



## Dare County Planning Board Meeting

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

July 6, 2023

### Agenda

- I. Call to order **6:00 PM**
- II. Roll call  
John Finelli, Chairman  
Beth Midgett  
David Overton  
Terry Gore II  
Buddy Shelton  
David Hines  
John DeBoy
- III. Approval of minutes for the June 6, 2023 meeting
- IV. Public Comment
- V. Old Business
- VI. New Business
  - a. Special Use Permit Application No. 5-2023 for a 7 Unit Cluster Home Group Development at 0 Old Main Rd, Avon, NC (Parcel No.014690002) Applicant: William David Stowe
- 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 6, 2023. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

**CALL TO ORDER** 6:00 pm

**MEMBERS PRESENT** John Finelli, Chairman  
Beth Midgett  
David Overton David Hines  
Terry Gore II John DeBoy

**MEMBERS ABSENT** Buddy Shelton

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the May 2, 2023 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. John Deboy seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

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

*Public Comment Closed at 6:02.*

### NEW BUSINESS

***Preliminary Plat Review, 2 Lot Minor Subdivision, Mark Reconnu, 109 Old NC 345 (Parcel No. 025009000)***

*Mark Reconnu (Owner), was present at the meeting.*

Ms. Newbern addressed the Board. She said that the size of the parent parcel exceeds the threshold for administrative approval and the proposed lots exceed the minimum lot size requirements for the RS-8 zoning district. Ms. Newbern further explained that the proposed Lot 2 is currently vacant and a single-family dwelling exists on the proposed Lot 1. She stated that the CAMA 30' buffer and all minimum building setback lines are shown on this plat and all applicable state and federal permits, including wetland fill permits from the US Army Corp, shall be obtained and a copy provided to the Dare County Planning Department.

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Ms. Newbern noted that no new streets are proposed and the 20' wide access easement to access Lot 1 shall be of an improved surface to be sufficient to support the weight of a fire apparatus.

**Discussion:**

*Mr. Reconnu had no additional comments.*

Chairman Finelli inquired about the southern part of the easement and it being part of Lot 1. Ms. Newbern explained that there is a twelve foot wide flag on the rear lot.

Chairman Finelli then stated that Note 12 should read Lots 1-2 versus Lots 1-5. Ms. Newbern made the recommendation that Note 12 shall be revised prior to the final plat.

There were no additional comments or concerns made by the Planning Board.

Terry Gore made a motion to approve the preliminary plat subject to the following condition:

1. Amendment of Note 12 to read Lots 1-2 versus Lots 1-5 on the final plat.

David Hines seconded the motion.

Vote: Ayes - Unanimous

**OLD BUSINESS**

***Continued discussion on revisions to the Cluster Home Ordinance Section 22-31.1***

Mr. Gillam said that he did not have any language drafted at this time. He stated that the County Attorney/Manager expressed that the best route at this time is to get the Planning Board and Board of Commissioners to meet together and have further discussion on what currently remains in the Cluster Home Ordinance.

Chairman Finelli stated that at the last meeting they discussed scalability and after he took some time to look it over he does not feel that any changes are needed in the districts that remain in the Cluster Home Ordinance.

David Hines stated that there are some bills on the floor in Raleigh and if they pass they are going to tell counties and municipalities that they can no longer over regulate residential areas. Mr. Gillam explained that you will not be able to enforce a minimum lot size and one level of the bill states that setbacks will not be enforceable. Chairman

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Finnelli commented that it would be stunning if the bill passed. Mr. Hines said that the individuals he knows from Raleigh that are involved with this have stated there is a lot of support. Chairman Finelli noted that individuals that reside in areas where there are covenants may be more protected. Mr. Gillam stated that the bill will have a large impact on the power of the local planning departments if adopted as currently drafted.

### **OTHER BUSINESS**

-None-

### **ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:15p.m.

Respectfully Submitted,

Robin Skyler Foley  
Planning Board Clerk

APPROVED: July 6, 2023

John Finelli  
Chairman, Dare County Planning Board

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## County of Dare

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

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June 15, 2023

### MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah Gillam, Planning Director 

RE: Special Use Permit Application 5-2023 Cluster Home Group Development for David Stowe

A special use permit application and a site plan for a cluster home group development has been submitted by David Stowe. The property is located on Old Main Rd in Avon and is identified as parcel 014690002 in the Dare County Tax Records. The property is zoned R-2A, and at the time of the submittal cluster homes were permitted as a special use. The application was received before the removal of cluster home use from 22 zoning districts including the R-2A district on May 17, 2023 at the Dare County Board of Commissioners meeting held at 5 p.m.. Section 22-87 of the Dare County Ordinance establishes permit choice, if a permit application made for development approval is submitted and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. For this application the applicant is choosing the prior ordinance that established Cluster Homes in the R-2A as a special use and shall be reviewed subject to the requirements of Section 22-31.1. The special use permit shall serve as a site specific vesting plan subject to the requirements of Section 22-88.

A cluster home development is defined in Section 22-2 of the Dare County Zoning Ordinance as a residential group development project consisting of more than one residential dwelling on one parcel of land whereby the dwellings are occupied on a long-term basis. Such developments are subject to review and approval according to the provisions of Section 22-31.1 of the Dare County Zoning Ordinance. Long-term occupancy is defined in the County Zoning ordinance as a residential dwelling that is occupied and used for residency and housekeeping purposes for a period of 31 days or more.

The proposed parcel area for the cluster home group development is 1.58 acres (68,963 sq.ft.). Section 22-31.1 allows for lot coverage of 30% of the total lot area and any dwelling constructed as part of the cluster home development shall not exceed 1,200sq.ft of heated/conditioned space. The applicant is proposing to construct 7 two bedroom individual dwelling units on the 1.58 acres. The dwellings are proposed as 900sq.ft and separated by 24 foot meeting the requirements of the ordinance.

Section 22-31.1 requires that cluster home developments that cannot be properly be serviced by emergency or service vehicles from an existing abutting road or street, shall be made accessible to such vehicles from a 30ft right-of-way with 20 feet of paved improvements. The applicant is proposing to install a 20 foot paved road with a 30 foot right-of-way as depicted on the site plan to provide access to the dwellings.

The 1.58 acre parcel is currently vacant and free of improvements. The proposed improvements as shown on the site plan show a lot coverage area of 20,640sq.ft(29.93%) of the allotted 20,689sq.ft(30%) meeting the requirements of the ordinance for lot coverage limitations.

The area of disturbance for the proposed development will require the applicant to apply for erosion and sediment control permit and a stormwater management permit from the North Carolina Department of Environmental Quality. Dare County does not have a stormwater management ordinance and we rely on the States stormwater permit process. The applicant plans to manage stormwater runoff internal to the property through a series of basins and swales as depicted on the site plans grading and drainage plan. The State permits will be applied for once the applicant receives local approval, and copies of approvals shall be provided to the planning department before ground disturbing activities can occur. If after the States review a reduction to the proposed built upon area occurs those changes can be handled administratively. Section 22-65 of the Dare County Zoning Ordinance allows for minor modifications to approved Special Use Permits such as a reduction in lot coverage to be exempt from the full application and approval process and may be approved by the Planning Director in writing.

Wastewater for the proposed development will be handled by 7 individual septic systems. Before issuance of building permits the applicant will have to obtain septic permits through Dare County Environmental Health. Copies of these permits shall be provided to the Planning Department as part of the building permit process.

Parking for cluster homes shall be provided at a rate of one parking space per bedroom of each cluster home, 50% of the required parking being of an impervious surface of concrete or asphalt. The applicant is proposing to construct the dwellings on pilings with parking for two vehicles on concrete underneath the dwelling. The required number of spaces for the development is 14 spaces.

An NCDOT driveway permit will need to be obtained and provided to the Dare County Planning Department before construction activities can occur. A condition has been added to the draft SUP to reflect this item.

The Dare County Fire Marshal has reviewed the site plan and provided the following comments. The road shall be paved to have an all-weather surface capable of carrying the imposed weight of fire apparatus of at least 75,000 pounds, and shall be maintained with the noted width of at least 20 feet and clear height of 13-feet 6-inches. A minimum

of two "No Parking-Fire Lane Either Side" signs shall be installed along the roadway. The provided turn around area as shown on the site plan will require pavement markings of the fire lane, and signage. The required water flow for the development shall be 750 gallons per minute, and documentation will be required stating the waterline is capable of providing the needed fire flow requirement. All water lines for the fire hydrant and basic road improvements must be installed and approved prior to the commencement of any home construction. The Fire Marshal's memo is attached and conditions have been added to the draft SUP.

A copy of the as-built site plan will need to be recorded in the Register of Deeds once the infrastructure improvements have been completed. If it is the intention of the developer to sell the individual footprints of the structures, then homeowner's documents will be needed. Only the footprint of the structure can be conveyed to the individual owners with the remainder of the site designated as common area. The homeowner's documents shall include language that defines the occupancy of the structures as long-term as defined in the Dare County Zoning Ordinance (longer than 31 days). This information shall be noted on the site plan as well.

A draft SUP is attached to this memo for the Planning Boards review. Conditions can be added as part of the discussion before this is item is forwarded to the Board of Commissioners.

**SPECIAL USE PERMIT APPLICATION**

Date: 5-17-23 Application No. 5-2023  
Property Owner/Petitioner: William David Stowe  
Address: PO Box 328, Buxton, NC 27920  
Telephone: (252) 995-6677 Email: david.hffc@yahoo.com  
Review Fee Paid: \$350.00  
Project Description: 7-unit cluster development located off Old Main Road in Avon, NC

**Property Description:**

Lot	Phase/Section	Block	Subdivision
1	n/a	n/a	n/a

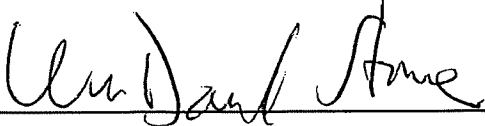
Parcel: 014690002 PIN: 064017103452

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

Section: 22-31.1 Special Use: Cluster Home Development

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

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

Applicant:  Date: 5-17-23



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

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

(a) Cluster homes developments shall be subject to review and approval as special uses in the following zoning districts: R-2, R-2A, R-2B, R-2H, R2-AH, R-3, RS-6, RS-8, SP-2, SP-C VC-2, C-2, C-2-H, C-3, 1-1, S-1, CS, BT, RB, MLM, WVC, MC-1, MC-2, and Highway 345. Minimum lot size: 20,000 square feet in these zoning districts.

(b) Cluster homes developments shall be subject to review and approval as special uses in the following zoning districts: NH, RS-1, R-1, SNC, VR, WR1, MH-A, MH-B, ELR, and ELNH. Minimum lot size: 30,000 square feet in these zoning districts.

(c) Setbacks: Dwellings constructed as part of a cluster home development shall be subject to the setbacks of the applicable zoning district.

(d) Separation of dwellings: 15 feet.

(e) Lot coverage: 30% of the total lot area.

(f) Building height: Same as the applicable zoning district.

(g) Maximum size of dwelling: Any dwelling constructed as part of the cluster home development shall not exceed 1,200 square feet of heated/conditioned space.

(h) Parking: Parking for cluster homes shall be provided at a rate of one parking space per bedroom of each cluster home. Such parking may be provided at individual dwelling sites or in a congregate area for the entire development. Fifty percent (50%) of the required parking shall be of an impervious surface of concrete or asphalt (not to include asphalt millings or other similar products).

(i) Roads – cluster home developments that cannot be properly served by emergency or service vehicles from an existing abutting road or street, shall be made accessible to such vehicles from a 30' right-of-way with 20 feet of paved improvements.

(j) Ownership of cluster homes – cluster home sites may be transferred to individual owners with the remainder of the lot dedicated as common area owned by a homeowners association or similar entity. Cluster homes shall be occupied or rented on a for long-term occupancy as defined in Section 22-2 of the Zoning Ordinance.

(k) A copy of the approved special use permit for a cluster home development shall be recorded with the approved site plan of the development.

(l) Other reasonable and appropriate conditions to reflect individual specific site conditions may be applied to cluster home development as part of the special use review and approval process.

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

## SECTION 22-87 - PERMIT CHOICE

If a permit application made for development approval is submitted and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. The duration of vested rights created by development approvals is as set forth in Section 22-88 of this chapter.

(Ord. passed 6-21-2021)

## SECTION 22-88 - VESTING PLANS

(a) A person claiming a statutory or common law vested right may submit information to substantiate that claim to the Planning Director who shall make an initial determination as to the existence of the vested right. The decision of the Planning Director may be appealed according to Section 22-69.1 of this chapter. On appeal, the existence of the vested right shall be reviewed de novo. In lieu of seeking a determination or pursue an appeal, a person claiming a vested right may bring an original civil action as provided in G.S. 160D-1403.1.

(b) Amendments to Dare County zoning regulations or other land use development regulations shall not be applicable or enforceable for development that has been permitted or approved pursuant to this section as long as one of the following approvals remains valid and unexpired:

1. A Dare County building permit. Building permits are valid for a 6-month period as set forth in G.S. 160D-1111.
2. Dare County administrative development approval. Administrative development approvals shall run for a period of 1 year from the date of the approval unless work has substantially commenced.
3. A site-specific vesting plan. A vested right established by a site specific vesting plan shall run for a period of 2 years from the date of the approval of the development application. For the purposes of this chapter, a site specific vesting plans shall be as follows:
  - a. A special use permit approved by the Board of Commissioners.
  - b. Subdivision preliminary plat approval.
4. **Multi-phase Development Plan:** a multi-phase development is vested for a period of 7 years from the date of approval by the Board of Commissioners. A multi-phase development plan is vested for the entire development with the zoning and subdivision regulations in place at the time of approval. For the purposes of this subsection, a multi-phase development shall mean a development containing 25 acres or more that is submitted for development approval to occur in more than 1 phase and is subject to a master development plan with committed elements, including a requirement to offer land for public use as condition of approval of the master development approval plan. Multi-phase developments shall be subject to approval as special use permits according to Sections 22-64 and 22-71.
5. Development agreement as approved by the Dare County Board of Commissioners according to the provisions of G.S. Ch. 160D, Article 10.

(c) The procedures for administrative development approval are set forth in Section 22-64 of this chapter.

(d) The procedures for preliminary plat approval are established in Chapter 153 of the Dare County Code of Ordinances.

(e) The procedures for a special use permit are set forth in Section 22-65 of this chapter.

1. Each site-specific vesting plan shall include the information required by Dare County for approval as a special use permit.

2. Each site specific vesting plan shall follow the notice and hearing procedures for special use permits.

3. An approved site specific vesting plan and its conditions may be amended with the approval of the applicant and Dare County in the same manner as required for the special use permit.

4. The Dare County Board of Commissioners may extend the vesting period up to 5 years following the same notice and hearing procedures used for the original vesting approval upon finding that:

a. The permit has not yet expired;

b. Conditions have not changed so substantially to warrant a new application; and

c. The extension is warranted in light of other relevant circumstances including but not limited to the size and phasing of the development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations.

5. Following the establishment of a vested right upon the approval of a site specific vesting plan, the Planning Director shall issue a written statement acknowledging the vested right which describes the duration of the vesting period, the conditions of approval of the site specific vesting plan and other information deemed by Dare County as necessary to administer the vested right.

6. The vested right shall confer upon the landowner the right to undertake and complete the development and use of the property as established in the site specific vesting plan. Failure to comply with the approved terms and conditions of the site specific vesting plan shall result in a forfeiture of vested rights. A vested right shall attach to and run with the land.

#### **(f) Limits of Site-specific Vesting Plans**

1. Nothing in this chapter shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval of the Dare County Zoning Ordinance. The development remains subject to subsequent review and approvals to ensure compliance with the terms and conditions of the original approval.

2. The establishment of a vested right according to this chapter shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances that are general in nature and applicable to all property subject to land use regulation by Dare County.

3. New and amended zoning regulations that would apply except for the vested right shall become effective upon the expiration of termination of the vested right established by the ordinance.

4. Upon issuance of a building permit, the expiration provisions of G.S. 160D-1111 and 160D-1115 shall apply except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right is outstanding.

5. Any vested right for a site-specific vesting plan is subject to the exceptions set forth in G.S. 160D-108.1.

6. Notwithstanding any provision of this section, the establishment of a vested right under this section shall not preclude, change, or impair the authority of Dare County to adopt and enforce development regulation provisions governing non-conforming uses or situations.

7. A sketch plan or document that fails to describe the type and intensity of a specified parcel or parcels of land does not constitute a vesting plan. A variance shall not constitute a site-specific vesting plan or a condition of approval to secure a variance constitute a site-specific vesting plan.

(Ord. passed 6-21-2021)



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

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

(252) 475-5750

To: Noah Gilliam, Planning Director  
From: Steven R. Kovacs, Fire Marshal  
Date: June 20, 2023  
Re: Stowe Cluster Housing

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I have reviewed the submitted site plan and have the following comments:

- All roads shall be constructed of a material so to have an all-weather surface capable of carrying the imposed weight of fire apparatus of at least 75,000 pounds.
- All roads shall be maintained with the noted width of at least 20 feet and the clear height of 13-feet 6-inches, and an all-weather surface. This shall be noted on the final recorded plat.
- There shall be no parking allowed on the roads within the subdivision. Signs and surfacing markings shall be as specified by the Dare County Fire Marshal's Office. A minimum of two "No Parking – Fire Lane Either Side" shall be required and located as noted on the plan comments.
- The road length exceeds 150-feet and will require a turn around area for fire apparatus. This area is noted on the plan. If this is required to be paved, then pavement markings of the fire lane will be required. The Fire Marshal's office will provide detail if necessary.
- There needs to be a fire hydrant within 400-feet of the structures along the travel path of the fire apparatus. The fire hydrant shown on the plan needs to be shifted approximately 37 feet to the east (towards the end of the road) to meet this requirement.
- The needed water fire flow for the proposed subdivision at this time is 750 gallons per minute. This is based on a 24-foot separation, as noted below. Dwellings not exceeding 2-stories in height which includes parking area underneath as one story and overall square footage of 4,800 square feet. Any changes to these conditions would change the needed fire flow requirements. Documentation shall be provided prior to approval showing that the required fire flow can be obtained.

*For 1- and 2-family dwellings not exceeding 2 stories in height, the following needed fire flows shall be used shall be based on distance between the two homes:*

*DISTANCE BETWEEN BUILDINGS NEEDED FIRE FLOW*

<i>More than 30 feet</i>	<i>500 gpm</i>
<i>21 – 30 feet</i>	<i>750 gpm</i>
<i>11 – 20 feet</i>	<i>1,000 gpm</i>
<i>0 – 10 feet</i>	<i>1,500 gpm</i>

*For 1- and 2-family dwellings, exceeding the two-story height or with an effective area greater than 4,800 square feet the needed fire flow will be calculated the same as commercial projects.*

- Need to obtain current with test data and provide documentation that the designed waterline shall be capable of providing the needed fire flow requirement as previously noted.
- All water lines for the fire hydrants and basic road improvements must be installed and approved prior to the commencement of any home construction. Roads must remain clear during construction for emergency vehicle access.

*\* Please understand that approval of any documents in no way relieves the owner, the architect, the engineer, or the contractor from the responsibility of violations of governing codes and regulations not found by our office. When such violations are found they must be corrected.*



**Special Use Permit No. #5-2023**

Dare County Sections 22-2, 22-22.1, 22-31.1, 22-65, 22-70, 22-87, & 22-88

**Application of:** David Stowe

On August xx, 2023 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Department as required by Section 22-65 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by special use permit under the Code subject to the quasi-judicial procedures set forth in Section 22-70, including; Cluster Home Developments
3. The subject property is zoned R2-A. This property is identified on the Dare County tax records as PARCEL 01469002 and located in the Avon Tax District.
4. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to approve special uses and apply reasonable and appropriate conditions;
5. That the notice procedures of Section 22-72 of the Code have been implemented in the review of this Special Use Permit;
6. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Special Use Permit according to the following terms and conditions:

**SPECIAL USE:** A Cluster Home Group Development consisting of 7 residential structures, and associated infrastructure as depicted on the Appendix A Included as part of this Special Use Permit.

**CONDITIONS:**

1. This Special Use Permit shall serve as a site specific vesting plan. The petitioner submitted an application and site plan prior to the adoption of amendments to Section 22-31.1 and 22-22.1 that removed cluster homes as a special use from the R2-A district as adopted on May 17, 2023 at the Dare County Board of Commissioners meeting. The petitioner is exercising Permit Choice under section 22-87, and is choosing to select the ordinance that was in place at time of application submittal. This site specific vesting plan is valid for 2-years from the date of the approval of this Special Use Permit and substantial commencement of work as defined in Section 22-2 of Dare County Zoning Ordinance shall occur before the 2-year time frame expires. The standards of Section 22-87 Permit Choice and 22-88 Vesting Plans shall apply.
2. The use permitted shall be a Cluster Home Group Development consisting of 7 residential structures and associated infrastructure built in accordance with the site plan submitted as part of Petitioners application and attached as Appendix A and included as part of this Special Use Permit and in accordance with the conditions herein.
3. The cluster home group development shall operate as prescribed in the definition set forth in Section 22-31.1 of the Dare County Zoning Ordinance. The structures shall be constructed as depicted on the Appendix A and shall not be occupied or rented on a short-term basis (less than 31 days) as defined in Section 22-2 of the Dare County Zoning Ordinance.
4. All structural improvements shall be located in the dwelling footprints as recorded on the final plat. The conditioned space of each structure shall not exceed 1200 square feet in area.
5. The structures shall be located on the parcel in conformance with the setbacks of Section 22-23.3 and Section 22-31.1 of the Zoning Ordinance and the Dare County Flood Damage Prevention Ordinance.
6. A final site plan of the cluster home development depicting the footprint areas shall be recorded in the Register of Deeds. The cluster home sites may be transferred to individual owners with the remaining of the site dedicated as common area owned by a homeowners association or other similar entity. A copy of the signed special use permit shall be recorded with the final site plan. The homeowner's documents shall include language that defines the occupancy of the structure as long-term as defined in the Dare County Zoning Ordinance.



7. The recorded homeowner's documents shall include fees for the maintenance of the wastewater systems, stormwater infrastructure, road improvements, and any other infrastructure. A copy of the recorded homeowner's documents shall be provided to the Dare County Planning Department.
8. The homes shall not be occupied or rented for any period of less than 31 days and such restrictions shall be included in restrictive covenants upon the property which shall be recorded in the Dare County Registry prior to any rental, sale or other transfer of a property interest. This provision in the covenants shall not be amended, changed, modified, or withdrawn without written consent of Dare County.
9. Building permits for the structures shall be secured within 24 months from date of Board of Commissioners approval. An as-built survey for the property shall be submitted to the Planning Department upon the completion of all of the structures to confirm compliance with the terms of the Dare County Zoning Ordinance. If the developer chooses to construct the structures at different times, then individual as-built surveys for each structure shall be required before any structure is certified for occupancy.
10. Roads internal to the development shall be paved and constructed as depicted on the approved site plan. The road shall be constructed to support 75,000 pounds as indicated by the Dare County Fire Marshal. Upon completion, road improvements shall be certified by a NC licensed engineer to meet the weight specification stipulated by the Fire Marshal. Road maintenance shall be the responsibility of the Petitioner or any homeowners association that is established for the cluster home development. The road improvements shall be perpetually maintained to comply with the approved construction specifications. All roads shall be maintained with a width of at least 20-feet and clear height of 13-feet 6-inches, this note shall be included on the final recorded plat.
11. There shall be no parking allowed on the roads within the development. A minimum of two "No parking-Fire Lane Either Side" signs shall be installed along the roadway and surface markings shall be installed in the turnaround area per the Dare County Fire Marshal letter dated June 20, 2023.
12. A fire hydrant shall be installed within 400-feet of the structures along the right-of-way. Water fire flow shall be provided at 750 gallons per minute. Documentation shall be provided showing that the fire flow can be obtained prior to issuance of building permits.
13. All firefighting apparatus and basic road improvements must be installed and approved by the DCFMO prior to the issuance of building permits. Roads shall remain clear during construction for emergency vehicle access.

14. Driveway permits or approvals from NCDOT shall be provided to the Planning Department before land disturbing activity can occur.
15. There shall be no staging of equipment or materials in or along the right-of-way of Old Main Rd (S.R. 1466).
16. All supplemental State and Federal permits shall be secured prior to ground disturbing activities. This shall include Sedimentation and Erosion Control, Stormwater, Environmental Health, and CAMA permits. Copies of these permits shall be provided to the Dare County Planning Department.
17. No changes or deviation from the terms and conditions of the special use approval shall be made until written approval of the proposed changes or deviations has been obtained from Dare County. The quasi-judicial procedures set forth in the Code shall be followed for the review and approval of major modifications. Minor modifications as established in Section 22-70 of the Code may be authorized administratively by the Planning Director.
18. A violation of this Permit shall be a violation of the Code and the special use may be revoked by the Board of Commissioners. Special use approval shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any development regulation or any State law delegated to Dare County for enforcement purposes; or for false statements or misrepresentations made in securing special use approval. The same process for approval of a special use permit, including notice and hearing, shall be followed in the revocation of a special use permit.
19. All other terms and provisions of the Dare County Zoning Ordinance shall remain in full force and effect except as herein specifically permitted otherwise;

This \_\_\_\_\_ day of August 2023

SEAL:

COUNTY OF DARE

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

ATTEST:

By: \_\_\_\_\_  
Cheryl Anby  
Clerk to the Board

**THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED**

By: \_\_\_\_\_  
David Stowe

APPROVED AS TO LEGAL FORM

By: \_\_\_\_\_  
Robert L Outten  
County Attorney