



Dare County Planning Board Meeting

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

August 1, 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 July 6, 2023 meeting
- IV. Public Comment
- V. Old Business
- VI. New Business
 - a. Preliminary Plat Review, 3 Lot Subdivision Revision, Port Avon East, Lots 2,3 and 11-16. Applicant: John Robert Hooper
 - b. Zoning Text Amendment to Section 22-25 C-2, Request to add Breweries to the list of uses. Applicant: Joseph Falk and Jeffery Keznor
 - c. Zoning Map Amendment Application to convert 41027 NC 12 Hwy Avon from C-2 to C-3. Applicant: Land's End Development, LLC
- VII. Other Business
- VIII. Adjournment

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Thursday, July 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
Buddy Shelton
David Hines
Terry Gore II

MEMBERS ABSENT John DeBoy
Beth Midgett
David Overton

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the June 6, 2023 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. David Hines 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.

OLD BUSINESS

-None-

NEW BUSINESS

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

William David Stowe (Applicant) & Mark Bissel (Engineer) were both present at the meeting.

Mr. Gillam, Planning Director addressed the Board. He comments are shown below:

DRAFT

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 900 sq.ft and separated by 24 feet meeting the requirements of the ordinance.

Section 22-31.1 requires that cluster home developments that cannot be properly 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.

DRAFT

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.

A copy of the draft Special Use Permit, Site Plan, and Fire Marshall's comments were provided to the board for their review. Mr. Gillam, Planning Director, then read the conditions from the draft Special Use Permit aloud. A copy of these documents are on file with the Planning Board Clerk.

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Discussion:

Chairman Finelli discussed the water line and asked the applicant for clarifications on the measurements. Mr. Bissell answered that the water line should measure 8"x2".

Chairman Finelli then pointed out that even though there are parking requirements in the ordinance, there might be an issue with guest parking. He suggested incorporating additional parking, but it is not a requirement.

The applicant had no comments on the Draft Special Use Permit and agreed to the conditions.

Mr. Gillam stated that due to this being a site specific vesting plan, Section 22-88 established a time frame of 2 years to substantially commence work on the site. Mr. Gillam explained that there is no option to extend the time with a site specific vesting plan because you are falling under an ordinance that is no longer in effect.

The Planning Board reviewed the draft Special Use Permit and deemed the conditions and site plan to be reasonable and appropriate.

Vote: Ayes – Unanimous

This item will be forwarded to the Dare County Board of Commissioners for their consideration and will be subject to quasi-judicial review at the Board of Commissioners level, which requires sworn testimony and other rules of procedure specific to quasi-judicial items.

OTHER BUSINESS

Mr. Gillam announced that the Planning Department has received the second completeness review of the Land Use Plan update from the State. He is in the process of reassembling it and within the next month or two it will have to be reviewed and recommended for adoption by the Planning Board and forwarded to the Board of Commissioners.

Terry Gore expressed his gratitude to Noah and the Planning Department staff. David Hines seconded Terry Gore's statement.

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

DRAFT

The meeting adjourned at 6:13 p.m.

Respectfully Submitted,

Gerri Ellington
Planning Board Clerk

APPROVED: August 1, 2023

John Finelli
Chairman, Dare County Planning Board

DRAFT

SUBDIVISION FACTSHEET

Planning Board – August 1, 2023 Preliminary Plat Review

NAME: Port Avon East

LOCATION: Avon, NC

SITE SPECIFICS: Total site area: 10.0785
Number of proposed lots: 3 new lots created out of existing
Smallest lot area: 15,001 square feet
Site Zoning: R-2A Special District

STREETS:

No new road improvements are needed to access the proposed lots. All lots will be accessed off existing Old Main Rd and Kinnakeet Reef Ct.

UTILITIES:

1. Water: Dare County central water system for lots with 15,000-20,000 square feet. Lots with 20,000 square feet or greater can be connected to private well.
2. Sewer: Individual on-site septic tank/drainfield systems.
3. Stormwater: No state permit required for stormwater.

STAFF COMMENTS

This is a reconfiguration of an existing 16 lot subdivision. The original subdivision was platted in 1996, under the dimensional requirements of the R2-A which requires single family lots not serviced by a central water supply to have 20,000 square feet of area and be connected to a private well. The owners of 8 of the lots are proposing to install a new water line connecting to Dare County's central water system. This central water connection will allow for 8 lots to be reconfigured to the reduced 15,000 square feet minimum, and will allow for 3 new lots to be created with the reserve square footage. When the water line is extended to the subdivision a fire hydrant will need to be installed at the intersection of Old Main Rd, and Kinnakeet Reef Ct per the Dare County Fire Marshal. The needed fire flow at the hydrant shall be 1,000 gallons per minute. Documentation of current fire flow data and the proposed designed waterline capabilities shall be provided to the Dare County Fire Marshal to ensure the required flow can be achieved. Test data at the new hydrant shall be provided prior to recording the final plat.

The final plat shall show the CAMA AEC line and include language stating "*Some portions of some lots in this subdivision are located in Areas of Environmental Concern. Individual permits may be required before development may take place in these areas.*" Ownership Certificates for the three property owners dividing the property shall be included on the final plat. Note 10 shall be updated to include the owner of lot 2.

The requested action is a motion to approve: "I move that the preliminary plat for the reconfiguration of the Port Avon East Subdivision be granted approval."


Noah H Gillam

July 26, 2023

**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) ^{Falk} Joseph Faulk(owner of bldg)/Jeffrey Keznor(New Biz Owner) _____

Address: 40530 NC 12 _____

Telephone: 252-361-0740 _____ Email: hattiebuilt@yahoo.com _____

Property Description:

Avon

Lot	Phase/Section	Block	Subdivision
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Parcel: _____ PIN: _____

Text Amendment Map Amendment

Present Zoning Classification: Section 22-25 C2

Requested Zoning Classification : Section 22-25 C-2

Explanation of Request: Request for Brewery added to the existing list of uses. _____

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: Jeffrey C. Keznor _____ Date: 6/12/2023 _____



County of Dare

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

August 1, 2023

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Savannah Newbern

RE: C-2 Text Amendment to add Breweries

Joseph Falk and Jeffrey Keznor have submitted a text amendment request to amend the Dare County Zoning Ordinance, C-2 General Commercial zoning district, Section 22-25. Mr. Falk and Mr. Keznor seek the addition of Breweries to the list of uses allowed in areas zoned C-2. The C-2 district applies to portions of Avon and Buxton, and is intended to provide for the development of commercial facilities to serve permanent residents and the general public. Any text amendment to the C-2 district would also apply to all lands zoned C-3 in Avon, Buxton, and on Roanoke Island.

The C-2 district offers a range of commercial uses; I have included a copy of the C-2 regulations for the Board's review. The Dare County Zoning Ordinance already defines Brewery as follows: A facility licensed by the State of North Carolina to produce, manufacture and distribute malt beverages. The total amount of malt beverages produced at a brewery shall not exceed 10,000 barrels annually. The current permitted uses in C-2 allow for such uses as retail stores, service establishments, and indoor recreation uses.

The 2009 Dare County Land Use Plan includes two policies under Commercial Development heading that are pertinent to this proposed text amendment. A copy of this information is attached with the staff memorandum. LUC #5 encourages the continued existence of locally- owned businesses in unincorporated Dare County. LUC#6 addresses the scope of commercial development and the use of gross floor area limitations to manage the size of commercial development. This proposed text amendment does not seem incompatible with policies listed.

Staff recommends language similar to the existing language for breweries allowed as a special use in the SP-C Neighborhood Commercial District. The Planning Board may consider including additional relevant and reasonable conditions. Additionally, the Planning Board may consider recommending text amendment language which allows

for breweries as a special use. Staff has included the language recommending breweries as a permitted use, due to the differences in character between patterns of commercial development in the C-2 Commercial district and the SP-C Neighborhood Commercial district. SP-C is a very low-density, neighborhood-serving zoning district located in Stumpy Point, whereas the C-2 district is more intensely developed with existing commercial business serving both residents and visitors to Dare County. The first condition proposed in the language below is intended to provide for the proper spacing of commercial development from residential uses.

The following language is suggested:

Permitted Uses:

Breweries as defined in Section 22-2 provided the following conditions are met:

- a. No portion of the building or processing area shall be located closer than 75 feet to a residential structure. There shall be no outdoor storage of raw materials used in the manufacture of malt beverages.*
- b. Minimum parking requirement. On-site parking for delivery trucks and employees shall be provided at a ratio of one 10 feet by 20 feet parking space per 1,000 square feet of heated gross floor area or a minimum of ten spaces whichever is less.*

SECTION 22-25 - C-2 GENERAL COMMERCIAL DISTRICT

The following regulations shall apply to the C-2 general commercial district:

(a) **Intent.** The C-2 district is established to provide for the proper grouping and development of commercial facilities to serve permanent residents and the general public.

(b) **Permitted uses.** The following uses shall be permitted by right:

(1) Offices, including such uses as:

- a. Business.
- b. Financial.
- c. Governmental.
- d. Medical and professional.

(2) Primary retail stores, including such uses as:

- a. Books.
- b. Cameras.
- c. Candy.
- d. Clothing.
- e. Craft goods.
- f. Dry goods.
- g. Drugs.
- h. Flowers.
- i. Gifts.
- j. Hardware.
- k. Hobby goods.
- l. Jewelry.
- m. Leather goods.
- n. Magazines.
- o. Musical instruments.
- p. Notions.
- q. Sporting goods.
- r. Toys.
- s. Food stores.

(3) Secondary retail stores, including such uses as:

- a. Antiques.

b. Household appliances.

c. Boat display and sales.

(4) Service establishments, including such uses as:

a. Barber and beauty shops.

b. Marinas.

c. Cafeterias.

d. Churches.

e. Dry cleaning and laundry pick-up stations, including laundromats.

f. Funeral homes.

g. Motels and hotels.

h. Parking lots.

i. Radio and television broadcasting studios.

j. Restaurants.

k. Shoe repair.

l. Theaters.

m. Family child-care homes as defined in section 22-2. (Adopted 11-5-90)

n. Residential child care centers as defined in section 22-2. (Adopted 11-5-90)

o. Commercial child-care centers as defined in section 22-2. (Adopted 11-5-90)

p. Food stands and mobile food units. (Adopted 3-19-2018)

(5) Single-family dwellings, multi-family dwellings and duplexes, according to the dimensional requirements of the R-3 residential district. (Amended 10-15-2018)

(6) Public and private schools.

(7) County owned or leased facilities.

(8) Fire stations and other public buildings.

(Adopted 5-16-11)

(9) Indoor recreation uses. (Adopted 12-20-16)

(10) Accessory dwelling units. (Adopted 10-15-2018)

(11) Workforce housing - administrative review for one WHU subject to provisions of Section 22-58.7.

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

(1) Automobile service stations; provided, that no principal or accessory building shall be located within fifty feet of a residential use or district, that there shall be no storage of wrecked or abandoned

cars and that no portion of a service station building, equipment or gas pumps shall be nearer than twenty-five feet to any right-of-way.

(2) Public and private utility facilities.

(3) Seafood market.

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

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

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

(7) Storage warehouses.

(d) Dimensional requirements.

1. Minimum lot size: Commercial lots shall be of sufficient size to meet the requirements of the County Health Department, to provide adequate siting for structures and to provide parking, loading and maneuvering space for vehicles as required by Article VII of this chapter. In addition, a visual buffer is required where a commercial use or zone abuts a residential use or zone.

2. Minimum front yard: 15 feet.

3. Minimum side yard: 10 feet. No side yard required if commercial building constructed with a common wall. An additional 5-foot yard adjacent to the street is required for a corner lot.

4. Minimum rear yard: 20 feet.

5. Maximum allowable lot coverage by principal use and all accessory structures: 60%.

6. Height limitation: 35 feet.

7. No building or other facility, such as parking areas, incinerators, trash collection areas, etc., shall be located nearer than 50 feet to boundaries of RS-1 districts. The width of a road and its right-of-way along such boundary may be included as part of all of the 50 foot separation zone. (11-20-75 art. 7, 7.10, 2-6-78, 3.)

8. Maximum gross building size: 20,000 square feet excluding decks, porches, and similar non-heated space. Non-heated space including decks and porches shall not be used as retail space, for the display of goods, or other commercial activities.

Group developments with a maximum area of 20,000 square feet per individual building, excluding decks and porches. This gross building size limitation shall not apply to hotels and/or motels. (Adopted by the DCBC on May 6, 2002)

9. In the event a natural disaster or accidental occurrence leads to extensive damage (in excess of 50% value) of a structure or group development project in existence prior to May 6, 2002, such structure or group development may be repaired, replaced or reconstructed to 100% of its status prior to damage or destruction but no greater unless otherwise authorized by the Dare County Board of Commissioners. (Adopted 2-19-07)

10. Commercial group developments constructed prior to October 20, 1992 which are served by a centralized wastewater treatment system that could not be built under the terms of this chapter by restrictions on lot coverage, height, yards, location, and off-street parking shall be allowed to continue in operation and may be redeveloped subject to the following provisions:

a. No structure which is part of the commercial group development shall be enlarged, replaced, or externally altered in a manner that increases any non-conforming aspect of the structure and/or the

overall commercial group development site. However, any such structure may be externally altered or replaced if such redevelopment activity results in a decrease of its nonconforming status. Structures that are replaced and redeveloped may be used for any permitted or special use authorized in sections 22-23 or 22-25 of this appendix. For the purposes of this section, externally altered shall not be interpreted to prevent painting of the exterior, replacement of exterior materials, or other cosmetic changes or maintenance of the structure or portions thereof. This shall not apply to interior alterations, remodeling, or other improvements made to internal portions of any structure located on the commercial group development site.

b. A decrease of 7% of the existing lot coverage shall be required for that portion of the commercial group development site or parcel on which the structure to be altered or replaced is located. If the commercial group development is located on more than one parcel, then the lot coverage decrease shall apply to that parcel only and not the overall group development site.

c. The off-street parking requirements of section 22-56 shall only be applied to that portion of the commercial group development site or parcel where the structure proposed for alternation or replacement is located. No other changes in the parking ratio for the remaining structures or portions of the commercial group development shall be required as a part of the redevelopment activities. Existing parking areas in the commercial group development may be connected to the parking areas or access easements in the redeveloped portions of the site.

d. Building heights for any redevelopment activities in any existing commercial group development shall be according to section 22-27.4 Height Overlay district for properties located on Hatteras Island.

e. Dwelling densities for multifamily structures located in the commercial group development shall be twenty (20) units per acre applied to the overall area of the parcel to be developed.

f. A subdivision of the land occupied by the commercial group development may be authorized by Dare County if such subdivision of land meets the required minimum lot size in effect at the time of the proposed subdivision of the commercial group development site. Redevelopment activities on any lot created by such subdivision of land shall be subject to the provisions of subsections a. - e. above. (Adopted 1-6-14; Amended 11-15-2021)

(Am. Ord. passed 2-19-2019; Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021; Am. Ord. passed 11-15-2021)

SECTION 22-26 - C-3 COMMERCIAL DISTRICT

The following regulations shall apply to the C-3 commercial district:

(a) Intent. The C-3 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.

(b) Permitted uses. The following uses shall be permitted by right:

(1) All permitted uses allowed within the C-2 general commercial district. Single-family dwellings, multi-family dwellings and duplexes according to the dimensional requirements of the R-3 residential district. The maximum dwelling density for multi-family structures shall not exceed ten units per acre. (Amended 10-15-2018)

(2) Automobile sales and service.

(3) Indoor recreation activities.

(4) Building supply and equipment sales.

(5) Plumbing supply and equipment sales.

(6) Cabinet and woodworking shops.

(7) Bus terminals.

(8) Building contractors offices and storage areas.

(9) Farm machinery supplies, sales and repairs.

(10) Mobile home or recreational vehicle display and sales.

(11) Boat display and sales.

(12) County owned or leased facilities.

(13) Boat engine repair and boat maintenance. (Adopted 5-2-2011)

(14) Workforce housing - administrative review for one WHU subject to provisions of Section 22-58.7.

(15) Commercial storage yards as defined in Section 22-2 provided the following conditions are met:

a. Storage areas shall be enclosed with fencing for security purposes. Such fencing shall be at least 6 feet in height but shall not exceed 10 feet in height. The security fencing shall be maintained as needed by the property owner.

b. A vegetative buffer in addition to the security fencing shall be installed and perpetually maintained where the storage yard abuts a residential zone or a residential use to the side or the rear of the site. The vegetative buffer shall be of a sufficient size and height to effectively buffer the site from the abutting residential zone or residential use. A plan detailing the type, size, and species of vegetation proposed for use as a buffer shall be provided to the Zoning Administrator for review and approval. Existing on-site vegetation may be used if deemed to be sufficient by the Zoning Administrator.

c. There shall be no storage of inoperable or junked vehicles and equipment; unoccupied mobile (manufactured) homes; unattached flatbed trailers or container-type trailers designed for connection to tractor-trailer trucks; or large pieces of equipment used in dredging operations, road

construction, and other industrial uses. Any vehicle or trailer stored on the site shall have a valid license plate and/or valid owner registration.

d. No recreational vehicles, travel trailers, or campers stored on the site shall be occupied or used for habitation while stored at the site.

e. All vehicles and equipment stored on the site shall be locked, enclosed or otherwise fashioned to such an extent that it is impossible for a child to obtain access or be entrapped in such vehicle or equipment.

f. There shall be no bulk storage of fuel, paint, or other combustible or hazardous materials at the site. (Adopted 10-21-2019)

(16) Travel trailer parks and campgrounds. (Adopted 10-19-2020)

(17) Package distribution and delivery services. (Adopted 9-20-2021)

(c) **Special Uses.** The following special uses shall be permitted, subject to the requirements of this district and additional regulations and requirements imposed by the Board of Commissioners as provided in Article IX of this chapter or Chapter 152 of this code:

(1) Automobile service stations; provided that no principal or accessory building shall be located within fifty feet of a residential use or district, that there shall be not storage of wrecked or abandoned cars and that no portion of a service station building, equipment or gas pumps shall be nearer than twenty-five feet to any right-of-way.

(2) Public and private utility facilities.

(3) Seafood market.

(4) Outdoor recreation activities. Outdoor recreation activities, including amusement parks, rides and other similar activities, may be permitted subject to other requirements of this chapter and provided the following conditions are met:

a. The site shall not be located closer than 500 feet to any land suitable for development and zoned residential.

b. Paved parking shall be provided at the rate of one parking space per 200 square feet of principal use ground area plus one for each two employees.

c. Holding lanes shall be provided on the site for automobiles entering and leaving the site to minimize traffic congestion on public roads.

d. Lighting shall be arranged and shielded so that light and glare is directed away from surrounding property.

e. Loudspeakers or sound amplification devices which are audible over 100 hundred feet from the site shall not be permitted.

The entire site shall be buffered by dense vegetative planting or natural vegetation not less than eight feet in height and ten feet in width. Suitable plant types for a site not containing natural vegetation shall be those recommended for the coastal area by the U.S. Department of Agriculture, such as Japanese Pine, Bayberry, Wax Myrtle or other types, which will reach a matured growth of eight to ten feet within three years.

(5) Biodiesel fuel production, subject to the following conditions and additional regulations and requirements imposed by the Dare County Board of Commissioners as provided in Article IX of this chapter or Chapter 152 of this code:

- a. A structure, of suitable size to house all production equipment shall be approved by the Dare County Health Department, Building Inspector and Fire Marshal;
- b. All production facilities including structures, storage tanks, equipment and other appurtenances shall conform with setbacks established for primary use structures;
- c. Verification from the U.S. Environmental Protection Agency, and all other applicable agencies, shall be submitted to indicate that all environmental requirements have been met;
- d. The facility shall be registered with the North Carolina Department of Revenue;
- e. The developer shall verify that production waste will be disposed of with a suitable disposal service or facility;
- f. Reactor size shall not exceed a 700 gallon capacity. Assurance of reactor size shall be provided by the manufacturer and/or registered engineer;
- g. Fuel production shall not exceed 500 gallons per week;
- h. A 5 foot wide vegetative buffer is required along those property boundaries adjacent to a residential use or district; and
- i. A 15 foot wide, improved access shall be provided to the site. (Adopted 12-1-2008)

(6) Vehicle storage impoundment facility provided the following conditions are met:

- a. Vehicles shall only be stored on a short-term basis which is defined as 60 consecutive days for the purpose of this regulation.
- b. A vehicle storage impoundment facility shall be located on a site no greater than 40,000 square feet in area.
- c. Storage areas shall be enclosed with fencing for security purposes. Such fencing shall be 8 feet in height. If chain link fencing is approved for use by Dare County, then such fencing shall include slatting within the fence openings in the same color as the fence material. The security fencing shall be maintained as needed by the property owner. Solid fencing may be required by Dare County as determined during conditional use review of the site based on the existing land uses adjacent to the proposed vehicle storage impoundment facility.
- d. A vegetative buffer in addition to the security fencing shall be installed and perpetually maintained where the storage yard abuts a residential zone or a residential use to the side or rear of the site. The vegetative buffer shall be of a sufficient size and height to effectively buffer the site from the abutting residential zone or residential use. Existing vegetation may be used if of sufficient size to effectively buffer the site. If existing vegetation cannot be used, then a plan detailing the type, size and species of vegetation proposed for use as a buffer shall be provided to the Zoning Administrator for review and approval. The vegetative buffer shall be maintained as needed by the property owner. Solid fencing of wood or other solid materials may be required by Dare County.
- e. All vehicle storage areas and buffers shall be located a minimum distance of 100 feet from the front property line of any property that abuts US Highway 64 on Roanoke Island or abuts NC 12 Highway on Hatteras Island shall be established. All other sites that do not abut these highways shall be subject to the front yard setback of 15 feet as established for the C-3 district.
- f. All vehicles stored on the site shall be locked, enclosed or otherwise secured to such an extent that it is impossible for a child to obtain access or be entrapped in a vehicle.
- g. The location of all proposed light fixtures shall be depicted on a site plan. Lighting fixtures shall be located on the site and designed, shielded, or oriented in such a manner as to minimize light spill across property lines. No light fixture shall exceed 18 feet in height and the maximum allowable

footcandle from any light fixture shall not exceed a maximum of 8 footcandles. Documentation certifying the footcandle rating of any proposed light fixtures shall be submitted with the site plan. It shall be the responsibility of the property owner to ensure that all light fixtures are maintained to ensure compliance with the footcandle rating. (Adopted 1- 22-2013)

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

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

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

(d) Dimensional requirements:

(1) Minimum lot size: Commercial lots shall be of sufficient size to meet requirements of the County Health Department, to provide adequate siting for structures and to provide parking, loading and maneuvering space for vehicles as required by Article VII of this chapter. In addition, a visual buffer is required where a commercial use or zone abuts a residential use or zone.

(2) Minimum front yard: 15-feet.

(3) Minimum side yard: 10-feet; no side yards required if commercial building constructed with a common wall. An additional 5-foot yard adjacent to the street is required for a corner lot.

(4) Minimum rear yard: 20-feet.

(5) Maximum allowable lot coverage by principal use and all accessory structures: 60%.

(6) Height limitation: 35 feet. (11-20-75, art. 7, 7.11, 2-6-78, 2, 3, 6.)

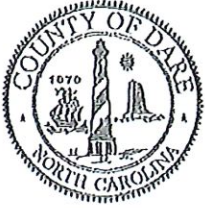
(7) Maximum gross building size: 20,000 square feet excluding decks, porches and similar non-heated space. Non-heated space including decks and porches shall not be used as retail space for the display of goods, or other commercial activities.

Group developments with a maximum area of 20,000 square feet per individual building, excluding decks and porches.

This gross building size limitation shall not apply to hotels and/or motels. (Adopted by the Dare County Board of Commissioners on May 6, 2002)

(8) In the event a natural disaster or accidental occurrence leads to extensive damage (in excess of 50% value) of a structure or group development project in existence prior to May 6, 2002, such structure or group development may be repaired, replaced or reconstructed to 100% of its status prior to damage or destruction but no greater unless otherwise authorized by the Dare County Board of Commissioners. (Adopted 2-19-07)

(Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021; Am. Ord. passed 9-20-2021)



County of Dare

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

July 17, 2023

MEMORANDUM

TO: Dare County Planning Board

FROM: Noah Gillam, Planning Director

RE: Land's End Development Map Amendment C-2 to C-3 in Avon

A zoning map amendment application has been submitted by Joe Thompson of Land's End Development for his property located at 41027 NC 12 Hwy in Avon, NC. The property is currently zoned C-2 Commercial and functions as a theater and a pool facility for the applicants adjoining property. The applicant is seeking to have the property rezoned C-3 commercial. It is the applicant's goal if the map amendment is approved to recombine his adjoining property to the north that is zoned C-3 with this parcel so they can function in unity. If the map amendment is approved the applicant will have to submit a recombination plat, and have the special use permits for both properties amended so they operate in conjunction.

The surrounding properties around the subject parcel are zoned C-2 commercial and C-3 Commercial. The property to the north is owned by the applicant and is zoned C-3, and currently a travel trailer park, restaurant, mobile food truck court, and fishing pier operate on the parcel. The property to the south is zoned C-2 commercial and has a multi-family condominium complex on it. The properties to the west across NC Hwy 12 are zoned C-2 and have a mix of retail, offices, and restaurants located on them. The property to the east is bordered by the Cape Hatteras National Seashore and the Atlantic Ocean.

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, travel trailer parks/campgrounds, indoor recreation activities, and all uses permitted in the C-2 zoning district. Copies of both zoning districts ordinances are attached to this memo.

After review of the surrounding properties uses and zoning, a reclassification to C-3 commercial for the applicants parcel would not disrupt the flow of surrounding areas uses and zoning districts. The property would be contiguous with properties currently zoned commercial. It is staff's recommendation that the reclassification to C-3 is appropriate.

A finding of consistency with Dare County Land Use Plan is included with this memo for the board's review. A finding of consistency should be included with any recommendation made.

This item will be forwarded to the Dare County Board of Commissioners, and a Legislative Hearing will be scheduled and conducted before any action by the Board of Commissioners is considered.

#400

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) LANDS END DEVELOPMENT L.L.C. (Joe Thompson)
Address: PO Box 509 AVON NC 27915
Telephone: 252 995 3125 Email: JOE@KORUVILLAGE.COM

Property Description:

N/A

Lot Phase/Section Block Subdivision
Parcel: 014804000 PIN: 15-1906-29-5430 054906296428

Text Amendment Map Amendment

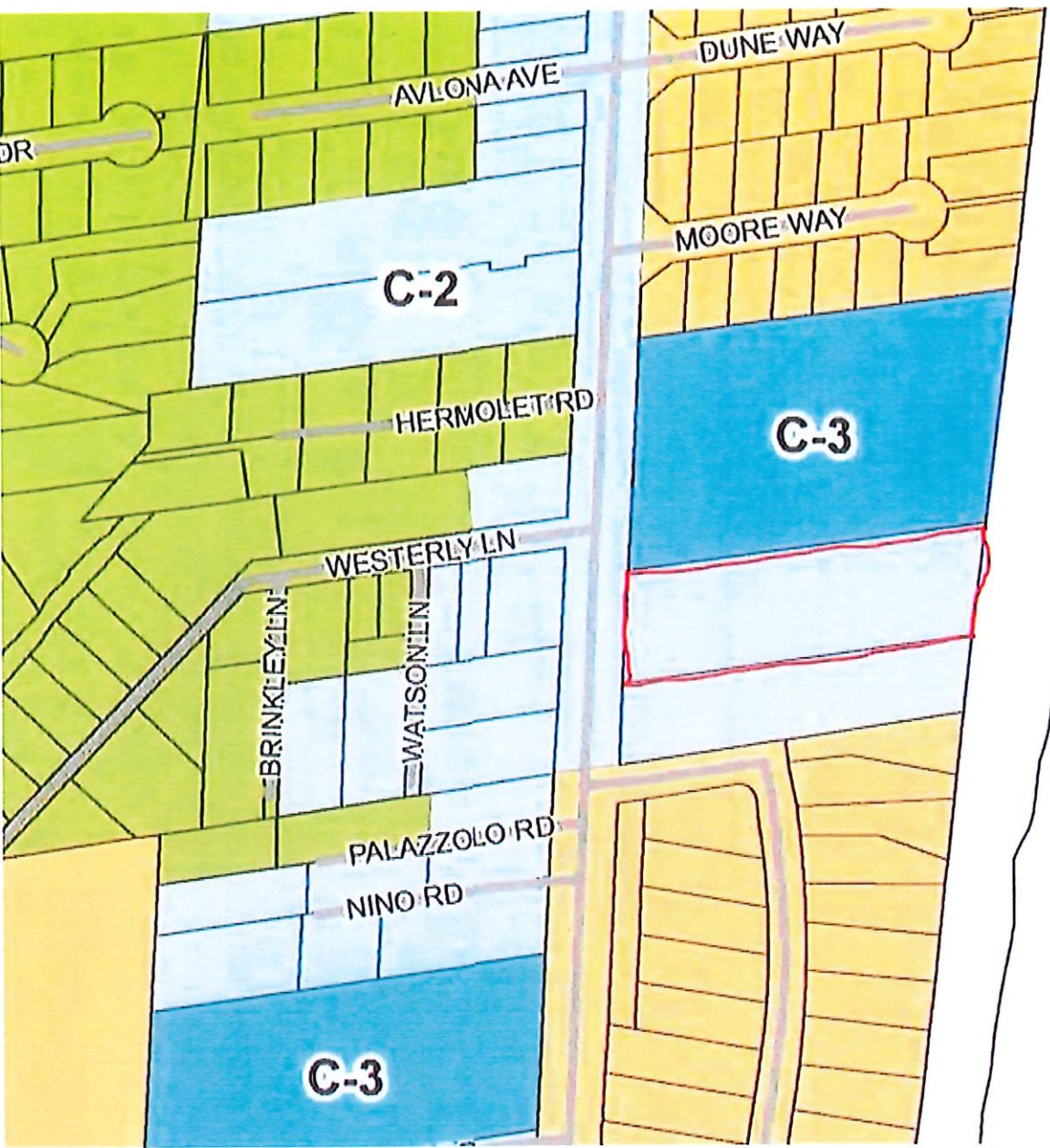
Present Zoning Classification: C2

Requested Zoning Classification: C3

Explanation of Request: LANDS END DEVELOPMENT OWNS THIS PROPERTY AND THE ADJACENT PARCEL (AVON PIER). WE WOULD LIKE TO RE-COMBINE THE TWO PARCELS INTO ONE PARCEL. PIER NEEDS C3

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: [Signature] Date: 6/28/2023
JOE THOMPSON



u

DR

AVLONA AVE

DUNE WAY

C-2

MOORE WAY

HERMOLET RD

C-3

WESTERLY LN

BRINKLEY LN

WATSON LN

PALAZZOLO RD

NINO RD

C-3

ZONING AMENDMENT CONSISTENCY DETERMINATION

On August 1, 2023, the Dare County Planning Board considered a zoning map amendment application submitted by Joe Thompson of Land's End Development. This zoning map amendment application seeks to rezone his property from C-2 General Commercial to C-3 Commercial.

The 2009 Dare County Land Use Plan is the comprehensive plan for unincorporated Dare County adopted by the Dare County Board of Commissioners on December 6, 2010.

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

Land Use Compatibility Management Topic

Policy LUC #5

Dare County encourages the continued existence and development of locally-owned businesses in unincorporated Dare County.

Policy LUC #6

Commercial development should be designed to meet the needs of Dare County's unincorporated villages and not to serve as regional commercial centers. The gross floor area limitations of the Dare County Zoning Ordinance and other applicable land use codes shall be used as a tool to manage the footprint of commercial structures. The goal is to manage the size of the commercial structures, which serves as a disincentive for regional commercial centers for location in villages.

Based upon a review of these policies, the Dare County Planning Board finds the zoning map amendment to be consistent with the 2009 Dare County Land Use Plan since the amendment will allow for uses that are already similar to the surrounding uses.

The Planning Board further acknowledges the intent of the C-3 commercial district is to provide for the development of commercial facilities to furnish a broad range of services and commodities to serve the entire community. The range of uses permitted in the district includes retail, travel trailer parks/campgrounds, indoor recreation, and all uses permitted in the C-2 zoning district.

The Dare County Planning Board hereby recommends Land's End Development LLC zoning map amendment be adopted.

SECTION 22-25 - C-2 GENERAL COMMERCIAL DISTRICT

The following regulations shall apply to the C-2 general commercial district:

(a) **Intent.** The C-2 district is established to provide for the proper grouping and development of commercial facilities to serve permanent residents and the general public.

(b) **Permitted uses.** The following uses shall be permitted by right:

(1) Offices, including such uses as:

- a. Business.
- b. Financial.
- c. Governmental.
- d. Medical and professional.

(2) Primary retail stores, including such uses as:

- a. Books.
- b. Cameras.
- c. Candy.
- d. Clothing.
- e. Craft goods.
- f. Dry goods.
- g. Drugs.
- h. Flowers.
- i. Gifts.
- j. Hardware.
- k. Hobby goods.
- l. Jewelry.
- m. Leather goods.
- n. Magazines.
- o. Musical instruments.
- p. Notions.
- q. Sporting goods.
- r. Toys.
- s. Food stores.

(3) Secondary retail stores, including such uses as:

- a. Antiques.
- b. Household appliances.
- c. Boat display and sales.

(4) Service establishments, including such uses as:

- a. Barber and beauty shops.
- b. Marinas.
- c. Cafeterias.
- d. Churches.
- e. Dry cleaning and laundry pick-up stations, including laundromats.
- f. Funeral homes.
- g. Motels and hotels.
- h. Parking lots.
- i. Radio and television broadcasting studios.
- j. Restaurants.
- k. Shoe repair.
- l. Theaters.
- m. Family child-care homes as defined in section 22-2. (Adopted 11-5-90)
- n. Residential child care centers as defined in section 22-2. (Adopted 11-5-90)
- o. Commercial child-care centers as defined in section 22-2. (Adopted 11-5-90)
- p. Food stands and mobile food units. (Adopted 3-19-2018)

(5) Single-family dwellings, multi-family dwellings and duplexes, according to the dimensional requirements of the R-3 residential district. (Amended 10-15-2018)

(6) Public and private schools.

(7) County owned or leased facilities.

(8) Fire stations and other public buildings.

(Adopted 5-16-11)

(9) Indoor recreation uses. (Adopted 12-20-16)

(10) Accessory dwelling units. (Adopted 10-15-2018)

(11) Workforce housing - administrative review for one WHU subject to provisions of Section 22-58.7.

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

(1) Automobile service stations; provided, that no principal or accessory building shall be located within fifty feet of a residential use or district, that there shall be no storage of wrecked or abandoned cars and that no portion of a service station building, equipment or gas pumps shall be nearer than twenty-five feet to any right-of-way.

(2) Public and private utility facilities.

(3) Seafood market.

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

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

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

(7) Storage warehouses.

(d) Dimensional requirements.

1. Minimum lot size: Commercial lots shall be of sufficient size to meet the requirements of the County Health Department, to provide adequate siting for structures and to provide parking, loading and maneuvering space for vehicles as required by Article VII of this chapter. In addition, a visual buffer is required where a commercial use or zone abuts a residential use or zone.

2. Minimum front yard: 15 feet.

3. Minimum side yard: 10 feet. No side yard required if commercial building constructed with a common wall. An additional 5-foot yard adjacent to the street is required for a corner lot.

4. Minimum rear yard: 20 feet.

5. Maximum allowable lot coverage by principal use and all accessory structures: 60%.

6. Height limitation: 35 feet.

7. No building or other facility, such as parking areas, incinerators, trash collection areas, etc., shall be located nearer than 50 feet to boundaries of RS-1 districts. The width of a road and its right-of-way along such boundary may be included as part of all of the 50 foot separation zone. (11-20-75) art. 7, 7.10, 2-6-78, 3.)

8. Maximum gross building size: 20,000 square feet excluding decks, porches, and similar non-heated space. Non-heated space including decks and porches shall not be used as retail space, for the display of goods, or other commercial activities.

Group developments with a maximum area of 20,000 square feet per individual building, excluding decks and porches. This gross building size limitation shall not apply to hotels and/or motels. (Adopted by the DCBC on May 6, 2002)

9. In the event a natural disaster or accidental occurrence leads to extensive damage (in excess of 50% value) of a structure or group development project in existence prior to May 6, 2002, such structure or group development may be repaired, replaced or reconstructed to 100% of its status prior to damage or destruction but no greater unless otherwise authorized by the Dare County Board of Commissioners. (Adopted 2-19-07)

10. Commercial group developments constructed prior to October 20, 1992 which are served by a centralized wastewater treatment system that could not be built under the terms of this chapter by restrictions on lot coverage, height, yards, location, and off-street parking shall be allowed to continue in operation and may be redeveloped subject to the following provisions:

a. No structure which is part of the commercial group development shall be enlarged, replaced, or externally altered in a manner that increases any non-conforming aspect of the structure and/or the overall commercial group development site. However, any such structure may be externally altered or replaced if such redevelopment activity results in a decrease of its nonconforming status. Structures that are replaced and redeveloped may be used for any permitted or special use authorized in sections 22-23 or 22-25 of this appendix. For the purposes of this section, externally altered shall not be interpreted to prevent painting of the exterior, replacement of exterior materials, or other cosmetic changes or maintenance of the structure or portions thereof. This shall not apply to interior alterations, remodeling, or other improvements made to internal portions of any structure located on the commercial group development site.

b. A decrease of 7% of the existing lot coverage shall be required for that portion of the commercial group development site or parcel on which the structure to be altered or replaced is located. If the commercial group development is located on more than one parcel, then the lot coverage decrease shall apply to that parcel only and not the overall group development site.

c. The off-street parking requirements of section 22-56 shall only be applied to that portion of the commercial group development site or parcel where the structure proposed for alternation or replacement is located. No other changes in the parking ratio for the remaining structures or portions of the commercial group development shall be required as a part of the redevelopment activities. Existing parking areas in the commercial group development may be connected to the parking areas or access easements in the redeveloped portions of the site.

d. Building heights for any redevelopment activities in any existing commercial group development shall be according to section 22-27.4 Height Overlay district for properties located on Hatteras Island.

e. Dwelling densities for multifamily structures located in the commercial group development shall be twenty (20) units per acre applied to the overall area of the parcel to be developed.

f. A subdivision of the land occupied by the commercial group development may be authorized by Dare County if such subdivision of land meets the required minimum lot size in effect at the time of the proposed subdivision of the commercial group development site. Redevelopment activities on any lot created by such subdivision of land shall be subject to the provisions of subsections a. - e. above. (Adopted 1-6-14; Amended 11-15-2021)

(Am. Ord. passed 2-19-2019; Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021; Am. Ord. passed 11-15-2021)

SECTION 22-26 - C-3 COMMERCIAL DISTRICT

The following regulations shall apply to the C-3 commercial district:

(a) **Intent.** The C-3 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.

(b) **Permitted uses.** The following uses shall be permitted by right:

(1) All permitted uses allowed within the C-2 general commercial district. Single-family dwellings, multi-family dwellings and duplexes according to the dimensional requirements of the R-3 residential district. The maximum dwelling density for multi-family structures shall not exceed ten units per acre. (Amended 10-15-2018)

(2) Automobile sales and service.

(3) Indoor recreation activities.

(4) Building supply and equipment sales.

(5) Plumbing supply and equipment sales.

(6) Cabinet and woodworking shops.

(7) Bus terminals.

(8) Building contractors offices and storage areas.

(9) Farm machinery supplies, sales and repairs.

(10) Mobile home or recreational vehicle display and sales.

(11) Boat display and sales.

(12) County owned or leased facilities.

(13) Boat engine repair and boat maintenance. (Adopted 5-2-2011)

(14) Workforce housing - administrative review for one WHU subject to provisions of Section 22-58.7.

(15) Commercial storage yards as defined in Section 22-2 provided the following conditions are met:

a. Storage areas shall be enclosed with fencing for security purposes. Such fencing shall be at least 6 feet in height but shall not exceed 10 feet in height. The security fencing shall be maintained as needed by the property owner.

b. A vegetative buffer in addition to the security fencing shall be installed and perpetually maintained where the storage yard abuts a residential zone or a residential use to the side or the rear of the site. The vegetative buffer shall be of a sufficient size and height to effectively buffer the site from the abutting residential zone or residential use. A plan detailing the type, size, and species of vegetation proposed for use as a buffer shall be provided to the Zoning Administrator for review and approval. Existing on-site vegetation may be used if deemed to be sufficient by the Zoning Administrator.

c. There shall be no storage of inoperable or junked vehicles and equipment; unoccupied mobile (manufactured) homes; unattached flatbed trailers or container-type trailers designed for connection to tractor-trailer trucks; or large pieces of equipment used in dredging operations, road construction, and other industrial uses. Any vehicle or trailer stored on the site shall have a valid license plate and/or valid owner registration.

d. No recreational vehicles, travel trailers, or campers stored on the site shall be occupied or used for habitation while stored at the site.

e. All vehicles and equipment stored on the site shall be locked, enclosed or otherwise fashioned to such an extent that it is impossible for a child to obtain access or be entrapped in such vehicle or equipment.

f. There shall be no bulk storage of fuel, paint, or other combustible or hazardous materials at the site.
(Adopted 10-21- 2019)

(16) Travel trailer parks and campgrounds. (Adopted 10-19-2020)

(17) Package distribution and delivery services. (Adopted 9-20-2021)

(c) Special Uses. The following special uses shall be permitted, subject to the requirements of this district and additional regulations and requirements imposed by the Board of Commissioners as provided in Article IX of this chapter or Chapter 152 of this code:

(1) Automobile service stations; provided that no principal or accessory building shall be located within fifty feet of a residential use or district, that there shall be not storage of wrecked or abandoned cars and that no portion of a service station building, equipment or gas pumps shall be nearer than twenty-five feet to any right-of-way.

(2) Public and private utility facilities.

(3) Seafood market.

(4) Outdoor recreation activities. Outdoor recreation activities, including amusement parks, rides and other similar activities, may be permitted subject to other requirements of this chapter and provided the following conditions are met:

a. The site shall not be located closer than 500 feet to any land suitable for development and zoned residential.

b. Paved parking shall be provided at the rate of one parking space per 200 square feet of principal use ground area plus one for each two employees.

c. Holding lanes shall be provided on the site for automobiles entering and leaving the site to minimize traffic congestion on public roads.

d. Lighting shall be arranged and shielded so that light and glare is directed away from surrounding property.

e. Loudspeakers or sound amplification devices which are audible over 100 hundred feet from the site shall not be permitted.

The entire site shall be buffered by dense vegetative planting or natural vegetation not less than eight feet in height and ten feet in width. Suitable plant types for a site not containing natural vegetation shall be those recommended for the coastal area by the U.S. Department of Agriculture, such as Japanese Pine, Bayberry, Wax Myrtle or other types, which will reach a matured growth of eight to ten feet within three years.

(5) Biodiesel fuel production, subject to the following conditions and additional regulations and requirements imposed by the Dare County Board of Commissioners as provided in Article IX of this chapter or Chapter 152 of this code:

a. A structure, of suitable size to house all production equipment shall be approved by the Dare County Health Department, Building Inspector and Fire Marshal;

b. All production facilities including structures, storage tanks, equipment and other appurtenances shall conform with setbacks established for primary use structures;

c. Verification from the U.S. Environmental Protection Agency, and all other applicable agencies, shall be submitted to indicate that all environmental requirements have been met;

d. The facility shall be registered with the North Carolina Department of Revenue;

e. The developer shall verify that production waste will be disposed of with a suitable disposal service or facility;

- f. Reactor size shall not exceed a 700 gallon capacity. Assurance of reactor size shall be provided by the manufacturer and/or registered engineer;
- g. Fuel production shall not exceed 500 gallons per week;
- h. A 5 foot wide vegetative buffer is required along those property boundaries adjacent to a residential use or district; and
- i. A 15 foot wide, improved access shall be provided to the site. (Adopted 12-1-2008)

(6) Vehicle storage impoundment facility provided the following conditions are met:

- a. Vehicles shall only be stored on a short-term basis which is defined as 60 consecutive days for the purpose of this regulation.
- b. A vehicle storage impoundment facility shall be located on a site no greater than 40,000 square feet in area.
- c. Storage areas shall be enclosed with fencing for security purposes. Such fencing shall be 8 feet in height. If chain link fencing is approved for use by Dare County, then such fencing shall include slatting within the fence openings in the same color as the fence material. The security fencing shall be maintained as needed by the property owner. Solid fencing may be required by Dare County as determined during conditional use review of the site based on the existing land uses adjacent to the proposed vehicle storage impoundment facility.
- d. A vegetative buffer in addition to the security fencing shall be installed and perpetually maintained where the storage yard abuts a residential zone or a residential use to the side or rear of the site. The vegetative buffer shall be of a sufficient size and height to effectively buffer the site from the abutting residential zone or residential use. Existing vegetation may be used if of sufficient size to effectively buffer the site. If existing vegetation cannot be used, then a plan detailing the type, size and species of vegetation proposed for use as a buffer shall be provided to the Zoning Administrator for review and approval. The vegetative buffer shall be maintained as needed by the property owner. Solid fencing of wood or other solid materials may be required by Dare County.
- e. All vehicle storage areas and buffers shall be located a minimum distance of 100 feet from the front property line of any property that abuts US Highway 64 on Roanoke Island or abuts NC 12 Highway on Hatteras Island shall be established. All other sites that do not abut these highways shall be subject to the front yard setback of 15 feet as established for the C-3 district.

f. All vehicles stored on the site shall be locked, enclosed or otherwise secured to such an extent that it is impossible for a child to obtain access or be entrapped in a vehicle.

g. The location of all proposed light fixtures shall be depicted on a site plan. Lighting fixtures shall be located on the site and designed, shielded, or oriented in such a manner as to minimize light spill across property lines. No light fixture shall exceed 18 feet in height and the maximum allowable footcandle from any light fixture shall not exceed a maximum of 8 footcandles. Documentation certifying the footcandle rating of any proposed light fixtures shall be submitted with the site plan. It shall be the responsibility of the property owner to ensure that all light fixtures are maintained to ensure compliance with the footcandle rating. (Adopted 1- 22-2013)

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

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

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

(d) Dimensional requirements:

(1) Minimum lot size: Commercial lots shall be of sufficient size to meet requirements of the County Health Department, to provide adequate siting for structures and to provide parking, loading and maneuvering space for vehicles as required by Article VII of this chapter. In addition, a visual buffer is required where a commercial use or zone abuts a residential use or zone.

(2) Minimum front yard: 15-feet.

(3) Minimum side yard: 10-feet; no side yards required if commercial building constructed with a common wall. An additional 5-foot yard adjacent to the street is required for a corner lot.

(4) Minimum rear yard: 20-feet.

(5) Maximum allowable lot coverage by principal use and all accessory structures: 60%.

(6) Height limitation: 35 feet. (11-20-75, art. 7, 7.11, 2-6-78, 2, 3, 6.)

(7) Maximum gross building size: 20,000 square feet excluding decks, porches and similar non-heated space. Non-heated space including decks and porches shall not be used as retail space for the display of goods, or other commercial activities.

Group developments with a maximum area of 20,000 square feet per individual building, excluding decks and porches.

This gross building size limitation shall not apply to hotels and/or motels. (Adopted by the Dare County Board of Commissioners on May 6, 2002)

(8) In the event a natural disaster or accidental occurrence leads to extensive damage (in excess of 50% value) of a structure or group development project in existence prior to May 6, 2002, such structure or group development may be repaired, replaced or reconstructed to 100% of its status prior to damage or destruction but no greater unless otherwise authorized by the Dare County Board of Commissioners. (Adopted 2-19-07)

(Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021; Am. Ord. passed 9-20-2021)

would provide an additional layer of protection for the unincorporated areas from franchise businesses that often employ unoriginal, generic, or replicated corporate building designs that are inconsistent with the traditional architecture of the Outer Banks. In addition to the incompatibility of these franchise restaurants with existing coastal village atmosphere, there are secondary impacts such as trash, lines of waiting vehicles, and a decrease in the appeal of the neighborhood that accompany these commercial developments.

The first section of the LUP noted that the needs of the permanent population and the seasonal population vary in terms of what commercial services and goods are desired. Many of the commercial businesses in Dare County are solely focused on the provision of souvenirs and tourist-related goods to the visiting population. The proliferation of these tourist-oriented businesses was identified by a vast majority of the respondents to the Citizen Involvement Poll as an important issue of concern. This concern was also voiced at all of the public input workshops held at the beginning of the update process in 2007. Other jurisdictions have adopted building design standards to address concerns about the aesthetics of these tourist-oriented retail operations. Building design standards do not address the profusion of such retail establishments. The legality of targeting one segment of the retail market and how to do so was identified as an implementation strategy by the Planning Board. Although it may prove extremely difficult to craft an ordinance aimed at tourist-related businesses, there was a strong consensus among the Planning Board that such efforts were worthy of study and research.

Policy LUC #5

Dare County encourages the continued existence and development of locally-owned businesses in unincorporated Dare County.

Implementation Strategy:

1. Inventory of older existing commercial businesses and consideration of zoning amendments to ensure their replacement or repair in the event of damage from a natural disaster. (2011)

Policy LUC #6

Commercial development should be designed to meet the needs of Dare County's unincorporated villages and not to serve as regional commercial centers. The gross floor area limitations of the Dare County Zoning Ordinance and other applicable land use codes shall be used as a tool to manage the footprint of commercial structures. The goal is to manage the size of the commercial structures, which serves as a disincentive for regional commercial centers for location in villages.