



Dare County Planning Board Meeting

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

April 4, 2023

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 March 7, 2023 meeting
- IV. Public Comment
- V. Old Business
- VI. New Business
 - a. Preliminary discussion on potential revisions to Section 22-31.1 Cluster Home Ordinance
- VII. Other Business
- VIII. Adjournment

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, March 7, 2023. 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 6:01 pm

ADMINISTERED OATH OF OFFICE

The Oath of Office was administered to Planning Board member Beth Midgett. She was appointed by the Board of Commissioners for a three year term.

MEMBERS PRESENT Beth Midgett
Buddy Shelton John DeBoy
Terry Gore II

MEMBERS ABSENT John Finelli, Chairman
David Overton
David Hines

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the February 7, 2023 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. Buddy Shelton Seconded.

Vote: Ayes – Unanimous

PUBLIC COMMENT

At 6:01 Beth Midgett outlined the procedure for making Public Comments. No one responded to the invitation to address the Planning Board. Beth Midgett closed the Public Comment section at 6:02.

OLD BUSINESS

-None-

NEW BUSINESS

Preliminary Plat Review, 6 Lot Subdivision, Possible Properties LLC, 7642 Shipyard Rd. Manns Harbor (Parcel No. 023936000)

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Noah Gillam, Planning Director addressed the Board. He stated that the total site area is 11.13 acres located in the MH-A District. The applicant is proposing six individual residential parcels where the smallest parcel will be 20,002 square feet. He explained that lots 2-6 would be accessed from a proposed 30' right-of-way with an 18' wide asphalt road. Mr. Gillam then stated that per the Dare County Fire Marshall the applicant is required to improve the entire proposed road with base and surfacing able to handle emergency and trash collection vehicles, which is 75,000 pounds.

Mr. Gillam expressed that the lots will be on individual on-site wells and they will all have individual on-site septic systems.

Mr. Gillam then presented the staff comments as written below:

The size of the parent parcel exceeds the threshold for administrative approval. The proposed lots meet or exceed the minimum lot size requirements for the MH-A zoning district. The proposed lots are currently vacant, except for Lot 1 which is developed with one single-family detached dwelling. Lot 6 is the largest proposed lot at 76,791 square feet with an upland area of 20,807 square feet. All minimum building setback lines are shown on this plat, as well as the areas of coastal and 404 wetlands. All applicable state and federal permits, including wetland fill permits from the US Army Corp, shall be obtained and a copy provided to the Dare County Planning Department. As a condition of approval, the residual parcel and Lot 6 shall be combined into one lot area to comply with the Minor Subdivision ordinance.

Mr. Gillam stated that the subdivision has been sent to the state for review to indicate what will be required for a storm water permit, although there has been no response due to staffing shortages. He then discussed his conversations with Ray Meekins, the surveyor for the project, that the Planning Board should move forward with the approval, but the timeframe for the installation of the improvements shall not begin until the state determines what type of permit is required.

Mr. Gillam stated that from previous conversations he has had with the state they would require either a Small Lot Development Permit or a Sedimentation Control Permit, in which the Sedimentation Control Permit could potentially trigger the need for a Low Density Stormwater Permit.

The property owner, William White, was present at the meeting.

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Mr. White stated that Possible Properties, LLC wants to provide more lower income residential housing in Manns Harbor that are not single wides.

Terry Gore discussed how the majority of the property is located in the AE Flood zone with a considerable amount of it being in the X Flood Zone and how he feels that it is an ideal area to build. Mr. Gore inquired if lots five and six will be accessed by a gravel road, Mr. Gillam responded by stating that they are flag lots and the 12 foot portion of the driveway is considered part of the lots and there are no improvements required.

Terry Gore made a motion to approve the preliminary plat pending the states requirements for the stormwater permits, and there shall be no timeline for installations nor ground breaking activity until the state permits are obtained. John Deboy seconded the motion.

Vote: Ayes - Unanimous

OTHER BUSINESS

Mr. Gillam stated that during the March 6th Board of Commissioners meeting there was conversation that there may be some discussion on changing the Cluster Home Language in the upcoming months.

ADJOURNMENT

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:10 p.m.

Respectfully Submitted,

Planning Board Clerk

APPROVED: April 4, 2023

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John Finelli
Chairman, Dare County Planning Board




County of Dare

P.O. Box 1000 | Manteo, North Carolina 27954 | 252.475.5000

March 24, 2023

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah Gillam, Planning Director 

RE: Discussion on revisions to the Section 22-31.1 Cluster Home Developments Ordinance

Last month the Dare County Board of Commissioners at their March 6 meeting requested that the Planning Board revisit the Cluster Home Ordinance for possible revisions. The request is in response to citizen comments that have been received by the Board of Commissioners, Planning Board, and Planning Staff over the proposed cluster home development on Old Wharf Road in Wanchese. It shall be noted that if any revisions are adopted, these amendments would not affect the cluster home development that has been proposed on Old Wharf Road. Any amendments adopted would only affect future developments.

In 2018/2019 the Dare County Board of Commissioners adopted a series of amendments that would increase the number of year-round housing options in Unincorporated Dare County to help combat the housing crisis. As result of these amendments the Cluster Home Ordinance was adopted and allowed for cluster home developments as special uses in 34 zoning districts. The Cluster Home Ordinance allows for the construction of more than one single family dwelling on an individual parcel. The regulations that were adopted were based on the existing group development standards but with reduced property setbacks, and reduced separation of dwellings. Since the adoption of the Cluster Home Ordinance, five cluster home developments have been approved in Unincorporated Dare County.

Based on the public comments received staff has created a list of possible revisions to the Cluster Home Ordinance for the Planning Boards discussion. Other revisions can be added as part of the board's discussion.

1. Increased setbacks and separation of dwellings
2. Increased Right-of-Way widths
3. Open space requirement that is free of improvements including wastewater systems and stormwater infrastructure
4. Incremental density limitation dependent on parcel size
5. Removal from zoning districts
6. No changes

The findings of the Planning Board will be presented to the Board of Commissioners before proposed amendments are drafted, and the text amendment process begins.

Attached to this memo are copies of the prior approved cluster home group developments for the boards review.

SECTION 22-31.1 - CLUSTER HOME DEVELOPMENTS (Adopted 10-15-2018)

Cluster home developments consist of more than one residential dwelling on one parcel of land whereby the dwellings are occupied on a long-term basis. These standards are designed to facilitate the development of cluster home projects in unincorporated Dare County subject to the following provisions. The following provisions shall apply:

- (a) Cluster homes developments shall be subject to review and approval as special uses in the following zoning districts: R-2, R-2A, R-2B, R-2H, R2-AH, R-3, RS-6, RS-8, SP-2, SP-C VC-2, C-2, C-2-H, C-3, 1-1, S-1, CS, BT, RB, MLM, WVC, MC-1, MC-2, and Highway 345. Minimum lot size: 20,000 square feet in these zoning districts.
- (b) Cluster homes developments shall be subject to review and approval as special uses in the following zoning districts: NH, RS-1, R-1, SNC, VR, WR1, MH-A, MH-B, ELR, and ELNH. Minimum lot size: 30,000 square feet in these zoning districts.
- (c) Setbacks: Dwellings constructed as part of a cluster home development shall be subject to the setbacks of the applicable zoning district.
- (d) Separation of dwellings: 15 feet.
- (e) Lot coverage: 30% of the total lot area.
- (f) Building height: Same as the applicable zoning district.
- (g) Maximum size of dwelling: Any dwelling constructed as part of the cluster home development shall not exceed 1,200 square feet of heated/conditioned space.
- (h) Parking: Parking for cluster homes shall be provided at a rate of one parking space per bedroom of each cluster home. Such parking may be provided at individual dwelling sites or in a congregate area for the entire development. Fifty percent (50%) of the required parking shall be of an impervious surface of concrete or asphalt (not to include asphalt millings or other similar products).
- (i) Roads – cluster home developments that cannot be properly served by emergency or service vehicles from an existing abutting road or street, shall be made accessible to such vehicles from a 30' right-of-way with 20 feet of paved improvements.
- (j) Ownership of cluster homes – cluster home sites may be transferred to individual owners with the remainder of the lot dedicated as common area owned by a homeowners association or similar entity. Cluster homes shall be occupied or rented on a for long-term occupancy as defined in Section 22-2 of the Zoning Ordinance.
- (k) A copy of the approved special use permit for a cluster home development shall be recorded with the approved site plan of the development.
- (l) Other reasonable and appropriate conditions to reflect individual specific site conditions may be applied to cluster home development as part of the special use review and approval process.

(Ord. passed 10-15-2018; Am. Ord. passed - - ; Am. Ord. passed 6-21-2021)

FINAL DRAWINGS FOR PERMITTING

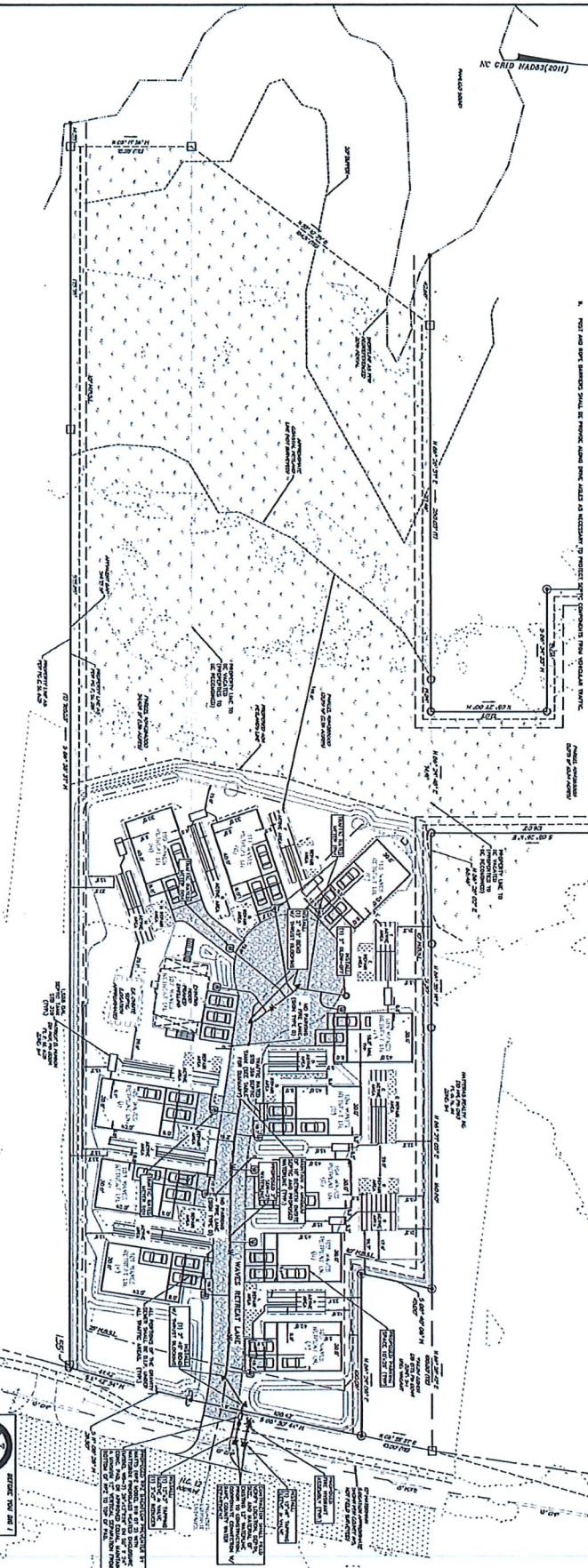
- WASTEWATER NOTES**
1. CONSTRUCTION OF WASTEWATER TREATMENT PLANT SHALL BE IN ACCORD WITH THE PERMIT TO CONSTRUCT ISSUED BY THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.
 2. WASTEWATER TREATMENT PLANT SHALL BE DESIGNED TO TREAT WASTEWATER TO THE QUALITY SPECIFIED IN THE PERMIT TO CONSTRUCT.
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NO.	DATE	DESCRIPTION
1	10/27/20	ISSUED FOR PERMITTING
2	11/15/20	REVISED FOR PERMITTING
3	12/15/20	REVISED FOR PERMITTING

- GENERAL NOTES**
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL, STATE, AND FEDERAL AUTHORITIES.
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- CONVENTIONAL FENCE DETAIL**
- CONVENTIONAL BED SECTION**
- LEGEND**
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- GRAPHIC SCALE**
- 1 inch = 20 ft.
- PROTECTIVE SIGN**
- NO TRUCKS OR TRAILERS
- PROTECTIVE SIGN**
- NO TRUCKS OR TRAILERS



NO.	DATE	REVISIONS
1	10/27/20	ISSUED FOR PERMITTING
2	11/15/20	REVISED FOR PERMITTING
3	12/15/20	REVISED FOR PERMITTING

SITE & UTILITY PLAN

WAVES RETREAT C.U.P.

25478 & 25486 NC HWY 12

WAVES TOWNSHIP DATE COUNTY NORTH CAROLINA

Quible & Associates, P.C.

REGISTERED PROFESSIONAL ENGINEERS & SURVEYORS

1000 CAROLINA CENTER DRIVE, SUITE 1000, RALEIGH, NC 27601

PHONE: (919) 286-1111 FAX: (919) 286-1112

WEBSITE: WWW.QUIBLEANDASSOCIATES.COM

PROJECT NO. 2020-001

DATE: 10/27/20

DRWING NO. 07

DRWING BY: JMM/CLS

DRWING CHECKED: MWS

DRWING DATE: 10/27/20

DRWING NO. 07

DRWING BY: JMM/CLS

DRWING CHECKED: MWS

DRWING DATE: 10/27/20

