



Dare County Planning Board Meeting

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

November 7, 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 October 3, 2023 meeting
- IV. Public Comment
- V. Old Business

Land Use Plan Update - Final Review

New Business

- ***Two-(2) Lot Subdivision William Barley Trust - 48126 Daniel Lane Buxton***
- ***Zoning Map Amendment - submitted by Cape Hatteras Electric Membership Corporation - Six parcels to be rezoned to C-3 from R2-A***
- ***Text Amendment - to R-2A to allow for church accessory uses submitted by St. John's United Methodist Church, Avon***

- VI. Other Business
- VII. Adjournment

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, October 3, 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 5:58pm

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

MEMBERS ABSENT Buddy Shelton

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the September 5, 2023 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. David Overton seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

Chairman Finelli outlined the procedure for making Public Comments. There were no public comments made at this meeting.

Public Comment Closed at 6:00

OLD BUSINESS

-None-

NEW BUSINESS

- ***Special Use Permit Application - Group Development consists of storage warehouses, 40041 Brinkley Lane, Avon (Parcel 014720000)***
Applicant: Rick Albaugh

Mr. Noah Gillam, Planning Board Director, began by stating that Rick Albaugh submitted an application for a Group Development for storage warehouses located on his property at 40041 Brinkley Lane in Avon. This parcel is zoned C-2 Commercial and storage warehouses are permitted as a special use. He outlined that the property currently has

DRAFT

two storage warehouses on it that were constructed prior to zoning in Avon. The buildings were originally constructed in 1985 and Avon was zoned in 1992.

The applicant is seeking to add an additional principal use structure to the property. The proposed addition is a 60' x 20' building that will be divided into 6 units for self-storage. Mr. Gillam stated that the Fire Marshal was provided a copy of the site plan and upon his review has noted that a fire hydrant would need to be installed along Westerly Lane, as well as the potential need for some road improvements along the existing Brinkley Lane.

Mr. Albaugh, the applicant/property owner was present and provided feedback on the details of conditions of the SUP, including the Fire Marshals recommendations and the maintenance of the road. He provided a copy of his lease agreement that stated the terms and conditions of leasing his units, which he believes complies with the conditions of the SUP. He also mentioned that he is constructing six-(6) 10' x 20' units with firewalls between each unit, suggesting he is above what is required under the fire code. Mr. Gillam stated that he could not speak to the requirements of the Fire Marshal and advised that all structures and improvements shall be compliant with the requirements of the Dare County Fire Marshal and North Carolina Fire Code. Mr. Gillam also pointed out the Special Use Permit is not a personal right but is tied to the specific parcel of property for which it is issued. He further explained that if the property sells, the SUP then transfers with the sale of the property to the new owner.

Chairman Finelli acknowledged that Mr. Albaugh's chief concerns were pertaining to the Fire Marshal and offered him the option of putting this on hold until he was able to communicate with the Fire Marshal and address his concerns, however, Mr. Albaugh stated that he did not want to delay this process. He stated that he wanted to proceed in taking this to the Board of Commissioners and would attempt to connect with the Fire Marshal prior to the next Commissioners meeting to address his issues.

A motion was made by David Hines to forward this to the Board of Commissioners with a finding that the conditions of the draft SUP are reasonable and appropriate. Seconded by Terry Gore.

Vote: Ayes – Unanimous

- ***Preliminary Plat Revision - Lot 4, Murray Bay Subdivision, 52185 Mare Vista Dr., Frisco (Parcel #: 014896000)***

William Yetzer, with Sea Level Consulting, was in attendance representing the applicant.

Mr. Gillam began by informing the Board that this subdivision was previously approved in February and has since been reconfigured to address the Fire Marshal's comments and the access road location.

This is a greater than 2- acre parcel with a proposed 5 lots, which will be serviced with Dare County central water and individual on-site septic systems. These lots will be accessed from a proposed 20' wide gravel road. Mr. Gillam detailed information that should be noted on the plat. He listed the following: The existing easement will be improved per the requirement of the ordinance and capable of handling emergency and trash collection vehicles. The existing dilapidated building would need to be demolished before recording the final plat. The fire hydrant, together with the requested No Parking signage be installed at the request of the Fire Marshal, as well as any of the easement improvements are to be shown on the final plat prior to recording. Additionally, it was expressly stated by Mr. Gillam that it will be the applicant's responsibility for the maintenance of the easement. Chairman Finelli suggested adding covenants in place to ensure funds are available to keep this easement maintained.

Mr. Yetzer confirmed the wetland fill will be the responsibility of the individual lot owners.

Chairman John Finelli made a motion that we Grant approval, subject to the following:

1. A front yard minimum building line of 25 feet shall be shown on the southern property line of Lot 4E.
2. The 20 foot improved roadway easement shall be shown on the Plat.
3. A note shall be included on the Plat that the roadway easement shall be maintained by the property owners of Lots 4A, 4B, 4C, 4D and 4E. The easement shall be a minimum of 20 feet in width and maintained so that it is capable of supporting a 75,000 pound fire apparatus.
4. Prior to recording the Final Plat, the required fire hydrant shall be installed and the 20 foot roadway access easement agreement shall be recorded at the Dare County Registry.
5. All applicable State and Federal permits, including a Wetlands Fill Permit from the Army Corps of Engineers / and or Division of Coastal Management, shall be obtained and a copy provided to the Dare County Planning Department.
6. The subdivision shall meet the requirements of the Dare County Fire Marshall, including required signage, as outlined in his memo to the Dare County Planning Department on January 30, 2023.
7. The dilapidated building on Lots 4A and 4B shall be removed prior to recording the Final Plat.

This was seconded by Terry Gore.

Vote: Ayes – Unanimous

OTHER BUSINESS - None

ADJOURNMENT

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:44 p.m.

Respectfully Submitted,

Planning Board Clerk

APPROVED: November 7, 2023

John Finelli
Chairman, Dare County Planning Board



County of Dare

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

October 19, 2023

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah H Gillam, Planning Director

RE: Land Use Plan Update—Final Review

As one of the 20 CAMA coastal counties, Dare County is required to prepare a comprehensive plan or a land use plan to guide development in the Unincorporated areas of the County, and to ensure compliance with CAMA regulations. Land use plans are not a regulatory document like a zoning ordinance but serve as a policy document used by CAMA staff for consistency determinations in review of major CAMA permit applications. Land use plans also provide guidance to the Board of Commissioners and the Planning Board when reviewing zoning amendments and other land use issues.

The current plan was adopted by Dare County in 2009 and certified by the NC Coastal Resources Commission in 2011. Local governments are encouraged to update their LUPs every 5-10 years. In early 2018 the Dare County Planning Department and Planning Board started working to update the Dare County Land Use Plan. As part of the update the County is required to have participation from the citizens of the county, and create a Public Participation Plan which establishes various public participation activities. In April of 2018 Dare County held three public workshops which solicited public input from citizens and property owners on the vision statement and policies of the LUP. Another public participation activity was a survey that was posted on the Dare County webpage from April 23, 2018 through May 28, 2018, and received 329 responses. Once all the public participation workshops and surveys were completed Planning Staff and Planning Board analyzed the results of the surveys and comments began working to draft the updated Land Use Plan.

On June 14, 2021, the Planning Board conducted a final review of the draft LUP before to sending to the Division of Coastal Management on June 25, 2021 for a completeness review. The draft LUP was returned to Dare County on December 15, 2021 for corrections after a series of State reviews. Planning Staff updated the plan based on the States comments and resubmitted the draft LUP to Coastal Management on May 31, 2022 for a second completeness review. After addressing the States comments final approval from the state was received on June 13, 2023.

The Planning Board is now in a position to review the final draft of the LUP, so that it can be sent to the Board of Commissioners. Planning Staff recommends favorable action be taken by the Planning Board on the draft 2022 Dare County Land Use Plan.

The Board of Commissioners are required to hold a public hearing on the adoption of the draft 2022 Land Use Plan at which time they will be in a position to approve the plan and adopt a Resolution of Approval. After Commissioner Approval, the plan will be presented to the Coastal Resource Commission for certification.

SUBDIVISION FACTSHEET

Planning Board – November 07, 20232 Preliminary Plat Review

NAME: William Barley Trust Subdivision

LOCATION: Buxton, NC

SITE SPECIFICS: Total site area: 2.47 acres
Number of proposed lots: 2
Smallest lot area: 28,915 square feet
Site Zoning: R-2A Special District

STREETS:

No new road improvements are needed to access the proposed lots. Lot 2A and Lot 2B will be accessed from Daniel Lane, an existing 40' private road.

UTILITIES:

1. Water: Dare County central water system
2. Sewer: Individual on-site septic tank/drainfield systems.
3. Stormwater: No state permit required for stormwater.

STAFF COMMENTS

The size of the tract exceeds the threshold for administrative approval. The property is accessed from an existing private road, Daniel Lane. Lot 2A has an existing single family dwelling on it. All applicable setbacks are shown on the plat. The wetlands on the land have been flagged by a wetland consultant and verified by the corps. Staff suggests that drainage easements be established along all lot lines.

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


Noah H Gilliam

10-6-2023

GEO. MON.
"NC 12 16"
DK 3464
N 568,849.75'
E 3,027,197.66'
NAD 83 (2011)

GEO. MON.
"HARRY"
AF 8841
N 570,019.90'
E 3,031,158.66'
NAD 83 (2011)



Certificate for Acceptance of Dedications
I certify the acceptance of the dedication of roads, easements, right-of-way, public parks, and other sites of public purposes, as shown hereon, but assume no responsibility to open or maintain in same until in the opinion of the governing body of Dare County, it is in the public interest to do so.

Dare County Manager _____ Date _____

Certificate of Approval for Recording
I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Ordinance of Dare County, and that this plat has been approved by Dare County for recording in the Office of the Register of Deeds of Dare County.

Dare County Subdivision Administrator _____ Date _____

Review Officer Certificate
State of North Carolina
County of Dare

I, _____ Review Officer of Dare County
certify that the map or plat which this certification is affixed meets all
statutory requirements for recording.

Date _____ Review Officer _____

I, Eric J. Harmon, PLS, certify that this survey
creates a subdivision of land within the area of a
county or municipality that has an ordinance that
regulates parcels of land.

Eric J. Harmon, PLS, L-5365

Certificate of Ownership and Dedication

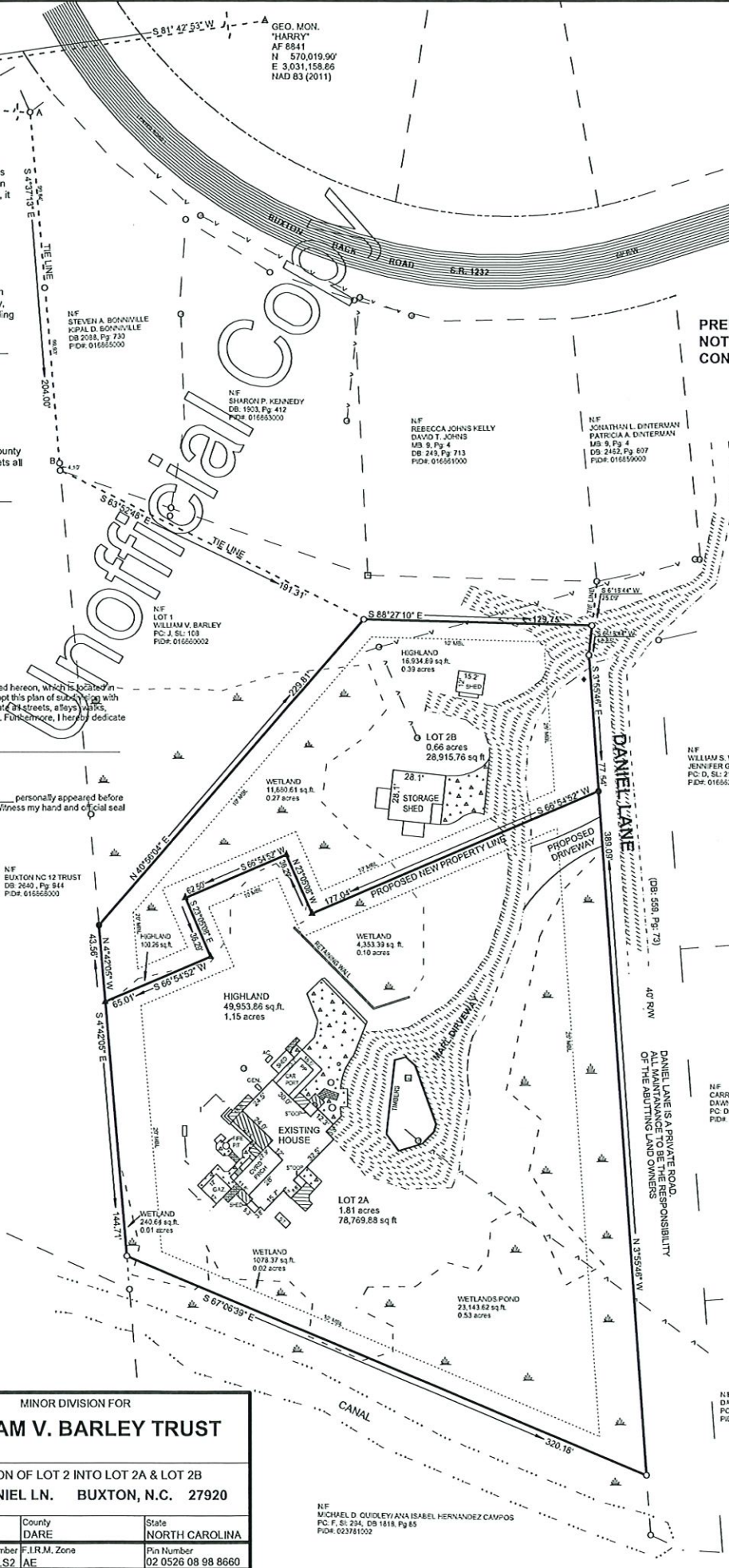
I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the County of Dare and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate streets, alleys, walks, parks and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer and water lines to the County of Dare.

Date _____ Owners Signature _____

I, _____ hereby certify that _____ personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and official seal this _____ day of _____, A.D. _____

Signature _____ (official seal)

State of North Carolina
County of _____



**PRELIMINARY PLAT:
NOT FOR RECORDATION,
CONVEYANCES OR SALES**

- LEGEND**
- EXISTING CONCRETE MONUMENT
 - EXISTING IRON STAKE
 - SET IRON STAKE
 - ▲ COMPUTED POINT
 - ◊ ANGLE IRON
 - ⊕ UTILITY POLE
 - ▣ WATER METER
 - ⊞ 10'x20' PARKING PAD
 - ▣ CONCRETE
 - LP GAS ACCESS

LOT DATA	SO. FT.	ACRES
LOT 2 (ORIGINAL LOT)	107,635.84	2.47
LOT 2A	78,769.88	1.81
LOT 2B	28,915.76	0.66

IMPERVIOUS LOT COVERAGE DATA		
LOT	SO. FT.	%
1A	1,869.69	6.5
2B	5,341.11	6.8

- NOTES:**
- This survey is subject to any facts that may be disclosed by a full and accurate title search.
 - Minimum Building Lines (MBL) shown hereon must be verified. The surveyor makes no certification as to zoning and/or restrictive covenant setbacks.
 - Survey based upon physical evidence found as shown. Meridian for survey based upon recorded bearing S 4°37'13" E for line A-B per DB: PC-J, SL: 108.
 - See table for lot coverage information.
 - This lot is located in the Wind-Borne Debris Region.
 - 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.
 - This property, or portions of this property, are located within a special flood hazard area as designated on Flood Insurance Rate Maps for Dare County. Location in a special flood hazard area represents a one percent (1%) or greater chance of being flooded in any given year. Flood insurance may be required by lending institutions for structures constructed on property located in special flood hazard areas.



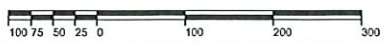
Eric J. Harmon, PLS.
40187 Carlay Ct., PO Box 346
Avon, NC 27915
(252) 995-4405

**MINOR DIVISION FOR
WILLIAM V. BARLEY TRUST**

**DIVISION OF LOT 2 INTO LOT 2A & LOT 2B
48126 DANIEL LN. BUXTON, N.C. 27920**

Tranship HATTERAS	County DARE	State NORTH CAROLINA
Date 5/17/2023	File Number 5558-1-S2	F.L.R.M. Zone AE
Scale 1" = 100'	Base Flood Elevation 6.0'	Parcel Number 0166860000
Recorded Reference PC, J, SL: 108	Community/Panel/Suffix 3730 0526 00 K	Average Ground Elevation 4.5'

NF MICHAEL D. GUDLEY/ANA ISABEL HERNANDEZ CAMPOS
PC F, SL: 294, DB 1818, Pg 85
PID#: 023781202





County of Dare

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

October 17, 2023

MEMORANDUM

TO: Dare County Planning Board

FROM: Noah Gillam, Planning Director

RE: CHEC Map Amendment R2-A to C-3 in Buxton

A zoning map amendment application has been submitted by the Cape Hatteras Electric Membership Corporation and Pbp&s LLC for their properties located along Light Plant Road in Buxton, NC. The power CO-OP is seeking to rezone their five properties, along with Pbp&s LLC an adjoining property owner whose parcel is located in between the power CO-OP's parcels. The Pbps&s LLC property owner submitted his application with the CO-OP so his parcel zoning would align with the surrounding zoning if the map amendment is approved. The current zoning designation of the parcels is R2-A, and the applications seek to have the parcels rezoned C-3 Commercial. Public and private utility facilities are a special use in the R2-A and C-3 zoning districts. The reclassification to C-3 would align the use of the property accurately with its historic use as commercial business since 1948. The C-3 designation would afford the CO-OP an increase in lot coverage allowing for future expansion as power needs increase on Hatteras Island.

The surrounding properties around the subject parcel are zoned R2-A and C-3 Commercial. The properties to the north are mostly zoned R2-A and are developed with residential dwellings, with the exception of a hotel that fronts NC 12 HWY, and Light Plant Rd, this parcel is zoned C-3. Properties to the east along NC 12 HWY are zoned C-3 commercial and include retail establishments. Properties to the west are zoned R2-A and C-3, and include a storage and laydown yard for NCDOT. The properties seeking rezoning are adjacent to a canal on the southern boundary. A map is included with this memo that depicts the current zoning map, current uses, and properties seeking rezoning.

After review of the surrounding properties historic uses and zoning, a reclassification to C-3 commercial for the applicants parcel would not disrupt the flow of the surround areas uses and zoning districts. The rezoning would result in a contiguous strip of properties 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 boards 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.

**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) Cape Hatteras Electric Membership Corporation
Address: 47109 Light Plant Road, P.O. Box 9, Buxton, NC 27920
Telephone: 252-995-5616 Email: susanf@chec.coop

Property Description:

Lot	Phase/Section	Block	Subdivision
Parcel: <u>See attached list</u>			PIN: _____

Text Amendment Map Amendment

Present Zoning Classification: Section 22-22.1 R-2A

Requested Zoning Classification : Section 22-26 C-3

Explanation of Request: This zoning amendment request accurately aligns with our use of the property, which is reflective of a commercial business, operating at this location since 1948. It also affords an increase in lot coverage allowing for future expansion, and will align a contiguous commercial zone with adjacent properties.

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: Susan F. Flythe Date: 10/5/23

<u>Owner</u>	<u>Description</u>	<u>Address</u>	<u>Parcel</u>	<u>PIN</u>
CHEC	Truck Storage	47039 Light Plant Rd	017070000	053718405362
CHEC	Equipment Yard	47075 Light Plant Rd	017071000	053718403355
CHEC	Substation	47091 Light Plant Rd	017072000	053718403275
CHEC	HQ, WH & Diesel	47109 Light Plant Rd	024289000	053718401241
CHEC	Operations HQ	47159 Light Plant Rd	017075000	053718309133

**COUNTY OF DARE
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Property Owner (s) Pbp&s, LLC
Address: 47095 Light Plant Road, Buxton, NC 27920
Telephone: 252-995-3100 Email: info@pointbreakpools.com

Property Description:

Lot	Phase/Section	Block	Subdivision
Parcel: <u>017073000</u>			PIN: <u>053718402295</u>

Text Amendment Map Amendment

Present Zoning Classification: Section 22-22.1 R-2A

Requested Zoning Classification : Section 22-26 C-3

Explanation of Request: This zoning amendment request accurately aligns with our use of the property, which is reflective of a commercial business. It also affords an increase in lot coverage allowing for future expansion, and will align a contiguous commercial zone with adjacent properties.

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:  Date: 10/6/23

ZONING AMENDMENT CONSISTENCY DETERMINATION

On November 7, 2023, the Dare County Planning Board considered zoning map amendment applications submitted by the Cape Hatteras Electric Membership Corporation and Pbp&s LLC. These zoning map amendment applications seek to rezone their properties from R2-A Alternative Medium Density Residential 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 map 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.

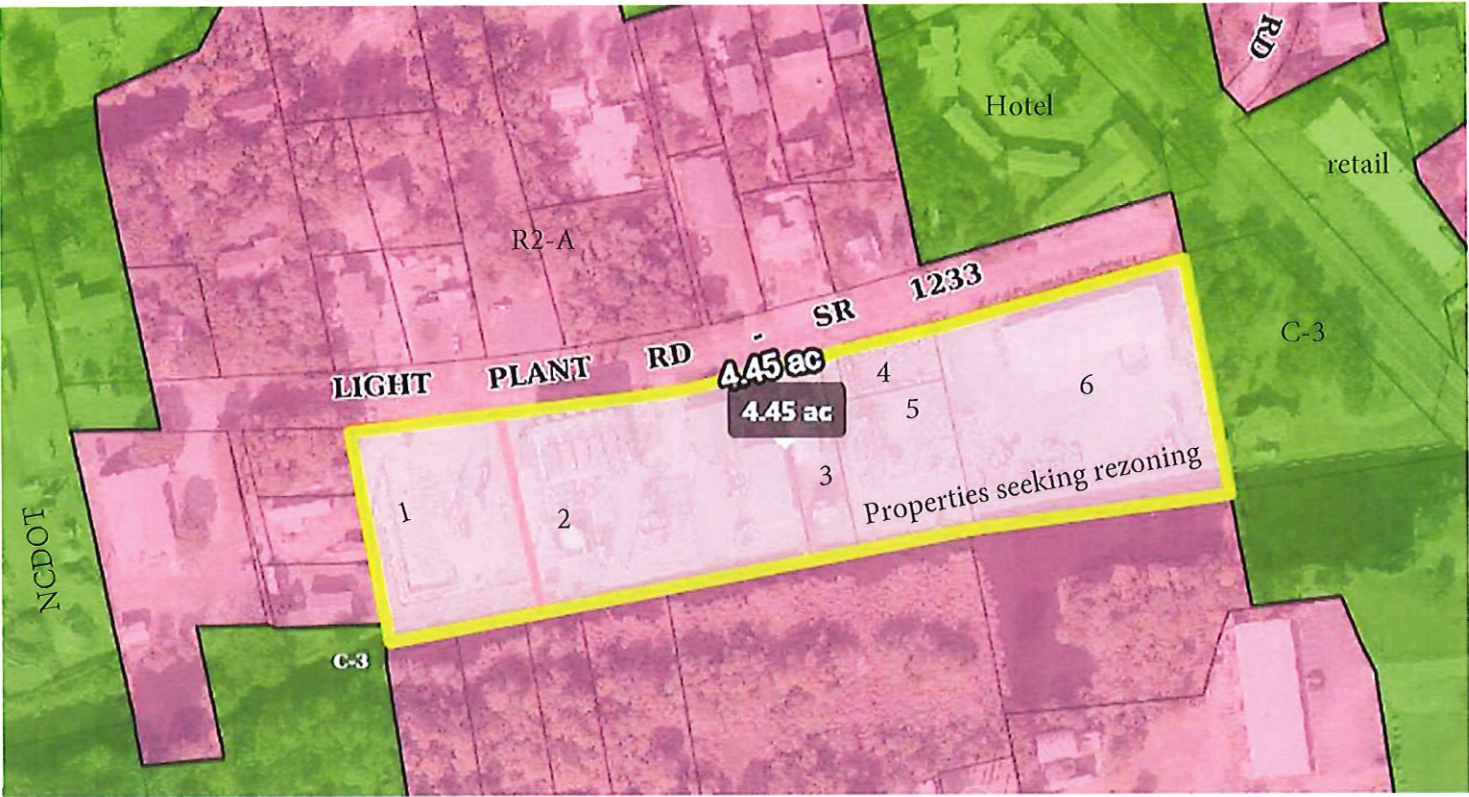
Policy LUC #6

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 Dare County Planning Board hereby recommends the Cape Hatteras Electric Membership Corporation and Pbp&s LLC zoning map amendment be adopted.



R2-A
LIGHT PLANT RD

SR 1233

Hotel

retail

RD

C-3

4.45 ac
4.45 ac

1

2

3

4

5

6

Properties seeking rezoning

C-3

NCDOT



County of Dare

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

October 9, 2023

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah H Gillam, Planning Director

RE: Text Amendment to the R2-A to allow for Accessory Uses to Churches

The St. John United Methodist Church in Avon has submitted a text amendment application to amend the R2-A zoning ordinance. The church is seeking the addition of accessory uses to churches to include youth retreat centers or recreation centers with overnight accommodations. It is the church goal to have a facility to host and house groups from other churches for mission work and camp retreats. The R2-A district applies to portions of Hatteras Island, and is intended to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between the low-density areas and more intensely developed areas, and provide a setting for a limited number of business uses associated with a coastal village location. Any text amendment to the R2-A district would apply to all lands zoned R2-A.

The R2-A is primarily a residential zoning district that offers some business and commercial uses some of which allow overnight accommodations including bed and breakfast homes and campgrounds. A copy of the R2-A regulations is attached to this memo for the Board's review. The church currently operates on 40336 McMullen Rd, and owns the adjacent parcel at 40296 McMullen Rd. If the proposed text amendment is approved the church would operate the retreat/recreation center on the 40296 McMullen Rd parcel. For the proposed text amendment it is my recommendation that a condition is added that requires the accessory use to be located on the same parcel and/or an adjacent parcel.

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.

For the Board's discussion on conditions to add to the use the Board will need to discuss lot size requirements, setbacks from residential uses, buffers, and occupancy limitations. Attached is draft language for the Board's discussion, the language can be expanded on or omitted.

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) The Board of Trustees of St. John United Methodist Church
Address: P.O. Box 129 Avon, NC 27915 - 40336 McMullen Rd.
Telephone: (252) 995-5383 Email: gmillar@mcgumc.org

Property Description:

<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>
Lot	Phase/Section	Block	Subdivision
Parcel: <u>014650000</u>			PIN: <u>064017007591</u>

Text Amendment Map Amendment

Present Zoning Classification: Section 22-16 NH

R2-A 22-22.1

Requested Zoning Classification: Section 22-16 NH

Explanation of Request: Add to Special Uses - R2A the following:

- Christian Youth Center as an accessory use of an existing church; to include overnight accommodations.
- Emergency housing for use by FEMA.

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: Rev. Devin R. Miller

Date: September 17, 2023

Draft Language for Proposed Text Amendment to the R2-A Zoning district

(C) Special Uses

- (1) Churches, and cemeteries, a recreation or retreat center to include overnight accommodations may be offered as an accessory use subject to the following conditions.
 - a. It shall be located on the parcel with the principal use church or on a parcel adjacent to the principal use church. If more than one structure it shall be reviewed as a group development subject to Section 22-31.
 - b. The parcel of land is greater than 20,000 square feet
 - c. Principle buildings and outdoor recreation areas shall be setback 25 ft. from existing residential uses
 - d. If overnight accommodations are provided they shall not be for long term occupancy as defined in Section 22-2 and shall be limited to participants of church sponsored events.
 - e. Buffers shall be provided when abutting an existing residential use. The location of buffers and the type of buffer (vegetative versus fencing) shall be established during special use permit review. If fencing is used, such fencing shall be a minimum of six feet in height.
 - f. Buildings shall comply with the North Carolina Building Code and Fire Code for the use and occupancy classifications of the areas constructed.

ZONING AMENDMENT CONSISTENCY DETERMINATION

On November 7, 2023 the Dare County Planning Board considered a zoning text amendment application submitted by St. Johns United Methodist Church. The zoning text amendment application seeks to amend the Dare County Zoning Ordinance specifically Section 22-22.1 R2-A Alternative Medium Density Residential District. The text amendment would allow for the addition of recreation and/or retreat centers to include overnight accommodations as an accessory use to Churches, as a special use to all areas zoned R2-A

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 a use that is already similar to what is in the districts ordinance and surrounding neighborhood.

The Planning Board further acknowledges the intent of the R2-A Alternative Medium Density Residential District is to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between the low-density areas and more intensely developed areas and provided a setting for a limited number of business uses associated with a coastal village location. The range of uses permitted in the district includes Bed and Breakfast homes, Campgrounds, and fish houses.

The Dare County Planning Board hereby recommends St Johns United Methodist Church text amendment be adopted.