



Town of Southern Shores

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Town of Southern Shores
Council Meeting
November 28, 2006
8:00 a.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on November 28, 2006, at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Dan Shields, Jodi Hess, David Sanders, and Brian McDonald.

Also present were: Webb Fuller, Town Manager; Carrie Gordin, Town clerk.

OPENING

Mayor Smith called the meeting to order at 8:00 a.m., led the Pledge of Allegiance and held a moment of silence for all our men and women in the armed forces serving around the world.

APPROVAL OF AGENDA

Mayor pro tem Shields moved to approve the agenda as presented. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

CONSENT AGENDA

- A. Resolution 2006-11-01- North Carolina League of Municipalities Strategic Directions Initiative.

Mayor pro tem Shields moved to adopt Resolution 2006-11-01 as presented. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of Resolution 2006-11-01 North Carolina League of Municipalities Strategic Directions Initiative is attached hereto as Exhibit A and made part of these minutes].

PUBLIC COMMENT

Mayor Smith opened the public comment section of the agenda.

Bob Palombo, 159 Duck Road, provided council with a copy of an editorial from the Coastland Times edition dated Sunday, November 26, 2006. He stated that the editorial is full of misleading and incorrect statements and people would get the wrong impression when they read it. He stated that the editorial reads that NC 12 was closed on Wednesday due to the storm.

He stated that this was not true, that Ocean Blvd. was closed due to down utility lines not flooding and Ocean Blvd is not the road to Duck and Corolla. He feels the editor should be made aware of this misinformation and he requested that council respond by sending a letter to the editor. He stated that he had sent a previous letter in response to another incorrect article but that it was not published.

Following discussion council's consensus is that the town manager writes a letter to be signed by the mayor addressing the editorial and Mr. Palombo's concerns.

He stated that the bridge committee representatives will be attending a NCDOT TIP meeting in Edenton later today. He will report any results at the next meeting.

Hearing no further comments, Mayor Smith closed the public comment and continued with the meeting.

REPORTS

Planning Board

George Kowalski, chairman of the Planning Board presented the November 20, 2006, Planning Board report.

Mayor pro tem Shields asked that the proposed changes to the Cove subdivision requires that the site plan is at ground zero and they need to start over. Mr. Kowalski said yes. He stated that certain permits are still needed while others (CAMA) would not be needed.

Mayor pro tem Shields asked if the SSCA has applied for a building permit for the gazebo at the north marina. Mr. Hejduk said no formal application has been submitted but that he has met with representatives to discuss the project.

[Clerk's Note: A copy of the November 20, 2006, Planning Board report is attached hereto as Exhibit B and made part of these minutes].

OLD BUSINESS

- A. Ordinance 2006-09-02-Lot Coverage with respect to driveways and parking areas, lot disturbance, permits and site plan requirements.

Mayor Smith explained that the ordinance did not receive a majority vote by council on the first vote and now it only needs a simple majority vote for approval.

Council Member McDonald asked if notices have been mailed to the property owners telling them of the lot coverage changes. Mr. Hejduk said not as this time. A town newsletter is going out in December and the information could be included in the newsletter.

Mayor Smith stated that Council Member McDonald and he do not agree with the effective date of the ordinance only being 60 days from adoption. They feel 90-120 days would be more appropriate as they had previously discussed and they do not support that grass driveways should be counted as lot coverage.

Mayor pro tem Shields moved to adopt Ordinance 2006-09-02-as presented. Council Member Hess seconded. The motion passed with Council Members Shields, Hess, Sanders, voting aye; Mayor Smith and Council Member McDonald voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of Ordinance 2006-09-02-Lot Coverage is attached hereto as Exhibit C and made part of these minutes].

NEW BUSINESS

A. Appointment to Firemen's Relief Fund.

The town manager stated that it is the town's responsibility to appoint two members to the Firemen's Relief Fund. Two representatives were appointed in March, 2006 to get back on the schedule of the required appointments for December. The terms are staggered two-year terms. Andy Cagiano was appointed for one-year term and Al Smith was appointed for a 2-year term. Andy Cagiano has agreed to be re-appointed for a two-year term.

Council Member Sanders moved to appoint Andy Cagiano for a two-year term to the Firemen's Relief Fund. Mayor pro tem Shields seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

OTHER ITEMS

Council Members

Council Member McDonald stated that he is concerned about comments made in an email that was forwarded to council in that secret meetings have been held regarding the canal dredging project. He stated there have been no secret meetings and discussion on the canal dredging has been going on for over 3 years. He would like some response made to clarify the comments made by this individual, as well as providing the correct information to the public.

Council's consensus is that the town manager should review the emails and determine if an answer is needed.

The town manager stated that the Chicahawk Property Owner's Association Board meets on December 7 to discuss allowing the town to use common property at Wax Myrtle as the spoil site. The town will follow up with information in the December newsletter.

Council Member Sanders complimented the public works, police, and fire departments for a great job they did during the storm and cleaning of the street before the storm.

Mayor

Mayor Smith stated that he has had several citizens ask why council does not respond during public comment. He requested that council consider allowing responses to be more friendly and responsive to the citizens.

Mayor pro tem Shields stated that it has always been the practice to not respond, take that time to listen to the citizens and if it is an issue that needs to be addressed council would place it on a future agenda. He stated that you can't be selective on your responses and you could get into a situation that could take up several hours of discussion during a council meeting.

Council Member McDonald suggested that during the council agenda those council who wish to respond to comments made during the public comment could do so then. Mayor Smith stated that not all citizens stay for the whole meeting.

Council Member Hess stated that she attends planning board meetings and they hold a public comment section and they do not respond to the citizens. She stated that she agrees with Mayor pro tem Shields that responding will cause the meeting to get out of hand. She stated that council is a body of five. Council hears the citizens as a body and responses should be as a body.

Council Member Sanders stated that the public comment section is to allow the public to provide information to council on issues that are important to them. He stated that to clarify a point made by a citizen may be okay but to respond would cause debate that would require another meeting.

Mayor Smith stated, that at the beginning of each meeting, he will announce that council will not respond at the public comment portion of the agenda but that if council wants to respond it will be done under the council agenda.

Mayor Smith stated that he attended the Dare County communication meeting as well as Fire Chief Harvey, Deputy Chief Shrader and Bill Jones and he thanked them for attending. He stated that the upgrade of the 800 MHz radio communications system is going to be very expensive. He stated that everyone at the meeting agreed that the initial expense should be made by the county and that the system should be maintained by the county, not the state. He presented a hard copy of a slide presentation on the system. It will be made available at town hall for review. In answering a question, Mayor Smith stated that this is a mandated program and will need to be completed within five years and the county approves.

Town Manager

The town manager stated that the town was very fortunate regarding the outcome of the storm. He stated that a lot of trees came down but he was very pleased with public works, police department and the fire department they all worked well together.

Mr. Hejduk stated that some stairs were damaged at the cross-over's and at Pelican's Watch and a tree fell on a house at Purple Martin.

The town manager stated that a formal procedure would be put in place to notify council when an employee has resigned or has been hired. He announced that Police Officer Long has submitted a two week notice of his resignation. He stated that staff would provide such information as applicable under his agenda in the council books as a FYI.

The town manager stated that he has received NCDOT plans for the road improvements to NC12. He stated that the plans will be put out for bid in the near future and that the plans are available for review at town hall.

The town manager called for a brief closed session pursuant to NCGS 143-318.11(a) (6) personnel matters.

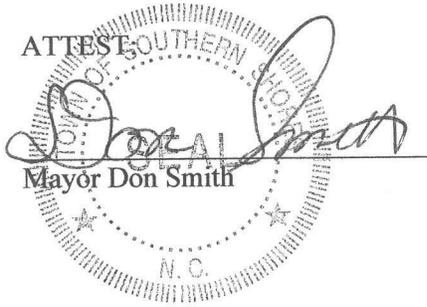
PUBLIC COMMENT-None

Mayor Smith announced upcoming meeting dates.

Mayor pro tem Shields moved to recess at 9:00 a.m. to go into closed session pursuant to NCGS 143-318.11(a) (6) personnel matters. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

Mayor pro tem Shields moved to return to open session, no action was taken during the closed session. Mayor pro tem Shields moved to adjourn at 9:20 a.m. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

ATTEST



Mayor Don Smith

Respectfully submitted:

Carrie Gordin
Carrie Gordin, Town Clerk

Resolution 2006-11-01
NCLM Strategic Directions Initiative

Whereas, the North Carolina League of Municipalities has undertaken a strategic visioning process to determine how to continue to meet the needs of its members as the League approaches its second century of operation;

Whereas, the Strategic Directions Initiative Steering Committee studied the history of the organization, the forces that shaped the League and the trends that are likely to occur;

Whereas, the NCLM Strategic Directions Initiative Steering Committee has examined the strengths, weaknesses, opportunities and threats that face the League in the years ahead;

Whereas, the committee has talked with municipal elected and appointed officials, as well as NCLM staff members, to determine what members' value about the League;

Whereas, the committee has proposed to strengthen the League by developing a mission statement that makes explicit why the League exists;

Whereas, the committee is proposing core values that define how the League lives its mission, with these being: ethical; fair and equitable; financially sound; good government and public service are valuable; inclusive, collaborative, engage partners, stakeholders and external actors; innovative and forward-thinking; municipalities matter; nonpartisan; open and transparent; and unity;

Whereas, the committee is proposing that the League focus on strengthening member communication, participation and engagement; strengthening the League's governance capacity; and strengthening policy development and representation of municipal interests in an increasingly regional, global and intergovernmental world; and

Whereas, the governing board of the Town of Southern Shores has reviewed the proposed mission statement, core values and strategic directions, developed by the Strategic Directions Initiative Steering Committee;

Now, Therefore Be It Resolved that the governing board of the Town of Southern Shores hereby endorses the findings of the committee, encourages the NCLM Board of Directors to adopt the recommendations and move the League forward to its preferred future.

Adopted this the 28th day of November 2006.

Don Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk

Memorandum

To: Southern Shores Town Council
CC: Town Manager
From: George Kowalski, Chairman, Planning Board
Date: 12/6/2006
Re: Recap, Planning Board Meeting of November 20, 2006

Planning Board recommended actions for the Town Council:

- 1. Subsequent to holding a public hearing, approve Ordinance No. 2006-11-PB15, amending Section 7.10- C- General Commercial District, of the Southern Shores Zoning Ordinance.**
- 2. Subsequent to holding a public hearing, approve Ordinance No. 2006-11-PB16, removing Section 7.05 ET1 Extra Territorial Residential District from the Southern Shores Zoning Ordinance.**

Organization: Chairman Kowalski called the meeting to order at 7:00 PM. Planning Board members George Kowalski, Georgine Poisal, Jay Russell, Joe Walter, Alternate Nancy Wendt sitting in for excused member Dave Peckens, and Alternate Jim Connors were present. ETJ Representative Ed Overton was absent with excuse. Also in attendance were the Code Enforcement Administrator Mike Hejduk and Administrative Support Assistant Cyndy Gabrys.

Public Comment: There was no public comment

Committee Reports:

The **Stormwater Management Advisory Committee** report was presented by Jay Russell, who stated that the committee is still awaiting the next summary of work by Robert McCleden, who is working on writing the committee's report and should have the first draft ready for January. Jay has set up a meeting between the Stormwater Management Committee and the Vegetation Committee. This meeting will be held on Wednesday, November 29, 2006 at 2:00 PM.

The **Hazard Mitigation Plan Committee** report was given by Mike Hejduk. Mike will be setting up a meeting of all members of the committee to go over current objectives.

The **Vegetative Advisory Committee** report was presented by its chairman, Jim Connors. Jim said that he was awaiting the input from the Stormwater Management Advisory Committee and will be presenting possible ordinance to the Planning Board. He asked if any Planning Board members would have an objection if the Vegetative Advisory Committee held an open public information meeting to get input from the community. There were none.

The **Land Use Plan/ Steering Committee**: Mike Hejduk introduced Earth Tech representative Cindy Camacho, who introduced herself to the Planning Board and gave a presentation of her background, qualifications, and what her work was going to entail once the contract was signed.

Site Plan Applications:

1. LDA 2006-10-01: The Cove at Southern Shores.

Jim Evans, representing Republic Cove Partners, James Mozingo, representing McKim & Creed, and Neal Blinken, representing Northern Outer Banks Assoc. along with other representatives, were present to present their proposal of building a 36 unit condominium located at 6195 N. Croatan Hwy. This is essentially the same proposal that was passed by the Council on a previous occasion except that the building has been straightened out somewhat, portions of the East side of the building have been added to the West side and the entire building has been moved forward approximately 15-20 feet.

Many points were discussed however two were problematic. The first was the absence of ETJ representative Ed Overton. Since Martin's Point is very close to this construction, his presence and input would have been important for the residents of Martin's Point. The second was the lack of elevation drawings, other than a rendition showing a strip view-artistic interpretation, of a 600 foot building from the front. No measurements given.

The Planning Board decided to table this application until the December meeting so that Ed Overton could be present and proper elevation drawings could be created by the applicant and submitted in a timely manner.

Old Business:

Prior to discussing this first ordinance, there were two public speakers welcomed to the podium: Mr. Paul Watson and Mr. Bobby Walters. Both either asked questions or spoke, on the subject of, home occupations.

1. Ordinance No. 2006-06-PB9 (An Ordinance of the Southern Shores Town Council Relating to Amending the Zoning Ordinance Relating to Home Occupations.)

This future ordinance was extensively discussed. After separate discussions between Nancy Wendt and Web Fuller and George Kowalski and Web Fuller, a new idea was presented. In this proposal, the Home Occupation Ordinance would only deal with home occupations. Vehicle parking issues and types of vehicles allowed would be handled by a separate parking ordinance. Noise would be handled by the noise ordinance with changes added if necessary. Signage would be handled by additions to the sign ordinance, and so on. The Home Occupation Ordinance will deal with what business activities are not allowed. After running through a series of questions posed to the Planning Board members, Nancy Wendt now knows in which direction the Planning Board wants to go. She will present a revised Home Occupation Ordinance and a possible vehicle parking ordinance at the December Planning Board meeting. These possible ordinances are fashioned upon the ordinances found in Duck and in Nags Head.

New Business:

1. Ordinance No. 2006-11-PB15 (An Ordinance of the Southern Shores Town Council Relating to Amending the Zoning Ordinance Relating Section 7.10-C-General Commercial District.

In reviewing this current ordinance, it was discovered that in Section 7.10 C- General Commercial District (pages 34&35), restaurants were listed in both the Permitted Uses and Conditional Uses sections. This creates a conflict of enforcement. This ordinance removes restaurants from the Permitted Uses section and leaves them in the Conditional Uses section.

Subsequent to discussion, the Board, by motion, unanimously approved, that the Town Council adopts proposed Ordinance No. 2006-11-PB15. It is recommended that Council schedule a Public Hearing.

2. Ordinance No. 2006-11-PB16 (An Ordinance of the Southern Shores Town Council Relating to Amending the Zoning Ordinance Relating Section 7.05-Extra-Territorial Residential District.

In reviewing this current ordinance, it was discovered that in Section 7.05 ET-1 Extra Territorial Residential District still exists. This ordinance section governs Martin's Point but Southern Shores has no residential jurisdiction in that area. This ordinance removes that control.

Subsequent to discussion, the Board, by motion, unanimously approved, that the Town Council adopts proposed Ordinance No. 2006-11-PB16. It is recommended that Council schedule a Public Hearing.

Other Items:

1. George Kowalski asked that the Planning Board members read over the changes that were done to the Rules of Procedure for the Planning Board. This document will be introduced for discussion and adoption at the December Planning Board Meeting. No concerns were raised by any other members of the Planning Board.
2. Mike Hejduk stated that All Saints Church construction is underway. The MarketPlace still has not resolved their construction issues.

Announcements:

1. Next regular meeting: Monday, December 18, 2006; 7:00PM Pitts Center

Adjournment: Upon motion, the Planning Board meeting adjourned.

Exhibit C

Ordinance No. 2006-09-02

**AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL
RELATING TO AMENDING THE ZONING ORDINANCE
REGARDING LOT COVERAGE,
WITH RESPECT TO DRIVEWAYS AND PARKING AREAS;
LOT DISTURBANCE,
PERMITS AND SITE PLAN REQUIREMENTS**

Dare County, North Carolina

BE IT ORDAINED BY THE SOUTHERN SHORES TOWN COUNCIL AS FOLLOWS:

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. – Amend Section 3.02 Southern Shores Zoning Ordinance –

Section 3.02 Definition of Specific Terms and Words

Driveway: Private driveway, road, field road, or other traveled way or path, that allows motorized vehicle access from a public highway, town road, or a private road to one or more buildings located or to be constructed on adjacent lands.

LOT COVERAGE: That portion of the lot area, expressed as a percentage, that is occupied and obstructed by any structure above the ground, including, but not limited to, building(s), decks, pools, parking areas, accessways, private sidewalks, driveways, and roadways, and any accessory use ~~and~~ or structure requiring location on or above the ground. Government owned and maintained sidewalks and multi-purpose pathways located on private property are excluded from the calculation of lot coverage.

Article IV. – Amend Section 4.08 Southern Shores Zoning Ordinance –

Section 4.08 Lot Access Requirements

No structure requiring a building permit shall be erected on any lot which:

- 1. Does not abut either a public right-of-way or a private street or easement at least 30 feet in width which has been approved in accordance with the provisions of this Ordinance, the Subdivision Ordinance, or any applicable Town ordinance and recorded by the Register of Deeds of Dare County, or*
- 2. Does not have access to a public street or highway which access is described in an instrument recorded in the Register of Deeds office of Dare County prior to adoption of this Ordinance.*

Single family residential home sites and site plans shall include a driveway with minimum width of eight (8) feet extending from the front property line to the principal structure, as well as required external parking spaces. Where a driveway is not shown on a proposed Site Plan, a line that is the shortest distance from the building to the front property line shall be drawn and a second, parallel line, eight (8)

feet wide to scale shall be drawn demarking the required driveway to calculate contribution of the driveway toward Lot Coverage.

Home sites and site plans shall not require vehicles to back into the public right of way. Home sites and site plans shall include a minimum ten (10) foot by ten (10) foot area adjacent to the required driveway to allow for vehicle turnaround.

Article V. Amend Article VI Southern Shores Zoning Ordinance –

Section 6.01 Off-Street Parking Requirements

At the time of erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking space shall be provided according to the amounts and specifications provided by this section.

A. General Provisions

- 1. Each parking space shall have a minimum length of ~~twenty (20)~~ eighteen (18) feet and a minimum width of ten (10) feet and a drive aisle width of twenty-two (22) feet.*
- 2. When a parking space abuts an open space, the two (2) feet at the end of the parking space shall be left unpaved to allow for drainage, in which case a bumper or wheel stop shall be installed.*
- 3. Sufficient maneuvering space shall be provided so that no vehicle will be required to back into the public right-of-way. Such space shall be a minimum dimension of ten (10) feet by ten (10) feet and contiguous with the driveway if a required parking space is located in the driveway.*
- 4. No parking spaces for residential use, except for single-family and two-family use, shall be located in the required front yard.*
- 5. Required parking spaces and driveways for other than single-family and two-family uses shall be graded, improved with concrete or I-2 asphalt and maintained in a manner which will provide a surface permitting safe and convenient use in all weather conditions.*
- 6. Required off-street parking spaces are permanent areas and shall not be used for any other ground purpose.*
- 7. All space requirements which are based upon employment shall be computed on the basis of the greatest number of persons on duty at any one period*

during time of peak use. In instances where calculations indicate a portion of one (1) space is required, an additional full space shall be provided.

8. Each application for a building permit or certificate of occupancy submitted to the Building Inspector shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this Section are met. All required parking and drive areas shall be shown on the Site Plan application.
9. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.
10. Any off-street parking space required by a use permitted in any Residential District shall be provided on the same lot with the use by which it is required. Off-street parking space in conjunction with commercial uses in other districts shall not be permitted in a Residential District.
11. Where off-street parking is provided between the building line and the street right-of-way line for any business use, a buffer strip of at least five (5) feet in width shall be provided adjacent to such street right-of-way line. Curb cuts through such buffer strips shall be separated by a minimum of fifty (50) feet unless otherwise approved by the Town Council.
12. All parking spaces which abut open space or buffer space shall have a fixed wheel stop of concrete, plastic or chemically-treated wood six (6) inches in height. Allowances shall be made for two (2) feet of overhang within the parking space so that no part of any car can be located within the required yard.
13. Where a driveway meets the paved street in the Town right-of-way there may be not more than two (2) flares or aprons constructed. The sum of the two (2) flares shall not exceed the width of the driveway by more than five (5) feet. The sum of all construction in the Town right-of-way on one platted lot can not exceed twenty (20) feet.—a rectangle with a base of parallel to the pavement and height of the most direct distance between the pavement and the lot property line.

C. Minimum Parking Requirements

The number of off-street parking spaces required by this section shall be provided on the same lot with the principal use and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. Where a fraction of a space is required by this Ordinance, the next whole number shall be provided. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this Ordinance.

1. Residential and Related Uses

a. 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 (2) bedrooms (including areas useable for sleeping) or fraction thereof, in excess of four (4).

1) 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.

2) An ~~ten (10)~~ eight (8) 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. Exception: One required parking space may be located behind each parking space in an under house parking area or enclosed garage, lined up outside in such a manner that it is located in the drive aisle.

3) Each parking space shall have a minimum length of eighteen (18) feet and a minimum width of ~~ten (10)~~ eight (8) feet.

Section 6.09 Lot Disturbance

Subject to the requirements of NCGS 160-A-417(b), if applicable, in all Southern Shores zoning districts ~~but excluding~~ including all areas within the Extraterritorial Jurisdiction, no grading, filling, or other alteration of the topography or elevation of any unimproved lot, or demolition and clearing of improved property, shall be undertaken prior to the ~~granting~~ issuance of a permit by the Building Inspector.

1. All applications for lot disturbance permits shall be accompanied by a survey and Site Plan of the proposed improvements ~~or sketch~~ prepared by a North Carolina Licensed Professional Surveyor, Engineer, Architect or other person duly authorized by the State to prepare such plans showing the actual dimensions and shape of the lot, and showing the surveyed pre-disturbance ground elevation(s) at the corners of the proposed structure referenced to mean sea level. The application shall also describe the disturbance activity which is proposed for the lot.
2. 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.
3. The Building Inspector is hereby authorized to include requirements in the permit which minimize the disturbance of any adjacent lots or land.

Article VI. Amend Section 10.04 Southern Shores Zoning Ordinance –

Section 10.04 Application for Building Permits and Site Plan Requirements

A. Single Family Detached and Duplex Residences

All Applications for building permits shall be accompanied by duplicate Site and/or Building plans as required by the inspections office to accurately describe the work proposed ~~in triplicate~~ drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The Site plan shall also include the present owner's name; present and proposed Lot Coverage in square feet and as a percentage; the Lot, Block and Section number of the parcel, Flood Zone per FEMA; required open yard zoning setback lines, and; applicable Coastal Development Area of Environmental Concern (AEC) regulatory features and lines. Site Plans and surveys shall bear the seal of a North Carolina Licensed Professional Surveyor, Engineer, Architect or other person duly authorized by the State to prepare such plans. The application shall include such other information as lawfully may be required by the Building Inspector, and other Code Enforcement Staff, including existing or proposed building or alteration; existing or proposed uses of the building and land; and the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot and on nearby lots; elevations of finished floors; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance. Applications for principal dwellings or accessory garages with associated driveways shall show the driveway as it extends from the front property line through the public or private right-of-way to the edge of the improved roadway.

~~Two~~ One ~~copies~~ copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy either as ~~approved or disapproved and attested to the same by his signature on such copy~~ "Reviewed for Code Compliance". A copy of the plans, similarly marked, shall be retained by the Building Inspector.

Permits issued pursuant to NC State requirements for work limited in scope to electrical, plumbing, gas, mechanical or fire protection shall not require the submission of Site

Plans for activity within or attached to an existing structure. The construction of a pool, concrete driveway or bulkhead requires issuance of a building permit.

Article VII. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article VIII: Effective Date

Adopted this the 28th day of November 2006. This ordinance to become effective sixty (60) days from adoption.

Don Smith, Mayor

Vote: 3 AYE 2 NAY

ATTEST:

Carrie Gordin, Town Clerk

S E A L

Approved as to form:

Ike McRee, Town Attorney

DATE OF FINAL RECOMMENDATION BY PLANNING BOARD: SEPTEMBER 18, 2006
DATE(S) ADVERTISED: OCTOBER 19 AND 26, 2006
NAME OF NEWSPAPER: COASTLAND TIMES
DATE OF PUBLIC HEARING: NOVEMBER 8, 2006