



# TOWN OF WRIGHTSVILLE BEACH

## DEPARTMENT OF PLANNING & INSPECTIONS

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321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

### Planning Board Meeting Agenda

Tuesday, April 5, 2016 6:00 p.m.  
Town Hall Council Chambers  
321 Causeway Drive, Wrightsville Beach, N.C.

- Call to Order by Chairman Dull
- Pledge of Allegiance
- Approval of Minutes from the March 8, 2016 Meeting
- **New Business**
  - A. Consideration of a Conditional Use Permit application and a Parking Exception request for 13 East Salisbury Street, to allow for the operation of a full service restaurant after renovations to the existing two-story structure are completed.
  - B. A Text Amendment to allow churches and religious establishments to operate as commercial parking lots for the purpose of collecting charitable donations on certain holiday weekends throughout the year. The Text Amendment would designate such activities as either a Conditional Use or a Permitted Use with Supplemental Regulations.
- Old Business
- Other Business from the Chairperson & Board Members
- Other Business from Staff
- Adjournment



## WRIGHTSVILLE BEACH PLANNING BOARD MINUTES

321 Causeway Drive, Wrightsville Beach, NC 28480

**March 8, 2016**

The Town of Wrightsville Beach Planning Board met at 6:00 p.m. in the Town Hall Council Chambers located at 321 Causeway Drive, Wrightsville Beach, NC 28480.

**PRESENT:** Chairman Ken Dull, Vice Chairperson Susan Snider, David Culp, Vivian "Zeke" Partin, Jim Smith

**ABSENT:** Janice Clark, Thomas "Ace" Cofer

**Staff Members Present:** Tony Wilson, Director of Planning & Parks  
Zachary Steffey, Town Planner

### CALL TO ORDER

Meeting called to order by Chairman Ken Dull at 6:01 p.m.

### PLEDGE OF ALLEGIANCE

Chairman Ken Dull led the audience in the Pledge of Allegiance.

### APPROVAL OF MINUTES

...Motion by Ms. Zeke Partin to approve the minutes from the February 2, 2016 meeting. Motion seconded by Ms. Susan Snider and carried unanimously by a vote of (5-0).

**NEW BUSINESS**AGENDA ITEM A:

DISCUSSION OF A TEXT AMENDMENT PETITION TO SECTION 155.6.4 TABLE OF PERMITTED/CONDITIONAL USES TO CHANGE THE USE CLASSIFICATION OF BOAT RENTAL FACILITIES FROM A CONDITIONAL USE IN THE C-3 ZONING DISTRICT TO A PERMITTED USE FOR BUSINESSES OPERATING WITH FOUR BOATS OR LESS.

Mr. Steffey said that on February 16, 2016 the Planning and Inspections Department received a petition for an Ordinance Text Amendment to Section 155.6.4 Table of Permitted/Conditional Uses. Mr. Jeff Hughes, the petitioner, and Mr. Geoffrey Losee, the petitioners authorized agent, requested that the use classification of Boat Rental Facilities be changed from a Conditional Use to a Permitted Use in the C-3 Zoning Districts of the Town. Mr. Steffey said that the public notice of the meeting ran on February 27, 2016 in the Wilmington Star News. Mr. Steffey said that following the adoption of Ordinance No. (2015) 1739 Mr. Jeff Hughes (petitioner) the owner of Nauti Times Boat Rentals began the process of applying for a Conditional Use Permit. Due to unforeseen factors involving the property owner(s), Mr. Hughes was unable to obtain the authorization needed to move forward with obtaining a Conditional Use Permit for his business. Mr. Steffey said that the requested amendment to Section 155.6.4 would allow Mr. Hughes to continue to operate his business at its present location rather than having to relocate to an alternate location. Mr. Steffey said that Planning Staff were in favor of the proposed text amendment and he suggested including the following as supplemental regulations: limit the number of boats to four (4) boats, prohibit the rental of personal watercraft i.e. jet skis, prohibit the storage of boats on trailers, require a business plan that demonstrates where boats will be stored, maintained, and fueled, limit the hours of operation.

**PLANNING BOARD DISCUSSION:**

Ms. Partin asked if Nauti Times is a fishing vessel for hire. Mr. Hughes said that it was up to the renter as to what they would like to do with the rental.

Ms. Partin asked if the staff had defined any hours of operation for the boat rentals. Mr. Steffey said that staff was offering this as an optional recommendation with the intent of allowing the Planning Board to address the hours of operation in their recommendation to the Board of Aldermen if they felt that it was necessary.

Mr. Jim Smith asked if there were any parcels within the C-3 Zoning District where this would create a parking problem. Mr. Wilson said that anytime a building is built then it should have been built with the proper number of parking spaces.

Mr. Smith asked if there would be a requirement that the customers are educated on boat safety. Mr. Steffey explained that this had been included as a condition on previous Conditional Use Permits that had been issued. Mr. Wilson said that this could be included as a supplemental regulation if the Planning Board felt that it should be included. The Board agreed stating that it would be good to have this

#### PRESENTATION BY APPLICANT:

Mr. Jeff Losee and Mr. Jeff Hughes began their presentation to the Planning Board. Mr. Losee said that the ordinance passed last year had the unintended consequence of putting Nauti Times out of business. He explained that Seapath operates like a boatominium. Mr. Losee said that Seapath didn't feel comfortable allowing for an individual to sign off on a conditional use permit. He indicated that Seapath requires Mr. Hughes to come before the Seapath on an annual basis to examine any changes to his business. He said that the marine insurance company requires Mr. Hughes to have specific training requirements in place. He said that with the supplemental regulations the Town has the opportunity to have all of the control and oversight that it feels is appropriate, therefore getting the same benefit without having to go through the full CUP process. Mr. Hughes said that they do not allow anyone to take a boat out who does not have at least five years of boating experience. He said as the sole owner of the boats he takes who uses the boats very seriously.

Ms. Partin asked Mr. Hughes if he allows boats to be rented after dark. He said that these vessels have lights on them. He said that the majority of his rentals occur during the daytime.

Mr. Smith asked if a limit of four (4) boats was a suitable number for the applicant. Mr. Hughes said that Seapath would not allow him to have more than four boats. Ms. Partin asked whether the number of boats should be limited.

Mr. Wilson said that the way staff had looked at the four boat limitation was that any business requiring additional boats would then seek a conditional use permit pursuant the requirements of the existing ordinances for boat rentals.

Mr. Adam Meyer asked Mr. Hughes what percentage of his customers are repeat customers. Mr. Hughes indicated that around 70% of his customers were repeat customers.

Mr. Meyer also asked if the Town desired to be named as an additional insured party. Mr. Wilson said that the Town Attorney had indicated that the Town was not interested in getting involved to that extent.

#### PUBLIC COMMENTS:

Chairman Dull opened the public comment portion of the meeting to allow for public comments either for or against the proposed Text Amendment.

#### IN FAVOR:

*None*

#### OPPOSED:

*None*

With there being no comments from the public, Mr. Dull closed the public comment period.

#### PLANNING BOARD DISCUSSION

Mr. Smith asked about the existing conditional use permit that was in place for 96 West Salisbury Street. Mr. Wilson indicated that the existing conditional use permit for 96 West Salisbury Street would remain in effect.

Mr. David Culp asked the applicant if he could operate from a second location within Wrightsville Beach. Mr. Wilson said that as long as the number of boats would be four or less then they would not need to come back before the Board.

#### MOTION:

**...Motion by Mr. Culp to provide a favorable recommendation to the Board of Aldermen of the proposed Text Amendment Petition to Section 155.6.4 with the inclusion of the Staff Recommendations. Motion seconded by Mr. Smith and carried unanimously by a vote of (5-0).**

AGENDA ITEM B:

## CONTINUED DISCUSSION ON SECTION 155.2.10 OPEN SPACE REQUIREMENTS.

Mr. Steffey said that Planning Staff had taken the feedback from the February Planning Board meeting and adapted the proposed amendments to the Code of Ordinances to reflect the Boards feedback and recommendations. Mr. Steffey discussed the following changes to the proposed amendments: Add (B) (2) Utility /Service Equipment Stands (b) to address constructing or re-locating HVAC/Utility stands when nonconforming structures are elevated pursuant to Section 155.8.4; Modify (B) (7) to include the commercial zoning districts of the Town; Remove (B) (8) Walkways and replace with (B) (8) Walkways (a) (b) (c) to address walkways allowed within the required setbacks; Modify (B) (11) Retaining Walls to include (b) to address existing retaining walls that exceed a height of 30 inches above the lowest adjacent grade; Establish (B) (12) Arbors and decorative trellises; Establish (B) (13) Liquid petroleum storage tanks; Establish (B) (14) Tanks and systems for stormwater collection; Establish (B) (15) Geothermal and irrigation wells.

## PLANNING BOARD DISCUSSION:

Ms. Snider asked if accessory buildings currently located within the setbacks would be able to remain in place. Mr. Steffey said that the proposed amendments to the ordinance could be modified to provide a provision that existing accessory buildings installed prior to the adoption of the proposed amendments could remain in place.

Ms. Partin asked if someone constructing a new arbor would have to build it to be eight feet or if they could build it to a height of their choosing. Mr. Steffey said that eight feet would be the maximum height and that the height of the arbor would be the property owner's choice.

Mr. Culp asked if the sight visibility triangle and the corner lot visibility triangles are the same as the standard being used in the proposed changes to the ordinance. Mr. Steffey said that these same standards would be used for determining where arbors and trellises could be placed on a lot.

**OLD BUSINESS**

None at this time.

**OTHER BUSINESS FROM CHAIRPERSON OR BOARD MEMBERS**

None at this time.

**OTHER BUSINESS FROM STAFF**

None at this time.

**ADJOURNMENT**

...There being no further business to come before the board, Chairman Ken Dull made a motion to adjourn which was seconded by Ms. Snider, the meeting was adjourned by unanimous vote at 6:34 p.m. Vote (5-0)

Respectfully Submitted,

  
\_\_\_\_\_  
Town Planner, Zachary Steffey



## TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

March 28, 2016

### MEMORANDUM

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**To:** Chairman Dull and Planning Board Members  
**From:** Zachary Steffey, Town Planner *ZS*  
**Re:** Consideration of a Conditional Use Permit and Parking Exception for 13 East Salisbury Street  
**Cc:** Tony Wilson, Director of Planning & Parks

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#### **Background:**

On March 4, 2016 the Planning and Inspections Department received a Conditional Use Permit (CUP) application for 13 East Salisbury Street from Mr. Joseph Taylor Jr. Esq., authorized agent for the property owner, Coastal NC Real Estate II, LLC. The applicant has applied for a CUP to operate a full service restaurant serving breakfast, lunch, and dinner throughout the year. The property is located in the C-2 Commercial Zoning District which allows for restaurants as a Conditional Use. The applicant has indicated that the restaurant would not remain open past midnight at any time. This location was formerly occupied by Buddy's Crab House & Oyster Bar. Prior to the opening of the new restaurant substantial interior renovations will occur in addition to some minor landscaping enhancements. The renovations which would include the costs of interior demolition, will be subject to the FEMA 50% rule.



#### **Parking Exception:**

The parking requirements for standard restaurants is one parking space for each four persons as stated on the maximum posted occupancy placard plus one additional parking space for each two employees on the largest shift. The applicant has indicated that there will be seven (7) employees on the largest shift and ninety-three (93) customers when the establishment is at its maximum occupancy. Based on this information an exception would be needed for 27 parking spaces ( $93/4 = 23.25$  spaces) + ( $7/2 = 3.5$  spaces) = 27 spaces). The decision of whether to issue or deny the request for a parking exception is based upon the following requirements:



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### **155.9.1.6 Exception in Parking Requirements.**

(A) Parking required for uses in districts zoned commercial or public or semi-public (G-1) maybe provided within 400 feet of the main entrance to the principal use and located in any commercial zone if the required off-street parking cannot be reasonably provided on the same lot on which the principal use is located.

(B) If the off-street parking space required by this Ordinance for districts zoned residential cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to, and within the same zone as, such principal use.

(C) The Board of Aldermen may grant an exception in off-street parking requirements for the alteration or conversion of an existing building in commercial districts or construction of a mixed use development after a finding by the Board of Aldermen that:

- (1) The proposed use is directed primarily toward pedestrian trade existing in the area; and
- (2) The character of existing development or properties within 400 feet prohibit the acquisition of land for parking; and
- (3) That one parking space for each two employees shall be provided. An exception to this standard may be granted for mixed use developments as provided in this section.

### **Analysis:**

Due to the lack of parking available on-site, the applicant would not be able to satisfy the requirements needed to obtain a parking exception. Section 155.9.1.6 (C) (3) requires that one parking space is provided for each two employees. Since the applicant has indicated that there are no spaces available on the lot, the minimum of four employee parking spaces could not be provided. If a parking exception is not able to be granted, then the applicant would be unable to operate with any use that specifies any amount of required parking regardless of whether the use is considered to be a Permitted Use or a Conditional Use.

In order to remedy the applicant's inability to meet the minimum requirements needed for a parking exception, they would need to seek a text amendment to this section. A text amendment to this section could simply strike condition three (3) of the aforementioned requirements thereby allowing the Board of Aldermen to consider issuing a parking exception pursuant to the other conditions contained within Section 155.9.1.6. It is important to keep in mind that when considering amending the parking exception requirements, the changes will apply to all properties seeking an exception that are located in the commercial zoning districts and in the G-1 semi-public district.



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### Departmental Review:

- **Police Department:**

“As you know the former business located at 13 East Salisbury Street, Buddy’s Crab House & Oyster Bar was originally permitted as restaurant. The owners quickly turned the business into a bar and night club and operated in that capacity for years. Over the past five years, the Police Department has received a total of 178 complaints in reference to this business relating to noise and alcohol issues. I realize that this is new owners and new business operators, but I see the potential for this business to gradually transform back into a night club. I noticed the proposed conditional use permit set a limitation of only being opened until midnight. My suggestion is that we impose the same limitations on this business as we did on Poe’s Tavern with a closing time of 10:00 PM. This should allow for adequate dinner business, but discourage late night activities that would disturb the surrounding residential neighborhoods. – *Dan House, Chief of Police*”

- **Fire Department:**

“1. To what extent are they modifying the interior. Will it be over 50% of the value of the building? 2. Will they be using the upstairs portion? If so, will they be reinforcing this area? I ask because I am pretty sure the upper area needs some work prior to allowing people on it. 3. Will they be upgrading the electrical wiring in the building? It is not in the best of shapes. – *Robert Pugh, Interim Fire Chief*”

- **Public Works Department:**

No Comment

- **Parking Department:**

No Comment

### CAMA Land Use Plan Statement of Consistency:

The proposed development appears to be consistent with Policy 9.1.A.5: Commercial Development: The Town will encourage commercial establishments providing basic goods and services to year round residents and visitors. Examples include appropriately scaled and designed grocery stores, drug stores, sit down restaurants etc.



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### **Staff Recommendation:**

Planning Staff supports the Conditional Use Permit application as submitted by the applicant, so long as a Parking Exception for 27 spaces is granted by the Board of Aldermen. Staff recommends that the hours of operations be limited to midnight for all food and beverage services as indicated in the CUP application. Staff is in favor of amending the parking exception requirements to allow the ordinance to more accurately reflect the current and future development needs within the Town of Wrightsville Beach.

### **Public Notice:**

Public notice of this meeting ran on March 26, 2016 in the Wilmington Star News. A sign providing notice of this meeting was posted on-site on March 24, 2016.

### **Requested Action:**

The Planning Board is asked to provide a favorable recommendation of the Conditional Use Permit Application and Parking Exception for 13 East Salisbury Street with the inclusion of the following conditions:

1. If the property owner receives two or more citations for noise violations within a twelve-month period, the Conditional Use Permit should be subjected to review and possible revocation
2. The applicant must comply with all Town Codes and Ordinances
3. The applicant must obtain all necessary state and local permits
4. The applicant must comply with the orders and directives of the New Hanover County Fire Marshall
5. The applicant must comply with all provisions of the FEMA 50% Rule
6. Hours of operation should be limited to midnight
7. All deliveries should be scheduled at times that will minimize impacts to the normal flow of pedestrian and vehicular traffic

The Planning Board is also asked to consider whether a favorable recommendation should be made for a text amendment to the parking exception requirements specified in Section 155.9.1.6 *Exception in Parking Requirements.*



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### Attachments:

1. Conditional Use Permit Application
2. Parking Exception Application
3. Photos of the Site

# CONDITIONAL USE PERMIT APPLICATION (CUP 05-01)

## Town of Wrightsville Beach, North Carolina

Purpose of Conditional Use *There are certain land uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration in each case of the impact of those uses upon neighboring land uses and the public need for the particular use in the particular location (§155.4.5).* The project you are proposing requires a Conditional Use Permit. The permit is issued only after the application is reviewed by town staff, the Planning Board and the Board of Aldermen and the public by public notice and public hearing.

Applicants must fill out this application entirely and also gather information and material referenced in this application. **The non-refundable fee for this application is \$400.00.** The following guidelines are provided to aid the applicant in preparing a proper application as referenced in Section 155.4.5 as amended, of the Town's Zoning Ordinance.

1. The applicant must prepare and submit **10 hard copies and one electronic copy** of this application and accompanying materials to the Planning and Inspections Director (Town Hall, P. O. Box 626, 321 Causeway Drive, Wrightsville Beach, NC 28480) thirty (30) days prior to the next regular Planning Board meeting. The Planning Board meets the FIRST TUESDAY of each month except November when they meet the second Tuesday.
2. Failure to submit the complete packet of materials will result in return of the application. The application must meet minimum Town Requirements for all local ordinances (zoning, flood, building, etc.). Amended submittals may be held until the next Planning Board meeting if returned less than ten (10) days prior to the current Planning Board meeting.
3. Upon receipt of a valid and complete application, the Planning and Inspections Director will submit the application to department heads for review and also include the application in the next available Planning Board packet.
4. A representative of the proposed project must be present during the Planning Board meeting.
5. No conditional use shall be recommended to the Aldermen by the Planning Board unless the Board shall find in the affirmative of the Zoning Ordinance standards §155.4.5.4(E) (See page 5 of this application.)
6. After review and recommendation by the Planning Board, the Board of Aldermen shall hold a public hearing on the Conditional Use Permit. The Board of Aldermen at the advertised public hearing will consider recommendations from the Planning Board and staff. The Board of Aldermen will also hear objections to or approval of the Conditional Use Permit application from members of the public. The Board of Aldermen will then grant or deny the permit.

APPLICANT INFORMATION

Property Owner Coastal NC Real Estate II, LLC

Owner Mailing Address 1120 Pembroke Jones Drive  
Wilmington, NC 28405

Telephone Number (W) (910) 262-1947 (H) (FAX)

Representative/Agent for Owner Joseph O. Taylor, Jr.  
(ATTACH AUTHORITY FOR APPOINTMENT OF AGENT)

Agent Address 16 North 5th Avenue  
Wilmington, NC 28401

Telephone Number (W) (910) 763-2426 (H) (FAX) (910) 763-3046

PROJECT INFORMATION Address: 13 East Salisbury Street  
Wrightsville Beach, NC 28480

Legal Address: Part of Lot 19, Block 13, North Shores, as  
shown on a map recorded in Map Book 4 at Page 66  
(Book and Page as recorded in the New Hanover County Register of Deeds Office)

PROPOSED PROJECT Describe project and use: The existing building, formerly  
occupied by Buddy's Crab House & Oyster Bar, will undergo (primarily interior)  
renovations and then reopen as a full-service restaurant with a casual, rustic atmosphere,  
servng a variety of Carolina fare for breakfast, lunch and dinner throughout the year.  
Operating hours will vary slightly by season and day of the week but will not extend past  
midnight at any time. Projected sales will be attributed primarily to food (75%) and  
beverage (25%).

Proposed Construction Date Upon the Town's issuance of a conditional use permit and  
any other required approvals

Estimated Completion Date 90 to 120 days following commencement of construction

State Primary Street Frontage (name) East Salisbury Street

**ZONING INFORMATION**

Zoning District of Site C-2 Does this project require rezoning? No

Proposed Use Restaurant, standard

DIMENSIONAL INFORMATION

Lot Dimensions See attached Site Plan Total Lot Square Footage 3,064+/- sq. ft.

State Setbacks of ALL Structures: See attached Site Plan

Dimensions of Principal and Accessory Buildings

The principal building is a two-story concrete block building with a one-story wood frame addition; see Site Plan for dimensions. There are no accessory buildings at the site.

Elevation of ALL Structures

The ground level of the principal building has an elevation of approximately 7.7 feet and the second level of the principal building has an elevation of approximately 16.4 feet.

Total Square Footage of Principal Structure approximately 2,232 sq. ft.

Total Square Footage of Accessory Structures N/A

PARKING AND TRAFFIC MANAGEMENT

Parking Spaces On Site (TOTAL) None (Handicapped) None (Standard) None

Parking Space Dimension and Isle Separation N/A

Describe Provisions for Ingress and Egress of Site The proposed restaurant will be accessed largely by pedestrian and bicycle traffic, in addition to vehicular traffic. As shown on the attached Site Plan, the site fronts on East Salisbury Street, a two-lane right-of-way divided by a median and lined on all sides with public parking spaces. A concrete sidewalk provides ingress and egress to the site from East Salisbury Street.

A variance from generally applicable parking requirements is requested in conjunction with this application.

SIGNAGE

Describe (fully) All Proposed Signs for this Project (Dimensions, Heights, Construction Materials and Location MUST be Provided):

No changes or additions to the dimensions, height, construction, materials and/or location of existing signage at the site are currently proposed.

**INFORMATION FOR DEPARTMENTAL REVIEW**

FIRE PROTECTION

Fire Protection - Construction Classification A-2, Restaurant

Describe (fully) Fire Protection Provisions Provided in the Project:

Existing provisions include a commercial exhaust hood with fire suppression system in kitchen area and handheld fire extinguishers on-site.

Fire Flow Requirements \_\_\_\_\_

POLICE REQUIREMENTS

Describe Any Special or Unusual Police Protection Requirements:

N/A

STORMWATER

Describe any connections to Town drainage systems None

WATER REQUIREMENTS

Maximum Estimated Water Demand GPD 1,900 GPD

Calculations Based on average actual usage numbers for a comparable restaurant in the Town (King Neptune), reduced by 30% to account for less square footage

Water Main Size Available at Site \_\_\_\_\_

SEWER REQUIREMENT

Maximum Estimated Sewage Disposal GPD 400 GPD

Calculations Based upon actual usage numbers for comparable local restaurants currently or recently operated by the prospective tenants

SOLID WASTE REQUIREMENTS

Maximum Solid Waste Disposal (cubic yards) Per Day 2-2.5 cubic yards per day;

Calculations Production of 1,600 lbs per week is projected. Based on the assumption that the 96-gallon containers used for storage and disposal hold 50 lbs. of solid waste, the proposed use is expected to fill approximately 4 to 5 containers per day. Each 96-gallon container is approximately 1/2 cubic yard. Therefore, the daily production of solid waste is projected to be approximately 2-2.5 cubic yards.

Size and Location of Dumpster Pad In accordance with discussions between the prospective tenants and the Town's Sanitation Department, solid waste containers will be stored in the fenced area located behind the building and transported over a concrete path in the alleyway on the eastern side of the building for curbside pickup.

## LANDSCAPING

Describe (fully) All Existing and Proposed Landscaping and Buffering:

Both the owner and the prospective tenants will work with the Town to improve the existing landscaping lining the sidewalk area at the front of the site and along the Right of Way of East Salisbury Street. Prospective tenants will hire a landscaping company to provide inspection and service every two weeks from April through October and monthly from November through March each year in order to maintain the orderly appearance and good condition of all landscaping features at the site. A cleaning company will also be retained to remove any trash from the site one to three times per week, depending on the season.

Describe (fully) All Provisions to Minimize Effects to the Environment and Surrounding Property:

As noted above, operating hours will vary depending on the season, but the restaurant will close by midnight throughout the year. It will be a casual and convenient restaurant serving breakfast, lunch and dinner, not a late-night bar or club. Dine-in customers will not be seated after 9:30 pm and last call will take place no later than 10:00 pm each night. Further, dumping of trash and bottles will be restricted from 8:00 am to 8:00 pm and all trash and recycling will be consistently collected by a professional trash service. There will be no outdoor seating and no live or recorded music will be played outside the restaurant. The proposed restaurant will only benefit and enhance the value of surrounding property and this area of the Town.

## **OTHER ATTACHMENTS REQUIRED WITH APPLICATION**

### CONFORMANCE WITH CONDITIONAL USE PERMIT STANDARDS (§155.4.5.4 (E))

Please attach a statement in writing accompanied by adequate evidence if needed, that the proposed conditional use will conform to each of the following standards as established in the ordinance:

- (a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare. Other than internal resort restaurants, the proposed conditional use will be the only full-service sit-down restaurant open to the public located within a reasonably close walking and/or biking distance to the permanent and short-term residences in the vicinity from Johnnie Mercer's Fishing Pier north to Mason's Inlet. The restaurant will primarily target dine-in and carry-out customers, not late-night bar-hoppers and party-goers. The restaurant will comply with all applicable ordinances and laws, including applicable CAMA, FEMA and stormwater rules and regulations.
- (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor diminish or impair property values within the neighborhood. As noted, the restaurant will benefit rather than diminish the use, enjoyment and/or value of surrounding properties, which include primarily permanent residences, vacation or other short-term rentals, and some commercial properties in the area adjacent to Johnnie Mercer's Fishing Pier. The restaurant will enhance the aesthetics of the area and satisfy the clear and long-standing need for dining options in this part of the Town. The foregoing features will increase property values and encourage greater investment in the immediate vicinity and the Town at large.

- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The site is located in a unique commercial zone adjacent to one of the two commercial fishing piers in the Town and one of its most popular public beach access points. The proposed conditional use will not require significant changes to the exterior of the existing structure and all modifications anticipated will be in harmony with the existing and anticipated uses in the immediate vicinity. The use of the site as a full-service, year-round restaurant rather than its prior use as a bar will enhance the aesthetics and facilitate the orderly development of the Town.
- (d) That the exterior architectural appeal and functional plan or any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood. Other than minor efforts to enhance the existing appearance of the structure and landscaping at the site, very little change to its exterior is proposed. As such, the restaurant will not be at variance with the exterior appeal and/or functional plan of the other existing or proposed structures in the area around Johnnie Mercer's Fishing Pier and will improve rather than detract from the aesthetics of that area. Further, it will be in line with and contribute to the orderly commercial development of beachfront areas, one of the Town's most valuable resources.
- (e) That adequate utilities, access roads, parking, drainage and necessary facilities have been or are being provided. All utilities, access roads, drainage and necessary facilities already exist or will be provided at the site and a variance from parking requirements is warranted for the proposed site, based upon the availability of public parking in the immediate vicinity and the likelihood that many patrons will travel to the restaurant on foot or bicycle rather than by vehicle.
- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Approval of the proposed conditional use will not significantly increase vehicular traffic congestion. Particularly in the Spring through Fall months, much of the ingress and egress will be on foot or by bicycle. The site also fronts a public street that contains over 100 parking spaces, more than any other commercial area in the Town in such close proximity to the beach. The number of available parking spaces is also likely to increase when and if the Town approves an existing proposal to develop a parking deck on the immediately adjacent parcel between the site and Johnnie Mercer's Fishing Pier.
- (g) That the conditional use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. Aside from the parking requirements, from which a variance is being sought in conjunction with this application, the proposed use will conform to and with all applicable standards of the C-2 district, as demonstrated by the attached Site Plan and information contained in this application.

- (h) Public access shall be provided in accordance with the recommendations of the Town's Land Use Plan and Access Plan and/or the present amount of public access and public parking as exists within the Town now. If any recommendations are found in conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern. The proposed use will not restrict or decrease the amount or quality of public access and parking that currently exists and that has existed for many years during which the site was operated as a bar.
- (i) That the proposed use be consistent with the recommendations and policy statements as described in the adopted Land Use Plan. The restaurant as proposed will coincide with and further a number of the express policies and objectives adopted by the Town, particularly insofar as it will make more efficient and orderly use of an existing structure previously occupied by a less attractive and often detrimental use (a bar). Specifically, for example, the proposed restaurant will further Policy 9.1.A.1, encouraging appropriate neighborhood oriented businesses, and Policy 9.1.A.5, Commercial Development, encouraging year-round commercial establishments, specifically including sit-down restaurants, such as the one proposed herein.

#### SITE PLAN INFORMATION

A site plan of the proposed project prepared by a professional engineer, registered land surveyor or architect drawn to a scale of not less than one inch equals thirty feet (1"=30'). The site plan shall be based on the latest tax map information. The site plan must contain the following information.

***WE SUGGEST YOU BRING A DRAFT SITE PLAN TO PLANNING AND INSPECTIONS FOR REVIEW PRIOR TO PRINTING THE FINAL COPIES FOR DISTRIBUTION!***

- (1) A key map of the site with reference to surrounding areas and existing street locations.
- (2) The name and address of the owner and site plan applicant, together with the names of the owners of all contiguous land and of property directly across the street as shown by the most recent tax records.
- (3) Lot line dimensions.
- (4) Location of all structures, streets, entrances and exits on the site and on contiguous property and property directly across the street.
- (5) Location of all existing and proposed structures, including their outside dimensions and elevations.
- (6) Building setback, side line, and rear yard distances.
- (7) All existing physical features including streams, water courses, dunes, existing trees greater than one (1) inch in diameter measured six (6) feet above ground level, and significant soil conditions.
- (8) Topography showing existing and proposed contours at two (2) foot intervals. All reference bench marks shall be clearly designated.

- (9) Parking, loading, and unloading areas shall be indicated with dimensions, traffic patterns, access aisles and curb radii.
- (10) Improvements such as roads, curbs, bumpers, and sidewalks shall be indicated with cross-sections, design details, and dimensions.
- (11) Location and design of existing and proposed storm water systems, sanitary waste disposal systems, water mains and appurtenances and methods of refuse disposal and storage.
- (12) Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants, trees and dimensions, approximate time of planting, and maintenance plans.
- (13) Lighting details indicating type of standards, location, radius of light, and intensity in foot candles.
- (14) Location, dimensions, and details of signs.
- (15) North arrow.
- (16) Public access shall be provided in accordance with the recommendations of the Town's Land Use Plan and Access Plan and public parking as exists within the Town now.
- (17) A rendering or drawing of the proposed building shall be provided showing all sides of the structure.

sides of the proposed structure.

NOTICE TO ADJOINING PROPERTY OWNERS

The Town of Wrightsville Beach will notify adjoining property owners of presentation of this application to the Planning Board and Board of Aldermen. Adjoining property is all property contiguous and across the street from the subject property. **Please submit with your application two sets of plain letter sized envelopes, stamped (not metered), unsealed and addressed to the adjacent property owners as shown on the New Hanover County tax listing and bearing the return address of the Town of Wrightsville Beach.** Attach a list of the adjoining property owners to this application.

FEE

The processing fee for a Conditional Use Permit application is \$400. A check payable to the Town of Wrightsville Beach must accompany this application.

SIGNATURE

This signature accompanies the application, fee, statement of standards and site plan which comprise the Conditional Use Permit Application to the Town of Wrightsville Beach.

\*\*I understand that the fee for this application is non-refundable.\*\* TBR (Initial)

\*\*I furthermore certify that I am authorized to grant and do in fact grant permission to Planning Staff and his/her agents to enter on the aforementioned lands in connection with evaluating information related to this permit application.\*\* TBR (Initial)

*Tom A. Hunt*  
Owner's Signature

3/4/2016  
Date

\_\_\_\_\_  
Representative/Agent

\_\_\_\_\_  
Date

3/4/2016  
Date of Submission to Town

Amendments to the original application have been initialed and dated where they appear. This application supercedes the original application as signed and dated above.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Representative/Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date of Re-Submission to Town

Town of Wrightsville Beach

AUTHORITY FOR APPOINTMENT OF AGENT

The undersigned owner, Coastal NC Real Estate II LLC, does hereby appoint Joseph O. Taylor as his, her, or its exclusive agent for the purpose of petitioning the Town of Wrightsville Beach for approval of a Conditional Use Permit, as applicable to the property having the address of 13 E Salisbury Street and described in the attached petition.

The owner does hereby covenant and agree with the Town of Wrightsville Beach that said agent has the authority to do the following acts for and on behalf of the owner:

- (1) To submit a proper petition and the required supplemental materials; and
- (2) To appear at public meetings to give representation and commitments on behalf of the owner; and
- (3) To accept conditions or recommendations made for the issuance of the Conditional Use Permit on the owner's property; and
- (4) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition.

This agency agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: 3/4/2016

Agent's Name, Address & Telephone:

Joseph O. Taylor

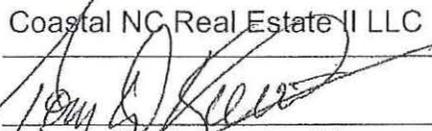
Murchison Taylor & Gibson, PLLC

16 North 5th Avenue

Wilmington, NC 28401

\* Owner

Coastal NC Real Estate II LLC

By:   
Tom D. Kievit, Member/Manager

\* If the owner is an individual, the owner (or all owners if there is more than one) must sign the authorization. If a corporation, print the name of the corporation and have signed by an authorized officer. If a partnership, print the name of the partnership and have signed by an authorized partner.

**13 SALISBURY STREET EAST**  
**Adjoining Property Owners**

[Parcel ID: R05720-018-010-000]  
Charles Daniel McLeod  
11 Salisbury Street East  
Wrightsville Beach, NC 28480

[Parcel ID: R05720-018-013-000]  
Coastal NC Real Estate LLC  
19 Salisbury Street East  
Wrightsville Beach, NC 28480

[Parcel ID: R05720-019-005-000]  
Annie Bryant Peterson heirs  
9 Greensboro Street East  
Wrightsville Beach, NC 28480

[Parcel ID: R05720-019-004-000]  
Annie Bryant Peterson heirs  
7 Greensboro Street East  
Wrightsville Beach, NC 28480

[Parcel ID: R05720-019-006-000]  
Al and Diane Wheatley  
11 Greensboro Street East  
Wrightsville Beach, NC 28480  
AND  
Al and Diane Wheatley  
9774 Ramsey Street  
Linden, NC 28356





**Town of Wrightsville Beach, N.C.**  
**321 Causeway Drive Wrightsville Beach, NC 28480**

**Request for an Exception to the Parking Requirements**

Date of Request Submittal: March 28, 2016

Name of Business: TBD

Name of Owner/Operator: Coastal NC Real Estate II, LLC

Phone Number: (910) 262-1947

Email Address: tdk5947@gmail.com

Website: \_\_\_\_\_

Physical Address of Business:  
13 East Salisbury Street  
Wrightsville Beach, NC 28480

Description of Business Activities:

The existing building, formerly occupied by Buddy's Crab House & Oyster Bar, will undergo (primarily interior) renovations and then reopen as a full-service restaurant with a casual, rustic atmosphere serving a variety of Carolina fare for breakfast, lunch and dinner throughout the year. A large number of the restaurant's patrons are expected to arrive and depart on foot or bicycle instead of by car, particularly in warmer months.

Hours of Operation: 7:30 am - Midnight

Zoning District: C-2

NOTE: hours may be shortened at times, based on the day of the week and/or time of year

Is the proposed use directed primarily toward pedestrian trade existing in the area? Yes

Please Explain:

The restaurant will be located in the established commercial zone anchored by Johnny Mercer's Pier, an area with heavy foot and bicycle traffic, particularly in warmer months. The restaurant's casual atmosphere will be well-suited to this environment. Further, planned improvements include an exterior sliding-glass window for providing walk-up service to beachgoers and other passersby.

Is public parking available within 400 feet of the proposed use? Yes

Number of public parking spaces available: 161

Number of Parking Spaces Available On-Site: 0 Regular Spaces 0 Handicapped Spaces

Maximum number of Employees per shift: 7

Maximum number of Customers: 93

Parking Spaces Required: 26.75 spaces (23.25 spaces for 93 max. customers, 3.5 spaces for 7 employees)

Parking Exception requested for: 26.75 spaces

**Please attach any supporting materials. Please provide a site plan that shows available parking spaces on site (if applicable) and within 400 ft. Please submit a payment via check or cash to the Department of Planning and Inspections in the amount of \$500. This application must be received at least 30 days in advance of a regularly scheduled meeting of the Wrightsville Beach Planning Board.**

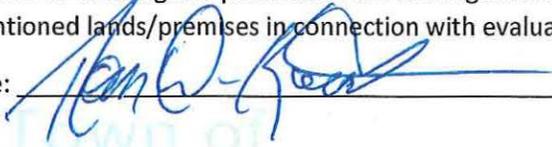


**Town of Wrightsville Beach, N.C.**  
**321 Causeway Drive Wrightsville Beach, NC 28480**

Are any additional permits or licenses needed to operate (signage, building, CAMA, etc.)? Yes - primarily, a special use permit and building permits.

**Required Acknowledgements**

I understand that the \$500 fee for this application is non-refundable and; I certify that I am authorized to grant and do in fact grant permission to Planning Staff and his/her agents to enter on the aforementioned lands/premises in connection with evaluating information related to this permit:

Signature:  Date: 3/23/16

**Authority for Appointment of Agent**

The undersigned owner, Coastal NC Real Estate II, LLC, does hereby appoint Joseph O. Taylor, Jr., of Murchison Taylor & Gibson, PLLC as his, her, or its exclusive agent for the purpose of petitioning the Town of Wrightsville Beach for the approval of a/an Application for an Exception to the Parking Requirements, as applicable to the property having the address of 13 East Salisbury Street, Wrightsville Beach, NC 28480 and described in the attached petition. The owner does hereby covenant and agree with the Town of Wrightsville Beach that said agent has the authority to do the following acts for and on behalf of the owner:

1. To submit a proper petition and the required supplemental materials; and
2. To appear at public meetings to give representation and commitments on behalf of the owner; and
3. To act on the owner's behalf without limitations with regard to any and all matters directly or indirectly connected with or arising out of any petition.

This agency agreement shall continue in effect until final disposition of this petition submitted in conjunction with this appointment.

Owner Signature: Coastal NC Real Estate II, LLC Date: 3/23/16

By   
Tom D. Klevit, Member/Manager

Agents Name, Address, E-mail, Phone Number:

Joseph O. Taylor, Jr.  
Murchison Taylor & Gibson, PLLC  
16 North 5th Avenue  
Wilmington, NC 28401  
(910) 763-2426  
jtaylor@murchisontaylor.com



Town of Wrightsville Beach, N.C.  
321 Causeway Drive Wrightsville Beach, NC 28480

**Applicable Section of the Town's Code of Ordinances:**

**155.9.1.6 Exception in Parking Requirements.**

(A) Parking required for uses in districts zoned commercial or public or semi-public (G-1) may be provided within 400 feet of the main entrance to the principal use and located in any commercial zone if the required off-street parking cannot be reasonably provided on the same lot on which the principal use is located.

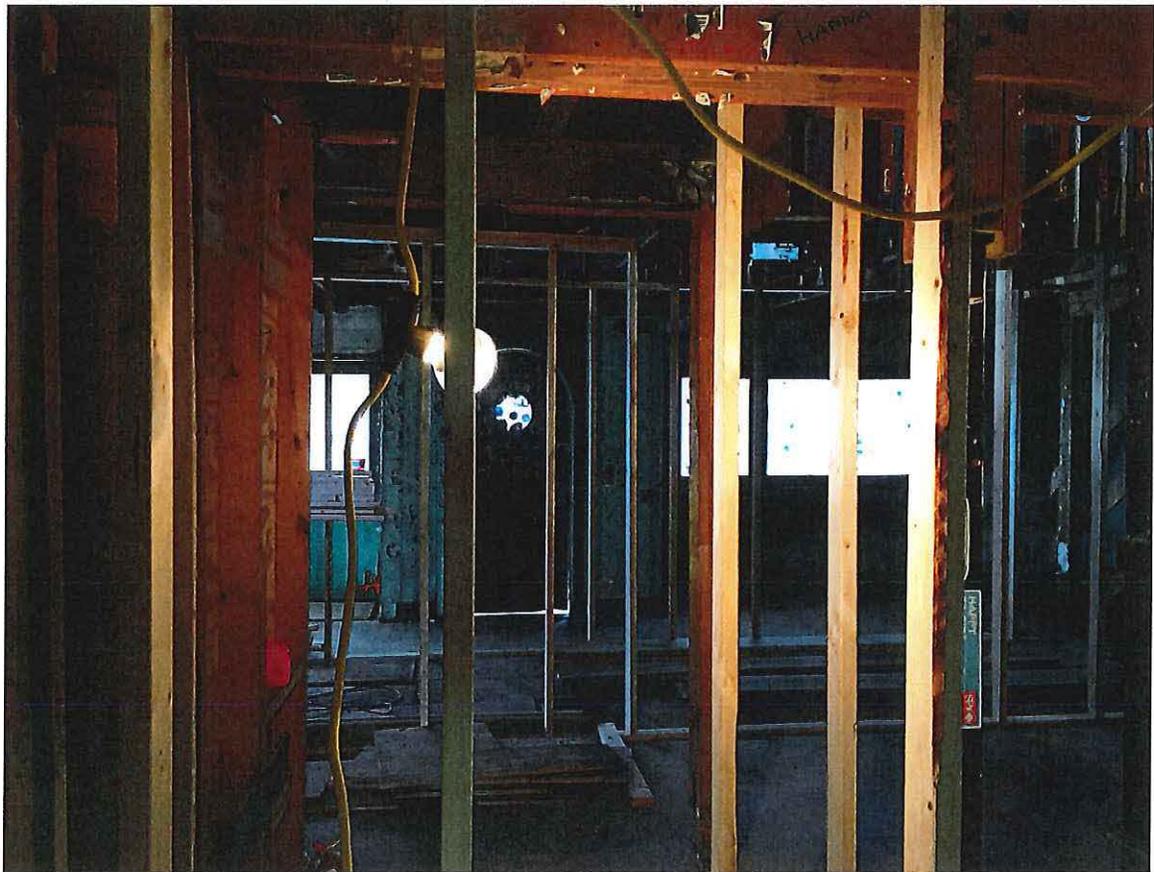
(B) If the off-street parking space required by this Ordinance for districts zoned residential cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to, and within the same zone as, such principal use.

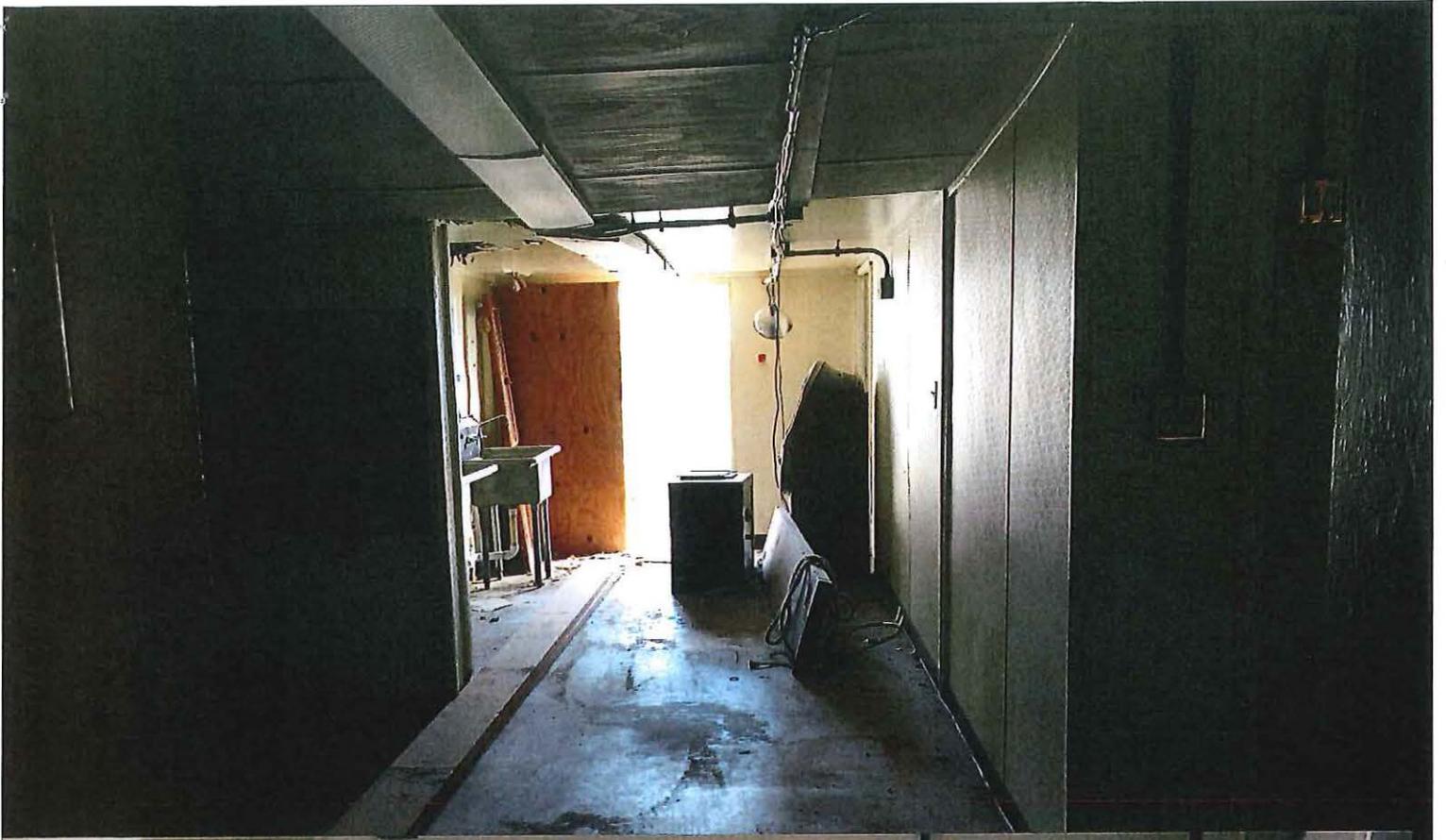
(C) The Board of Aldermen may grant an exception in off-street parking requirements for the alteration or conversion of an existing building in commercial districts or construction of a mixed use development after a finding by the Board of Aldermen that:

- (1) The proposed use is directed primarily toward pedestrian trade existing in the area; and
  - (2) The character of existing development or properties within 400 feet prohibit the acquisition of land for parking; and
  - (3) That one parking space for each two employees shall be provided. An exception to this standard may be granted for mixed use developments as provided in this section.
-













## TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

March 28, 2016

### MEMORANDUM

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**To:** Chairman Dull and Planning Board Members  
**From:** Zachary Steffey, Town Planner *ZS*  
**Re:** Consideration of a Text Amendment to Section 155.9.1.5, Section 155.9.2.1, and to Section 155.6.4  
**Cc:** Tony Wilson, Director of Planning & Parks

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#### **Background:**

The Board of Aldermen has directed Town Staff to prepare a Text Amendment to the Wrightsville Beach Code of Ordinances to address the off-street parking requirements for churches. The proposed Text Amendment to Section 155.9.1.5 *Off-Street Parking Requirements* deletes the current wording describing required off-street parking for Churches. Section 155.9.2.1 establishes a new section of the *Off-street Parking Requirements Per Land Use* section of the ordinances. This section would allow churches to utilize their existing off-street parking lots as commercial parking lots after 11:00 a.m. during the following times:

- Saturday, Sunday, Monday of Memorial Day Weekend
- Saturday, Sunday, Monday of Labor Day Weekend
- July 4<sup>th</sup>

There are currently four (4) churches located within the Town of Wrightsville Beach:

1. Wrightsville United Methodist Church is located in the G-1, Public and Semi-public Zoning District. The associated parking lot is located at 19 Live Oak Drive in the R-1 Residential District.
2. Wrightsville Beach Baptist Church and its parking area are located in the R-1 Residential District.
3. St. Therese Catholic Church is located in the G-1 Public and Semi-public Zoning District. The associated parking lot is located in the R-2 Residential Zoning District.
4. Little Chapel on the Boardwalk is located in the G-1 Public and Semipublic Zoning District.

#### **Discussion:**

The proposed Text Amendment to Section 155.9.1.5 *Off-Street Parking Requirements Per Land Use* and the creation of Section 155.9.2.1 will address the concerns voiced by residents about the



## TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

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321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

use of the church parking lots for the collection of charitable donations. Section 155.6.4 *Table of Permitted/Conditional Uses* will need to be modified to reflect the proposed use and the Exhibit A section of the Code of Ordinances may need to be amended to define commercial parking lots for the use of churches. The Board of Aldermen will consider designating commercial parking lots at churches as either a Permitted Use with Supplemental Regulations or as a Conditional Use.

### **Proposed Addition to the Ordinance:**

The following section would be added as a supplemental regulation if the Board of Aldermen decides to classify this use as a Permitted Use. If the Board decides to classify this use as a Conditional Use, then the following section would be included as conditions for new or amended conditional use permits.

#### Sec 155.9.2.1 USE OF CHURCH PARKING LOTS AS COMMERCIAL PARKING LOTS

Church parking lots permitted under the provisions of the Town Code may be used as commercial parking lots subject to the following conditions:

1. A church parking lot may be used as a commercial parking lot on Saturday, Sunday and Monday of the Memorial Day weekend, July the 4th and Saturday, Sunday and Monday of the Labor Day weekend after 11:00 a.m.
2. The church shall provide an on-site parking attendant at all times that the lot is used as a commercial parking lot.
3. Trash containers shall be maintained on-site and shall be kept in a clean and orderly fashion and emptied on a regular basis in order to prevent the accumulation of trash and other debris.
4. No tailgating (to include, but not be limited to, eating and picnicking), no partying, no outside activities except parking shall be permitted in the parking lot.
5. No persons using the parking lot shall violate the Town's noise ordinances.
6. No signage of any kind advertising the availability of public parking shall be permitted except for three temporary signs not exceeding \_\_\_\_\_ square feet in size. Such signs may only be in place during the days on which parking is permitted pursuant to this section.



## TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

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321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

### **Staff Recommendation:**

Planning Staff provide a favorable recommendation for allowing churches to operate as commercial parking lots during certain specified times of the year. Staff recommends that church parking lots are considered a Permitted Use with Supplemental Regulations rather than as a Conditional Use.

### **Public Notice:**

Public notice of this meeting ran on March 26, 2016 in the Wilmington Star News.

### **Requested Action:**

The Planning Board is asked to consider whether churches operating as commercial parking lots should be classified as a Conditional Use or as a Permitted Use with Supplemental Regulations. The Planning Board is asked to provide a favorable recommendation of either use to the Board of Aldermen.

### **Attachments:**

1. Proposed Text Amendment

**ORDINANCE NO. (2016) \_\_\_\_\_**

Board of Aldermen  
Town of Wrightsville Beach, North Carolina

Date: June 9, 2016

AN ORDINANCE OF THE BOARD OF ALDERMEN OF  
THE TOWN OF WRIGHTSVILLE BEACH, NORTH CAROLINA  
AMENDING CHAPTER 155 OF THE CODE OF ORDINANCES,  
TOWN OF WRIGHTSVILLE BEACH, NORTH CAROLINA  
TO PERMIT CHURCH PARKING LOTS TO BE USED AS COMMERCIAL PARKING LOTS

The Board of Aldermen of the Town of Wrightsville Beach, North Carolina, doth ordain:

1. That Sec. 155.9.1.5 Off-Street Parking Requirements Per Land Use. is hereby amended by deleting the wording describing the required off-street parking for Churches and substituting the following in place thereof:

<u>Uses</u>	<u>Required Off-Street Parking</u>
Churches	One parking space for each four seats in the sanctuary. A church parking lot may be used as a commercial parking lot in accordance with Sec. 155.9.2.1 of this Code.

2. That the Code of Ordinances, Town of Wrightsville Beach, is hereby amended by adding a section to be numbered Sec. 155.9.2.1, which section reads as follows:

Sec 155.9.2.1 USE OF CHURCH PARKING LOTS AS  
COMMERCIAL PARKING LOTS

Church parking lots permitted under the provisions of the Town Code may be used as commercial parking lots subject to the following conditions:

1. A church parking lot may be used as a commercial parking lot on Saturday, Sunday and Monday of the Memorial Day weekend, July the 4<sup>th</sup> and Saturday, Sunday and Monday of the

Labor Day weekend after 11:00 a.m.

2. The church shall provide an on-site parking attendant at all times that the lot is used as a commercial parking lot.

3. Trash containers shall be maintained on-site and shall be kept in a clean and orderly fashion and emptied on a regular basis in order to prevent the accumulation of trash and other debris.

4. No tailgating (to include, but not be limited to, eating and picnicking), no partying, no outside activities except parking shall be permitted in the parking lot.

5. No persons using the parking lot shall violate the Town's noise ordinances.

6. No signage of any kind advertising the availability of public parking shall be permitted except for three temporary signs not exceeding \_\_\_\_\_ square feet in size. Such signs may only be in place during the days on which parking is permitted pursuant to this section.

3. If this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

4. Any ordinance or any part of the ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

5. This Ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of the Town of Wrightsville Beach, North Carolina, and shall be in full force and effect from and after its adoption.

This Ordinance adopted this 9th day of June, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

(SEAL)

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

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Town Attorney

JCWWRBCHORD-511\KTW