

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, July 8, 2019. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

CALL TO ORDER 6:00 pm

MEMBERS PRESENT John Finelli, Chairman
 Michael Barr Beth Midgett
 Terry Gore II Buddy Shelton
 David Hines

MEMBERS ABSENT David Overton

AMENDMENT TO MEETING AGENDA

Chairman Finelli amended the agenda to add consideration of amendments to section 22-58.1, Sand Dune Provisions, under New Business.

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the June 10, 2019 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

-None-

OLD BUSINESS

Consideration of Zoning Amendments to Better Facilitate Year-round Housing

Donna Creef said there were no comments made at last month's public hearing regarding year-round housing zoning amendments. The item was tabled until the meeting tonight. There are four alternatives being presented by staff:

- Alternative One – Expansion of Availability of Cluster Home Developments. Expand to NH, RS-1, R-1, SND, VR, WR1, ELR and ELHN districts.
- Alternative Two – Educational Housing Overlay. This would put language in the 25 districts that allow duplex structures to have educational housing projects if they are affiliated with College of the Albemarle, Dare County Board of

Education, or UNC Coastal Studies Institute. The R-1 district does allow university campuses now as a conditional use.

- Alternative Three – Subdivisions Targeted for Year-round Housing Developments. This is a reduction in the minimum lot size for subdivisions that are targeted for year-round housing. A minimum acreage requirement and a limit on the dwelling size would be imposed in exchange for a reduction in the minimum lot size.
- Alternative Four – Employee Accessory Units. This is similar in concept to a residential structure having an accessory dwelling but this would be a commercial business with employee housing.

Chairman Finelli said Alternative One has three different aspects: (1) the zoning districts to which it applies; (2) the minimum lot size; and (3) allowable square footage of heated space. A cluster home is a single family dwelling. Donna Creef said there are some single family districts not included in the proposed amendment, such as R-4 in Colington Harbor and MP-1 in Martin's Point. Those subdivisions are already platted and it would not be viable. The board discussed the 30,000 sf minimum lot size, 1200 maximum sf of heated space, and affordability. The board is happy with the proposal as written.

Alternative Two, Educational Housing, would require the housing projects to be reviewed as conditional use permits. When affiliated with an educational organization, the housing component alone can be referred to as a campus. This is a very straight-forward amendment. Donna Creef will correct the typo of the word *proposed* written twice under number 2 of the draft amendment.

Alternative Three targets subdivisions for year-round housing developments. This includes:

- Heated space limited to 1200 sf.
- Dwelling shall not be occupied on a short-term basis (not less than 30 days).
- Minimum parcel size of 3 acres.
- Minimum lot size of 12,500 sf.
- One parking space for each bedroom with 50% of required parking being impervious.
- The development will be reviewed as a conditional use permit.
- Road access requires frontage on an existing state maintained road and new roads shall be dedicated as public roads.
- Lot coverage is 30%.
- Setbacks: Front yard 25', Side yard 10', Corner Side yard 15', Rear yard 20'.

This is for new subdivisions, not already developed subdivisions. This could be applied to districts that allow duplex and multi-family homes. Chairman Finelli asked if *not occupied on a short-term basis* could be changed to *will be occupied on a long-term basis*. The parking regulation prohibits the use of asphalt millings or “crush and run” because it becomes impervious over time.

Alternative Four, Employee Accessory Units, allows housing on commercially zoned properties. It is employee housing but the occupant does not need to be employed by the business at the same property. Terry Gore asked that Employee Accessory Unit be changed to Workforce Accessory Units.

Donna Creef said if the Workforce Accessory Unit is *attached* to the business, it should be subject to an administrative review and she will add that language. If it is one commercial structure with one workforce accessory unit, this will also be subject to an administrative review. If it is 3 buildings or more, it will be reviewed as a conditional use permit. If it is above a commercial business, the fire code regulations tend to make this more cost prohibitive and a review by the Fire Marshal would be required.

Item 9 states the Workforce Accessory Unit cannot be used for seasonal or short-term rentals. Beth Midgett said the needs are more seasonal. Ms. Creef said it can be seasonal employees, and those employees can vary, but it is designated for workforce housing. We don't want them used as vacation rentals. The second sentence can be changed to read *Any approved Workforce Accessory Unit cannot be used for short-term rentals*.

The Planning Board and staff discussed the definition of Workforce Housing. Is the requirement that at least one occupant is employed in Dare County? An employee may still have the need for housing even if a business is closed in the winter. Seasonal employees on Hatteras Island generally leave after 3 months. If the business is having issues housing employees, it is most likely going to be their employees who will be renting the Workforce Accessory Unit during the season. Donna Creef is going to bring a draft definition of Workforce Housing to the next Planning Board meeting. There may be times during the year when someone other than an employee in Dare County could be allowed to occupy the accessory unit.

The Planning Board discussed possibly encouraging small cluster developments in Stumpy Point. Property is affordable there. Buddy Shelton said a significant number of the workforce commutes from distances farther away than Stumpy Point. The sewer

and water systems there are underutilized. There is a limitation of the number of bedrooms per structure per platted lot and this is outside the zoning regulations. This limitation was implemented when obtaining the grant for the wastewater plant.

The zoning amendments to better facilitate year-round housing will be reviewed at the Planning Board meeting on August 12, 2019.

NEW BUSINESS

Consideration of Amendments to Section 22-58.1, Sand Dune Provisions

Noah Gillam said there have been issues resulting from stabilization of elevated land not being completed, absence of erosion control during construction, and encroachment of support features for retaining walls. This occurs primarily with properties that have significant elevation changes on the north end of Roanoke Island and Colington. This causes problems with erosion and sediment run-off onto adjoining properties. Current regulations call for stabilization within 30 days of completion of work (issuance of Certificate of Occupancy). There has also been an instance of a retaining wall that was built on one property but had underground structural supports encroaching on adjacent properties.

Staff is proposing:

- An onsite meeting with Planning Staff before any land disturbing activity.
- Silt fencing required during construction and slope stabilization prior to issuing a Certificate of Occupancy.
- Letters of consent from adjoining property owners provided to staff if any support structure for a retaining wall encroaches onto adjoining property.

Terry Gore asked if *Land Disturbing Activities* is defined. Donna Creef said no but sentence 1 reads *Sand dunes and their existing contours shall not be damaged, destroyed, removed, or changed except as specifically exempted below*. She said we need to add the authority to require temporary matting along with the silt fence.

Buddy Shelton said some years ago we allowed one fence for two adjoining neighbors and there were problems when it came time to pay for maintenance and repair of the fence. There will be a lot of problems if you allow tie-backs on an adjacent property. Those problems will get worse when they want to sell the property. Retaining walls require a building permit and can be designed without tie-backs. The building inspector checks any tie-backs and can ensure they are not on an adjacent property. Board

members agreed that if a structure will be located on an adjacent property, a recorded easement is required.

Michael Barr made a motion to recommend approval of the proposed amendments subject to the following: (1) add temporary matting requirements along with the silt fence requirement in paragraph 2; and (2) change paragraph 3 to read *All portions of retaining walls and all supporting components shall be located within the property lines. Subsurface components cannot encroach onto adjoining properties.*

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

OTHER BUSINESS

None

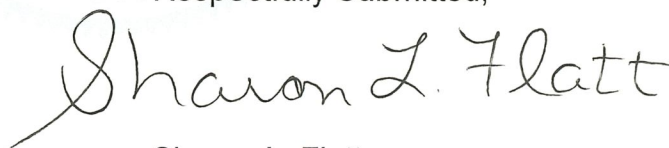
ADJOURNMENT

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

Vote: Ayes – Unanimous

The meeting adjourned at 7:10 p.m.

Respectfully Submitted,



Sharon L. Flatt
Planning Board Clerk

APPROVED: August 12, 2019



John Finelli
Chairman, Dare County Planning Board