



Town of Southern Shores

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

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

www.southernshores-nc.gov

September 10, 2019

COUNCIL MEETING-5:30 P.M.-PITTS CENTER

1. Opening
 - A. Call Meeting to Order (all citizens interested in offering Public Comment are reminded to sign up.)
 - B. Pledge of Allegiance
 - C. Moment of Silence
 - D. Amendments to / Approval of Agenda
 - E. Consent Agenda **TAB 1**
 1. Council Meeting Minutes – August 6, 2019
 2. Resolution 2019-09-01-Surplus
 3. Resolution 2019-09-02-Appointment/Designation of a Statutory Deputy Finance Officer
 4. Budget Amendment #2-To reappropriate money that was not spent in FY 18-19 budget-Fire Dept. Architectural Services
 5. Budget Amendment #3-To reappropriate money that was not spent in FY 18-19 budget-Beach Surveys
2. Employee Recognition
 - A. 15 Years of Service-Bonnie Swain
 - B. 20 Years of Service-Jennifer Couture
 - C. New Employee- Police Officer Christopher Simpson
3. Staff Reports
 - A. Interim Town Manager/Planning Director
 - B. Police Chief
 - C. Fire Chief, Southern Shores Volunteer Fire Department
 - D. Town Manager's Report
 - E. Town Attorney's Report
4. Council Committee Reports
 - A. Exploratory Committee for Potential Branch Library - Chairman Mike Fletcher
5. General Public Comment (Limit: 3 minutes per speaker.)

(Note: All matters heard or considered by the Council are subject to possible action by the Council.)
6. Old Business
 - A. (1) Public Hearing and Council discussion and /or action to consider the Planning Board recommendation of ZTA-18-09 PB01, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Southern Shores Town Code by amending Section 36-132, Regulation of Structures and Uses Nonconforming. (2) Consideration of a separate ordinance that addresses only the tear down of a structure located on two or more non-conforming parcels of land and then building two or more structures on non-conforming lots. **TAB 2**
7. New Business
 - A. Consideration of Council's 8/6/2019 direction to "Town Manager and the Active Town Manager/ Interim Town Manager to provide a list of consulting firms to go forward to hire a Town Manager". **TAB 3**
 - B. Presentation / Petition for the Council's consideration for curbing seasonal cut through traffic on Hickory Trail-Requested by Councilman Newberry **TAB 4**
 - C. Appointment of Reconstruction Task Force **TAB 5**
8. General Public Comment (Limit: 3 minutes per speaker.)
9. Other Business

- A. Mayor's Comments & Responses
- B. Council Member's Comments & Responses

10. Adjourn



Town of Southern Shores
Regular Council Meeting
August 6, 2019

The Town of Southern Shores Town Council met in the Pitts Center located at 5377 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, August 6, 2019.

COUNCIL MEMBERS PRESENT: Mayor Bennett, Mayor pro tem Chris Nason and Council Members Fred Newberry, Jim Conners and Gary McDonald.

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Town Attorney Ben Gallop, Town Manager Peter Rascoe and Town Clerk Sheila Kane

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a moment of silence.

AMENDMENTS / APPROVAL OF AGENDA

MOTION: Mayor pro tem Nason moved to approve the August 6, 2019 agenda. The motion was seconded by Councilman McDonald. The motion passed unanimously (5-0).

CONSENT AGENDA

The consent agenda consisted of the following items:

- Council Meeting Minutes – July 9, 2019

MOTION: Councilman Conners moved to approve the consent agenda as presented. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0).

EMPLOYEE RECOGNITION

Town Manager Peter Rascoe and Mayor Bennett recognized Town staff for their years of service.

- 5 Years of Service-Dabni Shelton and Cynthia Mills
- 10 Years of Service-Wes Haskett

44 **STAFF REPORTS**

45 The following Department Heads presented Department reports for the month:

- 46 ○ Town Planner Wes Haskett presented the Planning Department's monthly report for
- 47 July. He reported the Planning Board will be meeting on August 19th to continue its
- 48 discussion of the Town's current requirements for building height and fill. The Board will
- 49 also continue its discussion of a Special Events and Occupancy Limitation Ordinance.
- 50 ○ Police Chief David Kole presented his Department's monthly report for July.
- 51 ○ Fire Chief Limbacher presented the Fire Department's monthly report for July.
- 52 ○ The Town Manager presented the Manager's report on operation highlights:
- 53 ○ The Town Manager stated this would be his last Manager's Report as he is
- 54 retiring September 1, 2019.
- 55 ○ South Dogwood walking path as approved as part of your budget back in June
- 56 and as per your July 9th directive to have staff seek bids for construction. All
- 57 property owners on both sides of the street were again notified of your actions
- 58 by letters that were sent on July 12th. Subsequent to that, the Town engineer
- 59 and Town staff have met with any property owner abutting the path that still
- 60 had questions or concerns about any of the design details. The plans were again
- 61 tweaked as per your direction to address public safety and owners concerns and
- 62 posted on the Town website. The plans and specifications will go out to bid this
- 63 Thursday, August 8th and since this is formal bidding under state law, we are
- 64 required to get three bids. The bid opening is September 5th and if the Town gets
- 65 three bids that will be in time for the Council's September 10th meeting where it
- 66 can be presented for approval of contract. The plans and specs are being
- 67 advertised as required for formal public bidding.
- 68 ○ The surveys and subsurface investigations for all the streets covered in the CIIP
- 69 plan that Council adopted for the current fiscal year are underway. East
- 70 Dogwood will be the first to be bid out and underway per Council's directive.
- 71 ○ The beach survey results will be complete by mid-September
- 72 ○ Town Attorney Gallop had no report.

73
74 Mayor Bennett took a few moments to recognize Town Manager Peter Rascoe for his years of
75 service to the Town and wished him well in his retirement.

76
77 **GENERAL PUBLIC COMMENT**

78 Mayor Bennett called for public comment and the following citizens offered comment:

- 79 1. Craig Hurd-378 Sea Oats Trail-non-conforming lots issue. Family bought lot as an
- 80 investment, have been paying taxes on a lot that is now worthless.
- 81 2. Arthur Gormley-224 & 226 Wax Myrtle Trail-non conforming lot, now cannot sell lot due
- 82 to the ordinance.
- 83 3. Brad Sanford-224 & 226 Wax Myrtle Trail-non conforming lots, how is one supposed to
- 84 recap the losses from lots that cannot be sold?
- 85 4. Norm St Laurent-63 Hickory Trail-traffic on Hickory Trail needs to be minimalized,
- 86 dangerous for residents to walk.
- 87 5. Etta Lanuti-54 Hickory Trail- excessive traffic on Hickory Trail during the weekends

- 88 6. Matthew Neal-163 Wax Myrtle- Hopeful that the public hearing on non-conforming lots
89 is scheduled soon. More and more exceptions are becoming known. Need to address
90 the core of the issue.
- 91 7. Ann Sjoerdsma-69 Hickory Trail-Supports Petition of David Watson to make Hickory Trail
92 a dead-end street.
- 93 8. Ellen Barbaro-51 Hickory Trail-concerned over weekend traffic and emergency vehicles
94 getting through.
- 95 9. David Watson-56 Hickory Trail-presented Council with a petition requesting Council
96 approves making Hickory trail a dead-end street in order to alleviate summer cut thru
97 traffic.
- 98

99 Hearing no other citizen wishing to speak, Mayor Bennett closed public comment.

100

101

102 **NEW BUSINESS**

103 Reconsider Council's tabling action of July 9, 2019 and reschedule Public Hearing at Regular
104 Meeting of September 10, 2019 to consider Planning Board recommendation of ZTA-18-09
105 PB01 – Zoning Text Amendment to amend Southern Shores Town Code Section 36-132,
106 Regulation of Structures and Uses Nonconforming.

107

108 **MOTION:** Councilman Connors moved to reschedule a public hearing and Council discussion
109 and /or action at the regular meeting of September 10, 2019 to consider the Planning Board
110 recommendation of ZTA 18 09 PB 01 and that the Town Attorney prepare for Council
111 discussion, a separate ordinance that addresses only the tear down of a structure located on
112 two or more non-conforming parcels of land and then building two or more structures on non-
113 conforming lots. The motion was seconded by Mayor pro tem Nason. The motion passed
114 unanimously.

115

116 Councilman Nason stated he strongly believes this needs to be repealed, it was a mistake.
117 Council's attempt to solve the issue are only making it worse

118

119 **NEXT AGENDA ITEM**

120 Per consensus of Council Members at April 23, 2019 Special Meeting and Mayor's email
121 communication to Council of May 23, 2019: Adoption of a meeting schedule for future planning
122 meetings on long-range planning & future budget consideration as previously submitted by
123 Council Members to the Mayor:

- 124 •Beach Nourishment (Coastal Engineer to present beach survey findings late
125 Summer/early Fall 2019)
- 126 •Future Capital Rehabilitation/Replacement of Town Buildings (Considered by Council at
127 2/26/19 Council planning meeting but not subsequently funded by Council in current
128 year's budget.)
- 129 •Capital Apparatus/Equipment Needs of the Southern Shores Volunteer Fire
130 Department, Inc. (Per Fire Services Contract Item (8), the SSVFD is to present a Long-
131 term, Ten-Year Strategic Plan no later than April 1, 2020.)
- 132 •Town Land-Use Plan Update (Town's current land use plan approved by CRC 8/30/12.)

- Town-wide Walking Path System (East Dogwood Tr. path completed 11/12/18;
S. Dogwood Tr. path construction authorized by Council 7/9/19.)

MOTION: Mayor Bennett moved to set a special meeting for Tuesday, September 17th at 5:30 p.m. to consider the Coastal Engineer's Beach Survey results and all other items submitted by Council relative to long range planning. The motion was seconded by Councilman Conners.

After reviewing the long-range planning list which consisted of beach nourishment, future capital rehabilitation/replacement of Town buildings, capital apparatus/equipment needs of the Southern Shores Volunteer Fire Department, Inc., the Town land use plan, and a Town wide walking path system, Councilman Newberry asked the Mayor to amend his motion to include cut thru traffic.

Councilman McDonald also requested the Mayor amend his motion to have the walking path system consideration fall under the Capital Infrastructure Improvement Committee (CIIP) and add stormwater to the long-range planning list.

Councilman Conners stated he would like the walking path to remain as an agenda item for the special meeting but agreed since South Dogwood Trail walking path has already been appropriated, any future needs can be sent to the CIIP Committee for consideration and possible Council consideration.

Mayor Bennett agreed to amend his motion as requested and seconded. The motion passed unanimously (5-0).

NEXT AGENDA ITEM

Public Hearing- The purpose of the hearing is to consider LDA-19-01, a Landmark Designation Application submitted by Dave Mackey to designate 218 Ocean Blvd. as a Historic Landmark.

Historic Landmarks Commission Chairperson Whitley presented a brief report and recommended approval to designate 218 Ocean Blvd. as a Historic Landmark.

Town Attorney Gallop opened the public hearing. Upon hearing no citizen wishing to speak, he closed the public hearing.

MOTION: Councilman McDonald moved to approve LDA-19-01, a Landmark Designation Application submitted by Dave Mackey to designate 218 Ocean Blvd. as a Historic Landmark. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0).

NEXT AGENDA ITEM

Approval of Planning Board Officers as elected by the Planning Board.

MOTION: Mayor Bennett moved to approve Planning Board Officers as elected by the Planning Board; Elizabeth Morey as Chairperson and Andy Ward as Vice Chairperson.

178
179 **GENERAL PUBLIC COMMENT**

180 Mayor Bennett again called for public comment and the following citizens offered comment.

- 181 1. Leo Holland-23 Spindrift-American Red Cross Blood Drive is being held tomorrow at Holy
182 Redeemer Catholic Church. Congratulated the Town Manager on his retirement and
183 thanked him for being the "guiding light for our Town."
184 2. Al Ewerling-187 Dogwood Trail-Feels the walking path was not approached right with
185 citizens, Town is not transparent spending one million on walking path that is not ADA
186 compliant.

187
188
189 **MAYOR COMMENTS & COUNCIL COMMENTS**

190 Mayor pro tem Nason recognized Town Manager Peter Rascoe for his service.

191
192 Councilman Conners thanked the Town Manager as well for his service.

193
194 Councilman Newberry stated his was glad to see people coming to the meeting to speak about
195 traffic problems during the season and that Council has a duty to protect the health, welfare, and
196 safety of the citizens.

197
198 **CLOSED SESSION**

199 Councilman McDonald moved for a closed session pursuant to NCGS §143-318.11(6) for purpose
200 of considering qualifications, competence, performance, character, and fitness of an employee(s).
201 the motion was seconded by Councilman Conners and passed unanimously (5-0).

202
203
204 **NEXT ITEM OF BUSINESS**

205 Upon returning to open session, Council passed the following motions.

206 **MOTION:** Mayor Bennett moved that Council appoint Deputy Town Manger Wes Haskett as
207 Interim Town Manager effective September 1, 2019, with increased compensation of \$250 per
208 week. The motion was seconded by Councilman Conners. The motion passed unanimously.

209
210 **MOTION:** Councilman McDonald moved to direct the current Town Manager and the Active Town
211 Manager/ Interim Town Manager to provide a list of consulting firms to go forward to hire a Town
212 Manager. The motion was seconded by Councilman Conners. The motion passed 4-1; Mayor
213 Bennett being the sole opposing vote.

214
215 **ADJOURN**

216 **MOTION:** Councilman McDonald moved to adjourn the meeting. The motion was seconded by
217 Mayor pro tem Nason. The motion passed unanimously (5-0). The times was 7:34 p.m.

218
219 ATTEST:

Respectfully submitted,

220
221
222 _____
Thomas G. Bennett, Mayor

Sheila Kane, Town Clerk



Town of Southern Shores

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RESOLUTION 2019-09-01

A RESOLUTION DECLARING CERTAIN PROPERTY OF THE TOWN TO BE SURPLUS AND AUTHORIZING THE DISPOSITION OF SAID PROPERTY

WHEREAS, the Town Council of the Town of Southern Shores, North Carolina, has determined that the Town owns certain personal property that is no longer needed or usable by the Town; and

WHEREAS, the property is described below:

DEPT.	MAKE	DISPOSAL
PUBLIC WORKS	2009 Toro Z mower 48"	Gov-deals
PUBLIC WORKS	Brimar 2 axle 6x10 dump trailer	Gov-deals
PUBLIC WORKS	Williams 5x8 utility trailer	Gov-deals
POLICE DEPT	1987 AMG Humvee VIN 1114	Gov-deals- left off prior list
POLICE DEPT.	14 used Zoll AED	INOPERABLE-NO VALUE
PUBLIC WORKS	Schumacher jumpstart pack	INOPERABLE-NO VALUE
PUBLIC WORKS	Ryobi electric router	INOPERABLE-NO VALUE
PUBLIC WORKS	Ryobi electric sander	INOPERABLE-NO VALUE
PUBLIC WORKS	Duracell power pack jumper box	INOPERABLE-NO VALUE
PUBLIC WORKS	MAYTAG REFRIGERATOR	INOPERABLE-NO VALUE

NOW, THEREFORE, BE IT RESOLVED by the Southern Shores Town Council that the Town Manager or his designee are hereby authorized to dispose of the aforementioned property by any means allowable to include offering for sale at public auction, donation to a nonprofit organization, internet on-line offering, private negotiation and sale, upset bid process, or destruction.

AND BE IT FURTHER RESOLVED that property described in this resolution is surplus as of September 10, 2019.

ATTEST:

Thomas G. Bennett, Mayor

Sheila Kane, Town Clerk



Town of Southern Shores

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Resolution 2019-09-02

RESOLUTION APPOINTING A DEPUTY FINANCE OFFICER

WHEREAS, the Town Council of the Town of Southern Shores has, pursuant to North Carolina General Statute (NCGS) §159-24 of *The Local Government Budget and Fiscal Control Act*, appointed a Finance Officer who currently serves the Town with the powers and duties enumerated in NCGS §159-25; and

WHEREAS, NCGS §159-25 (b) states: "*Except as otherwise provided by law, all checks or drafts on an official depository shall be signed by the finance officer or a properly designated deputy finance officer and countersigned by another official of the local government or public authority designated for this purpose by the governing board.*"; and

WHEREAS, it has been recommended that the Council properly designate and duly appoint a Deputy Finance Officer to serve the Town with the power and duty enumerated in NCGS §159-25 (b) when necessary and in the absence of the Finance Officer.

NOW, THEREFORE BE IT RESOLVED that Interim Town Manager Wes Haskett is hereby designated and appointed Deputy Finance Officer to serve the Town with the power and duty enumerated in NCGS §159-25 (b) when necessary and in the absence of the Finance Officer.

This the 10th day of September 2019.

Thomas G. Bennett, Mayor

Attest:

Sheila Kane, Town Clerk

Date _____

Streets, Beaches & Canals Increases

Account Number	Description	Amount
40-39909	<u>Revenues</u> Unassigned Fund Balance	\$3,337
57-50158	<u>Expenditures</u> Beach Surveys	\$3,337
TOTAL		

[illegible]

Recommended By:

Approved By: Town Coucil

Tom Bennett , Mayor

Date _____



Town of Southern Shores

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PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 5/16/19

Filing Fee: \$200

Receipt No. N/A Application No. 27A-18-09

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

AB 01

Please check the applicable Chapter/Article:

- ☐ Chapter 30. Subdivisions-Town Code
- ☐ Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District
- ☐ Chapter 36. Article IX. Planned Unit Development (PUD)
- ☐ Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units *
- ☐ Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use
- ☐ Chapter 36. Article X. Section 36-303 Fees
- ☒ Chapter 36. Article X. Section 36-304-Vested Rights
- ☒ Chapter 36. Article XIV. Changes and Amendments

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant

Name

Town of Southern Shores

Address:

5375 N. Virginia Dare Trail
Southern Shores, NC 27949

Phone

261-2394

Email

whaskett@southernshores-nc.gov

Applicant's Representative (if any)

Name

Agent, Contractor, Other (Circle one)

Address

Phone

Email

Property Involved: ☐ Southern Shores ☐ Martin's Point (Commercial only)

Address: _____ Zoning district _____

Section _____ Block _____ Lot _____ Lot size (sq.ft.) _____

Request: ☐ Site Plan Review ☐ Final Site Plan Review ☐ Conditional Use ☐ Permitted Use
☐ PUD (Planned Unit Development) ☐ Subdivision Ordinance ☐ Vested Right ☐ Variance

Change To: ☐ Zoning Map ☒ Zoning Ordinance

Signature

Whaskett

Date

5-16-19

* Attach supporting documentation.



Town of Southern Shores

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ZTA-18-09 PB01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the density of population and the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 36 of the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, pursuant to N.C.G.S. § 160A-371 et seq. the Town may enact and amend ordinances regulating the subdivision of land within its territorial jurisdiction; and

WHEREAS, prior to the incorporation of the Town, many lots were created within its jurisdiction that have become nonconforming due to their lack of sufficient lot width and area. Over time the character and density of the Town have been developed such that many of these smaller nonconforming lots were built upon as if they were combined with one another. In recent years, the Town has seen a trend towards redevelopment of such informally combined parcels to the ends of breaking them back into the smaller nonconforming lots and building dwellings upon the nonconforming lots. Such redevelopment is inconsistent with the low density character of the Town; and

WHEREAS, the Town desires to manage the development of the Town in a manner which maintains the low density character of the Town and requires formal recombination of lots to current Town standards toward a goal of reducing the existence of nonconforming lots. Similarly, the Town desires to allow for existing nonconforming lots that are not otherwise adjacent to lots owned by the same person or entity to be developed rather than vacant and unusable. The Town further desires that a nonconforming lot which is adjacent to two or less nonconforming lots under the same ownership that contain a single-family dwelling be developable and able to be sold without requiring additional recombination; and

WHEREAS, the Town further desires that a nonconforming lot which is adjacent to a single conforming lot containing a single-family dwelling which was created after January 1, 2015 due to a recombination of two nonconforming lots under the same ownership be developable and able to be sold without requiring additional recombination

1
2 **WHEREAS**, the Town further finds that in accordance with the findings above it
3 is in the interest of and not contrary to the public's health, safety, morals and general
4 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of
5 Ordinances as stated below.
6

7 **ARTICLE II. Construction.**
8

9 For purposes of this ordinance amendment, underlined words (underline) shall be
10 considered as additions to existing Town Code language and strikethrough words
11 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
12 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
13 ("...") shall remain as they currently exist within the Town Code.
14

15 **ARTICLE III. Amendment of Zoning Ordinance.**
16

17 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
18 Shores, North Carolina, that the Town Code shall be amended as follows:
19

20 **PART I.** That subsection (a) of **Sec. 36-132 Regulation of structures and uses** be
21 replaced in its entirety with the following:
22

23 (a) *Nonconforming lots of record.*
24

25 (1) *Development and Sale of Certain Nonconforming Lots without Recombination:*
26 In any district in which single-family dwellings are permitted, a single-family
27 dwelling and customary accessory building may be erected on any currently
28 nonconforming single lot ~~not under the same ownership as any adjacent lot and~~
29 which met all legal requirements at the time of its creation and recording in the
30 Dare County public registry if:
31

- 32 (i) the lot is not under the same ownership as any adjacent lot;
33
34 (ii) the lot meets or exceeds the lot area requirements for the district and is
35 located adjacent to a single conforming lot under the same ownership on
36 which is located an existing single-family dwelling;
37
38 (iii) the lot is one of three or less adjacent nonconforming lots under the
39 ownership of related siblings on September 5, 2018; or
40
41 (iv) the lot is located adjacent to land under the same ownership on which is
42 located an existing single-family dwelling, and the adjacent land is made up
43 of:
44

- 45 a. no more than two lots all of which are nonconforming; or
46

- 1 b. a single conforming lot not adjacent to any other land under the same
2 ownership that was created after January 1, 2015 due to a recombination
3 of two (2) previously nonconforming lots.
4
5

6 If a currently nonconforming single lot meets the requirements of subsection
7 (a)(1)(i), (ii), (ii) or (iv) then the lot may be sold without being recombined with
8 the remaining land if recombination would have been required by subsection (a)(2)
9 below. All applicable dimensional requirements other than lot area and lot width
10 shall be met for development or redevelopment of such a lot except that a lot having
11 a lot width of fifty (50) feet or less may use a side yard setback of twelve (12) feet.
12

13 (2) Recombination Required: If any of the following situations apply, all adjacent
14 lots under the same ownership shall be recombined into: (i) a single lot which may
15 or may not meet the minimum requirements for the district in which such lots are
16 located; or (ii) multiple lots which all meet the minimum requirements for the
17 district in which such lots are located:
18

19 a. Development is proposed upon land ~~under the same ownership~~ which
20 includes one or more nonconforming lots adjacent to one or more other lots
21 under the same ownership;
22

23 b. Demolition or redevelopment exceeding 50% of an existing structure's
24 value is proposed and any portion of the existing structure or associated use
25 is currently or has been within the previous seven (7) years located upon or
26 occurring on two or more lots under the same ownership, as measured from
27 the time of application;
28

29 c. Development is proposed of a new structure or use to be located on two
30 or more lots under the same ownership;
31

32 d. Prior to the sale or transfer of land when any portion of the land being
33 sold or transferred was a parcel or part of a parcel of land upon which an
34 existing structure or associated use is currently or has been within the
35 previous seven (7) years located upon or occurring on two or more lots
36 under the same ownership, as measured from the time of application; or
37

38 e. Prior to the sale or transfer of land including a nonconforming lot or lots
39 adjacent to one or more other lots under the same ownership;
40

41 A plat prepared by a North Carolina licensed surveyor showing the recombination
42 shall be shall be recorded in the Dare County public registry, and a copy of the
43 recorded plat shall be provided to the Town prior to the issuance of a zoning or
44 building permit for development or redevelopment upon any of the newly created
45 lots. Lots created by a recombination required by this section shall be deemed to
46 equal or exceed the standards of the Town under Chapter 30, and are exempt from

1 the subdivision process under Chapter 30.

2
3 (3) For purposes of this subsection (a), the term "same ownership" shall be
4 construed broadly to effectuate the reduction of nonconforming lots within the
5 Town. Land and lots under the same ownership shall include, but not be limited to,
6 any of the following or any combination of the following:
7

8 a. A lot is owned, in whole or in part, by an individual and another lot is
9 owned by the same individual or by an Affiliate of the same individual;
10 and/or,
11

12 b. A lot is owned, in whole or in part, by a legal entity and another lot is
13 owned by the same legal entity or by an Affiliate of the same legal entity.
14

15 (4) For purposes of this subsection (a), the following definitions apply:
16

17 a. An "Affiliate" of an owner shall mean:
18

19 (i) In the case of an individual owner, a family member of the owner,
20 or a legal entity controlled by the owner or a family member of the
21 owner.
22

23 (ii) In the case of a legal entity owner, an individual who controls
24 the legal entity or their family member, ~~or~~ another legal entity
25 controlled by the owner or controlled by a family member of any
26 individual who controls the owner.
27

28 b. "Controlled" or "controls" shall mean the power, by ownership, operation
29 of law or contract, whether exercised or not, directly or indirectly, actually
30 or effectively, to operate, supervise, or manage a legal entity, or to appoint
31 or elect the management of the legal entity, or to otherwise direct the
32 operation, supervision or management of the legal entity.
33

34 c. "Family member" of an owner shall mean the owner's spouse, lineal
35 descendants, siblings and parents whether related by blood or marriage.
36

37 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
38 **Reasonableness.**
39

40 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
41 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
42 is applicable. For all of the above-stated reasons and any additional reasons supporting the
43 Town's adoption of this ordinance amendment, the Town considers the adoption of this
44 ordinance amendment to be reasonable and in the public interest.
45

46 **ARTICLE V. Severability.**

1
2 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
3 hereby repealed. Should a court of competent jurisdiction declare this ordinance
4 amendment or any part thereof to be invalid, such decision shall not affect the remaining
5 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
6 Town of Southern Shores, North Carolina which shall remain in full force and effect.
7

8 **ARTICLE VI. Effective Date.**
9

10 This ordinance amendment shall be in full force and effect from and after the ____ day of
11 _____, 2019.
12
13

14 _____, Mayor
15
16

17 ATTEST:
18
19

20 _____
21 Town Clerk
22
23

24 APPROVED AS TO FORM:
25
26

27 _____
28 Town Attorney
29

30 Date adopted:
31
32

33 _____
34 Motion to adopt by Councilmember:
35

36 _____
37 Motion seconded by Councilmember:
38
39

Vote: __AYES__NAYS

STAFF REPORT

To: Southern Shores Planning Board
Date: July 1, 2019
Case: ZTA-18-09 PB01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores

Requested Action: Amendment of the Town Zoning Ordinance by amending Section 36-132, Regulation of Structures and Uses Nonconforming

ANALYSIS

As requested by Council at the February 5, 2019 Town Council meeting, Town Staff identified the nonconforming lots in the Town and presented its findings to the Town Planning Board at the April 23, 2019 Special Planning Board meeting and to the Town Council at the May 7, 2019 Town Council meeting. Also at the April 23, 2019 Special Planning Board meeting, the Board asked Town Staff to draft a ZTA that includes all of the situations previously identified in ZTA-18-09 PB with the addition of a situation where a lot is less than 100 ft. wide but greater than 20,000 sq. ft that is adjacent to a conforming lot with a single-family dwelling and a situation where three adjacent 50 ft. lots are under the same familial ownership (siblings) when the deed was recorded prior to September 5, 2018. ZTA-19-01 PB01 is an attempt to address all of the nonconforming lot situations that have been identified by Town Staff and the Town Planning Board.

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

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density residential community comprised of single family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

RECOMMENDATION

Town Staff and the Town Planning Board have determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan. The Town Planning Board unanimously (5-0) recommended approval of ZTA-19-01 PB01 at the June 17, 2019 Planning Board meeting.



Town of Southern Shores

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

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

info@southernshores-nc.gov

www.southernshores-nc.gov

ZTA-19-X

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the density of population and the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 36 of the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, pursuant to N.C.G.S. § 160A-371 et seq. the Town may enact and amend ordinances regulating the subdivision of land within its territorial jurisdiction; and

WHEREAS, prior to the incorporation of the Town, many lots were created within its jurisdiction that have become nonconforming due to their lack of sufficient lot width and area. Over time the character and density of the Town have been developed such that many of these smaller nonconforming lots were built upon as if they were combined with one another with principal buildings lying across lot lines. In recent years, the Town has seen a trend towards demolition of the principal buildings located across lot lines and redevelopment of these informally combined parcels. The nature of this redevelopment results in the use of the smaller nonconforming lots and the construction of principal buildings upon each of the nonconforming lots. Such redevelopment increases density and is inconsistent with the Town's desire to maintain its low density character; and

WHEREAS, the Town desires to manage the development of the Town in a manner which maintains the low density character of the Town and requires formal recombination of nonconforming lots that have previously been or will be built upon as if they were a single lot. At the same time, the Town desires to allow for existing nonconforming lots that do not have a principal building built or proposed to be built across lots lines to remain able to build a single-family dwelling and customary accessory building; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances as stated below.

1
2 **ARTICLE II. Construction.**
3

4 For purposes of this ordinance amendment, underlined words (underline) shall be
5 considered as additions to existing Town Code language and strikethrough words
6 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
7 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
8 (“...”) shall remain as they currently exist within the Town Code.
9

10 **ARTICLE III. Amendment of Zoning Ordinance.**
11

12 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
13 Shores, North Carolina, that the Town Code shall be amended as follows:
14

15 **PART I.** That subsection (a) of **Sec. 36-132 Regulation of structures and uses** be
16 replaced in its entirety with the following:
17

18 (a) Nonconforming lots of record.
19

20 (1) Development and Sale of Certain Legally Nonconforming Lots without
21 Recombination: In any district in which single-family dwellings are permitted, a
22 single-family dwelling and customary accessory building may be erected on any
23 currently nonconforming single lot which met all legal requirements at the time of
24 its creation and recording in the Dare County public registry. All applicable
25 dimensional requirements other than lot area and lot width shall be met for
26 development or redevelopment of such a lot except that a lot having a lot width of
27 fifty (50) feet or less may use a side yard setback of twelve (12) feet. Such a lot
28 may be sold without unless it is required to be recombined with other land pursuant
29 to subsection (a)(2) below.
30

31 (2) Recombination Required: Prior to demolition of an existing principal building,
32 redevelopment exceeding 50% of an existing principal building's value, or
33 construction of a new principal building when such existing or proposed principal
34 building is located or proposed to be located on two or more lots any of which are
35 nonconforming, all lots underlying the existing or proposed principal building shall
36 be recombined into a single lot. A plat prepared by a North Carolina licensed
37 surveyor showing the recombination shall be shall be recorded in the Dare County
38 public registry, and a copy of the recorded plat shall be provided to the Town prior
39 to the issuance of a zoning or building permit for the demolition, redevelopment or
40 development upon the newly created lot. The resultant lot created by a
41 recombination required by this section shall be deemed to equal or exceed the lot
42 standards of the Town under Chapter 30, and the recombination is exempt from the
43 subdivision process under Chapter 30. The failure to perform a recombination
44 required by this subsection shall preclude the development or sale of any and all
45 underlying lots until such lots have been recombined.
46

1 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
2 **Reasonableness.**

3
4 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
5 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
6 is applicable. For all of the above-stated reasons and any additional reasons supporting the
7 Town's adoption of this ordinance amendment, the Town considers the adoption of this
8 ordinance amendment to be reasonable and in the public interest.
9

10 **ARTICLE V. Severability.**

11
12 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
13 hereby repealed. Should a court of competent jurisdiction declare this ordinance
14 amendment or any part thereof to be invalid, such decision shall not affect the remaining
15 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
16 Town of Southern Shores, North Carolina which shall remain in full force and effect.
17

18 **ARTICLE VI. Effective Date.**

19
20 This ordinance amendment shall be in full force and effect from and after the ____ day of
21 _____, 2019.
22
23

24 _____
Tom Bennett, Mayor

25 ATTEST:

26
27 _____
28 Town Clerk
29
30

31 APPROVED AS TO FORM:

32
33 _____
34 Town Attorney
35

36 Date adopted:

37
38 _____
39 Motion to adopt by Councilmember:

40
41 _____
42 Motion seconded by Councilmember:
43
44
45

Vote: __AYES__NAYS

BLANK

Management Search Consultants by Fee

N-Focus

Leaman B. Brice

313 S. Main Street, Ste 110

Kannapolis, NC 28081

(704) 933-0772

www.nfocusplanning.org

lbrice@nfocusplanning.org

Developmental Associates, LLC

Steve Straus

510 Meadowmont Village Circle, #299

Chapel Hill, NC 27517

(919) 813-6096

www.developmentalassociates.com

skstraus@developmentalassociates.com

The Mercer Group, Inc.

Ellis Hankins

1201 Little Lake Hill

Raleigh, NC 27607

(919) 349-8988

www.mercergroupinc.com

ellis.hankins@gmail.com

ehankins@mercergroupinc.com

Hartwell Wright – (as an individual)

NCLM

434 Fayetteville Street, Ste 1900

Raleigh, NC 27601

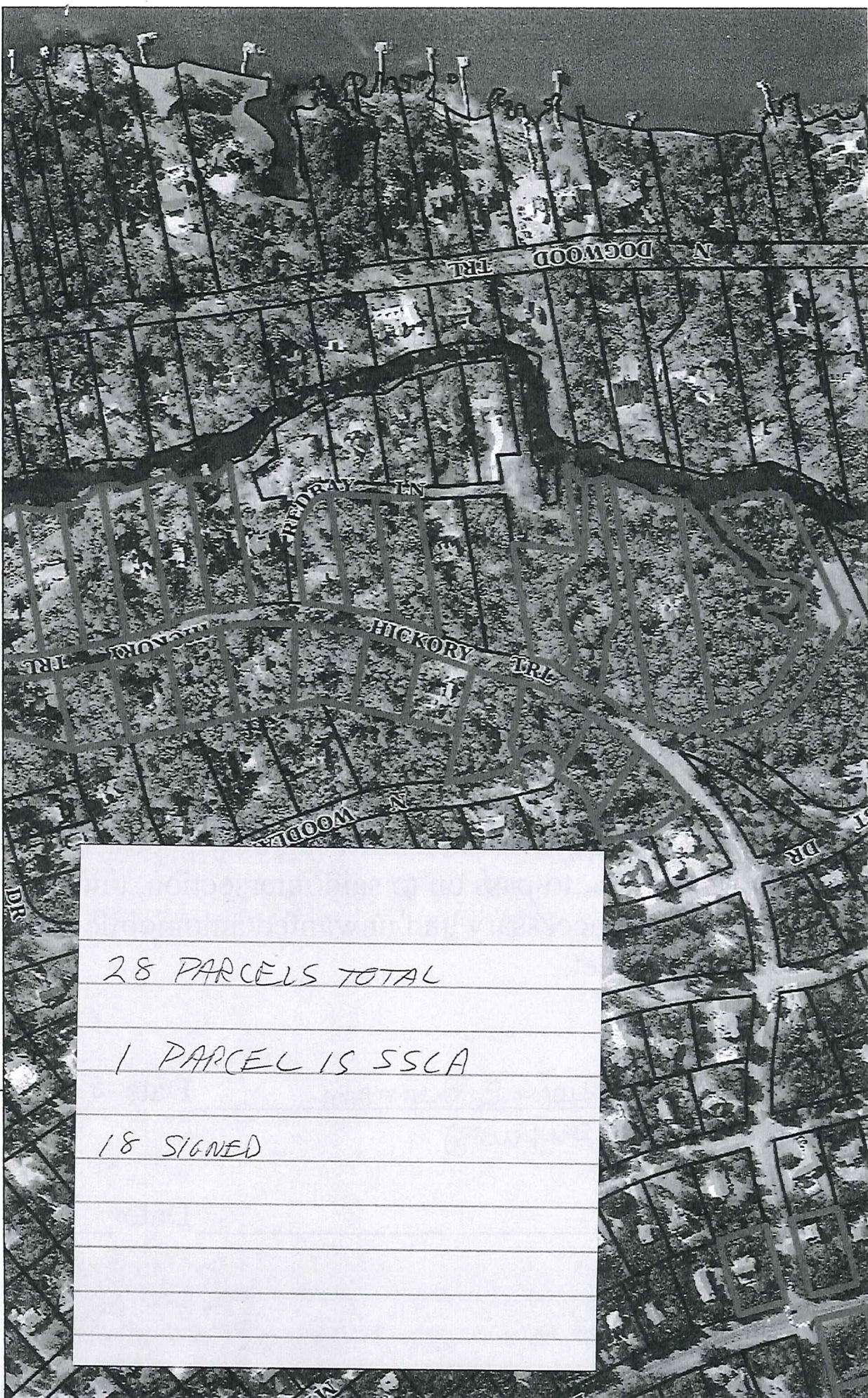
(919) 715-4000

hwright@nclm.org

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This map is prepared from data used for the inventory of the real property for tax purposes. Primary information sources such as recorded deeds, plats, wills, and other primary public records should be consulted for verification of the information contained in this map.



28 PARCELS TOTAL
1 PARCEL IS SSCA
18 SIGNED

62 Hickory Trl

Southern Shores NC, 27949

Parcel: 021419000

Pln: 986817221395

Owners: Fulgham, Dallane - Primary

Owner

Building Value: \$187,600

Land Value: \$161,900

Misc Value: \$9,400

Total Value: \$358,900

Tax District: Southern Shores

Subdivision: 50/sh Soundside Blk 104

Lot Blk-Sec: Lot: 6 Blk: 104 Sec:

Property Use: Disabled Veteran - Part

Exempt

Building Type: Cape Cod

Year Built: 1981

12 EAST
1206 16 WEST
HICKORY
SIDE
HICKORY

TOTAL OF 28 PARCELS

(1 IS SSCA PARCEL)

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

FULGHAM, DALIANE
62 HICKORY TRL
KITTY HAWK NC 27949

Parcel Information:

Parcel: 021419000 PIN: 986817221395
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 104
LotBlkSect: LOT: 6 BLK: 104 SEC:
Multiple Lots: -
PlatCabSlide: PL: 2 SL: 254 Units: 1
Deed Date: 03/28/2007
BkPg: 1723/0499
Parcel Status: ACTIVE



021419-000 20-986817-037 05/11

Property Use: DISABLED VETERAN - PART EXEMPT

62 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature Dalaine B. Fulgham Date 8-5-19
aka (Dee Lewis)

Signature _____ Date _____

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

GOSCINSKI, THEODORE JOHN EUX
GOSCINSKI, JENNIFER HUDSON EUX
44 HICKORY TRL
KITTY HAWK NC 27949

Parcel Information:

Parcel: 021433002 PIN: 986813234359
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 104
LotBlkSect: LOT: 20-B BLK: 104 SEC:
Multiple Lots: -
PlatCabSlide: PL: H SL: 8 Units: 1
Deed Date: 03/20/2008
BkPg: 1761/0287
Parcel Status: ACTIVE



Property Use: VACANT LAND (PRIVATE)

44 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature  Date 8.1.19

Signature _____ Date _____

County of Dare, North Carolina

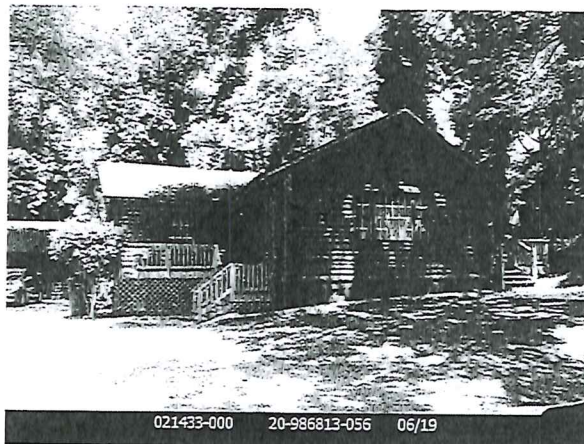
*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

GOSCINSKI, THEODORE JOHN EUX
GOSCINSKI, JENNIFER HUDSON EUX
44 HICKORY TRL
KITTY HAWK NC 27949

Parcel Information:

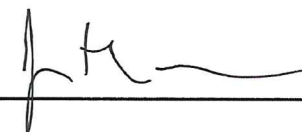
Parcel: 021433000 PIN: 986813233321
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 104
LotBlkSect: LOT: 20-A BLK: 104 SEC:
Multiple Lots: -
PlatCabSlide: PL: H SL: 8 Units: 1
Deed Date: 03/20/2008
BkPg: 1761/0287
Parcel Status: ACTIVE



Property Use: RESIDENTIAL

44 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature  Date 8.1.19

Signature _____ Date _____

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

SIMPSON, TERRY A EUX
SIMPSON, PATRICIA M EUX
42 HICKORY TRL
KITTY HAWK NC 27949

Parcel Information:

Parcel: 021434000 PIN: 986813233419
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 104
LotBlkSect: LOT: 21 BLK: 104 SEC:
Multiple Lots: -
PlatCabSlide: PL: 2 SL: 224 Units: 1
Deed Date: 01/18/2000
BkPg: 1214/0444
Parcel Status: ACTIVE



Property Use: RESIDENTIAL

42 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature

Date

7/30/19

Signature

Date

7/30/19

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

REID, MELISSA B
55 HICKORY TRL
SOUTHERN SHORES NC 27949

Parcel Information:

Parcel: 022158000 PIN: 986813224760
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 95
LotBlkSect: LOT: 70 BLK: 95 SEC:
Multiple Lots: -
PlatCabSlide: PL: 6 SL: 41 Units: 1
Deed Date: 09/28/2017
BkPg: 2194/0894
Parcel Status: ACTIVE

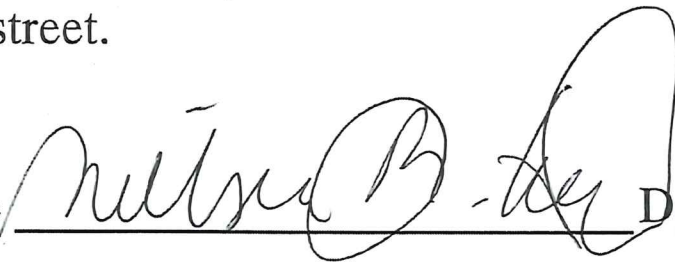


Property Use: RESIDENTIAL

55 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature



Date

8 7-30-19

Signature

Date

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

SHEA, CHRISTOPHER J EUX

SHEA, MARJORIE E EUX

751 EVERETT RD

PISGAH FOREST NC 28768

Parcel Information:

Parcel: 021417000 PIN: 986817222146

District: 20- SOUTHERN SHORES

Subdivision: SO/SH SOUNDSIDE BLK 104

LotBlkSect: LOT: 4 BLK: 104 SEC:

Multiple Lots: -

PlatCabSlide: PL: 2 SL: 254 Units: 0

Deed Date: 01/04/2001

BkPg: 1355/0277

Parcel Status: ACTIVE



021417-000

20-986817-RT-035

Property Use: VACANT LAND (PRIVATE)

0 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature Chris J. Shea Date 7/24/19

Signature Marjorie E. Shea Date 7-24-19

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

BARBARO, ELLEN L SOL
51 HICKORY TRL
KITTY HAWK NC 27949

Parcel Information:

Parcel: 022156000 PIN: 986814225916
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 95
LotBlkSect: LOT: 68 BLK: 95 SEC:
Multiple Lots: -
PlatCabSlide: PL: 6 SL: 41 Units: 1
Deed Date: 01/20/2017
BkPg: WB17EO/0005
Parcel Status: ACTIVE



Property Use: RESIDENTIAL

51 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature Ellen Barbaro Date 7/24/19

Signature _____ Date _____

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

SJOERDSMA, ANN GRETCHEN
69 HICKORY TRL
KITTY HAWK NC 27949

Parcel Information:

Parcel: 022163000 PIN: 986818225091
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 95
LotBlkSect: LOT: 75 BLK: 95 SEC:
Multiple Lots: -
PlatCabSlide: PL: 6 SL: 41 Units: 1
Deed Date: 04/03/1998
BkPg: 1172/0480
Parcel Status: ACTIVE



Property Use: RESIDENTIAL

69 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature Ann G. Sjoerdson Date 7/19/19

Signature _____ Date _____

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

WALTERS, ROBERT W SOL
60 HICKORY TRL
KITTY HAWK NC 27949

Parcel Information:

Parcel: 021420000 PIN: 986817221485
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 104
LotBlkSect: LOT: 7 BLK: 104 SEC:
Multiple Lots: -
PlatCabSlide: PL: 2 SL: 254 Units: 1
Deed Date: 04/14/2016
BkPg: WB 15E/0182
Parcel Status: ACTIVE



Property Use: RESIDENTIAL

60 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature Robert Walters Date 7/19/19

Signature Mandy Walters Date 7/19/19

Bear, Leroy Brown, Delilah, Madeline & Spirit

County of Dare, North Carolina

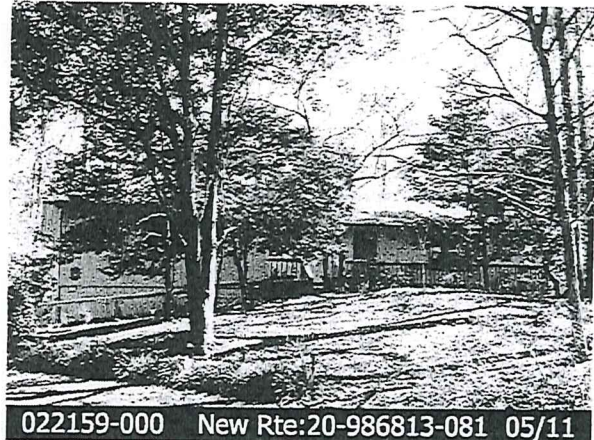
*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

STERNBERG, YVONNE G
57 HICKORY TRL
KITTY HAWK NC 27949

Parcel Information:

Parcel: 022159000 PIN: 986813224564
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 95
LotBlkSect: LOT: 71 BLK: 95 SEC:
Multiple Lots: -
PlatCabSlide: PL: 6 SL: 41 Units: 1
Deed Date: 04/06/1999
BkPg: 1255/0763
Parcel Status: ACTIVE



022159-000 New Rte:20-986813-081 05/11

Property Use: RESIDENTIAL

57 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature Yvonne B. Sternberg Date 7-18-2019

Signature _____ Date _____

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

ST LAURENT, NORMAN B EUX

ST LAURENT, LYNANNE G EUX

63 HICKORY TRL

KITTY HAWK NC 27949

Parcel Information:

Parcel: 022161000 PIN: 986818225248

District: 20- SOUTHERN SHORES

Subdivision: SO/SH SOUNDSIDE BLK 95

LotBlkSect: LOT: 73 BLK: 95 SEC:

Multiple Lots: -

PlatCabSlide: PL: 6 SL: 41 Units: 1

Deed Date: 05/24/2006

BkPg: 1687/0063

Parcel Status: ACTIVE



Property Use: RESIDENTIAL

63 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature Norman B. St. Laurent Date 15 July 2019

Signature Lynanne St. Laurent Date 7/18/19

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

ST LAURENT, NORMAN B EUX

ST LAURENT, LYNANNE G EUX

63 HICKORY TRL

KITTY HAWK NC 27949

Parcel Information:

Parcel: 022162000 PIN: 986818225186

District: 20- SOUTHERN SHORES

Subdivision: SO/SH SOUND SIDE BLK 95

LotBlkSect: LOT: 74 BLK: 95 SEC:

Multiple Lots: -

PlatCabSlide: PL: 6 SL: 41 Units: 0

Deed Date: 12/23/1997

BkPg: 1152/0746

Parcel Status: ACTIVE



Property Use: VACANT LAND (PRIVATE)

65 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature Norman B. St. Laurent Date 17 July 2019

Signature Lynanne St. Laurent Date 7/18/19

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

ST LAURENT, NORMAN B EUX

ST LAURENT, LYNANNE G EUX

63 HICKORY TRL

KITTY HAWK NC 27949

Parcel Information:

Parcel: 022160000 PIN: 986818225401

District: 20- SOUTHERN SHORES

Subdivision: SO/SH SOUNDSIDE BLK 95

LotBlkSect: LOT: 72 BLK: 95 SEC:

Multiple Lots: -

PlatCabSlide: PL: 6 SL: 41 Units: 0

Deed Date: 06/16/2000

BkPg: 1332/0381

Parcel Status: ACTIVE



Property Use: VACANT LAND (PRIVATE)

61 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature *Norm B. St-Laurent* Date *18 July 2019*

Signature *Lynanne St-Laurent* Date *7/18/19*

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

WATSON, DAVID S EUX
WATSON, JAN M EUX
PO BOX 1098
KITTY HAWK NC 27949

Parcel Information:

Parcel: 021427000 PIN: 986813222618
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 104
LotBlkSect: LOT: 14 BLK: 104 SEC:
Multiple Lots: -
PlatCabSlide: PL: 2 SL: 254 Units: 1
Deed Date: 07/24/2015
BkPg: 2035/0711
Parcel Status: ACTIVE



Property Use: RESIDENTIAL

56 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature David Watson Date 7-18-19

Signature Jan M. Watson Date 7-18-19

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

WHEELER, WALTER WADE EUX

WHEELER, CHERRI S EUX

64 HICKORY TRL

SOUTHERN SHORES NC 27949

Parcel Information:

Parcel: 021418000 PIN: 986817222225

District: 20- SOUTHERN SHORES

Subdivision: SO/SH SOUNDSIDE BLK 104

LotBlkSect: LOT: 5 BLK: 104 SEC:

Multiple Lots: -

PlatCabSlide: PL: 2 SL: 254 Units: 1

Deed Date: 03/31/2014

BkPg: 1955/0042

Parcel Status: ACTIVE



Property Use: RESIDENTIAL

64 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature

Date

20 JUL 19

Signature

Date

20 JUL 19

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

JONES, JAMES K
68 HICKORY TRL
SOUTHERN SHORES NC 27949

Parcel Information:

Parcel: 021416000 PIN: 986817222076
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 104
LotBlkSect: LOT: 3 BLK: 104 SEC:
Multiple Lots: -
PlatCabSlide: PL: 2 SL: 254 Units: 1
Deed Date: 05/22/2018
BkPg: WB 18 E/0285
Parcel Status: ACTIVE



Property Use: RESIDENTIAL

68 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature

Date

7/20/19

Signature

Date

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

CAPPS, BENTON P JR EUX

CAPPS, SUSAN A EUX

72 HICKORY TRL

KITTY HAWK NC 27949

Parcel Information:

Parcel: 021414000 PIN: 986817213816

District: 20- SOUTHERN SHORES

Subdivision: SO/SH SOUNDSIDE BLK 104

LotBlkSect: LOT: 1 BLK: 104 SEC:

Multiple Lots: -

PlatCabSlide: PL: 2 SL: 254 Units: 1

Deed Date: 09/24/2018

BkPg: 2261/0106

Parcel Status: ACTIVE



Property Use: RESIDENTIAL

72 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature Benton P. Capps Jr. Date 7/20/2019

Signature Susan A. Capps Date 7.20.19

County of Dare, North Carolina

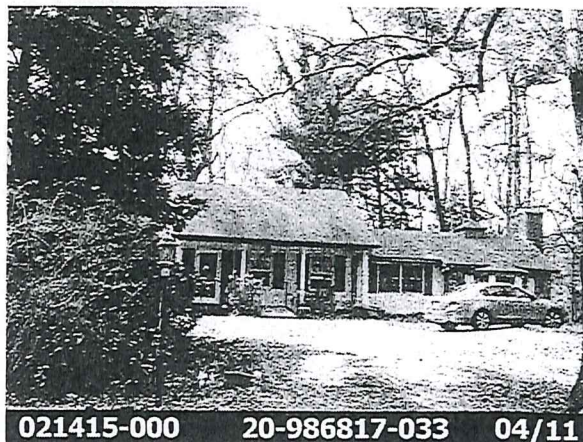
*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

LEGGETT, DANIEL A JRO
BOWEN, HEATHER M JRO
70 HICKORY TRL
SOUTHERN SHORES NC 27949

Parcel Information:

Parcel: 021415000 PIN: 986817213906
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 104
LotBlkSect: LOT: 2 BLK: 104 SEC:
Multiple Lots: -
PlatCabSlide: PL: 2 SL: 254 Units: 1
Deed Date: 01/09/2015
BkPg: 1997/0330

Parcel Status: ACTIVE**Property Use:** RESIDENTIAL

70 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature Daniel A. Leggett Date 7-28-2019

Signature Heather M. Bowen Date 7.28.2019

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

SOUTHERN SHORES CIVIC ASSOC INC
5377 VIRGINIA DARE TRL N
KITTY HAWK NC 27949

Parcel Information:

Parcel: 029702904 PIN: 986813233815
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 94
LotBlkSect: LOT: COMMON AREA BLK: 94 SEC:
Multiple Lots: -
PlatCabSlide: PL: 2 SL: 268 Units: 0
Deed Date:
BkPg:
Parcel Status: EXEMPT



Property Use: VACANT LAND (PROP OWNERS
ASSOCIATION)

39 HICKORY TRL

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature _____ Date _____

Signature _____ Date _____



This map is prepared from data used for the inventory of the real property for tax purposes. Primary information sources such as recorded deeds, plats, wills, and other primary public records should be consulted for verification of the information contained in this map.

8 Redbay LN
Southern Shores NC, 27949
Parcel: 021430000
Pin: 986813222939

Owner: Schollaert, Paul T - Primary Owner
Schollaert, Andrea M - Primary Owner
Building Value: \$373,900
Land Value: \$140,800
Misc Value: \$0
Total Value: \$514,700

Tax District: Southern Shores
Subdivision: So/sh Soundside Blk 104
Lot Blk-Sec Lot: 17 Blk: 104 Sec:
Property Use: Residential
Building Type: Traditional
Year Built: 2007

9 RED BAY LN.
1.15 SSCR PARCEL



County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

SCHOLLAERT, PAUL T EUX
SCHOLLAERT, ANDREA M EUX
8 RED BAY LN
SOUTHERN SHORES NC 27949

Parcel Information:

Parcel: 021430000 PIN: 986813222939
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 104
LotBlkSect: LOT: 17 BLK: 104 SEC:
Multiple Lots: -
PlatCabSlide: PL: 2 SL: 254 Units: 1
Deed Date: 06/05/1997
BkPg: 1117/0254
Parcel Status: ACTIVE



Property Use: RESIDENTIAL

8 REDBAY LN

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature Paul Schollaert Date 8-4-2019

Signature Andrea Schollaert Date 8-4-2019

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

MAGUE, TIMOTHY P
11185 NORTHWEST 2ND CT
POMPANO BEACH FL 33071

Parcel Information:

Parcel: 021431000 PIN: 986813232049
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 104
LotBlkSect: LOT: 18 BLK: 104 SEC:
Multiple Lots: -
PlatCabSlide: PL: 2 SL: 254 Units: 1
Deed Date: 02/02/2010
BkPg: 1824/0213
Parcel Status: ACTIVE



Property Use: RESIDENTIAL

10 REDBAY LN

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature

Date

7/26/19

Signature

Date

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

NOLAN, BARBARA J EVR

NOLAN, KEVIN M EVR

5 RED BAY LN

KITTY HAWK NC 27949

Parcel Information:

Parcel: 021423000 PIN: 986813129736

District: 20- SOUTHERN SHORES

Subdivision: SO/SH SOUNDSIDE BLK 104

LotBlkSect: LOT: 10 BLK: 104 SEC:

Multiple Lots: -

PlatCabSlide: PL: 2 SL: 254 Units: 1

Deed Date: 08/13/2009

BkPg: 1809/0376

Parcel Status: ACTIVE



021423-000 20-986813-045 07/18

Property Use: RESIDENTIAL

5 REDBAY LN

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature Kevin Nolan Date 7/18/19

Signature Barbara Nolan Date 7-18-19.

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

HARRISON, BRIAN A EUX
HARRISON, DEANA M EUX
11 REDBAY LN
KITTY HAWK NC 27949

Parcel Information:

Parcel: 021426000 PIN: 986813138058
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 104
LotBlkSect: LOT: 13R BLK: 104 SEC:
Multiple Lots: -
PlatCabSlide: PL: F SL: 399 Units: 1
Deed Date: 06/10/2016
BkPg: 2099/0823
Parcel Status: ACTIVE



Property Use: RESIDENTIAL

11 REDBAY LN

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature

Date

7/22/19

Signature

Date

7/22/19

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

WEISBECKER, BRYAN R EUX
WEISBECKER, LAUREL A EUX
PO BOX 55
KITTY HAWK NC 27949

Parcel Information:

Parcel: 021422000 PIN: 986813129674
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 104
LotBlkSect: LOT: 9R BLK: 104 SEC:
Multiple Lots: -
PlatCabSlide: PL: E SL: 127 Units: 1
Deed Date: 10/04/2005
BkPg: 1654/0130
Parcel Status: ACTIVE



Property Use: RESIDENTIAL

3 REDBAY LN

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature Laurel Weisbecker Date 7-25-19

Signature [Signature] Date 7-25-19

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

JERNIGAN, CEDRIC CLIFTON JR EUX
JERNIGAN, DEBRA MIDGETT EUX
7 RED BAY LN
SOUTHERN SHORES NC 27949

Parcel Information:

Parcel: 021424000 PIN: 986813129817
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 104
LotBlkSect: LOT: 11 BLK: 104 SEC:
Multiple Lots: -
PlatCabSlide: PL: 2 SL: 254 Units: 1
Deed Date: 08/04/2011
BkPg: 1873/0106
Parcel Status: ACTIVE



Property Use: RESIDENTIAL

7 REDBAY LN

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature _____

Date 7-27-2019

Signature _____

Date _____

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on July 15 2019

Primary (100%) Owner Information:

SOUTHERN SHORES CIVIC ASSOC INC
5377 VIRGINIA DARE TRL N
KITTY HAWK NC 27949

Parcel Information:

Parcel: 029702903 PIN: 986813220848
District: 20- SOUTHERN SHORES
Subdivision: SO/SH SOUNDSIDE BLK 104
LotBlkSect: LOT: BLK: 104 SEC:
Multiple Lots: -
PlatCabSlide: PL: 2 SL: 254 Units: 0
Deed Date:
BkPg:
Parcel Status: EXEMPT



Property Use: VACANT LAND (PROP OWNERS
ASSOCIATION)

13 REDBAY LN

In an effort to restore Hickory Trail and Red Bay Lane to their original purpose and design as streets for ingress and egress; We the owners of said homes and lots along Hickory Trail and Red Bay Lane ask that the Town of Southern Shores **dead end** Hickory Trail at the Hickory and Hillcrest intersection allowing only pedestrian, bicycles, etc., to pass on to said intersection, thus reducing unnecessary and unwanted automobile traffic on this side street.

Signature _____ Date _____

Signature _____ Date _____

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Agenda Item Summary Sheet

Item Title: Appointment of Reconstruction Task Force

Item Summary: Section 12-69 of the Town Code requires appointment of a Reconstruction Task Force which would be activated upon the declaration of a building moratorium following a major storm event. The Task Force is responsible for advising the Town Council on a wide range of post-storm reconstruction issues. A primary function of the Task Force is to receive and review damage reports and other analyses of post-storm circumstances and to compare these circumstances with mitigation opportunities identified prior to the storm, to discern appropriate areas for post-storm change and innovation. By Town Ordinance, the Task Force consists of two elected officials, two Planning Board members, Town Staff, a representative from the building or realty community, one representative from the SSCA, and one representative from the CPOA.

In order to be current and qualified with the Community Rating System, the Council will need to appoint the members of the RTF at its September 10, 2019 meeting.

Consistent with the Ordinance, the following members are suggested – with the Council appointing (as highlighted below) two specific Town Council members, a Board of Adjustment member, and a specific “representative from either the realty or the construction community”.

1. Council Member
2. Council Member
3. Planning Board (PB) Chairman
4. Planning Board (PB) Vice-Chairman
5. Board of Adjustment (PB) Member
6. Town Manager
7. Deputy Town Manager
8. Chief of Police (or his representative)
9. Fire Chief (or his representative)
10. SSCA President (or his representative)
11. CPOA President (or his representative)
12. Representative from either the realty or the construction community

September 5, 2018 Reconstruction Task Force Appointments

1. Council Member: Tom Bennett, Mayor
2. Council Member: Chris Nason
3. Planning Board: Glenn Wyder, Chairperson
4. Planning Board: Elizabeth Morey, Vice Chairperson
5. Board of Adjustment Member: Andy Ward
6. Town Manager: Peter Rascoe
7. Deputy Town Manager: Wes Haskett
8. Chief of Police: David Kole
9. Fire Chief: Ed Limbacher
10. SSCA President: Larry Gallek
11. CPOA Representative: Kathy McCullough-Testa
12. Construction Community Representative: Matt Neal, OBHA President

CODE OF ORDINANCES TOWN OF SOUTHERN SHORES NORTH CAROLINA

Chapter 12 - EMERGENCY MANAGEMENT

ARTICLE III. - HURRICANE AND STORM RECONSTRUCTION AND REDEVELOPMENT

Sec. 12-66. - Intent.

Following a damaging storm and enactment of a building moratorium, it is the intent of the town to allow rebuilding and reconstruction in an orderly manner. The town will control the issuance of building permits to manage the location, timing and sequence of reconstruction and repair. It is further the intent of this article that the town establish, prior to the storm, a special reconstruction task force which will oversee the recovery and reconstruction process and serve as an advisory body to the town council on recovery/reconstruction issues. A main responsibility of this body will be to identify opportunities to mitigate future storm damages through the management of reconstruction. To further the intent of this article, the town will make every effort to develop its capacity to identify and coordinate various post-storm reconstruction resources, while at the same time ensuring maximum local control over the reconstruction process.

(Code 1988, § 12-29; Ord. of 9-3-1991, pt. I, § 12.1-1; Ord. No. 01-06-011, pt. II, 6-5-2001)

Sec. 12-67. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Destroyed structure means a structure that is a total loss or damaged to such an extent that repairs are not technically or economically feasible, i.e., 50 percent or more of the replacement cost of the entire structure at the time of damage or destruction.

Incipient inlet means an ocean-to-sound inlet which has been formed, or an inlet in the first stages of formation, or an inlet which has opened and is now closed as a result of a severe storm event.

Local damage assessment team means a damage assessment team, required by the state division of emergency management, whose function is to assess losses to property immediately after a storm. The assessment is used to determine if the area can qualify for federal or state disaster assistance.

Major damaged structure means a structure that can be made habitable with extensive repairs. Damage may include foundation, roof structure and major structural components. The indicator for this category is if the cost to repair is greater than ten percent and less than 50 percent of the replacement cost of the entire structure at the time of damage.

Minor damaged structure means a structure that can be made habitable in a short period of time with minimal repairs. Damage may include doors, windows, floors, furnaces, water heaters and other minor structural damage. An indicator for this category is if the cost to repair is ten percent or less of the replacement cost of the entire structure at the time of damage.

Storm event means any natural weather event causing damage and destruction of property. (A storm event shall include, but not be limited to, hurricanes, northeasters, tornadoes, lightning, waterspouts, rain, and ice or snow storms.)

(Code 1988, § 12-30; Ord. of 9-3-1991, pt. I, § 12.1-2; Ord. No. 01-06-011, pt. II, 6-5-2001)

Sec. 12-68. - Hurricane and storm reconstruction.

- (a) *Determination of damage.* A primary task of the local damage assessment team is to identify structures which, as a result of the storm event, have been damaged. The local damage assessment team will recommend to the building inspector those structures which have been destroyed, received major damage or received minor damage. The building inspector will then inspect the damaged structures and place each structure in one of the categories defined in section 12-67.
- (b) *Declaration of a building moratorium.* The initial post-storm reconstruction moratorium shall be declared in effect upon the occurrence of one or more of the following findings:
- (1) The town is struck by a hurricane of force equal to or greater than four on the Saffir-Simpson scale, as determined by the National Weather Service.
 - (2) The town is declared a disaster area by either the governor of the state or the President of the United States.
 - (3) 25 or more structures have received major damage or have been destroyed, as determined by the building inspector.
 - (4) Upon the finding by the mayor, or in the absence of the mayor, the mayor pro tem, of the existence of a state of emergency, in accordance with G.S. 14-288, as amended, the mayor, or the mayor pro tem, as the case may be, shall declare the initial building moratorium, pursuant to G.S. 160A-174, where the mayor finds a moratorium is necessary for the protection of lives, safety and property, or due to the inability of the town to maintain acceptable levels of public order and services. The mayor may, based upon the above finding, extend the initial moratorium until such time as the state of emergency no longer exists.
- (c) *Moratoriums.*
- (1) *Initial building moratorium.* Upon the declaration of a building moratorium, the initial post-storm moratorium shall be in effect for a minimum period of 48 hours. No building permits shall be issued during this time period. After expiration of this initial moratorium, the following moratoria shall then apply:
 - a. *Destroyed structure moratorium.* No building permit shall be issued within 30 days following the expiration of the initial moratorium for the replacement of any structure which has been destroyed. All replacement building shall be subject to meeting the requirements of chapter 36, article XVI, all applicable sections pertaining to zoning, and all applicable town codes, prior to the issuance of a building permit.
 - b. *Major damaged structure moratorium.* No building permit for repairs of a major damaged structure shall be issued for at least seven days following the expiration of the initial moratorium. All repairs to a major damaged structure shall meet the requirements of chapter 36, article XVI, all applicable sections pertaining to zoning, and all applicable town codes, prior to the issuance of a building permit.
 - c. *Minor damaged structure moratorium.* Permits for the repair of minor damaged structures may be issued following the expiration of the initial moratorium. All repairs to minor damaged structures shall meet the requirements of chapter 36, article XVI, all applicable sections pertaining to zoning, and all applicable town codes, prior to the issuance of a building permit.
 - d. *Outstanding building permits moratorium.* All building permits which were issued prior to the storm event shall be revoked and shall not be reissued for a minimum period of 30 days following the expiration of the initial moratorium, unless upon finding by the building inspector, on a case-by-case basis, that sufficient inspection capability is available to adequately inspect the structures, should construction begin or resume. All permits issued prior to the storm event must meet the additional requirements of article XVI of chapter 36 before construction can resume. Applications for building permits revoked under this section shall be reissued at no charge.
 - e. *Site plan review.* Site plans which have been submitted to the town prior to the storm event shall not be reviewed by the staff, planning board or town council for a period of 30 days

following the expiration of the initial moratorium. All submittal dates and review periods shall be adjusted accordingly to reflect the time period covered by this 30-day moratorium.

- f. *New site plans, zoning requests and subdivision plats.* No new site plans, zoning requests or subdivision plats shall be accepted by the town for a period of 30 days following the expiration of the initial moratorium. All submittal dates and review periods shall be adjusted accordingly to reflect the time period covered by this 30-day moratorium.
- (2) *Duration of moratorium.* All moratoriums, other than the initial moratorium as enacted in subsection (b)(4) of this section, shall be in effect for the length of time described above and may be cancelled or extended by the mayor or resolution by the town council.
- (d) *Emergency repairs.* While a moratorium is in effect, no construction or reconstruction activity may be undertaken, excepting only minor interior repairs and emergency repairs necessary to prevent injury or loss of life or imminent collapse or other substantial additional damage to the structure. For illustrative purposes only, items that constitute minor repairs may include temporary roof repairs to avoid further water damage, minor repairs to steps and the temporary shoring up of a structure to avoid imminent collapse.

(Code 1988, § 12-31; Ord. of 9-3-1991, pt. I, § 12.1-3; Ord. No. 01-06-011, pt. II, 6-5-2001)

Sec. 12-69. - Reconstruction task force.

- (a) *Activation.* The reconstruction task force shall be activated upon the declaration of the initial building moratorium. The task force shall be responsible for advising the town council on a wide range of post-storm reconstruction issues.

(b) Responsibilities.

- (1) The reconstruction task force shall have the responsibilities outlined in this subsection. A primary function of the task force is to receive and review damage reports and other analyses of post-storm circumstances and to compare these circumstances with mitigation opportunities identified prior to the storm, to discern appropriate areas for post-storm change and innovation. Where needed, the reconstruction task force can review, in a more specific fashion, alternative mechanisms for bringing these changes about and recommend the coordination of internal and external resources for achieving these ends.
- (2) In addition to the responsibilities in subsection (b)(1) of this section, the reconstruction task force shall:
 - a. Review the nature of damages, identify and evaluate alternate program approaches for repairs and reconstruction, and formulate recommendations for handling community recovery.
 - b. Recommend rezoning changes in areas of damage.
 - c. Set a calendar of milestones for reconstruction tasks in conjunction with the town council.
 - d. Initiate requests for repairs to critical utilities and facilities.
 - e. Recommend the expiration or extension of a moratorium for major and minor repairs.
 - f. Recommend the lifting or extension of a moratorium for the outstanding building moratorium.
 - g. Evaluate hazards and the effectiveness of mitigation policies and recommend the amendment of policies, if necessary.
 - h. Initiate recommendations for negotiations for relocations and acquisitions of property.
 - i. Participate in federal hazard mitigation planning.

The task force shall recommend any changes in zoning, subdivision regulations, setback, density, elevation requirements, building codes, or any other ordinances which it deems necessary or advisable to prevent recurrence of coastal storm damage.

- (3) The reconstruction task force may also undertake a similar process for nonmitigative local objectives and opportunities. The task force may recommend for the town council consideration the following specific opportunities:
 - a. Enhancement of local recreational and open space opportunities; enhancement of public access to estuarine and ocean beaches.
 - b. Enhancement and restoration of local natural ecosystems.
 - c. Reduction of traffic congestion, noise and other transportation-related problems.
 - d. Enhancement of the longterm economic vitality of the local commercial and industrial base.
 - e. Other goals which further the stated goals and policies of the town.
- (c) *Composition of the reconstruction task force.* The reconstruction task force will be composed of the following individuals reflecting a broad-based representation of community interest and shall be appointed annually by the town council:
 - (1) Two elected officials.
 - (2) Town manager.
 - (3) Two planning board members.
 - (4) One board of adjustment member.
 - (5) One representative each from Southern Shores Civic Association (SSCA) and Chicahauk Civic Association.
 - (6) Building inspector.
 - (7) Police chief or his representative.
 - (8) Fire chief or his representative.
 - (9) One representative from either the realty or the construction community.

(Code 1988, § 12-32; Ord. of 9-3-1991, pt. I, § 12.1-4; Ord. No. 01-06-011, pt. II, 6-5-2001)