

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, May 11, 2020. This meeting was held virtually through Google Meet.

**CALL TO ORDER** 6:00 pm

**MEMBERS PRESENT** John Finelli, Chairman  
Michael Barr Beth Midgett  
Terry Gore II David Overton  
David Hines Buddy Shelton

### MEMBERS ABSENT

-None-

### AGENDA AMENDED

Chairman Finelli proposed a change to the agenda to remove Conditional Use Permit for Travel Trailer Park, Beachland Farm Campground, Manteo, NC. Item was withdrawn by applicant from the May 11, 2020 agenda. Finelli additionally proposed adding Temporary Procedures for Restaurants and Mobile Food Units and Discussion of Travel Trailer Park Amendments to Other Business.

Chairman Finelli made a motion to amend the agenda as proposed. Terry Gore seconded this motion.

Vote: Ayes – Unanimous

### APPROVAL OF MINUTES

There was a correction to the first sentence of paragraph four on page two of the minutes for the March 9, 2020 meeting of the Dare County Planning Board. The word original was added in front of floor level, so it is understood that lateral additions in the Shaded X and X zones can be built at original floor level if there will be no footprint change.

Chairman Finelli made a motion to approve the minutes as corrected. Terry Gore seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

-None-

## **OLD BUSINESS**

-None-

## **NEW BUSINESS**

### ***John and Lee Ann Canning, Zoning Map Amendment to Rezone Property from R-3 to C-3, Buxton, NC***

John Canning was present at the meeting.

Noah Gillam addressed the Board. Mr. Gillam said a zoning map amendment application has been filed by Mr. John Canning for his property located at 49251 NC 12 HWY in Buxton, NC.

The property is currently zoned R-3, high density residential. The property currently has a minor mobile home park (10 sites or less), and 30' x 50' storage building that the applicant uses for personal storage and workshop. The applicant is seeking to have the property rezoned to C-3 commercial. It is the applicant's goal, if the map amendment is approved, to operate a commercial storage yard on the rear portion of the two acre property. If the map amendment is approved the applicant would have to submit a site specific plan to separate the mobile home park from the proposed storage area.

Mr. Gillam noted the surrounding area around the applicant's property is mostly zoned C-2 and C-3 commercial. The property to the North currently operates a restaurant. The property directly to the west of the property is zoned R-3, and has a minor mobile home park located on it. The property to the south is zoned SED-1 and is largely undeveloped.

The Board was provided a copy of the zoning map for the area with the applicant's property highlighted in red.

Mr. Gillam said after meeting with the applicant, staff felt a map amendment to change the property to C-3 would better suit their needs rather than a text amendment to the R-3 to allow for commercial storage yards. A text amendment to the R-3 district would amend all areas zoned R-3 in unincorporated Dare County.

Mr. Gilliam additionally noted the C-3 zoning district is established to provide for the development of commercial facilities to furnish a broad range of services and commodities to serve the entire community. The C-3 permits such uses as, building supply and equipment sales, building contractor's offices, storage areas, mobile home display and sales, and all currently permitted in the C-2 zoning district.

The Board was provided a copy of the C-2 and C-3 zoning ordinances.

Mr. Gilliam noted that the Planning Board does have the option of conducting a hearing on this matter, but it is staff's recommendation to forego this step since the Board of Commissioners are required to do so.

The Board was provided a copy of A Zoning Amendment Consistency Determination for the Board's review.

Chairman Finelli asked if staff received any comments. Mr. Gillam replied that he received an email from one of the joint property owners inquiring what the applicant planned to do with the rezoning. Mr. Gillam told the property owner that all uses of the C-3 and C-2 would be permitted, but Mr. Canning is seeking commercial storage yards to store boats and trailers.

Buddy Shelton made a motion to recommend approval of the proposed zoning map amendment and finding of consistency with the 2009 Land Use Plan update. David Hines seconded the motion.

Vote: Ayes – Unanimous

Donna Creef said this item will go forward to the Dare County Board of Commissioners who may schedule a public hearing on the proposed map amendment for June 1, 2020.

***Shelly OBX Storage, Conditional Use Permit Application for Group Development of Mini Storage Facility, Manns Harbor, NC***

Shelly and William Daugherty were present at the meeting.

Noah Gillam said a request for a Conditional Use Permit (CUP) for a group development for mini storage warehouses has been submitted by Shelly and William Daugherty. The proposed development is located in Manns Harbor and identified as parcels 023856000 and 023856006 with Dare County Tax Mapping.

Mr. Gillam said the parcels are zoned MH-A and mini storage facilities are a permitted use. The applicants own and operate a mini storage facility on an adjacent parcel to the proposed project. Staff feels that since historically one of the facilities have been allowed to operate with two primary use structures it is appropriate to review the new proposal for a multi building storage facility under the group development process and regulations to ensure compliance with the Dare County Zoning Ordinance.

The applicants currently operate a standalone mini storage on parcel 023856000, and have an active building permit to construct a new mini storage unit on parcel 023856006. Contingent on the Board's review the applicants plan to abandon the lot line separating the two parcels and combine them. Once the parcels are combined, a proposed third mini storage unit will be added to the site adhering to the regulations set forth in the zoning ordinance.

The Board was provided a site plan depicting the proposed recombination and proposed improvements.

A copy of the site plan was provided to Steve Kovacs, the Dare County Fire Marshal, for his review. The fire marshal's comments are highlighted in red on an attached site plan. A condition has been added to the draft CUP addressing his comments.

Chairman Finelli asked Shelly Daugherty if she had any comments for the Board or Staff. Ms. Daugherty said she had no comments.

Beth Midgett made a motion to recommend approval of the Conditional Use Permit application. Buddy Shelton seconded the motion.

Vote: Ayes – Unanimous

Donna Creef said Conditional Use Permits are handled as Quasi-Judicial proceedings when presented to the Board of Commissioners. With limitations on social gathering and social distancing, the County Manager, Bobby Outten, advised Ms. Creef it may be some time before the Board of Commissioners has a regular meeting where sworn testimony can be given.

## **OTHER BUSINESS**

### ***Temporary Procedures for Restaurants and Mobile Food Units***

Ms. Creef said the Outer Banks Restaurant Association sent an email to Dare County Board of Commissioners and the local governments asking for flexibility for food trucks and allowing restaurants to use outdoor areas for seating and other uses. At the May 5<sup>th</sup>, Board of Commissioners meeting, the Commissioners instructed staff to come up with procedures on a temporary basis that will assist the food service industry once current restrictions are eased or lifted.

Ms. Creef recommends the following Temporary Procedures for Food Stands and Mobile Food Units:

Location: A mobile food unit shall be located on a parcel of land in conjunction with an existing commercial structure or may be located on a vacant parcel of land that is zoned for restaurant use under the terms of the Dare County Zoning Ordinance.

Public Restrooms: Portable toilets may be used to meet this public restroom requirement provided the toilets meet Dare County Health Department approval.

Parking: This parking requirement may be decreased or waived by the Planning Director upon review of the other uses of the property and parking demands of the site.

Signage: One temporary signage or sandwich board sign not to exceed 12 square feet may be used on the site. The placement of the temporary sign shall not block line of sight clearances for vehicles entering or exiting the site.

Ms. Creef recommends the following Temporary Procedures for Restaurants:

Outdoor Use/Outdoor Seating: Outdoor use areas may be located in any required setback area however such areas shall not be located closer than fifteen (15) feet from any street right-of-way or vehicular access easement.

Parking: If no reduction in seating capacity is mandated by the State of North Carolina, then a parking ratio of one (1) parking space for each four (4) seats shall apply. The excess parking spaces may be used for outdoor seating or outdoor use areas of the restaurant.

Signage: One temporary signage or sandwich board sign not to exceed 12 square feet may be used on the site. The placement of the temporary sign shall not block line of sight clearances for vehicles entering or exiting the site.

Chairman Finelli said this is a time sensitive issue, so it is not something that can be put through the normal process of public hearings and discuss for two or three months.

David Overton said his main concern is if there will be port-a-johns put outside they will need to be maintained on a daily basis to be kept clean. Donna Creef said she thought it unlikely restaurants will have portable toilets rather than use the facilities they have



now in their building. The intention was to include language in case the question came up.

David Hines said during the summer months there may be more than four (4) people in one car. Mr. Hines proposed the Board consider six (6) people per car. Donna Creef said she is fine with changing the restaurant language to one (1) parking space for each six (6) seats.

Chairman Finelli made a motion to recommend approval of the Temporary Procedures for Restaurants and Temporary Procedures for Food Stands and Mobile Food Units as drafted by Staff with the one amendment taking the parking to one and six to ensure flexibility for food service operations in response to social distancing health directives. Buddy Shelton seconded the motion.

Vote: Ayes – Unanimous

### ***Discussion of Travel Trailer Amendments***

Donna Creef addressed the Board. Ms. Creef said earlier this year, KOA representatives asked to put several “Eco-tents” in their facility on Hatteras Island. The units are tents with restroom facilities and are designed to remain in place for extended periods of time for seasonal occupancy. It was determined that such units needed to meet the NC building code.

The Beachland Farms Campground also features a cabin as part of the site plan.

The Travel Trailer Park Ordinance (TTPO) includes language that permits one mobile home to serve as the park manager’s residence. There are no other provisions for alternative camping options. The TTPO was adopted in 1992 before the advent of alternative camping options such as eco-tents, camping cabins, etc. If such units are built to meet NC codes and we can ensure they will not be used for permanent dwellings, the following updates to the TTPO are recommended:

1. Revise the name of the ordinance – Travel Trailer Park and Campground Ordinance.
2. Revise the intent of ordinance to recognize alternative camping units.
3. Draft a definition of seasonal camping facility and camping cabin to recognize other types of units authorized for location in campgrounds.

4. Identify a size limitation for stick-built units that may be in campgrounds. The TTPO allows 1500 square foot sites, so a cabin size limit would need to be congruent to this amount.
5. As an alternative to the size limit identified in item four (4), the ordinance could establish standards whereby larger units on other portions of larger parcels are developed with access to the cabins via the same roads as the campground. This would allow separation from traditional travel trailers. A limitation is needed for such units. We have to ensure any units are not used as permanent dwellings. They could be occupied throughout the year but the tenure of each occupancy needs to remain short-term and the ownership of the units needs to remain as common ownership of the campground and not sold to individuals.
6. Provide a limitation on the number of camping cabins that could be located in the park. This would assist with the limitation on year-round permanent occupancy.

Ms. Creef said she will review the specifics of the TTPO and highlight the sections that need amending. Ms. Creef added that she did not want to start the task without input from the Planning Board on the merits of such amendments.

Buddy Shelton asked if occupancy tax would apply. Donna Creef said she would ask the Tax Department for clarification. Mr. Shelton also said size restrictions would be a good idea if the Planning Board moves forward with the amendment.

David Hines said he looked at Eco-tents online and they appear to be elaborate. These are not your standard tent.

Michael Barr said the Board may want to consider whether the tents should be occupied year-round or a specified time-frame.

Beth Midgett agrees that size restrictions need to be looked at and also the amount of time for occupancy. She is also concerned about the safety aspect of the tents and how they are anchored.

David Overton said the tents are very nice but need to be temporary. He agrees that size limits should be established because some of the tents can be up to 800 square feet.

Terry Gore said occupancy tax is six percent for temporary dwellings occupied less than 90 days. Mr. Gore said he agrees there should be limitations set but thinks these structures could bring a new type of guest to the area, which helps the economy.



Chairman Finelli said he looked at the building codes on tents and they distinguish whether they will be occupied six months or more than six months. Finelli said he also looked at cabins that are in some of the National Parks. It appears the larger two bedroom units are about 400 square feet and do not include a kitchen. He said that may be a good starting point for limitations. Finelli said the Board may want to consider a 30 day occupancy limit and whether kitchen facilities should be allowed in cabins.

Ms. Creef said staff will do more research and plans to continue the discussion at the next Planning Board meeting. No action required from the Planning Board at this time.

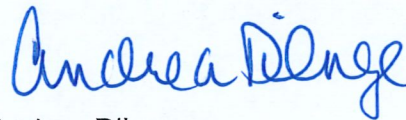
**ADJOURNMENT**

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 7:04 p.m.

Respectfully Submitted,



Andrea DiLenge  
Planning Board Clerk

APPROVED: June 8, 2020



John Finelli  
Chairman, Dare County Planning Board