



Planning Board Agenda Packet

June 11, 2019

Work Session

5:30 PM

Call to Order - 6:00 PM

- A) Pledge of Allegiance & Moment of Silence
- B) Ask for Disqualifications
- C) Announce Quorum Being Met
- D) Approval of Agenda

Approval of Minutes for May 14, 2019**Old Business**

- A) **PB 19-07 Currituck County Text Amendment - Dune Protection:** Update on public outreach

New Business

- A) **PB 19-12 Currituck County - Height:** Request an amendment to the Unified Development Ordinance, Chapter 3, Zoning Districts, Section 3.5.9., to increase the maximum building height from 35' to 65' in the Heavy Industrial (HI) zoning district.
- B) **PB 19-13 Currituck County:** Text amendment to the Unified Development Ordinance, Chapter 2 Administration, Chapter 6 Subdivision and Infrastructure Improvements, and Chapter 10 Definitions and measurements, to limit minor subdivisions to those without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). It will also limit minor subdivisions from stripping out along existing NCDOT maintained roads. This text amendment does not apply to family subdivisions, a type of minor subdivision.

Announcements**Adjournment**



**CURRITUCK COUNTY
NORTH CAROLINA**

May 14, 2019
Minutes – Regular Meeting of the Planning Board

WORK SESSION

The Currituck County Planning board held a work session at 5:30 PM in the Historic Courthouse Conference Room with five board members present. Cheri Elliott, Clerk to the Board, handed out the revised Rules of Procedure adopted at the previous meeting. Jennie Turner, Planner II, briefed board members on the requested text amendment to add Outdoor Tour Operators, Aviation, as an allowed use in the Agriculture zoning district. Chairman Ballance voiced concerns about the text amendment opening up the County for several aviation tour operators running businesses in Agriculture zoning districts. He said the better option is to rezone the business' location to General Business. Ms. Turner said that is an option, but it would not have the standards in place. Ms. Turner explained the standards set within the text amendment that have to be met by an Outdoor Tour Operator, Aviation, as well as the requirement of a use permit. The work session adjourned at 6:58 PM.

CALL TO ORDER - 6:00 PM

The Planning Board met in a regular session at 6:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
C. Shay Ballance	Chairman	Present	
Garry Owens	Vice Chairman	Present	
K. Bryan Bass	Board Member	Present	
David Doll	Board Member	Present	
Anamarie Hilgendorf	Board Member	Absent	
Juanita S Krause	Board Member	Absent	
J. Timothy Thomas	Board Member	Present	
Laurie LoCicero	Planning and Community Department Director	Present	
Jennie Turner	Planning and Community Development Planner II	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Ballance called the meeting to order at 7:00 PM.

A. Pledge of Allegiance & Moment of Silence

Chairman Ballance asked everyone to stand for the Pledge of Allegiance and a moment of silence.

B. Ask for Disqualifications

Chairman Ballance asked if any board member had a conflict of interest. There were no conflicts noted.

C. Announce Quorum Being Met

Chairman Ballance announced a quorum being met with five board members present.

D. Approval of Agenda

Chairman Ballance asked if any changes were needed for the tonight's agenda. Mr. Bass motioned to approve as presented. Mr. Doll seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, J. Timothy Thomas, Board Member
ABSENT:	Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member

APPROVAL OF MINUTES FOR APRIL 9, 2019

Chairman Ballance asked if there were any changes needed for the April 9, 2019 meeting minutes. Mr. Doll motioned to approve as presented. Mr. Thomas seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, J. Timothy Thomas, Board Member
ABSENT:	Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member

E. PB Minutes April 9, 2019

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

A. PB 19-09 Bruce Weaver, Kitty Hawk Kites - Text Amendment:

Jennie Turner, Planner II, presented the staff report. Ms. Turner explained how the requested text amendment for the Unified Development Ordinance (UDO) would create a new Use Type within the Recreation/Entertainment, Outdoor Use Category for Outdoor Tour Operator, Aviation. She explained the added definition, applicant's proposed language, as well as the staff's proposed language highlighted in yellow and approved by Mr. Weaver. The Outdoor Tour Operator, Aviation, would have to meet several standards and a use permit would be required to be issued by the Board of Commissioners. Ms. Turner stated how the review standards were met and gave examples of each requirement for the requested text amendment. Ms. Turner gave background information and why the text amendment is needed. She said Outdoor Recreation was removed as an allowable use in

the Agriculture (AG) zoning district with a use permit in January 2013. This change was needed to keep large businesses which require large facilities/structures from impacting adjacent neighbors and the community. Kitty Hawk Kites does not require large facilities and should have their own Use Type which would be allowed in the AG zoning district. Ms. Turner read the statement of consistency and reasonableness and said staff recommends approval.

Chairman Ballance asked board members if they had any questions for staff. There were no questions.

Chairman Ballance opened the public hearing.

John Harris, owner of Kitty Hawk Kites, came before the board. He said Kitty Hawk Kites has been conducting hang gliding/flight services since the 1980's with an excellent operating history. Kitty Hawk Kites has operated at the Cotton Gin since 2011 and Mr. Wright has created nice grass strips for their use. Mr. Harris said the Unified Development Ordinance changed in 2013 which made them nonconforming and they would like to have this requested text amendment approved so they can continue their operation.

Bruce Weaver with Kitty Hawk Kites came before the board. He explained some of the operations of Kitty Hawk Kites concerning the flight school and asked that the text amendment be approved.

Tom Wright, with the Cotton Gin, came before the board in support of the text amendment. He said Kitty Hawk Kites works hard to engage visitors in fun activities which encourages them to come back to the mainland from the beach area.

Chairman Ballance closed the public hearing.

Mr. Bass motioned to approve the requested text amendment, PB 19-09 Bruce Weaver, Kitty Hawk Kites - Outdoor Tour Operator, Aviation as stated subject to the staff recommendation and the suggested Statement of Consistency and Reasonableness. Mr. Thomas seconded the motion and the motion carried unanimously.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 6/3/2019 6:00 PM
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, J. Timothy Thomas, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member	

ANNOUNCEMENTS

Chairman Ballance asked Ms. LoCicero for an update on the Dune Text Amendment which is scheduled for the next Planning Board Meeting. Ms. LoCicero said a Stakeholders Meeting was scheduled for May 22, but the meeting was found to be in conflict with another builder's meeting in Raleigh. The meeting date and time has tentatively changed to May 30th from 10 AM to 12 AM. The location of the meeting has not been confirmed yet.

ADJOURNMENT

Mr. Thomas motioned to adjourn the meeting. Mr. Bass seconded the motion and the meeting adjourned at 6:25 PM.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2512)

Agenda Item Title

PB 19-07 Currituck County Text Amendment - Dune Protection:

Brief Description of Agenda Item:

Update on public outreach

Board Action Requested

Information

Person Submitting Agenda Item

Jennie Turner,

Presenter of Agenda Item

Jennie Turner



Currituck County

Planning and Community Development Department

Planning Division

153 Courthouse Road, Suite 110

Currituck, North Carolina, 27929

252-232-3055 FAX 252-232-3026

MEMORANDUM

To: Planning Board

From: Planning Staff

Date: June 4, 2019

Subject: PB 19-07 Currituck County – Dune Protection

At the April 9, 2019 Planning Board meeting, staff was asked to get more public input on the proposed dune protection ordinance.

Planning staff held a meeting on May 30th at the Wildlife Education Center in Corolla. The meeting was open to the public; Board of Commissioners Chairman Bob White and Commissioner Paul Beaumont were in attendance. Following the meeting, the Board of Commissioners scheduled a work session on the dune protection ordinance for June 17, 2019 prior to the BOC meeting. Staff anticipates getting direction from the Commissioners on June 17th.

The following are discussion points from the meeting.

- General concern about the number of nonconforming pools/structures created as a result of the proposed language
- Request for beach nourishment
- Request the county perform financial analysis of dunes and impacts on property values
- Strike portion of the proposed language that prohibits dune disturbance “on a frontal or primary dune”
- Evaluate other setback options and impacts to existing pools/structures (10', 20', 30', 40', 50', 60')
- Concern about creating nonconforming pools and structures and insurance implications
- Consider grandfather clause for existing pools/structures for maintenance and replacement
- Adopt CAMA dune disturbance rules locally and have planning staff implement the rules more strictly
- Consider the value of the community vs. dune protection
- Evaluate existing pools within the 60' setback area and dune impacts on those properties
- Consider requiring a benchmark dune (width, height, breadth, volume) - based on an average storm and duration

- Concern about impacts to the tax base in Corolla
- Research and provide data on the current number of endangered pools/structures
- Require more detailed site grading plans
- Require/Encourage sand fence installation and vegetation on the east side of the dune
- Request another meeting prior to language heard by Planning Board and Board of Commissioners
- The county should solicit feedback from appraisers and mortgage bankers

Staff will advise the Planning Board of BOC direction and next steps following the June 17, 2019 work session.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2513)

Agenda Item Title

PB 19-12 Currituck County - Height:

Brief Description of Agenda Item:

Request an amendment to the Unified Development Ordinance, Chapter 3, Zoning Districts, Section 3.5.9., to increase the maximum building height from 35' to 65' in the Heavy Industrial (HI) zoning district.

Board Action Requested

Action

Person Submitting Agenda Item

Donna Voliva,

Presenter of Agenda Item

Donna Voliva



Currituck County
 Planning and Community Development Department
 Planning and Zoning Division
 153 Courthouse Road Suite 110
 Currituck NC 27929
 252-232-3055 Fax 252-232302

To: Planning Board
 From: Planning Staff
 Date: May 30, 2019
 Subject: PB 19-12 Currituck County – Height Text Amendment

Request

The proposed text amendment submitted by Currituck County is to increase the maximum structure height in the Heavy Industrial (HI) zoning district from 35' to 65'.

Current UDO Language

The UDO limits all structures to a 35' maximum height across all zoning districts. The structure height is measured from average established (finished) grade adjoining the building to the highest point of the roof surface of:

- A flat roof;
- The deck line of a mansard roof; and,
- The mean height level between eaves and ridge of a gable, hip, cone, gambrel, and shed roof.

The UDO also allows for increases in the maximum height when the development is located in specified zoning districts (MXR, GB, LB, LI, HI, and planned development districts) and integrates sustainable development practices (energy conservation, LEED certification, water conservation and quality protection, building configuration). The current language along with the incentives for sustainable development practices would not achieve the 65' maximum height proposed in this request.

The UDO community compatibility standards cap the building height when located adjacent to, across the street from, or within 100 feet of a property containing an existing single family dwelling.

Background

Maximum structure heights are established to promote a sense of scale with other uses in the area. As the county's industrial areas attract new and emerging business and types of businesses, building design could be critical to sustain development in industrial zoned areas. The requested increase provides building design flexibility, accommodates more intense

industrial land uses within a structure, and allows for areas of enclosed equipment, or appurtenances that require additional height.

Comparison

Jurisdiction	Maximum Height Summary
Camden County	Heavy Industrial District: 50'
Pasquotank County	I-1 District: 56' I-2 District: 400' (airship building)
Dare County	35'- 40' depending on use type
Perquimans County	Heavy Industrial District: 35' - 50' depending on adjacent land use
Isle of Wight (VA)	GI District: 100' with increased setback above 35' (1' to 1')
Pittsboro	M (1-2) Districts: 50'
Onslow County	Industrial District: 85' with adequate fire protection

Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation

The 2006 Land Use Plan does not directly address specific policies or objectives regarding structure height; but, the plan does provide policies, goals, and objectives that encourage compatibility between uses. The compatibility between land uses has an indirect association with structure height. The plan establishes Ten Land Use and Development Goals some of which relate to compatibility including:

- Goal 5: To diversify the County's economic base, to include environmentally compatible businesses and industries that reach beyond the tourist-based economy.
- Goal 10: To properly distribute development forms in accordance with the suitability of land, infrastructure available and the compatibility of surrounding land uses.

Also, Appendix H of the 2006 Land Use Plan provides an infrastructure analysis that addresses the densities and intensities for maximum build out and maintains a 35' maximum height limitation for all land use classifications and sub-districts.

The UDO requires industrial uses that are adjacent to or within 100' of a single family dwelling to not exceed 35' and incorporate transitional standards in the building design. In addition to compatibility between uses, it may be important to address the scale of the structure in relation to the property. The board may consider an increased setback for structures above 35'. Typically, the increased setback would be an additional one foot setback for every one foot the structure exceeds 35'.

Staff recommends approval of the request with the incorporation of an increased setback for structures above 35' (1' for every 1' above 35', provided adequate fire protection can be achieved, community compatibility standards are maintained, and the following suggested Statement of Consistency and Reasonableness as recommended by staff is adopted:

The requested text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

- Goal 10: To properly distribute development forms in accordance with the suitability of land, infrastructure available and the compatibility of surrounding land uses.

The request is reasonable and in the public interest because:

1. It maintains the purpose and intent of the HI zoning district and improves building design flexibility for new industry located in the county; and,
2. An increased setback along with community compatibility standards ensures efficient development within the county and improves compatibility among land uses.



**PB 19-12 CURRITUCK COUNTY
TEXT AMENDMENT
PLANNING BOARD
JUNE 11, 2019**

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 3, Zoning Districts, to increase the maximum building height from 35' to 65'.

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 Chapter 3 is amended by deleting the following strikethrough language and adding the bold and underlined language in Section 3.5.9.:

3.5.9. Heavy Industrial (HI) District

F. DIMENSIONAL STANDARDS

Max Gross Density (du/ac)	N/A	Min. Major Arterial Street Setback (ft) [4]	50
Max. FAR (%)	0.40	Min. Side Setback (ft)	15
Min. Lot Area (sf ft)	80,000	Min. Rear Setback (ft)	25
Max. Lot Area (acres)	N/A	Min. Agricultural Setback (ft) [5]	50
Min. Lot Width, Interior Lot (ft)	125 [1]	Min. Accessory Use Setback (ft)	20
Min. Lot Width, Corner Lot (ft)	135 [1]	Min. Driveway/Parking Setback (ft)	10
Max. Lot Depth (ft)	[2]	Min Fill Setback from all Lot Lines (ft)	10
Max. Lot Coverage (%)	65	Min. Wetland/Riparian Buffer (ft) [5]	30
Min. Front Setback (ft)	20 [2]	Max. Building Height (ft) [6]	<u>35 65</u> [1]
Min. Corner Side Setback (ft) [3]	20 [3]	Min. Spacing Between Buildings (ft)	10

[1] All lots shall maintain a minimum street frontage of 35 feet

[2] Lot depth shall not exceed four times the lot width

[3] Driveways shall provide access from street with less traffic

[4] Metal siding is prohibited on building facades facing major arterial streets

[5] Applied to major subdivisions platted after January 1, 2013 and sit plans on lots 10 acres in area and greater

[6] Some site features are exempted from height limits

Item 2: Staff suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- An increased setback incorporated into the proposed text amendment would properly distribute development forms in accordance with the suitability of land, infrastructure available and the compatibility of surrounding land uses. (Goal 10)

The request is reasonable and in the public interest because:

- It maintains the purpose and intent of the HI zoning district and improves building design flexibility for new industry located in the county; and,

- An increased setback along with community compatibility standards ensure efficient development within the county and improves compatibility among land uses.

Item 3: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 2019.

Board of Commissioners' Chairman
Attest:

Leeann Walton
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: _____



Text Amendment Application

OFFICIAL USE ONLY:	PB 19-12
Case Number:	
Date Filed:	
Gate Keeper:	
Amount Paid:	

Contact Information

APPLICANT:

Name: Currituck County
 Address: 153 Courthouse Road
 Currituck, NC 27929
 Telephone: 252-232-2075
 E-Mail Address: _____

Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 3 Section(s) 3.5.9.F. as follows:

Change the maximum building height in the Heavy Industrial (HI) zoning district from 35' to 65'

*Request may be attached on separate paper if needed.

John D. Brown
Petitioner

5-2-19
Date



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2510)

Agenda Item Title

PB 19-13 Currituck County:

Brief Description of Agenda Item:

Text amendment to the Unified Development Ordinance, Chapter 2 Administration, Chapter 6 Subdivision and Infrastructure Improvements, and Chapter 10 Definitions and measurements, to limit minor subdivisions to those without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). It will also limit minor subdivisions from stripping out along existing NCDOT maintained roads. This text amendment does not apply to family subdivisions, a type of minor subdivision.

Board Action Requested

Action

Person Submitting Agenda Item

Tammy Glave,

Presenter of Agenda Item

Tammy Glave


Currituck County

Planning and Community Development Department
 Planning and Zoning Division
 153 Courthouse Road Suite 110
 Currituck NC 27929
 252-232-3055 Fax 252-232302

To: Board of Commissioners
 Planning Board

From: Planning Staff

Date: May 20, 2019

Subject: PB 19-13 Currituck County Text Amendment – Minor Subdivisions

Background

At its January 2019 retreat, the Board of Commissioners directed staff to address the increasing use of minor subdivisions. Minor subdivisions are divisions of land into 5 lots or less without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). One major concern was minor subdivisions creating new access points on existing NCDOT roads that are major and minor collector streets. It is important to note that these changes do not apply to family subdivisions.

In a 2017 interpretation from Department of Insurance, it was asserted that the NC Fire Code applied to subdivisions of 3 or more lots. Previously, the Fire Code was only applied to major subdivisions (more than 5 lots). The application of the fire code requires a road built to a certain standard and a fire hydrant or fire pond be installed. A higher level of review is required for subdivisions installing this type of infrastructure. This draft text amendment requires this type of subdivision to be reviewed by the Technical Review Committee (TRC) (Planning, Building/Fire, Engineering, Water, Environmental Health, Stormwater, etc.) and can no longer be administratively approved by the Planning Director alone.

The text amendment also prevents minor subdivision lots from creating numerous new access point along existing NCDOT roads. Limiting driveway cuts along existing roads preserves the traffic function of the road and minimizes traffic accidents. To have higher quality developments, it is important to mandate internal streets at three or more lots.

Finally, the text amendment addresses a conflict with the Fire Code that requires “an unobstructed width of not less than 20 feet, exclusive of shoulders,” for access to newly created lots. To meet the Fire Code standards, Private Access Street standards (only allowed for family subdivisions or subdivisions serving two or fewer lots) are being adjusted to require 20’ of all-weather surface road able to support 75,000 pounds instead of 16’ that is currently required.

Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In

determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation

Staff recommends approval of this request subject to the staff suggested Statement of Consistency and Reasonableness listed in the staff report and the following text amendment standards:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
 - a. This request is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans. Please reference LUP policies HN 4, TR5, and CA 1.
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - a. The request is in harmony with the UDO and the County Code of Ordinances.
3. Is required by changed conditions;
 - a. Since Fire Code standards apply to minor subdivisions that creates more than two lots (except Family Subdivisions), additional infrastructure is required. It is necessary for more departments and agencies to review the subdivision request since the subdivision can no longer be administratively approved by the Planner Director. A full TRC review is necessary, just as major subdivisions are reviewed.
 - b. Fire Code access standards apply to all newly created lots.
 - c. As more minor subdivisions develop, the safety of the traveling public must be a primary concern.
4. Addresses a demonstrated community need;
 - a. Community health and safety is of utmost concern.
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
 - a. It will ensure efficiently and thoroughly vetted development within the county.
6. Would result in a logical and orderly development pattern; and
 - a. It is logical to require a full TRC review of subdivisions installing infrastructure and limiting excess driveway cuts along existing roads to create an orderly development pattern.

7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
 - a. It should have no adverse impacts on the natural environment.



**PB 19-13 CURRITUCK COUNTY
MINOR SUBDIVISION TEXT
AMENDMENT
PLANNING BOARD
JUNE 11, 2019**

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 2 Administration, Chapter 6 Subdivision and Infrastructure Improvements, and Chapter 10 Definitions and measurements, to limit minor subdivisions to those without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). It will also limit minor subdivisions from stripping out along existing NCDOT maintained roads. This text amendment does not apply to family subdivisions, a type of minor subdivision.

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 Chapter 2 is amended by deleting the following bold, underlined, and strikethrough language and adding the bold and underlined language in Section 2.4.8 Subdivisions:

2.4.8 Subdivision

C. Subdivisions Distinguished

(2) Minor Subdivision

A minor subdivision consists of the division of land into five or fewer lots that does not constitute a no review subdivision **and does not require significant infrastructure improvements (Including but not limited to a road installed to NCDOT standards, fire hydrant, fire pond)**

(3) Major Subdivision

All other subdivisions of land shall constitute a major subdivision.

D. Minor Subdivision

(2) Minor Subdivision Review Standards

(a) General Standards

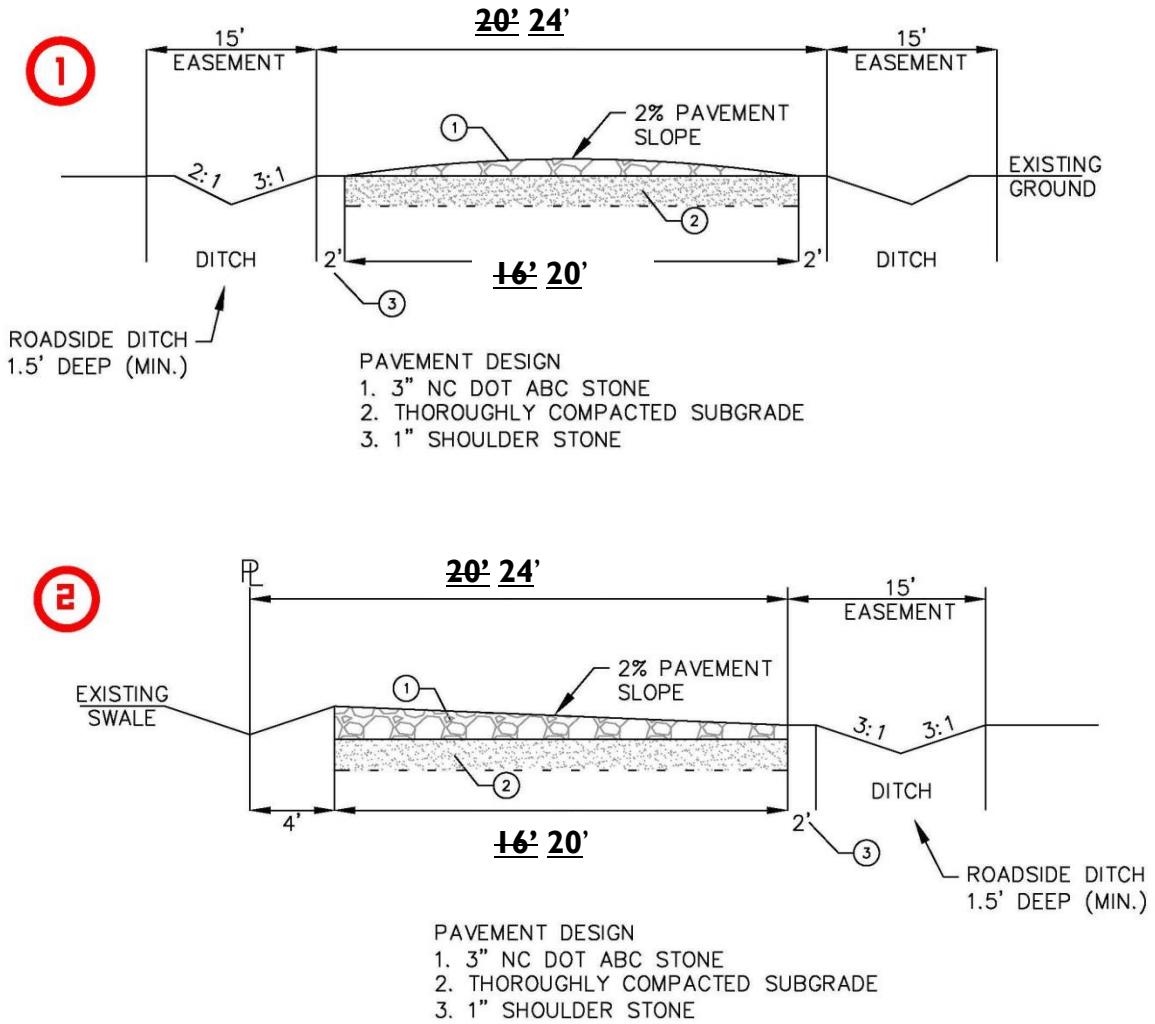
A minor subdivision shall be approved on a finding that:

- (i)** It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.B; and all other applicable standards in this Ordinance;
- (ii)** It complies with the dimensional standards of Chapter 3;

- (iii) It will result in five or fewer lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B, Additional Standards for Family Subdivisions);
- (iv) It does not fronts an existing NCDOT-maintained public street or but rather a private access street; **It fronts a private access street;**
- (v) There is no public right-of-way dedication;
- (vi) It does not create a private access street serving more than two lots unless it is a family subdivision;
- (viii) Any private access street created complies with Section 6.2.1.B.1 Private Access Street Standards; and,
- (ix) *It does not require significant infrastructure improvements (including but not limited to a road installed to NCDOT standards, fire hydrant, fire pond).*

Item 2: That Chapter 6 is amended by deleting the following bold, underlined, and strikethrough language and adding the bold and underlined language in Figure 6.2.1.B: Private Access Street Standards:

Figure 6.2.1.B: Private Access Street Standards



Item 3: That Chapter 6 is amended by deleting the following bold, underlined, and strikethrough language and adding the bold and underlined language in Figure 6.2.1.D: Minimum Street Width Standards:

Subdivision Type	Minimum Right of Way Width (feet)	Local Street		Collector Street		NCDOT Design Standards Applicable?	NCDOT Construction Standards Applicable?
		Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)	Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)		
Family Subdivision	20 39	16 20	2	N/A	N/A	No	No
Residential Subdivision	See NCDOT <i>Subdivision Roads Minimum Construction Standards Manual</i>						Yes
Nonresidential Subdivision							Yes
Conservation Subdivision	30	20 [I]	N/A	N/A	N/A	No	Yes
Planned Unit and Planned Development	30	20 [I]	N/A	N/A	N/A	No	Yes

NOTES:

[I] See Section 6.2.1.G for one-way street pavement width requirements

Item 4: That Chapter 10 is amended by deleting the following bold, underlined, and strikethrough language and adding the bold and underlined language in Section 10.5 Definitions:

SUBDIVISION, MINOR

The division of land into five or fewer lots that does not constitute a no review subdivision **and does not require significant infrastructure improvements (including but not limited to a road installed to NCDOT standards, fire hydrant, fire pond)**.

Item 5: Staff suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- POLICY HN4: Currituck County shall discourage all forms of housing from leapfrogging into the midst of farmland and rural areas, thereby eroding the agricultural resource base of the county.
- Policy TR5: So as to preserve the traffic moving function of the County's primary roads, minimize traffic accidents, and avoid land locking interior land parcels, Currituck County shall discourage residential and commercial strip development along the county's primary roads.
- Policy CA1: The important economic, tourism, and community image benefits of attractive functional major highway corridors through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive

priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting, and tree preservation.

The request is reasonable and in the public interest because:

- A higher level of review is required for subdivisions installing significant infrastructure (i.e. roads installed to NCDOT standards, fire hydrants, fire ponds). This type of subdivision must be reviewed by the Technical Review Committee and not administratively approved by the Planning Director alone.
- It prevents minor subdivision lots from being stripped out along existing NCDOT roads.

Item 6: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 7: This ordinance amendment shall be in effect from and after the _____ day of _____, 2019.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____ AYES _____ NAYS _____
.....

PLANNING BOARD DATE: June 11, 2019
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: _____



Text Amendment Application

OFFICIAL USE ONLY: **PB 19-13**
Case Number:
Date Filed: 4/25/19
Gate Keeper: dg
Amount Paid: n/a

Contact Information

APPLICANT:

Name: County of Currituck

Address: 153 Courthouse Road Suite 204
Currituck NC 27929

252.232.2075

Telephone: 252-252-2070
E-Mail Address: ben.stikeleather@currituckcountync.gov

Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 2, 6, and 10 Section(s) 2.4.B, Figure 6.2.1.B, Figure 6.2.1.D, and 10.5 as follows:

To limit minor subdivisions to those subdivision that do not require significant infrastructure improvements

(Including but not limited to a road installed to NCDOT standards, fire hydrant, fire pond):

To limit minor subdivisions from stripping out along existing NCDOT maintained roads.

*Request may be attached on separate paper if needed.

Ben Hise

Petitioner

6/4/19

Date _____