

SECTION 22-31 - GROUP DEVELOPMENT PROJECTS

(a) Generally. Group development projects, consisting of two or more buildings devoted to a common or similar use and constructed on a single lot, may be permitted in specified districts as special use permits according to the provisions of Sections 22-65 and 22-70. Such review and approval shall be required for all group development projects. Adequate scaled site plans shall be submitted to allow for review of the size and location of all buildings, structures, streets, drives and parking spaces and their relationship to any open spaces and adjacent properties. Such group housing development plans shall also be accompanied by a computation or schedule, expressed in acres or portions thereof, which indicates the area and percentage of the site devoted to:

- (1) Gross area.
- (2) Parking area.
- (3) Net area.
- (4) Building area.
- (5)** Open space.

(b) Design standards. - Generally. All group development projects shall comply with the following design standards:

(1) Street access. Any building established as a part of a group development project, which cannot properly be served by emergency or service vehicles from an existing abutting street, shall be made accessible to such vehicles by a publicly-dedicated street. All street improvements shall consist of a minimum 45-foot-wide right-of-way, with 20-foot-wide paved improvements located internal to this 45-foot right-of-way. All pavement and sub-base materials used in the construction of the street improvements shall be consistent with applicable NCDOT standards for acceptance into the state highway maintenance system. All proposed street improvements shall be built to be consistent with all other applicable NCDOT standards, including but not limited to, roadway design, utility placement, drainage improvements.

(2) The developer shall submit, as a part of the group development site plan, a signed statement of a North Carolina-licensed professional engineer, stating that the proposed streets as designed will meet all of the requirements of this section. The developer shall provide for inspections to ensure that the streets are being constructed in accordance with the approved site plan by an independent, licensed professional engineer during the construction process, whose reports are to be submitted to the Planning Board in accordance with a schedule submitted, and approved as part of the group development. Once the street improvements are complete, the developer shall submit a certificate of an independent, licensed professional engineer that the streets have been constructed in accordance with the approved site plan.

(3) The ownership of the streets shall be conveyed to a home owners' association or similar organization. The developer shall submit evidence that the ultimate owner of

the streets will be institutionally and fiscally capable of maintaining the streets and rights-of-way to the specified standards in perpetuity. The developer must agree to maintain the streets until the owners' organization is fully functional, and must agree to contribute to that organization its share of the maintenance for all lots retained by the developer or successor.

(4) The approved site plan, the uniform covenants and deeds shall plainly indicate that the streets are dedicated to public use, and their maintenance is the responsibility of the owners' organization in perpetuity, or until the streets are accepted into the state highway system.

(5) Off-street parking and loading facilities. Off-street parking and loading facilities established in connection with a group development project shall be of such design, location and arrangement as will not interfere with the efficient flow of traffic through the area and as will not interfere with the access of emergency or service vehicles.

(6) Separation of buildings. All buildings established as a part of a group development project shall be separated by not less than 20 feet.

(7) Setback requirements. Unless otherwise provided by this chapter for a specific type of group development, each group development project shall comply with the front yard setback and the side and rear yard requirements established for the district in which it is located.

(8) Prohibited uses. In no case shall a use be permitted as a part of a group development project that is prohibited by this chapter in the district in which such project is to be located. (Amended on 6-2-2008)

(c) Same - Group housing projects. In addition to the other standards set forth in this section, a group housing project shall comply with the following requirements:

(1) Setbacks. All buildings established as a part of a group housing project shall be set back not less than 25 feet from any side or rear property line.

(2) Location. No dwelling structure established as a part of a housing project shall be situated on a lot so as to face the rear of another dwelling structure within the development or on adjoining property.

(3) Lot size. A group housing project shall be permitted only on a lot or plot of ground having an area of not less than 20,000 square feet. (11-20-75, art. 3, 3.13)

(d) Historic Residential Structure Properties (adopted 09-03-2024)

INTENT: To recognize the existence of property with multiple structures of which at least one structure on the property was constructed prior to November 20, 1975. The following requirements shall be applied:

1) Minimum lot size: 25,000 square feet

- 2) Minimum separation of buildings: 14 feet measured from exterior wall to exterior wall of any structure.
- 3) Lot coverage – 30% of the total lot area.
- 4) Setbacks – The front, rear and side yard setbacks of the applicable zoning district shall not apply to any historical structure that existed prior to November 20, 1975. The date of construction shall be as established on the Dare County tax records or other Dare County permit records. Other existing principal use structures on the site shall be located a minimum of 10 feet from any rear or side property line except waterfront lots may have a zero rear lot line setback.
- 5) Any residential structure constructed after (insert date of adoption) shall comply to the design standards listed in Section 22-31 subsections (b)& (c)
- 6) Building height: Same as the applicable zoning district height limit.
- 7) No additions or modifications that increase the footprint of any structure on the property shall be authorized that increases the non-conforming nature of any existing rear yard and side yard setback encroachments. This shall not be interpreted to preclude maintenance of the structures.
- 8) Other reasonable and appropriate conditions that may be applied as part of the special use review and approval process as established in Section 22-65 and Section 22-70.
- 9) These standards may be applied in any of the zoning districts listed in Section 22-31 subsection (e)

(e) Group developments may be allowed in the following zoning district: R-2, R2-A, R2-B, R-2H, R2-AH, R-3, RS-6, RS-8, RS-10, SP-C, VC, VC-2,C-2, C-2H, C-3, I-1, S-1, BT, RB, MLM, WVC, MC-1, MC-2, SNC, and Highway 345. Only those uses listed as permitted and/or special uses in the applicable zoning district shall be considered for group developments. This language is not intended to allow any use as a group development that is not permitted by right in the applicable district. (Adopted by the Dare County Board of Commissioners on February 4, 2002)

(f) Disclosure of flood and other hazards.

(1) Any land proposed development as a group development as defined in this subsection 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 special use permit approval by Dare County:

“This property, or portions of this property, is 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.”

(2) Any land proposed for development as a group development which is located, wholly or partially, in a Coastal Outer Barrier Resources Areas as determined by the U.S. Fish and Wildlife Service, the following certificate shall be included on the final plat submitted for approval by Dare County Planning Director:

“This property, or portions of this property, is located within a Coastal Outer Barrier Resources Act (CBRA) zone as determined by the U.S. Fish and Wildlife Service. Location in a CBRA zone precludes the availability of federally-insured loans and the purchase of federal flood insurance through the National Flood Insurance Program.”

(3) The certificate shall also be included in any restrictive covenants that may be recorded for the group development or be included in any rental agreement that may be used in conjunction with the leasing of rental units approved as part of a group development. A copy of these documents including this certificate shall be provided to Dare County in conjunction with the approval of the final as-built site plan.

(Adopted 1-20-2015; amended 11-20-2017)

(Am. Ord. passed 6-21-2021; amended 09-03-2024)