



**TOWN OF SOUTHERN SHORES
PLANNING BOARD REGULAR MEETING**

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

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.gov

PITTS CENTER

Monday, April 15, 2024 at 5:00 PM

MINUTES

1 **Call Meeting to Order**

2 Pledge of Allegiance

3

4 **Present**

5 Chairperson Ward (arrived at 5:26 pm)

6 Vice Chairperson Tony DiBernardo

7 Planning Board Member Lawler

8 Planning Board Member McClendon

9 Planning Board Member Collins

10

11 **Approval of Agenda**

12 **Motion** made by Planning Board Member Lawler to approve the agenda as presented, Seconded by
13 Planning Board Member Collins. The motion passed unanimously. The motion passed unanimously (4-0).

14

15 **Approval of Minutes – February 21, 2024**

16 **Motion** made by Planning Board Member Lawler to approve the minutes as presented, Seconded by
17 Planning Board Member Collins. The motion passed unanimously (4-0).

18

19 **Public Comment**

20 None

21

22 **Old Business**

23 ZTA-23-05, Zoning Text Amendment application submitted by the Town of Southern Shores to amend
24 Town Code Sections 36-57, 36-202(d)(2), 36-203(d)(2), 36-204(d)(2), 36-205(d)(2), and 36-206(d)(2) to
25 amend the Town's current lot width requirements by amending the definitions of building setback line
26 and lot width and by establishing new measuring points for lot width

27

28 Planning Director Haskett reviewed the changes to ZTA-23-05 after the Board recommended denial of
29 the version considered at the previous meeting. Staff is proposing to delete building set back line from
30 the zoning ordinance, as well as the subdivision ordinance. The definition of Lot Width Line meaning *a*
31 *line established 25 feet from the front lot line or the point where the lot is 100 feet wide whichever*
32 *distance is closer to the front lot line*, will be added to both ordinances. The staff is also proposing to add
33 the definition of yard in the subdivision ordinance, exactly how it is defined in the zoning ordinance.
34 Amending the preliminary plat requirements in the subdivision ordinance where currently it requires
35 showing the proposed minimum building setback line or lines on preliminary plats. Mr. Haskett also
36 proposed, in the subdivision ordinance and in the definition for the zoning ordinance definitions staff
37 has again deleted building set back line, amended lot width definition so that it now means the *width of*
38 *a lot at the required lot width line* and staff has revised the lot width definition so that it means *a line*

39 established 25 feet from the front lot line or the point where the lot is 100 feet wide, whichever distance
40 is closer to the front lot line. In sections 36- 202, 204, 203, 205, and 206 which is all the
41 Residential District regulations, and the Government and Institutional District regulations are all
42 identical with what's being proposed. The minimum lot width for lots created after June 6, 2023, for RS-
43 1 is 100 feet wide measured at the lot width line.

44
45 Planning Director Haskett reviewed examples with the Board. There was some confusion as to building
46 setback line and how it's used for determining lot width, as well as the actual setbacks for a structure,
47 staff has proposed to do away with building setback line because we've always had yard and that's what
48 we use for the actual setbacks. He reiterated that the 100 feet wide measured at the lot width line is
49 only applying to lots created after June 2023, this would be when there is a recombination or a
50 subdivision. Staff is trying to make sure that it is simple, and it is not ambiguous.

51
52 Planning Board Member McClendon questioned that in multi-family the minimum lot width could be 75
53 feet measured at the lot width line, but our lot width line definition references a 100 ft. requirement.
54 The lot width line definition should be redefined basically depending on the district.

55
56 Planning Director Haskett proposed rewording the definition to include, *where the lot width is 50 feet,*
57 *75 feet, or 100 feet wide whichever is applicable in the district it is located.*

58
59 Vice Chairperson DiBernardo asked if there were many 75 feet wide lots. Planning Director Haskett
60 stated the RS8 district, Mallard Cove which is RS10, Pelican Watch and the Government and Institutional
61 district. He added that we would still need to add Mr. McClendon suggestion in reference to the other
62 lot sizes in the definition, which is easy to do.

63
64 Hearing no further discussion, **Motion** made to approve ZTA-23-05 with the correction discussed adding
65 *where the lot width is 50 feet, 75 feet, or 100 feet wide whichever is applicable in the district it is located,*
66 **Seconded** by Planning Board Member Collins. The motion passed unanimously (4-0).

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68

69 **New Business**

70
71 The Town Planning Board began discussing potential commercial design standards to add to the
72 Town Zoning Ordinance at the November 21, 2022 Planning Board meeting. The discussion began with
73 reviewing the commercial design standards that have been adopted by the Towns of Duck, Kill Devil
74 Hills, and Nags Head. At the February 22, 2023 Planning Board meeting, the Board continued their
75 discussion and provided feedback to Town Staff on potential commercial design standards to include
76 in a Zoning Text Amendment (ZTA) application. Based on that feedback, Town Staff is proposing to
77 amend Town Code Section 36-163(1)a. by amending the minimum parking space width requirement for
78 all uses other than single-family residential homes, adding section 36-163(4)f. by adding a reduction
79 of required parking spaces for planting trees in excess of a required buffer, amending Section
80 36-57 by restating the definition of substantial improvement, adding Section 36-179 to establish
81 commercial design standards and adding Section 36-299(b)(2)c.20. to establish that commercial
82 design elements must be shown on a site plan, if applicable.

83
84 The proposed commercial design standards would apply to all new construction and substantial
85 improvements in the general commercial district for all uses other than one and two-family
86 dwellings. The proposed standards, and their sources, are as follows:

87
88 (1) Paint colors shall be of low reflectance, subtle, neutral and earth tone colors (Town of Duck);
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- 89
90 (2) Mechanical equipment shall be screened and shall not be visible from any right-of-way (Town
91 of Kill Devil Hills);
92
93 (3) Fences shall be constructed of wood, or match the materials used for the building (Planning
94 Board);
95
96 (4) No commercial building front shall remain unbroken (unpierced) by a window, architectural
97 element, entrance or functional general access doorway for more than 50 feet (Town of Duck);
98
99 (5) Windows shall comprise no less than 10% and not more than 40% of each building's
100 vertical wall area (Towns of Duck and Kill Devil Hills);
101
102 (6) No awning on any building which encroaches on a sidewalk or pedestrian walkway shall
103 extend out from the building more than 2/3 the width of the sidewalk nor shall it at any point be
104 less than 8 feet above the sidewalk (Town of Duck);
105
106 (7) Wall articulations (or breaks in the façade or roofline) shall be designed not less than every
107 50 feet along the building façade (Town of Duck);
108
109 (8) Architectural embellishments that add visual interest to a façade or roof such as dormers,
110 chimneys, cupolas, watch and clock towers, shutters and other similar elements are encouraged
111 (Town of Duck);
112
113 (9) Roofs shall be constructed with one or more of the following roofs: hip, gable or mansard
114 (Town of Kill Devil Hills).
115

116 The proposed amendments include reducing the minimum parking width requirement for all uses other
117 than single-family residential homes from 9.5 feet wide by 18 feet long to 9 feet wide by 18 feet long.
118 The proposed amendments also include a voluntary sketch plan review by the Planning Board prior to
119 submittal of an application for site plan approval. Lastly, the proposed amendments establish that the
120 total parking requirement for every 20 parking spaces for a proposed use or existing use may be reduced
121 by one parking space for each tree that is provided in excess of a required buffer for up to five parking
122 spaces.
123

124 Planning Director Haskett added the amendment on page four of five, line 35 and 36 of the ZTA (Part IV.
125 2(c):

126 *Site improvements that meet the requirements of Section 36-179, show all*
127 *proposed site improvements including, but not limited to:*
128

129 Staff is withdrawing that part, there would be no proposed amendment to that section. There would just
130 be the proposed amendment on line 40 where it says *commercial design elements pursuant to section*
131 *36-179 if applicable*. He stated because line 35 site improvements that meet the requirements, there
132 could actually be some cases where they don't have to meet the commercial design standards.
133 Planning Board Member Collins stated the word "may" is used for submittal of a sketch plan, which
134 would leave it as an option. Planning Director Haskett stated that is correct and staff's recommendation
135 as the applicant has a lot of other requirements, they must submit for a site plan review. If this is
136 adopted the applicant would already have to adhere to the commercial design standards.
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138 Chairperson Ward questioned the number of days the Planning Board would be given to review.

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Planning Board Member McClendon asked if the town currently reviews sketch plans and site plans. Planning Director Haskett stated the subdivision ordinance does have a provision for reviewing a sketch plan of a subdivision but there aren't any other sketch plan reviews in the zoning ordinance. The proposed sketch plan review will not be a full sight plan, it will just be what's required; it shall consist of a narrative and conceptual renderings that show the proposed buildings, building elevations, landscaping, and parking areas.

Planning Board Member McClendon clarified that the applicant may submit a sketch plan and if they do then the Planning Board shall review.

Chairperson Ward suggested replacing the "may" with "shall" and stretching out the Boards review time.

Vice Chairperson DiBernardo agreed with Chairperson Ward and recommended 14 days.

Planning Board Member Collins felt it would be beneficial to the person drawing up the plans to have this direction and know what is more likely to be approved by the town.

Planning Board Member McClendon inquired if the sketch plan would only come to the Planning Board or would it go to council with Planning Board comments. Planning Director Haskett stated it would only be reviewed by the Planning Board and the Planning Board would provide comments to the applicant.

Chairperson Ward reviewed the ZTA by each section and the Board made the following suggestions:

- Section 36-163 Off-street parking requirements-reduction of required parking for providing trees. The size of the tree needs to be provided. Consensus to replicate the commercial buffer requirements of 6-8 feet of maturity (native species mature shade tree), aesthetically placed in a non-buffer area.
 - The developer is receiving 162 square feet they don't have to pave in lieu of putting a tree, this should be incentivized.
 - Remove reference to the buffer.
- Section 36-179 Commercial design standards.
 - Item #1 Paint colors- Consensus to remove low reflective wording, use low gloss.
 - Item #8 Architectural embellishments (8)- replace wording with *architectural embellishments that add visual interest are encouraged* and leave out all of the examples.
 - Architectural embellishments are considered signage and will contribute to the footage of signage.
 - item (9) roofs remove as it is not necessary, all roof types are allowed.
 - Item #7-agree as written.
 - Item #6-agree as written.
 - Item #5-agree as written.
 - Item #4-agree as written.
 - Item #3-agree as written.
 - Item #2-agree as written.

Vice Chairperson DiBernardo reviewed a document Planning Board Member Zehner previously shared with the Board, explaining Floor Area Ratio. He stated that it is a good way to compare the density and

188 volume of buildings between multiple sites, if not also set a standard through policy and regulation
189 given the limited amount of commercial development. It would be fairly simple to calculate this for all
190 commercial properties in town and perhaps that is a data point to evaluate when considering
191 commercial design standards. What looks too dense with respect to our vision for the Town versus what
192 seems to be the correct range or limit.

193

194 What Is Floor Area Ratio?

195 *The floor area ratio is the proportion of a building's entire useable floor area to the total area of*
196 *the site on which it is situated. A larger ratio would most likely suggest dense or urban*
197 *development. The floor area ratio is used by local governments to create local zoning codes.*

198

199 *You can calculate the ratio by dividing the building's overall or gross floor area by the site's gross*
200 *area.*

201

202 *Floor Area Ratio = Total Building Floor Area / Gross Lot Area*

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204 *In summary, the floor area ratio is a measurement that assesses development intensity by*
205 *determining the ratio of a structure's total floor area (or gross floor area) to the size of the patch*
206 *of land on which it is constructed. In most cases, the floor area ratio is stated as a decimal*
207 *number.*

208

209

210 Understanding the Calculation

211 *Since floor area ratio is a ratio, comprehending the term necessitates knowledge of the ratio's*
212 *components.*

213

214 *The first component of floor area ratio is a measure of the buildable land area for the complete*
215 *site, unit, or lot, in square feet. Furthermore, the section of a development site where*
216 *construction can reasonably and legally take place is known as the buildable land area. Many*
217 *encroachment factors, such as public streets and other public rights-of-way, streams or*
218 *wetlands, and regulatory restrictions, might limit the buildable land area. Particular, local zoning*
219 *ordinances and land use regulations define which regulatory consequences and other*
220 *encroachments define the buildable land area.*

221

222 *Moving on, the second calculation is made by calculating the floor area of each story of the*
223 *building, once again in square feet, and then summing the areas of every floor to get the gross,*
224 *or total, floor area of the structure.*

225

226 *The floor area ratio is calculated by dividing the total floor area by the buildable land area.*

227

228 *The floor area ratio would provide a large degree of latitude in the ultimate shape of a building if*
229 *there were no other development limits. Other laws, such as height limits, limit how floor area*
230 *ratio can be allocated in many regions around the US and the rest of the world.*

231

232

233 Chairperson Ward felt the Floor Area Ratio had some value but was unsure how to put it in the
234 ordinance. He suggested Mr. Zehner, Planning Director Haslett and himself get together at a future time
235 and research it further.

236

237 Chairperson Ward stated a concern with the Ginguite project was the volume and knew the Board
238 would like to mitigate some of that but was unsure how to do that. Planning Board Member McClendon
239 did not know if introducing FAR would do that.

240
241 Chairperson Ward asked Planning Director Haskett if he had any experience with FAR, Floor Area Ratio.
242 Planning Director Haskett stated he did not but agreed with the suggestion of researching it more. He
243 felt it was a good idea to include something that addresses the volume of development on a parcel.
244

245 **All Planning Board members agreed by consensus to have Chairperson Ward and Planning Board**
246 **Member Zehner meet with the Planning Director to research this topic further.**

247
248 Chairperson Ward stated he would like to move forward with the commercial design standards and
249 requested to have further discussions at the next meeting in hopes of having a reasonable ZTA that they
250 can recommend to the council.

251
252 Planning Board Member McClendon stated the FAR publication states that the premiums are overly
253 complicated for a small community and should not be duplicated blindly, furthermore the benefits of
254 floor area ratio appear to occur only in high bulk zones where building height is not a major
255 consideration. He stated he was unsure on how it would apply unless it was used as an incentive. He
256 stated when referencing density, sometimes people lose sight of the fact that it might be better to have
257 25 or 30 apartments in one building that goes up five stories as long as the rest of the space is open
258 space, as opposed to spreading them all out all over the ground.

259
260 Planning Director Haskett stated he will take the Board's feedback and revise the ordinance and bring it
261 back for consideration.

262
263 **Public Comment**
264 Michael Florez-a local architect and the topic of commercial design standards is of particular interest to
265 him.

266
267 Matt Florez- local resident and electrical contractor, visions about what an architectural facade can
268 comprise of and how it can compel our community to look vibrant and holistic to what its origins are.
269 Recommend item #8 should include coastal design, fear that not including language on roof tops could
270 give too much flexibility.

271
272 Planning Board Member McClendon addressed the two speakers and stated the proposed project on
273 Ginguite was just a massing of the buildings and you couldn't see through it at all, especially at the
274 location. He would like to hear any ideas to address the issue from an architect and engineer and what
275 they thought were appropriate commercial design standards.

276
277 The speakers did not have an immediate recommendation but would think about it.
278

279 **Planning Board Member Comments**
280 Planning Board Member McClendon stated the Coastal Social Studies Institute is having their open house
281 this Saturday from 11 to 3.

282
283 Chairperson Ward would like the Board to still consider residential language on the tree ordinance as it
284 applies to lot disturbance permits.

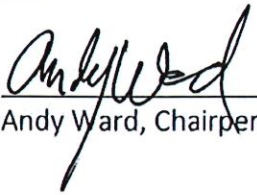
285
286 **Announcements**

287 Planning Director Haskett announced the next meeting will be May 20th with commercial design
288 standards on the agenda, as well as an agenda item requested from Mr. Zehner on affordable housing
289 and how it relates to the Planning Board. The modernization of town codes (some amendments) as
290 directed by the Council might be on the agenda as well.


291
292 **Adjourn**

293 Motion to adjourn by Vice Chairperson DiBernardo, Seconded by Planning Board Member Collins. The
294 time was 6:45 p.m. The motion passed unanimously (5-0).

295
296 ATTEST:

297 
298 _____
299 Andy Ward, Chairperson



Respectfully submitted,


Sheila Kane, Town Clerk