



**Dare County Planning Board Meeting**  
**REVISED**

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

**November 6, 2024**

- I. Call to order 6:00PM
- II. Roll call  
John DeBoy, Chairman  
Beth Midgett Buddy Shelton  
David Overton David Hines  
Terry Gore II Eddie Twyne
- III. Approval of minutes for the October 1, 2024 meeting
- IV. Public Comment
- V. Old Business
- VI. New Business
  - Text Amendment to VC-2, to allow for marinas as a Special Use.  
Submitted by William Meyer, Jr.
  - Amendment to SUP #06-2017, Relocation of improvements to adjoining parcel.  
0 & 47382 Rocky Rollinson Road, Buxton; Parcels 027732003 and 027732000.  
Submitted by William Belter
  - ~~SUP #06-2024, St. John Methodist Church Retreat Center, 40292 McMullen Rd., Avon,  
Parcel 01465000~~
  - SUP #07-2024, 22 site Travel Trailer Park 19143 NC Hwy 64 East Lake,  
Parcels 017540003 and 017542000. Submitted by Jimmie & Dana Summerell
  - Review and approval of the proposed 2025 Planning Board meeting schedule
- VII. Other Business
- VIII. Adjournment

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, October 1, 2024. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

**CALL TO ORDER** 6:01 pm

**MEMBERS PRESENT** John DeBoy, Chairman  
Beth Midgett Buddy Shelton  
David Hines Terry Gore II  
Eddie Twyne

**MEMBERS ABSENT** David Overton

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the September 3, 2024 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. Buddy Shelton seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

At 6:02 p.m. Chairman DeBoy outlined the procedure for making Public Comments. The following citizens chose to speak:

Lorraine Tillett of Wanchese, spoke to the requested Zoning Text Amendment for the MC-1 on the agenda, stating that this was not originally envisioned in the plans for this particular zoning district. However, she commended the orderly process set forth by Dare County in proposed zoning amendments, whereby citizen concerns and/or support were able to be heard.

Joey Daniels of Wanchese, addressed the Board stating he could see where both sides were coming from, but ultimately is in full support of this request.

Paul Spencer, the property owner, spoke in favor of this amendment and explained the purpose of this request was to extend an opportunity for entrepreneurship in the auto service industry and potentially the new building could be used for outboard motor repair.

Sandra Barilel of Wanchese, stated that she was not opposed to the zoning change, as long as the people in the district were in favor and that everyone be notified.

Tracy Buchanan spoke in favor of this request, stating that this is a beneficial business in the community.

Ronald Carter of Wanchese, stated that he did not see any issues with this proposal and he supported this 100%.

Christine Pridgen of Wanchese, she lives next door to the proposed site and spoke in favor of the proposal, stating that it would be great for the community.

*Public Comment Closed at 6:19pm.*



## OLD BUSINESS

-None-

## NEW BUSINESS

- Special Use Permit #05-2024, Storage Warehouse, 40177 Westerly Lane, Avon. Submitted by Surf or Sound Realty

Mr. Gillam, Planning Director, addressed the Board by stating a Special Use Permit application and site plan for the development of a storage warehouse has been submitted by Dale Petty on behalf of Surf and Sound Realty. He stated the applicant is proposing to construct a 9,478 square foot storage warehouse on the 34,519 square foot parcel and noted the C-2 district has an established lot coverage limitation of 60 percent for commercial uses, and the applicants proposed improvements as shown equate to a 28.8 percent lot coverage, meeting the requirements of the ordinance. Mr. Gillam detailed the building will have 2,370 square feet dedicated to office space with the remaining 7,108 square feet to be used as storage of materials for the day to day operations of the realty company. He noted the property is bordered by a canal on the western property boundary that connects to the Pamlico Sound, and the proposed improvements are located in the CAMA AEC and will trigger the need for CAMA permits. Additionally, he stated the subject parcel is located in an AE 4 flood zone, and advised that the applicant intends to elevate the structure above the Dare County Regulatory Flood Elevation of 8' feet. The site plan depicts the placement of fill material and construction of a retaining wall to hold the fill material in place to achieve the elevation requirement. Mr. Gillam further advised the building construction will be a slab on grade structure, and the placement of fill and construction of the retaining wall will require an engineered design and certification from a geotechnical engineer to certify the fill material is sufficient to support the imposed weight of the structure, noting conditions have been added to the draft SUP to address these items. Mr. Gillam stated the access to the site will be off Westerly Lane through the existing driveway on the applicant's adjacent parcel to the east and the site plan depicts a proposed 35' foot wide by 60' foot long access easement on the adjacent parcel. Mr. Gillam addressed that this easement will need to be shown and recorded on the recombination plat. He further detailed the applicant has indicated that 5 employees would be on the largest shift, and advised 5 parking spaces are provided on the site plan meeting the parking standards of the ordinance. The site plan depicts a vegetative buffer along the property boundaries that abut residential uses. The C-2 ordinance does require a vegetative buffer but since one has been shown on the site plan, staff feels that it is appropriate to add conditions to the draft SUP addressing the planting and maintenance of the buffer. The area of disturbance and built up area is below the threshold to trigger the need for North Carolina State Stormwater Permits or Sedimentation and Erosion control permits. The State threshold for Stormwater management starts at 10,000 square foot of built-upon area, and Sedimentation and Erosion Control requires an acre of land disturbance. The Dare County Fire Marshal has reviewed the site and has provided comments on a memo dated September 25, 2024, a copy of this memo is attached for the board's review. At the time of the SUP application submittal the applicant had indicated that the proposed building would be constructed with a fire suppression system, but after conducting a fire flow test of the adjacent fire hydrants the fire marshal and project engineer have determined that the existing hydrants have the ability to supply the needed 1,750 gallons per minute needed for a structure of this size if constructed with non-combustible materials. The notes on the site plan will need to be updated to remove the fire suppression system, and reflect that the building construction will be of non-combustible materials. The portion of Westerly Lane that is used as access to the proposed site will need to be resurfaced with an all-weather surface capable of supporting 75,000 pounds for emergency vehicle access. The road width adjacent to the applicant's property will need to widen to a width of 20 feet the entire length of the property and reinforced with a material such as GEOWEB to provide a stable base for fire apparatus to access and work around the



proposed structure. Another set of access stairs will need to be added on the southwest end of the retaining wall. Conditions have been added to the draft SUP to address the fire marshal comments.

Dale Petty, applicant, was present and stated the broad hours of operation could be 5:30AM - 7:00PM, having no deliveries.

David Hines made a motion to advance this to the Board of Commissioners with a recommendation that this request is reasonable and appropriate for the intended use. Terry Gore seconded.

Vote: Ayes – Unanimous

- **Zoning Text Amendment to MC-1 (Wanchese Wharf Marine Commercial Zoning District)** to allow Automotive Service and Repair. Submitted by Karen Spencer

Morgan Potts, Planner, stated that a text amendment application has been submitted by Karen Spencer and Spencer McGill to amend the "Wanchese Wharf Marine Commercial Zoning District" (MC-1) zoning ordinance. Ms. Potts noted the zoning district has historically been utilized for commercial and harbor related activities, and the district is designed to preserve and protect such uses. She detailed the property in question is located at 157 Beverly Drive in Wanchese, and is owned by Paul Spencer and that Mr. Spencer has authorized the applicants, Karen Spencer & Spencer McGill, to speak on his behalf for the text amendment proposal. Ms. Potts outlined that it is at the discretion of the Board to decide if the proposed use should be categorized as a use permitted by right, or as a Special Use and suggested that the Board discuss with the applicant any other uses incidental to "automotive repair service", including towing, et al. She further noted that Wanchese has one other zoning district that permits "Automotive repair service center" which is the Residential Business (RB) zoning district and acknowledged that the Board has the power to apply the same regulations to this proposed amendment if deemed necessary. Ms. Potts stated that Staff finds that the proposed text amendment would be of similar intensity as existing businesses within the MC-1 district, and would be in keeping with the scope and intent of the MC-1 district, considering the nature of existing businesses within the area (boat yards, boat and motor display, sales and service, and boat building); the proposed use would not cause additional disturbance to the neighborhood. During the review of any proposed text amendment, a finding of consistency with the Dare County Land Use Plan must be included with any recommendation made by the Planning Board. In a review of the proposed amendment to the MC-1 language and the 2022 Dare County Land Use Plan, staff found that three policies in the Land Use Compatibility section apply to the proposed amendment. The first policy is LUC #1 under the "Coastal Heritage and Overall Development Practices" heading which states that Dare County recognizes the importance of our coastal village heritage and will continue to foster this heritage through the use of appropriate land use policies, regulatory guidelines, and other County ordinances. The second policy is LUC #8 under the "Commercial Development" heading states that Dare County supports the continued existence of locally owned businesses in unincorporated Dare County. Zoning regulations that allow the reconstruction and rebuilding of existing non-conforming businesses are the appropriate tool to support this goal. Lastly, LUC #9, "Commercial Development", Commercial development should be designed to meet the needs of Dare County's unincorporated villages and not designed to serve as regional commercial centers; the prohibition of drive-thru window service at restaurants and gross floor area limitations are examples of appropriate tools for this goal. A copy of the proposed language is attached to this memo for the board's review. If at the close of the discussion the Board finds that the proposed amendment is reasonable and consistent with the Dare County Land Use Plan, a draft statement of the consistency is attached with this memo.

Cliff Spencer addressed the Board stating that he is trying to help his cousin get started with his business. He apologized for not gaining all of the required permitting and noted it as a sheer oversight, as he



believed that he had obtained everything that was needed. He ensured the community and the Board that all of the required applications relating to this building process are currently being addressed. Additionally, Mr. Spencer noted that in consideration of the other uses that are allowed in this district, his request for automotive service was reasonable.

After a full and frank discussion among Board members, Buddy Shelton made a motion to forward this to the Commissioners, as a Permitted Use, with a finding that is reasonable and consistent with the Dare County Land Use Plan. Seconded by David Hines.

Vote: Ayes – Unanimous

- **Amendment to SUP #06-2017**, Relocation of improvements to adjoining parcel. 0 & 47382 Rocky Rollinson Road, Buxton; Parcels 027732003 and 027732000. Submitted by William Belter

Due to a scheduling conflict, Terry Gore made a motion to table this until next month. Seconded by Beth Midgett.

Vote: Ayes – Unanimous

## **OTHER BUSINESS**

### **ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:56p.m.

Respectfully Submitted,

Gerri Ellington  
Planning Board Clerk

APPROVED: November 6, 2024

John DeBoy  
Chairman, Dare County Planning Board

**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) William J Meyer JR  
Address: 1648 Colington Road  
Telephone: 252-489-0028 Email: billmeyerobx@gmail.com

**Property Description:**

Lot \_\_\_\_\_ Phase/Section \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Parcel: \_\_\_\_\_ PIN: \_\_\_\_\_

Text Amendment  Map Amendment

Present Zoning Classification: Section 22-27.5 VC-2

**Requested Zoning Classification**

Explanation of Request: add marina To special use  
listed under "4 Boat launching & Rentals"

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: Bill Meyer Date: 9-30-24



October 10, 2024

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah H Gillam, Planning Director

RE: Text Amendment to Section 22-27.5 VC-2 Village Commercial to add  
Marinas as a special use

A text amendment application has been submitted by William Meyer Jr. requesting to amend the VC-2 zoning ordinance language to include marinas as special use in the zoning district. The VC-2 zoning district is a small zoning district only found along the Colington Road corridor located on Colington Island, and was established to provide limited commercial areas to serve existing or developing residential neighborhoods in the area. Furthermore the VC-2 is intended to provide goods and services for the permanent residents and seasonal visitors. The applicant currently owns two adjacent parcels in the VC-2 zoning district, which are located at 1648 Colington Rd and 1636 Colington Rd. The property located at 1636, has shoreline that fronts on Kitty Hawk Bay and the entrance to the Colington Cut.

The Dare County Zoning Ordinance defines a marina as the following: *Marina- a business established having frontage on navigable waters which as its principal use provides for hire mooring slips and/or docking facilities for boats and which may also provide accessory services such as boat and related sales, boat repairs, indoor and outdoor storage of boats and marine equipment, setting and mooring, bait and tackle shops, and marine fuel service facilities. Accessory uses include restaurant and food services, retail shops, post offices, and laundry facilities.* Currently the VC-2 zoning district allows several waterfront dependent uses including crab shedding operations and boat launching/boat rental facilities but does not specifically define or allow a use that permits the rental of mooring slips or docking facilities for boats and boaters. The VC-2 zoning district does presently allow the entire list of accessory services and uses defined in the Dare County definition of marina. A copy of the VC-2 ordinance is attached for the boards review.

In a review of the Colington Island area, planning staff found that there are no boat launching facilities or docking facilities that are open to public use. Several of the

private waterfront neighborhoods on Colington Island have their own boat launching facilities and mooring slips as accommodations for their residents, but visitors and residents of Colington outside of these private neighborhoods have to travel to other areas of Dare County to launch or dock their boats. It is planning staff opinion that the addition of marinas to the VC-2 would not disrupt the flow of the surrounding neighborhoods, since the district already allows waterfront and boat dependent uses and the entire list of accessory uses associated with marinas are already permitted uses allowed in the district, many of which are businesses currently in operation. The addition of marinas to the VC-2 district would offer a service to the permanent residents and seasonal visitors that are not found anywhere in Dare County, other than on Roanoke Island and the southern portions of Hatteras Island.

As is the case with the review of any proposed zoning text amendment, a finding of consistency with the Dare County Land Use Plan must be included with any recommendation made by the Planning Board. In a review of the proposed amendment to the VC-2 language and the 2022 Dare County Land Use Plan, staff found that two policies in the Land Use Plan apply to the proposed amendment. The first policy is LUC #9 found in the Land Use Compatibility section under the Commercial Development heading which states, that *commercial development should be designed to meet the needs of Dare County's unincorporated villages and not designed to serve as regional commercial centers*. The second policy is WQ #14 found in the Water Quality section under the Marinas and Floating Structures heading which states, *marinas, developed according to applicable State and Federal guidelines are identified as appropriate uses in Dare County due to the large amount of water resources within our jurisdiction*.

It should be noted that the proposed amendment as a special use would allow the Board to assign reasonable and appropriate conditions that address site specifics during review of the special use permit application. In addition the North Carolina Division of Coastal Management would be review any proposed marina for compliance with their rules and regulations and the project would require the issuance of a CAMA major permit. However, if the Planning Board finds favorable action on the amendment, conditions can be included in the draft language and recommendation, if necessary, to address any concerns heard during the text amendment review.

A copy of the text amendment application, draft language, and VC-2 zoning ordinance are attached to this memo for the Board's review. If at the close of the discussion the Board finds that the proposed amendment is reasonable and consistent with the Dare County Land Use Plan, a draft statement of consistency is attached with this memo.



Draft language is found in red text

## SECTION 22-27.5 VC-2 VILLAGE COMMERCIAL

**(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) Gas pumps in conjunction with a permitted use under subsection (b) of this section; provided that no principal or accessory building shall be located within 50 feet of a residential use or residential district and that any such gas pumps shall be set back at least 25 feet from all rights-of-way.

(2) Public and private utility facilities.

(3) Seafood markets.

(4) **Marinas as defined in section 22-2, boat launching and rental facilities. Marinas shall be subject to the following conditions: (if any conditions are deemed necessary by the board)**

## ZONING AMENDMENT CONSISTENCY DETERMINATION

On November 6, 2024 the Dare County Planning Board considered a zoning text amendment application submitted by William J Meyer Jr. The zoning text amendment application seeks to amend the Dare County Zoning Ordinance specifically Section 22-27.5 VC-2 District. The text amendment would allow for marinas to be added to the list of Special Uses.

The 2022 Dare County Land Use Plan is the comprehensive plan for Unincorporated Dare County adopted by the Dare County Board of Commissioners on January 2, 2024.

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

### Land Use Compatibility Management Topic

#### Policy LUC #9

*Commercial development should be designed to meet the needs of Dare County's unincorporated villages and not designed to serve as regional commercial centers. The prohibition of drive-thru window service at restaurants and gross floor area limitations are examples of appropriate tools for this goal.*

### Water Quality Management Topic

#### Policy WQ #14

*Marinas, developed according to applicable State and Federal guidelines are identified as appropriate uses in Dare County due to the large amount of water resources within our jurisdiction. Facilities built for dry-stack storage of boats should be consistent with height limits and gross floor area limitations of applicable Dare County zoning codes.*

Based upon a review of these policies, the Dare County Planning Board finds the zoning text amendment to be consistent with 2022 Dare County Land Use Plan since the amendment will provide a needed service to the area that will afford the permanent residents and seasonal visitors of Colington Island access to the northern water bodies in Dare County. The proposed text amendment would also afford a use that is consistent with uses already found in the VC-2 zoning district.

The Planning Board further acknowledges the VC-2 district is established to provide limited commercial areas to serve existing or developing residential neighborhoods in the county, and that the intent of the district is provide goods and services for permanent and seasonal visitors.

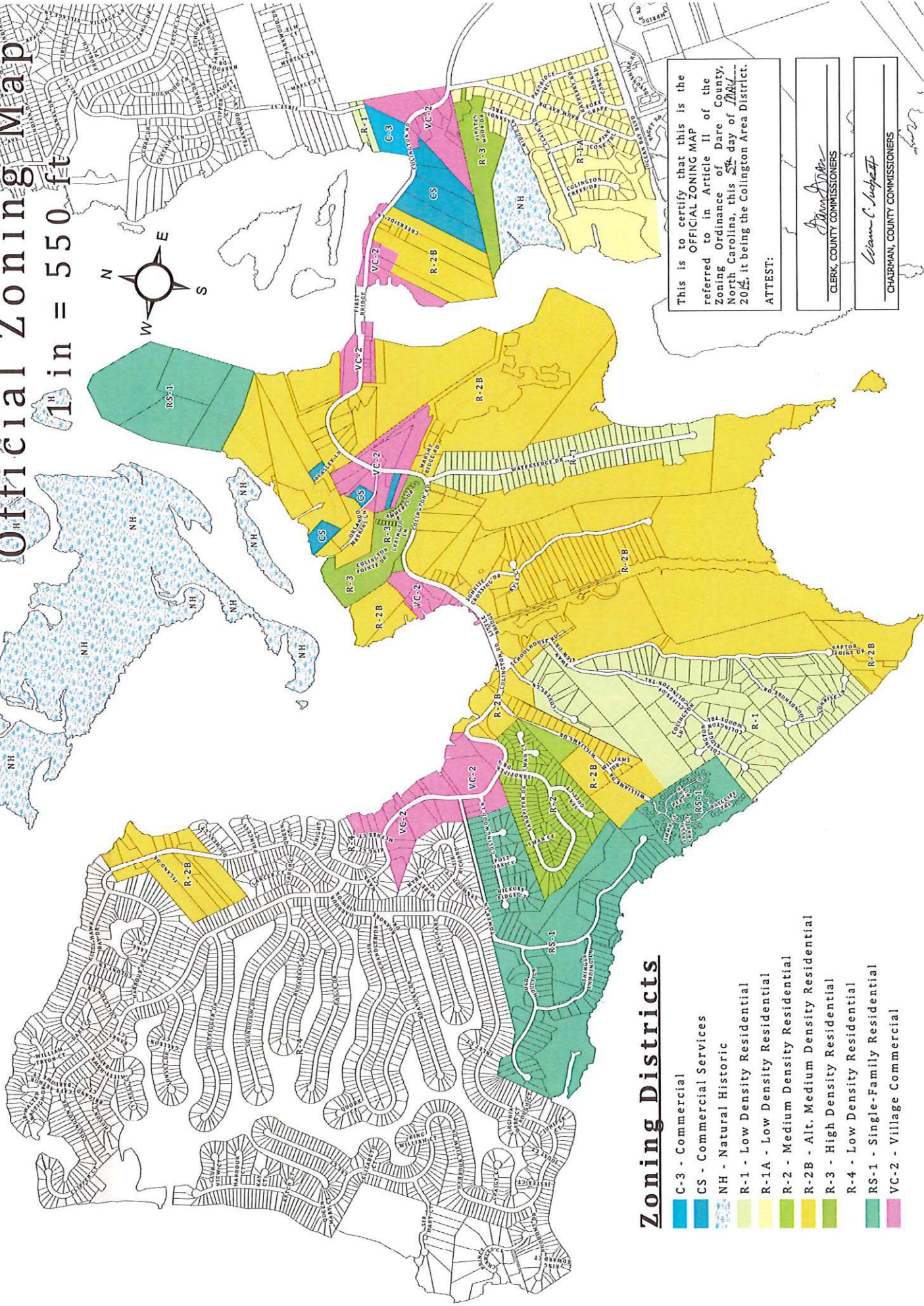
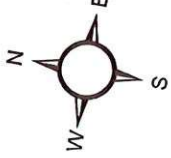
The Dare County Planning Board hereby recommends that proposed text amendment be adopted by the Dare County Board of Commissioners.



# Colington, N.C.


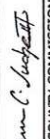
## Official Zoning Map

1 in = 550 ft



This is to certify that this is the OFFICIAL ZONING MAP referred to in Article II of the Zoning Ordinance of Dare County, North Carolina, this 5th day of July, 2014, it being the Colington Area District.

ATTEST:

  
 CLERK, COUNTY COMMISSIONERS  
  
 CHAIRMAN, COUNTY COMMISSIONERS

### Zoning Districts

- C-3 - Commercial
- CS - Commercial Services
- NH - Natural Historic
- R-1 - Low Density Residential
- R-1A - Low Density Residential
- R-2 - Medium Density Residential
- R-2B - Alt. Medium Density Residential
- R-3 - High Density Residential
- R-4 - Low Density Residential
- RS-1 - Single-Family Residential
- VC-2 - Village Commercial



### LUC Policy 7

Diversification of housing opportunities to address the housing needs of Dare County's year-round population is supported. Multi-family dwellings and other types of residential structures, such as accessory use dwellings, are appropriate alternatives. Amendments of existing dimensional requirements to create flexibility for the development of year-round housing may be acceptable if such amendments are consistent with existing patterns of development and scale of neighborhoods.

### Implementation Strategy for LUC Policies 6 and 7

1. Administer existing zoning regulations and zoning maps that feature a majority of residential zoning districts. Existing dimensional regulations for lot coverage limitations, building heights, and minimum lot size for residential uses are appropriate. *Priority: on-going*

### **Commercial Development**

As noted in the previous section, residential development is preferred over commercial development in unincorporated Dare County. However, some commercial and institutional development is needed to provide goods and services to the local residents and visitors. Pockets of commercial development are found along major transportation routes in unincorporated Dare County. A majority of the commercial development in Dare County is located in the municipal areas of the northern beaches with the unincorporated areas serving as residential neighborhoods for many permanent residents. With the limited amount of land in Dare County, development in the municipal areas supplement development in the unincorporated areas and vice versa for the towns.

One objective for commercial development is to reflect the Outer Banks coastal heritage. The importance of the aesthetics of commercial development was noted during development of the LUP update as contributing to the quality of life for our residents and to our viability as a tourist destination. The scale of commercial development was noted also by the Planning Board.

Two zoning tools used to limit the scale of development and affect building design are gross floor limitations and drive-thru window prohibitions. Many of the zoning districts, especially those adopted in the last decade, include maximum gross floor size limitations and prohibitions on drive-thru window service at restaurants. The goal of these two regulatory tools is to encourage locally owned businesses rather than franchise and corporate entities. Building design standards for commercial development is another method of impacting aesthetics of commercial structures but previous efforts to adopt such standards did not garner approval by the Board of Commissioners and were not adopted. However, the concept of building design standards is included as an implementation strategy in the 2022 plan for future consideration during the next five-to-ten-year planning period.

The 2022 LUP continues to offer support of locally owned businesses. Locally owned businesses are typically more community-oriented and participate in community events and



projects. Many of the locally owned businesses were constructed before zoning maps were adopted for their areas and may not be in compliance with setbacks or parking regulations. Some of the newer zoning districts adopted since 2006 include non-conforming language that allows 100% rebuilding of existing structures. Zoning amendments to allow more flexibility in the non-conforming language of the older zoning districts are identified as an implementation strategy to support the existing neighborhood shops and businesses.

As discussed in the previous section on residential development, housing for year-round residents and seasonal workers is an issue that many local businesses and larger corporate companies are struggling to address. Some of the larger employers provide employee housing for their seasonal workers. In addition to land use regulations that may be adopted by Dare County to facilitate housing opportunities, the private sector will need to continue its efforts to assist with housing for their employees.

#### [LUC Policy 8](#)

Dare County supports the continued existence of locally owned businesses in unincorporated Dare County. Zoning regulations that allow the reconstruction and rebuilding of existing non-conforming businesses are the appropriate tool to support this goal.

#### [LUC Policy 9](#)

Commercial development should be designed to meet the needs of Dare County's unincorporated villages and not designed to serve as regional commercial centers. The prohibition of drive-thru window service at restaurants and gross floor area limitations are examples of appropriate tools for this goal.

#### [LUC Policy 10](#)

Commercial businesses, regardless of size, should individualize their sites and building designs to reflect Dare County's coastal heritage. Franchise and corporate businesses are strongly encouraged to adapt their building designs and management plans to reflect Dare County's coastal village heritage.

#### [Implementation Strategies for LUC Policies 8-10](#)

1. Consider zoning amendments for non-conforming commercial structures to facilitate their replacement or repair in the event of damage from a natural disaster. *Priority: medium*
2. Continue to enforce existing gross floor area regulations to manage the size of commercial development at a neighborhood level. *Priority: on-going*
3. Continue to enforce drive-thru service restrictions for restaurants and consider extending these restrictions to those commercial districts that currently do not include such restrictions. *Priority: on-going*
4. Consider commercial building design guidelines that incentivize private sector development to incorporate coastal village architectural styles into their building design, signage and other site improvements versus the use of franchise or corporate building designs. *Priority: medium*



### Implementation Strategy for WQ Policies 10- 13

1. Support the Dare County Commission of Working Watermen. *Priority: on-going*

#### **Marinas and Floating Structures**

Marinas and floating homes are another issue associated with water quality. As noted in the fisheries resources discussion, commercial and recreational fishing are vital to the local economy. The importance of boat building in the local economy and its role in the heritage of Dare County has been documented. With so much of our geographic region covered by water, there is a high demand for boat access and boat dockage. Water quality regulations must be balanced with the high demand for boating access to the surrounding water bodies. Many visitors travel to Dare County to access our local waters for fishing, watersports, or simply to enjoy being out on the water. Commercial fishermen and charter boat captains need access to the water and docks to practice their trade. New marinas must go through a rigorous review by State agencies. It was the consensus of the Planning Board that all appropriate water quality issues would be addressed during the CAMA major permit review process by the twenty-one agencies involved in this process. The CAMA regulations define a marina as any public or private dock or wet storage facility that accommodates more than ten boat slips.

Locally, the Dare County Zoning Ordinance includes certain districts in which marinas are designated as appropriate uses. The Dare County Zoning Ordinance defines a marina as a business having frontage on navigable waters that provides mooring slips and docking facilities. The location of dry stack storage facilities is regulated by the Dare County Zoning Ordinance with height limitations of such facilities set forth in the Zoning Ordinance.

All previous versions of the land use plan have included a policy opposed to the mooring or use of floating homes and structures within the jurisdictional waters of unincorporated Dare County. The CAMA regulations state it is the policy of the State of North Carolina that floating structures shall not be allowed within the public trust waters of the coastal area except in permitted marinas. A floating structure is defined in the CAMA rules as any structure, not a boat, supported by a means of flotation, designed to be used without a permanent foundation, which is used or intended for human habitation or commerce and establishes standards for when a boat is rendered to function as a floating structure. For the 2022 LUP update, the 2009 policy opposing floating homes and structures has been revised with the addition of "year-round habitation and occupancy". The Planning Board indicated that regulations to prohibit the location of floating homes/structures in any jurisdictional water of Dare County should be considered.



WQ Policy 14

Marinas, developed according to applicable State and federal guidelines are identified as appropriate uses in Dare County due to the large amount of water resources within our jurisdiction. Facilities built for dry-stack storage of boats should be consistent with height limits and gross floor area limitations of applicable Dare County zoning codes.

Implementation Strategy for WQ Policy 14:

1. Encourage marina operators to participate in the voluntary Clean Marina certification program administered by the State of North Carolina Division of Coastal Management.  
*Priority: on-going*

WQ Policy 15

Dare County is strongly opposed to the mooring of floating homes and other floating structures designed for habitation and occupancy anywhere in unincorporated Dare County and its surrounding waters. This policy shall not be interpreted to preclude the permitting of floating accessory structures for recreational water use associated with kiteboarding or other water use activities or the permitting of floating docks permitted under the CAMA guidelines.

Implementation Strategy for WQ Policy 15:

1. Consider regulations to prohibit floating homes and structures in unincorporated Dare County. *Priority: medium*

## SECTION 22-27.5 - VC-2 VILLAGE COMMERCIAL

(a) **Intent.** The VC-2 district is established to provide limited commercial areas to serve existing or developing residential neighborhoods in the county. The intent of this district is to provide goods and services for permanent residents and seasonal visitors.

(b) **Permitted uses.** The following uses, and no other 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. Notions.
- p. Sporting goods.
- q. Toys.
- r. Food stores.

(3) Service establishments including such uses as:

- a. Barber shops and beauty shops.
- b. Churches.
- c. Dry cleaning and laundry pick-up stations, including Laundromats.



- d. Family child care homes as defined in Section 22-2.
  - e. Residential child care centers as defined in Section 22-2.
  - f. Commercial child care centers as defined in Section 22-2.
  - g. Large bed and breakfast homes as defined in Section 22-2. (This use added on October 17, 2005)
- (4) Detached single-family dwellings.
  - (5) Mobile homes on individual lots, provided that:
    - a. They are placed on foundations and anchored according to the State Building Code for mobile homes in a hurricane area;
    - b. The requirements of the building inspector regarding skirting material and skirting area are complied with.
  - (6) Public and private schools.
  - (7) County owned or leased facilities.
  - (8) Crab shedding operations.
  - (9) Workforce housing - administrative review for one WHU subject to provisions of Section 22-58.7.

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

- (1) Gas pumps in conjunction with a permitted use under subsection (b) of this section; provided that no principal or accessory building shall be located within 50 feet of a residential use or residential district and that any such gas pumps shall be set back at least 25 feet from all rights-of-way.
- (2) Public and private utility facilities.
- (3) Seafood markets.
- (4) Boat launching and rental facilities.
- (5) Restaurants - Restaurants may be permitted subject to other requirements of this chapter and provided that the following minimum conditions are met:
  - a. The restaurant shall not feature a drive-thru window service whereby patrons are served while seated in a motor vehicle.
  - b. The restaurant shall include facilities for indoor seating and consumption of food and/or beverages.
  - c. Other reasonable conditions imposed by the Dare County Board of Commissioners.

Non-conformities: Restaurants existing prior to January 21, 1997 that do not conform with conditions (c) (5) a and b shall be non-conforming uses. In the event a non-conforming restaurant in the VC-2 district is destroyed or damaged beyond 50% of its tax value, that restaurant may be reconstructed to its former status but may not be enlarged. This non-conforming use clause shall expire 40 years from January 21, 1997.

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

- (7) Special use subdivisions subject to the provisions of Section 22-58.9.
- (8) Food stands and mobile food units. (Adopted 3-19-2018)
- (9) Retail garden shops and landscaping businesses may be permitted subject to the requirements of this chapter and provided that the following minimum conditions are met:
1. Storage of mulch material may be allowed for retail sale only. Storage "stockpiles" shall not exceed 6' in height and no more than three stockpiles are allowed for each site. Industrial production of mulch is not permitted.
  2. One accessory greenhouse for storage and outdoor protection of the plants is permitted. Greenhouse is not to be used for wholesale growing of plants.
  3. Associated equipment used by the landscape business such as trailers, lawn mowers, single-axle trucks and tractors may be stored on the site. This shall not include draglines, bulldozers, or other heavy industrial equipment. This shall not be interpreted to prohibit the storage of 1 backhoe on the site.
  4. Storage areas of mulch and equipment shall be buffered by either fencing (wood, masonry or vinyl) or dense vegetation when such storage areas abut a residential use or zone to the side or rear of the landscaping business site. Buffers shall be at least 6 feet in height but shall not exceed 10 feet in height. The buffers shall be maintained to ensure adequate screening. If vegetation is used, a plan detailing the type, size and species to be used shall be provided to the Planning Director for review and approval. Existing on-site vegetation may be used if approved by the Planning Director. (Adopted 9-6-11)
  5. Outdoor display and storage of bags of plant soil, mulch, fertilizer, landscaping stone, landscape timbers, yard ornaments etc. shall not restrict parking areas. Bags of soil, mulch, etc. shall be stacked in an orderly manner.
  6. Bulk irrigation piping shall be stored indoors. (as adopted by the DCBC on June 3, 2002).
- (9) Tattoo studios. (Adopted 2-16-2009)
- (10) Boat, boat motors, and boat trailer sales, boat/boat motor repairs and associated outdoor boat storage subject to the following:
- a. Solid fencing of wood or composite materials shall be used for buffering the site along any side or rear property line that adjoins a residential use. The minimum height of such fence shall be ten feet. Such fence shall be perpetually maintained by the business owner to provide an appropriate buffer. This fence shall be erected prior to the sale of boats, boat motors, or boat trailers commences at the site. (Adopted 4-21-14)
  - b. No dry stack storage facilities are permitted.
  - c. No bulk storage of fuel or fuel sales is permitted. (Adopted 7-19-10)
- (d) Dimensional requirements for all uses other than detached single-family dwellings and mobile homes.**
- (1) Minimum lot area: 20,000 contiguous square feet of soil not classified as a coastal wetland.
  - (2) Minimum front yard: 15 feet.
  - (3) Minimum side yard: 10 feet. No side yard is required if commercial building is constructed with a common wall. An additional 5-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 uses: 60%.

(6) Height limitation: 35 feet.

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

**(e) Dimensional requirements for detached single family dwellings and mobile homes.**

(1) Minimum lot size:

(a) Single-family lots served by a private well and on-site septic tank/drain field system: 20,000 contiguous square feet of soil not classified as a coastal wetland.

(b) Single-family lots served by a central water supply and an on-site septic tank/drain field system: 15,000 contiguous square feet of soil not classified as a coastal wetland.

(c) Single-family lots served by a central water supply and a central wastewater disposal system: 15,000 contiguous square feet of soil not classified as a coastal wetland.

(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 addition 10-foot side yard setback 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 and uses: 30 percent.

(7) Height limitation: 35 feet.

(Adopted by the Dare County Board of Commissioners on June 16, 1997)

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

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

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

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

**SPECIAL USE PERMIT APPLICATION**

Date: Sept, 10 2024 Application No. 6-2017  
Property Owner/Petitioner: William A Belter Liz A Belter  
Address: 47402 Rocky Rollinson Rd. Buxton NC 27920  
Telephone: 252-484-7287 Email: RYAN@CAPEHATTERASOYSTERPOT.COM  
Review Fee Paid: 200.00  
Project Description: Admendment to SUP 6-2017  
for relocation of improvements to recently  
acquired adj parcel.

**Property Description:**

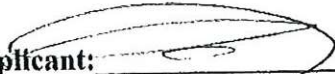
Lot	Phase/Section	Block	Subdivision
Parcel: <u>027732003</u>			
<u>027732000</u>			PIN: _____

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

Section: 22-22.1A2-A Special Use: Fish Houses & Dockage

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

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

Applicant:  William A Belter Date: Sept 10 2024





## County of Dare

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

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September 16, 2024

### MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah H Gillam, Planning Director (NHG)

RE: Request to amend Special Use Permit 6-2017 Issued to Cape Hatteras Oysters Inc. for relocation of proposed improvements.

A request for an amendment to SUP 6-2017 for Cape Hatteras Oysters Inc. has been submitted by William Belter. The original SUP approved and issued on September 5, 2017, authorized the development of a fish house facility on parcel 027732000 located at 47382 Rocky Rollinson Rd in Buxton for the processing and packaging of oysters harvested from the applicants oyster farm located in the adjacent waters of the Pamlico Sound. The SUP and associated site plan approved in 2017 authorized the construction of two buildings, a access bridge over wetlands, and a docking facility on the property; one buildings was proposed to function as a storage and packing building with living space above and the second was a proposed oyster nursery building to be located adjacent to the proposed dock on the Pamlico Sound. Since the approval of the SUP the applicant has acquired the adjoining parcel to the west and now wishes to amend the SUP and site plan to include the adjoining parcel listed as parcel 027732003 on the Dare County Tax records.

The updated site plan submitted with SUP amendment application shows the proposed storage and packing building located in the prior approved location on what is labeled as lot 2 on the site plan and shows a reduction in the square footage of the buildings footprint. The applicant is proposing to relocate the driveway and access bridge over the wetlands, the oyster nursery structure, and docking facility to the adjacent parcel labeled as lot 1a on the site plan. The relocation of these proposed improvements to lot 1a will reduce the impact to the wetlands on site, since the wetlands on lot 1a are narrower than those found on lot 2. The relocation of the bridge to lot 1a would reduce the bridge length from the prior approved 250 feet to 170 feet.

A CAMA Major permit was issued to the applicant on August 6, 2018 and renewed on February 23, 2023 for the proposed improvements, as depicted on the original site plan approved by the Board of Commissioner in 2017. The applicant also received a permit from the Army Corps of Engineers and two permits from the North Carolina Department of Environmental Quality. The state issued permits include a Stormwater Management Permit and a Water Resources permit. All of the above mentioned permits will need to be updated and modified to include the relocation of improvements to the new parcel. The applicant has already applied requesting for the modification of the CAMA Major Permit to reflect the relocations of the proposed

improvements. Copies of these approved permits will need to be provided to Dare County Planning prior to ground disturbing activities and issuance of building permits.

Attached with this memo is a draft amendment to the SUP that reflects the addition of parcel 027732003 for the Board's review. An existing condition has been amended to provide consistency with approvals authorized by the CAMA major permit. The original SUP issued prior to the issuance of the CAMA Major Permit limited the applicant to three boat slips, while the CAMA permit authorizes four. When submitting for a CAMA permit or requesting a modification to a CAMA permit, the Division of Coastal Management requires that the applicant notify the adjoining riparian property owners of their development proposal. The applicant sent these notifications earlier in the year when he started the process of requesting to modify the CAMA permit. An adjoining neighbor after receiving the riparian property owner notification contacted me with concerns over noise from oyster sorting equipment that could potentially impact them with the relocation of some of the improvements to the new parcel. The Board will need to discuss with the applicant the location of such equipment and the possibility of modifying their existing hours of operation. I have also included a condition requiring that a vegetative buffer be maintained between the applicant and adjoining residential uses.

The adjoining property has also provided written comments for the Planning Boards review.

A draft special use permit is attached to this memo for the boards review, and conditions can be added as result of the discussion with the applicant.





**Amendment to Special Use Permit No. 6—2017**

Dare County Sections: 22-22.1, 22-65, & 22-70

**Application of:** William Belter d/b/a Cape Hatteras Oyster Inc.

On November 4, 2024 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Department as required by Section 22-65 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it request uses permitted by special use permit under the Code subject to the Quasi-judicial procedures set forth in Section 22-70, including; fish houses and dockage;
3. The subject property is zoned R2-A Alternative Medium Density Residential District. The site is identified on the Dare County tax records as PARCELS 027732000 & 027732003 and located in the Buxton Tax District.
4. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to approve Special Uses and Apply reasonable and appropriate conditions;
5. That the notice procedures of Section 22-72 of the Code have been implemented in the review of this Special Use Permit;
6. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Special Use Permit according to the following terms and conditions:

**Special Use:** Construction of a fish house facility consisting of one building to be used as storage and oyster packing building with living space located above, an open air roofed structure to serve as an oyster nursey, a 170' foot x 12' foot access bridge, and a docking facility located on the Pamlico Sound as depicted on the associated site plan included as part of this Special Use Permit.

**Conditions:**

1. The facility shall be used for the processing and packaging of oysters farmed by Cape Hatteras Oyster Inc. from leased areas of the Pamlico Sound. There shall be no processing of fish, crabs, shrimp, clams or other seafood products at the site. Oysters shall be washed down prior to bringing them ashore and then packaged and tagged at the facility for delivery to market.
2. There shall be no on-site retail sales of oysters at the property.
3. Hours of operation at the shall be (to be discussed with the applicant during planning board review)
4. No more than five persons, in addition to the applicants, shall be employed by Cape Hatteras Oyster Inc.
5. One non illuminated sign not to exceed 6 square feet in sign area shall be permitted at one of the street frontages.
6. There shall be no deliveries of supplies used by the business or pick-up of products from the site by tractor trailer trucks. Only single axle box-style trucks or pick-up trucks shall be used for transporting oysters from the site for market delivery.
7. No refrigerator units or walk-in coolers shall be located outside of any structure. All refrigeration of oysters shall occur inside the structure.
8. Equipment used in the processing and sorting of oysters shall be located inside a structure or shield by solid fencing at least 6 feet in height. (to be discussed)
9. A maximum of four boats shall be docked at the site. These boats shall not exceed 35' foot in length
10. Light fixtures may be installed on the building and shall be designed as cut-off fixtures and/or motion sensor style fixtures. Low-level wattage light fixtures may be attached to the access bridge and dock to provide for safe passage and security.
11. A vegetative buffer and/or fencing shall be installed and maintained along property boundaries that abut an existing residential use that is not owned by the applicant. Existing vegetation on site may be used if deemed appropriate by the Dare County Planning Director.
12. Building permits for all structures shall be secured within 48 months from date of the Board of Commissioners approval. An as-built survey for the site shall be submitted to the Planning Department upon completion of all of the structures to confirm compliance



with the terms of the Dare County Zoning Ordinance. If the structures are completed at different times, then individual as-built surveys for each structure shall be required before any structure is certified for occupancy or use.

13. All supplemental State and Federal permits shall be secured prior to ground disturbing activities. This shall include Army Corps of Engineers, North Carolina Stormwater, North Carolina Water Resources, and CAMA. Copies of these permits shall be provided to the Dare County Planning Department.
14. No changes or deviation from the terms and conditions of the Special Use approval shall be made until written approval of the proposed changes or deviations has been obtained from Dare County. The Quasi-judicial procedures set forth in the Code shall be followed for the review and approval of major modifications. Minor modifications as established in Section 22-70 of the Code may be authorized administratively by the Planning Director.
15. A violation of this Permit shall be a violation of the Code and the Special Use may be revoked by the Board of Commissioners. Special Use approval shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any development regulation or any State law delegated to Dare County for enforcement purposes; or for false statements or misrepresentations made in securing special use approval. The same process for approval of a special use permit, including notice and hearing, shall be followed in the revocation of a special use permit.
16. All other terms and provisions of the Dare County Zoning Ordinance shall remain in full force and effect except as herein specifically permitted otherwise;

This \_\_\_\_\_ day of November 2024

SEAL:

COUNTY OF DARE

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

ATTEST:

By: \_\_\_\_\_  
Skyler Foley  
Clerk to the Board

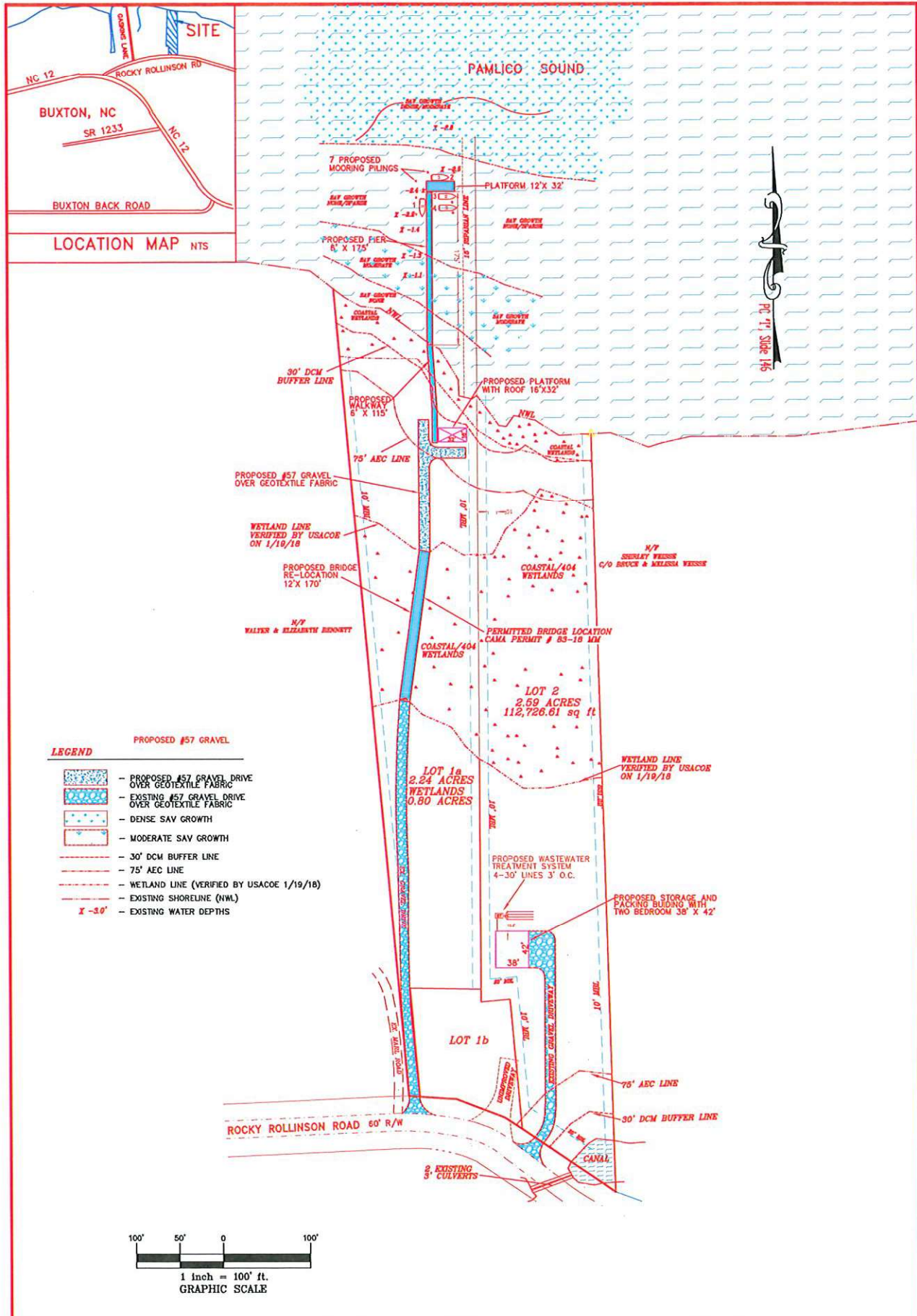
**THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED**

By: \_\_\_\_\_  
William Belter  
Cape Hatteras Oyster Inc

APPROVED AS TO LEGAL FORM

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





DESIGNED BY  
**BELTER**

DRAWN BY  
**DAD**

DATE  
**03/04/24**

**CAPE HATTERAS OYSTER**

**BILL BELTER**

**CAMA MAJOR PERMIT MODIFICATION**

BUXTON DARE COUNTY NORTH CAROLINA

NO.	DATE	REVISION
1	04/01/24	REVISED AS PER NC DCM COMMENTS
2	07/17/24	REVISED AS PER NC DCM COMMENTS
3	09/09/24	CONSIDERATION DRAWING FOR DARE COUNTY PLANNING

**ATLANTIC ENVIRONMENTAL CONSULTANTS, LLC**

PO BOX 3266 KITTY HAWK NORTH CAROLINA  
Phone/Fax (252) 261-7707  
E-Mail: doug@aec@gmail.com

Appendix B



LOCATION SKETCH, NOT TO SCALE

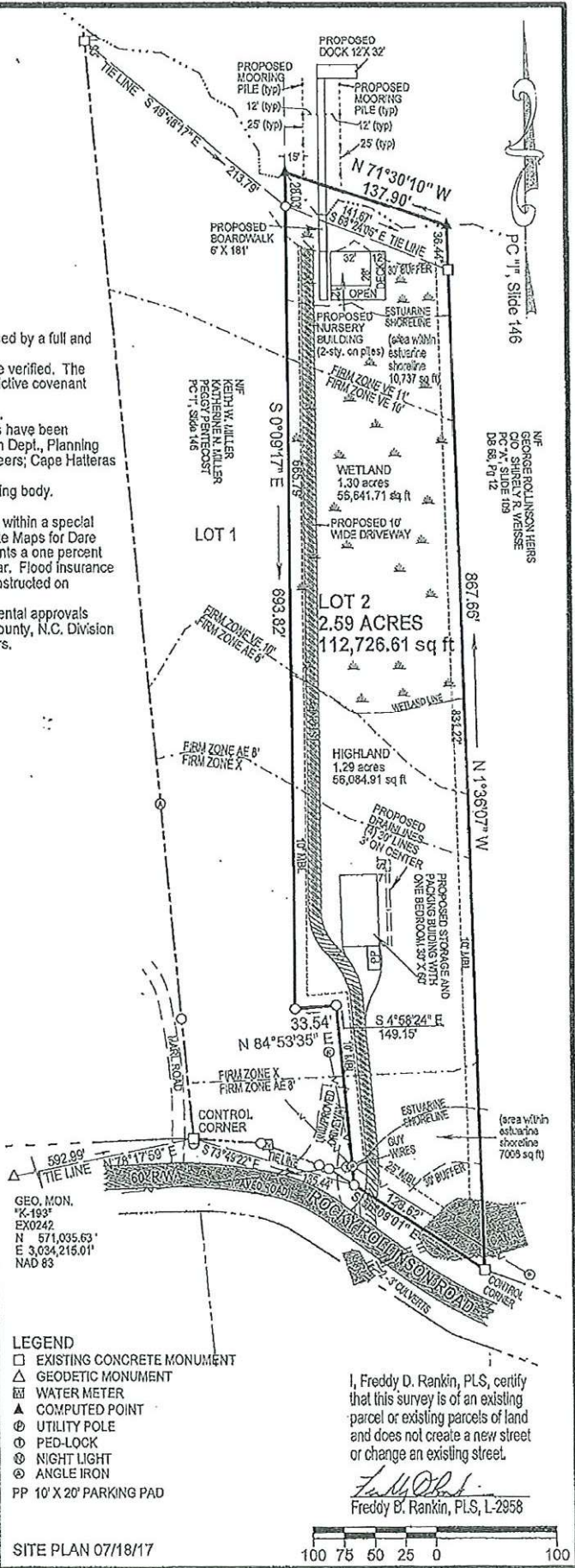
- NOTES:
1. This survey is subject to any facts that may be disclosed by a full and accurate title search.
  2. Minimum Building Lines (MBL) shown hereon must be verified. The surveyor makes no certification as to zoning and/or restrictive covenant setbacks.
  3. This area is located in the Wind-Borne Debris Region.
  4. This site plan is not valid until all applicable approvals have been obtained, including but not limited to: Dare County Health Dept., Planning Dept., & Building Inspections; U.S. Army Corps of Engineers; Cape Hatteras Electric Membership Corp.; & Subdivision Home Owners Association or similar governing body.
  5. Percentage of lot coverage is 03%.
  6. 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.
  7. This site plan is not valid until all applicable governmental approvals have been obtained, including but not limited to, Dare County, N.C. Division of Coastal Management, & U.S. Army Corps of Engineers.

SURVEY / SITE PLAN FOR <b>WILLIAM A. BELTER ELIZABETH A. BELTER</b>		
LOT 2 ROCKY ROLLINSON ROAD BUXTON, NC 27920		
Township	County	State
HATTERAS	DARE	N.C.
Date	File Number	Scale
06/15/2015	5570-CPR	1" = 100'
Parcel Number	Average Ground Elev.	
027732000	6'	
Recorded Reference	FB/Pg	
PC "I", Slide 146; DB 2019, Pg 319	168/02	
Zoning	Pin Number	NAD83
R-2A	02 0537 18 41 8465	
FIRM ZONE DATA		F.I.R.M. Zone
Base Flood Elevation		AE, X & VE
8' (AE); N/A (X); 10' & 11' (VE)		Community/Panel/Suffix
		376348 537 J

I, Freddy D. Rankin, Professional Land Surveyor, certify that this plat was drawn from an actual field and survey and that the error of closure as calculated by latitudes and departures is at least 1:10,000. Witness my hand and seal this 15th day of June L-2958 52845

*Freddy D. Rankin*  
Freddy D. Rankin, P.L.S., L-2958

Freddy D. Rankin, PLS  
50232 S. Buccaneer Dr., PO Box 121  
Frisco, NC 27936-0121  
(252) 995-4405 Fax (252) 995-5580



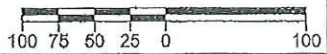
GEO. MON.  
K-193  
EX0242  
N 571,035.63'  
E 3,034,216.01'  
NAD 83

- LEGEND
- EXISTING CONCRETE MONUMENT
  - △ GEODETIC MONUMENT
  - ⊞ WATER METER
  - ▲ COMPUTED POINT
  - ⊙ UTILITY POLE
  - ⊙ PED-LOCK
  - ⊙ NIGHT LIGHT
  - ⊙ ANGLE IRON
  - PP 10' X 20' PARKING PAD

I, Freddy D. Rankin, PLS, certify that this survey is of an existing parcel or existing parcels of land and does not create a new street or change an existing street.

*Freddy D. Rankin*  
Freddy D. Rankin, PLS, L-2958

SITE PLAN 07/18/17







**Conditional Use Permit No.6--2017**

Dare County Sections: 22-22.1, and 22-68.

**Application of:** William Belter d/b/a Cape Hatteras Oyster Inc

On September 5, 2017 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Board as required by Section 22 of the Dare County Code (hereinafter referred to as "Code");
2. The subject property is zoned R-2A (alternative medium density residential) and located at 47382 Rocky Rollinson Rd in Buxton, NC. This property is identified on the Dare County tax records as parcel and located in the Hatteras tax district.
3. That the application substantially complies with the requirements of the Code in that it requests uses permitted by conditional use permit under the Code, including fish houses and dockage;
4. That the Dare County Planning Board recommended for approval the granting of this Conditional Use Permit as requested. The Planning Board made this recommendation on August 14, 2017.
5. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to grant uses such as allowed herein and insofar as the conditional use is hereinafter allowed it will not adversely affect the public interest;
6. That the hereinafter described conditional use is deemed to be reasonable and is not in degradation of the intent of the ordinance.
7. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Conditional Use Permit according to the terms and conditions below:

NOW, THEREFORE, under the provisions of the Code, the following conditional use is granted to William Belter d/b/a Cape Hatteras Oyster Inc for a fish house and dockage at 47382 Rocky Rollinson Rd as depicted on a site plan labelled as Appendix B and subject to such conditions as are hereinafter set out:

**CONDITIONAL USE:** Construction of two buildings to be used as a fish house facility for the harvest of oysters. One building will be used to process and store oyster and associated equipment used in the oyster processing, with an attached bedroom and the other building will be an oyster nursery and boat docking facilities.

**CONDITIONS:**

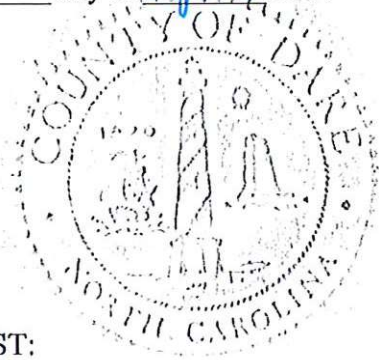
1. The facility shall be used for processing and bagging of oysters farmed by Cape Hatteras Oyster Inc from leased areas of the Pamlico Sound. There shall be no processing of fish, crabs, shrimp, clams or other seafood products at the site. Oysters shall be washed down on boats and then bagged and tagged at the facility for delivery to market.
2. There shall be no on-site retail sales of oysters at the property.
3. Hours of operation at the site shall be from sunrise to sunset Sunday to Sunday. No after dark (sunset) unloading of boats or processing of oysters shall occur at the facility.
4. No more than five persons, in addition to the applicants, shall be employed by Cape Hatteras Oyster Inc.
5. One non illuminated sign not to exceed 6 square feet in sign area shall be permitted at street frontage.
6. There shall be no deliveries of supplies used by the business or pick-up of products from the site by tractor trailer trucks. Only single axle box-style trucks or pick-up trucks shall be used for transporting oysters from the site for market delivery.
7. No refrigerator units or walk-in coolers shall be located outside of structure. All refrigeration of the oysters shall occur inside the structure.
8. A maximum of three boats shall be docked at the site. These boats shall not exceed 35' on length.
9. Light fixtures may be installed on the building and shall be designed as cut-off fixtures and/or motion sensors style fixtures. Low-level wattage light fixtures may be attached to the dock to provide for safe passage and security.
10. All applicable federal, state, and county permits shall be obtained before construction.
11. Other conditions that may be identified during DCBC review.



12. All other terms and provisions of the Dare County Zoning Ordinance shall remain in full force and effect except as herein specifically permitted otherwise;

This 5<sup>th</sup> day of September, 2017

SEAL:



COUNTY OF DARE  
By: [Signature]  
Robert L Woodard  
Dare County Board of Commissioners

ATTEST:

By: [Signature]  
Gary Gross  
Clerk to the Board

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

By: [Signature]  
William A Belter  
For Cape Hatteras Oyster Inc

APPROVED AS TO LEGAL FORM

By: [Signature]  
Robert L. Outten  
County Attorney

**Walter and Betsy Bennett's Objections to William Belter's Special Use Permit Modification Application**

**A. Summary:**

The Belters' request for modification of Conditional Use Permit No. 6--2017 issued by the Dare County Board of Commissioners (the "Permit") should be denied for the reasons set out in Section B below. Alternatively, in the event that the Planning Board is inclined to grant the modification of said Permit, we propose the following conditions:

1. The business should be limited to no more than five employees, including the applicants (not seven as in the original Permit).
2. The dock should be limited to a maximum of two boat slips rather than three (as in the original Permit) and four (as requested in the modification).
3. Loud processing machinery, such as oyster tumblers, should not be allowed on the property and if operated offshore, should not operate within 1000 feet of any dwelling or other structure.
4. Hours of operation should be limited to sunup to sundown, Monday through Friday only, and no loud machinery should be operated before 9:00 a.m. or after 5:00 p.m.

**B. Reasons for Objections:**

1. The Belters' request to modify the Permit for Lot 2 (47382 Rocky Rollinson Road, Buxton), to allow them to operate their oyster business on Lot 1A should be denied because they have repeatedly, over a sustained period of time, violated the conditions of the original Permit by operating their business outside the boundaries of the 2017 Permit, to wit:
  - a. by operating it at 47402 Rocky Rollinson Road (location of the house and not part of the permitted Lot 2 at 47382 Rocky Rollinson Road) from at least spring 2021, until the present by running and storing their oyster tumbler, sorting oysters, storing oyster baskets, and by the presence of and activities of



workmen. They have also kept a pontoon boat there and two walk-in storage containers. These activities resulted in excessive noise (the tumbler) and offensive odors (oyster baskets);

- b. by clearing land along the western/northern border of Lot 1A and grading and surfacing a road there to further expand operation of their business beyond the boundaries of the permitted property (Lot 2).

These violations display, over an extended period of time, a willful disregard of the conditions of the Permit regulating the use of the Belters' property and indicate, therefore, a lack of trustworthiness that the Belters will adhere to the conditions and specifications of any permit in the future for Lot 2, Lot 1A or Lot 1B.

2. The business should not be allowed on Lot 1A because of the **Negative Impact of the Operation on the Nature of the Sound**: The Sound in this location is a partially contained area, closely bounded on the south by the town of Buxton and to the east by Highway 12 that separates it from the ocean. To the north it is bounded to some degree by the town of Rodanthe. It is therefore a relatively small area and not "open sea." It is used extensively by people engaged in recreational activities, including swimming; wade, dock and boat sport fishing; duck hunting; kite boarding; parasailing, boat sailing; stand-up paddleboarding, and kayaking. Canadian Hole, just north of Buxton on Highway 12 and situated on this part of the sound, is a nationally-known destination for kite boarding and parasailing and brings substantial tourist travel to the area. Numerous vacation rental homes face on this part of the sound. A business of the nature proposed by the Belters with up to seven employees and up to four, thirty-five foot boats operating daily will alter the nature of the area, interfere with the activities listed above, and make this area less attractive to tourists and vacationers.
3. The business should not be allowed on Lot 1A because of its **Negative Impact on the Values of Nearby Property**. While this area is currently zoned R-2A (alternative medium density residential), it is primarily a quiet residential neighborhood of permanent residences and vacation homes, many of which are located on relatively large lots to afford privacy and quiet enjoyment of the property. The appeal of this area to owners, renters, and potential buyers depends upon these

characteristics and the recreational opportunities afforded by its particular location on the Sound (see above). Introduction of an oyster business on any part of Lots 1A or 1B that sit squarely at the center of this area will detract from the area's appeal and reduce owners' property values. That is particularly true for owners of property adjacent to those lots.

4. If the Belters are allowed to operate an oyster business on Lot 1A, it should be carefully restricted in scope and size as contemplated under the **clear intent of the Dare County Code**. Section 22-22.1 of the Code specifies the uses allowed on property in areas zoned R-2A. A fair reading of that section shows that it does not contemplate businesses as large as the one proposed by the Belters. While one of the specific uses permitted under that section is, "fish houses and dockage," the section clearly contemplates small and unobtrusive business operations such as B&Bs with no more than three guest rooms, businesses operated from one's home, real estate offices, and church daycare centers. It does not contemplate an oyster harvesting operation that employs as many as seven employees, has a dock with four boat slips for boats up to thirty-five feet in length, operates loud harvesting equipment (such as an oyster tumbler), and that operates from sunup to sundown seven days a week.



Permit Class  
NEW

Permit Number  
83-18

STATE OF NORTH CAROLINA  
Department of Environmental Quality  
and  
Coastal Resources Commission

# Permit

for

Major Development in an Area of Environmental Concern  
pursuant to NCGS 113A-118

Excavation and/or filling pursuant to NCGS 113-229

Issued to Bill Belter, PO Box 1016, Buxton, NC 27920

Authorizing development in Dare County at adj. to Pamlico Sound, at 47382 Rocky

Rollinson Rd., in Buxton, as requested in the permittee's application dated 3/20/18 (MP-1,3,4,5) and 4/10/18  
(MP-2), incl. att. workplan drawings (2), Sheet 1 of 2 dated "Revised 5/21/18" and Sheet 2 of 2 dated "Revised 4/18/18.

This permit, issued on August 6, 2018, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

### Docking Facility

- 1) This permit authorizes only the docks, piers, and other structures and uses located in or over the water that are expressly and specifically set forth in the permit application. No other structure, whether floating or stationary, shall become a permanent part of this marina/docking facility without permit modification. No non-water dependent uses of structures shall be conducted on, in or over Public Trust waters without permit modification.
- 2) Any portion of the permitted access pier and docking facilities built over Coastal Wetlands shall not exceed six feet in width and shall be elevated a minimum of three feet over the wetland substrate as measured from the bottom of the decking.

(See attached sheets for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date.

Signed by the authority of the Secretary of DEQ and the Chairman of the Coastal Resources Commission.

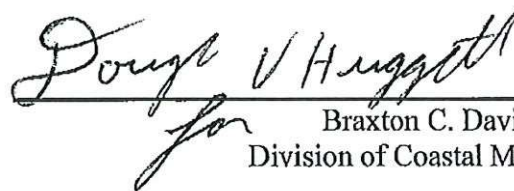
This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

December 31, 2021

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.



for Braxton C. Davis, Director  
Division of Coastal Management

This permit and its conditions are hereby accepted.

\_\_\_\_\_  
Signature of Permittee



**ADDITIONAL CONDITIONS**

- 3) The permittee shall install and maintain at his expense any signal lights or signals prescribed by the U.S. Coast Guard, through regulation or otherwise, on the authorized facilities. At minimum, permanent reflectors shall be attached to the structure in order to make it more visible during hours of darkness or inclement weather.
- 4) This permit authorizes a maximum of 4 formalized boat slips.
- 5) No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work.
- 6) The authorized covered platform shall not be enclosed. Any material used on the sides shall not obstruct view and shall be permeable to air and water. Screen or wire on the sides along with benches and knee walls are permitted. Lattice is specifically excluded from being used under this authorization.
- 7) The roof of the covered platform shall not be designed for second story use.

**Bridge**

- 8) Any portion of the permitted bridge built over Coastal Wetlands shall be elevated a minimum of three feet over the wetland substrate as measured from the bottom of the decking.

**Upland Development**

- 9) Unless specifically altered herein, this permit authorizes the grading and other land disturbing activities associated with the development of the above referenced property, including the driveways and turnarounds, roofed platform, nursery building, and storage/packing building, and other associated infrastructure, all as expressly and specifically set forth in the attached permit application and workplan drawings.

**Easement**

- 10) An Easement from the Department of Administration's State Property Office may be required under N.C.G.S. 146-12(e). The permittee shall contact the State Property Office prior to the initiation of construction of any structures over state-owned submerged lands to determine if such an easement will be required. Any required easements shall be obtained, and a copy provided to the Division of Coastal Management, prior to the construction of any new boat slips or other docking facilities authorized under this permit.

**Stormwater Management**

- 11) The Division of Energy, Mineral and Land Resources (DEMLR) has determined this project will require a Stormwater Management permit. The permittee shall receive a Stormwater Management permit from DEMLR prior to the initiation of any construction. Any violation of the permit approved by DEMLR shall be considered a violation of this CAMA permit.



**ADDITIONAL CONDITIONS**

**General**

- 12) This permit shall not be assigned, transferred, sold, or otherwise disposed of to a third party without the written approval of the Division of Coastal Management.
- 13) The permittee shall maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he or she abandons the permitted activity without having it transferred to a third party.
- 14) The permittee and/or his or her contractor shall meet with a representative of the Division prior to project initiation.

**NOTE:** The permittee is advised that submerged aquatic vegetation (SAV) habitat exists in close proximity to the authorized project. All available precautions shall be utilized to ensure that damage to SAV habitat does not result from the construction and/or operation of the authorized facilities. Should dredging of these areas be proposed in the future, the permittee is further advised that the Rules of the Coastal Resources Commission prohibit new dredging within SAV beds.

**NOTE:** This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.

**NOTE:** The U.S. Army Corps of Engineers authorized the project by way of Programmatic General Permit 198000291 (Action ID SAW-2018-00903) issued 8/2/18.

**NOTE:** The N.C. Division of Water Resources authorized the proposed project by way of General Water Quality Certification 4144 and assigned the project DWR Project No. 18-0641.

**NOTE:** Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (252) 264-3901 prior to the commencement of any such activity for this determination. The permittee is further advised that many non-water dependent activities are not authorized within 30 feet of the normal water level.

**NOTE:** An application processing fee of \$400 was received by DCM for this project.



Permit Class  
**RENEWAL**

Permit Number  
**83-18**

STATE OF NORTH CAROLINA  
Department of Environmental Quality  
and  
Coastal Resources Commission

# Permit

for

Major Development in an Area of Environmental Concern  
pursuant to NCGS 113A-118

Excavation and/or filling pursuant to NCGS 113-229

Issued to Bill Belter, PO Box 1016, Buxton, NC 27920

Authorizing development in Dare County adj. to Pamlico Sound, at 47382 Rocky Rollinson Rd.

Lot 1a, in Buxton, as requested in the permittee's application dated letter  
dated 12/16/2022.

This permit, issued on February 23, 2023, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

- 1) This renewal shall be attached to Permit No. 83-18, which was issued to the permittee on 8/6/18, as well as all subsequent modification and copies of all documents shall be readily available on site when a Division representative inspects the project for compliance.
- 2) All conditions and stipulations of the active permit remain in force under this renewal.

**NOTE:** The N.C. Division of Water Resources has assigned the proposed project DWR Project No. 18-0641 V2.

**NOTE:** The U.S. Army Corps of Engineers has assigned the proposed project SAW Action Id. No. 2018-00903.

**NOTE:** A permit renewal application processing fee of \$100 was received by DCM for this project.

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date.

Signed by the authority of the Secretary of DEQ and the Chair of the Coastal Resources Commission.

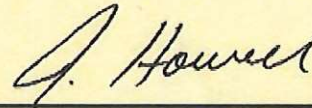
This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

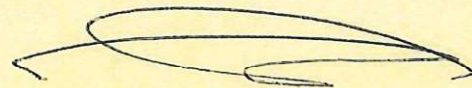
December 31, 2024

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.



For Braxton C. Davis, Director  
Division of Coastal Management

This permit and its conditions are hereby accepted.



Signature of Permit



**SPECIAL USE PERMIT APPLICATION**

Date: 10-15-2024 Application No. \_\_\_\_\_  
Property Owner/Petitioner: JIMMIE & DANA SUMMERELL  
Address: 19668 OLD FERRY LANDING ROAD; EAST LAKE, NC 27953  
Telephone: (252) 475-8046 Email: mrscrete@aol.com  
Review Fee Paid: \$1100<sup>00</sup> (22 LOTS @ \$50<sup>00</sup>/LOT)

Project Description: CONSTRUCTION OF A 22 LOT TRAVEL TRAILER PARK WITH BATH HOUSE IN ACCORDANCE WITH DARE COUNTY TRAVEL TRAILER PARK ORDINANCE (CHAPTER 160)

**Property Description:**

PARCEL A & PARCEL B, A RECOMBINATION OF PARCELS IN EAST LAKE

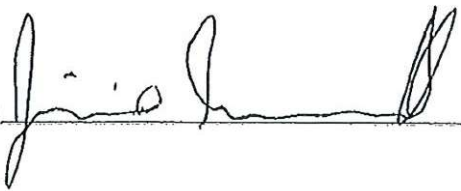
Lot	Phase/Section	Block	Subdivision
Parcel:	<u>017540003/017542000</u>	PIN:	<u>970917110667/970917111739</u>

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

Section: 160.15 Special Use: TRAVEL TRAILER PARK

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

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

Applicant:  Date: 10-15-2024

October 24, 2024

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah Gillam, Planning Director

RE: Jimmie & Dana Summerell SUP Application 7-2024 for a Travel Trailer Park

Jimmie and Dana Summerell have submitted a Special Use Permit application to allow for a travel trailer park on their property located in East Lake, NC. The property is identified as parcels 017542000 and 017540003 in the Dare County Tax records and is located at 19143 Hwy 64 in East Lake. The property is zoned East Lake Commercial Services (ELCS) and travel trailer parks are permitted subject to special use permit review and the requirements of the Travel Trailer Park ordinance (Section 160). There is currently a single family dwelling located on parcel 017542000, prior to development of the travel trailer park the applicant will need to submit and record a recombination plat of the two parcels that will create an individual parcel for the travel trailer park.

The Dare County Travel Park Ordinance requires that all parks have at least 2 acres of contiguous area, the applicants proposed parcel contains 2.74 acres after the recombination of the parcels meeting the requirements of the ordinance. The applicant is proposing to install 22 travel trailer spaces in the fixed configuration as allowed by section 160.28, and each space shall be marked with ground markers or monuments. The 22 sites will be accessed off of an internal 20 foot paved road. The internal access road will have two points of access off of Highway 64, the ordinance requires a minimum of 300 foot separation between accesses and the applicant's site plan depicts a separation of 432 foot. The applicant will need to provide the Planning Department with driveway permit approvals from NCDOT, prior to the installation of the driveways. A detailed site plan is attached with this memo that shows the existing and proposed improvements on the property.

Wastewater for the travel trailer park will be serviced by 4 separate septic systems, three of which are existing systems from prior structures on the property; one new system will be required to service the park. Three of the systems will service 6 sites a piece and the fourth will service the remaining 4 sites and the required bathhouse facility. The travel trailer park ordinance requires that the mandatory bathhouse include one toilet, one shower, and one lavatory for each sex per every 20 approved sites, based on this ratio the parks bathhouse must provide two of each of the above fixtures. The applicant has included construction drawings



with the site plan showing the bathhouse layout and required fixtures. Conditions have been added to the draft SUP to address the bathhouse facilities.

Developers of a travel trailer park are required by ordinance to have a buffer adjacent to all park boundaries, but are afforded the option of a vegetative buffer or solid fencing at least 6 feet in height with the finished surface of the fencing facing right-of-ways, and adjacent properties. The applicant has depicted on the site plan the option of using fencing and has provided a visual rendering of the proposed fencing. The buffer fencing requirements have been included as conditions in the draft SUP.

The area of land disturbance for the installation of improvement is greater than one acre and will require a North Carolina Soil Erosion and Sedimentation Plan, and State Stormwater management permit from the North Carolina Department of Environmental Quality. The applicant's site plan shows that aspects of the stormwater management plan will be handled through swales adjacent to the right-of-way; however the provided site plan for the planning board review does not include a detailed sheet showing all of the proposed improvements for the stormwater management permit and sedimentation permit. Copies of these full detailed plans will be required by the applicant prior to the SUP application being forwarded to the Board of Commissioners for approval. Copies of all required State permits shall be submitted to the Planning Department prior to ground disturbing activities and conditions have been added to the draft SUP reflecting this requirement.

The Dare County Fire Marshal reviewed and approved the site plan on October 18, 2024, and has provided a memo with requirements that will need to be included on the site plan and conditions that have been captured in the draft SUP. The fire marshal memo has indicated the applicant will need to denote on the site plan the location of "No Parking-Fire Lane" signs, location of the main electrical panels servicing the park, and a statement that addresses the road improvements supporting the imposed weight of fire apparatus. An existing pond on the property shall serve as the water source for the fire department in the event of a fire, since the East Lake Community does not have a central water supply. The applicant will need to include a note on the final site plan that indicates the true area and depth of the pond. The Fire Marshals memo is attached for the Boards review.

A copy of the site plan has been provided to the Dare County Public Works Department as required by the Travel Trailer Park Ordinance to ensure the proper placement of solid waste receptacles.

The site plan does not indicate a name for the proposed travel park but in conversation the applicant has indicated that the parks name will be "Gator Travel Trailer Park" and that the internal access road will be named "Gator Way". The parks name will need to be included on the site plan before being forwarded to the Board of Commissioners. The applicant will also need to correct/add the following information on the site plan:

1. Add the flood zone information
2. Identify the linear footage of the access road
3. A utility plan showing all utilities including water, electric, gas, telephone, cable or any other utility service.
4. The lot coverage limitation note on sheet C1 under General notes needs to be corrected to 60%
5. On sheet C2, the numbering of sites serviced by the 4 septic systems needs to be corrected.

6. The lot coverage calculation needs to be corrected, and needs to reflect Dare County Coverage, and North Carolina Stormwater Management coverage.
7. Include Stormwater and Sedimentation control plans

Attached to this memo is a draft SUP for the Planning Boards review, conditions can be added by the Board as a result of their discussion with the applicant and project engineer. This application will be forwarded to the Dare County Board of Commissioners, and a quasi-judicial hearing will be held on the matter.





### **Special Use Permit No.7 --2024**

Dare County Sections 22-26.2, 22-70, 22-72 & Chapter 160.

**Application of:** Jimmie & Dana Summerell

On December xx, 2024 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Board as required by Section 22-65 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by special use permit under the Code subject to the quasi-judicial procedures set forth in Section 22-70, including; Travel Trailer Parks
3. The subject property is zoned ELCS. This property is identified on the Dare County tax records as parcels 017542000 & 017540003 and located in the East Lake tax district.
4. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to approve special uses and apply reasonable and appropriate conditions;
5. That the notice procedures of Section 22-72 of Code have been implemented in the review of this Special Use Permit;
6. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Special Use Permit according to the terms and conditions below:

NOW, THEREFORE, under the provisions of the Code, the following special use is granted to Jimmie and Dana Summerell for a Travel Trailer Park subject to such conditions as are hereinafter set out:

**SPECIAL USE:** 22 site travel trailer park and associated improvements. A site plan depicting the proposed improvements is included as part of this Permit.

**CONDITIONS:**

1. The travel trailer park shall operate as prescribed in the definition set forth in Chapter 160 Travel Trailer Parks and Campgrounds of the Dare County Zoning Ordinance.
2. A total of 22 travel trailer sites; a 630 square foot bath house. Each camping space shall consist of a minimum area of 1,500 square feet with a minimum width of 30 feet, and marked with ground markers or monuments. Each travel trailer site shall be improved with a surface material such as gravel or concrete. One 10' x 20' parking space for motor vehicles shall be provided for each camping space.
3. Travel Trailers may be allowed to remain in the park on a year-round basis however such units shall not be used as permanent dwellings. Any travel trailer that remains in the park on a year round basis shall be fully licensed and ready for highway use. Highway use is defined as remaining on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and has no permanently attached additions.
4. Ownership of camping spaces shall be retained by the property owner. Camping spaces shall not be individually conveyed or sold in fee simple title, as condominiums, fractural ownership or interval ownership.
5. The length of occupancy of any travel trailer shall be less than 90 consecutive days.
6. No additions, decks, porches, or other appurtenances other than 100 square foot entrance landing shall be allowed for each travel trailer. IT shall be the responsibility of the park owner to ensure that all travel trailer owners are aware of this requirement. Any travel trailer site found to be in violation shall be required to remove all improvements found to be inconsistent with the travel trailer park ordinance.
7. The internal access road shall be constructed to have a minimum width of 20 feet for 2-way traffic and shall maintain a vertical clearance of 13 feet 6 inches. The concrete road shall be constructed to support 75,000 pounds as indicated by the Dare County Fire Marshal. The road improvements shall be perpetually maintained to comply with the approved construction specifications.
8. There shall be no staging of equipment or materials in or along the right-of-way of US 64 Highway.



9. The campground shall be served by an on-site private well for potable water and will utilize four on-site wastewater systems subject to approval by the Dare County Health Department.
10. A bathhouse facility will be constructed on the site as required by the Dare County Travel Park Ordinance. The number of fixtures provided shall be as established in the Travel Trailer Park Ordinance. 22 sites shall require two showers, two toilets, and two sinks for each sex. The bathhouse facility shall be constructed according to the North Carolina Building Code and the Dare County Flood Damage Prevention Ordinance.
11. The perimeter of the travel trailer sites shall be buffered according to Section 160.27 of the Travel Trailer Park Ordinance and the approved site plan. Fencing shall be a minimum of six feet in height. The outside surface of any fence facing the street, water, or adjacent property shall be the finished surface of the fencing. Buffers shall be perpetually maintained by the property owner.
12. The existing pond on-site shall be perpetually maintained for the purposes of a water source for firefighting operations. The fire lane adjacent to the pond shall be installed with an all-weather surface capable of supporting 75,000 pounds. "No Parking-Fire Lane" signs with arrows shall be installed that clearly identify the fire lane.
13. All supplemental county, state and federal permits shall be secured prior to ground disturbing activities and the installation of any of the improvements for the travel trailer park. This shall include but not limited to North Carolina Stormwater Management, North Carolina Soil Erosion and Sedimentation Control, NCDOT, and Army Corps of Engineers. Copies of these permits shall be provided to the Dare County Planning Department.
14. A copy of the tenants lease shall be provided to the Dare County Planning Department.
15. All proposed improvements shall be installed within 12 months of the Dare County Board of Commissioner Approval. A final plat depicting the location of all site improvements shall be submitted to the Planning Director for final review to ensure compliance with the approved site plan.
16. Any signage for the campground shall be subject to a separate review and approval process according to the Dare County Sign Ordinance.
17. The park owner shall develop a storm response plan of appropriate actions that will be taken before, during, and after storm events. In the event evacuation orders are issued by Dare County, the park owner shall notify park guest of the order.

18. The park owner shall be responsible for the removal of damaged RVs. Damaged units shall not be placed or abandoned in the right-of-way of any public or private road. Park owners shall be responsible for any debris removal or clean-up costs that may result from storm conditions or other natural disasters that occur
19. A violation of this Permit shall be a violation of the Code and the special use may be revoked by the Board of Commissioners. Special use approval shall be revoked for any substantial departure from the approved application, plans, or specification; for refusal or failure to comply with the requirements of any development regulation or any State law delegated to Dare County for enforcement purposes; or for false statements of misrepresentations made in securing special use approval. The same process for approval of a special use permit, including notice and hearing, shall be followed in the revocation of a special use permit.
20. All other terms and provisions of the Dare County Zoning Ordinance shall remain in full force and effect except as herein specifically permitted otherwise;

This xxst day of December 2024

SEAL:

COUNTY OF DARE

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

ATTEST:

By: \_\_\_\_\_  
Skyler Foley  
Clerk to the Board

**THIS PERMIT AND THE CONDITIONS HERE IN ARE ACCEPTED**

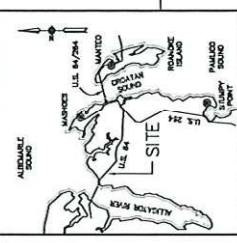
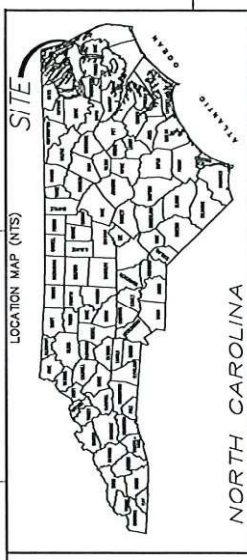
By: \_\_\_\_\_  
Jimmie & Dana Summerell



Owners

APPROVED AS TO LEGAL FORM

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



**GENERAL NOTES**

- OWNER/DEVELOPER: JIMMIE & DANA SUMMERELL  
247 EAST LAKE, NC 27833  
PH - 703/7111507
- PARCEL NO. 07540003 (PARCEL A) & 07540006 (PARCEL B)  
D.E. 2145, P.L. 001  
D.E. 2146, P.L. 001  
PH - 703/7111507 & 703/7110667

PRELIMINARY SURVEY AND TOPOGRAPHIC INFORMATION PROVIDED BY SAUER SURVEYING, PLLC. ALL SURVEY PLANS TO BE DEVELOPED IN ACCORDANCE WITH NORTH CAROLINA ADMINISTRATIVE CODE ACCORDING TO ENVIRONMENTAL MANAGEMENT COMMISSION STORMWATER MANAGEMENT DOCUMENT 15JL020210202.

PROJECT IS DESIGNATED AS TRAVEL TRAILER PARK AND IS DEVELOPED IN ACCORDANCE WITH THE 'MOBILE HOME & TRAVEL TRAILER PARK DESIGN MANUAL' FOR UNINCORPORATED DAKE COUNTY, NORTH CAROLINA.

ALL OPERATIONS AND MAINTENANCE SHALL BE PROVIDED AND SIGNED OWNER/DEVELOPER PER REFERENCE (NOTE 3) SECTION 15A NCCG GEN. CODE.

DAKE COUNTY HEALTH DEPARTMENT MAINTAINS JURISDICTION ON THIS PROJECT PER REFERENCE (NOTE 3) SECTION 15 NCCG GEN. CODE SUBSECTION (6).

DAKE COUNTY ZONING ORDINANCE NO. MORE THAN 50% IMPROVED COVERAGE ON THIS PROJECT IS REQUIRED. THE DEVELOPER SHALL OBTAIN THE NECESSARY APPROVALS WITH THE 'MOBILE HOME & TRAVEL TRAILER PARK DESIGN MANUAL' FOR UNINCORPORATED DAKE COUNTY, NORTH CAROLINA.

**SHEET INDEX**

- C1 INDEX PLAN
- C2 WASTEWATER SITE PLAN
- C3 WASTEWATER GRADING PLAN
- C4 WASTEWATER & GRADING DETAILS
- C5 BATHHOUSE & STRUCTURAL DETAILS

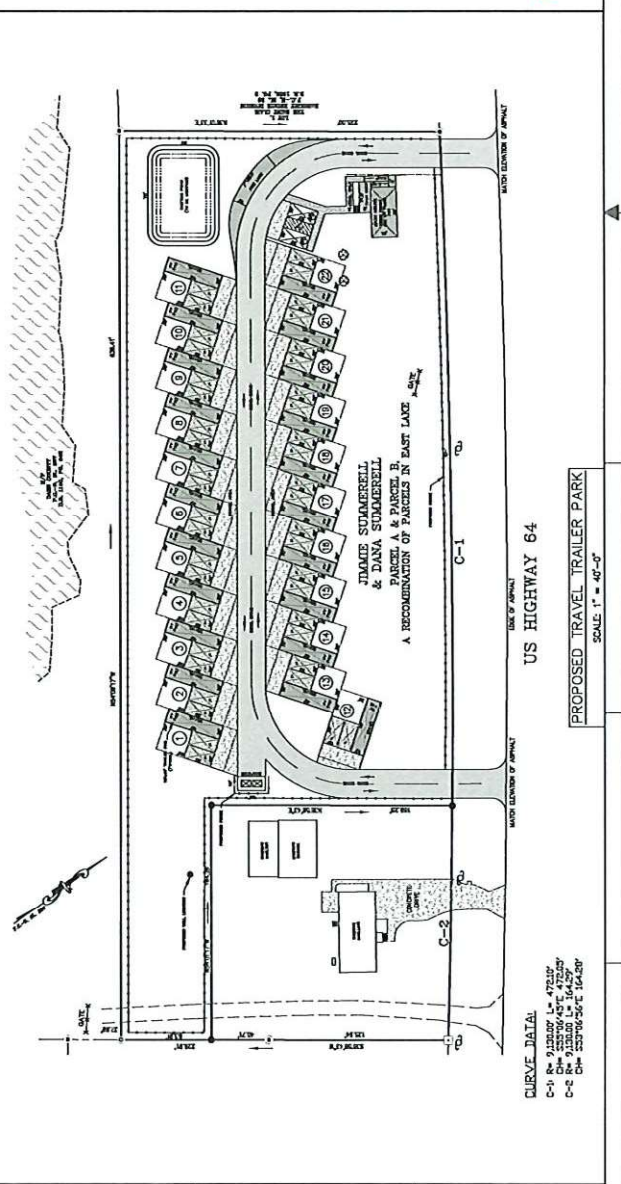
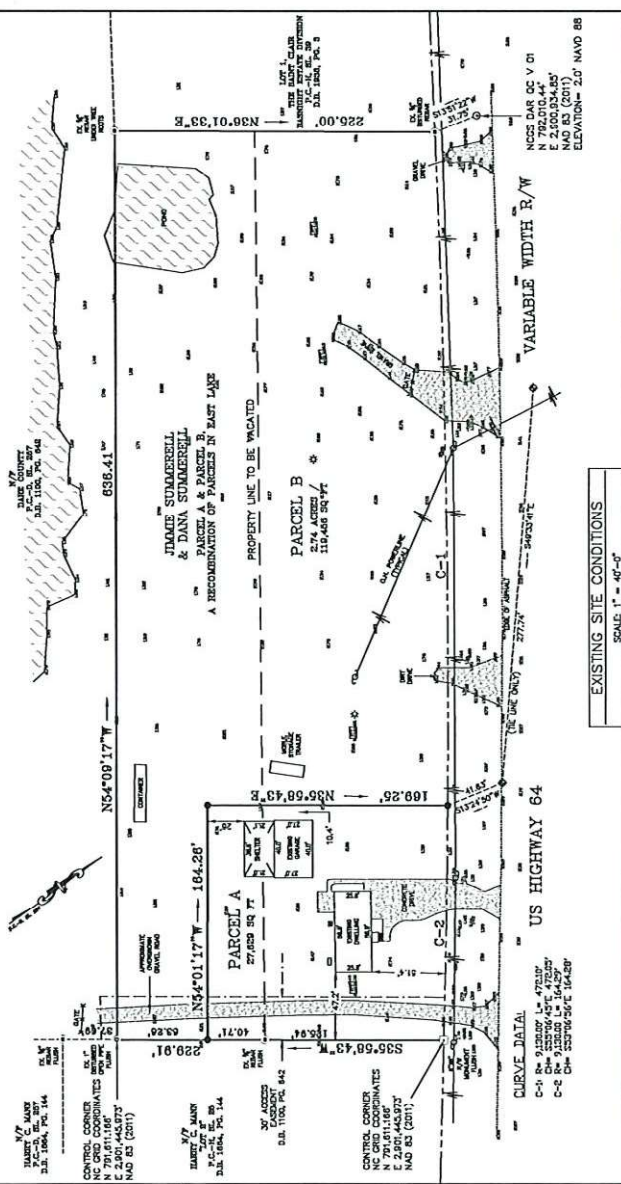


Travel Trailer Park Index Sheet  
Jimmie & Dana Summerell  
Location:  
191-43 NC Hwy 64  
East Lake Dare County North Carolina

SIZE	D	PRODUCT NUMBER	247126	SHEET NO.	1
DATE		REVISIONS			

CAD FILE NAME: 247126 SCALE: 1" = 40'

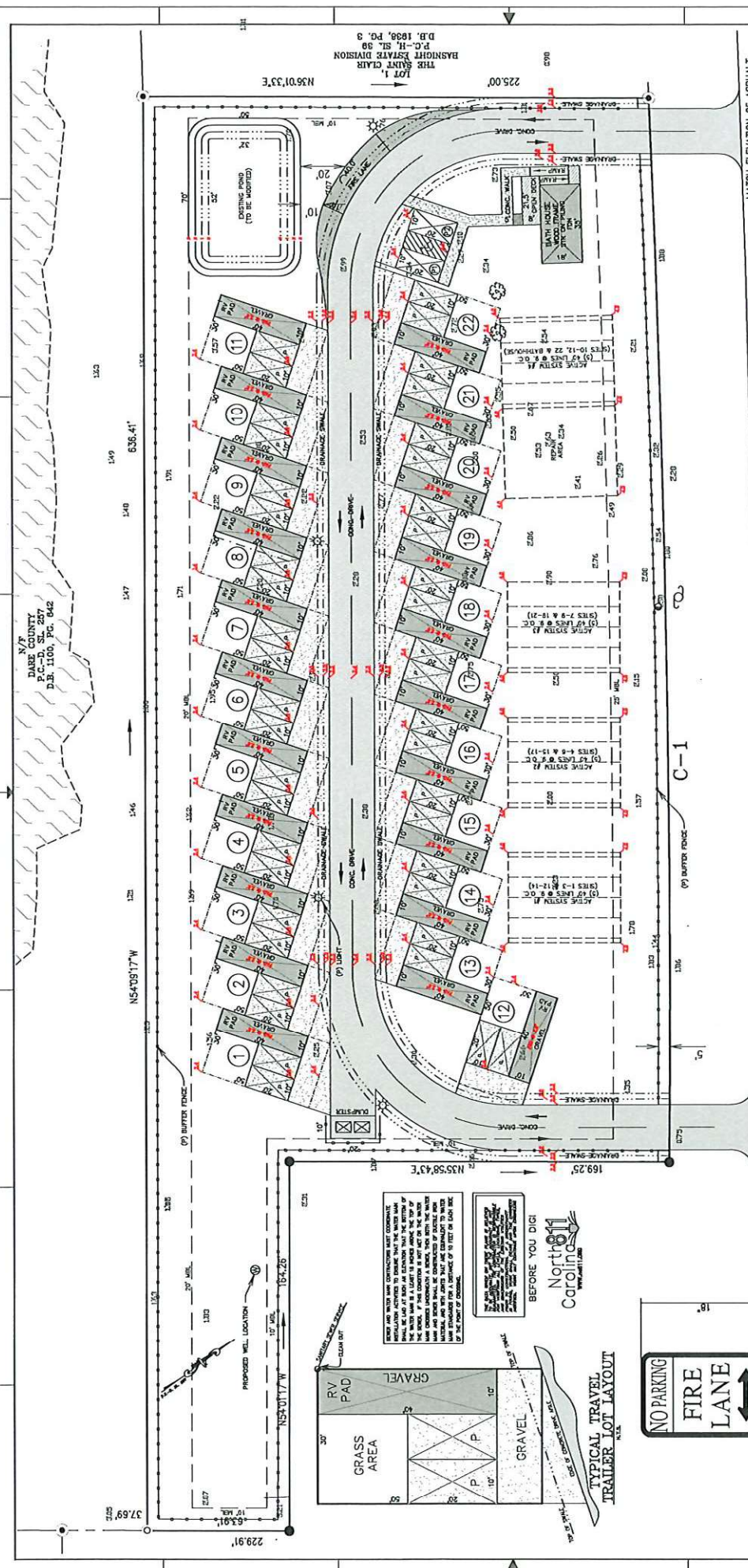
**PRELIMINARY  
FOR PLANNING BOARD REVIEW  
PURPOSES ONLY  
10/14/2024**











**HOUSE ENGINEERING, P.C.**  
 1000 W. Highway 64, Suite 201  
 Raleigh, NC 27603  
 Phone: 919.488.9900  
 Fax: 919.488.9901  
 Email: hhouse@houseeng.com

**Wastewater Grading Plan**

For: **Jimmie & Dana Summerell**  
 Location: **19143 NC Hwy 64**  
 East Lake, Dare County, North Carolina

PROJECT NUMBER: **247126**  
 DATE: **10/14/2024**

SCALE: **1" = 20'**

**REVISIONS**

No.	Date	Description
1		
2		
3		
4		
5		

**FOR PLANNING BOARD REVIEW PURPOSES ONLY 10/14/2024**

APPROVALS	DATE
OWNER	10/14/24
DESIGNER	10/14/24
CHECKER	10/14/24
PROJECT MANAGER	10/14/24
SEAL	10/14/24

**SITE DATA**

PROPOSED TRAILER PAD AREA	6,800 SF
PROPOSED GRAVEL PARKING AREA	13,204 SF
PROPOSED ASPHALT DRIVE AISLE	13,244 SF
PROPOSED DUMPSTER PAD	200 SF
PROPOSED FIRE LANE	800 SF
PROPOSED ACCESS & RAMP	332 SF
<b>TOTAL COVERAGE</b>	<b>43,972 SF</b>
<b>TOTAL PARCEL AREA</b>	<b>119,458 SF (2.74 AC)</b>
<b>TOTAL IMPROVED COVERAGE</b>	<b>14,773 SF</b>

**BEFORE YOU DIG!**

North Carolina  
 PROFESSIONAL ENGINEER  
 License No. 10001

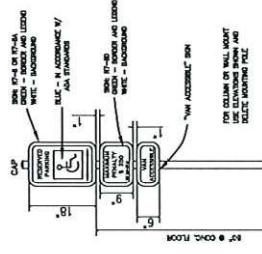
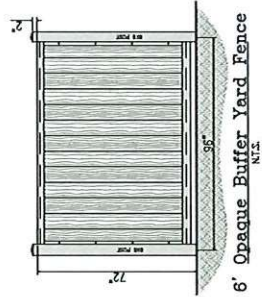
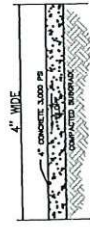
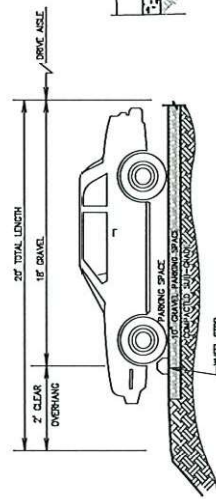
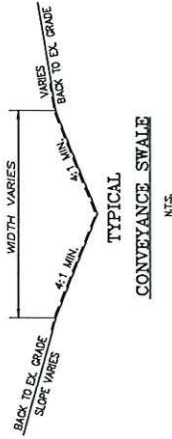
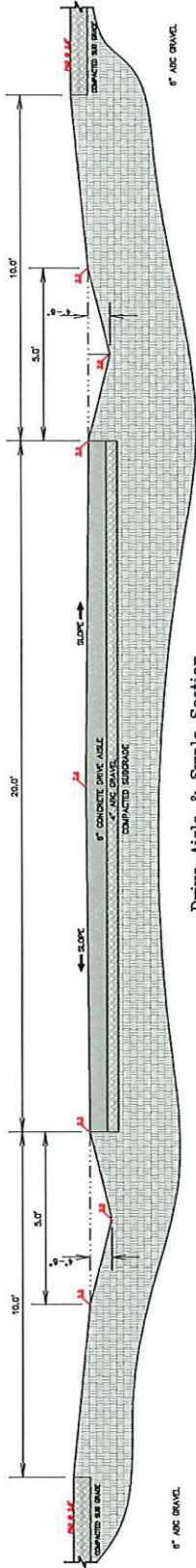
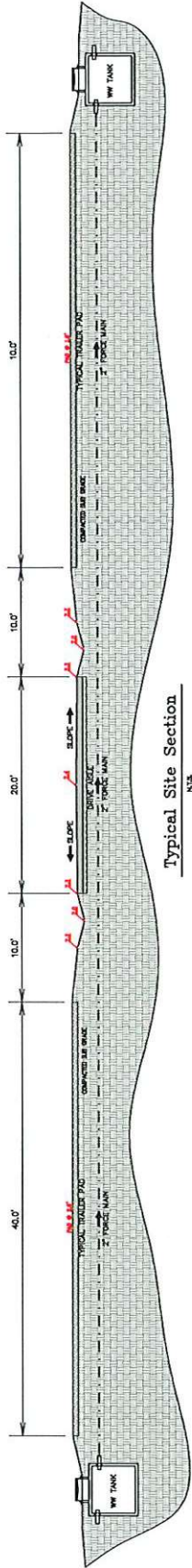
THIS PLAN AND ALL CONSTRUCTION ARE CONTINGENT UPON THE RECEIPT OF ALL NECESSARY PERMITS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.

**TYPICAL TRAVEL TRAILER LOT LAYOUT**

**NO PARKING FIRE LANE**

\* ALL DIM. TYPES AND LOCATIONS AS PER DOWNS RECORDATORY FIRE LANE SIGNAGE N.T.S.





PRELIMINARY  
FOR PLANNING BOARD REVIEW  
PURPOSES ONLY  
10/14/2024

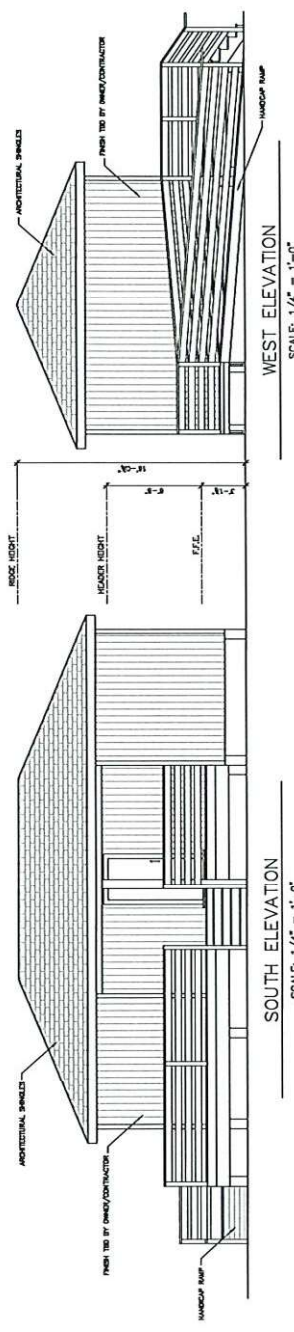
**HOUSE ENGINEERING, P.C.**

Wastewater & Grading Details

For: Jimmie & Dana Summerell  
Location: 19143 NC Hwy 64  
East Leno, Dare County, North Carolina

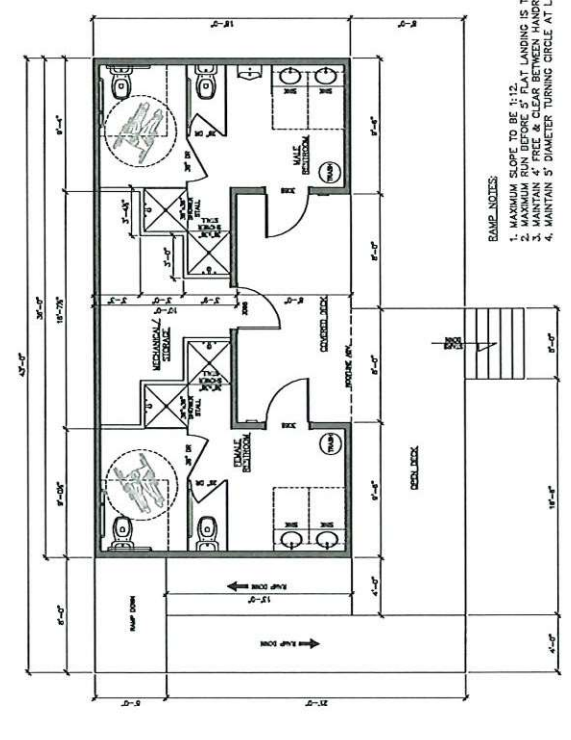
PROJECT NUMBER: 247126  
SCALE: 1" = 20'

SHEET NO. C4  
OF 5



**SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"

**WEST ELEVATION**  
SCALE: 1/4" = 1'-0"



**BATH HOUSE FLOORPLAN**  
SCALE: 1/4" = 1'-0"

- RAMP NOTES:**
1. MAXIMUM SLOPE TO BE 1:12.
  2. MAXIMUM RUN BEFORE 5' FLAT LANDING IS TO BE 30'.
  3. MAINTAIN 4" FREE & CLEAR BETWEEN HANDRAILS.
  4. MAINTAIN 5' DIAMETER TURNING CIRCLE AT LANDINGS.

**HOUSE ENGINEERING, P.C.**  
1914 S. COVINGTON BLVD., SUITE 201  
ASHEBORO, NC 27802  
TEL: (919) 291-1100

**Bathhouse Design**

For: **Jimmie & Dana Summerrell**  
Location: 1914S NC Hwy 64  
East Lake, Dare County, North Carolina

PROJECT NUMBER: 247126  
DATE: 10/14/2024

DESIGNER: JAMES A. HOUSE

NO.	DATE	DESCRIPTION
1	10/14/24	SCHEMATIC DEVELOPMENT
2	10/14/24	CONCEPT DESIGN
3	10/14/24	PRELIMINARY DESIGN
4	10/14/24	FINAL DESIGN

**PRELIMINARY  
FOR PLANNING BOARD REVIEW  
PURPOSES ONLY  
10/14/2024**





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

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

(252) 475-5750

**To:** Noah Gillam, Planning Director  
**From:** Steven R. Kovacs, Fire Marshal  
**Date:** October 18, 2024  
**Re:** Summerall Travel Trailer Park

---

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

- In the area noted on the plan as the fire lane, need to add signage – “No Parking – Fire Lane, to that area with arrows clearly identifying that space.
- Need to add a note to the final plan indicating that the fire apparatus access is maintain to a minimum width of 20-feet, 13 foot – 6 inches clearance, with an all-weather surface capable of supporting the imposed weight of fire apparatus at 75,000 pounds.
- Need to add a note on the final plan indicating the true area and depth of the pond on the east end of the property and that this pond must be maintained since this is being provided as the primary water supply for the site.
- Need to ensure proper identification of the property with street numbers that are at least 6-inches in height.
- Need to ensure all sites are clearly identifiable from the drive when trailers and vehicles are parked.
- What is the location of the main electrical panels serving the sites?

If you have any questions please do not hesitate to contact me.

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



## 2025 Planning Board Meeting Dates & Submission Dates

Below are the 2025 meeting and corresponding submission dates for the Dare County Planning Board. All items should be submitted by the appropriate submission date. Items submitted after the deadline will be considered an early submission for the next month.

All meetings are scheduled for the first Tuesday of each month and start at 6:00 p.m. unless otherwise notified.

2025 MEETING DATES	2025 SUBMISSION DATES
January 7, 2025	December 17, 2024
February 4, 2025	January 14, 2025
March 4, 2025	February 11, 2025
April 1, 2025	March 11, 2025
May 6, 2025	April 15, 2025
June 3, 2025	May 13, 2025
July 1, 2025	June 10, 2025
August 5, 2025	July 15, 2025
September 2, 2025	August 12, 2025
October 7, 2024	September 16, 2025
**November 5, 2025**	October 14, 2025
December 2, 2025	November 11, 2025

\*Please note the November meeting date is scheduled for Wednesday, November 5<sup>th</sup> due to Election Day

**Dare County Planning Department  
P.O. Box 1000  
Manteo, NC 27954  
(252) 475-5870**

LAND OF BEGINNINGS

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