



Dare County Planning Board Meeting

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

May 7, 2024

- I. Call to order 6:00PM
- II. Roll call
John DeBoy, Chairman
Beth Midgett Buddy Shelton
David Overton David Hines
Terry Gore II Eddie Twyne
- III. Approval of minutes for the April 2, 2024 meeting
- IV. Public Comment
- V. Old Business
- VI. New Business
 - **Amendment to Special Use Permit 2-2020** - Request to expand Group Development with portable storage unit services. 6786 Hwy 64/264, Manns Harbor - Submitted by William and Shelly Daugherty
 - **Text Amendment** to the MH-A district to allow for Group Development in the commercial/light industry permitted uses. 6300 Hwy 64/264, Manns Harbor - Parcel 017533005. Submitted by Ken and Angie Daniels
 - **Text Amendment** to MP-C district to allow for single room occupancy dwellings as a Special Use. 6325 N Croatan Hwy, Kitty Hawk, NC - Parcel 021865004. Submitted by Patricia Pledger
- 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, April 2, 2024. This meeting convened 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 6:13pm

MEMBERS PRESENT John DeBoy, Chairman Beth Midgett
Buddy Shelton Terry Gore II
David Overton Eddie Twyne

MEMBERS ABSENT David Hines

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the March 5, 2024 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

At 6:13 p.m. Chairman DeBoy outlined the procedure for making Public Comments.

John Robbins of Manteo approached the podium and spoke on his concerns with the vulnerability of NC Highway 12 and more specifically, the minimal dune around the area he referred to as “the Boiler”. He stated this highway is the lifeline to Hatteras and suggested the NC Task Force should add this to their agenda and plan accordingly.

Public Comment Closed at 6:15pm.

OLD BUSINESS

-None-

NEW BUSINESS

- **Recombination Plat, Lots 53R & 55R, Phase 3, Wind Over Waves S/D - submitted by Stomp OBX Holdings, LLC**

Mr. Gillam, Planning Director began by stating that this proposal was previously reviewed by the Planning Board in February of 2021 and had been granted preliminary plat approval at that time. However, the 12-month preliminary plat approval has expired and before the developer could proceed, the Planning Board must review the proposal again, as the exemption standards for administrative review exclude divisions that involve new road improvements. Mr. Gillam further

detailed that the developers of Wind over Waves Phase 3 have converted Lot 54 to serve as a new access to the Wind Over Waves Subdivision and a revised plat has been submitted to the Planning Board for review. The remnant portions of Lot 54 will be combined with the adjoining lots of Lot 53 and Lot 55. Mr. Gillam advised that NCDOT approval will need to be supplied to the Planning Department prior to recording the final plat and that the second entrance will alleviate traffic in the other two phases of the Wind Over Waves Subdivision.

Mr. Robbins, a representative of the applicant was present, and confirmed this is a secondary entrance to Wind Over Waves as a safety precaution and is per NCDOT standards.

Beth Midgett made a motion to approve. Seconded by Buddy Shelton.

Vote: Ayes – Unanimous

OTHER BUSINESS

-None-

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 6:20p.m.

Respectfully Submitted,

Gerri Ellington
Planning Board Clerk

APPROVED: _____, 2024

John DeBoy
Chairman, Dare County Planning Board

SPECIAL USE PERMIT APPLICATION

Date: April 3, 2024 Application No. _____

Property Owner/Petitioner: William & Shelly Daugherty

Address: Attn: Benjamin M. Gallop, Attorney; P.O. Box 2029, Manteo, NC 27954

Telephone: (252)256-3811 Email: bmgallop@galloplawfirm.com

Review Fee Paid: \$1,134.23

Project Description: Amendment to Special Use Permit#2-2020 to provide for portable storage unit services in addition to the existing and previously permitted mini-storage facilities and to combine two previously permitted mini-storage parcels into a single parcel.

Property Description:

E pt 9, 8; 7r			Harbor Estates
Lot	Phase/Section	Block	Subdivision
Parcel: <u>023856000 & 023856008</u>			PIN: <u>975916746839 & 975916745975</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: 22-23.2(b)(7)c.27. Special Use: Mini-Storage Facilities with portable storage unit services.

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:  Date: 4/3/2024
Benjamin M. Gallop, Authorized agent and attorney for Applicants William & Shelly Daugherty



County of Dare

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

April 16, 2024

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah H Gillam, Planning Director

RE: Request to amend Special Use Permit #2-2020 for William and Shelly Daugherty to allow for the expansion of existing group development

A request for an amendment to SUP 2-2020 for Shelly OBX Mini Storage has been submitted by William and Shelly Daugherty. The original SUP issued in June of 2020 authorized the construction of a group development consisting of three mini storage warehouse facilities on parcel 023856000 in Manns Harbor. In August of 2021 the original SUP was amended to allow for the construction of a fourth building on the parcel. The applicants are seeking to expand the existing group development with the addition of a portable storage unit service on the parcel and their adjacent parcel.

In January of 2024 the Dare County Board of Commissioners approved a text amendment request submitted by the Daugherty that allows for the use of portable storage unit services in the MH-A district subject to the requirements of Section 22-58.10 and Section 22-31 of the Dare County Zoning Ordinance. Copies of these Sections are attached to this memo for the boards review. The applicants currently operate the mini-storage facility on two adjoining parcels, as a condition of the SUP amendment, the applicants will need to recombine the properties so that they function as one and are subject to the conditions of the SUP. A site plan is attached that shows the proposed the improvements and recombination of the parcels.

The Dare County Fire Marshal has reviewed and approved the proposed site plan with conditions that are reflected in the draft SUP amendment. Planning staff has reviewed the proposed site plan and found that proposal meets the requirements of the Zoning Ordinance. Attached to this memo is a draft amendment to SUP #2-2020, the 2021 amendment, and the original SUP approved in 2020. It should be noted that all conditions of the original SUP and prior amendment shall remain in effect. The Planning Board may add additional conditions to the draft SUP amendment during the board's review.

Draft Motion- "The Dare County Planning Board finds that the proposed site plan and draft amendments to SUP 2-2020 are reasonable and appropriate for the approved use."

11. Aerial adventure centers including climbing walls, zip lines and rope courses, bungee or trampoline facilities.

12. Fishing pier.

13. Tennis, racquet ball and other racket courts.

14. Swimming pools and aquatic centers. (Adopted 3-2-2015)

Parking space - A vehicular storage space of not less than 10 x 20 feet, plus the necessary access space. It shall always be located outside any dedicated right-of-way.

Planned Unit Development - Deleted from the Zoning Ordinance on September 19, 1994.

Planning and development regulation jurisdiction - The unincorporated portions of Dare County in which Dare County may adopt and apply development regulations.

Planning Board - Dare County Planning Board.

Portable Storage Container - a portable, weather-resistant, commercially available for lease or rent receptacle designed and used for the storage or shipment of residential or commercial personal property. The term shall not include yard waste containers, construction debris containers.

Portable Storage Unit Service - A commercial service leasing, providing, maintaining, constructing, assembling, delivering, retrieving and storing or leasing space to store portable storage containers.

Pre-existing towers and antennas - Any tower or antenna for which a permit was issued prior to June 21, 1999 of these regulations.

Principal business use - The business activity which comprises the primary or majority of the commercial activity that occurs on a site as permitted by Dare County. (Adopted 8-20-2012)

Principal dwelling unit - The primary dwelling unit located on a lot or parcel providing independent living facilities for one or more persons including permanent provisions for sleeping, living, eating, cooking, and sanitation. (Adopted 10-15-2018)

Public building - A building that is designed for use by a government-affiliated, non-profit organization for community and public sector services and activities. This shall include such buildings as federally-owned buildings, state-owned buildings, volunteer rescue buildings, community centers, libraries, recreation centers, and civic centers. Buildings or facilities owned or leased by the County of Dare shall be considered as county-owned or leased facilities and permitted as detailed in each zoning district. (As adopted 5-16-11)

Quasi-judicial decision - A decision involving gathering facts regarding a specific application of a development regulation that requires discretion when applying the standards of the regulation. Quasi-judicial decisions include, but are not limited to, decisions involving variances, special use permits, and appeals of administrative determinations.

SECTION 22-23.2 - MH-A MANNS HARBOR/ MASHOES ZONING DISTRICT

The following regulations shall apply to the MH-A zoning district:

(a) Intent. The MH-A district is intended to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between low-density areas and more intensely developed areas, and provide a setting for a limited number of business uses associated with a coastal village location.

All existing uses are 100% "grandfathered" in perpetuity, as they exist as of the date the Manns Harbor/Mashoes zoning ordinance is adopted. Any structure destroyed or deteriorated by natural means, either partially or in full, may be rebuilt to 100% of its previous extent. This shall not apply to those nonconforming structures which are voluntarily removed or demolished. State and federal rebuilding regulations may apply.

(b) Permitted uses. The following uses and NO OTHER shall be permitted by right:

(1) Detached single-family dwellings.

(2) Duplexes.

(3) Customary accessory uses.

(4) Mobile homes; provided that:

a. They are placed on foundations and anchored according to the North Carolina State Building Code for mobile homes in a hurricane state.

b. The requirements of the building inspector regarding skirting material and skirting area are complied with.

(5) Traditional commercial fishing businesses, including crab shedding operations.

(6) County owned or leased facilities.

(7) Commercial/light industry, with the following conditions:

a. Where a commercial/light industry use is adjacent to a residential use, the commercial/light industry use must provide a visual buffer along that boundary.

b. Light industry is defined as those uses involving assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing activities. Only those light industrial uses not defined as "high-hazard group H" by the North Carolina State Building Code may be permitted.

c. The following commercial/light industry uses are permitted in District A and shall be of a non-itinerant nature:

1. Automobile detailing, auto shops, paint and body shops.

2. Agriculture/aquaculture.
3. Bake shops (cakes, pastries, edibles and bakery goods).
4. Barber and beauty shops including tanning and exercise facilities.
5. Bicycle rentals with buffered storage areas.
6. Boarding horses, equestrian activities according to state regulations.
7. Boat building shop and related industry.
8. Boat launching ramps.
9. Carpenter/cabinet/wood-working/furniture making.
10. Catering businesses.
11. Computer/internet services.
12. Concrete finishing business and equipment.
13. Crab pot storage and other crabbing and commercial fishing gear.
14. Craft production and retail sales.
15. Consulting businesses.
16. Electronics.
17. Excavating and equipment.
18. Facilities owned by the State of North Carolina.
19. Garden and vegetable stands.
20. General contracting and related services.
21. Gunsmith shop and gun sales.
22. Heavy equipment shop with storage.
23. Historic home place tours and interpretation of village lifestyles.
24. House and boat moving businesses.
25. Hunting and sporting goods stores.
26. Landscape and lawn care businesses.
27. Mini-storage facilities including portable storage unit services. Mini-storage facilities with multiple buildings or with portable storage unit services shall be submitted for site plan review under Section 22-31, "Group Development."
28. Music shops and music lessons.

Section 22-58.10—PORTABLE STORAGE CONTAINERS and PORTABLE STORAGE UNIT SERVICES

Portable Storage Unit Services may be offered as accessory uses to mini-storage facilities, storage warehouses, and storage/warehousing and storage centers in the following zoning districts: **CS, I-1, HML, MC-2, MC-1, C-2, C-3, MH-A** and **S-1**. Subject to the provisions of Section 22-31 Group Developments, and the following conditions

1. Portable Storage Containers shall not be used for residential or commercial occupancy
2. Portable Storage Containers may only be located upon a residential or commercial property for fourteen (14) consecutive days unless associated with construction at the property pursuant to duly obtained development permits. Portable storage containers associated with development permits must be secured and installed in compliance with the Dare County Flood Damage Prevention Ordinance and must be removed from the site within thirty (30) days from the expiration of permits or the issuance of a certificate of compliance or certificate of occupancy. No more than two (2) Portable Storage Containers may be located upon a property at the same time. The property owner upon which the Portable Storage Container is located is responsible for complying with this provision.
3. Portable Storage Containers located on the site of Portable Storage Container Service shall be securely anchored and in compliance with the Dare County Flood Damage Prevention Ordinance if on site for more than fourteen (14) consecutive days. Customer access to Portable Storage Containers located on the site of a Portable Storage Container Service shall be restricted to normal business hours and shall only occur in the presence of an employee of the Portable Storage Container Service.
4. Portable Storage Containers located on the site of Portable Storage Container service shall be kept in a designated area on the property and in compliance with applicable setbacks; this designated area shall count as lot coverage. Portable storage containers stored on site shall not be stacked or stored vertically atop another.
5. Signage on Portable Storage Containers shall be limited to 12 square feet in total sign area.
6. Portable storage containers shall be designed and/or constructed to meet the North Carolina Building Code requirements for High Wind Zones applicable in Dare County and certified by a North Carolina licensed engineer.

DRAFT



2024 AMENDMENT to Special Use Permit No. 2-2020
Dare County Sections 22-1, 22-23.2, 22-31, 22-58.10 and 22-65.

Application of: William & Shelly Daugherty for Shelly OBX Mini Storage

On xxxxx xx, 2024 The Dare County Board of Commissioners considered an amendment to SUP 2-2020 issued to William and Shelly Daugherty for the Shelly OBX Mini Storage group development in Manns Harbor. The original CUP was issued in June 2020 by the Dare County Board of Commissioners for a group development consisting of three mini storage warehouses. In August of 2021 an amendment was approved for the construction of a fourth building in the group development. This amendment authorizes the use of a portable storage unit service and placement of portable storage containers on the property.

Special Use: a group development for mini storage facilities, and associated portable storage unit service. A site plan depicting the proposed improvements is included as part of this Special Use Permit.

The following **revisions** shall be made a part of SUP #2-2020 as detailed below:

Condition #1 of the SUP 2-2020 is amended to read:

The group development authorized at 6783 Hwy 64/264 Manns Harbor, NC shall operate as prescribed in the definition set forth in Section 22-31 and Section 22-58.10 of the Dare County Zoning Ordinance.

Condition #2 of the SUP 2-2020 is amended to read:

The group development shall consist of the following structures/areas:

- Mini storage structure #1-2400 square feet*
- Mini storage structure #2- 3600 square feet*
- Mini storage structure #3- 2400 square feet*
- Mini storage structure #4- 3600 square feet*
- Mini storage structure #5- 3600 square feet*
- Mini storage structure #6- 3300 square feet*
- Portable Storage Container Storage Area- 4537 square feet*

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Condition #3 of the SUP 2-2020 is amended to read:

The recombination of parcels 023856008 and 023856000 shall be recorded within 3 months of the date of the Board of Commissioners approval of the 2024 amendment to SUP #2-2020.

The following conditions shall be made a part of SUP # 2-2020 as detailed below:

1. Portable Storage Containers shall be securely anchored and in compliance with the Dare County Flood Damage Prevention Ordinance if on site for more than 14 consecutive days.
2. Customer access to Portable Storage Containers shall be restricted to the hours of 8 a.m.-5p.m. and shall only occur in the presence of an employee.
3. Portable Storage Containers shall only be kept in the designated areas as depicted on the site plan.
4. Portable storage containers shall not be stacked or stored vertically atop another.
5. Signage on Portable Storage Containers shall be limited to 12 square feet in total sign area
6. Portable storage containers shall be designed and/or constructed to meet the North Carolina Building Code requirements for High Wind Zones applicable in Dare County and certified by a North Carolina licensed engineer.
7. There shall be no parking of vehicles or trailers within any of the drive aisles unless actively loading or unloading storage units or portable storage containers.
8. No Parking Signs shall be installed on the Northeast end of each mini storage structure
9. The designated "Fire Apparatus Drafting Area" pad shall be leveled with an all-weather surface capable of supporting 75,000 pounds and "No Parking Between Signs" shall be installed in this area with arrows point to opposite ends.
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 specification; for refusal or failure to comply with the requirements of development regulation or any State law delegated to Dare County for enforcement purposes; or for false statements of 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.

All other terms and conditions included in the original SUP #2-2020 shall remain in force and part of this amendment.

This XX day of XXXX 2024

DRAFT

SEAL:

COUNTY OF DARE

DRAFT

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

ATTEST:

By: _____
Skyler Foley
Clerk to the Board

THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED

By: _____
William & Shelly Daugherty
Shelly OBX Mini Storage

APPROVED AS TO LEGAL FORM

By: _____
Robert L. Outten
County Attorney

DRAFT

**COUNTY OF DARE
ZONING AMENDMENT APPLICATION
OR AMENDMENT TO DEVELOPMENT REGULATION**

Any zoning map, zoning text amendment, or amendment to other development regulation is subject to legislative review and approval by the Dare County Board of Commissioners according to the procedures of Section 22-81 of the Dare County Zoning Ordinance. Applications for amendments shall be made in writing to the Dare County Planning Director and shall be signed by all property owners or their duly authorized agents.

Property Owner (s) Kenneth W. Daniels and wife, Angela Brady-Daniels
Address: 117 Creekview Dr., Manteo, NC 27954
Telephone: 252-423-0009 **Email:** KenD@manteofurnitureobx.com

Property Description:

6300 Hwy 64	metes and	bounds	Plat Cabinet F, Slide 172
Lot	Phase/Section	Block	Subdivision
Parcel: <u>017533-005</u>	PIN: <u>9759-11-66-0966</u>		

Text Amendment **Map Amendment**

Present Zoning Classification: Section 22-23.2 MH-A

Requested Zoning Classification : Section 22-23.2 MH-A

Explanation of Request: To Rebuild Warehouse buildings after Fire destruction

Please consider our request to allow for group development in the light industrial uses of the MH-A zone and to specifically allow for appliance and furniture warehouse buildings

Amendment applications shall not be processed by the Planning Director 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 Director shall schedule review of the application as established in the Zoning Ordinance Sections 22-82 to 22-86. Amendments are legislative decisions and involve review by the Planning Board and Board of Commissioners. The notice procedures of Section 22-72 of the Zoning Ordinance shall be implemented by the Planning Director. Citizen comments shall be processed according to Section 22-82 and Section 22-85 of the Zoning Ordinance.

Applicant: Kenneth W. Daniels **Date:** 4/4/24

MANTEO OFFICE
lhm@darecountylaw.com

KITTY HAWK OFFICE
jeff@darecountylaw.com

MALARNEY & McCOWN, PLLC

ATTORNEYS AT LAW
708 N US HWY 64
P O BOX 729
MANTEO, N.C. 27954
TELEPHONE (252) 473-2191
TELECOPIER (252) 473-3822

April 5, 2024

Attn: Noah Gillam
Dare County Planning Director
P O Box 1000
Manteo, NC 27954

RE: Application for Text Amendment – MH-A Zoning

Dear Noah:

I am enclosing a check for \$400.00, together with a Zoning Amendment Application from Ken & Angie Daniels. If you recall, we mentioned at the meeting that we would obtain an easement from Philip and Marsha Sawyer, which we have secured. We have also filed a Deed of Abandonment to abandon the lines as set out in the plat which is recorded in Plat Cabinet F, at Slide 172.

We recorded those documents today and have included copies of those for you as well. We have also requested Robin in mapping and Pam Midgett to keep 6300 Highway 64, as the address of the property. I have spoken with Robin about the parcel and pin numbers, and she has confirmed that the recombined parcel can and will keep the 6300 address, the 6300 parcel number and the 6300 pin for the new recombined parcel.

Please feel free to contact me if you have any questions. With best wishes, I am

Very truly yours,
Malarney & McCown, PLLC



Linda H. McCown

Enclosures
cc: Ken Daniels



County of Dare

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

April 11, 2024

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah H Gillam, Planning Director

RE: Text Amendment to the MH-A District to allow for appliance/furniture warehouses and Group Developments to the Commercial/light industry uses

A text amendment application has been submitted by Kenneth and Angela Daniels to amend the MH-A zoning ordinance. The applicants are requesting that the language be amended to allow for the permitted uses under the Commercial and light industry heading to have multiple principal-use buildings on one parcel. In addition, the applicants are seeking to have appliance and furniture warehouses added to the uses defined under the commercial and light industry heading.

The applicants own property located at 6300 Hwy 64/264 in Manns Harbor. In February of this year, the 30,000-square-foot metal warehouse structure located on the property was destroyed by fire. The structure was built before Manns Harbor was zoned and was considered non-conforming by the current standards of the MH-A ordinance thus prohibiting it from being reconstructed to its prior dimensions since the ordinance places a 10,000 square foot maximum on newly constructed buildings. The text amendment would allow for the applicants to rebuild with multiple structures which would afford them the ability to resume their business operations on the property as they were before the fire but through a series of smaller structures.

Manns Harbor currently has two zoning districts, MH-A and MH-B. The MH-B district currently allows for multiple building projects for its approved uses subject to the conditions of Section 22-31 "Group Developments". The applicants would like to apply this same language to the MH-A, but only affording group developments to those uses listed under commercial and light industry. By limiting group developments to the commercial and light industry uses the option of group housing projects would not be afforded to the MH-A. Staff feels that the proposed language is appropriate since any commercial/light industry group development would be subject to Special Use Permit Review and conditions can be placed on the property based on site specifics. Adding the option of group developments to the commercial/light industry uses

would also afford other existing businesses with nonconforming structures in the zoning district to be reconstructed in the event they were to be destroyed.

Before the fire, the applicants were using the structure to store furniture and appliances for Manteo Furniture, a locally-owned business. There are several uses in the MH-A district under the commercial/light industry heading that pertain to the manufacturing of furniture, and upholstery shops but do not specifically address the storage of such. Staff recommended that the applicant include in their text amendment request the addition of a use that specifically addresses the storage of appliances and furniture. Since the proposed use directly relates to current uses already permitted in the MH-A district staff feels that appliance and furniture warehouses would not disrupt the flow of the neighborhood and the zoning district. Included with this memo is a copy of the MH-A regulations for the Board's review.

During the review of any proposed text amendment, a finding of consistency with the Dare County Land Use Plan must be included with any recommendation made by the Planning Board. In a review of the proposed amendment to the MH-A language and the 2022 Dare County Land Use Plan, staff found that two policies in the Land Use Compatibility section apply to the proposed amendment. The first policy is LUC #8 under the Commercial Development heading which states, that *Dare County supports the continued existence of locally owned businesses in unincorporated Dare County and that zoning regulations that allow the reconstruction and rebuilding of existing non-conforming businesses are the appropriate tool to support this goal.* The second policy is LUC #12 under the Re-development heading that reads, *Redevelopment of older structures shall be accomplished in a manner that is compatible with current NC building codes, federal flood insurance regulations and Dare County zoning regulations.*

A copy of the proposed language is attached to this memo for the board's review. If at the close of the discussion the Board finds that the proposed amendment is reasonable and consistent with the Dare County Land Use Plan, a draft statement of the consistency is attached with this memo.

SECTION 22-23.2 - MH-A MANN'S HARBOR/ MASHOES ZONING DISTRICT

The following regulations shall apply to the MH-A zoning district:

(a) Intent. The MH-A district is intended to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between low-density areas and more intensely developed areas, and provide a setting for a limited number of business uses associated with a coastal village location.

All existing uses are 100% "grandfathered" in perpetuity, as they exist as of the date the Mann's Harbor/Mashoes zoning ordinance is adopted. Any structure destroyed or deteriorated by natural means, either partially or in full, may be rebuilt to 100% of its previous extent. This shall not apply to those nonconforming structures which are voluntarily removed or demolished. State and federal rebuilding regulations may apply.

(b) Permitted uses. The following uses and NO OTHER shall be permitted by right:

(7) Commercial/light industry, with the following conditions:

a. *Multiple building projects. Projects with more than one principal building per lot shall be submitted for site plan review under Section 22-31, "Group Development". Gross building size shall not exceed a maximum area of 10,000 square feet per individual building, excluding decks, and porches.*

b. Where a commercial/light industry use is adjacent to a residential use, the commercial/light industry use must provide a visual buffer along that boundary.

c. Light industry is defined as those uses involving assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing activities. Only those light industrial uses not defined as "high-hazard group H" by the North Carolina State Building Code may be permitted.

d. The following commercial/light industry uses are permitted in District A and shall be of a non-itinerant nature:

1. *Appliance and furniture storage warehouse*
2. Automobile detailing, auto shops, paint and body shops.
3. Agriculture/aquaculture.

ZONING AMENDMENT CONSISTENCY DETERMINATION

On May 7, 2024 the Dare County Planning Board considered a zoning text amendment application submitted by Kenneth and Angela Daniels. The zoning text amendment application seeks to amend the Dare County Zoning Ordinance specifically Section 22-23.2 MH-A District. The text amendment would allow for the permitted uses under the commercial and light industry heading to have multiple building projects (group development) and would add appliance and furniture warehouses to the list of permitted commercial and light industry uses.

The 2022 Dare County Land Use Plan is the comprehensive plan for Unincorporated Dare County adopted by the Dare County Board of Commissioners on January 2, 2024.

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

Land Use Compatibility Management Topic

Policy LUC #8

Dare County supports the continued existence of locally owned businesses in unincorporated Dare County. Zoning regulations that allow the reconstruction and rebuilding of existing non-conforming businesses are the appropriate tool to support this goal.

Policy LUC.#12

Redevelopment of older structures shall be accomplished in a manner that is compatible with current NC Building Codes, Federal Flood Insurance regulations, and Dare County Zoning Regulations.

Based upon a review of these policies, the Dare County Planning Board finds the zoning text amendments to be consistent with the 2022 Dare County Land Use Plan since the amendments will allow for the redevelopment of a property that was damaged by a fire and will allow the expansion of an existing uses that are currently permitted in the MH-A zoning district and the surrounding neighborhood.

The Planning Board further acknowledges the intent of the MH-A is intended to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between low-density areas and more intensely developed areas, and provide a setting for a limited number of business uses associated with a coastal village location.

The Dare County Planning Board hereby recommends that the proposed text amendments be adopted.

SECTION 22-23.2 - MH-A MANNS HARBOR/ MASHOES ZONING DISTRICT

The following regulations shall apply to the MH-A zoning district:

(a) Intent. The MH-A district is intended to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between low-density areas and more intensely developed areas, and provide a setting for a limited number of business uses associated with a coastal village location.

All existing uses are 100% "grandfathered" in perpetuity, as they exist as of the date the Manns Harbor/Mashoes zoning ordinance is adopted. Any structure destroyed or deteriorated by natural means, either partially or in full, may be rebuilt to 100% of its previous extent. This shall not apply to those nonconforming structures which are voluntarily removed or demolished. State and federal rebuilding regulations may apply.

(b) Permitted uses. The following uses and NO OTHER shall be permitted by right:

- (1) Detached single-family dwellings.
- (2) Duplexes.
- (3) Customary accessory uses.
- (4) Mobile homes; provided that:

a. They are placed on foundations and anchored according to the North Carolina State Building Code for mobile homes in a hurricane state.

b. The requirements of the building inspector regarding skirting material and skirting area are complied with.

- (5) Traditional commercial fishing businesses, including crab shedding operations.
- (6) County owned or leased facilities.
- (7) Commercial/light industry, with the following conditions:

a. Where a commercial/light industry use is adjacent to a residential use, the commercial/light industry use must provide a visual buffer along that boundary.

b. Light industry is defined as those uses involving assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing activities. Only those light industrial uses not defined as "high-hazard group H" by the North Carolina State Building Code may be permitted.

c. The following commercial/light industry uses are permitted in District A and shall be of a non-itinerant nature:

1. Automobile detailing, auto shops, paint and body shops.
2. Agriculture/aquaculture.
3. Bake shops (cakes, pastries, edibles and bakery goods).
4. Barber and beauty shops including tanning and exercise facilities.
5. Bicycle rentals with buffered storage areas.
6. Boarding horses, equestrian activities according to state regulations.
7. Boat building shop and related industry.

8. Boat launching ramps.
9. Carpenter/cabinet/wood-working/furniture making.
10. Catering businesses.
11. Computer/internet services.
12. Concrete finishing business and equipment.
13. Crab pot storage and other crabbing and commercial fishing gear.
14. Craft production and retail sales.
15. Consulting businesses.
16. Electronics.
17. Excavating and equipment.
18. Facilities owned by the State of North Carolina.
19. Garden and vegetable stands.
20. General contracting and related services.
21. Gunsmith shop and gun sales.
22. Heavy equipment shop with storage.
23. Historic home place tours and interpretation of village lifestyles.
24. House and boat moving businesses.
25. Hunting and sporting goods stores.
26. Landscape and lawn care businesses.
27. Mini-storage facilities.
28. Music shops and music lessons.
29. Elder in-home care facility (not to exceed 4 non-related patients).
30. Offices (financial, professional, medical and real estate).
31. Outboard engine repairs/sales.
32. Photography.
33. Plant nursery.
34. Pottery, clay works, ceramics.
35. Pressure washing business.
36. Radio, TV broadcasting and film production studio.
37. Restaurants – provided alcoholic beverage sales do not exceed 40% of total sales. Restaurants shall not feature a "drive-thru" window service, whereby patrons are served while seated in a motor vehicle. Restaurant seating capacity shall not exceed 100.
38. Seafood sales as per State of North Carolina regulations.

39. Sign making shops.
40. Small engine repair and sales.
41. Tree farms.
42. Taxidermist.
43. Tree removal, stump grinding, log splitting and wood sales.
44. Upholstery shops.
45. Welding shops.

(8) All church functions and cemeteries; churches are allowed to add additional structures to their properties.

(9) Fire stations, schools and other public buildings.

(10) Home occupations.

(11) Traditional village businesses including, but not limited to:

- a. Offices (financial, professional, medical and real estate).
- b. Retail/wholesale shops:
 1. Antiques, furniture and home decor.
 2. Apparel.
 3. Artist and art supplies.
 4. Avian breeding, sales and supplies.
 5. Bait and tackle supplies, fishing rod and lure assembly shops.
 6. Beehives.
 7. Books.
 8. Camera and photo supplies.
 9. Catering home business, in accordance with Health Code Standards.
 10. Coffee/tea cakes, pies, bakery goods and edibles.
 11. Florist.
 12. Fruit and vegetable stand.
 13. Gifts and imports.
 14. Hobby goods.
 15. Home schooling.
 16. Hunting and fishing supplies.
 17. Jewelry.
 18. Leather goods.
 19. Livestock for personal use only.

20. Millinery shops.
 21. Music shops and music lessons.
 22. Photography equipment sales and service.
 23. Sewing shop/needle works, dry goods and supplies.
 24. Tack and equestrian associated sales.
 25. Toys.
 26. Upholstery.
 27. Woodcarving.
- (12) Public parks and playgrounds.
- (13) Small bed and breakfast homes as defined in Section 22-2.
- (14) Fish houses; dockage, and piers (maximum pier length limited to 100 feet, measured from the shoreline extending to open water).
- (15) Resident businesses provided that:
- a. Family member(s) resides on premises;
 - b. Merchandise produced on or off the premises may be sold at the business;
 - c. The total square footage designated as the resident business may not exceed 40% of the total floor area of the home. The business may be located within the confines of the home and/or in an accessory building located on the same property so long as total structures do not exceed 50% of the lot coverage;
 - d. Parking requirements – Section 22-56 for the proposed use shall be applied.
- (16) Family child care homes as defined in Section 22-2 and subject to the provisions of Section 22-29.1. (Amended 5-16-11)
- (17) Child care facilities which are an accessory use of an existing or proposed church, public school, or other public building.
- (18) Pet grooming; no overnight commercial kennel facilities.
- (19) Accessory dwelling unit according to the provisions of Section 22-58.6 of this code. (Adopted 10-15-2018)
- (20) Workforce housing - administrative review for one WHU subject to provisions of Section 22-58.7.
- (c) Special uses.** The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Commissioners as provided in Article IX of this chapter:
- (1) Private clubs, golf courses, tennis courts, picnic areas, beach clubs and concessions integral thereto; provided that no open commercial activity and that no sign other than a directional sign is allowed.
 - (2) Public and private utility facilities, substations.
 - (3) Boat sales.

(4) Boat rentals; not to include personal watercraft and those vessels propelled by non-conventional inboard/outboard motors (i.e., "airboats").

(5) Telecommunication towers only associated with a principal use that is authorized as either a permitted use or special use in this district and subject to all standards established in Section 22-29.2.

(6) Mobile home parks, according to the standards of the Dare County Mobile Home Park Ordinance; not to include travel trailer parks.

(7) Fishing and hunting camp. A facility that provides organized fishing and hunting activities for customers for a fee. The facilities may include overnight guest quarters, clubhouse facilities, a swimming pool, storage buildings, piers, docks and private boat launching areas.

a. Overnight guest quarters shall be individual cabins constructed of components on permanent foundations consistent with the North Carolina State Building Code. The total square footage of each cabin shall not exceed 800 square feet of heated space. Cabins may be rented on a daily or weekly basis not to exceed 30 consecutive days. This 30-day limit shall not be interpreted to prohibit use of a fishing-hunting camp by community, civic or church groups for more than 30 consecutive days whereby the group reserves the camp for use by its membership which may change on a weekly or daily basis. For example, a youth group from eastern North Carolina reserves use of the camp for the months of June and July and during these months sub-chapters of the group from individual counties make use of the camp on a weekly basis. Portable toilets shall not be used as bathroom facilities.

b. Density: 1 cabin per 20,000 square feet of non-wetland area. Any wetland areas shall not be used in the calculation of density.

c. Setbacks: All cabins shall be located on the parcel according to the minimum setbacks for the MH-A district and shall be located a minimum of 20 feet from another cabin.

d. Any lot proposed for use as a fishing-hunting camp shall have frontage on the Albermarle Sound from Haulover Point to the western terminus of the William B. Umstead Bridge. This frontage shall be no less than 100 feet in width.

e. Travel trailers, motor homes, pickup coaches, recreational vehicles, tents or other temporary dwellings shall not be occupied on the camp property.

f. Boating launching facilities and clubhouse facilities shall be for the use of the guests of the camp. The clubhouse structure shall not be calculated in the cabin density calculation. No overnight guest quarters shall be provided in the clubhouse facility.

g. Signage for the camp shall be limited to 1 free-standing sign located at the entrance of the camp and shall not exceed 32 square feet in size.

h. Other reasonable conditions that may be imposed by the Board of Commissioners.

(Adopted 10-18-10)

(8) Workforce housing units - special use review if two or more WHU units subject to provisions of Section 22-58.7.

(9) Educational housing projects subject to the provisions of Section 22-58.8.

(10) Special use subdivisions subject to the provisions of Section 22-58.9.

(d) Dimensional requirements.

(1) Minimum lot size:

a. Single-family lots served by a private well and on-site septic tank/drain field system: 20,000 square feet of soil not classified as coastal wetland.

b. Single-family lots served by a county/state operated central water supply and on-site septic tank/drain field system: the lot size may be reduced to 15,000 contiguous square feet.

c. Duplex lots if served by a private well regardless of wastewater disposal method: 20,000 square feet.

Duplex lots if served by central water regardless of wastewater disposal method: 15,000 square feet. (Amended 10-15-2018)

(2) Maximum gross building size (applicable to all structures except publicly owned buildings, schools, and those structures directly associated with a church): 10,000 square feet excluding decks, porches, and similar non-heated space.

(3) Newly platted lots shall comply with the following dimensional standards:

a. Minimum lot width: 75 ft. measured at the building setback line.

b. Minimum front yard: 25 ft.

c. Minimum side yard: 10 ft. An additional 10 ft. side yard adjacent to the street is required for corner lots.

d. Minimum rear yard: 20 ft. No rear yard setback is required for waterfront lots.

(4) Maximum allowable lot coverage: 30%. Lot coverage of 50% may be authorized for those sites with an accessory dwelling unit and/or a traditional village business.

(5) Height limitation for commercial/light industry buildings: 40 feet. All other uses: 35 feet.

(Adopted 5-21-07)

(Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021; Am. Ord. passed 5-17-2023)

LUC Policy 7

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.

Implementation Strategy for LUC Policies 6 and 7

1. Administer existing zoning regulations and zoning maps that feature a majority of residential zoning districts. Existing dimensional regulations for lot coverage limitations, building heights, and minimum lot size for residential uses are appropriate. *Priority: on-going*

Commercial Development

As noted in the previous section, residential development is preferred over commercial development in unincorporated Dare County. However, some commercial and institutional development is needed to provide goods and services to the local residents and visitors. Pockets of commercial development are found along major transportation routes in unincorporated Dare County. A majority of the commercial development in Dare County is located in the municipal areas of the northern beaches with the unincorporated areas serving as residential neighborhoods for many permanent residents. With the limited amount of land in Dare County, development in the municipal areas supplement development in the unincorporated areas and vice versa for the towns.

One objective for commercial development is to reflect the Outer Banks coastal heritage. The importance of the aesthetics of commercial development was noted during development of the LUP update as contributing to the quality of life for our residents and to our viability as a tourist destination. The scale of commercial development was noted also by the Planning Board.

Two zoning tools used to limit the scale of development and affect building design are gross floor limitations and drive-thru window prohibitions. Many of the zoning districts, especially those adopted in the last decade, include maximum gross floor size limitations and prohibitions on drive-thru window service at restaurants. The goal of these two regulatory tools is to encourage locally owned businesses rather than franchise and corporate entities. Building design standards for commercial development is another method of impacting aesthetics of commercial structures but previous efforts to adopt such standards did not garner approval by the Board of Commissioners and were not adopted. However, the concept of building design standards is included as an implementation strategy in the 2022 plan for future consideration during the next five-to-ten-year planning period.

The 2022 LUP continues to offer support of locally owned businesses. Locally owned businesses are typically more community-oriented and participate in community events and

projects. Many of the locally owned businesses were constructed before zoning maps were adopted for their areas and may not be in compliance with setbacks or parking regulations. Some of the newer zoning districts adopted since 2006 include non-conforming language that allows 100% rebuilding of existing structures. Zoning amendments to allow more flexibility in the non-conforming language of the older zoning districts are identified as an implementation strategy to support the existing neighborhood shops and businesses.

As discussed in the previous section on residential development, housing for year-round residents and seasonal workers is an issue that many local businesses and larger corporate companies are struggling to address. Some of the larger employers provide employee housing for their seasonal workers. In addition to land use regulations that may be adopted by Dare County to facilitate housing opportunities, the private sector will need to continue its efforts to assist with housing for their employees.

LUC Policy 8

Dare County supports the continued existence of locally owned businesses in unincorporated Dare County. Zoning regulations that allow the reconstruction and rebuilding of existing non-conforming businesses are the appropriate tool to support this goal.

LUC Policy 9

Commercial development should be designed to meet the needs of Dare County's unincorporated villages and not designed to serve as regional commercial centers. The prohibition of drive-thru window service at restaurants and gross floor area limitations are examples of appropriate tools for this goal.

LUC Policy 10

Commercial businesses, regardless of size, should individualize their sites and building designs to reflect Dare County's coastal heritage. Franchise and corporate businesses are strongly encouraged to adapt their building designs and management plans to reflect Dare County's coastal village heritage.

Implementation Strategies for LUC Policies 8-10

1. Consider zoning amendments for non-conforming commercial structures to facilitate their replacement or repair in the event of damage from a natural disaster. *Priority: medium*
2. Continue to enforce existing gross floor area regulations to manage the size of commercial development at a neighborhood level. *Priority: on-going*
3. Continue to enforce drive-thru service restrictions for restaurants and consider extending these restrictions to those commercial districts that currently do not include such restrictions. *Priority: on-going*
4. Consider commercial building design guidelines that incentivize private sector development to incorporate coastal village architectural styles into their building design, signage and other site improvements versus the use of franchise or corporate building designs. *Priority: medium*

LUC Policy 11

Impacts on the local workforce should be considered by private sector developers when large-scale commercial developments are proposed for unincorporated Dare County.

Transportation for workers and the provision of employee housing are two issues that should be discussed with developers during review of such projects by Dare County.

Re-development

As the available vacant land in unincorporated Dare County is developed, redevelopment of existing developed properties with newer structures will become more prevalent. One issue that affects redevelopment tremendously is the federal floodplain rules. Redevelopment of existing structures must be evaluated relative to their elevation and the current applicable federal flood rules. Remodeling or additions to older structures that may not be elevated to the appropriate base flood can trigger substantial improvement thresholds if costs exceed 50% of the value of the structure. If the 50% threshold is exceeded, then structures must be elevated for compliance with flood regulations. Many older homes built before Dare County participated in the National Flood Insurance Program are faced with this substantial improvement challenge. Property owners may choose not to complete desired remodeling or additions in order to avoid having to elevate their home or business, which is a costly activity. The 50% flood threshold (substantial damage standard) also impacts older structures that may be damaged by storm tides or flooding. When repairs to flooded structures are made, often the structure is mandated to be elevated to the regulatory flood level because of the repair costs. Many of the older homes in Dare County have been elevated after flooding because of a substantial damage declaration for flood damages has been issued by Dare County. The elevation of the structure mitigates future flood losses but also adds to the longevity of the structure once it is elevated.

Many homes built in the late 1970s or early 1980s that are used as vacation rentals do not feature amenities, such as swimming pools, as found at the newer vacation homes. In recent years, some of these older homes have been demolished and replaced with newer structures. This trend will likely continue. A secondary impact of this type of redevelopment is the scale of the new home is often incompatible with the adjoining properties.

LUC Policy 12

Redevelopment of older structures shall be accomplished in a manner that is compatible with current NC building codes, federal flood insurance regulations and Dare County zoning regulations.

Industrial Development

Dare County does not have any traditional "smokestack" or manufacturing industries similar to those found in other parts of North Carolina or the United States. Manufacturing is limited to boat building, which is a traditional industry in Dare County due to our proximity to the water

**COUNTY OF DARE
ZONING AMENDMENT APPLICATION
OR AMENDMENT TO DEVELOPMENT REGULATION**

Any zoning map, zoning text amendment, or amendment to other development regulation is subject to legislative review and approval by the Dare County Board of Commissioners according to the procedures of Section 22-81 of the Dare County Zoning Ordinance. Applications for amendments shall be made in writing to the Dare County Planning Director and shall be signed by all property owners or their duly authorized agents.

Property Owner (s) Pledger Palace Child Development & Education Center, Inc.
Address: 6325 N. Croatan Highway, Martin's Point, NC 27949
Telephone: 252-261-2126 Email: varnell@ncobxlaw.com

Property Description:

4			Martin's Point Commercial Lots
Lot	Phase/Section	Block	Subdivision
Parcel: <u>021865004</u>			PIN: <u>986606392109</u>

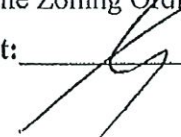
Text Amendment Map Amendment

Present Zoning Classification: OTHER

Requested Zoning Classification : OTHER

Explanation of Request: Please see attachment.

Amendment applications shall not be processed by the Planning Director 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 Director shall schedule review of the application as established in the Zoning Ordinance Sections 22-82 to 22-86. Amendments are legislative decisions and involve review by the Planning Board and Board of Commissioners. The notice procedures of Section 22-72 of the Zoning Ordinance shall be implemented by the Planning Director. Citizen comments shall be processed according to Section 22-82 and Section 22-85 of the Zoning Ordinance.

Applicant:  Attorney for Applicant Date: 4/16/24

**SHARP, GRAHAM, BAKER AND VARNELL, L.L.P.
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Sender's E-mail Address:
nicole@ncobxlaw.com

April 16, 2024

TO: Noah Gillam
Dare County Planning Director

FROM: Casey Varnell, Attorney for Applicant

RE: ZTA – Single Room Occupancy Dwelling

Noah:

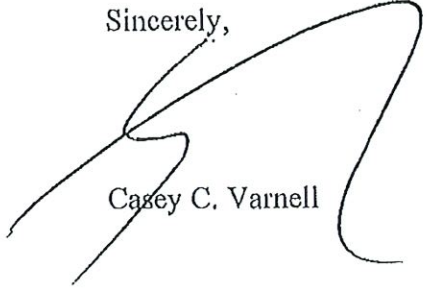
I hope this correspondence finds you doing well. Enclosed herein is a new text amendment application related to the Martin's Point Commercial zoning district. The amendment is ultimately proposing that Single Room Occupancy Dwellings (SRO) be allowed as a special use within the above-referenced district.

As you probably recall, we proposed a similar amendment in the past. However, the Planning Board asked that we revise to cover some of the concerns raised at the meeting before them. We have attempted to do so with this application. Of note, we have limited the structures capable of renting out single rooms to one (1) per site, limited the total number of rooms that can be rented within the structure to seven (7), and limited the total number of occupants per single room to eight (8). These amendments were made in an effort to limit the scope of potential occupants in any given SRO, and to provide a standard by which the County can rely on in so doing. We have also increased the parking standards per your previous comments and have changed the name of the special use to something more customary throughout the State.

Please do not hesitate to contact me if you have any concerns about the revisions. My client and I will happily revise this application in conjunction with any concerns you may have. We desire to work with the County to help provide necessary housing in our area.

Thank you in advance for your review of this application.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned to the right of the word 'Sincerely,'.

Casey C. Varnell

ZONING TEXT AMENDMENT APPLICATION

(APPLICANT: PLEDGER PALACE CDEC, INC.)

The proposals under this Zoning Text Amendment are to:

A) Modify Chapter 22 (*Zoning*), Section 22-2 (*Definitions*) of the Dare County Code of Ordinances to:

- 1) Define the term "Single Room Occupancy Dwelling (SRO)".
- 2) The proposed definition of "Single Room Occupancy Dwelling (SRO)" is:

Single Room Occupancy Dwelling (SRO) means a residential structure in which single rooms are offered for long term rental to not less than three (3) persons per single room. Each single room offered for rent within the structure shall exist within the confines of four walls and shall not contain kitchen amenities. A single room occupancy dwelling (SRO) shall have shared bathroom facilities and kitchen facilities, where both types of facilities are freely accessed by all occupants within the SRO.

- 3) Define the term "Habitable Space".
- 4) The proposed definition of "Habitable Space" is:

Habitable space, as defined by the State Building Code, means a space in a structure intended for living, sleeping, eating or cooking. Bathrooms, toilet rooms, halls, storage or utility spaces and similar areas are not considered habitable spaces.

NOTE: The intent of establishing SRO's as a special use within this zoning district is to provide for more affordable housing to non-transient residents. The residents would generally be any single persons in need of affordable housing, which residents may include J-1 Work Visa students who commonly need housing on the Outer Banks during the tourist season.

B) Modify Chapter 22, Section 22-17.2 to:

- 1) Add "Single Room Occupancy Dwelling (SRO)" to the list of special uses within the MP-C (Martin's Point Commercial) Zoning District.
- 2) The proposed amendment language is as follows:

Sec. 22-17.2. – MP-C (Martin's Point Commercial District).

Special Uses. The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Commissioners as provided in Article IX of this chapter:

Single Room Occupancy Dwelling (SRO).

- a. No more than one (1) SRO shall be constructed or exist on a single development site.
- b. No SRO shall offer for rent more than seven (7) single rooms.
- c. The maximum number of occupants in any single room offered for rent within an SRO shall be eight (8).
- d. Any single room offered for rent within an SRO shall be of such dimensions as to provide for a minimum of fifty square feet (50 sq. ft.) of habitable space for each occupant residing therein.
- e. An SRO must provide habitable spaces shared in common by the occupants therein, such as kitchen amenities, recreation areas, lounges, living rooms, dining rooms, and other communal living spaces at a rate of fifteen (15) square feet per occupant residing in the SRO. The minimum common habitable space requirement is 500 square feet per SRO.

- f. Any SRO shall contain sufficient toilets and sinks to conform to the following ratio: One (1) toilet per four (4) occupants and one (1) sink per two (2) occupants.
- g. Any SRO shall contain sufficient bathing facilities to conform to the following ratio: One (1) bathing facility per six (6) occupants.
- h. There shall be one (1) parking space for every three (3) occupants. The parking of any motor vehicle shall only occur in a designated parking space.
- i. The location of an SRO shall be a minimum of 100 feet from any residentially zoned property.
- j. The owner of the SRO shall designate at least one (1) person who shall have the duty to oversee and manage an occupied SRO. The contact information for this person(s) shall be submitted upon application for a special use permit.
- k. Administrative Liability. Except as may otherwise be provided by applicable law, no officer, agent, or employee of the County charged with the enforcement of this Ordinance shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the Ordinance.

NOTE: The overwhelming majority of J-1 Work Visa students will not have a motor vehicle. The primary means of transportation for those residents will be either: 1) bicycle; or 2) on foot/pedestrian.

April 30, 2024

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah H Gillam, Planning Director

RE: Text Amendment to Section 22-17.2 MP-C District to include Single Room Occupancy Dwellings to the list of Special Uses

Introduction

A resubmittal of a zoning text amendment application has been submitted by attorney Casey Varnell on behalf of Patricia Pledger, owner of Pledger Palace Child Development and Education Center located in the Martins Point Commercial district. The prior application sought the addition of Shared Space-Occupancy Dwellings (SSO) to the list of Special Uses in Section 22-17.2 Martins Point Commercial of the Dare County Zoning Ordinance. The Planning Board reviewed the proposed text amendment on March 5, 2024, and voted unanimously to recommend the denial of the text amendment application. The basis for the denial was that the text amendment would allow for development that was not at a scale consistent with the surrounding neighborhoods and permitted uses and lacked adequate standards to regulate the use.

The new language submitted by the applicant is for the addition of Single Room Occupancy Dwellings (SRO) to the list of special uses in the MP-C. The amendment includes a definition of Single Room Occupancy Dwelling and habitable space. Updates to the proposed amendment include changes to the use standards based on concerns raised by Planning Staff and the Planning Board during the review of the prior submitted text amendment. The applicant's intent of the amendment is to provide housing for non-transient residents which may include J-1 Work Visa Students. It should be noted that the amendment is only for the MP-C commercial district which consists of 10 parcels across 9.14 acres, however, a favorable action of the amendment in this district could lead to developers seeking this use in other districts in unincorporated Dare County.

Staff Review of Proposed Language

The applicant has changed the name of the use from Shared Space-Occupancy Dwelling to Single Room Occupancy Dwelling, and has provided the following definition to be included in Section 22-2 Definitions:

Single Room Occupancy Dwelling (SRO) means a residential structure in which single rooms are offered for long term rental to not less than (3) persons per single room. Each single room offered for rent within the structure shall exist within the confines of four walls and shall not contain kitchen amenities. A single room occupancy dwelling (SRO) shall have shared bathroom facilities and kitchen facilities, where both types of facilities are freely accessed by all occupants within the SRO.

In a review of the new proposed definition, Planning Staff found that the structure defined would also be classified as a Residential Group R-2 or Group R-3 structure in the 2018 North Carolina State Building Code dependent on the services provided, length of stay, and number of occupants, the same as the prior definition of the Shared Space-Occupancy Dwelling. The use as described by the applicant would still be classified by the North Carolina Building Code as either Congregate Living Facilities or Dormitory. This classification determines what building code officials will use when reviewing building plans for occupancy load rating and building code compliance. It is staff's opinion that the term Single Room Occupancy Dwelling is not an appropriate title for the proposed use and is misleading in the fact that single room occupancy implies the room is for a single occupant, not multiple occupants as the definition describes. When researching the term Single Room Occupancy Dwelling staff found that the United States Department of Housing and Urban Development (HUD) defines Single Room Occupancy Dwelling as the following:

Single room occupancy (SRO) is a residential property that includes multiple single room dwelling units. Each unit is for occupancy by a single eligible individual. The unit need not, but may, contain food preparation or sanitary facilities, or both.

Based on this definition from HUD a federal agency, staff recommends that the Single Room Occupancy Dwelling term and definition should not be used for this text amendment as proposed since the applicant's proposal conflicts with the federal definition and would allow more than one occupant per room. In addition, the applicant-supplied definition places a minimum occupant requirement of 3 occupants per room, this might not be desirable by other developers if the amendment receives favorable action.

A definition of Habitable Space has been supplied by the applicant to be included in Section 22-2 Definitions of the Dare County Zoning Ordinance. The applicant has defined habitable space as follows:

Habitable space, as defined by the State Building Code, means a space in a structure intended for living, sleeping, eating or cooking. Bathrooms, toilet rooms, halls, storage or utility spaces and similar areas are not considered habitable spaces.

The definition as drafted by the applicant is acceptable and appropriate as the definition is taken from the 2018 North Carolina Building Code. The 2018 North Carolina Building is the current code used by Dare County Building Code Officials.

The applicant has proposed the use of Single Room Occupancy Structures as a special use in the MP-C district. Planning Staff agrees that the use should be a special use since special uses require Planning Board and Board of Commissioners review and allow for conditions to be added to the use to address site-specific conditions. Planning Staff however does not support the applicant's supplied term and definition of the proposed use. It is staff's opinion that the prior term and definition of Shared Space-Occupancy is more appropriate for this proposed text amendment.

As with the prior text amendment application and proposed language the applicant has included proposed requirements for Single Room Occupancy Dwellings. The eleven proposed regulations are listed below with staff comments on each of the regulations.

- a. *No more than one (1) SRO shall be constructed or exist on a single development site.*

This regulation would prohibit multiple structures or group developments consisting of the SROs on a single parcel. Staff supports this regulation as it assists with limiting the density of occupants on any given parcel in the MP-C.

- b. *No SRO shall offer for rent more than seven (7) single rooms.*
- c. *The maximum number of occupants in any single room offered for rent within any single room offered for rent within an SRO shall be eight (8).*

The applicant in response to comments made during staff review and Planning Board of the prior proposed amendment has placed regulations that limit the number of rooms available in an SRO to seven rooms and have reduced the number of occupants to eight per room. As drafted by the applicant an SRO regardless of parcel size would be allowed to have fifty-six (56) occupants on a parcel. Although the applicant has reduced the number of occupants from the prior submittal the proposal still creates a density that is not to scale with the current requirements for multi-family in the MP-C, or any other zoning district in Unincorporated Dare County that allows for multi-family or similar uses. The current regulations for multi-family in the MP-C limit the number of dwelling units to 8 per acre, and all other districts vary between 6-10 dwelling units per acre. The same density limits can be found in districts that allow for hotels/motels. Staff recommends that the number of occupants or number of rooms for rent be afforded at a ratio that corresponds with parcel size.

- d. *Any single room offered for rent within an SRO shall be of such dimensions as to provide for minimum of fifty square feet (50 sq. ft.) of habitable space for each occupant residing therein.*

The fifty square feet per occupant is consistent with the North Carolina Building Code requirement for minimum floor area allowances per occupant in dormitories. Although consistent

with the North Carolina Building Code Planning Staff recommends that the square footage per occupant be increased to at least a minimum of seventy (70) square feet per occupant. When searching similar uses through American Legal Publishing, an online municipal code library staff found that a minimum square footage of seventy was standard per occupant. North Carolina General Statute 153A-221 establishes minimum standards for local detention centers; the statute requires a minimum floor space of 70 square feet per inmate, including both sleeping and day room areas. It is staff's opinion that when exploring alternative housing options, standards for such uses should not be less than that of a detention center or jail and that standards should be of a higher regulatory than the minimum to ensure the health and safety of residents.

- e. An SRO must provide habitable spaces shared in common by the occupants therein, such as kitchen amenities, recreation areas, lounges, living rooms, dining rooms, and other communal living spaces at a rate of fifteen (15) square feet per occupant residing the SRO. The minimum common habitable space requirement is 500 square feet per SRO.*

The applicant's first text amendment application failed to address the internal shared common habitable spaces. The new application has addressed the comments made by the Planning Staff and the Planning Board. The new regulation proposed requires that any SRO have a minimum common habitable space of 500 square feet and each occupant must have fifteen (15) square feet. The North Carolina Building Commercial Code does not contain a minimum area for habitable spaces/rooms, however, in review of the proposed regulation staff feels the proposal is adequate but should be discussed by the Planning Board during their review.

- f. Any SRO shall contain sufficient toilets and sinks to conform to the following ratio: One (1) toilet per (4) occupants and one (1) sink per two (2) occupants.*
- g. Any SRO shall contain sufficient bathing facilities to conform to the following ratio: One (1) bathing facility per six (6) occupants.*

The proposed language for bathroom facilities meets the plumbing requirements of the North Carolina Building Code for dormitories. A dormitory by building code is required to have one water closet per 10 occupants, one lavatory per 10 occupants, and one shower/tub per 8 occupants. The language proposed by the applicant for bathroom facilities is adequate.

- h. There shall be one (1) parking space for every (3) occupants. The parking for any motor vehicle shall only occur in a designated parking space.*

The prior text amendment application proposed a parking standard of one (1) parking space per every five (5) occupants and was deemed inadequate for the proposed use by the Planning Staff and the Planning Board. The applicant has indicated that the proposed use would primarily facilitate housing for J-1 Visa Students who are here typically for the tourist season months and it is likely they would not all have motor vehicles. However, the Planning Board discussed that during other periods of a calendar year, the structure could be rented to construction workers or

residents that would have vehicles and the parking should be supplied at a ratio similar to hotels. With the current submittal, the applicant has increased the number of spaces to reflect the staff's recommendation of one (1) parking space for every (3) occupants. Staff recommends that a requirement be added that a parking space or two be required for staff of the SRO.

- i. The location of an SRO shall be a minimum of 100 feet from any residentially zoned property.*

As found throughout the Dare County Zoning Ordinance a setback from residentially zoned properties is typical when a potentially intrusive commercial use abuts residential zoned districts or uses. In addition, the Martins Point Commercial District requires a visual buffer of fencing 6 to 8 feet in height or a vegetative buffer at least 6 feet in height along rear property lines.

- j. The Owner of the SRO shall designate at least one (1) person who shall have the duty to oversee and manage an occupied SRO. The contact information for this person(s) shall be submitted upon application for a special use permit.*

The need for twenty-four (24) hour on-site management was discussed in the applicant's prior submittal and has not been addressed with this submittal. With a high occupancy of unrelated occupants from different cultural backgrounds the potential for an unsafe environment, unsanitary living conditions, and conflict among residents increases. When researching boarding houses, dormitories, and single room occupancy structures in other zoning ordinances across the State of North Carolina, planning staff found almost all required on-site management. In addition, some of the ordinances researched had conditions that addressed the sanitary maintenance of the structure. Staff recommends that on-site twenty-four-hour staffing should be required to ensure the health and safety of the residents.

Other Staff Comments

The prior text amendment application that was denied contained a regulation that required on-site laundry services, both washing machines and dryers. This regulation has been omitted from the current submission, and although not required by the North Carolina Building Code, staff feels that they should be required by the developer of an SRO. When researching local laundry services staff found that the nearest coin laundry services were approximately eight (8) miles away from the MP-C zoning district boundaries. The applicant on the prior and current submission has noted on the application that the intended residents of an SRO would be J-1 Work Visa Students who likely would not have means of transportation outside of bicycle or foot/pedestrian. It is the staff's opinion the eight (8) miles is too far a distance to expect an occupant of the SRO to travel by bike or foot when carrying laundry. Without the on-site laundry requirement and the distance to the nearest coin laundry facility, the potential for unsanitary conditions in the structure will increase.

LUP Consistency

In a review of any proposed zoning text amendment, the Planning Board shall determine if the proposed amendment is consistent with the Dare County Land Use Plan, and provide a written recommendation to the Board of Commissioners that addresses the plan consistency. During the review of the proposed amendment and the 2022 Dare County Land Use Plan, staff found two policies under the Residential Development heading in the Land Use Compatibility section that apply to the proposed amendment. Those policies are listed below:

LUC Policy #6 states: that residential development shall be the preferred land use in unincorporated Dare County for the seasonal accommodations and year-round housing. All new residential structures, whether attached or detached are encouraged at a scale that is consistent with existing neighborhood patterns of development.

LUC Policy #7 states: that 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.

After reviewing the two policies listed above staff recommends that the proposed text amendment be denied by the Planning Board. The applicant has addressed the prior concern of not having an occupancy limit, by placing a regulation that would limit the total number of occupants in an SRO to fifty-six (56), but has failed to address the scaleability of the proposal to the current zoning regulations in the MP-C district and surrounding neighborhoods. The language as drafted by the applicant would allow for fifty-six (56) occupants on any size parcel in the MP-C with the only limiting factors to development being lot coverage limitation, and wastewater system capacity. The MP-C and all other zoning districts in Unincorporated Dare County that currently allow for multi-family development have dwelling unit density ratios/limits that correlate with parcel size. Both policies listed above address the need for proposed development to be at a scale that is consistent with existing patterns of development and scale of neighborhoods. The language as drafted by the applicant fails to meet these policy guidelines of the 2022 Dare County Land Use Plan, which is the County guide to future development in Unincorporated Dare County.

Zoning Amendment Consistency Determination

On May 7, 2024 the Dare County Planning Board considered a zoning text amendment application submitted by attorney Casey Varnell on behalf of Patricia Pledger, owner of Pledger Palace Child Development and Education Center. The zoning text amendment application seeks to amend the Dare County Zoning Ordinance specifically Section 22-17.2 Martins Point Commercial and Section 22-2 Definitions. The text amendment would allow for the addition of Single Room Occupancy Dwellings (SRO) as a Special Use in Section 22-17.2 MP-C and would add a definition of Single Room Occupancy Dwellings and Habitable Space to Section 22-2 Definitions.

The 2022 Dare County Land Use Plan is the comprehensive plan for Unincorporated Dare County adopted by the Dare County Board of Commissioners on January 2, 2024.

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

Land Use Compatibility Management Topic

Policy LUC #6

Residential development shall be the preferred land use in unincorporated Dare County for the seasonal accommodations and year-round housing. All new residential structures, whether attached or detached are encouraged at a scale that is consistent with existing neighborhood patterns of development.

Policy LUC #7

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.

Based upon a review of these policies, the Dare County Planning Board finds the zoning text amendment to be inconsistent with the 2022 Dare County Land Use Plan since the amendment would allow for development with a density/occupancy that is inconsistent with the existing patterns of development and scale of surrounding zoning districts and neighborhoods in Dare County.

The Planning Board further acknowledges that the intent of the MP-C Zoning District is to provide for the proper grouping and development of commercial facilities to serve permanent and seasonal residents.

The Dare County Planning Board hereby recommends that the proposed text amendments be denied.

industries of the Outer Banks and the historic way of life of Dare County residents.

Priority: on-going

3. Consider commercial building design guidelines that incentivize private sector development to incorporate coastal village architectural styles into their building design, signage and other site improvements versus the use of franchise or corporate building designs.

Priority: medium

4. Continue to work with municipalities to address mutual service needs with cooperative construction of infrastructure. *Priority medium*
5. Develop a handbook of coastal village architectural styles. *Priority: medium*

LUC Policy #5

All development and redevelopment shall be constructed to mitigate the coastal hazards associated with Dare County's island topography through application of the NC Building Code, NC Division of Coastal Management regulations, and the Dare County Flood Damage Prevention Ordinance. Travel trailers, campers, boats, or other units designed for recreational purposes are not appropriate for use as permanent, year-round housing.

Implementation Strategy for LUC Policy 5:

1. Enforce applicable federal, state, and local regulations to mitigate wind and flood risks for new construction and redevelopment activities. *Priority: on-going*

Residential Development

Residential development is the preferred pattern of development in unincorporated Dare County. This preference dates back to the first land use plan for Dare County developed in the 1980s. The 2022 update continues this preference but has modified the policies on residential development to reflect the need for increased opportunities for year-round housing. Amendments to the Dare County Zoning Ordinance were adopted by the Board of Commissioners in 2018 and 2019 to encourage alternative housing options, such as accessory dwelling units and duplex structures. These amendments are first steps in addressing the long-term issue of housing and it is anticipated that other zoning amendments may be identified over the next couple of years as Dare County tries to address this issue. The decrease of minimum lot sizes to accommodate year-round housing was an issue discussed by the Planning Board. Potential amendments to minimum lot sizes were identified as acceptable if the scale of neighborhoods was not negatively impacted. Keeping the size and scale of residential development consistent with existing patterns of residential development was identified as a goal of the 2022 LUP. It was noted during these discussions that decreasing the minimum lot size because of the availability of central wastewater was not favored. The use of recreational vehicles, travel trailers, and other similar units as permanent dwellings is unacceptable due to concerns about their survivability in flooding and wind events. Recreational vehicles are not constructed to North Carolina State building codes and are not intended for permanent dwellings.

The goal of keeping the scale and size of residential development consistent with existing patterns is difficult with the seasonal nature of many of the residential structures constructed in unincorporated Dare County. Many houses are built solely for rental as vacation homes and will not be used for year-round occupancy. Vacation rental homes often feature multiple bedrooms and amenities not typically associated with residential structures used as permanent dwellings. Vacation homes serve as seasonal accommodations instead of hotels and other traditional overnight rentals. These large homes are generally located on the oceanfront and soundfront shorelines. Their occupancy can impact the surrounding neighborhoods, predominantly comprised of permanent residents. Noise, trash, and parking at vacation homes, particularly those used for events and weddings, create issues with the surrounding areas. In 2003, Dare County adopted regulations linking the size of the lot with the number of permitted bedrooms. Similar regulations were adopted by some of the towns in Dare County. The North Carolina General Assembly adopted legislation in 2015 prohibiting local governments' regulations on the number or type of rooms included in a residential dwelling. Dare County removed these regulations from the zoning ordinance in response to the State law. Dare County has chosen to rely on other regulatory tools such as lot coverage limitations, building heights, and parking regulations to address residential development instead of the adoption of gross floor limitations or occupancy limits as some other governments have done.

The short-term rentals by homeowners or "Airbnb rentals" are another issue impacting residential development in Dare County, especially the availability of housing for year-round residents and seasonal workers. Rooms and/or houses, which previously were available for permanent residents and seasonal workers, are now being offered as short-term vacation rentals. This creates keen competition for housing. These types of rentals can also create compatibility issues in residential neighborhoods. Many local governments in North Carolina have adopted regulations for short-term vacation rental of houses and/or rooms. Local regulations of short-term vacation rentals would be challenging due to the predominant number of vacation homes in Dare County.

LUC Policy 6

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 existing neighborhood patterns of development.

LUC Policy 7

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.

Implementation Strategy for LUC Policies 6 and 7

1. Administer existing zoning regulations and zoning maps that feature a majority of residential zoning districts. Existing dimensional regulations for lot coverage limitations, building heights, and minimum lot size for residential uses are appropriate. *Priority: on-going*

Commercial Development

As noted in the previous section, residential development is preferred over commercial development in unincorporated Dare County. However, some commercial and institutional development is needed to provide goods and services to the local residents and visitors. Pockets of commercial development are found along major transportation routes in unincorporated Dare County. A majority of the commercial development in Dare County is located in the municipal areas of the northern beaches with the unincorporated areas serving as residential neighborhoods for many permanent residents. With the limited amount of land in Dare County, development in the municipal areas supplement development in the unincorporated areas and vice versa for the towns.

One objective for commercial development is to reflect the Outer Banks coastal heritage. The importance of the aesthetics of commercial development was noted during development of the LUP update as contributing to the quality of life for our residents and to our viability as a tourist destination. The scale of commercial development was noted also by the Planning Board.

Two zoning tools used to limit the scale of development and affect building design are gross floor limitations and drive-thru window prohibitions. Many of the zoning districts, especially those adopted in the last decade, include maximum gross floor size limitations and prohibitions on drive-thru window service at restaurants. The goal of these two regulatory tools is to encourage locally owned businesses rather than franchise and corporate entities. Building design standards for commercial development is another method of impacting aesthetics of commercial structures but previous efforts to adopt such standards did not garner approval by the Board of Commissioners and were not adopted. However, the concept of building design standards is included as an implementation strategy in the 2022 plan for future consideration during the next five-to-ten-year planning period.

The 2022 LUP continues to offer support of locally owned businesses. Locally owned businesses are typically more community-oriented and participate in community events and

§ 153A-221. Minimum standards.

(a) The Secretary shall develop and publish minimum standards for the operation of local confinement facilities and may from time to time develop and publish amendments to the standards. The standards shall be developed with a view to providing secure custody of prisoners and to protecting their health and welfare and providing for their humane treatment. The standards shall provide for all of the following:

- (1) Secure and safe physical facilities.
- (2) Jail design.
- (3) Adequacy of space per prisoner.
- (4) Heat, light, and ventilation.
- (5) Supervision of prisoners.
- (6) Personal hygiene and comfort of prisoners.
- (7) Medical care for prisoners, including mental health, behavioral health, intellectual and other developmental disability, and substance abuse services.
- (8) Sanitation.
- (9) Food allowances, food preparation, and food handling.
- (10) Any other provisions that may be necessary for the safekeeping, privacy, care, protection, and welfare of prisoners.
- (11) Compliance with the requirements of Part 2B of Article 10 of Chapter 153A of the General Statutes, Dignity for Women Incarcerated in Local Confinement Facilities.

(b) In developing the standards and any amendments thereto, the Secretary shall consult with organizations representing local government and local law enforcement, including the North Carolina Association of County Commissioners, the North Carolina League of Municipalities, the North Carolina Sheriffs' Association, and the North Carolina Police Executives' Association. The Secretary shall also consult with interested State departments and agencies, including the Division of Prisons of the Department of Adult Correction, the Department of Health and Human Services, the Department of Insurance, and the North Carolina Criminal Justice Education and Training Standards Commission, and the North Carolina Sheriffs' Education and Training Standards Commission.

(c) Before the standards or any amendments thereto may become effective, they must be approved by the Commission and the Governor. Upon becoming effective, they have the force and effect of law.

(d) Notwithstanding any law or rule to the contrary, each dormitory in a county detention facility may house up to 64 inmates as long as the dormitory provides all of the following:

- (1) A minimum floor space of 70 square feet per inmate, including both the sleeping and dayroom areas.
- (2) One shower per eight inmates, one toilet per eight inmates, one sink with a security mirror per eight inmates, and one water fountain.
- (3) A telephone jack or other telephone arrangement provided within the dormitory.
- (4) Space designed to allow a variety of activities.
- (5) Sufficient seating and tables for all inmates.
- (6) A way for officers to observe the entire area from the entrance.

(e) Repealed by Session Laws 2022-74, s. 9K.2(a), effective July 11, 2022. (1967, c. 581, s. 2; 1973, c. 476, ss. 128, 133, 138; c. 822, s. 1; 1983, c. 745, s. 6; c. 768, s. 20; 1991, c. 237, s. 1; 1997-443, s. 11A.118(a); 2008-194, s. 10(a), (b); 2011-145, s. 19.1(h); 2011-324, s. 1; 2014-22, s. 1; 2017-186, s. 2(eeeeeeee); 2019-76, s. 30; 2021-143, s. 3(b); 2021-180, s. 19C.9(p); 2022-74, s. 9K.2(a).)



Noah Gillam <noah.gillam@darenc.gov>

Pledge Zoning Amendment

1 message

Drew Wright <waterskivacations@gmail.com>
To: Noah.Gillam@darenc.gov
Cc: Drew Wright <waterskivacations@gmail.com>

Tue, Apr 23, 2024 at 11:16 AM

Noah hope this finds you well. If you recall I own the office building at 6475 N Croatan Hwy. The last building on the commercial area in front of the Martins Point entrance. It the building housing Re/Max, Shoreline Realty & Construction, House Engineering and others. I wanted to voice my opposition to zoning amendment. Quite frankly it sounds crazy to me to allow this type of dense occupancy. The sewage systems for most these commercial sites are very small and I cannot imagine how one could design a septic system to manage this many persons.

If you would like to call and discuss with me please feel free to call me 252-256-2018 or email me back.

Please acknowledge receipt.

Drew Wright
President of OBX Wakeboard & Water-Ski LLC
Address for Wakeboarding & Water-Skiing
251 N Dogwood Trail Southern Shores, NC 27949
Phone 252-256-2018

Florida Home (Residency Address): PO Box 560069 17537 County Road 455
Montverde, FL 34756

Commercial Location:
6475 N Croatan Hwy
Kitty Hawk NC 27949
DBA: 6475 N Croatan Hwy Professional Group LLC



Noah Gillam <noah.gillam@darenc.gov>

FW: Patricia Pledger zoning text amendment

1 message

mike <mike@coastalcottageobx.com>

Sat, May 4, 2024 at 11:19 AM

To: "Noah.gillam@darenc.gov" <Noah.gillam@darenc.gov>

Hi Noah,

My name is Michael York (The Coastal Cottage Co) owner of property located at 6345 N Croatan Hwy which is next door to Patricia Pledgers property at 6325 N Croatan Hwy.

Our office is a professional center leasing to higher end professional businesses. We all agree that by allowing Patricia Pledger to make amendments in her favor to allow low-income transient housing would decrease the value of our property and cast a stain on our intended purpose as well as the Martins Point area.

This area is built out and the intended purpose should not be changed for the good of one. Amendment changes should be in the good of all.

Patricia is not trying to solve the low-income housing shortage she has only one goal in mind and that is increase her bank account.

We don't feel this is the right way to do this. Her property could be leased as office space, brick and mortar or any other professional business.

We strongly disagree with any transient, low-income housing or hostiles within any part of Martins Point, Southern Shores or Kitty Hawk. Patricia can build low income housing across the bridge next to her house if she is really interested in solving the housing crisis.

Sincerely,

Michael K. York

The Coastal Cottage Co.

Kitty Hawk, NC 27949

252-573-9342

May 5, 2024

To: Noah Gillam, Dare County Planning Director

Subject: Proposed zoning text amendment – Patricia Pledger

Dear Mr. Gillam,

I sent an earlier letter expressing my concerns about efforts to establish a dense residential project for the transient workforce in our community. I will be unable to attend the next Planning Board meeting due to a scheduling conflict, but want to reiterate issues on behalf of the Martins Point Homeowner community. I strongly request that the Planning Board recommend DENIAL of Ms. Pledger's application.

This proposal has previously been brought before the Southern Shores Planning Board, the Southern Shores Town Council, and the Dare County Planning Board, all of which have denied the request. At those meetings, I have been present to address various concerns along with other community members. Issues have been raised about various standards proposed, but the applicant seems to have ignored most of them. Except for a reduction in the density, no much has changed.

In addition to the concerns expressed in my earlier letter, I am opposed to the application for the following reasons:

1. It is out of character with existing development. Neither the commercial property owners or the adjacent homeowners desire to have a large number of unknown occupants hanging out in the area. Increases in traffic, security concerns, noise and demands on services are just not acceptable.
2. It violates the Protective Covenants of the Martin's Point Commercial properties, which state, "No lot in the Commercial Area shall be used except for commercial purposes, except where limited residential uses (such as apartments over shops) are permitted by Developer."
3. ALL of the commercial properties border a residential zone. Several of the residential property owners in that area have expressed disapproval of the proposed amendment, and none have expressed support to the HOA or at previous Planning Board or Council meetings in Southern Shores or Dare County.
4. Concerns about the quality of living conditions remain. Although Ms. Pledger has reduced the number of occupants from her original request of 95 to 56 and the bedroom density to 8 persons from 12, this density is still too high and the living conditions are not acceptable for weekly or monthly occupancy. 50 square feet of

sleeping area per occupant may meet the minimum regulatory standards, but it is not adequate for weekly or monthly living conditions.

5. There is nothing in the standards to address the health, safety and cleanliness of a communal kitchen facility for more than 50 occupants. 24 hour on-site management should be required.
6. Concerns remain that the proposed standards do not restrict this project to workforce housing.

Please share our concerns with the Planning Board.

Sincerely,

Timothy Baker

President, Martin's Point Homeowner Association