



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, May 19, 2025 at 5:00 PM

MINUTES

1 Call Meeting to Order

2 Pledge of Allegiance

4 Present

5 Chairperson Ward

6 Vice Chairperson DiBernardo

7 Planning Board Member Lawler

8 Planning Board Member McClendon

9 Planning Board Member Collins

10 Planning Board Member Zehner

12 Chairperson Ward called the Planning Board meeting to order at 5:00 pm on May 19, 2025.

14 Approval of Agenda

15 Vice Chairperson DiBernardo made a motion to approve the agenda of May 19, 2025. Planning Board
16 Member Collins seconded the motion. The motion passed unanimously.

18 Public Comment

19 Mayor Elizabeth Morey addressed The Board, thanking them for their service to the Town. She
20 acknowledged the hard work the Planning Board has undertaken over the past couple of years and
21 expressed appreciation on behalf of herself and the Town of Southern Shores.

23 Old Business

24 None

26 New Business

27 ZTA-25-03: Zoning Text Amendment application submitted by the Town of Southern Shores to amend
28 Town Code Section 36-300 to reestablish guiding standards for Special Use Permit decisions

29 Purpose: To amend Town Code Section 36-300 to reestablish guiding standards for Special Use Permit
30 decisions.

31 Applicant: Town of Southern Shores

32 Requested Action: Amendment of Town Code Section 36-300

33 ANALYSIS: At the May 6, 2025 Town Council meeting, the Town Council directed Town Staff to draft Town
34 Code amendments to modernize the Town Code. Town Code Section 36-300 establishes the procedures
35 for consideration of Special Use Permits. On March 12, 2024, the Town Council adopted ZTA-24-01,

which included several amendments to Section 36-300, including the removal of the guiding standards that had to be satisfied to grant a Special Use Permit. According to recent guidance from the UNC School of Government (see attached), zoning regulations should include adequate guiding standards for Special Use Permit decisions. As a result, Town Staff has drafted ZTA-25-03, which includes a proposed amendment to reestablish guiding standards for Special Use Permit decisions:

a. The applicant has met the requirements of the applicable provisions of the Town chapter pertaining to zoning, subdivision chapter, and all other applicable ordinances.

b. That the use as proposed will conform with the Town's comprehensive land use plan, and will be compatible with the area in which it is to be located, if developed in accordance with the conditions specified in the chapter and additionally required by the Town council as authorized by the chapter.

c. That the use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted.

d. That the use as proposed will not overburden the Town fire department fire-fighting capabilities and the county water supply capacity to the Town, as said facilities and capabilities will exist on the completion date of the special use for which the application is made.

e. That the use will not substantially injure the value of adjoining property, unless the use is a public necessity.

All of the proposed guiding standards were in Section 36-300 prior to adoption of ZTA-24-01 except for the standard that addresses the value of adjoining property.

The Town's current Comprehensive Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- LUC 3.1: Support development design and approvals that reinforce the low-density nature of the community and are at an appropriate scale for the commercial district.

-end staff report-

Planning Director/Deputy Town Manager Haskett presented the zoning text amendment application, explaining that it was being brought forward by Town staff at the direction of Town Council. He explained that the Council had directed staff at their May 6, 2025 meeting to modernize the Town code. This application was being presented as part of that modernization effort.

Mr. Haskett explained that in the previous year, the Town had approved ZTA-24-01, which had revised Section 36-300 addressing special use permits. During that revision, guiding standards for special use permits had been removed. He noted that both he and the Town Attorney, upon review, realized these guiding standards should have remained in the ordinance. Mr. Haskett added that the Dare County Planning Director had recently reached out to him inquiring about Southern Shores' guiding standards for special use permits, which prompted further research.

Mr. Haskett shared an article from UNC School of Government Professor David Owens recommending that municipalities include guiding standards for special use permit decisions in their ordinances. The proposed amendment would reestablish the same four guiding standards that were in the code prior to

the adoption of ZTA-24-01, plus add a new standard recommended by the School of Government. The new standard states that "the use will not substantially injure the value of adjoining property unless the use is a public necessity."

Chairperson Ward inquired about additional language in Item 12 of the proposed amendment concerning the Town's authority to regulate certain matters. He asked if this might apply to wastewater treatment plants, to which Mr. Haskett was uncertain but suggested it was to prevent unreasonable conditions.

Planning Board Member Zehner clarified that the language addressed requirements that would be unenforceable if imposed directly by the Town but might be imposed by other entities.

Discussion shifted to commercial design standards, with Chairperson Ward asking if these standards were enforceable under current state legislation. Mr. Haskett explained that due to legislation passed in 2024 that was retroactive for six months, the Town's commercial design standards currently fall within a window making them unenforceable. The Board discussed the possibility of modifying the language to make the standards enforceable, with Mr. Haskett suggesting this topic be added to a future agenda for more detailed discussion.

The Board also discussed section 32-4 of the Town code regarding wastewater management systems and the Planning Board's responsibilities for screening such projects. Chairperson Ward questioned whether this might conflict with the limitations placed on the Planning Board by ZTA-24-01 regarding special use permits. Mr. Haskett agreed to consult with the Town attorney about potential conflicts between these sections.

This led to an extended discussion about the wastewater treatment facility at Southern Shores Landing. Vice Chairperson DiBernardo reported that part of the facility had collapsed about two months ago but it had been repaired. He mentioned that residents were paying approximately \$136 per month for service and were concerned about potential rate increases following the repair.

Board members expressed concerns about the ongoing operation and monitoring of the facility, noting past violations and questioning the Town's role in oversight. Mr. Haskett explained that the facility is regulated by the State, but agreed to inquire with the North Carolina Department of Environmental Quality (NCDEQ) about the current status of the facility and share that information with The Board.

The Board returned to discussion of the proposed zoning text amendment. Chairperson Ward asked if board members had any concerns about the language to be reintroduced into the ordinance. Planning Board Member McClendon noted that most of the standards were straightforward, though some seemed subjective.

Vice Chairperson DiBernardo made a motion to approve ZTA-25-03. Chairperson Ward seconded the motion. The motion passed unanimously.

Public Comment

None

Planning Board Member Comments

Planning Board Member Zehner reported that the Entry Corridor Committee had met once or twice since the last Planning Board meeting. He noted that a survey was currently open on the Town website and had received 296 responses to date.

117 **Announcements**

118 Planning Director/Deputy Town Manager Wes Haskett announced that the next regular Planning Board
119 meeting was scheduled for June 16, 2025. He stated that the agenda would include discussion of the
120 status of the commercial design standards and ZTA-25-04, submitted by Anthony S. Mina to amend Town
121 Code Section 36-362b.

122
123 Mr. Haskett also announced that the Entry Corridor Committee would be holding an open house on May
124 27th at the Pitts Center between 5:00 PM and 7:00 PM. He encouraged people to attend to learn more
125 and provide feedback on the committee's work.

126
127 **Adjourn**

128 **Motion** made by Chairperson Ward to adjourn the regular meeting of the Planning Board at 5:56 PM on
129 May 19, 2025, Seconded by Planning Board member Lawler. The motion passed unanimously.

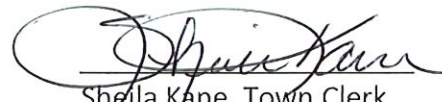
130 The meeting was adjourned.

131
132 ATTEST:

133 
134 _____
135 Andy Ward, Chairperson



Respectfully submitted,


Sheila Kane, Town Clerk