



Dare County Planning Board Meeting

**Dare County Board of Commissioners Meeting Room
954 Marshall C. Collins Drive
Manteo, NC 27954**

March 14, 2022

Agenda

- I. Call to order **6:00 PM**
- II. Roll call

John Finelli, Chairman	
Beth Midgett	Buddy Shelton
David Overton	David Hines
Terry Gore II	John DeBoy
- III. Approval of minutes for the February 14, 2022 meeting
- IV. Public Comment
- V. Old Business
 - a. None
- VI. New Business
 - a. Special Use Permit Application for Cluster Home Development, Sea Glass Cottages, 27242 Sand Street, Salvo, NC
 - b. Text Amendment to Special Use Permit No. 1-2014, Kinnakeet Shores, Phase 16, to Allow Remaining Building Envelopes to Connect to New Central Wastewater Treatment System, Parcel No. 014822269, OBX Islands Development, LLC, Avon, NC
- VII. Other Business
 - a. Continued Discussion of Zoning Amendments for Accessory Dwelling Units – Referral from Board of Commissioners.
- VIII. Adjournment

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, February 14, 2022. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

CALL TO ORDER 6:05 pm

ADMINISTERED OATH OF OFFICE

The Oath of Office was administered to Planning Board members, Terry Gore and Buddy Shelton as they were reappointed by the Board of Commissioners for a three year term.

MEMBERS PRESENT	John Finelli, Chairman	
	Beth Midgett	Buddy Shelton
	David Overton	David Hines
	Terry Gore II	John DeBoy (Remotely)

MEMBERS ABSENT

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the January 10, 2022 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. Buddy Shelton seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

Comments from Megan Elder pertaining to Housing were emailed to the Planning Board and the Board of Commissioners. A copy is on file with the Planning Board Clerk.

OLD BUSINESS

-None-

NEW BUSINESS

-None-

OTHER BUSINESS

Zoning Amendments for Accessory Dwelling Units – Referral from Board of Commissioners.

DRAFT

Noah Gillam, Planning Director, read his staff comments. He said the Dare County Board of Commissioners directed the Planning Board and Staff to revisit the Accessory Dwelling Unit (ADU) ordinance and to draft new language that extends the ADU regulations to districts zoned single family residential in an attempt to build housing stock.

Mr. Gillam explained that Planning Staff reviewed the single family zoning districts to narrow down the districts where the addition of an ADU would potentially be in conflict with existing homeowners' associations restrictive covenants or would encounter environmental constraints. Mr. Gillam noted that out of the 11 districts reviewed the R-1 Residential and the East Lake Natural Historic District represent the best potential for construction of ADUs.

The Board was provided a copy of Section 22-58.6 Accessory Dwelling Units (adopted October 15, 2018), an Analysis of Zoning Districts and Potential Draft Conditions for their review.

Potential Draft Conditions for the R-1 Districts recommended by Planning Staff as follows:

1. Any ADU in the R-1 District shall be accessed from State maintained road/publicly dedicated road and/or 20' easement.
2. Establish a minimum lot size for R-1 District on which an ADU can be located.
3. Any ADU in the R-1 District shall adhere to the maximum allowable lot coverage for the R-1 Zoning District (30%).
4. Any ADU in the R-1 District that is located in a subdivision shall provide documentation from an attorney outlining title research and stating a conclusion of whether or not a covenant applies to the property.

Staff additionally recommended the ADU language for the East Lake Natural Historic District (ELNH) be consistent with the other East Lake Districts that have established language regulating ADUs.

The Planning Board discussed draft conditions as proposed.

Chairman Finelli recommended adding the words private road to draft condition 1 to read as: Any ADU in the R-1 District shall be accessed from State maintained road, publicly dedicated road, private road and/or 20' easement. The Board indicated consensus to the Chairman's recommended language change.

The Board discussed draft conditions 2 and decided not to include a minimum lot size on which an ADU can be located for the R-1 District.

Terry Gore recommended keeping the language consistent with existing ADU language of 38%. 38% lot coverage would only apply if the ADU was a separate structure. John DeBoy agreed with Terry Gore. The Board indicated consensus with Mr. Gore's recommended language change to draft conditions 3.

The Board discussed draft condition 4 and whether the proposed language was enforceable as written. David Hines additionally stated concern about differing attorney opinions becoming a potential conflict. It was decided the Board would seek clarification regarding the language of draft condition 4 from County Manager, Bobby Outten.

The Board indicated consistency for the East Lake Natural Historic District as requested by staff.

Discussion Regarding House Collapse – Rodanthe

The Board discussed the house collapse on Ocean Drive and the related debris field. No decisions were made as this was an update for Board informational purposes only.

ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Buddy Shelton and seconded by David Overton.

Vote: Ayes – Unanimous

The meeting adjourned at 7:24 p.m.

Respectfully Submitted,

Andrea DiLenge
Planning Board Clerk

APPROVED: March 14, 2022

John Finelli
Chairman, Dare County Planning Board

DRAFT



COUNTY OF DARE


Planning Department
P.O. Box 1000, Manteo, North Carolina 27954

Manteo: (252) 475-5870
KDH Satellite: (252) 475-5871
Buxton: (252) 475-5878

March 1, 2022

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah Gillam 

RE: Sea Glass Cottages LLC Cluster Home Group Development SUP Application

Sea Glass Cottages LLC has submitted a Special Use Permit application for a cluster home development on their property located in Salvo, NC. The property is identified as parcel 028338000 in the Dare County tax records, and is located at 27242 Sand St, in Salvo. The property is zoned S-1 and cluster homes are permitted as a conditional use.

Section 22-31.1 establishes a maximum size limitation of 1200 square feet of heated space for any structure constructed in a cluster home development. There is currently a 900 square foot single family dwelling on the property that the applicant is proposing to relocate on the parcel to allow for the construction of additional dwellings. The applicant is proposing to construct 7, 900 square foot or less 2 bedroom dwellings meeting the requirements of the ordinance. The proposed site plan shows the dwellings being separated by the 15 foot minimum requirement, and each dwelling having one paved, and one gravel parking spaces.

The proposed cluster home development will be accessed directly from Sand St (S.R. 1532). Driveway permits or approvals will need to be obtained from NCDOT and provided to the Dare County Planning Department before construction activities can occur. The site plan has been reviewed by the fire marshal, and the applicant has agreed to install residential sprinkler systems in each of the dwellings to meet the requirements of the fire code. Conditions have been added to the SUP to address these topics.

Section 22-31.1 states that any structure in a cluster home development shall be occupied on a long-term basis as defined in the Zoning Ordinance. Long-term is defined as a period longer than 31 days. This information should be noted on the site plan and in any homeowners documents created for the property.

A copy of the as-built site plan will need to be recorded in the Register of Deeds once the infrastructure improvements have been completed. If it is the intention to sell the individual footprints of the structures, then homeowners documents will be needed. Only the footprint of the structure can be conveyed to individual owners with the remainder of the site designated as common area.

A copy of the site plan and draft SUP are attached to this memo for the boards review.

Cc: Gary Lake

SPECIAL USE PERMIT APPLICATION

Date: 2/18/2022 Application No. _____

Property Owner/Petitioner: SEA GLASS COTTAGES LLC

Address: 3849 ELIJAH BAUM KITTY HAWK, NC 27949

Telephone: 252 202 3078 Email: GARY.LAKE@LIVE.COM

Review Fee Paid: \$400.00

Project Description: 27242 SAND STREET SALVO, NC

Property Description:

JB HOOPER DIV

Lot	Phase/Section	Block	Subdivision
Parcel: <u>028338000</u>			PIN: <u>065717004709</u>

APPLICATION IS HEREBY made to the Dare County Planning Department for consideration of a Special Use Permit in accordance with the provisions of the Dare County Zoning Ordinance

Section: _____ Special Use: CLUSTER

A site plan and other documents as required for review of the special use permit application shall be submitted to the Planning Department with the application. A special use permit application shall not be processed by the Planning Department until such time that all review fees have been paid and all necessary documents have been submitted. Once the application is determined to be complete, the Planning Department shall schedule review of the application as established in Section 22-65 and Section 22-70 of the Zoning Ordinance.

Special use permits are subject to quasi-judicial procedures and an evidentiary hearing before the Dare County Board of Commissioners. The notice procedures of Section 22-72 of the Zoning Ordinance shall be implemented by the Planning Department. Reasonable and appropriate conditions may be applied by the Board of Commissioners as part of the evidentiary hearing process.

Applicant: SEA GLASS Cottages LLC
[Signature] Date: 2/18/22
[Signature]



Special Use Permit No. #1-2022

Dare County Sections 22-27.1, 22-31.1, 22-65, & 22-70

Application of: Sea Glass Cottages LLC

On April xx, 2022 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Department as required by Section 22-65 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by special use permit under the Code subject to the quasi-judicial procedures set forth in Section 22-70, including; Cluster Home Developments
3. The subject property is zoned S-1. This property is identified on the Dare County tax records as PARCEL 028338000 and located in the Salvo Tax District.
4. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to approve special uses and apply reasonable and appropriate conditions;
5. That the notice procedures of Section 22-72 of the Code have been implemented in the review of this Special Use Permit;
6. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Special Use Permit according to the following terms and conditions:

SPECIAL USE: A Cluster Home Group Development consisting of 8 residential structures. One of the structures is an existing structure that will be incorporated into the cluster home development, and the remaining 7 structures shall be constructed. A site plan depicting the proposed improvements identified as Appendix B is included as part of this permit.

CONDITIONS:

1. The cluster home group development shall operate as prescribed in the definition set forth in Section 22-31.1 of the Dare County Zoning Ordinance. The structures shall be constructed as depicted on the Appendix B and shall not be occupied or rented on a short-term basis (less than 30 days) as defined in Section 22-2 of the Dare County Zoning Ordinance.
2. All structural improvements shall be located in the dwelling footprints as recorded on the final plat. The conditioned space of each structure shall not exceed 1200 square feet in area.
3. The structures shall be located on the parcel in conformance with the setbacks of Section 22-27.1 and Section 22-31.1 of the Zoning Ordinance and the Dare County Flood Damage Prevention Ordinance.
4. A final site plan of the cluster home development depicting the footprint areas shall be recorded in the Register of Deeds. The cluster home sites may be transferred to individual owners with the remaining of the site dedicated as common area owned by a homeowners association or other similar entity. A copy of the signed special use permit shall be recorded with the final site plan.
5. Building permits for the structures shall be secured within 36 months from date of Board of Commissioners approval. An as-built survey for the property shall be submitted to the Planning Department upon the completion of all of the structures to confirm compliance with the terms of the Dare County Zoning Ordinance. If the developer chooses to construct the structures at different times, then individual as-built surveys for each structure shall be required before any structure is certified for occupancy.
6. All structures shall be installed with a residential fire suppression system that meets the requirements of the Dare County Fire Marshal and NC Fire Code.
7. Driveway permits or approvals from NCDOT shall be provided to the Planning Department before building permits will be issued.
8. There shall be no staging of equipment or materials in or along the right-of-way of Sand St.

9. No changes or deviation from the terms and conditions of the special use approval shall be made until written approval of the proposed changes or deviations has been obtained from Dare County. The quasi-judicial procedures set forth in the Code shall be followed for the review and approval of major modifications. Minor modifications as established in Section 22-70 of the Code may be authorized administratively by the Planning Director.
10. A violation of this Permit shall be a violation of the Code and the special use may be revoked by the Board of Commissioners. Special use approval shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any development regulation or any State law delegated to Dare County for enforcement purposes; or for false statements or misrepresentations made in securing special use approval. The same process for approval of a special use permit, including notice and hearing, shall be followed in the revocation of a special use permit.
11. All other terms and provisions of the Dare County Zoning Ordinance shall remain in full force and effect except as herein specifically permitted otherwise;

This _____ day of April 2022

SEAL:

COUNTY OF DARE

By: _____
Robert L Woodard Sr.
Dare County Board of Commissioners

ATTEST:

By: _____
Cheryl Anby
Clerk to the Board

THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED

By: _____
Sea Glass Cottages LLC

APPROVED AS TO LEGAL FORM

By: _____
Robert L Outten
County Attorney



COUNTY OF DARE
Department of Emergency Management
Office of the Fire Marshal
P.O. Box 1000, Manteo, North Carolina, 27954

Steven R. Kovacs, NC-CFI
Deputy Emergency Manager/Fire Marshal

(252) 475-5750

To: Noah Gillam
From: Steven R. Kovacs, Fire Marshal
Date: March 7, 2022
Re: Sea Glass Cottages Cluster Home Development

I have reviewed the submitted plans for the Sea Glass Cluster Home Development on Sand Street in Salvo and have the following comments:

Based on the current plan, the needed water fire flow requirement is 1,000 gallons per minute due to the structures only being 15-feet apart. A recent waterflow test that I completed in the area only afforded 876-gallons per minute.

There are two options for the developer.

1. The developer can increase the space between the structures to be 21-feet or greater.
2. In a conversation with Mr. Lake after my initial review of the plan we discussed other options beside the separation. We discussed the installation of NFPA 13D (dwelling) sprinkler system in each of the units. As an alternative method to achieve Mr. Lake's plan I would approve this project with the installation of NFPA 13D sprinkler system in each of the units in lieu of the separation as noted above. This system must meet the requirements of NFPA 13D and applicable sections of the North Carolina Building and Fire Codes. These systems must also be maintained in accordance with NFPA 13D and 25.

If you have any questions please don't hesitate to contact me.



COUNTY OF DARE

Planning Department

P.O. Box 1000, Manteo, North Carolina 27954

Manteo: (252) 475-5870
KDH Satellite: (252) 475-5871
Buxton: (252) 475-5878

March 7, 2022

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah Gillam *NHG*

RE: Amendment to SUP #1-2014 for Kinnakeet Shores Phase 16 to allow for the installation of a community sewage system.

An application to amend special use permit #1-2014 has been submitted by OBX Islands Development, LLC. Special use permit #1-2014 was issued to Kinnakeet Shores Phase 16 LLC, on May 5, 2014 and authorized the development of a group housing project consisting of fifty-one (51) residential structures/building envelopes with the remainder of the property being dedicated as limited common area. A condition of the SUP requires the 51 buildings to be connected to the existing privately-owned wastewater treatment plant that serves the other existing phases of the Kinnakeet Shores Soundside Development. The applicant is seeking to amend this condition to allow the remaining undeveloped building envelopes to connect to a new proposed wastewater treatment system that will service the Phase 16 community.

OBX Islands Development, LLC is seeking the proposed amendment to the SUP in response to a moratorium that has been placed on the existing privately-owned and operated Kinnakeet Shores wastewater treatment plant. The moratorium was issued to the owners of the wastewater plant, Outer Banks Kinnakeet Associates LCC (OBKA) by the State of North Carolina on October 13, 2021. The state has indicated that the OBKA wastewater treatment plant is unable to adequately collect and treat waste, and that major treatment units are no longer functional.

The wastewater moratorium states that no new sewer taps, sewer extensions or additional flow to the plant will be allowed till the plant can demonstrate the proper repairs have been made and can meet all conditions of State Wastewater Permit number WQ0023934. Since the moratorium little to no efforts has been made by OBKA to repair the wastewater treatment plant. With the moratorium in place no new development can occur in phase 16 of the Kinnakeet Shores subdivision.

The applicant is proposing to amend condition #3 of SUP#1-2014 which reads:

Condition #3—Central water for Phase 16 shall be provided by Dare County. Central wastewater service shall be provided by the privately-owned wastewater treatment plant that serves the other existing developed phases of the Kinnakeet Shores Soundside development. A letter from the North Carolina Utilities Commission and from the North Carolina Department of Natural Resources Commission and from the North Carolina Department of Natural Resources verifying that the central wastewater treatment plant is compliant shall be submitted to the Dare County Planning Director before a final site plan is recorded in the Dare County Register of Deeds.

OBX Islands Development, LLC is requesting Condition #3 be amended as follows:

Revised Condition #3—Central water for Phase 16 shall be provided by Dare County. Central wastewater treatment service shall be provided from a wastewater treatment system that serves the Phase 16 Community only or shall be provided by the privately-owned wastewater treatment plant that serves the other existing developed phases of the Kinnakeet Shores Soundside development.

There are currently 9 structures in phase 16 authorized to be connected to the existing wastewater treatment system. Out of the nine structures, eight are completed with certificates of occupancy issued and one is in the construction phase and had authorization to connect to the OBKA system prior to the moratorium being issued. The proposed amendment to the SUP will allow the owners of the remaining 42 building envelopes the option of connecting to the new proposed wastewater treatment system that will service phase 16. This amendment will not allow for an increase in the number of allowed building envelopes permitted in the group development.

If the amendment is approved and authorization to construct the wastewater system is issued by Dare County Environmental Health the applicant is proposing to install 9-10 wastewater treatment systems in the limited common areas of phase 16. Each individual system is designed to treat up to six 4-bedroom dwellings. Once installed these systems would allow the remaining 42 building envelopes the option to be developed without connecting to the OBKA treatment system.

Draft Motion:

The Dare County Planning Board finds the proposed amendment to Special Use Permit #1-2014 Condition #3 "Central water for Phase 16 shall be provided by Dare County. Central wastewater treatment service shall be provided from a wastewater treatment system that serves the Phase 16 Community only or shall be provided by the privately-owned wastewater treatment plant that serves the other existing developed phases of the Kinnakeet Shores Soundside development" reasonable and appropriate.

SPECIAL USE PERMIT APPLICATION

Date: 2-21-2022 Application No. _____

Property Owner/Petitioner: OBX Islands Development, LLC

Address: 109 Mariner's View, Kitty Hawk, NC 27949

Telephone: 252-202-8253 Email: info@obxislandsdevelopment.com

Review Fee Paid: \$200

Project Description: Amendment to Conditional Use Permit No. 1-2014 for Kinnakeet Shores - Phase 16, LLC to install/use a community sewage system instead of system owned by Outer Banks Kinnakeet Associates, LLC, that serves

other portions of the Kinnakeet Shores Soundside development and is presently under a moratorium because the system

"is unable to adequately collect and treat waste" as indicated by letter dated August 25, 2021 from NCDEQ-DWR.

Property Description:

1-51 Phase 16 Kinnakeet Shores

Lot Phase/Section Block Subdivision

Parcel: 014822269 PIN: 054909054999

APPLICATION IS HEREBY made to the Dare County Planning Department for consideration of a Special Use Permit in accordance with the provisions of the Dare County Zoning Ordinance

Section: 22-31 Special Use: residential group development

A site plan and other documents as required for review of the special use permit application shall be submitted to the Planning Department with the application. A special use permit application shall not be processed by the Planning Department until such time that all review fees have been paid and all necessary documents have been submitted. Once the application is determined to be complete, the Planning Department shall schedule review of the application as established in Section 22-65 and Section 22-70 of the Zoning Ordinance.

Special use permits are subject to quasi-judicial procedures and an evidentiary hearing before the Dare County Board of Commissioners. The notice procedures of Section 22-72 of the Zoning Ordinance shall be implemented by the Planning Department. Reasonable and appropriate conditions may be applied by the Board of Commissioners as part of the evidentiary hearing process.

Applicant: *Rick House* Rick House Date: 2-21-22



OBX Islands Development, LLC
109 Mariner's View
Kitty Hawk, NC 27949
e-mail: info@obxislandsdevelopment.com

February 21, 2022

John Finelli, Chairman
Dare County Planning Board
P.O. Box 1000
Manteo, NC 27954

Dear Planning Board:

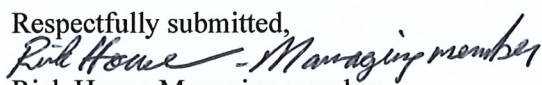
A moratorium on new connections to the privately-owned and operated Kinnakeet Shores wastewater treatment plant was enacted by the State of North Carolina on October 13, 2021, in response to lack of maintenance and repairs by the plant owner Outer Banks Kinnakeet Associates LLC (OBKA). No efforts to repair the plant have been made by OBKA since the enactment of the moratorium. Information provided by the NC Division of Water Resources indicates routine maintenance and repairs have not been made in several years. The plant is in poor operational condition.

Phase 16 was approved by Dare County in 2014 by conditional (special) use permit as a 51-site residential group development. The development was to be served by central water from Dare County and connected to the Kinnakeet Shores central wastewater treatment. The availability of central wastewater treatment did not allow any increased density in Phase 16. The connection to the system was determined to be the most practical method of wastewater treatment instead of constructing another system to service Phase 16. The owners in Phase 16 feel obligated to pursue an alternative community system to serve Phase 16 since a timely resolution to the situation does not seem likely. In order to move forward with an alternative system, an amendment to the original SUP for Phase 16 is requested as follows:

2014 Condition #3 – Central water for Phase 16 shall be provided by Dare County. Central wastewater treatment service shall be provided by the privately-owned wastewater treatment plant that serves the other existing developed phases of the Kinnakeet Shores Soundside development. A letter from the NC Utilities Commission and from the North Carolina Department of Natural Resources verifying that the central wastewater treatment plant is compliant shall be submitted to the Dare County Planning Director before a site plan is recorded in the Dare County Register of Deeds.

Amended Condition #3 – Central water for Phase 16 shall be provided by Dare County. Central wastewater treatment service shall be provided from a wastewater treatment system that serves the Phase 16 community.

This amended condition would allow the property owners in Phase 16 to begin the approval process with the Dare County Environmental Health Department and construction of the alternative system. The moratorium enacted by the State of North Carolina has resulted in an inability to move forward with development of property in Phase 16 and created financial difficulties for the Phase 16 property owners. The Phase 16 property owners should not be stymied in their plans because of the lack of responsible management of the wastewater treatment plant for the Kinnakeet Shores development. Your consideration of this amendment is appreciated, and I look forward to our discussion on March 14, 2022.

Respectfully submitted,

Rick House-Managing member
OBX Islands Development, LLC



P.O. Box 351
Nags Head, NC. 27959

February 18, 2022

John Finelli, Chairman
Dare County Planning Board
P.O. Box 1000
Manteo, NC. 27954

Dear Mr. Finelli:

I am Debbie Ashe, co-owner of Farrell & Family Construction, LLC. My son, Jonathan Farrell, is co-owner and contractor for our company. We were the first builders to purchase property in phase 16 of Kinnakeet Shores. We will be completing a home on lot 20 soon. This will be the sixth home we have built and sold in the past 3 years in phase 16. We have several additional lots with potential buyers anxious for a new home; however, the building moratorium by the State of North Carolina on October 13, 2021, brought all construction in Kinnakeet Shores to an abrupt halt. This is due to the condition of the wastewater treatment plant owned and operated by Outer Banks Kinnakeet Associates. OBKA has made no progress in bringing the plant to an operational status needed to lift the moratorium.

The condition of the treatment plant affects ALL homeowners in Kinnakeet Shores, not just potential new construction homeowners. The efficiency of the treatment plant is certainly continuing to deteriorate-which affects all the Kinnakeet Shores homeowners and several surrounding properties.

Property owners in phase 16 bought property with the understanding that connecting to the central wastewater treatment system was preferable to building another system. Property taxes are due on property that has not been buildable since the fall of 2021. If OBKA had properly maintained the wastewater treatment plant, this situation could have been avoided. An alternative system to serve phase 16 is a viable option for property owners to be allowed to move forward. I understand an amendment to the original SUP for phase 16 is necessary for an alternative system to be installed. Please consider this amendment.

Thank you for your time.

Sincerely,

Debbie Ashe
Jonathan Farrell

Farrell & Family Construction, LLC



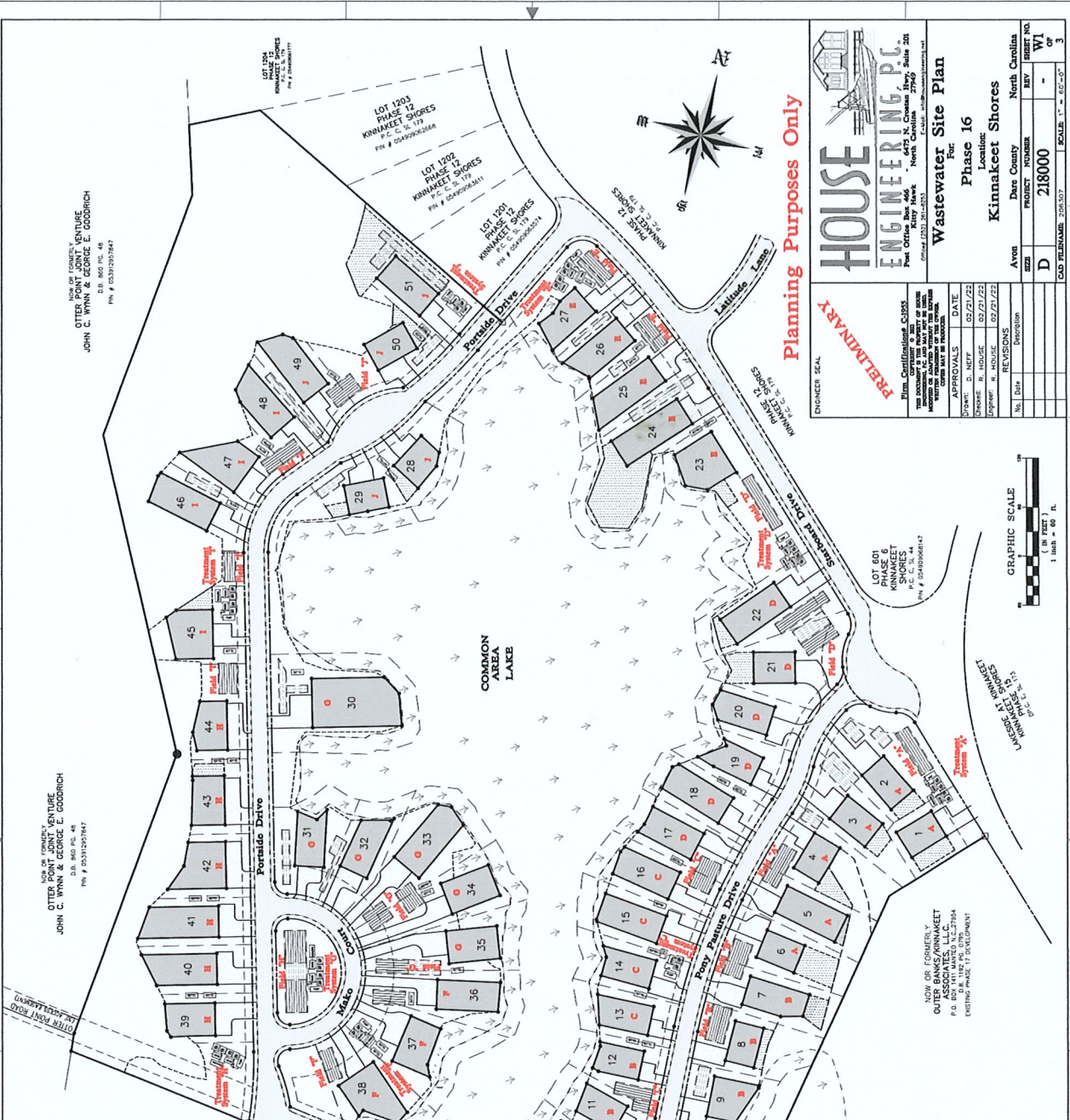
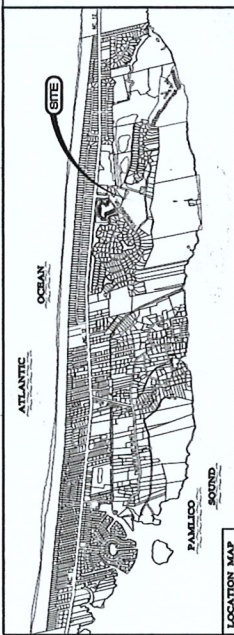
Tax District: Avon
 Subdivision: Kinnakeet Shores Ph 16
 Lot BLK-Sec: Lot: Common Area Blk: Sec:
 Property Use: Secondary Improvement
 Building Type:
 Year Built:

Owners: Kinnakeet Shores 16, Llc -
 Primary Owner
 Building Value: \$0
 Land Value: \$609,400
 Misc Value: \$69,500
 Total Value: \$678,900

0 Starboard DR
 Avon NC, 27915
 Parcel: 014822269
 Pin: 054909054999

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.





NOW OR FORMERLY
 OUTER POINT JOINT VENTURE
 JOHN C. WYNN & GEORGE E. GOODRICH
 D.B. 860 P.C. 48
 P.M. # 0201201614

NOW OR FORMERLY
 OUTER POINT JOINT VENTURE
 JOHN C. WYNN & GEORGE E. GOODRICH
 D.B. 860 P.C. 48
 P.M. # 0201201614

LOT 1735
 PHASE 17
 KINNAKEET SHORES
 P.C. 81-117
 P.M. # 02400921268

NOW OR FORMERLY
 OUTER BANKS/KINNAKEET
 ASSOCIATES, L.L.C.
 P.O. BOX 11114 PINE BlVD. 27954
 D.B. 1111 P.C. 010
 EXISTING PHASE 17 DEVELOPMENT

Planning Purposes Only

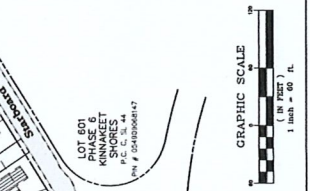
HOUSE ENGINEERING, P.C.
 6474 N. Carolina Hwy, Suite 201
 North Carolina
 Phone: (919) 234-4523
 Fax: (919) 234-4523

Wastewater Site Plan
 Phase 16
 KinnaKeet Shores

APPROVALS	DATE
OWNER: D. MEYER	02/21/22
ENGINEER: R. HOUSE	02/21/22
DESIGNER: N. HOUSE	02/21/22

No.	Date	Description
1		
2		
3		

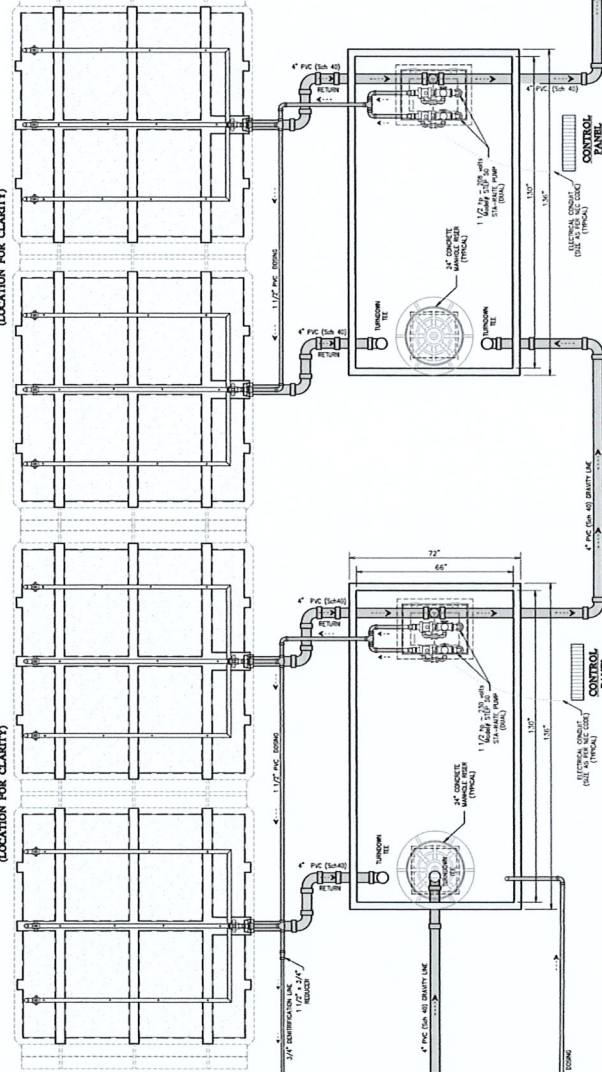
Avon
 District: 218000
 County: North Carolina
 Project: KinnaKeet Shores
 Sheet No: 16
 Total Sheets: 3
 CAD FILENAME: 2021037



LOT 601
 PHASE 6
 KINNAKEET
 ASSOCIATES, L.L.C.
 P.O. BOX 11114 PINE BlVD. 27954
 D.B. 1111 P.C. 010
 EXISTING PHASE 6 DEVELOPMENT

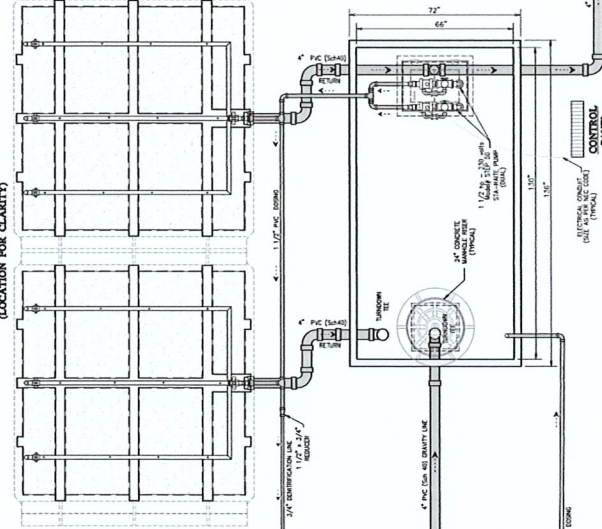
NOW OR FORMERLY
 OUTER BANKS/KINNAKEET
 ASSOCIATES, L.L.C.
 P.O. BOX 11114 PINE BlVD. 27954
 D.B. 1111 P.C. 010
 EXISTING PHASE 17 DEVELOPMENT

(2) E-Z TREAT POD FILTER (Model 1200)
(LOCATION FOR CLARITY)

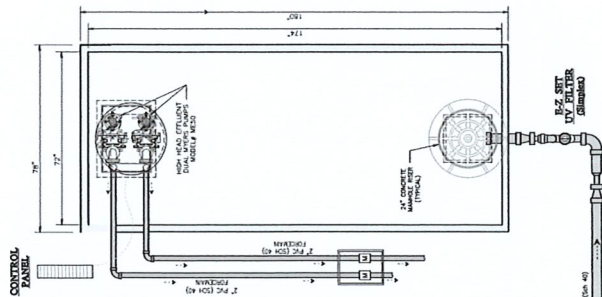


3,432 Gallon Pump Tank
Green Acres Land Development
PT-337
(OR APPROVED EQUAL)
SCALE: 1" = 4'

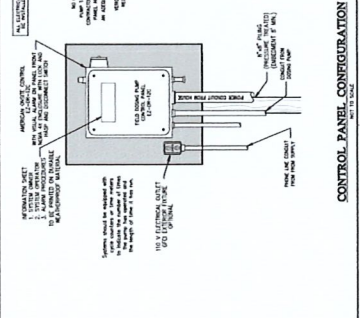
(2) E-Z TREAT POD FILTER (Model 1200)
(LOCATION FOR CLARITY)



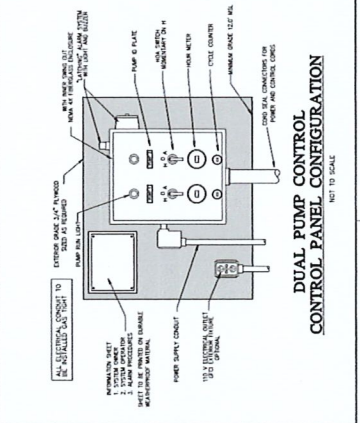
1,830 Gallon Recirculating Tank
Green Acres Land Development
PT-479
(OR APPROVED EQUAL)
SCALE: 1" = 2'



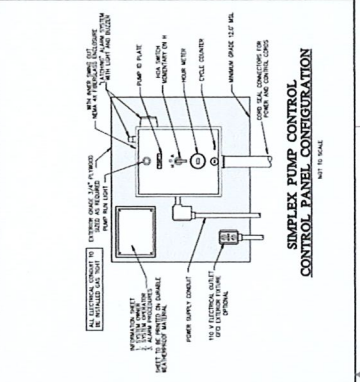
3,432 Gallon Pump Tank
Green Acres Land Development
PT-337
(OR APPROVED EQUAL)
SCALE: 1" = 4'



CONTROL PANEL CONFIGURATION
NET TO SCALE



DUAL PUMP CONTROL
CONTROL PANEL CONFIGURATION
NET TO SCALE



SIMPLEX PUMP CONTROL
CONTROL PANEL CONFIGURATION
NET TO SCALE

PRELIMINARY

ENGINEER SEAL

HOUSE ENGINEERING, P.C.
1000 W. HARRIS STREET, SUITE 201
KAYE, NORTH CAROLINA 27513
Phone: (919) 281-2553 Fax: (919) 281-2553

Wastewater Detail Plan
Phase 16
Location: KinnaKeet Shores
Davie County, North Carolina

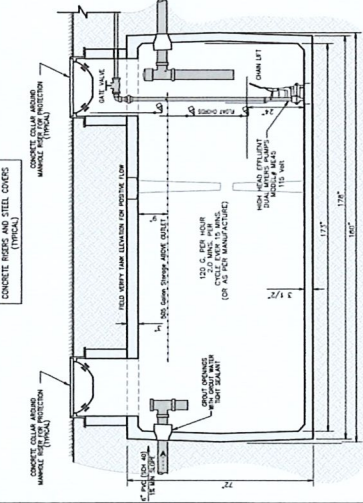
Project Number: 218000
Scale: 1" = 4'

No.	Date	Description
1	02/21/22	DATE
2	02/21/22	DATE
3	02/21/22	DATE

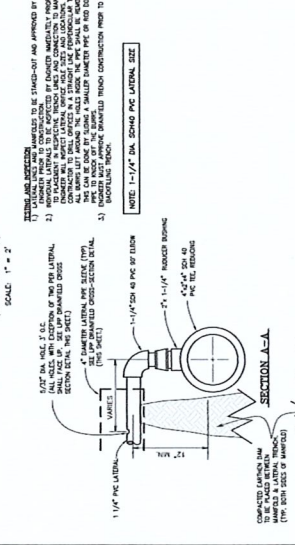
Avon	Project Number	City	North Carolina
D	218000	KINNAKEET	NC

CAD/DRAWN: 218000 SCALE: 1" = 4'

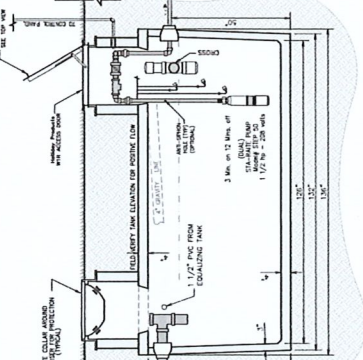
Planning Purposes Only



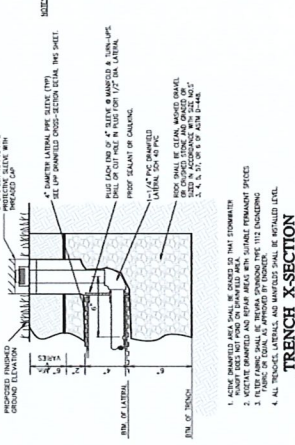
3,432 Gallon Equalizing Tank
Green Acres Land Development
PT-337
(OR APPROVED EQUALS)
SCALE: 1" = 2'



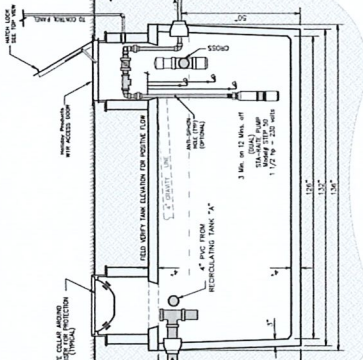
MANIFOLD-LATERAL CONNECTION
N.E.S.



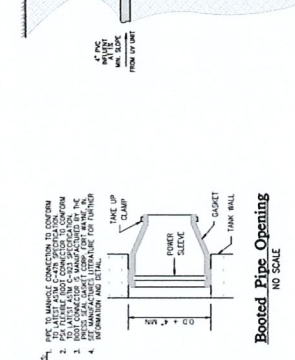
1,830 Gallon Recirculating Tank "A"
Green Acres Land Development
PT-479
(OR APPROVED EQUALS)
SCALE: 1" = 2'



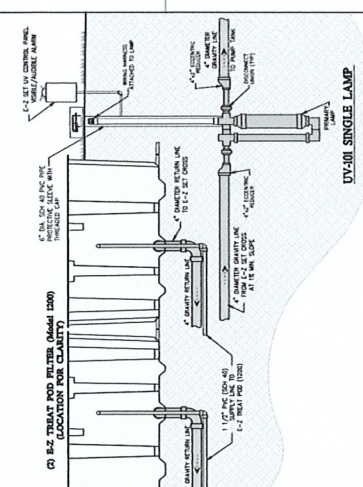
TRENCH X-SECTION
NOT TO SCALE



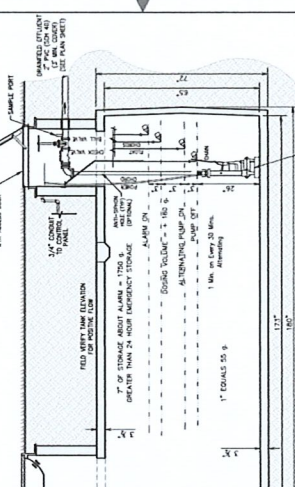
1,830 Gallon Recirculating Tank "B"
Green Acres Land Development
STB-479
(OR APPROVED EQUALS)
SCALE: 1" = 2'



Booted Pipe Opening
NO SCALE



3,432 Gallon Pump Tank
Green Acres Land Development
PT-338
(OR APPROVED EQUALS)
SCALE: 1" = 2'



L.P.P. FIELD LATERAL LAYOUT
NO SCALE

MANIFOLD-LATERAL CONNECTION

NOTE: LATERAL IS SHOWN AS REPRESENTATION ONLY. (SEE SHEET FOR NUMBER AND LENGTH OF LATERALS)

PREPARED:

L.P.P. FIELD LATERAL TRENCH LAYOUT

L.P.P. FIELD LATERAL HOLE LAYOUT

NOTE: ALL HOLES TO BE INSTALLED LEVEL

ALL LATERALS TO BE INSTALLED LEVEL

ALL HOLES TO BE INSTALLED LEVEL

ALL HOLES 5/22\"/>

HOUSE ENGINEERING, P.C.
1700 OFFICE CENTER DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405
PHONE: (803) 781-8753 FAX: (803) 781-8754

Wastewater Detail Plan
Phase 16
Location:
KinnaKeet Shores
Dare County North Carolina

PRELIMINARY

ENGINEER SEAL

APPROVALS	DATE
DRYDEN, D. NEFF	02/21/22
LOPHERT, R. HODGE	02/21/22

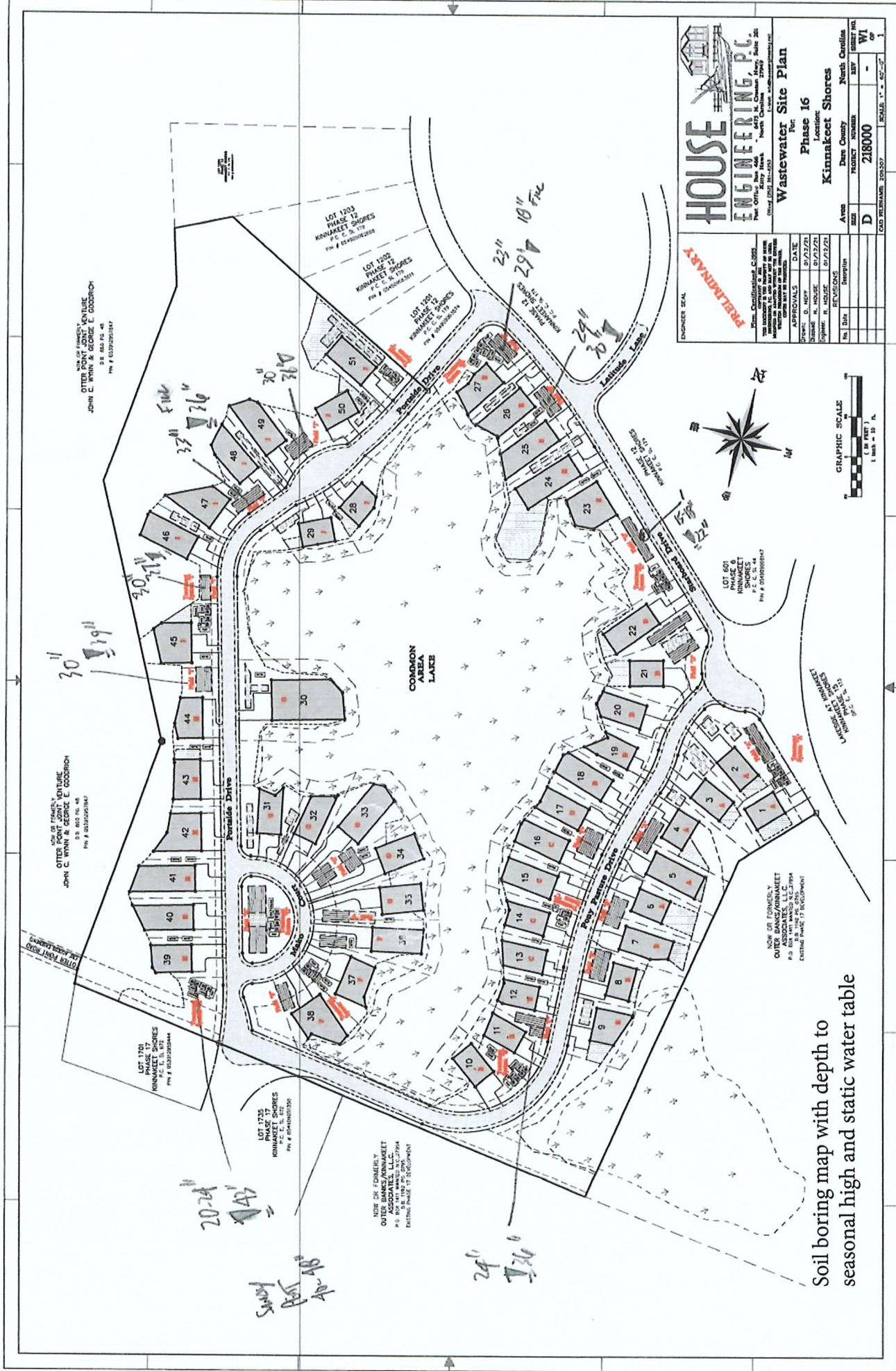
Revisions:

No.	Date	Description
D	2/18/2000	
W3		
W4		

Product Number: D 218000
Sheet: 16 of 17
Scale: As Noted

12.13.21

1576-1645



OWNER: OUTER POINT JOINT VENTURE
JOHN C. WYNN & GEORGE E. GOODRICH
D.S. 662 P.C. 45
P.M. # 032020210174

OWNER: OUTER POINT JOINT VENTURE
JOHN C. WYNN & GEORGE E. GOODRICH
D.S. 662 P.C. 45
P.M. # 032020210174

LOT 1701
PHASE 17
KINNAKEET SHORES
P.C. 662 P.C. 45
P.M. # 032020210174

LOT 1725
PHASE 17
KINNAKEET SHORES
P.C. 662 P.C. 45
P.M. # 032020210174

OWNER: OUTER POINT JOINT VENTURE
JOHN C. WYNN & GEORGE E. GOODRICH
D.S. 662 P.C. 45
P.M. # 032020210174

LOT 1203
PHASE 12
KINNAKEET SHORES
P.C. 662 P.C. 45
P.M. # 032020210174

LOT 1202
PHASE 12
KINNAKEET SHORES
P.C. 662 P.C. 45
P.M. # 032020210174

LOT 1201
PHASE 12
KINNAKEET SHORES
P.C. 662 P.C. 45
P.M. # 032020210174

LOT 601
PHASE 16
KINNAKEET SHORES
P.C. 662 P.C. 45
P.M. # 032020210174

OWNER: OUTER POINT JOINT VENTURE
JOHN C. WYNN & GEORGE E. GOODRICH
D.S. 662 P.C. 45
P.M. # 032020210174

HOUSE ENGINEERING, P.C.
Wastewater Site Plan
Phase 16
Location: Kinnakeet Shores
Date: 08/27/21
Project No: 218000
Area: D
Scale: 1" = 40'-0"

ENGINEER'S SEAL: PRELIMINARY

APPROVALS:

DATE	BY	FOR
08/27/21	[Signature]	DESIGN
08/27/21	[Signature]	CHECKED
08/27/21	[Signature]	APPROVED

REVISIONS:

No.	Date	Description
1	08/27/21	Initial
2	08/27/21	Revisions
3	08/27/21	Revisions
4	08/27/21	Revisions
5	08/27/21	Revisions
6	08/27/21	Revisions
7	08/27/21	Revisions
8	08/27/21	Revisions
9	08/27/21	Revisions
10	08/27/21	Revisions
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46	08/27/21	Revisions
47	08/27/21	Revisions
48	08/27/21	Revisions
49	08/27/21	Revisions
50	08/27/21	Revisions
51	08/27/21	Revisions

GRAPHIC SCALE: 1 inch = 40 feet

NOW OF FORMERLY
 OTTER POINT JOINT VENTURE
 JOHN C. WINN & GEORGE E. GOODRICH
 10000 WOODBURN DRIVE
 FARMINGTON, CT 06031
 PH: 860.252.5287

NOW OF FORMERLY
 OTTER POINT JOINT VENTURE
 JOHN C. WINN & GEORGE E. GOODRICH
 10000 WOODBURN DRIVE
 FARMINGTON, CT 06031
 PH: 860.252.5287



Planning Purposes Only

PRELIMINARY
HOUSE
 ENGINEERING P.C.
 Site Plan

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/15/03	PRELIMINARY	J. WINN	G. GOODRICH
2	11/10/03	REVISED	J. WINN	G. GOODRICH
3	12/15/03	REVISED	J. WINN	G. GOODRICH
4	01/15/04	REVISED	J. WINN	G. GOODRICH
5	02/15/04	REVISED	J. WINN	G. GOODRICH
6	03/15/04	REVISED	J. WINN	G. GOODRICH
7	04/15/04	REVISED	J. WINN	G. GOODRICH
8	05/15/04	REVISED	J. WINN	G. GOODRICH
9	06/15/04	REVISED	J. WINN	G. GOODRICH
10	07/15/04	REVISED	J. WINN	G. GOODRICH
11	08/15/04	REVISED	J. WINN	G. GOODRICH
12	09/15/04	REVISED	J. WINN	G. GOODRICH
13	10/15/04	REVISED	J. WINN	G. GOODRICH
14	11/15/04	REVISED	J. WINN	G. GOODRICH
15	12/15/04	REVISED	J. WINN	G. GOODRICH
16	01/15/05	REVISED	J. WINN	G. GOODRICH
17	02/15/05	REVISED	J. WINN	G. GOODRICH
18	03/15/05	REVISED	J. WINN	G. GOODRICH
19	04/15/05	REVISED	J. WINN	G. GOODRICH
20	05/15/05	REVISED	J. WINN	G. GOODRICH
21	06/15/05	REVISED	J. WINN	G. GOODRICH
22	07/15/05	REVISED	J. WINN	G. GOODRICH
23	08/15/05	REVISED	J. WINN	G. GOODRICH
24	09/15/05	REVISED	J. WINN	G. GOODRICH
25	10/15/05	REVISED	J. WINN	G. GOODRICH
26	11/15/05	REVISED	J. WINN	G. GOODRICH
27	12/15/05	REVISED	J. WINN	G. GOODRICH
28	01/15/06	REVISED	J. WINN	G. GOODRICH
29	02/15/06	REVISED	J. WINN	G. GOODRICH
30	03/15/06	REVISED	J. WINN	G. GOODRICH
31	04/15/06	REVISED	J. WINN	G. GOODRICH
32	05/15/06	REVISED	J. WINN	G. GOODRICH
33	06/15/06	REVISED	J. WINN	G. GOODRICH
34	07/15/06	REVISED	J. WINN	G. GOODRICH
35	08/15/06	REVISED	J. WINN	G. GOODRICH
36	09/15/06	REVISED	J. WINN	G. GOODRICH
37	10/15/06	REVISED	J. WINN	G. GOODRICH
38	11/15/06	REVISED	J. WINN	G. GOODRICH
39	12/15/06	REVISED	J. WINN	G. GOODRICH
40	01/15/07	REVISED	J. WINN	G. GOODRICH
41	02/15/07	REVISED	J. WINN	G. GOODRICH
42	03/15/07	REVISED	J. WINN	G. GOODRICH
43	04/15/07	REVISED	J. WINN	G. GOODRICH
44	05/15/07	REVISED	J. WINN	G. GOODRICH
45	06/15/07	REVISED	J. WINN	G. GOODRICH
46	07/15/07	REVISED	J. WINN	G. GOODRICH
47	08/15/07	REVISED	J. WINN	G. GOODRICH
48	09/15/07	REVISED	J. WINN	G. GOODRICH
49	10/15/07	REVISED	J. WINN	G. GOODRICH
50	11/15/07	REVISED	J. WINN	G. GOODRICH
51	12/15/07	REVISED	J. WINN	G. GOODRICH

GRAPHIC SCALE

218,000

NOW OF FORMERLY
 OTTER BANKS/MANAGEMENT
 ASSOCIATES, L.L.C.
 10000 WOODBURN DRIVE
 FARMINGTON, CT 06031
 PH: 860.252.5287

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

S. DANIEL SMITH
Director



NORTH CAROLINA
Environmental Quality

August 25, 2021

CERTIFIED MAIL 70192970000131401999
RETURN RECEIPT REQUESTED

Ray E Hollowell, Jr
Outer Banks/Kinnakeet Associates, LLC
8351 Fern Lane
Connelly Spring, NC 28612

Subject: Notification of Sewer Moratorium
Permit No. WQ0002284
Kinnakeet Shores WWTP
Dare County

Dear Mr. Hollowell:

The Division of Water Resources has determined that the Kinnakeet Shores' Wastewater Treatment Plant (WWTP) is unable to adequately collect and treat waste tributary to its wastewater treatment facility. The determination is based on the inspection conducted on August 17, 2021 and that the WWTP is unable to comply with the current permit conditions as set forth in Permit Number WQ0023934. The treatment system can no longer treat and assimilate the wastewater that is received from the system as designed which contributes to the noncompliance of the Non-Discharge permit.

North Carolina General Statute (NCGS) 143-215.67(a) states in part, that no person subject to the provision of NCGS 143-215.1, 143-215.108 or 143-215.109 shall cause or allow the discharge of any wastes to a waste-disposal system in excess of the capacity of the disposal system or of any wastes which the disposal system cannot adequately treat. Should these terms be violated, NCGS 143-215.67 (c) states a moratorium may be imposed "on the addition of waste to a treatment works" if the treatment works is not capable of adequately treating additional waste.

The WWTP major treatment units are no longer functional. Both clarifiers, the tertiary filter, spray irrigation system, and back-up generator are not functional. Biosolids have not been removed from the plant for at least seven years. Therefore, the Kinnakeet Shores' WWTP is hereby placed on a sewer moratorium (with no new sewer taps, sewer extensions or additional flow) at its wastewater treatment plant effective October 13, 2021.



North Carolina Department of Environmental Quality | Division of Water Resources
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889
252.946.6481

Page Two
Kinnakeet Shores WWTP Moratorium
August 25, 2021

This moratorium will remain in effect until the Outer Banks/Kinnakeet Associates, LLC has repaired the WWTP and meet all conditions of Permit No. WQ0002284. The moratorium will be rescinded when Outer Banks/Kinnakeet Associates, LLC can demonstrate that it can adequately treat and dispose of its waste and has obtained written permission from the Division of Water Resources suspending the moratorium.

As required by NCGS 143-215.67(d), Outer Banks/Kinnakeet Associates, LLC shall give public notice within 15 days of receipt of this letter that a moratorium will be placed so that no additional flow can be added to the Kinnakeet Shores' WWTP. Outer Banks/Kinnakeet Associates, LLC shall give public notice of the moratorium by publication of the notice one time in a newspaper having general circulation in the county in which the treatment works is located. The notice shall be as provided in the attached public notice.

Outer Banks/Kinnakeet Associates, LLC shall provide an affidavit of publication and a copy of the public notice to this office fifteen (15) days from receipt of this letter.

Failure to place the public notice as directed may subject Outer Banks/Kinnakeet Associates, LLC to enforcement as required by NCGS 143-215.67(d). Outer Banks/Kinnakeet Associates, LLC shall give actions and in no way, absolves the Outer Banks/Kinnakeet Associates, LLC from past or future violation of North Carolina General Statutes.

Correspondence pertaining to this moratorium should be sent to the letterhead address. If you have any questions about this letter, please contact Robert Tankard at 252-948-3921.

Sincerely,

Robert Tankard

Robert Tankard
Assistant Regional Supervisor
Division of Water Resources
Water Quality Regional Operations Section

Attachment

cc: Danny Smith, Director, DWR
Nathaniel Thornburg, Non-Discharge Permitting Supervisor
Laserfiche
Dare County Inspections
Dare County Health Department



**PUBLIC NOTICE
SEWER MORATORIUM**

Kinnakeet Shores' Wastewater System

The Kinnakeet Shores' Wastewater Treatment Plant (WWTP) in Dare County cannot accept the discharge of additional waste to the Wastewater System effective October 13, 2021 due to problems associated with its wastewater plant and collections system. Therefore, the Kinnakeet Shores' WWTP is hereby placed on a sewer moratorium at its wastewater treatment plant effective October 13, 2021.

On the basis of thorough file review and application of Article 21 of Chapter 143, General Statutes of North Carolina, Public Law 92-500 and other lawful standards and regulations, the North Carolina Environmental Management Commission has determined that the Kinnakeet Shores' WWTP is unable to adequately collect and treat waste tributary to its wastewater treatment facility.

North Carolina General Statute 143-215.67(a) directs that no person subject to the provision of NCGS 143-215.1, 143-215.108 or 143-215.109 shall cause or allow the discharge of any wastes to a disposal system in excess of the capacity, which the disposal system cannot adequately treat. The moratorium on additional sewer connections or additional flow will remain in effect until the Outer Banks/Kinnakeet Associates, LLC has rectified the current noncompliant conditions of the facility and has obtained written permission from the North Carolina Environmental Management Commission suspending the moratorium.

The permit and other information may be inspected during normal office hours at the Division of Water Resources, 943 Washington Square Mall, Washington, North Carolina 27889, telephone: (252) 946-6481. Copies of the information on file are available upon request and payment of the costs of reproduction.

Questions regarding the status of the sewer moratorium should be directed to Mr. Ray Hollowell, at (252) 202-2358.





Conditional Use Permit No. 1-2014

Dare County Sections 22-22, 22-31 and 22-68.

Application of: Kinnakeet Shores Phase 16 LLC

On April 7, 2014 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Board as required by Section 22 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by conditional use permit under the Code, including family housing complexes;
3. That the Petitioner owns 22 acres located at which is identified on the Dare County Tax Records as parcels 014822093 and 014822269. The property is zoned R-2 residential and group housing projects are permitted in the district as conditional uses;
4. That the Dare County Planning Board recommended for approval the granting of this Conditional Use Permit as requested. The Planning Board made this recommendation on March 10, 2014.
5. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to grant uses such as allowed herein and insofar as the conditional use is hereinafter allowed it will not adversely affect the public interest;
6. That the hereinafter described conditional use is deemed to be reasonable and is not in degradation of the intent of the ordinance.

NOW, THEREFORE, under the provisions of the Code, the following conditional use is granted to Kinnakeet Shores 16 LLC for a group housing project subject to such conditions as are hereinafter set out:

CONDITIONAL USE: a group housing project consisting of fifty-one (51) residential structures, road improvements, utilities, and on-site parking improvements as depicted on the site plan identified as Appendix B and made a part of this conditional use permit.

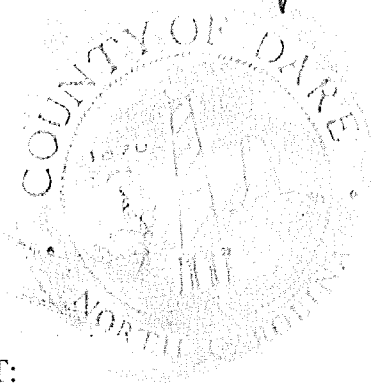
CONDITIONS:

1. Each of the proposed dwelling units may consist of a maximum of six bedrooms per structure. One 10' x 20' parking space shall be provided at each site consistent with the number of bedrooms proposed for each structure. The parking standards for single family residential construction in Section 22-56 shall apply to the parking improvements.
2. The 30' wide rights-of-way in Phase 16 do not meet North Carolina Department of Transportation standards due to insufficient right-of-way width and as such shall remain private and subject to maintenance by the homeowners association established for this section of Kinnakeet Shores.
3. Central water for Phase 16 shall be provided by Dare County. Central wastewater service shall be provided by the privately-owned wastewater treatment plant that serves the other existing developed phases of the Kinnakeet Shores Soundside development. A letter from the North Carolina Utilities Commission and from the North Carolina Department of Natural Resources verifying that the central wastewater treatment plant is compliant shall be submitted to the Dare County Planning Director before a final site plan is recorded in the Dare County Register of Deeds.
4. A subdivision exemption plat combining parcel 014822093 and parcel 014822269 shall be submitted for administrative approval by the Dare County Planning Director as set forth in the Dare County Subdivision Ordinance. This recombination plat shall be recorded in the Dare County Register of Deeds before the final site plan for Phase 16 is submitted for approval.
5. A final site plan for the group housing development shall be recorded in the Dare County Register of Deeds depicting the building envelope areas, the limited common areas, rights-of-way and utility easements, and common areas that comprise Phase 16. Recordation of this final site plan shall occur within eighteen (18) months of the date of approval by Dare County of this CUP and site plan. The site plan shall be submitted for review and approval by the Dare County Planning Director who shall review the final site plan to ensure consistency with the site plan approved as Appendix B. Any discrepancies identified by the Planning Director shall be corrected by the Petitioner before the site plan is recorded in the Dare County Register of Deeds. All notes and certificates on Appendix B approved by the Board of Commissioners shall be included on the final site plan that is recorded in the Dare County Register of Deeds. Copies of the homeowners' association documents shall be submitted for review and approval by the Planning Director and recorded at the same time as the final site plan.

6. Accessory use areas have been designated adjacent to some of the building envelope areas for the construction of pools, hot tubs, and other related recreational areas subject to approval by the Dare County Planning Department. For those building sites that have limited common areas that extend waterward of the shoreline, water-dependent structures, such as bulkhead and docks, may be constructed subject to Dare County Planning Department permitting approval.
7. A table of maximum allowable built-upon area for each site is included on sheet four of Appendix B. These square footage amounts as outlined in the table shall apply to the construction of dwelling units, parking improvements, and accessory structures. These percentage amounts shall be calculated on a preliminary survey approved by the Dare County Planning Department as part of the individual permit review process for each unit. The as-built survey shall demonstrate compliance with these percentage amounts before any certificate of occupancy is issued by the Dare County.
8. Individual building permits for construction on the sites shall not be issued until the final site plan and homeowners documents have been recorded in the Dare County Register of Deeds. Individual as-built surveys for each site shall be submitted to the Dare County Planning Department prior to the issuance of the Certificate of Occupancy demonstrating compliance with the 20-foot principal building separation requirement and applicable property line setbacks of Section 22-31 of the Dare County Zoning Ordinance.
9. Any revisions to the site plan, including the table of allowable built-upon areas, shall require additional approval by Dare County. If the revisions to the site plan are determined by the Planning Director to be substantive in nature, the revised site plan shall be submitted for approval to the Dare County Board of Commissioners.
10. An up-to-date wetland verification shall be submitted to the Dare County Planning Department as well as copies of the North Carolina stormwater permit once it is transferred from the previous development entity to the Petitioner, Kinnakeet Shores Phase 16 LLC.
11. The Planning Department staff shall monitor the site. The applicant shall be notified in writing of any violation of this CUP. Appropriate measures to correct any violation identified by the Dare County Planning Department shall be made upon receipt of notice. Failure to correct any violations shall void this CUP and shall result in the assessment of civil penalties as provided for in Chapter 10 of the Dare County Code of Ordinance and/or any other legal remedy available to Dare County.
12. It is understood that all other terms and provisions of the Code shall remain in full force and effect except as herein lawfully permitted;

This 5th day of May 2014

SEAL:



COUNTY OF DARE

By: Warren C. Judgett
Warren Judge, Chairman
Dare County Board of Commissioners

ATTEST:

By: Gary Gross
Gary Gross
Clerk to the Board

THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED

By: George W. Brown
~~Steve Daniels~~ for Kinnakeet Shores 16 LLC
MANAGING MEMBER
George W. Brown

APPROVED AS TO LEGAL FORM

By: Robert L. Outten
Robert L. Outten
County Attorney



COUNTY OF DARE


Planning Department
P.O. Box 1000, Manteo, North Carolina 27954

Manteo: (252) 475-5870
KDH Satellite: (252) 475-5871
Buxton: (252) 475-5878

March 2, 2022

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah Gillam 

RE: Expansion of the Accessory Dwelling Units to areas Zoned R-1 Single Family Residential & ELNH East Lake Natural Historic

Last month the Dare County Planning Board reviewed a request by the Dare County Board of Commissioners to revisit the Accessory Dwelling Unit ordinance and draft new language that would extend the ADU regulations to districts that are zoned single family residential. This request was made to address the housing crisis and create more long term housing options throughout unincorporated Dare County. Currently ADUs are permitted in 29 of the 47 zoning districts. Planning staff did a review of the single family zoning districts and was able to determine that the R-1 Residential and East Lake Natural Historic district represent the best potential for construction of ADUs without encountering environmental constraints or conflict with existing homeowners restrictive covenants.

In the planning board discussion a number of conditions were reviewed for the R-1 district, including increased lot size requirements, a decrease in the allowable lot coverage, roadway access requirements, and procedures for administration of regulations to document the absence of restrictive covenants that may conflict with zoning regulations. The planning board agreed to keep the lot coverage and lot size requirements in the R-1 consistent with the existing ADU language that was adopted in 2018 when ADUs were added to the multifamily districts. In the discussion the board agreed to add standards for ADUs in the R-1 requiring them to be accessed from state maintained roads/private roads/publicly dedicated road/ and/or 20' easement.

A draft condition was proposed for ADUs in the R-1 that would require a property owner with a parcel in a subdivision planning to construct a ADU to provide documentation from an attorney outlining title research and stating a conclusion of whether or not a covenant applies to the property that would prohibit the construction of an ADU. During the discussion board members were concerned that this language added the potential for additional financial cost to property owners, and could possibly create conflict using the scenario of attorneys interrupting the same covenants differently. Language was

then discussed that would allow the homeowner to provide a copy of the covenants to planning staff to interrupt if the covenants would allow or restrict the construction of an ADU. Staff indicated that it was not the planning department responsibility to interrupt or enforce covenants. The planning board tabled the discussion and directed staff to get the County Attorneys interruption of the proposed language, and whether or not it should be included in the proposed amendment.

In staff discussion with the County Attorney, he indicated that it is not the responsibility of the county to interrupt or enforce homeowners association restrictive covenants, and stated that the language should be omitted and the burden of enforcement is the responsibility of the HOA. The county attorney used the example of subdivision having greater setbacks than the zoning district, and that during plan review if the setbacks meet the requirements of the zoning ordinance the county is required by law to issue the permit.

During the planning board review of the proposed text amendment to the ADU language the board recommended the proposed draft language for the ELNH be kept consistent with the existing ADU language that is currently in place for the other zoning districts in East Lake that allow ADUs.

Any proposed text amendment requires a finding of consistency with the Dare County Land Use plan. These proposed amendments are consistent with the policies of the Dare County Land Use Plan, specifically LUC #4, which reads "To address the housing needs of the year-round population, multi-family dwellings, and other types of residential structures such as accessory dwelling units, are considered appropriate alternatives when located in areas zoned for multi-family structures and constructed on lots or parcels greater than the minimum lot size for single family lots established in the individual zoning districts of the Dare County Zoning Ordinance. This diversification of housing opportunities is important to address the needs of Dare County's workforce." A consistency statement is included with this memorandum and should be part of any recommendation.

Dare County is currently in the process of updating the Land Use Plan, and is in the final stages of the process. It should be noted that in the update two new policies are being proposed that address the need for long term housing or year round housing. The first proposed policy is LUC#6, which reads "Residential development shall be the preferred land use in unincorporated Dare County for seasonal accommodations and year-round housing. All new residential structures, whether attached or detached, are encouraged at a scale that is consistent with the existing neighborhood patterns of development. The second proposed policy is LUC#7, and reads "Diversification of housing opportunities to address the housing needs of Dare County's year-round population is supported. Multi-family dwellings and other types of residential structures, such as accessory use dwellings, are appropriate alternatives. Amendments of existing dimensional requirements to create flexibility for the development of year-round housing may be acceptable if such amendments are consistent with existing patterns of development and scale of neighborhoods." These new proposed policies will continue

to directly address the needs for the increased need in housing stock that will help address the housing crisis.

Attached to this memo are the proposed amendments to the ADU ordinance, and a finding of consistency that includes a recommendation for adoption.

Motion for favorable action—*“ I move that the proposed amendments to the Accessory Dwelling Unit Ordinance, and the associated R-1 district, and East Lake Natural Historic district be recommended for adoption by the Board of Commissioners. These amendments are consistent with the policies of the 2009 Dare County Land Use Plan specifically LUC#4.”*

ZONING AMENDMENT CONSISTENCY DETERMINATION

On March 14, 2022, The Dare County Planning Board considered a zoning text amendment request by the Dare County Board of Commissioners. These zoning amendments seek to make changes to the Accessory Dwelling Unit Ordinance to address the work force and year-round housing needs of the residents of Dare County.

The 2009 Dare County Land Use Plan is the comprehensive plan for unincorporated Dare County adopted by the Dare County Board of Commissioners on December 6, 2010.

A review of the Dare County Land Use Plan found the following policies to be applicable to the zoning text amendment:

Land Use Compatibility Management Topic

Policy LUC #4

To address the housing needs of the year-round population, multi-family dwellings and other types of residential structures, such as accessory use dwellings, are considered appropriate alternatives when located in areas zoned for multi-family structures and constructed on lots or parcels greater than the minimum lot size for single family lots established in the individual zoning districts of the Dare County Zoning Ordinance. This diversification of housing opportunities is important to address the needs of Dare County's workforce.

Based upon a review of the policy, the Dare County Planning Board finds the zoning amendments to be consistent with the 2009 Dare County Land Use Plan since the amendments will facilitate the potential for an increase in the number of available year-round residential housing units. This amendment will help address the current housing crisis in Dare County. The Dare County Planning Board hereby recommends these zoning text amendments be adopted.

SECTION 22-58.6 - ACCESSORY DWELLING UNITS (Adopted 10-15-2018)

An accessory dwelling unit (ADU) may be located on a residential lot in the following zoning districts:

Hatteras Island: **R-1**, R-2, R-2A, R-2H, R2-AH C-2, C2-H, C-3, I-1, S-1

Colington/KDH Outside: R-2, R2-B, VC-2, C-3

Manteo Outside: RS-6, RS-8, R-2, R-3, C-3, I-1, SNC

Wanchese: WR-1, VR, BT, RB, NC MLM, WVC, MC-1, MC-2, and Highway 345

Manns Harbor: MH-A, MH-B

East Lake: ELR, ELVC, ELCS, **ELNH**

The following standards shall apply to all ADUs except for those districts in Wanchese and East Lake which have ADU standards included as part of the district regulations.

1. Only one ADU may be permitted per lot in conjunction with a principal dwelling unit. The residential lot may contain other accessory

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structures as authorized by the applicable zoning district. The construction of an ADU on a lot does not constitute a group housing development as established in [Section 22-31](#) of the Dare County Zoning Ordinance.

2. An ADU may be attached to a primary dwelling unit or may be a detached separate structure. An ADU shall not exceed 50% of the floor area of the primary use structure or a maximum of 1200 square feet of heated and non-heated space unless the applicable zoning district for the lot establishes a different ADU maximum size limitation. The size limitation shall not apply if existing floor area within a primary dwelling unit is internally remodeled or existing interior space is converted for use as an ADU.

3. Lot coverage – Lot coverage may be increased for the footprint area of an ADU but in no instance shall lot coverage exceed 38% to accommodate the construction of an ADU unless the applicable zoning district for the lot establishes a different ADU lot coverage limitation. No increase in lot coverage is authorized for those ADUs that are located within the interior of an existing structure. This increase in lot coverage is for the ADU structure and shall not be used for other structures or impervious coverages. If existing lot coverage of the property exceeds 38%, then reductions in lot coverage shall be made in order to accommodate the ADU.

4. Two 10' x 20' parking spaces shall be provided on the residential lot outside of any dedicated right-of-way or access easement. Parking shall be of permeable surfaces as allowed for single family dwellings in [Section 22-56](#) of the Dare County Zoning Ordinance. The location of the ADU parking shall be approved by the Dare County Planning Department during the permit review process. Existing parking may be used if excess parking for the primary dwelling unit is available.

5. Any ADU shall be constructed according to NC State building codes and Dare County floodplain management regulations.
6. Recreational vehicles, travel trailers and/or manufactured homes shall not be used or approved as an ADU.
7. An ADU shall be located on a residential lot according to the applicable principal dwelling use setbacks. An existing accessory structure may be converted to an ADU if compliance with the principal dwelling setbacks, ADU size limitation, and applicable Dare County floodplain management regulations can be met. Any ADU shall be constructed to be compliant with the building height of the applicable zoning district.
8. Any ADU approved under these guidelines shall be used for long-term occupancy as defined in Section [22-2](#) of the Zoning Ordinance. Any ADU approved under these guidelines shall not be used for commercial or business activity. However, this limitation shall not prevent the ADU from being authorized as a home occupation according to the definition in Section [22-2](#).
9. An ADU shall not be subdivided or segregated in ownership from the principal dwelling unit. (Adopted 10-15-2018)

The following standards shall apply to ADUs only located in the R-1 zoning districts.

- 1. Any ADU constructed in the R-1 shall be accessed from a state maintained road, private road, publicly dedicated road, and/or a 20' easement.***

SECTION 22-21 - R-1 LOW DENSITY RESIDENTIAL DISTRICT

The following regulations shall apply to the R-1 low-density residential district:

(a) Intent. The R-1 district is intended to encourage the development of permanent low-density residential neighborhoods. These districts are located primarily in areas susceptible to environmental damage from more intensive uses of the land.

(b) Permitted uses. The following uses shall be permitted by right:

(1) Detached single-family dwellings, not to include mobile homes.

(2) Customary accessory buildings, including private swimming pools and tennis courts.

(3) County owned or leased facilities.

(4) Accessory dwelling unit according to the provisions of Section 22-58.6 of this code.

SECTION 22-16.3 - EAST LAKE NATURAL HISTORIC DISTRICT (ELNH) (Adopted 4-15-2013)

(a) Scope and intent. The East Lake Natural Historic district is established to provide for the protection and enhancement of those areas within the County which are significant as places of natural beauty or are areas with local or national historical significance. It is the intent of this chapter to encourage reasonable public and private uses and development within these areas.

(b) Permitted uses. The following uses shall be permitted by right:

(1) Detached single-family dwellings, not to include mobile homes.

(2) Customary accessory buildings, including private swimming pools and tennis courts.

(3) Churches and cemeteries. This shall also include other associated church facilities including recreational structures, childcare facilities, and overnight lodging.

(4) Museums.

(5) Wildlife refuges, game preserves, botanical gardens and natural preservation areas.

(6) Historic sites.

(7) State and natural parks.

(8) County owned or leased facilities.

(9) *Accessory dwelling unit associated with principal residential use subject to compliance with all supplementary local, state, and federal permit approvals and in addition to the following:*

a. An accessory dwelling unit may be attached to the principal residence or may be detached from the principal residence. The size of an accessory dwelling unit, whether attached or detached from the principal residence, shall not exceed 900 square feet of heated space.

b. An accessory dwelling unit, whether attached to or detached from the principal residence, shall be located on the site in conformance with the building setbacks of this zoning district.

c. The owner of the property and/or family member shall occupy either the primary residence or accessory dwelling unit.

d. One additional off-street parking space shall be required.

e. Travel trailers and recreational vehicles shall not be used as accessory dwelling units.

f. Accessory dwelling units may be used for home occupations as defined Section [22-2](#) of the Dare County Zoning Ordinance.