



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

Council Meeting

January 4, 2000

7:30 p.m.-Pitts Center

1. Mayor Sutherland called the meeting to order at 7:30 p.m.
2. Pete Macfarlane led the Pledge of Allegiance
3. Moment of Silence

Mayor Sutherland asked that a moment of silence be held for the families of Marg Karnish and Ethel Morgan.

4. Consent Agenda

Mayor Sutherland presented the Consent Agenda consisting of the minutes for the December 7, 1999 Council meeting and the monthly Building Inspections report. Councilman Campbell made a motion to approve as presented. Councilman Kennedy seconded. Approved unanimously.

5. Falcon Cable

Mayor Sutherland introduced Gordon Waters, Regional Manager of Falcon Cable. Mr. Waters gave a presentation that informed the audience that Falcon Cable is now a franchise of Charter Communications, the name will change sometime in the future. Mr. Waters explained some technical ways they are improving the quality of cable reception.

Pete Macfarlane asked why some channels are really bad. Mr. Waters commented that a tower is being raised in Columbia and that should take care of poor reception but that customer should call and report problems to see if it is a cable problem or TV equipment problem. Mr. Macfarlane also asked about the difference in pricing? Mr. Waters stated maintenance fees have the greatest impact on the fee schedule.

Councilman Kennedy asked if there would be any problems with the FOX channel since Virginia COX cable is removing it. Mr. Waters assured everyone there would be no problem.

Falcon Cable cont'd

Mayor Sutherland asked if Falcon could video tape the Council meetings and air them at no cost? Mr. Waters said they could meet and discuss the possibilities. Mayor Sutherland thanked him for coming.

6. Personal Watercraft

Bob Kenan, a resident of Southern Shores, requested to speak on the subject of personal watercraft. Mayor Sutherland explained he would have 3 minutes to speak and Council would not respond at this time. Mr. Kenan submitted his concerns dated 11-5-99 and 1-4-00 and reviewed those concerns. (see attached). Mr. Kenan requested Council reconsider parts of the PWC ordinance recently adopted. Mr. Kenan feels year-round property owners should be exempt from parts of the ordinance.

7. Planning Board

Chairman Morgan commented that she would present each issue separately for Council's consideration.

a. Outer Banks Hotel-Kitty Hawk

Chairman Morgan recommended Council set a public hearing for a draft amendment to the zoning ordinance submitted to Council and that Council review the submitted site plan at the same time.

b. Non-Conformities-Grandfathering

Chairman Morgan explained a draft amendment regarding the grandfathering was presented to Council. Council asked if the draft could be less technical, which was done. The Attorney and the Code Enforcement Administrator made changes to the document and now the Planning Board has not seen the draft document. She recommends that the draft go back to the Planning Board for comment and review but that a date be set for a public hearing. Councilman Denny asked if a public hearing still could be set? Mayor Sutherland said the public hearing date can be set and if the ordinance is not ready the public hearing would be cancelled.

c. Chairman Morgan stated the Planning Board is discussing the draft amendment for Telecommunications Towers and will have something soon for Council's review.

Planning Board cont'd

d. Chairman Morgan announced on January 10, 2000 at 7:00 p.m. the Planning Board would meet with State Planners, Tom Richter and Lee Padrick. They will be advising the Board on Phase 2 of "rental activities". Mayor Sutherland stated the Planning Board and the Planners would meet with Council at the Council Retreat on January 11 at 9:00 a.m.

e. Chairman Morgan stated that the American Criminal Law and Justice has been reviewing the Town's draft Sexually Oriented Business ordinance and that Tom White is working on the final format of the ordinance. Planning Board recommends a public hearing date be set.

f. Chairman Morgan reported that Mike Hejduk, Code Enforcement Administrator, presented the need to update the Flood Plain Management Plan. The plan is supposed to be updated every 5 years.

Councilman Campbell asked if the sewage drain field at the Kitty Hawk Hotel is going to become the same problem as the Burlage request did several years ago? Chairman Morgan stated she hoped not, that this is entirely different. Councilman Campbell then asked if the parking lot and the sewage treatment drain field is on Southern Shores property? Chairman Morgan replied, yes. Councilman Campbell then asked we are only talking about a drain field, is that correct? Chairman Morgan said, yes.

Tom White stated that Council does not look at a project they consider what the ordinance will allow. He continued by saying a drain field is open space and nothing can be put on top of it.

Jim Morrison explained that the commercial property with the principal structures is in one municipality and the parking lot and drain field is in another municipality.

Councilman Smith asked for an explanation regarding the difference between this proposal of a drain field and the Burlage property before? Chairman Morgan commented that the benefit is that nothing commercial would be on the piece of property. A drain field and a parking lot are less evasive than a restaurant, which was first proposed.

Chairman Morgan stated the Planning Board is not recommending approval of the north NC 12 access as requested by the hotel. Jim Morrison stated NCDOT would ask Council to approve the access. Tom White stated that NCDOT could use the right to condemnation for a public road.

8. Set public hearing dates

Mayor Sutherland stated the public hearings would be set for the Council meeting in February. He stated Council would be voting tonight on the proposed side yard setback and the pool fence amendments that were postponed from last month's meeting. He explained the proposed non-conformity amendment is to grandfather property owners from the side yard setback, if adopted. Councilman Campbell made a motion to approve the public hearing date at the Council's February 1st meeting at 9:00 a.m. in the Pitts Center for the draft Sexually Oriented Business ordinance, the draft non-conformities amendment and the draft amendment for parking lots, sewage treatment drain fields, minimum lot size, and buffers regarding the Outer Banks Hotel. Councilman Kennedy seconded. Approved unanimously.

9. Old Business

a. Approval of amendment to Article VII, Section 7.01 D.4, 7.02.D.4, 7.03.D.4, and 7.04.D.4 side yard setback (15') and amend Article VII, Section 7.01 D.9, 7.02 D.10, 7.03 D.10, 7.04.D.9. (6') pool fence.

Mayor Sutherland explained that there were 2 proposed zoning amendments, the 15' side yard setback and the 6' pool fence that Council did not vote on in November. This was to allow the new Council members time to consider the amendments. He stated if the amendments pass then the original ordinance would be readopted to include what is adopted tonight.

Councilman Kennedy asked if the amendments would be voted on individually? Mayor Sutherland said yes.

Councilman Kennedy doesn't feel a 6' fence around a pool makes a difference in the noise and is of no advantage from a 4' pool fence. He will not vote for a change to a 6' fence.

Councilman Denny agrees with Councilman Kennedy.

Councilman Campbell stated that he has had a problem from the beginning, approving the 15' side yard setback. He is not in favor of approving the 15' side yard setback unless the draft non-conforming amendment is passed (public hearing scheduled for February 1). He stated if for any reason the non-conforming amendment fails he would bring the ordinance back to the table.

Mayor Sutherland asked for a vote on the amendment to raise the height of the pool fence from 4' to 6' as proposed. The amendment was defeated by a unanimous vote. 0 ayes 5 noes

Old Business cont'd

Mayor Sutherland asked for a vote on the amendment to increase the side yard setback from 10' to 15' as proposed to amend Article VII, Section 7.01 D.4, 7.02.D.4, 7.03.D.4, and 7.04.D.4 side yard setback to read as follows: Minimum side yard: Fifteen (15) feet; an additional five (5) foot side yard adjacent to the street is required for a corner lot and Fifteen (15) feet for swimming pools. The amendment was approved by a 3 to 2 vote. Mayor Sutherland, Councilmen Kennedy and Smith voting yes, Councilmen Denny and Campbell voting no.

Mayor Sutherland asked for a vote to adopt ordinance (originally approved on November 2, 1999) to include the 15' side yard setback to become effective on May 1, 2000. The ordinance was approved by a 4 to 1 vote. Councilman Denny voting no.

10. New Business

a. Review Retreat Agenda

Mayor Sutherland announced that Council would hold its annual "retreat" at the Aycock Brown Center on January 10 and 11, 2000 beginning at 9:00 a.m. each day. The agenda was made available to the public and they were encouraged to attend.

11. Public Comment

Dan Shields thanked Council for the fireworks display held on January 1, 2000 to celebrate the millennium.

12. Council's Agenda

Councilman Campbell-none

Councilman Smith asked the audience to put the dates of January 10 and 11 on their calendars to attend the Council Retreat.

Councilman Kennedy-none

Councilman Denny-none

13. Mayor's Agenda

Mayor Sutherland announced that Jim Morrison's name would be submitted as a nominee for the N. C. Coastal Resources Advisory Council.

Mayor's Agenda cont'd

Mayor Sutherland reported that the fireworks display did not cost the Town anything. The Dare County Tourist Bureau provided a grant of \$10,000 to be used for the display. Mayor Sutherland commented letters of thanks would be sent to all of those who helped make the fireworks display a success. Councilman Smith thanked the SSVFD for their support. Mayor Sutherland concurred.

Mayor Sutherland presented a resolution regarding the naming of the new bridge from 64-Manteo to 264-Manns Harbor the Marc Basnight Bridge at the request of the Dare County Commissioners. Councilman Campbell made a motion to adopt the resolution as presented. Councilman Kennedy seconded. Approved 4 to 1. Councilman Smith voting no.

14. Town Manager's Agenda

Tom Gjestson reported the Interlocal Agreement with the Nags Head Life Guard Service is good to December 31, 2001 but there is a clause that allows for termination on each January 15th if needed. He recommends that Council review the contract at the retreat but to continue with the contract except the PWC patrol in Ginguite Bay should be cancelled.

Tom Gjestson briefed the council on the status of the insurance reimbursement for the Town Hall roof damage from Hurricanes Dennis and Floyd. He recommends that Council endorse the action of accepting the reimbursement in the amount of \$11, 972.00 net for roof repair. Councilman Campbell asked if the roof repair on the police garage could match the police department, if it were included? Mr. Gjestson commented that hopefully all roofing repairs could be done from the amount allocated.

Tom Gjestson thanked the Police Department for doing a great job on traffic control during the fireworks display.

Tom Gjestson asked Council to approve an amount not to exceed \$350.00 for a Brothers laser printer for the police department. Councilman Campbell moved to approve the expense of no more than \$350.00 for the purchase of a Brother laser printer for the police department. Councilman Kennedy seconded. Approved unanimously.

Tom Gjestson acknowledged that Police Chief Brazell has been with the Town for one year and Mike Hejduk, Code Enforcement Administrator will be with the Town for one year in February.

Fire Chief Solesbee had nothing to report.

Town Manager's Agenda cont'd

Police Chief Brazell gave a brief monthly report for December.

Councilman Kennedy asked the Chief if the speed trailer was working? He said yes.

Councilman Smith reported the traffic light at the Chicahawk intersection causes traffic backup and asked if the intersection could be assessed to see if the light warrants a turn arrow? Chief Brazell stated that no study is being done at this time and the backup is due to daily work schedules and is only at certain times of the day.

Sgt. Buchanan reported the Police Dept. has calendars available and he gave a crime report.

Mike Hejduk asked Sgt. Buchanan if police officers need character references during criminal investigations? Sgt. Buchanan said no and he went over the procedure for a criminal investigation.

15. Town Attorney's Agenda

Tom White expressed concern in the adoption of the Town's ordinances and he recommends that Council consider someone reviewing all the minutes and the ordinances to update wherever is needed. He expressed the importance of the proper procedure for the adoption and codification of ordinances. He also recommended that the zoning ordinance be a part of the town code and codification procedure. Mayor Sutherland stated this would be a "retreat" item.

Tom Gjestson recommended that a good volunteer could work on this issue and that he has someone in mind.

16. Announcements

17. Closed Session-Legal matter

Councilman Denny moved to go into closed session at 8:40 p.m. to discuss a pending legal matter. Approved unanimously.

Mayor Sutherland moved to go into open session at 9:00 p.m. Approved unanimously.

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Council Meeting
January 4, 2000

Mayor Sutherland made a motion to seal the minutes of the closed session until the case is resolved. Councilman Kennedy seconded. Approved unanimously.

A motion was made to adjourn the meeting at 9:05 p.m. Approved unanimously.

ATTEST:

Respectfully submitted:

P.E. Sutherland
Mayor Sutherland

Carrie Gordin
Carrie Gordin, Town Clerk

Town of Southern Shores, NC



Council Retreat Jan 10-11, 2000
Aycock Brown Visitor Center
0900 to 1700 Daily

Town of Southern Shores Council's Top 5 Issues For Year 2000

LARGE HOMES:

An eight month moratorium prohibiting the construction or remodeling of homes with over 7 bedrooms (or an occupancy of more than 14 people) was enacted at the December 7, 1999 Council Meeting. This moratorium will allow time for Council to study the many concerns they have with these "mini-hotels" and to develop comprehensive solutions to preserve the single-family residential community reflected in the Town's Land Use Plan. The Town's Planning Board will be assisted by an outside professional planner in developing recommendations for Council.

WATER QUALITY:

Council wants to expand and enhance the Town's canal and sound water testing program and overall efforts to improve water quality, insuring healthy and navigable waterways as well as efficient and responsible septic utilization.

SEXUALLY ORIENTED BUSINESSES:

Currently under a moratorium, Council's intent is to put zoning regulations in place soon to deal with this issue in the most effective way feasible.

TRAFFIC AND ROADS:

Traffic on Duck Road (Hwy 12) continues to grow in parallel with construction on the northern beaches. We need to strongly endorse and push for a northern bridge. We need to see our new multi-use path through to conclusion next year along with paving projects identified in our recent roads study by ITRE.

SOLID WASTE:

Continue to work with Dare County to improve garbage service and schedules.

(Final – 01/05/00 - TAG)

**Town of Southern Shores
Issues For Town Council Retreat - Jan 10 & 11, 2000**

*Denotes Major Issue

Governance

- Council assignments ✓
- Keeping each other informed ✓
- Popular vote to elect mayor ✓
- Expectations – Council/Manager ✓
- Town Attorney ✓
- Donations policy ✓
- Name tags for council ✓
- Redoing business cards, fewer printed ✓
- Review/update Code of Ordinances – maintenance plan ✓
- Visibility of town (Raleigh, etc.) ✓
- Meetings with other towns' officials ✓
- Advertising for town board members ✓
- Sunshine law adherence, review closed meeting procedure ✓
- Mileage reimbursement ✓
- Equipment for council ✓
- Board package for newspapers ✓
- Taping council meetings (Falcon) ✓
- Appoint advisory committee for each functional area w/council person chairing ✓
- Fixed expense account for each council person (e.g.: \$30/month, paid quarterly. Any month exceeding the fixed amount will be itemized.) ✓
- Night meeting frequency ✓

Finance

- Revenue update ✓
- Fund balance objective ✓
- Tax rate ✓
- No interest loans to employees for computers ✓
- Requests to council for spending should state impact to line item of budget ✓
- Spending approval ✓

Note: At 0900 January 11 – Council meets with Messers Richter and Padrick and Planning Board representatives

Administration and Programs

- *Recycling service – frequency ✓
- *Garbage service – frequency - penalty clause ✓
- Chipping program – fee for chips ✓
- *Road work –priority/ITRE Report/multi-use path construction ✓
- Reserve for roadwork ✓
- Ocean Rescue Service ✓
- Beautification
- Overgrown vegetation – obstructing views ✓
- Public Works Dept ✓
- *Water testing program (equipment, frequency) ✓
- Plan to improve/maintain Town Hall – roof etc. ✓
- Plan to improve/maintain Pitts Center (Dais, communications equipment, exits, storage, furniture, curtains, auto shutters, etc.) ✓
- Pitts Center usage policy – town groups ✓
- Telephone system ✓
- Records management program – retention, etc. ✓
- Space – files/offices/people ✓
- Storage for street signs/PWC/ATV's ✓
- Improve sign appearance ✓
- Signs with town stickers/parking info missing ✓
- Employee recognition – enough? ✓
- Job protection ✓
- Code of ethics ✓
- Staffing ✓
- Salary structure ✓
- Transfer Hickory Trail spur to SSCA ✓
- SSCA request to pave certain parking areas ✓
- SSCA wading beach/North Dogwood street drainage ✓
- Ocean debris collection/disposition ✓
- Fencing to the west ✓
- Rt 12 crossings – lite w/butoff – fly over? ✓ *go to P.D.*
- Town entrance signs ✓
- Calendar of events on our web page ✓
- Make plans for multi-use path available at Town Hall w/notice to affected property owners ✓
- Emergency Management Plan ✓

Planning

- Planning assistance ✓
- *Large home continuation – discuss ✓
- *Waterways report – assign council person ✓
- Martins Point ✓
- Annexation study ✓
- Long Range Plan update ✓
- *Traffic and northern bridge ✓
- *SOB's ✓

Code Enforcement / Building Inspection

*Rules for short term rental property ✓

Post swimming & PWC ordinances ✓

Charge additional fee for can roll back →

Register or license with town to limit occupants/septic size ✓

Assure posting rules, 2 trash cans, eliminate review of brochures ✓

Require letter to owners when permit issued

Explain septic sizing methodology & impact

Explain owner is responsible to make sure provisions are made for storm water drainage

Include guidelines on exterior lighting

When completed write letter explaining rules and max occupancy if they plan to rent

Prohibit 4 x 4 posts, etc in town right of way (11th ave/Sea Oats) ✓

Ordinance change for election signs ✓

Put basic building and zoning requirements on the internet *they were there*

Train all town employees on Code enforcement, ordinances. Have them report infractions.

Fire Department

Are we fully utilizing/optimizing fire stations and fire apparatus? ✓

Police Department

Report on speed trailer results and speeding strategy ✓

Recommendations on Rt 12 speed limit ✓

Plans for PWC patrols – frequency, registration, equipment, etc. ✓

Staffing ✓

Animal control

Town licenses – 3 yr? ✓

- other -
How long to keep taped meetings?



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Council Meeting
Closed Session
January 4, 2000

Councilman Denny moved to go into closed session at 8:40 p.m. to discuss a pending legal matter.

Mayor Sutherland stated there is a pending litigation from a Board of Adjustment hearing case #99-3-Scrimmer. Hood Ellis, attorney, has advised the Town that the Board of Adjustment should rehear the case. He suggested that the Board have an attorney present and that the minutes be taken verbatim. Councilman Kennedy made a motion to approve the Board of Adjustment hiring an attorney and a court reporter if the Scrimmer case is reheard. Councilman Campbell seconded. Approved unanimously.

Mayor Sutherland moved to go into open session at 9:00 p.m.

Respectfully submitted:

Carrin Gordon
Town Clerk

attest:
Paul Sutherland
Mayor

Approved
April 4, 2000



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December 31, 1999

MONTHLY PERMIT SUMMARY

TYPE CONSTRUCTION	NO.	COST	FEES
SOUTHERN SHORES			
New	8	1,795,000.00	12,119.55
Add/Alt	2	12,000.00	105.00
Other	15	123,517.00	1,250.00
TOTAL SS	25	1,930,517.00	13,474.55
CUMULATIVE FY2000	168	10,832,691.55	81,298.33
TOTAL HOMES SS	1878	*(9 Certificate(s) of Occupancy issued this month)	
MARTIN'S POINT			
New	0	-	-
Add/Alt	0	-	-
Other	0	-	-
TOTAL MP	0	-	-
CUMULATIVE FY2000	15	1,550,922.00	11,122.18
TOTAL HOMES MP	163	(0 Certificate(s) of Occupancy issued this month)	
CAMA PERMITS	2		100.00
PLAN REVIEW FEE	13		1,155.00
ADD TO PERMITS	0		-
RE-INSPECTIONS	2		100.00
TOTAL MONTH		1,930,517.00	14,829.55
TOTAL YEAR		12,379,813.55	102,084.41

Respectfully submitted,

Michael Hejduk
Building Inspector

*1 replaced a house that was demolished.

11-5-99

TO: Southern Shores Town Council
6 Skyline Rd.
Southern Shores, NC 27949

Dear Mayor Wood and Council Members,

We are outraged over the regulations you passed November 1, regarding use of Personal Watercraft in Town controlled waters! These new rules are so restrictive, and demanding, that our first reaction is to throw up our hands in defeat, and ride our PWC somewhere else entirely. However, while I'm sure Council hopes all resident PWC owners will do exactly that, we will not let this issue rest without expressing our strongest protests!

1. We believe it is illegal to discriminate against one type of small power boat, just because of its propulsion method and sound. The Coast Guard makes NO distinction among small power boats under 19ft. length.

Even though you have already decided on the "legalities" of the issue, I doubt your rules would stand up to a full court challenge.

2. Ginguite BAY is a PUBLIC WATERWAY, and arbitrarily "banning" a particular type of craft from such a waterway, is capricious, at best, if not illegal.

3. I refuse to provide proof of a certain level of insurance just to ride our PWC in town. Insurance proof is required by the State, when registering such craft, this registration should be all the Town requires.

Since the Town does not require proof of a certain level of auto insurance to drive in town, HOW can you justify requiring it for resident PWC owners to ride on PUBLIC WATERWAYS?

4. As TAX-PAYING, SSCA dues paying, residents of town since 1982, we bitterly resent Council discriminating against us due to our choice of water recreation!

It seems that some of our residents are "more equal than others," in the eyes of the Town!!

PWC riding is our only form of water recreation, and you have, for all practical purposes, made it illegal.

Our family doesn't fish, and the only watercraft we own is the PWC, which we use only on summer weekends. You have made it virtually impossible for us to get a permit for this recreation, in effect, banning us from the water!

As a working family, we simply DO NOT HAVE THE TIME to comply with all the requirements for a permit for our PWC.

Further, effectively banning PWC use on Ginguite BAY

deprives us of a 'safe haven' in which to change riders, or stop to rest, during our rides.

5. Council is fully aware that 'outsiders' caused all the PWC problems last summer. WHY have you chosen to punish TAX-PAYING, FULL TIME RESIDENTS for problems caused by Non-residents?

Also, Council should have the common sense to know that when something is 'outlawed,' only 'outlaws' will do it. How much of the Town's resources do you plan to waste in chasing the inevitable 'outlaws,' who will launch elsewhere, ride into Town waters, and "disappear" when law enforcement arrives?

6. Our family has had a long history of cheerful volunteer service to the Town, and the SSCA. We have been looking forward to contributing our efforts to both, when we are able to retire. Would you be surprised to learn that we've reconsidered these plans?

In conclusion, we insist that Council enact these exemptions to the PWC regulations:

1. Full time permanent residents should only need to show a State registration to launch and ride in town.
2. These same be allowed to use Ginguite Bay, as before, adhering to the previous distance-from-shore rule, employing reasonable caution regarding other users of the Bay, and wildlife.

Regrettably, I have no recourse without these exemptions, since I haven't the time to jump through the hoops, nor the financial resources to mount a court challenge. Our Town Council has told resident PWC-owners to "Buzz Off," and I am amazed that Council seems to want some of our residents to feel "screwed."

In spite of my degree in English, and pride in my communication skills, polite language to express my feelings toward the new PWC regulations, simply fails me!!

This will likely be my last effort to request that our Town Council apply some balance to these regulations; I can't afford the time and resources to keep coming back. If no changes are made, Council will have alienated many friends of the Town, and I'm sure that the cost of this alienation will more than outweigh the smug satisfaction that the few PWC-haters will garner from convincing Council to pass these onerous regulations!

Is it worth it??

Sincerely,

Robert C. Kenan, Jr.
248 Woodland Dr.

1-4-00

I've spoken to several people over the last couple of weeks regarding my intention to ask Council to modify the recently passed jet-ski ordinance. All of them, my wife included, told me I'd be wasting my time, that they truly doubted I'd succeed in changing anything. Well, while I do occasionally pursue quixotic causes, I still don't believe this is one of them. I truly feel that our Town Council has made a small error in crafting this ordinance.

Attached is a letter which I wrote to the previous council, outlining my objections to the ordinance. Time constraints prevented me from presenting it, and I did not feel that simply mailing it, particularly as the Holidays approached, would suffice.

While the letter is strongly worded, it really highlights my objections to the jet-ski ordinance. I hope that you will consider the issues raised in the letter. Is it necessary to read it here, or can you take it to your retreat for further consideration?

I'm asking for a very simple, yet, for me, profound change in the ordinance. I'm asking you to add the words "Permanent, full-time residents exempt." As it is written, the ordinance will solve the jet-ski issue, but it is quite unfair to some of the very people it is intended to protect -- full time, permanent residents.

Most resident jet ski owners are, like us, working families, lacking the time to comply with all the requirements of the new ordinance. Most important, though, are two other things council has overlooked in the ordinance. First, we live here ! None of us would knowingly cause excess noise, or jeopardize people or wildlife. Second, most of us are no longer young. I'll be 50 this March, and not only am I overweight, I have an exceptionally LOW pain threshold! I won't be performing ANY risky maneuvers! As a parent, as well, I fully appreciate the need to keep children safe, too.

Without the change I'm requesting, we'll simply have to ride elsewhere, as we lack the time to comply with the requirements of the ordinance. I would even consider an annual license fee as a way to resolve this issue, limiting this option to full time permanent

residents.

Please consider this change to the ordinance. While I support the ordinance, as it is written, as a way to eliminate outsiders from riding abusively in our town, it is very unfair to those of us who live here.

We, like all of you, chose Southern Shores as our home because of the quality of life here. The jet-ski ordinance, as written, significantly reduces that factor for a noticeable minority of our Town's citizens. I'm requesting the change in the interest of fairness to ALL of our town's residents.

Thank You

**PLANNING BOARD REPORT
DECEMBER 20, 1999**

1. Request from Kitty Hawk Hotel to amend zoning ordinance - Article VII Schedule of District Regulations Section 7.10 C - General Commercial District to allow **parking lots and sewage treatment drain fields when located on a lot which is adjacent to and adjoins real property in an adjacent municipality upon which a principal building or use has been approved by that municipality and to which the parking lot and sewage treatment drain fields are necessary or incidental.**

They also requested us to amend the zoning ordinance to read except where a commercial use or zone contains a lot of record encompassing real property in two or more municipalities . . . then continue the ordinance of record.

The Planning Board is recommending to drop the word use in 7.10 D 1 and drop use in 8. What this means is we have several properties that are zoned commercial and people have chosen to use them as residential. It then places the burden on the lot beside them that is zoned commercial to have a 20 foot buffer between the properties. We didn't feel it was fair to the property owner who didn't choose to change to a residential use.

2. We recommend to Council the attached wording for a grandfathering provision for yard requirements. The Planning Board is doing this because it was asked to by Council.
3. We discussed rental activity from papers prepared by Jim and Mimi earlier. The planners Mr. Richter and Mr. Padrick would like to meet with the Planning Board on the evening of January 10 at 7:00 p.m. in the Blue Sky Building . Mr. Richter said, "the purpose will be to mull over your situation and make sure we are mutually agreed on the problems you face, the ends we seek and the role/time on my staff involvement." On the next day in the morning some of the planning board members and Mr. Padrick and Mr. Richter will meet with the Town Council (at their workshop for maybe 20 minutes or so) to review what we intend to be working on. I had Carrie send them a copy of Jim and Mimi's talking papers, the minutes of our meetings on this subject and public hearings, the changes the Town recently enacted and the zoning ordinance book. Mr. Richter said they could help with the Flood Plain Management Plan and ask the building inspector for his plan and what he has received about our existing plan.
4. We have not heard from the American Center for Law and Justice on our SOB ordinance. Tom White is to have formatted our proposed ordinance. I will see if he recommends that we proceed at the January 4 meeting to ask for a public hearing to be set at the Feb. meeting.
5. The PB heard the first draft of the Telecommunications Tower ordinance. Each board member had several points of input and Elsa and I will meet to revise the ordinance.



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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.4., 7.02.D.4, 7.03.D.4 and 7.04.D.4 to read as follows:

Minimum side yard: Fifteen (15) feet; an additional five (5) foot side yard adjacent to the street is required for a corner lot

Fifteen (15) feet for swimming pools

I. 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.

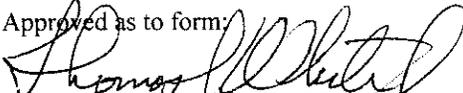
PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

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 1st day of May 2000.

ATTEST:


Town Clerk

Approved as to form:

Thomas L. White, Jr. Town Attorney


Mayor

ADOPTED: January 4, 2000
VOTE: 4 Ayes 1 Nay