



## Dare County Planning Board Meeting

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

July 2, 2024

- I. Call to order 6:00PM
- II. Roll call  
John DeBoy, Chairman  
Beth Midgett  
David Overton  
Terry Gore II  
Buddy Shelton  
David Hines  
Eddie Twyne
- III. Approval of minutes for the June 4, 2024 meeting
- IV. Public Comment
- V. Old Business
- VI. New Business
  - **Preliminary Plat Review** for Minor Subdivision - 53206 Lands End Way, Frisco, Lot 1A - Submitted by Paul J. & Barbara A. Warnell
  - Amendment to Special Use Permit #5-2012 City Beverage/Ace Mini storage group development, 1099 Driftwood Drive, Manteo- Submitted By JT Dixon  
**\*RESCHEDULED TO A LATER DATE\***
  - **Text Amendment to Section 22-27.14 MC-2 Zoning District** to allow for an increase in building height for boat building facilities - Submitted by Ricky Scarborough Jr.
- 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, June 4, 2024. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

**CALL TO ORDER** 6:00 pm

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

**MEMBERS ABSENT** ~ None

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the May 7, 2024 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as they stand. Buddy Shelton seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

At 6:01p.m. Chairman DeBoy outlined the procedure for making Public Comments. There were no public comments made at this meeting.

*Public Comment Closed at 6:01.*

### OLD BUSINESS

-None-

### NEW BUSINESS

**SUP 02-2024 to allow for Home Occupation at 113 Hickory Ridge Ct., Colington.  
Submitted by Rachel Sanchez of Sandbar Sweets.**

Morgan Potts, Planner began by stating that Mrs. Rachel Sanchez has submitted a special use permit application for a home occupation with the intent to produce and package baked goods for retail sale at 113 Hickory Ridge in Colington. She further detailed that this location site is zoned RS-1 (Single Family Residential) and noted that home occupations are permitted as a special use in this zoning district. Ms. Potts also cited that Mrs. Sanchez does meet all of the requirements for a home occupation, including square footage and classification as a “home processor” by the Department of Agriculture & Consumer Services, together with all the necessary permitting.

Rachel Sanchez, the applicant was present. She informed the Board that she shops both locally and in Virginia for most of the items needed to supply this home occupation, which eliminates the need for deliveries to her home address. Additionally, she confirmed that she is the only employee and mentioned that her hours of operation for customer pickups would be from 9:00am to 3-4:00pm, by appointment.

Ms. Potts stated the Planning Board would need to discuss with the applicant her methods for the delivery or pickup of finished products, including hours of operation. Mr. Gillam, Planning Director suggested amending the SUP stating hours of operation shall be between 9:00am to 3:00pm and pickup shall be *by appointment only* between these hours.

Terry Gore made a motion to advance this draft SUP, with the changes as noted to the Dare County Board of Commissioners with a finding that the conditions are reasonable and appropriate. Seconded by David Hines.

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 6:07p.m.

Respectfully Submitted,

Gerri Ellington  
Planning Board Clerk

APPROVED: July 2, 2024

John DeBoy  
Chairman, Dare County Planning Board



## SUBDIVISION FACTSHEET

Planning Board – July 2, 2024 Preliminary Plat Review

**NAME:** Paul & Barbara Warnell Subdivision

**LOCATION:** Frisco, NC

**SITE SPECIFICS:** Total site area: 2.723 acres  
Number of proposed lots: 2  
Smallest lot area: 35,444 square feet  
Zoning: S-1 District

**STREETS:**

No new streets are proposed. The two lots will be accessed off an existing easement that connects to Lands End Way.

**UTILITIES:**

Water: Dare County central water system

Sewer: Individual on-site septic systems

Stormwater: No state permits required by NC Department of Environmental Quality

**STAFF COMMENTS:**

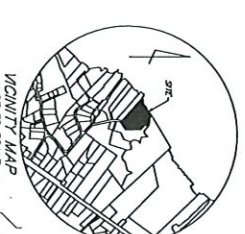
The size of the parent parcel exceeds the threshold for administrative approval. The proposed lots exceed the minimum lot size requirements for the S-1 zoning district. Currently the parent parcel has two single family dwellings located on it, and after the division the single family dwellings will be located on separate lots. The CAMA 30' buffer, 75' AEC and all minimum building setback lines are shown on this plat.

The requested action is a motion to approve: "I move that the preliminary plat for the Warnell subdivision be granted approval."

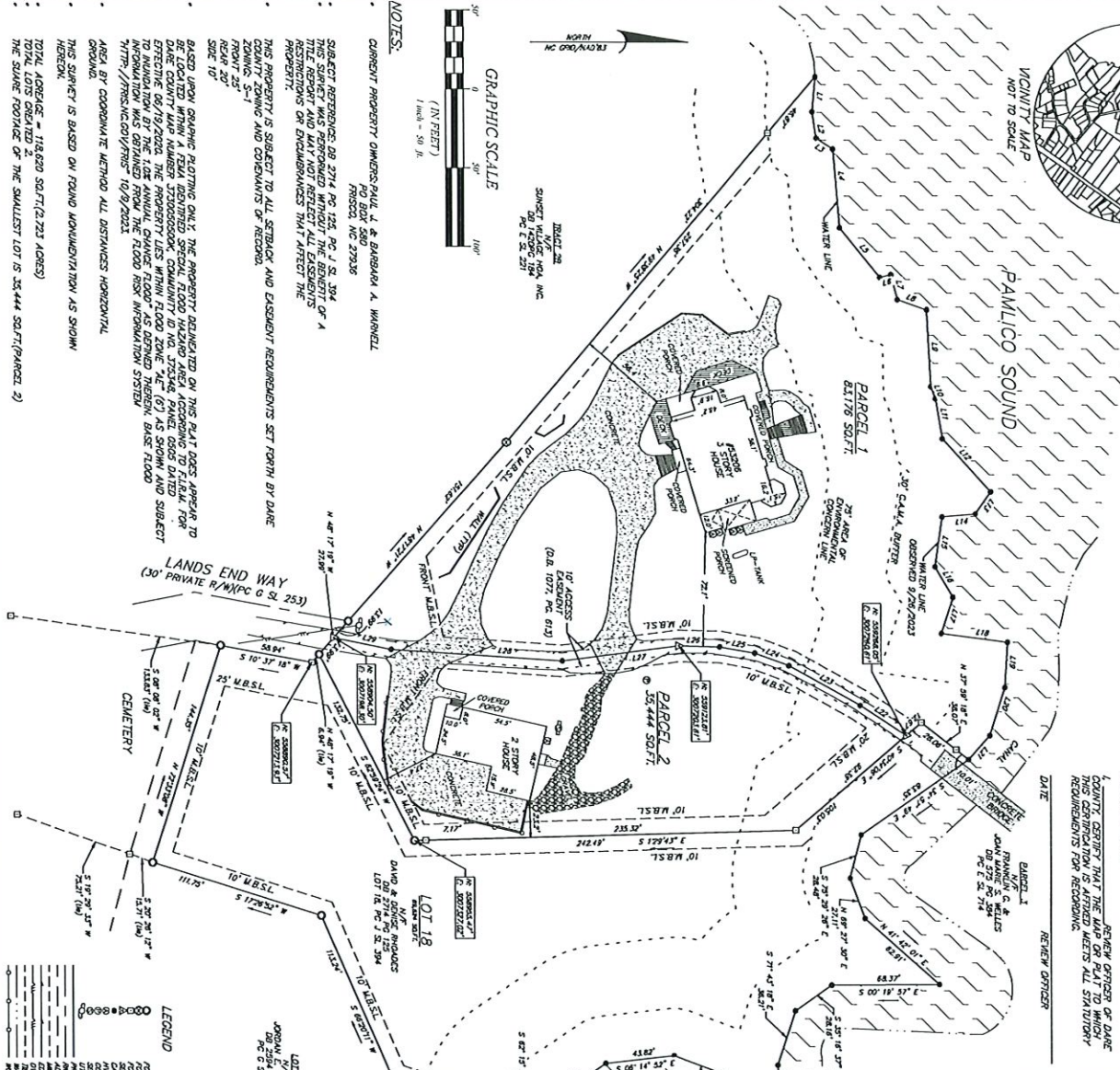
  
Noah H Gillam

  
Date





**MINOR SUBDIVISION CERTIFICATE**  
 THIS SUBDIVISION HAS BEEN APPROVED AS A MINOR SUBDIVISION UNDER THE SUPERVISION OF THE DARE COUNTY PLANNING BOARD. THE LOTS IN THIS SUBDIVISION SHALL BE USED FOR SINGLE-FAMILY RESIDENTIAL PURPOSES. THIS RESOLUTION LIMITS THE NUMBER OF LOTS TO BE SUBDIVIDED AND PRECLUDES THE LOCATION OF ANY LOTS IN CERTAIN ZONING DISTRICTS. THE LOTS IN THIS SUBDIVISION MAY BE REPARTITIONED IN CERTAIN ZONING DISTRICTS AS PROVIDED IN THE ZONING ORDINANCES OF THE COUNTY. THE UNINCORPORATED DARE COUNTY MAINTENANCE OF ALL LOTS IN THIS SUBDIVISION SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS.



**NOTES:**  
 1. CURRENT PROPERTY OWNERS: PAUL J. & BARBARA A. WARNELL  
 2. SUBJECT REFERENCES: DB 2714, PG. 125, PG. 1, SL. 399  
 3. THIS SURVEY WAS PERFORMED WITHOUT THE ASSISTANCE OF A TITLE REPORT AND MAY NOT REFLECT ALL EASEMENTS OR ENCUMBRANCES THAT AFFECT THE PROPERTY.  
 4. THIS PROPERTY IS SUBJECT TO ALL SETBACK AND EASEMENT REQUIREMENTS SET FORTH BY DARE COUNTY ZONING S-1.  
 5. THIS SURVEY IS BASED ON FOUND MONUMENTATION AS SHOWN HEREON.  
 6. TOTAL AREA: 116,622 SQ. FT. (2.66 ACRES)  
 7. TOTAL LOTS CREATED: 2  
 8. THE SQUARE FOOTAGE OF THE SMALLEST LOT IS 33,444 SQ. FT. (PARCEL 2)

**LANDS END WAY**  
 (30' PRIVATE R/W/PC G. 25.253)

**LEGEND**  
 (Symbol) FLOOD HAZARD (100 YEAR FLOOD)  
 (Symbol) FLOOD HAZARD (500 YEAR FLOOD)  
 (Symbol) FLOOD HAZARD (1000 YEAR FLOOD)  
 (Symbol) FLOOD HAZARD (200 YEAR FLOOD)  
 (Symbol) FLOOD HAZARD (50 YEAR FLOOD)  
 (Symbol) FLOOD HAZARD (10 YEAR FLOOD)  
 (Symbol) FLOOD HAZARD (5 YEAR FLOOD)  
 (Symbol) FLOOD HAZARD (2 YEAR FLOOD)  
 (Symbol) FLOOD HAZARD (1 YEAR FLOOD)  
 (Symbol) FLOOD HAZARD (0.5 YEAR FLOOD)  
 (Symbol) FLOOD HAZARD (0.2 YEAR FLOOD)  
 (Symbol) FLOOD HAZARD (0.1 YEAR FLOOD)  
 (Symbol) FLOOD HAZARD (0.05 YEAR FLOOD)  
 (Symbol) FLOOD HAZARD (0.02 YEAR FLOOD)  
 (Symbol) FLOOD HAZARD (0.01 YEAR FLOOD)

**DATE** \_\_\_\_\_  
**REVIEW OFFICER** \_\_\_\_\_  
**DARE COUNTY SUBDIVISION ADMINISTRATOR** \_\_\_\_\_

**CERTIFICATE FOR APPROVAL FOR RECORDING**  
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN APPROVED BY THE DARE COUNTY PLANNING BOARD FOR RECORDING IN THE OFFICE OF THE RECORDER OF DEEDS OF DARE COUNTY.

**CERTIFICATE FOR ACCEPTANCE OF DEDICATIONS**  
 I HEREBY CERTIFY THE ACCEPTANCE OF THE DEDICATION OF ROADS, EASEMENTS, RIGHTS-OF-WAY, PUBLIC PARKS, AND OTHER PUBLIC UTILITIES, SHOWN HEREON, IS THE SOLE RESPONSIBILITY OF THE ASSUME AND RESPONSIBILITY TO GRANT OR MAINTAIN SAME UNTIL IN THE OPINION OF THE GOVERNING BODY OF DARE COUNTY, IT IS IN THE PUBLIC INTEREST TO DO SO.

LINE	LENGTH	DIRECTION
L1	22.47'	S 84° 22' 31" E
L2	16.23'	N 81° 30' 42" E
L3	12.66'	N 33° 31' 16" E
L4	50.17'	N 65° 16' 59" E
L5	46.91'	N 50° 58' 40" E
L6	7.16'	N 13° 23' 10" W
L7	16.23'	N 25° 47' 20" E
L8	18.66'	N 19° 04' 26" E
L9	46.66'	N 87° 05' 17" E
L10	8.20'	N 68° 39' 49" E
L11	25.79'	N 80° 18' 51" E
L12	45.51'	N 47° 42' 31" E
L13	17.13'	S 84° 22' 28" E
L14	21.13'	S 4° 56' 12" E
L15	32.00'	S 81° 42' 47" E
L16	22.00'	N 59° 30' 58" E
L17	24.66'	S 72° 07' 19" E
L18	42.26'	N 7° 37' 48" E
L19	28.60'	S 86° 27' 25" E
L20	31.98'	S 72° 33' 19" E
L21	20.29'	S 48° 08' 32" E
L22	34.24'	N 53° 25' 21" E
L23	51.27'	N 29° 13' 56" E
L24	23.15'	N 20° 11' 19" E
L25	22.82'	N 9° 59' 52" E
L26	25.69'	N 1° 24' 53" E
L27	74.75'	N 7° 15' 16" W
L28	108.74'	N 3° 24' 00" E
L29	37.41'	N 11° 28' 08" E

**PRELIMINARY**  
**PLAT**

**MINOR SUBDIVISION FOR  
 PAUL J. & BARBARA A. WARNELL  
 53206 LANDS END WAY, FRISCO  
 LOT 1A, P.C. J, SL. 394**

HATTERAS TOWNSHIP DARE COUNTY NORTH CAROLINA



**J.H. MILLER, JR.  
 LAND SURVEYING**  
 148 SUNSET DRIVE  
 P.O. BOX 1053  
 OCEANOBEACH, NC 27960  
 PROFESSIONAL LAND SURVEYOR - L-4958  
 Phone: (252) 414-1600  
 Email: jhmiller@landsurveying.com  
 www.jhmillerlandsurveying.com



**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) Scarpis Harbor LLC  
Address: 370 HARBOUR RD WAREHOSE NC 27981  
Telephone: 252-216-7055 (cell) Email: RICKY.SCARPIS@COMCAST.COM

**Property Description:**

Lot	Phase/Section	Block	Subdivision
Parcel: <u>013331001</u>			PIN: <u>97970899178</u>

Text Amendment  Map Amendment

Present Zoning Classification: MC-2

**Requested Zoning Classification**

Explanation of Request: I REQUEST THAT THE BUILDING HEIGHT BE SET FOR BOAT STOPS  
BEHIND "52 FEET MEASURED FROM 8 FEET ABOVE NAVD 1988" (OTHER THAN 40 FEET FOR B.  
I REQUEST THIS DUE TO THE NATURE OF MY BUSINESS AND THE INCREASE IN BOAT  
SIZES

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: A SCARPIS Date: 5-16-2024



## County of Dare

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

---

June 11, 2024

### MEMORANDUM

**TO:** DARE COUNTY PLANNING BOARD

**FROM:** Noah H Gillam, Planning Director

**RE:** Text Amendment to Section 22-27.14 Harbor Road Marine Commercial (MC-2) requesting that the building height for boat building facilities be increased to 52 feet.

A text amendment application has been submitted by Ricky Scarborough Jr. requesting to amend the MC-2 zoning ordinance. The applicant is seeking that the language be amended to allow for an increase in the building height limits for boat building facilities. Boat building facilities are a special use in the MC-2 and are currently subject to a height limit of 40 feet measure from 8 feet NAVD 1988. The applicant is requesting that the height limit for boat building facilities be amended to allow for a height of 52 feet measured from 8 feet NAVD 1988.

The MC-2 district was adopted on March 24, 2006 and is only located in Wanchese and encompasses all the parcels located on Harbor Road leading up to the entrance of the Wanchese Industrial Park. Mr. Scarborough owns parcel 013331001 located at 370 Harbor Rd, Wanchese, and currently operates a part of his business, Scarborough Boatworks on the parcel. Since the adoption of the MC-2 zoning district, our local boat builders have experienced an increase in the length and size of their boats to meet the customer request and to stay current with the trends of the sport fishing industry. The current height limit for boat building facilities in the MC-2, does not allow the boat builders enough height to bring the larger boats inside once the super structure is installed on the boat. An increase in the height limit would afford boat builders in the MC-2 the ability to finish and make repairs to boats inside protected from the elements. Currently in Dare County only one building located in the industrial park, which is exempt from County zoning regulations can accommodate the larger boats.

Presently, in the MC-2 zoning district the permitted use of boat dry dock storage facilities are afforded an increase in the height limitation. Boat dry dock storage facilities are allowed to have a height of 50 feet measured from the finished elevation. Once a boat is placed on the dry dock storage structure the overall height of that facility could exceed 60 feet depending on the size of the boat and its associated features being stored on the dry rack. It is staffs opinion that affording boat building facilities an



increase in their height limits would not disrupt the flow and appearance of the zoning district and surrounding neighborhood.

As is the case with the review of any proposed zoning text amendment, a finding of consistency with the Dare County Land Use Plan must be included with any recommendation made by the Planning Board. The 2022 Dare County Land Use Plan recognizes throughout the document the importance of the historical marine-related industries and maintaining the traditional livelihoods of our citizens. Boat building facilities falls into both of those categories. There are two policies in the Land Use Compatibility section that apply to the proposed amendment. The first policy is LUC #1 under the Coastal Heritage and Overall Development Practices heading which states, *that Dare County recognizes the importance of our coastal village heritage and will continue to foster this heritage through the use of appropriate land use policies, regulatory guidelines, and other County ordinances.* The second policy is LUC #13 under the Industrial Development heading that states, *the siting of industrial development should be evaluated relative to its impacts on environmentally sensitive natural areas and compatibility with existing patterns of development. Boat building, commercial fishing and construction are recognized as traditional industries and employment sectors in Dare County that are consistent with our coastal heritage.*

A copy of the proposed draft language is attached to this memo for the board's review. During the discussion the board will need to discuss minimum lot size and separation of structures if favorable action is found on the proposed language. 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 consistency is attached with this memo.

DRAFT LANGUAGE

Draft language can be found in red.

**SECTION 22-27.14 - HARBOR ROAD MARINE COMMERCIAL (MC-2)**

**(c) Special uses:** Any use in existence on March 24, 2006 shall be allowed to continue in operation without seeking approval from Dare County, regardless if that use is listed as a permitted use or is listed as a special use in any of the Wanchese zoning districts. Additions or expansion of uses in existence on March 24, 2006 shall be subject to administrative review and approval by the Dare County Planning Department for compliance with the zoning regulations. Construction of additional principal use structures at existing business sites that would require a special use permit if not already established prior to March 24, 2006 shall trigger review and approval under the special use permit process.

The following special uses and no other special uses may be permitted, subject to the requirements of this district and the regulations and requirements imposed by the Board of Commissioners as provided by Article IX of this chapter. Any use not permitted herein shall be deemed prohibited.

- (1)** Boat building facilities if constructed after March 24, 2006. Boat Building facilities shall have a maximum building height limit of 52 feet measured from 8 feet NAVD 1988 provided the following conditions are met:
  - A. Shall be located on a parcel of land containing not less than 1 acre
  - B. Shall be separated by a minimum distance of 100 feet from a residential structure measured from exterior wall to exterior wall
  - C. No more than one structure on the parcel shall be allowed with a building height exceeding the building height limit of Section 22-27.14 (d)(7)
  - D. Structures exceeding the building height limit of Section 22-27.14 (d)(7) shall be separated by a distance of 300 feet measured from exterior wall to exterior wall.



## ZONING AMENDMENT CONSISTENCY DETERMINATION

On July 2, 2024 the Dare County Planning Board considered a zoning text amendment application submitted by Ricky Scarborough Jr. The zoning text amendment application seeks to amend the Dare County Zoning Ordinance specifically Section 22-27.14 MC-2 District. The text amendment would allow for Boat Building Facilities under the Special Uses of the district to have an increased building height limit of 52 feet measured from 8 feet NAVD 1988.

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 #1

*Dare County recognizes the importance of our coastal village heritage and will continue to foster this heritage through the use of appropriate land use policies, regulatory guidelines, and other County ordinances.*

#### Policy LUC #13

*The siting of industrial development should be evaluated relative to its impacts on environmentally sensitive natural areas and compatibility with existing patterns of development. Boat building, commercial fishing and construction are recognized as traditional industries and employment sectors in Dare County that are consistent with our coastal heritage.*

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 amendment will allow for the growth and expansion of the boat building industry, one of Dare County's traditional industries, which has helped keep our coastal village heritage and helped to sustain our local economy.

The Planning Board further acknowledges that MC-2 zoning district was established to protect the existing varying marine-oriented uses that require a waterfront location while promoting marine-oriented uses and other commercial businesses that do not require a waterfront location, but are related to, or serve a marine interest. The district is designed to promote constructive improvements to existing businesses, orderly growth and future development that is sensitive to any environmental conditions and limitations characterizing much of the lands within the district situated along the north and south boundaries of Harbor Road extending to the entrance of the Wanchese Industrial Park. Furthermore, the district provides space for diverse types of marine commercial activities and land uses that provide services and goods to people and industry while strengthening the economic base of Dare County.

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



## **MANAGEMENT TOPIC #2 – LAND USE COMPATIBILITY**

**CAMA Goal:** Ensure that development and use of resources or preservation of land balances protection of natural resources and fragile areas with economic development, avoids risks to public health, safety, and welfare.

**CAMA Planning Objectives:** The Plan shall include policies that characterize future land use development patterns and establish mitigation criteria and concepts to minimize conflicts.

### **Dare County Land Use Compatibility Objectives**

1. Use the existing patterns of village communities to guide the location of new development and redevelopment in a manner that relates to the vast amounts of publicly owned lands and historical landmarks.
2. Address the housing needs of our permanent residents, our visitors, and our seasonal workforce with a mix of residential structures. Residential development is the preferred pattern of development used to support the varied needs of both permanent and seasonal populations.
3. Cultivate the influence of our coastal village heritage on the architecture, manner of structures, and scale of development for both residential and nonresidential structures.
4. Recognize the varying and sometimes competing needs of our year-round residents and our seasonal visitors when evaluating land use policies and decisions on the development of the remaining privately-owned lands of unincorporated Dare County.
5. Encourage commercial development that is village-oriented to serve the needs of our neighborhoods and not intended to serve as regional attractions. Locally owned businesses and historical marine-related industries should be encouraged and maintained.

### **Coastal Heritage and Overall Development Practices**

The preservation of the historical character of the unincorporated villages of Dare County is identified in the vision statement of the 2022 Land Use Plan. This goal is the cornerstone for many of the policies and implementation strategies found in the Land Use Compatibility management topic. This historical character is often referred to as “coastal village atmosphere”. While this term may be difficult to describe, it embodies a certain style of architectural influences from Dare County’s maritime and fishing heritage and an eclectic mix of land uses interspersed in a village setting. This coastal village atmosphere is important to our residents and is what makes Dare County a top tourist destination. The architecture reflects the need to mitigate the impacts of our coastal environment. Elevated structures and storm shutters were used decades ago to address flooding and high winds long before modern day building codes mandated such features. Our maritime and fishing history is evident also in the villages of unincorporated Dare County.



Another influence is the large number of locally owned businesses in unincorporated Dare County instead of corporate and franchise-owned businesses. The continued success of our locally owned businesses adds to our unique character and appeal to visitors and residents. Due to the isolated nature of our island geography, the development in our villages does not follow traditional land use patterns with separation of uses. However, this is not viewed as a disadvantage but embraced as part of our distinctive nature. The incompatibility of adjoining land uses found in unincorporated Dare County is regarded with some level of tolerance because of the uneven distribution of public-private land ownership, the historical patterns of development in proximity to the publicly owned lands, and the separation of land masses by water bodies.

#### LUC Policy 1

Dare County recognizes the importance of our coastal village heritage and will continue to foster this heritage through the use of appropriate land use policies, regulatory guidelines, and other County ordinances.

#### LUC Policy 2

Public sector and private sector development activities should acknowledge Dare County's coastal heritage by incorporating features reflective of this heritage in building designs, architectural features, and other site improvements.

#### LUC Policy 3

The limited amount of privately-owned lands in Dare County results in a mutual relationship between the unincorporated villages and the Dare County municipalities to address the residential, commercial and institutional needs of Dare County as a whole. Development in the municipalities supplements the consumer, service and institutional needs of the residents of unincorporated Dare County. When practicable, Dare County will coordinate infrastructure needs and construction with the municipalities.

#### LUC Policy 4

Dare County will continue to work with federal, state and non-profit agencies with land ownership or regulatory interests in Dare County to ensure the traditional uses and practices of our coastal villages are incorporated into the management plans and regulatory programs instituted by these agencies.

#### Implementation Strategies for LUC Policies 1-4:

1. Evaluate zoning amendments (both map and text amendments) in terms of how the proposal may impact on our historic coastal villages. Items for consideration should include compatibility of the proposal with existing land uses, the scope of the proposal, and the manner in which the proposal will be accomplished. *Priority: medium*
2. Monitor, and when appropriate, participate in the development of federal and state regulatory programs that may impact the historic use of land in Dare County, the historic



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.



### 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

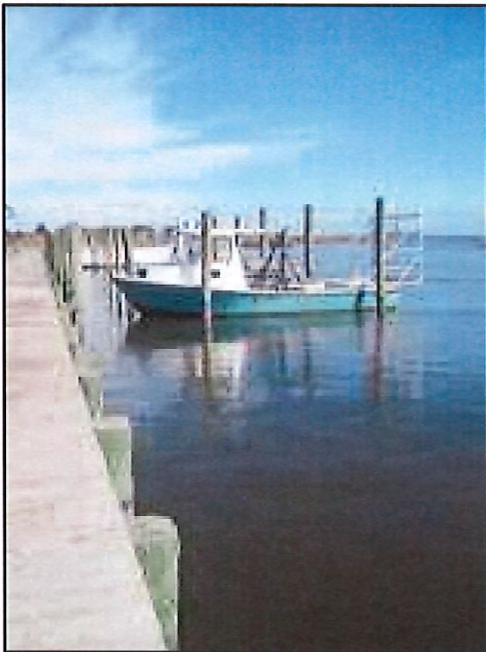
Redevelopment of older structures shall be accomplished in a manner that is compatible with current NC building codes, federal flood insurance regulations and Dare County zoning regulations.

### **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

and our maritime history. Boat building facilities are typically located near water for access purposes and are considered a functionally dependent use under federal flood rules exempting them from elevation of their warehouse/boat building areas. Other industries in Dare County are real estate, construction and commercial fishing. Many commercial fishing operations also have a need to be located near the water for purposes of unloading catch and docking. Other non-traditional and non-maritime industries should be located in areas with similar land uses and their development should occur in an environmentally sensitive manner. There are some industrially zoned areas on the various zoning maps for Dare County, the main area being the Wanchese Marine Industrial Park in Wanchese and another area around the Dare County Airport on the north end of Roanoke Island.

Commercial fishing and boat building are consistent with our coastal heritage. Opportunities to increase educational and research facilities at the UNC Coastal Studies Institute are supported.



*Example of small commercial fishing vessel*

### [LUC Policy 13](#)

The siting of industrial development should be evaluated relative to its impacts on environmentally sensitive natural areas and compatibility with existing patterns of development. Boat building, commercial fishing and construction are recognized as traditional industries and employment sectors in Dare County that are consistent with our coastal heritage.



### Implementation Strategy for LUC Policy 13:

1. Rely on the standards of the Dare County Zoning Ordinance for the siting and development of industrial development of both maritime-related uses and non-maritime related uses.

*Priority: on-going*

### LUC Policy 14

Diversification of Dare County's economy to include compatible industries, such as medical support services and educational and research facilities, are encouraged. These types of facilities provide employment opportunities and quality of life support for our residents without detriment to our natural resources.

### **Manmade Hazard Areas**

Manmade hazards in Dare County include the Dare County Regional Airport on Roanoke Island; the two airstrips located on federal land, the First Flight airstrip in Kill Devil Hills and Billy Mitchell Airstrip in Frisco; and the US Navy and Air Force bombing ranges on the Dare County Mainland. The departing and landing at the regional airport and the airstrips is a hazard and the military activities on the bombing range are hazards for the adjacent and surrounding properties. Buffer zones adjacent to these types of manmade hazards are the typical response. The bombing range is located on acres of federal land with no residential or commercial structures adjacent to the bombing range. This provides protection from the activities occurring at the range. In the past several years, there have been a couple of small airplane crashes on Roanoke Island where planes have crashed in residential areas during takeoff or landing at the Dare County Airport. The Dare County Airport Authority has purchased several properties near the runways in an effort to create buffer zones. There are also airport zoning regulations for the Dare County Regional Airport that are reviewed when properties near the airport are proposed for development. These regulations establish building height limits relative to the runways. Similar overlay zones have been discussed for Billy Mitchell Airstrip and First Flight Airstrip but nothing has been adopted to date.

### LUC Policy 15

Due to potential land use conflicts and hazardous conditions associated with airports and landing strips, development of properties adjacent to such uses should be done in awareness of these potential conflicts and conditions. Private sector development proposals on lands adjacent to airports and landing strips should be evaluated based on their impacts on existing flight patterns and runway zones. Proposals to expand existing services or infrastructure improvements at the Dare County Regional Airport or other airport facilities in Dare County shall be reviewed on a case-by-case basis. Support or opposition may be offered depending on the terms of the proposal, its potential impacts on the community, and its potential economic and transportation benefits.



## SECTION 22-27.14 - HARBOR ROAD MARINE COMMERCIAL (MC-2)

All properties entering onto Harbor Road up to the entrance to Wanchese Seafood Industrial Park

**(a) Scope and intent:** The Marine Commercial District is established to protect the existing varying marine-oriented uses that require a waterfront location while promoting marine-oriented uses and other commercial businesses that do not require a waterfront location, but are related to, or serve a marine interest. The district is designed to promote constructive improvements to existing businesses, orderly growth and future development that is sensitive to any environmental conditions and limitations characterizing much of the lands within the district situated along the north and south boundaries of Harbor Road extending to the entrance of Wanchese Industrial Park.

Furthermore, this district allows and encourages wastewater treatment systems other than conventional septic tank and drain field systems, that may be authorized by the Dare County Health Department. However, this does not include centralized urban-style wastewater collection and treatment systems. The goal is to protect the quality of the community's surface water and ground water supply particularly with the close proximity of this district to Broad Creek and Mill Landing Creek.

The district provides space for diverse types of marine commercial activities and land uses that provide services and goods to people and industry while strengthening the economic base of Dare County. Moreover, the district allows for the continued use of a flexible mix of single-family dwellings, duplex homes, and mobile homes on individual lots, and mobile home parks. The goal of the community is to protect the harmonious atmosphere of a quaint fishing village.

**(b) Permitted uses:** Any use in existence on March 24, 2006 shall be allowed to continue in operation without seeking approval from Dare County, regardless if that use is listed as a permitted use or is listed as a special use in any of the Wanchese zoning districts. Additions or expansion of uses in existence on March 24, 2006 shall be subject to administrative review and approval by the Dare County Planning Department for compliance with the zoning regulations. Construction of additional principal use structures at existing business sites that would require a special use permit if not already established prior to March 24, 2006 shall trigger review and approval under the special use permit process.

The following uses and no other uses shall be permitted by right and are not necessarily associated with a principal residential use. Any use not permitted herein shall be deemed prohibited.

**(1) Offices, including such uses as:**

- a. Business.
- b. Financial, such as banking.
- c. Governmental.
- d. Medical.

**(2) Commercial uses:**

- a. Boat yards, repair.
- b. Boat and motor display, sales and service.
- c. Boats - dry dock storage, fenced and not to exceed 50 feet measured from the finished elevation.
- d. Boarding of horses, commercial horse ranch/equestrian related uses and activities, tack shop.
- e. Box making facilities.

- f. Cold storage and ice manufacturing.
- g. Container storage space for boat gear on docks in conjunction with marina or boat docks.
- h. Crab shedding operations and associated equipment.
- i. Crab pot storage and other crabbing and commercial fishing gear.
- j. Dry cleaning, laundromats.
- k. Existing docking facilities, private and public.
- l. Electrical equipment, sales and service.
- m. Electronic equipment, sales and service.
- n. Fish houses, including packing, processing, seafood sales, storage and loading and unloading trawlers.
- o. Fishing - party fishing excursions and associated services.
- p. Food service –carryout and mobile only (see CUP for seating).
- q. Hardware supplies.
- r. Heating and air, sales, service.
- s. Marine supplies, including rigging, netting, and the like.
- t. Plumbing supplies, sales and service.
- u. Private docks and commercial docks.
- v. Retail shops, including, but not limited to gifts and imports.
- w. Radio, TV broadcasting and film production studio.
- x. Seafood processing and seafood market sales – wholesale /retail.
- y. Schools, commercial limited to sailing/marine oriented outdoor lifestyle.
- z. Taxidermist.
- aa. Upholstery.
- bb. Vessel refueling.
- cc. Village general store without fuel pumps and not associated with a marina.
- dd. Welding shop and steel fabrication.

(3) Single-family dwelling unit in conjunction with commercial business may be located above or in the rear of commercial building, attached or detached provided that all federal, state, and local regulations are met. No additional parking shall be required for the residential use. The residential use shall not exceed 1,200 square feet of building footprint area.

(4) Detached single-family dwellings on individual lots or parcels.

(5) Single-family mobile homes located on individual lots, provided:

- a. Compliance with building code for mobile homes in a hurricane area.
- b. Compliance with the requirements of the building inspector regarding skirting materials and skirting area.



**(6)** Bed and breakfast homes.

- a. Small bed and breakfast home as defined in Section 22-2.
- b. Large bed and breakfast home as defined in Section 22-2.

**(7)** Duplexes.

**(8)** Customary accessory uses associated with principal use, including windmills not to exceed height limit of this district, garages, sheds, swimming pools, tennis courts, commercial accessory business structures and any other structure associated with a residential use.

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

- a. An accessory dwelling unit may be attached to the principal residence or be detached from the principal residence. The size of an accessory dwelling unit, whether attached to or detached from, the principal residence shall not exceed 900 square feet of heated space.
- b. An accessory dwelling unit, whether attached to or detached from the principal residence, shall be located on the site in conformance with the building setbacks of this zoning district.
- c. The owner of the property and/or family member shall occupy either the primary residence or accessory dwelling unit.
- d. One additional off-street parking space shall be required.
- e. An accessory dwelling unit shall not be subdivided or segregated in ownership from the principal use structure.
- f. An outbuilding on a residential lot that exists at the time of adoption of this ordinance may be converted into an accessory dwelling unit, if lot coverage can be met for the accessory unit and the primary residence.
- g. The accessory dwelling unit shall be constructed according to all applicable state and federal regulations and local building code requirements, including federal floodplain elevation regulations if applicable.
- h. Once permitted, the property owner shall submit annual verification of year round occupancy of the principal use structure or the accessory dwelling unit to the Dare County Planning Department, if necessary.
- i. Travel trailers, recreational vehicles, and/or mobile homes shall not be used as accessory dwelling units.
- j. Accessory dwelling units shall not be used for any commercial or business activity.

**(10)** Traditional village business – A commercial accessory use conducted by owner and/or family member residing on the lot or parcel of the principal residence provided the following conditions are met:

- a. Property owner and/or family member operates a business and resides on the premises.
- b. Merchandise produced on or off of the premises may be sold on premises.
- c. An accessory commercial building shall not exceed 1,200 square feet. In addition, 25% of the total floor area of the principal residence may be used for said business.

- d. One indirectly lighted freestanding sign, not to exceed 36 square feet, may be posted on the property.
- e. On-site parking for up to 4 spaces shall be provided on the site.

**Zoning Code** 122EEE

- f. Visual buffer: A 6-foot opaque wooden fence or vegetative buffer shall be provided for any business established after March 24, 2006. In some instances, existing dense shrubs, trees, and plants may provide screening.
- g. In the case where a property owner owns land that is contiguous to the principal residential use and accessory business, said land may be used as an extension and a part of the traditional village business use.
- h. The traditional village business shall be located a minimum of 15 feet from the front property line and 10 feet from any side or rear property line. The setbacks listed in subsection (d) shall not apply.
- i. An average of 3 non-resident employees may be employed.

The following list of uses may be permitted as a traditional village business including, but not limited to:

1. Offices: business, financial, professional, and medical.
2. Retail/wholesale shops:
  - a. Antiques, furniture, and home decor.
  - b. Apparel.
  - c. Artist and art supplies.
  - d. Bait and tackle supplies.
  - e. Beehives.
  - f. Books.
  - g. Camera and photo supplies.
  - h. Coffee/tea cakes, pies, bakery goods and edibles.
  - i. Florist.
  - j. Fruit and vegetable stand.
  - k. Gifts and imports.
  - l. Hobby goods.
  - m. Hunting and fishing supplies.
  - n. Jewelry.
  - o. Leather goods.
  - p. Millinery shop.
  - q. Music shop.
  - r. Photography equipment.



- s. Sales and service.
  - t. Sewing shop/needle works, dry goods and supplies.
  - u. Tack and equestrian associated sales.
  - v. Toys.
  - x. Upholstery.
  - y. Woodcarving, ducks and other wildlife.
3. Service establishments:
- a. Automobile detailing.
  - b. Barber and beauty shops including tanning and exercise facilities.
  - c. Bicycle rentals with buffered storage area.
  - d. Boarding of horses, equestrian associated activities according to state regulations.
  - e. Boat building shop – (not to exceed 1,200 sq. ft. boat size limited to 36 ft.).
  - f. Bricklayer.
  - g. Bake shops – cakes, pastries, edibles and bakery goods.
  - h. Carpenter/cabinet/wood-working.
  - i. Catering business.
  - j. Computer and internet services.
  - k. Concrete finishing business and equipment.
  - l. Crab pot storage and other crabbing and commercial fishing gear.
  - m. Crab shedders and associated operations.
  - n. Craft production and retail sales.
  - o. Electrician.
  - p. Electronics.
  - q. Excavating and equipment.
  - r. Hardwood flooring, carpet, vinyl and ceramic tile installation.
  - s. Heating and air.
  - t. Historic home place tours and interpretation of village lifestyle.
  - u. Home schooling.
  - v. House and boat moving business.
  - w. Landscape and lawn care.
  - x. Music lessons.
  - y. Outboard engine repair.
  - z. Painter and dry wall.

- aa. Photographer.
  - bb. Plumber.
  - cc. Potter, clay works, ceramics.
  - dd. Pressure washing business.
  - ee. Radio, TV broadcasting and film production studio.
  - ff. Roofer.
  - gg. Seafood sales as per North Carolina regulations.
  - hh. Small engine repair.
  - ii. Small trucking business – parking business truck on site.
  - jj. Taxidermist.
  - kk. Tree removal, stump grinding, log splitting and wood sales.
  - ll. Welding shop.
4. Specific waterfront commercial accessory uses associated with principal use:
- a. Commercial fishing and crabbing business, retail and wholesale markets, including all rigging and storage of crab and fish gear.
  - b. Boat dockage of 10 slips or less.
  - c. Boat shop not to exceed 1,200 square feet of floor area and limited to the construction of 36-foot boats.
  - d. Boathouses and sheds.
  - e. Boat rentals limited to non-motorized watercraft.
  - f. Fishing party excursions ½ day and full day trips.
  - g. Private boat ramps for residential use or commercial accessory use.
  - h. Schools offering private lessons for sailing and other outdoor activities.
- (11) Agriculture farming, livestock, waterfowl, poultry and related activities for personal use.
- (12) Aquaculture and associated activities related to fish farming as regulated by the State.
- (13) Small child care homes as defined in Section 22-2.
- (14) Private home antennas and on-site accessory business use antennas.
- (15) County owned and leased facilities.
- (16) Heritage gardens – designated areas of land leased to the public for gardening projects.
- (17) Workforce housing - administrative review for one WHU subject to provisions of Section 22-58.7.

**(c) Special uses:** Any use in existence on March 24, 2006 shall be allowed to continue in operation without seeking approval from Dare County, regardless if that use is listed as a permitted use or is listed as a special use in any of the Wanchese zoning districts. Additions or expansion of uses in existence on March 24, 2006 shall be subject to administrative review and approval by the Dare



County Planning Department for compliance with the zoning regulations. Construction of additional principal use structures at existing business sites that would require a special use permit if not already established prior to March 24, 2006 shall trigger review and approval under the special use permit process.

The following special uses and no other special uses may be permitted, subject to the requirements of this district and the regulations and requirements imposed by the Board of Commissioners as provided by Article IX of this chapter. Any use not permitted herein shall be deemed prohibited.

- (1) Boat building facilities if constructed after date of adoption of ordinance.
- (2) Cemeteries, churches, fire stations and other public buildings.
- (3) Communication tower only associated with an on-site business.
- (4) Elder in-home care, up to 4 non-related patients (private home nursing) provided the following minimum requirements are met:
  - a. Employee and visitor parking according to Section 22-56 in addition to 1 parking space for each non-resident employee.
  - b. Other reasonable conditions as may be imposed by the Board of Commissioners.
- (5) Fuel storage only associated with on-site business use.
- (6) Group housing projects according to Section 22-31 plus the following requirements:
  - a. Density shall not exceed 1 unit per 20,000 square feet of soils not classified as coastal wetlands; duplex home 25,000 square feet of soils not classified as coastal wetlands provided this area may be reduced to 20,000 square feet if duplex is served by central water supply.
  - b. Every dwelling shall be accessible to emergency service vehicles and Dare County Public Works vehicles.
  - c. A turning lane into project shall be provided with additional setback buffer along state-maintained rights-of-way into the residential neighborhoods.
  - d. Building height limit of 40 feet as defined in this section.
  - e. No mooring of permanent floating homes and other permanent floating structures as defined in 15A NCAC 7M00602 in the surrounding public trust waters of Dare County.
  - f. Accessory dwelling units are not allowed in sites developed as a group housing development.
  - g. A traditional village business use is not allowed in sites developed as a group housing development.
  - h. Other requirements that may be imposed by the Board of Commissioners.
- (7) Group development projects (more than one principal building per parcel when land is under single ownership) according to Section 22-31.
- (8) Marinas, boat dockage, village marina store with fuel pumps, boat rentals for fishing excursions, and other non-motorized boat rentals provided the following minimum conditions are met:
  - a. Lot size shall be sufficient to meet requirements of the Dare County Health Department and to provide adequate siting for structures, parking, loading and maneuvering space as provided in Section 22-56.
  - b. Food and beverage services and/or a restaurant may be associated with a marina.



- c.** All boat rentals, except for fishing excursion rentals, shall be limited to non-motorized vessels and shall be limited to a total of 10 vessels offered for rent.
  - d.** Fuel pumps shall not be located within 50 feet of a residential zoning district or residential use and that such fuel pumps shall be setback a minimum of 25 feet from all rights-of-way.
  - e.** One 10' x 20' parking space shall be provided for each wet boat slip.
  - f.** Outdoor lighting shall be complete cut-off design, low-profile, shielded and oriented in such a manner to minimize spill across property lines and prevent glare at any location on or off the property. A lighting plan shall be submitted as part of the site plan.
  - g.** Other reasonable conditions as may imposed by the Board of Commissioners.
- (9)** Mobile home parks and travel trailer parks in accordance with the provisions of the Dare County Mobile Home Park Ordinance.
- (10)** Pet grooming provided the following minimum requirements are met:
- a.** Shall be owner and/or family occupied residential premises.
  - b.** Day care only for grooming – hours of operation limited to 7:00 a.m. to 6:00 p.m.
  - c.** No outdoor run facilities and no overnight guests (not a kennel).
  - d.** Other reasonable conditions imposed by the Board of Commissioners.
- (11)** Public and private utilities shall provide a vegetative buffer at least 10 feet in height.
- (12)** Restaurants on individual parcels or as an accessory use and designed as part of a marina project provided the minimum following conditions are met:
- a.** Lot size shall be sufficient to meet requirements of the Dare County Health Department and to provide adequate siting for structures, parking, loading and maneuvering space as provided in Section 22-56. In addition, a fence or vegetative buffer shall be provided adjacent to residential use or residential zoning district.
  - b.** The restaurant shall not feature drive-thru window service whereby patrons are served while seated in a motor vehicle or drive-up wait service whereby patrons are served while seated in a motor vehicle.
  - c.** The restaurant shall include facilities for indoor and outdoor seating.
  - d.** On-site parking shall be according to Section 22-56 – one 10' x 20' parking space for every 3 customer seats plus one 10' x 20' space for every 3 employees and loading space.
  - e.** Outdoor lighting shall be complete cut-off design, low-profile, shielded and oriented in such a manner to minimize spill across property lines and prevent glare at any location on or off the property. A lighting plan shall be submitted as part of the site plan.
  - f.** Other reasonable conditions as may imposed by the Board of Commissioners.
- (13)** Storage/warehousing and warehouse storage centers, including boat trailers and long-term storage containers and mobile storage, provided the following minimum conditions are met:
- a.** Site shall be buffered with wooden opaque fencing not to exceed 10 feet in height and also provide sound and site screening as visual and sound buffer to residential homes in and around area of warehouse storage site.
  - b.** Outdoor lighting plan shall be submitted with a site plan.



- c. Hours of operation shall be included as part of CUP review.
- d. Other reasonable conditions as may be imposed by the Board of Commissioners.

(14) Village center complex: a mixed use development situated on single parcel of land under single ownership whereby an existing commercial building, or new structure, may be developed and limited to retail sales units on the lower level of the structure with residential units on upper level. Additional residential units may be situated on the site. The following minimum requirements shall be met:

- a. Village center complex site must contain a minimum of 3 acres.
- b. Approval of all supplementary local, state and federal permits. Site must be adequate for siting commercial structure, parking, loading and maneuvering space as required by Article VII. Two 10' x 20' parking spaces per residential use shall be provided. Overflow parking, if applicable, shall be directed to off peak use of commercial spaces.
- c. Site screening - a vegetative or fence buffer not to exceed 10 feet in height. A 10-foot wide setback shall be required where the site abuts a residential use or zone (not subject to 20-foot dimensional requirements in D.1 – Dimensional requirements).
- d. Food service shall be limited to packaged items, such as snacks, drinks and ice cream. Food service may be located outside the building on site as a refreshment pavilion to serve patrons in the village complex. Food service shall be exempt from parking as required for restaurants.

(15) Village general store with fuel pumps on individual parcels or as an accessory to marinas.

(16) Spoil sites for maintenance dredging.

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

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

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

**(d) Dimensional requirements for residential uses:**

(1) Minimum lot size:

a. Single-family lots with accessory dwelling units and accessory commercial structures used in association with a single-family use shall be of sufficient size to meet the requirements of the Dare County Environmental Health Department and to provide adequate setbacks for the single-family structure, accessory dwelling unit and all other accessory use structures.

Existing lots – All lots that were subdivided and recorded before March 24, 2006 shall meet the approval of the Dare County Environmental Health Department for well and on-site wastewater systems. The setbacks and lot coverage standards of Section 22-27.18 shall apply to lots recorded before March 24, 2006.

b. Newly platted lots - For those lots subdivided and recorded after March 24, 2006:

Single family lots:

15,000 square feet of soils not classified as coastal wetlands for lots connected to a central water supply.

20,000 square feet of soils not classified as coastal wetlands for lots connected to a private well.



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) Minimum lot width: 75 feet at building setback line.

(3) Minimum front yard: 25 feet.

(4) Minimum side yard: 10 feet; an additional 5-foot side setback for corner lots adjacent to a street. Lots less than 75 feet in width shall have an 8-foot setback and an additional 5-foot setback for corner lots adjacent to a street.

(5) Minimum rear yard: 20 feet maximum, or 20% of lot depth. Zero line setback for waterfront lots.

(6) Lot coverage: 30% as defined in Section 22-2. Lot coverage of 50% may be authorized for those sites with an accessory dwelling unit and/or a traditional village business.

(7) Building height: 40 feet measured from 8 feet NAVD 1988 to the highest elevation of any feature of the structure or portion of the roof measured from the approximate center of the structure. For those properties where the natural grade exceeds 8 feet NAVD, building height shall be measured from the highest adjacent grade to the proposed structural footprint. Natural grade for calculation of the 40 feet building limit is defined as (1) natural ground elevation before any land disturbing activities; (2) unnatural ground elevation created by the placement of fill on a site before March 24, 2006; or (3) the re-grading of natural topographic conditions in preparation of construction activities. Overall height shall be measured from the approximate center of the structure to the highest elevation of the structure. Chimneys, lightning rods, weather vanes, wind gauges, and other similar roof appurtenances shall not be considered the highest portion of the roof. The pitch of the principal roof shall be no less than 4/12. Principal roof is defined as the largest section of the roof on the structure.

**(e) Dimensional requirements for individual commercial use on separate lot or parcel that is not in conjunction with principal residential use:**

(1) Minimum lot size: Commercial lots need to be of sufficient size to meet the requirements of the Dare County Environmental Health Department and to provide adequate siting for structures, parking, loading and maneuvering space according to Section 22-56. Also, a visual buffer of vegetation or fencing and a 20-foot wide setback is required when an individual commercial use abuts a residential use or residential zone. All outdoor lighting shall be low profile, shielded with glare directed on site and away from all adjoining properties and streets.

(2) Minimum front yard: 15 feet.

(3) Minimum side yard: 10 feet; an additional 5-foot side setback for corner lots adjacent to a street. Lots less than 75 feet in width shall have an 8-foot setback and an additional 5-foot setback for corner lots adjacent to a street.

(4) Minimum rear yard: 20 feet maximum, or 20% of lot depth for interior lots. Zero line setback for waterfront lots.

(5) Lot coverage: 60% as defined in Section 22-2.

(6) Building height: 40 feet measured from 8 feet NAVD 1988 to the highest elevation of any feature of the structure or portion of the roof measured from the approximate center of the structure. For those properties where the natural grade exceeds 8 feet NAVD, building height shall be measured from the highest adjacent grade to the proposed structural footprint. Natural grade for calculation of the 40 feet building limit is defined as (1) natural ground elevation before any land disturbing activities; (2) unnatural ground elevation created by the placement of fill on a site before March 24, 2006; or (3)



the re-grading of natural topographic conditions in preparation of construction activities. Overall height shall be measured from the approximate center of the structure to the highest elevation of the structure. Chimneys, lightning rods, weather vanes, wind gauges, and other similar roof appurtenances shall not be considered the highest portion of the roof. The pitch of the principal roof shall be no less than 4/12. Principal roof is defined as the largest section of the roof on the structure.

**(7) Maximum commercial building size:** 10,000 square feet excluding decks, porches, and other non-heated space. Hotels, motels, churches, fire stations, public buildings and schools are excluded from this building size limitation.

**(f) Non-conforming uses and non-conforming structures:** The standards of Section 22-27.19 shall apply to this district.

**(g) Performance standards and other information:** The standards of Section 22-27.20 shall apply to this district.

**(h) The sections contained in Articles I, Article III, Article VII, Article VIII, and Article IX of the Dare County Zoning Ordinance shall apply to this district.** (Adopted by the DCBC on March 24, 2006; amended 2-20-2017)

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