of the first line of stable natural vegetation (as defined by CAMA) shall be used for calculating lot coverage.

**PART II.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**PART III.** If this ordinance or the application of this ordinance to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

**PART IV.** This ordinance shall be in full force and effect on the 1<sup>st</sup> day of May 2000.

ATTEST:

Cecilia Jordan  
Town Clerk

Approved as to form:  
Thomas L. White, Jr.  
Thomas L. White, Jr. Town Attorney

Dick R. Wood  
Mayor

Adopted 11 / 1 / 99  
VOTE: 4 Ayes 0 Noes



Notice is hereby given that the Southern Shores Town Council will conduct a Public Hearing on Tuesday, September 22, 1999 at 7:00 p.m. — Pitts Center.

The purpose of the Public Hearing is to consider a proposed amendment to the Zoning Ordinance Article III, Section 3.02, amend *Building Accessory* definition, define *habitable floors and stories*, amending Height: *top plate definition*, amend Article IV, Section 4.14 *Habitable Floors*, Amend Article VI, Section 6.01B, *Requirements for Parking Lots*, amend Section 6.01C.1, *Minimum parking requirements* for single family detached dwelling units and townhouses, Amend Article VI, Section 6.09 (new section) *Lot Disturbance Permit*, amend Article VII, Section 7.01.D.4, 7.02.D.4, 7.03.D.4 and 7.04.D.4 *Minimum side yard setback*, amend Article VII, Section 7.01 D.5, 7.02 D.5, 7.03 D.6 and 7.04 D.6 *Lot Coverage* and amend Article VII, Section 7.01.D.9, 7.02.D.10, 7.03.D.10, 7.04.D.9, *Pool Fences*.

A copy of the complete proposed document is on file at Town Hall for public inspections during regular office hours.

The public is hereby urged to be present for the Public Hearing. Any person desiring to be heard on the proposal as stated should appear at the time and place above specified.

Submitted by:  
CARRIE GORDIN  
Town Clerk

9-9-16c

NORTH CAROLINA  
DARE COUNTY.

**AFFIDAVIT OF PUBLICATION**

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared

Susan M. Simpson, treasurer.....

....., who being first duly sworn, deposes and says: that he (she) is of The Times Printing Co., Inc., engaged in the publication of a newspaper known as THE COASTLAND TIMES, published, issued, and entered as second class mail in the Town of Manteo, in said County and State; that he is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in THE COASTLAND TIMES on the following dates:

September 9, 16, 1999.....

..... and that the said newspaper in which said notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Sections 1-596 and 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

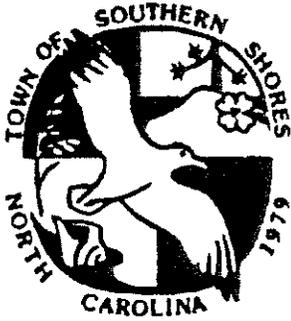
This 11<sup>th</sup> day of November, 1999.

Sworn to and subscribed to before me, this 11<sup>th</sup>

day of November, 1999

Patricia A. McClellan  
Notary Public

My Commission expires: Aug. 12, 2000



# Town of Southern Shores

"A Town of Volunteers"

6 Skyline Road, Southern Shores, NC 27949

Telephone: (252) 261-2394 Fax: (252) 261-0452

Web Site: southernshores.org

E-mail: [toss@beachlink.com](mailto:toss@beachlink.com)

BO 99/00 - 3

## AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR FISCAL YEAR 1999-2000

**BE IT ORDAINED**, by Council of the Town of Southern Shores:

That the budget Ordinance for the Fiscal Year ending June 30, 2000 is hereby amended as follows:

### Section I. Appropriations:

The amount appropriated for the street department of \$315,000.00 is hereby increased by \$95,000.00 to \$410,000.00.

The amount appropriated for the Police Department of \$636,355.00 is hereby increased by \$5,000.00 to \$641,355.00.

### Section II. Estimated Revenues:

A new revenue item entitled "storm damage assistance" is hereby established with estimated revenue of \$100,000.00.

Total appropriations and total estimated revenues for Fiscal Year 1999/2000 now each equal \$2,398,894.00.

Adopted this 1<sup>st</sup> day of November 1999.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Town Clerk