

DARE COUNTY, NORTH CAROLINA

CODE OF ORDINANCES

2024 S-16 Supplement contains:
Local legislation current through Ordinance passed 1-2-2024; and
State legislation through 2023 Regular Session #6

Published by:
AMERICAN LEGAL PUBLISHING
525 Vine Street ✦ Suite 310 ✦ Cincinnati, Ohio 45202
1-800-445-5588 ✦ www.amlegal.com

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§ 91.054 ANIMALS OFFICIALLY SURRENDERED BY OWNERS.

If an animal is officially surrendered by the owner to the Animal Control Department to be placed in a home or destroyed in a humane matter, it may be disposed of immediately.

(Prior Code, § 91.34) (Ord. passed 11-6-1978)

§ 91.055 BADLY WOUNDED OR DISEASED DOGS OR CATS.

Any impounded dog or cat which is badly wounded or diseased (not a rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the Animal Control Department shall attempt to notify the owner before disposing of the animal, but if the owner cannot be reached readily and the animal is suffering, the Animal Control Department may destroy the animal, at its discretion, in a humane manner.

(Prior Code, § 91.35) (Ord. passed 11-6-1978)

§ 91.056 REDEMPTION; ADOPTION.

(A) Redemption of dog or cat.

(1) When any dog or cat has been impounded at the animal shelter, notice thereof shall be given to the owner, or if the owner is unknown, notice thereof shall be posted for a minimum of 5 days, or until the animal is suitably placed or other disposition is made pursuant to the ordinances, on shelter websites and social media, together with the time and place of taking the animal and the time and date of posting the notice. The time for redemption of the animal, as hereinabove provided, shall not begin to run until the notice has been given or posted.

(2) The owner shall be entitled, after the expiration of any required quarantine, to resume possession of his or her animal upon compliance with this chapter, the payment of a shelter fee and the payment of boarding expenses.

(3) Each additional impoundment of the same animal shall increase the owner redemption fee by an additional fee over the previous redemption fee for that animal.

(B) Adoption of dog or cat. After the 5-days' notice provided for in division (A) of this section, an animal may be adopted by a suitable applicant, upon payment of an adoption fee and the identification tag fee.

(C) Fees. The specific fee amounts mentioned in this section shall be as set forth in fee schedules adopted from time to time by the appropriate agency or department.

(Prior Code, § 91.36) (Ord. passed 11-6-1978; Ord. passed 12-4-2023)

RABIES VACCINATION AND CONTROL

§ 91.065 INOCULATION REQUIRED.

It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for his or her dog. Should it be deemed necessary by the County Health Director, Board of Commissioners or state public health veterinarian that other pet animals be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet animal.

(Prior Code, § 91.45) (Ord. passed 11-6-1978) Penalty, see § 10.99

§ 91.066 REPORT AND QUARANTINE OF BITING DOGS.

Every dog which has bitten anyone or which shows symptoms of rabies shall be confined immediately by its owner and shall be promptly reported to the Health Department by its owner or the person having the dog in charge, and thereupon shall be securely quarantined at the direction of the Health

Department for a period of 10 days and shall not be released from the quarantine except by written permission from the Health Department. The biting dog and its records of vaccination and registration shall be inspected by the Health Director, who will then observe the following policy:

(A) A properly vaccinated and registered dog may be confined on the owner's premises; provided, that the Health Director determines that the owner has an adequate means of confinement upon his or her own premises and the animal is subject to observation by the owner at any time during the 10-day period.

(B) A dog not properly vaccinated or registered but belonging to an owner shall immediately be confined in a veterinary hospital or the county animal shelter, in which case the expense shall be borne by the owner for the 10-day confinement.

(C) A stray dog shall immediately be confined in the county animal shelter for a 10-day period. (Prior Code, § 91.46) (Ord. passed 11-6-1978)

§ 91.067 REFUSAL OF OWNER TO PERMIT INVESTIGATION; REDEMPTION OF DOGS FOUND NOT TO HAVE RABIES.

Except as provided in § 91.066, it shall be unlawful for the owner to refuse an examination or investigation by the Health Director, upon demand, of any dog which has bitten a human. If the dog is confined in the county animal shelter and if rabies does not develop within 10 days, the dog may be reclaimed, upon payment not to exceed the amount as shall be established from time to time by ordinance for feeding and upon compliance with other provisions of this chapter. (Prior Code, § 91.47) (Ord. passed 11-6-1978) Penalty, see § 10.99

§ 91.068 PROCEDURE WHEN RABIES DIAGNOSED.

If an animal dies while under observation for rabies, the head of such animal may be submitted to

the county's Health Department for shipment to the state's Laboratory of Hygiene for diagnosis. (Prior Code, § 91.48) (Ord. passed 11-6-1978)

§ 91.069 EMERGENCY AREA-WIDE QUARANTINE.

(A) When reports indicate a positive diagnosis of rabies, the county's Health Director shall order an area-wide quarantine for a period as he or she deems necessary; and upon invoking of the emergency quarantine by the Health Director, no pet animal shall be taken into the streets or permitted to be in the streets during the period. During the quarantine, no animal may be taken or shipped from the county without written permission of the Health Director, and each member of the Animal Control Department, Police and Sheriff's Department is hereby fully authorized, during such emergency, to impound any dog found running at-large in the county. During the quarantine period, the local health authorities shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination clinics strategically located throughout the county.

(B) No dog which has been impounded by reason of its being a stray, unclaimed by its owner, shall be allowed to be adopted from the animal shelter during the period of emergency rabies quarantine, except by special authorization of the Health Director. (Prior Code, § 91.49) (Ord. passed 11-6-1978)

§ 91.070 ANIMALS BITTEN BY KNOWN RABID ANIMAL.

Animals bitten by a known rabid animal shall be immediately destroyed, unless the owner agrees to strict isolation of the animal in the animal shelter in the case of dogs or cats, or at a veterinary hospital in the case of other animals, for a period of 6 months, or if the animal has a current rabies inoculation, revaccination and confinement for a period of 6 months. (Prior Code, § 91.50) (Ord. passed 11-6-1978)

APPENDIX A: ZONING ORDINANCE

CHAPTER 22: Zoning

For state law as to Planning Board generally, see 2-12 to 2-20.

As to Albemarle Area Commission generally, see 2-12 to 2-20.

As to airport zoning, see 3-16 to 3-27.

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Cross-reference:

For Planning and Development, see Chapter 152

ARTICLE I. GENERAL

SECTION 22-1 - AUTHORITY FOR ENACTMENT AND PURPOSE OF CHAPTER

In accordance with Chapter 160D of the North Carolina General Statutes, the Dare County Board of Commissioners has adopted zoning regulations in conjunction with a zoning map depicting zoning districts for unincorporated Dare County. From time to time the ordinance may be amended, supplemented, or changed. This chapter has been prepared in accordance with a

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comprehensive plan (Dare County Land Use Plan) for the development of the unincorporated portions of Dare County and is designed to promote health and the general welfare; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The Dare County Planning Board is designated by the Board of Commissioners as the planning agency to assist in the administration of this ordinance as needed with the Dare County Planning Director designated as the lead official responsible for the implementation and enforcement of this chapter. (11-20-75, art. 1, 1.03)
(Am. Ord. passed 6-21-2021)

SECTION 22-2 - DEFINITIONS

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by the section:

Accessory business use - Any use that occurs in conjunction with a principal business use which is subordinate to the primary or majority business activity.
(Adopted 8-20-2012)

Accessory dwelling unit - A secondary dwelling unit established on one parcel in conjunction with a principal dwelling unit. Accessory dwelling units shall be subordinate in floor area, bulk, and height to principal dwelling unit. An accessory dwelling unit may be included as part of the principal dwelling unit, attached to the principal dwelling unit by an enclosed walkway, or entirely detached from the principal dwelling unit.
(Adopted 10-15-2018)

Accessory equipment structure - A building or cabinet-like structure located adjacent to, or in the immediate vicinity of, a wireless support tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging and paging services.

Accessory use - A use, which is clearly incidental to and customarily, found in connection with the principal use and located on the same lot with such principal use. This shall include such uses as swimming pools, tennis courts, private piers and docks, private boathouses, and garages.
(Adopted on 6-16-97)

Administrative decision - Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this chapter or other Dare County ordinances. This definition includes the term administrative determinations.

Administrative hearing - A proceeding used to gather facts to aid in an administrative decision or administrative determination.

Open storage - Unroofed storage area, whether fenced or not.

Outdoor recreation activity - Any activity conducted outdoors for the purpose of leisure, relaxation and/or personal enjoyment.

Outdoor recreation activity, accessory - Any activity or improvement designed and used incidental and subordinate to a principal use where access to the activity or improvement is limited to the exclusive use of the patrons of the principal use.

Outdoor recreation activity, commercial - Any conduct or any improvement designed solely for the purpose of facilitating an outdoor recreation activity where fees are collected in exchange for access to the improvement.

Outdoor recreation use - Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominantly outdoors or within outdoor structures. Outdoor recreation includes the following:

1. Drive-in theater.
2. Extreme sports facility such as paintball, BMX or skateboarding.
3. Dog parks.
4. Outdoor batting cages, golf driving ranges, amusement parks, go-cart tracks, miniature golf courses, bumper boats, waterslides and water parks.
5. Golf course.
6. Outdoor theater, arenas or entertainment facility.
7. Riding stables.
8. Petting zoos.
9. Shooting range.
10. Racetracks.

11. Aerial adventure centers including climbing walls, zip lines and rope courses, bungee or trampoline facilities.

12. Fishing pier.

13. Tennis, racquet ball and other racket courts.

14. Swimming pools and aquatic centers. (Adopted 3-2-2015)

Parking space - A vehicular storage space of not less than 10 x 20 feet, plus the necessary access space. It shall always be located outside any dedicated right-of-way.

Planned Unit Development - Deleted from the Zoning Ordinance on September 19, 1994.

Planning and development regulation jurisdiction - The unincorporated portions of Dare County in which Dare County may adopt and apply development regulations.

Planning Board - Dare County Planning Board.

Portable Storage Container - A portable, weather-resistant, commercially available for lease or rent receptacle designed and used for the storage or shipment of residential or commercial personal property. The term shall not include yard waste containers, or construction debris containers. (Adopted 1-2-2024)

Portable Storage Unit Service - A commercial service leasing, providing, maintaining, constructing, assembling, delivering, retrieving, and storing or leasing space to store portable storage containers. (Adopted 1-2-2024)

Pre-existing towers and antennas - Any tower or antenna for which a permit was issued prior to June 21, 1999 of these regulations.

Principal business use - The business activity which comprises the primary or majority of the commercial activity that occurs on a site as permitted by Dare County. (Adopted 8-20-2012)

Principal dwelling unit - The primary dwelling unit located on a lot or parcel providing independent living facilities for one or more persons including permanent provisions for sleeping, living, eating, cooking, and sanitation. (Adopted 10-15-2018)

Public building - A building that is designed for use by a government-affiliated, non-profit organization for community and public sector services and activities. This shall include such buildings as federally-owned buildings, state-owned buildings, volunteer rescue buildings, community centers, libraries, recreation centers, and civic centers. Buildings or facilities owned or leased by the County of Dare shall be considered as county-owned or leased facilities and permitted as detailed in each zoning district. (As adopted 5-16-11)

Quasi-judicial decision - A decision involving gathering facts regarding a specific application of a development regulation that requires discretion when applying the standards of the regulation. **Quasi-judicial decisions** include, but are not limited to, decisions involving variances, special use permits, and appeals of administrative determinations.

Resident business - A profession or occupation carried on by a member of a family or a member of a recognized profession residing on the premises; provided that merchandise produced on or off the premises may be sold on the premises and up to 1,000 square feet or 40% of the total floor area of the home, whichever is lesser, may be used for the purpose of conducting business.

Residential Child Care Center - A child care arrangement located in a residence in which the provider may care for 6 or more pre-school aged children not to exceed a maximum of 12 pre-school aged children or a maximum of 15 school-aged children.

Restaurant - Any place or premises where food and beverages are prepared and served to patrons for on-premises consumption. Seating may be located indoors or outdoors. Delivery service and take-out service may also be offered in addition to the on-premises consumption. This term shall not include drive-in restaurant or food stand as defined elsewhere in this appendix. (Adopted 4-15-2013)

Retail Garden Business - A business that provides plants, shrubs, trees, mulch, yard ornaments and other landscaping materials for retail purchase by the general public. (As adopted by the DCBC on 6/3/03)

Sand dune - A rounded hill or ridge of loose, gritty grains of disintegrated rock heaped up by the wind. A sand dune may or may not be covered by vegetation or trees.

Seafood market - A facility where fish and other seafood that has been processed and/or cooked is offered for sale. (As adopted on March 5, 2006)

Search ring - The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

Short-term vacation occupancy - A residential dwelling that is used and/or advertised through online media or any other means of advertising for occupancy for a period of 30 days or less. (Adopted 10-15-2018)

Site plan - A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

Site-specific vesting plan - A plan used for the establishment of a zoning vested right. For the purposes of this chapter, a special use permit and a preliminary subdivision plat are determined to constitute site-specific vesting plans.

Skirting area - That area beneath a mobile home from the underside of the floor area to the ground.

Sleeping room - A room designated as sleeping or bedroom on the plans and permit application.

Small wireless facility - A wireless facility that meets both of the following qualifications:

1. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than 6 cubic feet.

2. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this subsection, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

Special use permit - A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

Street - (a) Any permanently dedicated public right-of-way which has been accepted for maintenance by the state department of transportation; or

(b) Any other open area providing the principal means of access for vehicles or pedestrians from a public right-of-way to a building or use of land and which:

(1) Is at least thirty (30) feet in width; and

(2) Has been approved by the County Commissioners as a street to satisfy the requirements of this chapter; and

(3) Is covenanted by its owner to remain open and unobstructed throughout the life of any building or use which depends thereon to satisfy any requirement of this chapter.

Structure - Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Substantially commenced (also **substantial commencement of work**) - A level of work on a project that includes the installation of on-site infrastructure improvements such as stormwater management improvements, parking lot grading, shaping and paving (if applicable), installation of wastewater improvements, and construction of building improvements to the level of a foundation or piling inspection has occurred and been approved by the Dare County Building Inspector. Substantially commenced does not include the issuance of state and/or federal permits for erosion and sedimentation control, stormwater management, CAMA permits, or U.S. Army Corp of Engineers permits.

Substantial modification - The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is considered to be a substantial modification if it meets any one or more of the following criteria:

1. Increasing the existing vertical height of the structure by the greater of (a) more than 10% or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 25 feet.

2. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (a) more than 20 feet or (b) more than the width of the wireless support structure at the level of the appurtenance.

3. Increasing the square footage of the existing equipment component by more than 2,500 square feet.

Sweepstakes - Any game, advertising scheme or plan, or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon chance. (Adopted 8-20-2012)

Tattoo studio - Any establishment or business engaged in the service or practice of dyeing, staining or producing scars in, on or under the living human skin. (As adopted on 1-16-2009; Amended 5-16-2015)

Tourist home - A residential dwelling unit that offers guest rooms for rent on a daily or weekly basis to tourists, vacationers, or transients not to exceed a stay of 30 consecutive days. The maximum number of guest rooms offered for rent shall not exceed 10 rooms. Meals may be provided in a central kitchen or dining facility and there shall be no cooking facilities allowed in the individual guest rooms. A tourist home may or may not be owner occupied. (As adopted on March 5, 2006)

Tower, guy - A tower design that features supporting cables and wires anchored to the ground surrounding the tower. (Adopted 6-21-1999)

Tower, lattice - Three- or four-legged steel structures typically supporting multiple communications users and services.

Tower, monopole - Single-pole design, with a larger base that narrows in height.

Townhouse - A single-family dwelling on its own individual lot but connected on two sides, by means of a common wall for at least ten feet of its length, to two other single-family dwellings or an end dwelling of a row of such dwellings. No more than six such dwelling units may be attached in a single group.

Trailer - Any of the following:

(a) **Travel trailer** - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses. When factory equipped for the roads, it shall have a body width not exceeding eight feet and a body length not exceeding thirty-two feet.

(b) **Pickup coach** - A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

(c) **Motor home** - A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

(d) **Camping trailer** - A folding structure of canvas or other material mounted on wheels and designed for travel, recreation and vacation use.

Trailer park - See Dare County Mobile Home Park Ordinance. (9-19-94)

Use -

(a) Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; or

(b) Any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

c. Single family lots served by a central water supply and a central wastewater disposal system: 15,000 square feet of area. (Amended on 9-19-94)

(2) Minimum lot width: 75 feet, measured at the building setback line.

(3) Minimum front yard: 25 feet.

(4) Minimum side yard: 10 feet, an additional 10-foot side yard adjacent to the street is required for a corner lot.

(5) Minimum rear yard: 25 feet.

(6) Maximum allowable lot coverage by principal use and all accessory structures: 30%.

(7) Height limitation: 35 feet. (11-20-75, art. 7, 7.02) (Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021; Am. Ord. passed 5-17-2023)

SECTION 22-17.1 - MP-1 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT - (AS ADOPTED BY THE DARE COUNTY BOARD OF COMMISSIONERS FOR THE RESIDENTIAL PORTIONS OF MARTINS POINT SUBDIVISION ON OCTOBER 16, 2000)

The following regulations shall apply to the MP-1 single-family residential district:

(a) **Intent.** The MP-1 district is established to provide for the low-density development of single-family detached dwellings in stable, permanent neighborhoods, characterized by low vehicular traffic flows and low impact of development on the natural environment.

(b) **Permitted Uses.** The following uses, and no other uses, shall be permitted by right:

(1) Single-family detached dwellings, not to include mobile homes.

(2) Customary accessory uses, including swimming pools, tennis courts, private piers and docks, and garages.

(3) County owned or leased facilities.

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

(1) Public and/or private utility facilities (must provide a vegetated buffer strip at least 10 feet in height where the facility abuts a residential lot or use).

(2) Home occupations as defined in Section 22-2.

(3) Private recreational facilities including boat launching areas, tennis courts, community centers, libraries, picnic areas, swimming beaches and pools, and concessions integral thereto provided there is no commercial activity and no sign other than a directional sign.

(d) **Dimensional requirements.**

(1) Minimum lot size:

a. Single-family lots served by a private well and an on-site septic tank/drain field system: 20,000 square feet of area.

b. Single-family lots served by central water and an on-site septic tank/drain field system: 15,000 square feet of area.

c. Single-family lots served by a central water supply and a central wastewater disposal system: 15,000 square feet of area.

(2) Minimum lot width: 100 feet measured at the building setback line.

(3) Minimum front yard: 40 feet.

(4) Minimum side yard: 12.5 feet, for corner lots the side yard setback shall be 20 feet adjacent to the street.

(5) Minimum rear yard: 25 feet.

(6) Maximum allowable lot coverage by principal use and all accessory uses: 30% as defined in section 22-2.

(7) Height limitation: 35 feet as defined in section 22-2.

(e) Other requirements.

(1) All utility lines of every type, including but not limited to water, electricity, telephone, septic, and cable, must be underground.

(2) Private piers and/or docks only as an accessory to a principal use building. Piers and docks shall be permitted by all applicable local, state, or federal agencies having jurisdiction. Only one pier or dock is permitted for each building site.

a. For property located on Jean Guite Creek – No such pier or dock shall extend into Jean Guite Creek more than 75 feet from an estuarine bulkhead, mean high waterline or from a line connecting the outermost limits of the coastal wetlands on either side of a proposed structure, whichever is nearest the channel.

b. For property on Currituck Sound – No such pier or dock shall extend into Currituck Sound more than 125 feet from an estuarine bulkhead, mean high waterline or from a line connecting the outermost limits of the coastal wetlands on either side of a proposed structure, whichever is nearest the channel. (Amended to 125 feet on April 17, 2006)

(3) No fill material may be placed on a lot in the side setback areas unless the fill lies under a line with a vertical to horizontal slope of 1 to 3 or less, as measured from the original grade on the side property line and certified by a NC licensed surveyor or engineer.

(4) Undeveloped lots shall not be used for long-term storage or keeping of trailers, trash, debris, commercial materials or animals.

(5) No animals, livestock, poultry or fowl shall be raised, bred, or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose. (Amendment added on April 17, 2006)

(6) Accessory use buildings or structures, including detached garages, poolhouses, storage sheds, swimming pools, and swimming pool decking and/or all pool apron areas shall be located on any lot in conformance with the principal building setbacks established for this district. (Amendment added on April 17, 2006)
(Am. Ord. passed 6-21-2021)

SECTION 22-17.2 - MP-C NEIGHBORHOOD COMMERCIAL DISTRICT (Adopted 11-6-2023)

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

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

(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) Retail stores, including such uses as:

- a. Antiques.
- b. Books.
- c. Cameras.
- d. Candy.
- e. Clothing.
- f. Craft goods.
- g. Delicatessens.
- h. Dry goods.
- i. Drugs.
- j. Flowers.
- k. Food stores.
- l. Gifts.
- m. Hardware.
- n. Health and Beauty Aids.
- o. Hobby goods.
- p. Household appliances.
- q. Jewelry.
- r. Leather goods.
- s. Magazines.
- t. Medical Supplies.
- u. Music and musical instruments.
- v. Office supplies.
- w. Sporting goods.

- x. Tobacco.
- y. Toys.
- z. Video Rentals.
- aa. Wines.

(3) Service establishments, including such uses as:

- a. Banks.
- b. Barbershops and beauty shops.
- c. Business service—copying, photocopying and computer services.
- d. Churches.
- e. Dry cleaning and laundry pickup stations.
- f. Funeral homes.
- g. Indoor motion picture theaters.
- h. Pharmacy without a drive-through facility.
- i. Radio and television broadcasting studios (excluding transmitter sites).
- j. Shoe Repair.

(4) Limited residential, where up to 40% of the floor area of an approved commercial building may be devoted to residential use in conjunction with a commercial use allowed as a permitted or special use in the MP-C district.

(5) Detached single-family dwellings and accessory buildings, according to the density and dimensional requirements of the MP-1 residential district.

(6) Two-family (duplexes) dwellings, multifamily dwellings and accessory buildings, according to the density and dimensional requirements of the RS-8 Multi-Family Residential District.

(7) County owned or leased facilities.

(8) Event facilities - meaning an establishment, structure or property designed, maintained, advertised or actually used for the primary purpose of hosting pre-planned events, including, but not limited to, private parties, community meetings, weddings, rehearsal dinners, corporate meetings, retreats, sporting events, cultural events, musical events, celebrations, or similar events that are planned in advance of their occurrence.

a. Customer parking requirements for event facilities shall be one space for each 150 square feet of floor area;

b. A septic permit must be obtained from the county health department to accommodate the maximum number of attendees permitted.

c. Food preparation shall meet all local and state requirements.

d. All events in which alcohol is to be served shall not be held until an approved state ABC permit has been issued.

e. All events shall be in compliance with all Dare County requirements, including the County noise ordinance.

(9) Produce stands. The retail sale of fruits, vegetables, plants, and other agricultural and horticultural products subject to the following requirements:

a. All stands shall meet the yard requirements for the MP-C district;

b. No sales shall be conducted between 8:00 p.m. and 7:00 a.m.;

c. No additional lighting shall be allowed;

d. All stands shall comply with all applicable Dare County Health Department requirements and N.C. Department of Agriculture requirements;

e. Only one stand per lot shall be allowed;

f. When located on a lot with 50 or more existing parking spaces, no additional parking spaces will be required. When located on a lot with fewer than 50 existing parking spaces, a minimum of three off-street parking spaces shall be provided. When located on a vacant lot, parking spaces shall be provided on an adjacent lot with existing parking spaces that is under same ownership;

g. One freestanding sign not exceeding 32 square feet in area or six feet in height shall be allowed;

h. If applicable, a building and/or electrical permit shall be obtained;

i. The display, storage and/or sale area shall not impede vehicular or pedestrian traffic and parking;

j. On-site garbage or trash receptacles must be provided and properly maintained at all times.

(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) Commercial child care centers as defined in Section 22-2, subject to other requirements of this chapter and provided the following conditions are met:

a. The facility shall adhere to the minimum requirements of and be licensed by the State Department of Human Resources.

b. Pickup and drop-off areas shall be provided separate from the drive aisle. The pickup and drop-off areas shall be designed so that no child is required to cross the parking lot or any other traffic areas.

c. The operation of the facility shall not block traffic on the State Access Road or create other traffic issues.

d. Required parking requirements – 1 space for every 3 children plus 1 space for every employee. For facilities that were licensed at any time prior to November 6, 2023, the required parking requirements shall be 1 space for each classroom plus 1 space for each administrative office.

(2) Garden center/nursery, provided:

a. A ten-foot high solid fence must surround all storage areas for business vehicles, equipment and bulk storage.

b. All principal and accessory structures must conform to the building code (e.g., greenhouses) with no agricultural exceptions.

c. Outdoor plant displays (retail/nursery areas) access walks shall comply with site accessibility requirements of the building code (e.g., wheelchairs and motorized carts).

d. Required parking spaces and drive aisles shall be asphalt or concrete. Business vehicle and equipment parking and drive area shall be gravel or other dust free surface. Customer parking requirements for outdoor retail display areas shall be one space for every 500 square feet of retail space.

(3) Group developments according to the provisions of Section 22-31.

(4) Restaurants without drive-thru facility.

(5) Veterinary clinic, provided that all boarding runs and kennels are in an enclosed, heated and air conditioned building.

(6) Wireless telecommunications sites in compliance with Section 22.29.2.

(7) Wind generation facility in compliance with the requirements of Section 22.29.3.

(d) Dimensional requirements.

(1) Minimum lot size: Commercial lots shall be of sufficient size to meet requirements of the Dare 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 shall be established and maintained along the rear of any property adjacent a residential zone for any business established after November 6, 2023. The required buffer shall consist of a wooden or vinyl fence (6 to 8 feet in height) or a vegetative buffer at least 6 feet in height. In some instances, existing dense shrubs, trees, and plants may provide screening, with approval of the Dare County Planning Department. The Buffer Requirements shall not apply to lots 8, 9 & 10 on the subdivision plat for the Martin's Point Commercial Lots, which is recorded in Plat Cabinet B, Slides 74 & 75, Dare County Register of Deeds.

(2) Minimum front yard: 25 feet.

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

(4) Minimum rear yard: 20 feet.

(5) No structures are permitted within the 50 foot wide buffer zone that is shown on the subdivision plat for the Martin's Point Commercial Lots, which is recorded in Plat Cabinet B, Slides 74 & 75, Dare County Register of Deeds.

(6) Maximum allowable lot coverage by principal use and all accessory structures shall be 60 percent for commercial and mixed use.

(7) Height Limitation: 35 feet.

(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 November 6, 2023, 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 11-6-2023)

SECTION 22-18 - RS-6 MULTI-FAMILY RESIDENTIAL DISTRICT

The following regulations shall apply to the RS-6 multi-family residential district:

(a) **Intent.** The RS-6 district is established as an area in which the principal use of the land is for single-family and low-density multi-family residential purposes not to exceed six dwelling units per acre. (Amended 10-15-2018)

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

(1) Detached single-family dwellings, not to include mobile homes.

(2) Duplexes.

(2) Minimum lot width: 75 feet, measured at the building setback line.

(3) Minimum front yard: 25 feet.

(4) Minimum side yard: 10 feet. An additional 10-foot side yard adjacent to the street is required for a corner lot.

(5) Minimum rear yard: 20% of lot depth, but such yard need not exceed twenty feet.

(6) Maximum allowable lot coverage by principal use and all accessory structures: 30%.

(7) Height limitation: 35 feet.

(e) **Non-conforming structures and uses.** The provisions of subsection (b) of Section 22-49 and subsection (f) of Section 22-50 to the contrary notwithstanding, a non-conforming structure or use existing within this district on November 20, 1975, may be restored to its original condition if destroyed or damaged by any means for a period of time not to exceed eight years from such. (11-20-75, art. 7, 7.07, 76-81, 1) (Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021)

SECTION 22-22.1 - R2-A ALTERNATIVE MEDIUM DENSITY RESIDENTIAL DISTRICT

The following regulations shall apply to the R2-A alternative medium density residential district:

(a) **Intent.** The R2-A district is intended to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between the low-density area and more intensely developed areas, and provide a setting for a limited number of business uses associated with a coastal village location.

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

(1) Detached single-family dwellings.

(2) Duplexes.

(3) Customary accessory buildings, including private swimming pools.

(4) Mobile homes; provided that:

a. They are placed on foundations and anchored according to the North Carolina State Building Code for Mobile Homes in a Hurricane State.

b. The requirements of the building inspector regarding skirting material and skirting area are complied with.

(5) County owned or leased facilities.

(6) Accessory dwelling unit according to the provisions of Section 22-58.6 of this code. (Adopted 10-15-2018)

(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) Churches, cemeteries; a recreation or retreat center to include overnight accommodations, may be offered as an accessory use to a church 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) If located on an adjacent parcel, the parcel of land shall be greater than 20,000 square feet.

(c) Principal 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. (Adopted 12-4-2023)

(2) Fire stations, schools and other public buildings.

(3) Home occupations.

(4) Private clubs, including boat launching areas, golf courses, tennis courts, community centers, libraries, picnic areas, beach clubs and concessions integral thereto; provided, that there is no open commercial activity and that no sign other than a directional sign is allowed.

(5) Public and private utility facilities.

(6) Public or private parks and playgrounds.

(7) Bed and breakfast homes provided that:

a. There are no more than 3 units in a home.

b. It is owner occupied.

(8) Campgrounds.

(9) Fish houses and dockage.

(10) Real estate offices.

(11) Resident businesses provided that:

a. Family member(s) residing on premises plus one other non-resident employee.

b. Merchandise produced on or off the premises may be sold at the business.

c. The total square footage designated as the resident business may not exceed 40% of the total floor area of the home. The business area may be located within the confines of the home or in an accessory building located on the same property provided the 40% maximum area is not exceeded.

d. One indirectly lighted sign, each side not to exceed four square feet.

e. Parking requirements of Section 22-56 for the proposed use shall be applied.

(12) Family child care home as defined in Section 22-2 and subject to the provisions of Section 22-29.1. (Amended 5-16-11)

(13) Child care facilities which are an accessory use of an existing or proposed church, public school, or other public building.

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

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

(d) Dimensional requirements:

(1) Minimum lot size:

a. Single-family lots served by a private well and an on-site septic tank/drain field system: 20,000 square feet of area.

Single-family lots served by a central water supply and an on-site septic tank/drain field system: 15,000 square feet of area.

Single-family lots served by a central water supply and a central waste-disposal system: 15,000 square feet of area. (Amended on 9-19-94)

b. Duplex lots if served by a private well regardless of wastewater disposal method: 20,000 square feet.

Duplex lots if served by central water regardless of wastewater disposal method: 15,000 square feet. (Amended 10-15-2018)

c. Resident business: 30,000 square feet of area.

(2) Minimum lot width: 75 feet, measured at the building setback line.

(3) Minimum front yard: 25 feet.

(4) Minimum side yard: 10 feet. An additional 10-foot side yard adjacent to the street is required for a corner lot.

(5) Minimum rear yard: 20 feet.

(6) Maximum allowable lot coverage by principal use and all accessory structures: 30%.

(7) Height limitation: According to standards of Section 22-27.4 Height Overlay District.

Thereafter, it shall not be rebuilt except in conformity with the regulations of the district in which it is located. (Adopted by the Board of Commissioners on 6-25-85 for Colington Harbour)
(Am. Ord. passed 6-21-2021)

**SECTION 22-23.2 - MH-A MANN'S HARBOR/
MASHOES ZONING DISTRICT**

The following regulations shall apply to the MH-A zoning district:

(a) Intent. The MH-A district is intended to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between 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.

All existing uses are 100% "grandfathered" in perpetuity, as they exist as of the date the Manns Harbor/Mashoes zoning ordinance is adopted. Any structure destroyed or deteriorated by natural means, either partially or in full, may be rebuilt to 100% of its previous extent. This shall not apply to those nonconforming structures which are voluntarily removed or demolished. State and federal rebuilding regulations may apply.

(b) Permitted uses. The following uses and NO OTHER shall be permitted by right:

- (1) Detached single-family dwellings.
- (2) Duplexes.
- (3) Customary accessory uses.
- (4) Mobile homes; provided that:

a. They are placed on foundations and anchored according to the North Carolina State Building Code for mobile homes in a hurricane state.

b. The requirements of the building inspector regarding skirting material and skirting area are complied with.

(5) Traditional commercial fishing businesses, including crab shedding operations.

(6) County owned or leased facilities.

(7) Commercial/light industry, with the following conditions:

a. Where a commercial/light industry use is adjacent to a residential use, the commercial/light industry use must provide a visual buffer along that boundary.

b. Light industry is defined as those uses involving assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing activities. Only those light industrial uses not defined as "high-hazard group H" by the North Carolina State Building Code may be permitted.

c. The following commercial/light industry uses are permitted in District A and shall be of a non-itinerant nature:

- 1. Automobile detailing, auto shops, paint and body shops.
- 2. Agriculture/aquaculture.
- 3. Bake shops (cakes, pastries, edibles and bakery goods).
- 4. Barber and beauty shops including tanning and exercise facilities.
- 5. Bicycle rentals with buffered storage areas.
- 6. Boarding horses, equestrian activities according to state regulations.
- 7. Boat building shop and related industry.

8. Boat launching ramps.
9. Carpenter/cabinet/wood-working/furniture making.
10. Catering businesses.
11. Computer/internet services.
12. Concrete finishing business and equipment.
13. Crab pot storage and other crabbing and commercial fishing gear.
14. Craft production and retail sales.
15. Consulting businesses.
16. Electronics.
17. Excavating and equipment.
18. Facilities owned by the State of North Carolina.
19. Garden and vegetable stands.
20. General contracting and related services.
21. Gunsmith shop and gun sales.
22. Heavy equipment shop with storage.
23. Historic home place tours and interpretation of village lifestyles.
24. House and boat moving businesses.
25. Hunting and sporting goods stores.
26. Landscape and lawn care businesses.
27. Mini-storage facilities including portable storage unit services. Mini-storage facilities with multiple buildings or with portable storage unit services shall be submitted for site plan review under Section 22-31 Group Development. (Adopted 1-2-2024)
28. Music shops and music lessons.
29. Elder in-home care facility (not to exceed 4 non-related patients).
30. Offices (financial, professional, medical and real estate).
31. Outboard engine repairs/sales.
32. Photography.
33. Plant nursery.
34. Pottery, clay works, ceramics.
35. Pressure washing business.
36. Radio, TV broadcasting and film production studio.
37. Restaurants – provided alcoholic beverage sales do not exceed 40% of total sales. Restaurants shall not feature a "drive-thru" window service, whereby patrons are served while seated in a motor vehicle. Restaurant seating capacity shall not exceed 100.
38. Seafood sales as per State of North Carolina regulations.
39. Sign making shops.
40. Small engine repair and sales.
41. Tree farms.
42. Taxidermist.

(7) Height limitation: 35 feet.

(8) Maximum gross building size: 10,000 square feet excluding decks, porches, and similar non-heated space. Non-heated space shall not be used as retail space, for the display of goods, or other commercial activities.

(e) Dimensional requirement for commercial uses.

(1) Minimum lot size: Commercial lots shall be of sufficient size to meet the requirements of the Dare County Health Department and to provide adequate area for structures, parking, loading and maneuvering space. In addition, a visual buffer of vegetation or fencing is required where is commercial use abuts a residential use or zone.

(2) Minimum front yard: 15 feet.

(3) Minimum side yard: 10 feet. An additional 10-foot side 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) Maximum gross building size: 10,000 square feet excluding decks, porches, and similar non-heated space. Non-heated space shall not be used as retail space, for the display of goods, or other commercial activities.

(f) Non-conformities.

(1) In the event a natural disaster or accidental occurrence leads to extensive damage of an existing structure or use, that use or structure may be repaired or replaced to 100% of its status as of June 18, 2007 but no greater and only to the extent that it cannot be built in conformity with these regulations. This right to repair or replace a non-conforming structure or use shall apply in perpetuity.

(2) Any proposed addition or alteration to an existing use or structure must conform to those guidelines in effect at the time permit application for such an addition or alteration is made. (Adopted 6-18-2007; amended 11-20-2017) (Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021)

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.
- 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)

(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:

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

(5) Single-family dwellings, multi-family dwellings, duplexes, and mobile homes, 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.

(12) 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 an existing 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 dedicated to production and one 10 feet by 20 feet parking space per 200 square feet of heated gross floor areas dedicated to retail space. (Adopted 10-2-2023)

(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

(f) Occupancy of dwellings. Any dwelling constructed as part of Section 22-58.9 shall be occupied on a long-term basis as defined in the Dare County Zoning Ordinance.

(g) Parking. One 10' x 20' parking space for each bedroom shall be provided on site. 50% of the required parking shall be of an impervious surface such as concrete or asphalt. Permeable or pervious concrete does not qualify as an impervious surface. Asphalt millings or "crush and run" shall not be used for residential parking.

(h) Review procedures. Any proposed special use subdivision shall be subject to review by the Dare County Planning Board for compliance with Chapter 153 and approval by the Dare County Board of Commissioners as a special use permit and subject to quasi-judicial proceedings. The special use permit and subdivision plat shall be recorded in the Dare County Register of Deeds. Restrictive covenants stating the conditions of approval, including the maximum dwelling size of 1,200 square feet of heated/conditioned space, shall be recorded in conjunction with the special use permit and subdivision plat.

(i) Road access. Any lot developed as part of a special use subdivision shall have frontage on an existing state-maintained road. If new road improvements are proposed as part of the conditional use division, the roads shall be dedicated as public roads and constructed according to the road standards of the Dare County Subdivision Ordinance. Maintenance of roads constructed as part of a special use subdivision shall be the responsibility of property owners in the division until such time that the roads are accepted into the NC State road system.

(j) Lot coverage. 30% of the total lot area of each individual lot.

(k) Setbacks. Front yard: 25 feet; Side yard: 10 feet; Corner Side yard: 15 feet; Rear yard: 20 feet shall apply to each individual lot.

(l) Building height. Any dwelling constructed as part of a special subdivision shall be constructed to the building height of the applicable zoning district. (Am. Ord. 9-16-2019; Am. Ord. passed 6-21-2021)

SECTION 22-58.10 - PORTABLE STORAGE CONTAINERS AND PORTABLE STORAGE UNIT SERVICES (Adopted 1-2-2024)

Portable Storage Unit Services may be offered as accessory uses to mini-storage facilities, storage warehouses, and storage/warehousing and storage centers in the following zoning districts: CS, I-1, HML, MC-2, MC-1, C-2, C-3, MH-A and S-1. Subject to the provisions of Section 22-31 Group Developments, and the following conditions:

(a) Portable Storage Containers shall not be used for residential or commercial occupancy.

(b) Portable Storage Containers may only be located upon a residential or commercial property for fourteen (14) consecutive days unless associated with construction at the property pursuant to duly obtained development permits. Portable storage containers associated with development permits must be secured and installed in compliance with the Dare County Flood Damage Prevention Ordinance and must be removed from the site within thirty (30) days from the expiration of permits or the issuance of a certificate of compliance or certificate of occupancy. No more than two (2) Portable Storage Containers may be located upon a property at the same time. The property owner upon which the Portable Storage Container is located is responsible for complying with this provision.

(c) Portable Storage Containers located on the site of Portable Storage Container Service shall be securely anchored and in compliance with the Dare County Flood Damage Prevention Ordinance if on site for more than fourteen (14) consecutive days. Customer access to Portable Storage Containers located on the site of a Portable Storage Container Service shall be restricted to normal business hours and shall only occur in the presence of an employee of the Portable Storage Container Service.

(d) Portable Storage Containers located on the site of Portable Storage Container service shall be kept in a designated area on the property and in compliance with applicable setbacks; this designated area shall count as lot coverage. Portable storage containers stored on site shall not be stacked or stored vertically atop another.

(e) Signage on Portable Storage Containers shall be limited to 12 square feet in total sign area.

(f) Portable storage containers shall be designed and/or constructed to meet the North Carolina Building Code requirements for High Wind Zones applicable in Dare County and certified by a North Carolina licensed engineer. (Adopted 1-2-2024)

SECTION 22-59 - (RESERVED)

SECTION 22-59.1 - DISH ANTENNAS

(a) **Intent** - The intent of this section is to provide for proper location, height, and size of dish antennas so as not to impose unreasonable limitations on or prevent the reception of satellite delivered signals by receive-only antennas.

(b) **General requirements** – A building permit is required when installing or moving a dish antenna.

(c) **Location in yards** – In zoned areas, a dish antenna shall be installed in the rear and side yards only.

(d) **Setback requirements** - The setback of a dish antenna shall be measured from the center mounting post supporting the antenna.

(1) The minimum required setback for dish antennas from side lot lines shall be the same as for the principal building, but in no case shall any part of the antenna be located closer than 5 feet of the property line.

(2) The minimum required setback for dish antennas from the rear lot line shall be 10 feet, but in no case shall any part of the antenna be located closer than 5 feet to the property line.

(e) **Maximum height requirements** - The following height restrictions shall apply:

(1) In residential districts and in areas zoned S-1, the maximum height of a dish antenna installed on the ground shall be 15 feet. If installed on the roof, the dish shall not be larger than 4 feet in diameter; shall not project higher than 5 feet above the actual height of the building; and shall be set back from the front and sides of the building at least 10 feet.

(2) In the SED-1 zoning district, dish antennas shall be roof-mounted only and shall meet the standards listed above for residential and S-1 districts.

(3) In commercial districts, the maximum height of dish antennas on the ground shall be 20 feet. If installed on the roof, the dish shall not be larger than 12 feet in diameter; shall not project higher than 10 feet above the actual height of the building; and shall be set back from the front and sides of the building at least 15 feet. Dish antennas may be placed on a communications tower and/or water tower. Commercial dish antennas shall not be used for any advertising purposes.

(f) The standards for this section shall apply to all dish antennas installed after November 21, 1994. All dish antennas existing prior to November 21, 1994 shall be considered pre-existing and are exempt from these regulations.

SECTION 22-60 - OUTDOOR LIGHTING

Outdoor lighting for yards, signs, advertising structures, parking lots and other areas must be oriented or shielded so that the light and glare reflects away from streets and adjacent property. (11-20-75, art. 6, 6.05)

SECTION 22-61 - PROHIBITED USE OF MAJOR RECREATIONAL EQUIPMENT PARKED OR STORED ELSEWHERE THAN IN APPROVED TRAILER PARKS

For the purpose of this ordinance, major recreational equipment is defined as including boats and boat trailers, pickup campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment whether occupied by such equipment or not. Major recreational equipment parked or stored on residential premises or in any location other than approved travel trailer park shall not be for living, sleeping or housekeeping purposes. (11-20-75, art. 6, 6.06)

“This property, or portions of this property, is located within a special flood hazard area as designated on the Flood Insurance Rate Map 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.”

SECTION 22-62 - ACCESS TO U.S. HIGHWAY 158 BYPASS, U.S. HIGHWAY 64 AND U.S. HIGHWAY 264

Due to the limited amount of land available within the zoned areas of the county for major thoroughfare rights-of-way and the traffic hazard involved in frequent entrances and exists from a major thoroughfare, it is the intent of this chapter to keep driveways and street intersections along U.S. Highway 158 Bypass, U.S. Highway 64 and U.S. Highway 264 to the minimum possible. In any district established by this chapter where a lot abutting U.S. Highway 264 also abuts any other Highways dedicated public right-of-way, such right-of-way shall be used for access rather than the U.S. Highway. (2-6-78, 4.)

SECTION 22-62.1 - DISCLOSURE OF FLOOD AND OTHER HAZARDS

(a) Any land proposed for development which is located, wholly or partially, in a special flood hazard area as designated on the Flood Insurance Rate Map for Dare County shall include the following certificate on the site plan that is submitted for approval by the Dare County Planning Director:

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	9-20-2006	151.01-151.07; 151.09-151.12; 151.30-151.35; 151.50-151.56; 151.70; 151.71; 151.99
-	7-19-2010	100.30-100.34; 100.99
-	4-5-2011	100.30
-	5-16-2011	96.02-96.06; 96.99
-	3-21-2011	153.05; 153.15-153.18
-	3-21-2011	153.05; 153.15-153.18; 153.20
-	7-18-2011	91.032
-	4-16-2012	34.02
-	5-12-2012	160.04; 160.41; 160.43
-	5-21-2012	151.51
-	7-16-2012	159.01 - 159.07; 159.99
-	10-7-2013	152.11
-	12-2-2013	100.30
-	1-6-2014	151.05
-	1-20-2015	34.02
-	1-20-2015	151.32; 151.33
-	1-20-2015	152.20; 152.21
-	1-20-2015	153.17; 153.18
-	6-17-2015	103.01-103.07
-	1-19-2016	91.095-91.106
-	8-1-2016	100.30
-	5-15-2017	91.001, 91.011, 91.033
-	7-17-2017	114.01
-	9-5-2017	91.030
-	8-20-2018	99.15-99.17
-	8-20-2018	100.30
-	11-19-2018	100.30
-	1-22-2019	100.30
-	2-19-2019	Ch. 155, App. A, Sec. 22-25
-	3-18-2019	152.10
-	--	Ch. 155, App. A, Sec. 22-27.16
-	--	Ch. 155, App. A, Sec. 22-26.1
-	--	Ch. 155, App. A, Sec. 22-31.1
-	8-19-2019	Ch. 155, App. A, Sec. 22-58.1
-	9-16-2019	Ch. 155, App. A, Secs. 22-16, 22-16.3, 22-17, 22-18-22-19, 22-21, 22-22-22.23, 22-23.2-22-23.5, 22-24.1-22-27.1, 22-27.5, 22-27.7-22-27.16
-	9-16-2019	Ch. 155, App. A, Sec. 22-58.7
-	9-16-2019	Ch. 155, App. A, Sec. 22-58.8
-	9-16-2019	Ch. 155, App. A, Sec. 22-58.9
-	10-21-2019	Ch. 155, App. A, Sec. 22-26
-	5-3-2020	151.01-151.12; 151.30-151.35; 151.50-151.57; 151.70; 151.71; 151.99

Dare County - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	7-20-2020	92.01-92.12; 92.99
-	10-19-2020	Ch. 155, App. A, Sec. 22-26
-	10-19-2020	160.01-160.04; 160.15-160.17; 160.25-160.43
-	2-16-2021	160.01-160.04; 160.15-160.17; 160.25-160.43
-	6-21-2021	150.23
-	6-21-2021	151.01; 151.07
-	6-21-2021	152.01; 152.10; 152.11
-	6-21-2021	153.04; 153.17; 153.20; 153.32; 153.40; 153.56-153.59; 153.99
-	6-21-2021	Ch. 155, App. A, Secs. 22-1, 22-2, 22-4, 22-12, 22-16-22-16.3, 22-17, 22-17.1, 22-18-22-21.1, 22-22-22-25.1, 22-26.1-22-27.3-22-27.5, 22-27.7-22-27.16, 22-27.20, 22-28.2-22-28.4, 22-29.1-22-29.4, 22-31, 22-31.1, 22-52, 22-54, 22-55, 22-57-22-58.1, 22-58.3, 22-58.5, 22-58.7-22-58.9, 22-62.1, 22-63-22-73, 22-81-22-88.1
-	6-21-2021	158.02; 158.04; 158.05
-	9-20-2021	Ch. 155, App. A, Sec. 22-26
-	10-18-2021	160.27; 160.37
-	10-18-2021	Ch. 155, App. A, Sec. 22-58.5
-	11-15-2021	Ch. 155, App. A, Sec. 22-23
-	11-15-2021	Ch. 155, App. A, Sec. 22-25
-	11-15-2021	Ch. 155, App. A, Sec. 22-2
-	3-7-2022	34.02
-	3-7-2022	91.030
-	4-20-2022	Ch. 155, App. A, Sec. 22-16.3
-	4-20-2022	Ch. 155, App. A, Sec. 22-21
-	4-20-2022	Ch. 155, App. A, Sec. 22-58.6
-	9-6-2022	91.004
-	11-7-2022	Ch. 155, App. A, Sec. 22-22.2
-	5-17-2023	Ch. 155, App. A, Secs. 22-16; 22-16.3; 22-17; 22-21; 22-23.2-22-23.4; 22-27.7; 22-27.8
-	5-17-2023	Ch. 155, App. A, Sec. 22-31.1
-	10-2-2023	Ch. 155, App. A, Sec. 22-25
-	11-6-2023	Ch. 155, App. A, Sec. 22-17.2
-	12-4-2023	Ch. 155, App. A, Sec. 22-22.1
-	12-23-2023	91.056
-	1-2-2024	Ch. 155, App. A, Sec. 22-2
-	1-2-2024	Ch. 155, App. A, Sec. 22-23.2
-	1-2-2024	Ch. 155, App. A, Sec. 22-58.10