

CURRITUCK COUNTY PLANNING BOARD

August 9, 2005

A work session was held prior to the meeting to discuss items on the agenda.

The Currituck County Planning Board met in the Historic Courthouse on August 9, 2005. The following members were present: Horace Bell, Bobby Bell, Alvin Keel, Forrest Midgette, Pat Riley, William Etheridge, and Arthur Winter, Joe Kovacs. Eddie Hawley William Etheridge. Cheryl Eggar, Planner, and Gary Ferguson, Planning Director, were also present.

Planning Board Chairman Bell called the meeting to order, announced a quorum had been met. None of the members disqualified themselves from voting on any of the times on the agenda.

APPROVAL OF AUGUST 9, 2005 AGENDA

Mr. Keel motioned to approve the August 9, 2005 agenda. Mr. Riley seconded the motion. Motion passed unanimously.

APPROVAL OF JULY 12, 2005 MINUTES

Mr. Hawley motioned to approve the July 12, 2005 minutes with corrections noted. Mr. Riley seconded the motion and the motion passed unanimously.

Courtney Gallop appeared before the board.

Ms. Eggar presented the following case analysis to the board.

PB 05-21 Courtney Gallop Amendment to section 1310 of the UDO to allow crematoriums in Light Manufacturing (LM) districts.

MEMORANDUM

TO: Planning Board/Board of Commissioners
FROM: Planning Staff
DATE: July 29, 2004
SUBJECT: Crematoriums

The proposed ordinance amendment is to allow crematoriums within the Light Manufacturing District with the issuance of a Special Use Permit (SUP).

The Unified Development Ordinance permits crematoriums (use classification 21.200) in Heavy Manufacturing Districts with a SUP.

The North Carolina Crematory Act regulates all crematoriums and requires that they be constructed on or adjacent to any cemetery, on or adjacent to any funeral establishment that is zoned commercial or industrial, or at any other location consistent with local zoning and environmental regulations. At the time of crematory licensing, the Board inspects the premises, facilities, structure, and equipment to be used as a crematory, and confirms that the crematory manager's and crematory technician's educational certificate is valid. Once the applicant meets all of the requirements and standards of the Board, a renewable license will be issued.

Recommendation

Staff recommends approval of this amendment.

CURRITUCK COUNTY
PB 05-21
UDO AMENDMENT REQUEST

Courtney Gallop requests an amendment to Section 1310 to allow crematoriums in light manufacturing (LM) districts.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That the following section be amended:

Section 1310 Table of Permissible Uses.

21.000 Cemetery and Crematorium	A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM
<u>21.100 Cemetery</u>	C	C								Z	Z
<u>21.200 Cemetery, on same property as Church</u>	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
<u>21.300 Crematorium</u>										S	S

Item 2: This ordinance amendment shall be in effect from and after the _____ day of _____, 200_.

Board of Commissioners' Chairman

Attest:

*Minutes are not official until approved by the board.

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: ___AYES___NAYS_____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: ___AYES___NAYS_____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

DISCUSSION

Mr. Hawley asked if this is an allowable use with a Special Use Permit in Light Manufacturing Districts only.

Ms. Eggar said it is allowed in both Light and Heavy Manufacturing.

Mr. Hawley asked how many properties in county are zoned Light Manufacturing.

Ms. Eggar said she guessed approximately ten.

Mr. Kovacs asked if this operation would required to be adjacent to a funeral home.

Ms. Eggar said that would be a state standard, the UDO does not give specific instruction as to whether one is required.

Mr. Ferguson said that the crematorium and funeral homes are allowed in the same zone.

Mr. Bell asked about odor or noise if it is located near a residential area.

Mr. Ferguson said that there are significant buffer requirements.

Mr. Hawley asked where the closest crematorium is.

Ms. Gallop said that there is one down town Elizabeth City.

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Mr. Ferguson asked Ms. Gallop to give a brief synopsis of what would be seen from this facility.

Ms. Gallop gave statistical information on how many cremations are possible over the next few years and spoke to environmental issues.

Mr. Kovacs asked about cremating pets.

Ms. Gallop said she is not ready to propose a site plan, but might want to include pets.

Mr. Kovacs motioned to approve the amendment as presented. Mr. Riley seconded the motion. Motion passed unanimously.

Due to no representation, Item 4 was tabled to September meeting.

PB 05-22 Scot Stor Amendment to Section 1305 of UDO to allow renters of a mini storage facility to sell their personal property in an open air market as an accessory use to the storage facility.

Edward Brooks appeared before the board

Mr. Ferguson presented the following case analysis to the board.

PB 05-23 Sarah Forbes Amendment to Article 1310, 2501 and 402, to allow a K9 grooming operation with no overnight kennels to be permitted with a zoning permit, within a GB zoning district pursuant to supplementary use regulations in Article 8.

August 1, 2005

To: Planning Board
Board of Commissioners

From: Planning Staff

Re: Pet Grooming Text Amendment

Dr. Sarah Forbes requests an amendment to the UDO to allow pet grooming with accessory retail sale of pet supplies, with no overnight care, to be permitted with a zoning permit in the General Business (GB) and Commercial (C) zoning district.

Staff supports this amendment with the following conditions:

- All activities of the grooming operation are inside with no outdoor kennels.

- No pets are kept overnight.
- Any grooming operation would have to prepare a commercial site plan and meet any applicable zoning, building and fire codes before the use begins.

The parking and bufferyard standards are already described in the UDO as “Service and enterprises related to animals.” No change to the existing parking or bufferyard standards for this use classification are needed.

With residential uses permitted in the General Business district, keeping pet grooming inside an enclosed structure will make the use more compatible with existing residences.

**SARAH FORBES
PB 05-23
UDO AMENDMENT REQUEST**

Dr. Sarah Forbes requests an amendment to Article 13, Section 1310 and Article 25, Section 2501 of the UDO to allow pet grooming with accessory retail sale of pet supplies, with no overnight care, to be permitted with a zoning permit in the General Business (GB) and Commercial (C) zoning district.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Part 1. That Article 13 be amended as follows:

USE#	DESCRIPTION	A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM
12.210	Pet Grooming Facility Inside a Fully Enclosed Structure							Z	Z			

Part 2. That Article 25, Section 2501 be amended as follows:

Pet Grooming Facility.

A facility providing such services as grooming for dogs, cats, or other household pets where these domestic animals are dropped off and picked up daily between the hours of 7 a.m. and 7 p.m. for temporary care on site and where they may be groomed, provided that overnight boarding is not permitted. Retail sales of pet supplies and toys shall be considered an accessory use. All activities shall be conducted within a fully enclosed structure.

Part 3. This ordinance amendment shall be in effect from and after the _____ day of _____, 2005.

Chairman, Board of Commissioners

Attest:

Gwen Tatem,
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____

VOTE: _____ AYES _____ NAYES

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
Ayes _____ Nays _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____ and _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____

AMENDMENT NUMBER: _____

DISCUSSION

Mr. Hawley asked if there was an intent for overnight kenneling at this location in the future.

Mr. Ferguson stated that this is a simple grooming operation, but the owner could come back for an amendment in the future.

Mr. Riley motioned to approve the request as presented. Mr. Keel seconded the motion. Motion passed unanimously.

Chris Taylor appeared before the board.

Ms. Eggar presented the following case analysis to the board.

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PB 98-21 Freedom Business Park Ph 3 Preliminary Plat for 19 lots on the north side of Freedom Ave approximately 1600' east of Caratoke Hwy. Tax Map 124 Lots 27B and 41A Poplar Branch Township.

PB 98-12 FREEDOM BUSINESS PARK PHASE 3, PRELIMINARY PLAT FOR 19 LIGHT MANUFACTURING LOTS

LOCATION: On the north side of Freedom Ave. approximately 1,600' east of the intersection with Caratoke Highway, Poplar Branch Township.

TAX ID: Tax Map 124 Parcels 27B and 41A

ZONING DISTRICT: Light Manufacturing

OWNER:

Michael & Gay Kuntz
326 N. Spot Road
Powells Point, NC 27966

APPLICANT/AGENT

The Spectra Group
563 Central Drive
Virginia Beach, VA 27966

LAND USE/ZONING OF SURROUNDING PROPERTY:

- NORTH:** Low Density Residential - zoned A
- SOUTH:** Light Manufacturing & Business Uses – zoned GB & LM
- EAST:** Low Density Residential - zoned A
- WEST:** Low Density Residential - zoned A & R

NARRATIVE OF REQUEST:

The Kuntzs are seeking Preliminary approval for the third phase (19 lots) within a previously approved 52 lot light manufacturing major subdivision. Lot sizes range from 40,000 sf to 43,000 sf. The acreage for this phase is approximately 21 acres.

The subdivision has one point of entry from Caratoke Highway. The lots will require individual septic systems and the developer will connect to the county's water system and install a waterline and fire hydrants.

The original four lots of this development were initially approved as a Private Access Subdivision. In March 2001 sketch plan approval was granted for a 27 lot commercial and light manufacturing subdivision. On January 7, 2002 preliminary plat approval was approved for 25 of the lots, a two lot reduction from the originally approved sketch plan. Final Plat approval for 24 lots was awarded in April of 2002. Due to an on-site stormwater retention requirements, there was the loss of one lot.

In June 2002, the Board Commissioners approved a rezoning of 29.27 acres from A (Agricultural) to LM (Light Manufacturing) for the purpose of allowing the continued

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expansion of this commercial & light manufacturing subdivision. In December 2002, amended sketch plan approval was granted for Phase 3 and an additional 28 lots for a total of 52 lots within the development.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

- STREETS:** The street will be built to NCDOT Design and Construction standards. The developer expects the streets will be dedicated to NCDOT for maintenance.
- WATER:** County water is available to this area. Developer will be installing a waterline and fire hydrants.
- FIRE:** This development is located within the jurisdiction of the Lower Currituck Volunteer Fire Department and will be served by fire hydrants.
- WASTEWATER:** Due to soil wetness, only 19 of the original 27 lots have been approved for on-site septic systems.
- OPEN SPACE:** No open space is required nor provided.
- DRAINAGE:** Roadside and property line swales/ditches which tie into a detention pond are being used to address the drainage for the site.
- FLOOD ZONES:** The property is located outside of a 100 year floodplain (flood zone C).

STAFF COMMENTS:

- The amended Sketch Plan for this phase was for 28 lots. Due to the requirements of on-site stormwater retention, only 27 lots are available for possible development. Due to poor soils, only 19 of the 27 lots tested were approved for individual septic systems. The lots which did not pass will be retested at a later date and will become Phase 4.
- Phase 2 was approved with a low density stormwater permit which only allowed 30% of the site to be covered with impermeable surfaces. Since that time the developer has modified the stormwater permit and incorporated Phase 3 into it to allow a 65% lot coverage. The developer and the engineer have had several meetings with county staff to review the drainage requirements for this development.
- On July 14, 2005 the Technical Review staff reviewed this application. At the TRC meeting, the primary concern was with the drainage, the installation of water services and the payment of tap fees. The soils for the site were initially evaluated by the Albemarle Regional Health services and than later by a soil scientist.

- In response to concerns expressed by the TRC, the Preliminary Plat and Construction drawings has been revised to reflect the following items:
 - Drainage maintenance easements have been added;
 - The ditch in Lot 8 has been relocated to fall within the existing easement;
 - Existing drainage easement information has been provided.
- The following items were not address on the revised preliminary plat and construction drawings:
 1. Building pad elevations are required to be shown; and
 2. Provide the average ditch depths in front of each lot
- TRC approvals:
 - (a) County Engineer - conditionally approved pending pad elevations on the lots
 - (b) Soil & Water Conservation - conditionally approved pending pad elevations on the lots
 - (c) Fire Marshal – reviewed with no comment
 - (d) Health Services – 19 of the 27 lots were approved for conventional on-site septic systems
 - (e) County Water Department – provide the average ditch depths in front of each lot; provide weekly progress report of events during construction of water system.
 - (f) County Mapper – approved as is
 - (g) Lower Currituck Volunteer Fire Department – no comments received
 - (h) Emergency Management Services - reviewed with no comments
 - (i) Recreation Department – reviewed with no comments
 - (j) NCDENR, Water Quality – Stormwater Permit – High density stormwater permit issued
 - (k) NCDENR, Land Quality Section – Erosion & Sedimentation control permit issued.
 - (l) NCDOT – driveway permit not required
 - (m) Phone Company – there is a 400 pair telephone cable buried on the south side of Freedom Avenue.
 - (n) Superintendent of Schools - reviewed with no comments
 - (o) Power –no comments received
 - (p) CAMA – outside of the permitting jurisdiction
 - (q) USACOE – outside of the permitting jurisdiction

STAFF RECOMMENDATION:

Staff recommends **approval** with the following conditions:

1. The following corrections shall be made to the Preliminary Plat and Construction Plans:
 1. The building pad elevations shall be shown for each lot; and
 2. Provide the average ditch depths in front of each lot
2. ***The corrected Preliminary Plat and Construction Plans shall be submitted and approved by the Planning Department prior to the Board of Commissioners meeting.***
To be scheduled for the first BOC meeting of the following month, the corrected plans

must be submitted to the Planning Department by noon on the Monday following the Planning Board meeting;

3. Street trees shall be planted on both sides of the street in accordance with Section 513(1) of the Unified Development Ordinance prior to submission for final plat approval;
4. That the waterline improvements shall installed, as-built and accepted into the state system prior to submission for final plat approval;
5. The drainage improvements shall be installed, as-built and certified prior to submission for final plat approval;
6. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions. The developer may request a maximum two year extension on the plat approval prior to the expiration of the preliminary plat approval;
7. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners.; and
8. That should any conditions within this permit conflict with any other permit(s) issued for this activity, and then the more restrictive condition shall prevail.

DISCUSSION

Mr. Kovacs asked if the ponds were detention or retention.

Mr. Taylor said they are wet ponds and will retain storm water on site.

Mr. Midgette motioned to approve the request as presented. Mr. Winter seconded the motion. Motion passed unanimously.

Sean Robey appeared before the board

Ms. Eggar presented the following case analysis to the board.

PB 04-48 Indian Ridge Estates Preliminary Plat for 29 lots on the south side of Shawboro Rd. approximately 600' west of intersection with Indiantown Rd. Tax Map 34, lots 17, 24F and 41 Crawford Township.

PB 04-48 INDIAN RIDGE, PRELIMINARY PLAT FOR 29 LOT RESIDENTIAL CONSERVATION SUBDIVISION

LOCATION: Located in Shawboro on the south side of Shawboro Road approximately 600' west of the intersection with Indiantown Road, Crawford Township.

TAX ID: 0034-000-0017-0000, 0034-000-024F-0000 & 0034-000-0041-0000
AUGUST 2, 2004

ZONING DISTRICT: Agricultural

OWNER:
James H. Ferebee, Jr.
P.O. Box 110
Shawboro, NC 27973

APPLICANT/AGENT
Hyman & Robey, PC
150-A US Hwy 158 East
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Farmland - zoned A
SOUTH: Farmland - zoned A
EAST: Residential - zoned A
WEST: Farmland - zoned A

NARRATIVE OF REQUEST:

James H. Ferebee, Jr. is requesting Preliminary Plat approval for 29 single family lots to be developed as a conservation subdivision. The development is located on approximately 252 acres of land in Shawboro. The lot sizes range from approximately 25,000 sf to 53,000 sf. Approximately 105 acres of open space will be dedicated.

The proposed subdivision will have one point of entry from Shawboro Road. There is a dedicated right-of-way to the southern property line to allow for future street connectivity. The lots will require individual septic systems and the developer will connect to the county's water system and install a waterline and fire hydrants.

This development was approved for 35 lots in August 2004. Due to soil conditions only 29 of the approved lots passed the soil evaluation for on-site septic systems.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: The streets will be built to NCDOT Design and Construction standards. The developer expects the streets will be dedicated to NCDOT for maintenance.

WATER: County water is available to this area. Developer will be installing a waterline and fire hydrants.

FIRE: This development will be located within the jurisdiction of the Crawford Volunteer Fire Department and will be served by fire hydrants.

WASTEWATER: Due to soil conditions, only 29 of the original 35 lots have been approved for on-site septic systems.

OPEN SPACE: Under the Conservation Subdivision provisions, a minimum 45% of the gross tract area (after deducting primary conservation areas and street rights-of-ways) must be dedicated as open space. The project is proposing to dedicate approximately 105 acres of open space, or 47% of the net tract area.

DRAINAGE: An interconnected series of lot line swales and roadside ditches will be tying into the existing roadside and lead ditches.

FLOOD ZONES: The property is located outside of the 100 year floodplain (Flood Zone C).

STAFF COMMENTS:

- On August 4, 2004 the Board of Commissioners approved this conservation subdivision for 35 lots. Due to poor soils, only 29 of the 35 lots tested were approved for individual septic systems. The lots which did not pass will be retested at a later date and will become Phase 2.
- On July 14, 2005 the Technical Review staff reviewed this application. At the TRC meeting, the primary concern was with the lack of pad elevations, clarification on pre and post development run-off, and to provide the average ditch depths in front of each lot.
- In response to concerns expressed by the TRC, the Preliminary Plat and Construction drawings have been revised to reflect the following items:
 - Pad elevations are shown for all lots; and
 - The ditch depths are shown for each lot.
- The following corrections shall be made to the Preliminary Plat and Construction Plans:
 1. Building pad elevations are required to be shown.
- TRC approvals:
 - (r) County Engineer – approved as is
 - (s) Soil & Water Conservation – reviewed and approved as is
 - (t) Fire Marshal – requests that low curbing be used with the traffic islands and that no utilities, trees or gazebos be placed in them
 - (u) Health Services – 29 of the 35 lots were approved for conventional on-site septic systems. Lots 26 to 31 were denied based on soil conditions.
 - (v) County Water Department – approved as is; provide weekly progress report of events during construction of water system.
 - (w) County Mapper – approved as is
 - (x) Crawford Volunteer Fire Department – no comments received
 - (y) Emergency Management Services - approved as is
 - (z) Recreation Department – reviewed with no comments

- (aa) NCDENR, Water Quality – Stormwater Permit – low density stormwater permit issued
 - (bb) NCDENR, Land Quality Section – Erosion & Sedimentation control permit issued.
 - (cc) NCDOT – prefers for the cul-de-sacs to be completely paved; no direct access to Lot 12 to SR 1147 and Lots 1 & 8 to NC 34; driveway permit has been issued
 - (dd) Phone Company – reviewed with no comment
 - (ee) Superintendent of Schools - reviewed with no comments
 - (ff) Power –no comments received
 - (gg) CAMA – not located within CAMA Area of Environmental Concern
 - (hh) USACOE – outside of the permitting jurisdiction
- The following items were not addressed on the Preliminary Plat:

1. ZZZZZZ

2. ZZZXXXXXX

3. AAAAAAAAAAA

STAFF RECOMMENDATION:

Staff recommends **approval** with the following conditions:

9. The following corrections shall be made to the Preliminary Plat and Construction Plans:
 1. The building pad elevations shall be shown for each lot; and
 2. Provide the average ditch depths in front of each lot
10. ***The corrected Preliminary Plat and Construction Plans shall be submitted and approved by the Planning Department prior to the Board of Commissioners meeting.***
To be scheduled for the first BOC meeting of the following month, the corrected plans must be submitted to the Planning Department by noon on the Monday following the Planning Board meeting;
11. Street trees shall be planted on both sides of the street in accordance with Section 513(1) of the Unified Development Ordinance prior to submission for final plat approval;
12. That the waterline improvements shall installed, as-built and accepted into the state system prior to submission for final plat approval;
13. The drainage improvements shall be installed, as-built and certified prior to submission for final plat approval;
14. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions. The developer may request a maximum two year extension on the plat approval prior to the expiration of the preliminary plat approval;
15. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners.; and

That should any conditions within this permit conflict with any other permit(s) issued for this activity, and then the more restrictive condition shall prevail.

DISCUSSION

Mr. Bell asked to see a photo with the railroad. He reminded Mr. Robey that the board had requested the opening of the subdivision to be on Indian Town Rd. during the sketch plan process. He wondered if that was an option.

Mr. Robey said that Mr. Ferebee was not in favor of the entrance being on Indiantown Rd. NCDOT approved the location of the entrance.

Mr. Bell asked if a turning lane is an option.

Mr. Robey said that NCDOT didn't ask for them, but he can go back and ask Mr. Ferebee.

Mr. Bell asked if there is anything that the board can do to require this.

Mr. Ferguson said that the Board of Commissioners opinion was that because of the size of the subdivision, it would have a negligible effect on safety.

Mr. Robey wanted to show the lots that were lost due to the soils. The health dept. said that there was no way for these lots to be developed and Mr. Robey doesn't think this subdivision will ever be any larger.

Mr. Ferguson said that the board's concern is legitimate and that if they board wishes, it can make it a condition of recommendation for approval.

Mr. Hawley asked if there is enough property for deceleration lane.

Mr. Robey said yes.

Mr. Hawley asked about ditch swales.

Mr. Robey spoke to the adjoining property owners concern at the sketch plan stage of the drainage and showed the board what they have done to fix drainage issues.

Mr. Hawley asked if the water was being moved through the other properties.

Mr. Robey said that they are not directing water down any property that they don't abut. Some of the water is being directed to the roads, the biggest majority is going back onto the property.

Mr. Kovacs motioned to approved the request with improvements to NC 34 with deceleration lanes or turning lanes. Mr. Bell seconded the request. Motion passed unanimously.

PB 05-27 Currituck County Amendment to require that lots created as a Family Subdivision may only be conveyed to family members, to allow a reduction of the accessway standards, and to allow more than one lot to be created at a time.

Mr. Ferguson presented the following case analysis to the board.

Memorandum

To: Planning Board
Board of Commissioners

From: Planning Director Gary Ferguson, AICP

Subject: PB 05-27 UDO Amendment to Family Subdivision Regulations

At the August 1, 2005 meeting, the Board of Commissioners directed the Planning Staff to amend the Family Subdivision standards due to hardships being created for family members. This amendment will allow more than one lot to be created at a time, require newly created Family Subdivision lots be conveyed only to family members and the accessway width and improvements may be reduced as determined by the Fire Chief. If the lot is conveyed to a non-family member, the minimum road standards shall be required to be installed. An additional requirement is that all family subdivisions will now require a Conditional Use Permit.

This amendment is brought to you anticipating improvements on the language.

CURRITUCK COUNTY
PB 05-27
UDO AMENDMENT REQUEST

CURRITUCK COUNTY requests the following amendment to the Currituck County Unified Development Ordinance:

PB 05-27 Currituck County Amendment: An amendment to require that lots created as a Family Subdivision be for family members, to allow a reduction of the accessway standards and to allow more than one lot to be created at a time.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1. That Section 902 be amended as follows:

Section 902 Subdivision Styles

Eight types of subdivisions are permitted. A maximum of five lots may be created with administrative approval on any separate tract in existence on April 2, 1989. Additional design and development standards for subdivision styles, other than Conventional are set forth in Part V of this Article.

- (c) Family Subdivision – Where single-family lots may be permitted to front on a private accessway. ~~and the division of lots may occur at a rate not greater than one lot per year up to a maximum of five lots~~ ***The lots created under this subdivision style may only be transferred, sold or conveyed to family members.*** (See Section 926 for special design and development standards.)

Item 2 That Section 905 be amended as follows:

Section 905 Definitions

Accessway - A private drive constructed with a compacted, graded, and drained roadbed with a 3” minimum gravel surface for access to lots created as a Family Subdivision (See diagram). ***The minimum accessway width and improvements may be reduced to a standard as determined by the Fire Chief, or their designee.***

Item 3 That Section 914 be amended as follows:

Section 914 Streets

Street Standards for Subdivisions					
	Right-of-Way*	Pvm't/Shoulder Width – Local Road	Pvm't/Shoulder Width – Collector Road	NCDOT Design Std.	NCDOT Construction Std.
Family	20' min.	16'2'****	N/A	No	No
Private Access	45' min.	18'4'**	N/A	No	Yes
Conventional Subdivision Up to 10 Lots & 5+ Ac Lots	45' min.	18'6'***	20'8'	Yes	Yes
Conventional Non-Residential	45' min.	20'6'***	20'8'	Yes	Yes
Open Space	45' min.	18'6'***	20'8'	Yes	Yes
Conservation	45' min.	18'6'***	20'8'	Yes	Yes
PRD & PUD	30' min.	20'/N/A OR 1 Way - 14'/N/A	N/A	No	Yes
Residential Airpark Dev.	45' min.	18'6'**	N/A	Yes	Yes

* 100' Right-of-way required for NC12 within the RO1 zoning district

** Non-Residential pavement width shall be 20'

*** May reduced to 4' with NCDOT approval

**** ***Accessway width and improvements may be reduced to a standard determined by the Fire Chief or their designee***

1. All streets within a proposed subdivision, (other than PUD's, PRD's, Family Subdivisions and Subdivisions in the RO2 zoning district), shall be designed, constructed and paved in accordance with the current *Subdivision Roads Minimum Construction Standards*, (www.doh.dot.state.nc.us/preconstruct/highway/dsn_srvc/value/manuals) as published by the Division of Highways, North Carolina Department of Transportation, unless a more restrictive standard is established by this Ordinance. Curb and gutter shall not be required, but if installed shall be in accordance with NCDOT standards. (See Appendix 9-C additional information.)

Streets within Private Access Subdivisions, Planned Residential Developments (PRD), and Planned Unit Developments (PUD) shall be exempt from NCDOT design standards in regards to allowable road curvature, right-of-way and pavement widths to allow flexibility in the subdivision design. Additional design criteria for streets within PRD's and PUD's are located in Sections 937 and 939 respectively.

Family Subdivisions are exempt from NCDOT design and construction standards. The minimum accessway standard shall be a compacted, graded, and drained roadbed with a 3” minimum gravel surface for access to the lots pursuant to Section 926 of this Article. ***The minimum accessway width and improvements may be reduced to a standard as determined by the Fire Chief, or their designee.***

Item 4 That Section 926 be amended as follows:

Section 926 Family Subdivisions

1. Family Subdivisions (FS’s) may be administratively approved.
2. FS’s shall only be used for residential purposes.
3. FS’s shall be developed exclusively for single-family dwellings located on individual lots fronting on a private accessway or a public street, but shall not be on an arterial or major arterial.
4. No private accessway shall serve more than five lots.
5. The minimum accessway improvement standard is a compacted, graded and drained 16’ roadbed with a **2’ shoulder and 3”** minimum gravel surface. ***The minimum accessway width and improvements may be reduced to a standard as determined by the Fire Chief or their designee.***
6. ***The lots created under this subdivision style may only be transferred, sold or conveyed to family members. If the property is transferred, sold or conveyed to a non-family member, than all required road improvements shall be installed. The deed shall state that the lot was created as a Family Subdivision with the condition that the accessway shall be improved to at least the minimum standards if transferred to a non-family member.***

Item 5: That Section 1310 be amended as follows:

USE#	DESCRIPTION	A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM
30.200	Minor	Z	Z	Z	Z	Z	Z	Z				
30.210	Family	C	C	C	C	C	C	C	C			

Item 6: That Section 2501 be amended as follows:

Family Subdivision. Where single-family lots may be permitted to front on a private accessway pursuant to Section and 926. The lots created under this subdivision style may only be transferred, sold or conveyed to family members. If the property is transferred, sold or conveyed to a non-family member, than all required road improvements shall be installed. The deed shall state that the lot was created as a Family Subdivision with the condition that the accessway shall be improved to at least the minimum standards if transferred to a non-family member.

Part 7. This ordinance amendment shall be in effect from and after the _____ day of _____, 2005.

Chairman, Board of Commissioners

Attest:

Gwen Tatem,
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____

VOTE: _____ AYES _____ NAYES

PLANNING BOARD DATE: _____ 8/9/05 _____
PLANNING BOARD RECOMMENDATION: _____
Ayes 9 Nays 0
ADVERTISEMENT DATE OF PUBLIC HEARING: _____ and _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____

AMENDMENT NUMBER: _____

DISCUSSION

Mr. Hawley asked about the request going before the Board of Adjustment.

*Minutes are not official until approved by the board.

Mr. Ferguson said that any time a subdivision is presented that wants relief from the road conditions, the owner will have to go before the Board of Adjustment.

Mr. Kovacs asked how we will know the property has been sold.

Mr. Ferguson said that a title search should alert the attorney that there will be road improvements required by the new owner.

Mr. Kovacs said that this board still has the right to state its concerns to the Commissioners.

Mr. Hawley asked if the tax department could somehow flag these lots.

Mr. Ferguson said that would be hard to regulate.

Mr. Riley asked how far a family extends.

Mr. Ferguson said that is not easily discernable.

Mr. Ferguson said that families want to be able to give more than one lot at a time when they have multiple children.

Mr. Keel motioned to approve the request as presented. Mr. Hawley seconded. Motion passed unanimously.

OLD BUSINESS

There was no old business to discuss.

ADJOURNMENT

There being no further business to discuss, Mr. Riley motioned for adjournment. Mr. Hawley seconded the motion and the motion passed unanimously. The meeting adjourned at 8:25 p.m.

Respectfully Submitted,

Tammy J. Underwood /s/

Tammy J. Underwood
Clerk to the Board