



# Agenda Item Summary Sheet

Item No. 9

Meeting Date: 1/7/08

Item Title: Public Hearing -- Chapter 152 Amendments

**Item Summary:**

See attached staff comments

*(Use additional Paper if necessary)*

Number of Attachments: \_\_\_\_\_

Will your presentation require audiovisual equipment? Yes  No

Note: All audiovisual materials must be submitted in digital format to the Clerk of the Dare County Board of Commissioners with this sheet. Acceptable formats include: VHS, DVD, audio CD, Word document, Adobe Acrobat PDF files, PowerPoint files and jpeg files.

**Specific Action Requested:**

Conduct Public Hearing on Chapter 152 amendments

Submitted By: Donna Creef, Senior Planner Donna Creef Date: 12-17-07

**Dept. Head**

Comments: [Signature] Signature Date: 12/17/07

**Finance**

Comments: \_\_\_\_\_ Signature \_\_\_\_\_ Date: \_\_\_\_\_

**County Attorney**

Comments: \_\_\_\_\_ Signature [Signature] Date: 12/18/07

**County Manager**

Approval: \_\_\_\_\_ Signature [Signature] Date: 12/18/07

**Commission Action:**

For some months now, the Board has been working on proposed amendments to Chapter 152 of the Dare County Code of Ordinances. A Public Hearing on the latest proposal is scheduled for January 7, 2008. This alternative, if adopted, would establish a 45-foot building height limit for the unzoned areas of the County (East Lake) and would establish a 20,000 square foot gross floor area limitation for the unzoned areas of the County and the SP-2 district that applies in Stumpy Point. A copy of the specific language is attached to this agenda summary.

Following the close of the Hearing, the Board will be in a position to adopt the amendment to Chapter 152 or may chose to not take any action. If the Board chooses to adopt this language, then any proposed building in East Lake would be reviewed for compliance with the building height of 35 feet measured to the highest roof structure and reviewed for compliance with the 20,000 square feet gross floor area limitation. Any proposed commercial structure in the SP-C district would be reviewed for compliance with the 20,000 square feet gross floor area limitation of Chapter 152 and the building height limit of the SP-C district. For the other zoned portions of unincorporated Dare County building height for all structures and commercial building size would be regulated according to the applicable individual zoning districts.

A review of the tax districts lists 194 parcels of land in East Lake. The Stumpy Point zoning map depicts 12 properties zoned SP-C.

The following motions are offered for the Board's consideration:

To adopt the amendment: "I move that Chapter 152 be amended as advertised for this Hearing. I find this amendment to be consistent with the objectives and policies for growth and development contained in the 2003 Land Use Plan or other officially adopted plans of Dare County that are applicable and in the public interest of Dare County and that it further the public health, safety, and welfare of Dare County by limiting building height. "

To make revisions: "I move that Chapter 152 be revised to address (list items)"



On Monday January 7, 2008 the Dare County Board of Commissioners will conduct a Public Hearing to receive comments on a proposal to amend Chapter 152 of the Dare County Code of Ordinances. The proposed amended language is in boldface text as follows:

Chapter 152.02 **LARGE STRUCTURES DANGEROUS TO THE PUBLIC HEALTH** (revised text in boldface print)

The **Building** Inspection Department of Dare County shall issue no building permits within unincorporated Dare County unless the **building** to be constructed has a **highest-roof** level which is no greater than **45** feet above the lowest grade within a 50-foot perimeter of the exterior walls **or outer perimeter** of the **building**.

**In addition to this height limitation, the maximum square footage of the building shall not exceed a total of 20,000 square feet, both heated and non-heated area. Hotels, motels, County-owned facilities, and other government facilities are exempt from this gross floor area limitation.**

**For those zoned areas affected by different building height and/or gross floor area limitations than those detailed in the preceding section, the restrictions found in the individual zoning district shall take precedence over this chapter.**

**Definitions --**

**Building – any structure used or intended to support, enclose or shelter any use or occupancy. This definition shall also apply to those structures that are designed for partial enclosures of any use or occupancy.**

Upon the close of the Hearing, the Board may chose to act on this amendment as advertised, may chose to amend the scope, exemptions and/or limitations of the ordinance, or may chose to take action at a later date. Any interested party may present comments at the Hearing or may submit written comments to the Board of Commissioners at P.O. Drawer 1000, Manteo, NC 27954.

DATE: Monday, January 7, 2008  
TIME: 10:00 am  
PLACE: Dare County Administrative Annex  
204 Ananias Dare Street  
Manteo, NC 27954