



# Town of Southern Shores

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**Town of Southern Shores, North Carolina  
Joint Meeting of Town Council and Planning Board  
July 26, 2006  
Pitts Center, Southern Shores Town Hall Complex**

## MINUTES

The joint meeting of the Town Council and the Planning Board was held July 26, 2006 at 1:00PM in the Pitts Center. Attending the meeting were: Mayor Smith and Council Members Shields, Hess, McDonald, and Sanders and Planning Board Chairman Groff Kowalski and Members Walter, Peckens, Wendt, Conners and Poisal. Staff members in attendance were Fuller, Hejduk, Forrester, Bakken, Gordin, and Gabrys.

The following topics were discussed.

### Lot Coverage

Mr. Peckens began the discussion with a review of his position paper. Chairman Kowalski stated lot coverage has become an issue due to the current tendency to maximize the structures being built. The driveway and parking areas are left undeveloped initially but then developed in the future. Mr. Kowalski stated we should either require the driveway and parking area to be installed during the initial construction or account for the area as lot coverage for possible future development. Mr. Conners stated the size of development has been a concern for the Town adding lot coverage has served as a constraint on the size of development in the past. Council Member Shields stated the current thirty (30) percent coverage is sufficient and should include the driveway and parking areas regardless of what surface type is used. Ms. Wendt stated the storm water management should also be taken into consideration.

Council Member McDonald questioned how many homes would become nonconforming if these are included and if the nonconforming lots will be located in the same general area, i.e. the beach zone. He stated the fifty (50) percent repair rule for the nonconforming home may have impact if there is a storm. Mr. Hejduk responded this would not be an issue if the storm is declared a natural disaster. Council Member Hess opined the nonconforming issue would be all over town and not centralized to a particular area.

Council Member Sanders stated most houses are built with the intent of becoming a permanent residence and assumptions should not be made regarding the occupancy capacity and the rental industry. He stated that he does not feel anyone is interested in increasing the lot coverage percentage but recognizing the amount of required parking is based on the number of bedrooms. He would like lot coverage to include permeable materials. Council Member Shields stated it should not matter what is used to build the base, it should count as lot coverage to account for what may be developed. Mr. Conners added it is typical of most counties and jurisdictions to include all development as part of lot coverage, regardless of what is used.

Mrs. Poisal stated driveways are developed without permits now, which does not allow control of lot coverage. Mr. Hejduk stated a policy change can be implemented to require a driveway development permit adding driveways are usually identified when renovations are done to the lot structures.

Mayor Smith stated he has trouble with the idea that a person who wants to build a large home will not be permitted to do so because of the required parking spaces needed. Mayor Smith asked if it is possible to apply the Large Home Dwelling minimum parking requirements in the RS-1 zone.

Mr. Hejduk responded pavers have been incorporated which provide a forty (40) percent allowance credit. Council Member Shields stated this material requires maintenance of the surface after installation adding the permeability is lost if not maintained. The allowance credit is valid until they are replaced.

Mr. Fuller stated the lot coverage ordinance should address offsite impact as well, giving the example of elimination of parking areas designated for town parking, adding the Ordinance should be designed for the end user.

Mr. Bill Cogger, Chairman of the Southern Shores Civic Association Architectural Review Board, stated he viewed the lot coverage issue in three ways – is it necessary to change the current standard, if the current standard is changed will there be any adverse effect as a result and what will the home site look like today and what will they look like after the changes are permitted. Will the change result in a harmonious blend for that neighborhood? Will the change affect the real estate values? Mr. Cogger then presented pictures of houses with questionable parking areas.

Mr. Mark Martin, Sandmark Construction, stated homes being built now are larger and sometimes do not have sufficient parking which may require additional vegetation to be removed. Mr. Martin stated lot coverage needs to be defined. Using the example of a retaining wall required to address a stormwater issue, Mr. Martin asked if this should be considered lot coverage. Mr. Martin opined the ocean front area may need a credit due to the limitations on septic location. Mr. Martin is in favor of permitting one stacking parking space.

Ms. Gerri Sullivan, 31 10<sup>th</sup> Ave, stated eighty (80) percent of the homes on 10<sup>th</sup> Ave are year round resident or 2<sup>nd</sup> home and non-rental. Ms. Sullivan stated she does not want her area to look like a parking lot. Ms. Sullivan stated the question should be asked – After all the developers and builders are gone, what do we want our community to look like?

Mr. Mike Stone, 8 Sandfiddler Ct, stated there are issues not addressed including spaces Added due to the need of the residents, how is a circular driveway counted toward the lot coverage, existing vegetation may determine the position of the driveway and will consideration be given if the vegetation is saved.

Chairman Kowalski stated the Planning Board will try to incorporate the ideas expressed. Mr. Peckens asked what direction the Council would like taken. Mayor Smith responded stacking of parking makes sense and an eight (8) foot wide driveway would be acceptable, adding the end user should not be penalized.

Council Member McDonald stated the driveway should be included in the lot coverage, whether developed or not. He stated that he would like some limit to the width of the entrance into the house.

## Home Occupation

Chairman Kowalski summarized the activity that has taken place to over the past year. Chairman Kowalski stated Ms. Wendt had recently researched the Montgomery County Maryland Home Occupation ordinance and referenced the document provided.

Council Member Hess opined the project has evolved into a very complicated effort and she would like the effort to be kept simple. She stated anything that looks like a business is not allowed; adding what is done in the house is the homeowners business. She stated she did not feel parking vehicles overnight is an issue and outside storage of equipment can be resolved by storing the equipment offsite. She does not feel the type of business should matter.

Council Member Sanders stated parking a work truck used for transportation is not a problem, however parking a work truck in the front of the house advertising the business does cause a problem. He stated the Home Occupation ordinance must be enforceable and enforced.

Mr. Fuller stated managing the enforcement is the issue, regardless of what the ordinance says. Enforcement is complaint driven adding Staff will not be neighborhood police. If a complaint is received it will be investigated but if there is no complaint there is no enforcement activity.

Chairman Kowalski asked how the Commercial area should be addressed. Council Member Sanders stated the areas are not all inclusive, commercial and residential areas are separate. He stated hazardous materials should not be permitted and noted fire code inspections are not done at residential houses. Council Member Hess agreed with Council Member Sanders stating the Commercial area should be separate from the residential, adding the Commercial area should be more restrictive and specific.

Mayor Smith stated the application process was not applicable and should be removed. Council Member Shields asked if the Planning Board is still considering a Business Permit. Mr. Fuller stated permits are used as taxing tools to generate revenue, not as regulatory tools and they should not be mixed.

## Property Numbering

Mr. Bakken asked the Council if there were any issues with the proposed ordinance. Mayor Smith stated he had received feedback from a resident regarding the currently unnamed street into North Marina and the proposed changed to their current N. Dogwood address.

Mayor Smith stated if the address change is required the owner has a financial burden to change all legal documents to the new address. Mr. Bakken stated the resident would not be made to change the address, adding Kitty Hawk Land Company will need to sign a document to turn this street over to the SSCA, who would retain ownership of the street. There would need to be an easement signed over to the homeowner.

Chairman Kowalski confirmed there are no objections to both ordinances, adding a public hearing will need to be scheduled for the Zoning Ordinance change. The Council Members confirmed they are in agreement with the proposed Street Name Changes.

Mr. Hejduk stated the Official Property Numbering Map for the Town will need to be revised.

## Vegetation Management Plan

Council Member Shields moved to recess at 12:00 p.m. and to reconvene on July 31, 2006 at 1:00 p.m. to discuss the Vegetation Management Plan. Mr. Kowalski seconded.

The Southern Shores Town Council/Planning Board met on July 31, 2006, at the Pitts Center.

The following Council members were present: Mayor Don Smith, Council Members Jodi Hess, Dan Shields, David Sanders, and Brian McDonald and the following Planning Board members were present: George Kowalski, chairman, Georgine Poisal, vice chairman, David Peckens, Joe Walter, Jim Conners, and Nancy Wendt. Jay Russell and Cyndy Gabrys, Administrative Assistant absent.

Also present were: Webb Fuller, Town manager, Mike Hejduk, Code Enforcement Administrator, and Carrie Gordin, Town clerk, members of the Vegetation Advisory Board, Jack Sheehan, chairman, Rob Milne, and Helen van Laer.

Mayor Smith called the recessed meeting to order at 1:15 p.m.

Council Member Shields asked what the difference between a board and a committee is.

The town manager stated that a committee has advisory capacity and a board usually has some regulatory authority. He recommended that council request the town attorney to provide a legal definition. He stated that council should decide what type of body and what scope of work they want when making appointments.

Mayor Smith stated that the Vegetation Advisory Board has done great work and provided good information of the plan submitted. He stated that he does have some concern telling property owners what trees must be cut down or remain and that they must hire a surveyor to advise the property owner on a landscaping plan. He does not support a plan that objects to a "sod lawn", the property owner should have the right to put in whatever vegetation they chose. He stated that unless a property is interfering with an adjacent property owner he sees no problem. He supports an educational program.

Mrs. Poisal stated that she feels people should have the right to build what they want but that the town should take some responsibility to keep the character of the town. She stated that there have been several lots who have clear cut their properties.

Mr. Conners stated that a petition was presented to Council in July of 2001 requesting council consider lot disturbance issues but no where in the petition did it address issues as stated in this Vegetation Management Plan. He suggested that the plan be reviewed and in a 3-6 months period resubmit the plan to include the original intent from the petition.

Mr. Sheehan stated that he feels the complaints of the plan have originated with more underground issues. He stated that Council has not discussed any of the complaints with the board.

He stated that clear cutting is a tipping point at this time and things are worse than realized. He stated that when there are complaints then things can be analyzed. He stated that it has been proven that education does not work.

Mr. Sheehan stated that several councils have been involved with these vegetation issues. He stated that the town is not ready to amend ordinances to prevent clear cutting. He stated that the

plan is not an ordinance it is only a recommendation and council make the decision and what changes should be made and council enhanced the status of the committee by appointing them as a board.

He stated that the plan points out issues like planting sod and by doing what impacts it has on storm water runoff. He stated that the town should move ahead and inform the people on these issues.

Mayor Smith stated that a resident provides landscaping, to their liking, when their house is completed and that there is more natural vegetation than ever. He does not support the town telling people what they can and can't plant. He stated that more vegetation is removed from constructing a multi-use path that building a house.

Mr. Sheehan stated that vegetation board members meet with property owners during the lot disturbance permitting process with Mike Hejduk to advise them on the importance of maintaining the vegetation. He stated that the accumulation of records will aid in how decisions are made and following the recommendations is important.

Mr. Kowalski recommended that council accept the document, thank the board for the document and dismiss the board, just like all other committees that have completed the task.

Council Member Sanders stated that he has lived here 22 years and that clear cutting has an important impact on adjacent properties. He stated that in the past property owners thought they needed to get permission to cut down trees because it was understood that the town wanted to keep the nature of the town (keep the town like it is). He stated that the type of houses that are being built now changes that concept.

Council Member Shields stated that it has always been suggested by the fire department that trees be at least 30' from around the house.

It was stated that 10' is sufficient clearing around a structure and that the vegetation canopy should maintained or removed and to do nothing is the wrong idea.

Council Member Shields stated that the storm water committee was established about the same time as the vegetation committee and their recommendations need to work together. He stated that the storm water management plan will impact the property owners by telling them what they need to do to improve the storm water runoff.

Mrs. Poisal stated that in other tree ordinances it allows for trees to be removed but trees must be replaced credit trees as stated in the ordinance.

Council Member Hess stated that the storm water issue motivates the vegetation plan. She would like to see a sample ordinance. She recommending tasking the planning board to draft the ordinance and submit it to council.

Mrs. van Laer stated that this vegetation work has been on-going for five years. She feels this is a forwarding looking plan to aid in formulating and ordinance or ordinances. The community needs to work together and plan for the vegetation for the next 20 years.

Mr. Sheehan stated that he is looking forward to hearing from the council on what direction they want to go with the plan and he is requesting that council accept the plan.

The town manager stated that the topography, required zoning, and type of structure may cause vegetation to be removed. He stated, for instances, the road improvements to Red Bay Lane will cause trees to be removed but your first consideration should be safety.

Mr. Kowalski stated that he has a problem with the vegetation committee members addressing the property owners by telling them what vegetation they can and can't keep. He is willing to sit down with Mr. Sheehan to discuss his concerns.

Mayor Smith stated that he is concerned about the plan and does not support it because it speaks of "big government" and it is trying to place the burden of fixing a problem on the last 20% of the property owners who are trying to build their homes. He stated that when he ran for office he told the voters he would do the right thing.

Mayor Smith addressed the body by saying that the meeting would adjourn at 3 p.m.

Mr. Sheehan and Mr. Kowalski read portions of the Vegetation Management Plan relating to natural vegetation removal requiring the review and advice of the vegetation advisory board.

Council Member McDonald asked if there is more clear cutting being done than in the past. Mike Hejduk said yes due to the larger house with driveway and all the accessories, such as pool, decks, etc.

Mr. Hejduk read an email dated September 2, 2002 from Dick Wood, the original chairman of the vegetation committee, stating the importance of topography and how it should be applied to zoning.

Mayor Smith recommends that upon completion of the town's storm water studies that the planning board and the vegetation committee work together to include vegetation recommendations.

Mr. Conners stated that he is concerned about the tone the plan sets and how the citizens will react once made public.

Mr. Kowalski asked that a copy of the vegetation plan be given to UNC Coastal Studies Institute who is compiling the storm water findings.

Council Member Shields recommends that the vegetation plan be accepted; thank the committee for a great effort and to use the plan when it is needed.

Council Member Hess moved to adjourn at 2:55 p.m. Council Member Shields seconded.

ATTEST

  
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Mayor Don Smith

Respectfully submitted:

  
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Carrie Gordin, Town Clerk