



**Planning Board
Agenda Packet**

June 8, 2021

Work Session

5:30 PM

Call to Order - 6 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 11, 2021**Old Business**

- A) **PB 20-12 Carolina Club Homeowner's Association:** Request to amend the Currituck County Unified Development Ordinance, Chapter 4, Use Standards to allow shared parking of major recreational equipment as an accessory use in major subdivisions approved and recorded prior to January 1, 2013.

New Business

- A) **PB 21-10 Currituck County Text Amendment:** Request to amend the Currituck County Unified Development Ordinance, Chapter 2. Administration, Chapter 6. Subdivision and Infrastructure Standards, and Chapter 10. Definitions and Measurement to allow family subdivisions on parent parcels 12 acres in area or larger without the required connection to an existing NCDOT maintained street.

Announcements**Adjournment**



**CURRITUCK COUNTY
NORTH CAROLINA**

May 11, 2021

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 Board Meeting Room with six board members present. Staff members present were Laurie LoCicero, Planning and Community Development Director; Donna Voliva, Assistant Planning Director; Jennie Turner, Planner II; Jason Litteral, Planner II; and Cheri Elliott, Clerk to the Planning Board. The board members were briefed concerning the agenda items with the work session concluding at 6:00 PM.

CALL TO ORDER - 6:00 PM

The Planning Board met for a regular meeting 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	
Lynn L. Hicks	Board Member	Present	
Thomas Hurley	Board Member	Absent	
Juanita S Krause	Board Member	Present	
Laurie LoCicero	Planning Director	Present	
Donna Voliva	Assistant Planning Director	Present	
Jennie Turner	Planner II	Present	
Jason Litteral	Planner II	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Ballance called the meeting to order at 6:00 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 with the agenda items tonight. Mr. Hicks said he had a conflict with the first case on the agenda, PB 20-12 Carolina Club Homeowners Association's requested text amendment since he owns

Communication: Planning Board Minutes - May 11, 2021 (Approval of Minutes for May 11, 2021)

property at Carolina Club so he would recuse himself. Chairman Ballance said Mr. Hicks could remain in his sit, but he would not take part in the discussions or vote.

C. Announce Quorum Being Met

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

D. Approval of Agenda

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	K. Bryan Bass, Board Member
SECONDER:	David Doll, Board Member
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Lynn L. Hicks, Board Member, Juanita S Krause, Board Member
ABSENT:	Thomas Hurley, Board Member

APPROVAL OF MINUTES FOR MARCH 9, 2021

Chairman Ballance asked if there were any changes needed for the March 9, 2021 meeting minutes. Ms. Krause motioned to approve as presented. Mr. Owens seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Juanita S Krause, Board Member
SECONDER:	Garry Owens, Vice Chairman
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Lynn L. Hicks, Board Member, Juanita S Krause, Board Member
ABSENT:	Thomas Hurley, Board Member

E. Planning Board Minutes - March 9, 2021

OLD BUSINESS

No old business discussed.

NEW BUSINESS

A. PB 20-12 Carolina Club Homeowner's Association:

Donna Voliva presented the staff report, reviewed the background information for the requested text amendment, explained the specific standards on pages 11-12 of the agenda packet, and presented PowerPoint slides showing the current Unified Development Ordinance (UDO) standard which requires shared storage and temporary parking of recreational equipment for developments containing 20 or more lots with an average lot size of less than 20,000 square feet. Ms. Voliva said this specific UDO standard was enacted in

2013 so it did not apply to the Carolina Club since it was built prior to that date. Ms. Voliva also reviewed slides showing three examples of developments (Eagle Creek, Laurel Woods, and Riversedge) built prior to 2013 which had storage and temporary parking of recreational equipment designed into their original plans. Ms. Voliva said the use itself is not inconsistent with the Land Use Plan, but the request does not provide sufficient language to address the impacts associated with the activities and this text amendment would be countywide. She said the applicant is proposing a zoning permit process for the new accessory use, but the administrative review does not allow an adjacent property owner not in the subdivision the opportunity to present evidence during a quasi-judicial hearing; a use permit process would work better so the adjacent property owners were notified of the requested changes along with the hearing. Ms. Voliva said staff cannot recommend approval as the requested text amendment is currently written, but may be able to support a text amendment which meets the review standards and addresses the outlined concerns with compatibility, use of dedicated open space, and process for a recorded development. She said more time is needed to work with the applicant to development better language within the text amendment.

Daryl Hood who resides at 173 Carolina Club Drive came before the board as representation of the Carolina Club HOA. He reviewed the outstanding staff concerns along with the text amendment review standards found in the staff report and gave the board his counter-statements. Mr. Hood said all property owners within Carolina Club knew about the requested change to the UDO to allow Carolina Club to install the shared storage and temporary parking of recreational equipment site and all were in agreement for the parking addition.

Chairman Ballance asked Mr. Hood if they were willing to table the request to give more time to work through the issues and Mr. Hood agreed.

Mr. Bass asked if the property for the parking area was recently purchased by the HOA. Mr. Hood said it was and gave a short history of the purchase along with the moving of the septic fields.

Chairman Ballance asked for public comment. Hearing none, he closed the public hearing.

Chairman Ballance asked for questions and discussion from the board. Hearing none, he asked for a motion.

Ms. Krause motioned to table the request. Mr. Doll seconded the motion and the motion carried unanimously 5-0; Mr. Hicks was recused due to a conflict of interest.

RESULT:	TABLED [5 TO 0]	Next: 6/8/2021 6:00 PM
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
ABSENT:	Thomas Hurley, Board Member	
RECUSED:	Lynn L. Hicks, Board Member	

B. PB 21-08 Truck Accessory Center:

Jason Litteral handed out a revised staff report for the proposed text amendment and

explained why the revision was necessary. Mr. Litteral said the requested changes to the Unified Development Ordinance were originally within Chapter 5, but staff is now recommending the changes be made in Chapter 4. He gave the background information, presented PowerPoint slides, gave the text amendment review standards, and the staff's statement of consistency and reasonableness.

Mr. Bass clarified the board would be approving only the changes to Chapter 4 of the UDO and Mr. Litteral confirmed.

Ms. Krause asked if the parking storage area would be used for sales. Mr. Litteral said he could not confirm that, but since the area is located across the state highway, it did not seem logical for this use.

There was discussion over this text amendment being countywide. Mr. Litteral said it would be, but the parking storage area would have to be located within 2,000 ft of the primary business.

Cathleen Saunders with Quible, 8455 Caratoke Highway, came before the board. She said they have reviewed the latest changes proposed by staff and support these changes. Ms. Saunders said she feels this text amendment is needed for this business since it has grown so much and it is a good business for the County.

Chairman Ballance asked for public comment. Hearing none, the public hearing was closed.

Chairman Ballance asked for discussions or questions from the board. Hearing none, he opened the floor for a motion.

Mr. Doll moved to **approve** PB 21-08 Truck Accessory Center because the request is consistent with the Land Use Plan policy ED1

And the request, with staff suggested changes, is reasonable and in the public interest because:

- A Type D buffer yard will provide appropriate screening from off-site views.

Mr. Bass seconded the motion and the motion carried unanimously 6-0.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 6/7/2021 6:00 PM
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Lynn L. Hicks, Board Member, Juanita S Krause, Board Member	
ABSENT:	Thomas Hurley, Board Member	

C. PB 21-09 Currituck County 160D:

Jennie Turner presented the staff report for the text amendment submitted by Currituck County Planning and Community Development Department to implement the new North Carolina General Statutes Chapter 160D which consolidates city and county enabling

statutes for development regulations into a single, unified chapter. Ms. Turner said local governments have until July 1, 2021 to conform their local ordinances to this new law.

Ms. LoCicero praised Ms. Turner for undertaking this massive change to the Unified Development Ordinance.

Ms. Turner reviewed the changes due to Chapter 160D along with some additional terminology changes to coincide with the unrelated department name change from Planning and Community Development Department to Development Services Department. The term Planning Director shall be stricken and replaced with the term Director and the definition term Planning Director shall become the term Development Services Director.

Ms. Turner gave the text amendment review standards and the consistency statement. Ms. LoCicero gave guidance to the board on how to include the revisions in the motion.

Chairman Ballance asked for any discussion; hearing none, he asked for a motion.

Mr. Bass moved to approve PB 21-09 including the revised changes because the request is consistent with Land Use Development Goal #10 of the 2006 Land Use Plan.

And the request is reasonable and in the public interest because:
It amends the UDO for compliance with North Carolina General Statutes

Mr. Owens seconded the motion and the motion carried unanimously 6-0.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 6/7/2021 6:00 PM
MOVER:	K. Bryan Bass, Board Member	
SECONDER:	Garry Owens, Vice Chairman	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Lynn L. Hicks, Board Member, Juanita S Krause, Board Member	
ABSENT:	Thomas Hurley, Board Member	

ANNOUNCEMENTS

Ms. LoCicero welcomed new board member, Lynn Hicks.

ADJOURNMENT

Mr. Owens motioned to adjourn the meeting; Mr. Doll seconded the motion and the meeting adjourned at 7:24 PM.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3119

Agenda Item Title: PB 20-12 Carolina Club Homeowner's Association:

Submitted By: Donna Voliva – Planning & Community Development

Item Type: Legislative

Presenter of Item: Donna Voliva

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Currituck County Unified Development Ordinance, Chapter 4, Use Standards to allow shared parking of major recreational equipment as an accessory use in major subdivisions approved and recorded prior to January 1, 2013.

Planning Board Recommendation:

Staff Recommendation: Approval

TRC Recommendation:



Currituck County

Planning and Community Development Department

Planning and Zoning Division

153 Courthouse Road Suite 110

Currituck NC 27929

252-232-3055 Fax 252-232-3026

To: Planning Board

From: Planning Staff

Date: June 1, 2021

Subject: PB 20-12 Carolina Club HOA – Shared Parking of Recreational Equipment (Revised)

Request

The proposed text amendment submitted by Ansley Miller, agent for the Carolina Club Homeowner's Association, is to provide language and establish a process for a homeowner's association to allocate an area for shared parking of major recreational equipment. The amendment targets major subdivisions recorded prior to January 1, 2013.

Background

Most residential subdivisions created prior to January 1, 2013, do not have areas in the development for shared parking or storage of major recreational equipment. Property owners in these developments may rent space at a nearby self-storage facility or park the equipment at the residence if permitted by the restrictive covenants.

The Unified Development Ordinance, Section 6.1.3.E. requires shared storage and temporary parking of recreational equipment for developments containing 20 or more lots with an average lot size of less than 20,000 square feet. The parking area is shown on the preliminary plat and is part of the subdivision. It is not typical for residential development not subject to Section 6.1.3.E. to provide shared parking area(s) within the development.

Staff Commentary

With residential subdivisions, the developer dedicates area on the final plat as open space. The dedicated area is transferred to the homeowner's association and the association maintains and controls the common area. Required open space is allocated for passive or active recreational uses, public facilities, conservation areas, farming, or forested lands. The final plat provides clarity and assurances that the open space will be used for these activities. When a developer records a subdivision and sells lots referencing the plat, the purchaser or owner has expectations, assurances, and rights that development will occur as depicted on the plat. A property owner may find an increased value to a particular lot because of the surrounding land uses such as open space. This does not mean final plats cannot be changed. By agreement of the property owners and compliance with county regulations, the dedications and land use allocations may be changed.

Some properties may be owned by a homeowner's association, listed as future development, and not allocated or dedicated as open space on a recorded plat. These lands may be internal and centrally located in a subdivision or along the perimeter of a subdivision. When the lands are located along the perimeter of the subdivision, impacts to a property owner adjacent to the subdivision but not a part of the residential subdivision may occur with outdoor storage or parking of recreational equipment.

Initially, the applicant proposed a zoning permit process for the new accessory use. After the May 11, 2021 Planning Board meeting and in response to the staff concerns with an administrative process, the applicant modified the request to require a (special) use permit for the new accessory use. The (special) use permit will allow adjacent property owners the opportunity to present evidence during a quasi-judicial hearing. For a new major residential subdivision, input by the adjacent owners is factored into the public process. Establishing a process similar to the major subdivision review could better evaluate the location and activities associated with the shared parking, including but not limited to noise, size of area dedicated to the shared parking, surrounding land uses, access, aesthetics, lighting, stormwater, and other similar impacts typical of equipment parking and storage.

When shared parking is provided in a new subdivision it is planned at the onset and can become an amenity to the property owners in a development. The maintenance of these areas is extremely important to adjoining properties.

Designated outdoor storage areas are not permitted in required open space. The text amendment should also consider explicitly:

1. Not allowing shared parking and storage of major recreational equipment to be included in required open space; or,
2. Allowing shared parking and storage of major recreational equipment to be included in required open space.

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 staff recommendation on the proposed text amendment involves the director concluding whether the application complies with the applicable review standards (Text Amendment Review Standards). The proposed amendment does not appear to be inconsistent to goals, objectives, and policies in the 2006 Land Use Plan. A quasi-judicial review of the proposed use, adjacent land uses, and evaluation

of recorded and established developments will provide assurances the proposed text amendment will protect and maintain high quality aesthetic standards for development (UDO General Purpose and Intent). The request is in keeping with the 2013 UDO requiring a residential development with smaller lots (less than 20,000 square feet) to provide a central location for shared parking and storage in the boundaries of the development.

Staff recommends approval of the request provided the use of open space is clarified. The proposed text amendment provides a quasi-judicial review process that will evaluate the location, design, operations of the shared parking to determine compatibility with the surrounding land uses.



**PB 20-12 CAROLINA CLUB HOA
TEXT AMENDMENT
PLANNING BOARD
JUNE 8, 2021**

Carolina Club Homeowner's Association requests an amendment to the Unified Development Ordinance, Chapter 4. Use Standards to allow shared parking of major recreational equipment as an accessory use in major subdivisions approved and recorded prior to January 1, 2013.

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 4 is amended by adding the underlined language and renumbering/lettering accordingly:

4.3.2 General Standards and Limitations

A. Table of Common Accessory Uses

Table 4.3.2.E, Table of Common Accessory Uses, specifies common types of accessory use and the zoning district where each type may be permitted.

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES																	
P = Permitted by-right Z= Zoning Compliance Permit U = <u>Special</u> Use Permit MP = Allowed with master plan blank cell = Prohibited																	
ACCESSORY USE TYPE	ZONING DISTRICT																ADDITIONAL REQ. (4.3.____)
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
<u>Shared Parking of Major Recreational Equipment in Major Subdivisions</u>		U	U			U											<u>3.X.</u>

X. Shared Parking of Major Recreational Equipment in Major Subdivisions

- (1) Subdivisions subject to the procedures of Section 2.4.8. Subdivision, shall meet the requirements of Section 6.13.3.E., Recreational Equipment Storage, and shall not be subject to the standards of this section.
- (2) Shared parking of major recreational equipment shall comply with the following standards:

- (a) The accessory use shall be located in an existing residential major subdivision approved and recorded prior to January 1, 2013.
- (b) The property used for shared parking of major recreational equipment shall:
 - (i) Be owned by the homeowner's association or property owner's association and shall be located within the subdivision for which the association has control; and,
 - (ii) Not be located in required open space.
- (c) The shared parking area shall be screened with a Type D buffer along all property lines in accordance with Section 5.2.7., Screening.
- (d) Equipment parked or stored shall not be connected to electricity, water, gas, or sewer facilities.
- (e) At no time shall the equipment be used for housekeeping purposes.
- (f) All equipment stored in the facility shall be owned by property owners in the subdivision for which the parking area is provided.
- (g) All equipment shall be kept in good repair and carry a current year's license and/or registration.
- (h) Vehicular use area shall comply with Section 5.1.4., Configuration of Vehicular Use Area.
- (i) Parking spaces shall be a minimum of 12' x 40' with adequate drive aisles. No parking or storage shall occur in the drive aisles.

Item 2: Staff suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the following 2006 LUP statement and goal:

- Vision Statement to ensure the proposed activities will provide an aesthetically pleasing environment.
- Land Use and Development 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 the text amendment will result in a logical and orderly development pattern and does establish a mechanism (special use permit) to review the location, design, operations of the shared parking to determine compatibility with the surrounding 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 _____, 2021.

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: _____

Attachment: 1- 20-12 Carolina Club HOA RV storage rev [Revision 1] (PB 20-12 Carolina Club HOA)



Text Amendment Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information
APPLICANT:

Name: Carolina Club Home Owners Association
 Address: PO BOX 1807
Nags Head, NC 27959
 Telephone: (252) 480-4749
 E-Mail Address: ansleym@vrobx.com

Request

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

Amend Chapter(s) 6 Section(s) 1.3.E.3 as follows:

See Attached

*Request may be attached on separate paper if needed.

Ansley Mich / agent for
 Petitioner Carolina Club HOA

7-13-20
 Date

Text Amendment Submittal Checklist

Staff will use the following checklist to determine the completeness of your application. Only complete applications will be accepted.

Text Amendment Submittal Checklist

Date Received: _____

Project Name: _____

Applicant/Property Owner: _____

Text Amendment Submittal Checklist

1	Complete Text Amendment application	☒
2	Application fee (\$300)	☒
3	2 hard copies of ALL documents	☒
4	1 PDF digital copy of all documents (ex. Compact Disk – e-mail not acceptable)	☒

For Staff Only**Pre-application Conference**

Pre-application Conference was held on _____ and the following people were present:

Comments

E. Recreational Equipment Storage

(3) Subdivisions existing before July 1, 2019, may create Recreational Equipment Storage areas on land abutting the subdivision. Recreational Equipment Facilities created under this section are not required to be part of the recorded plat of the subdivision. Recreational Equipment Storage areas created under this section must meet the following criteria.

- Parcel must have a minimum of 30 feet of road frontage.
- All property lines abutting residential properties must meet Type D Buffer requirements.
- Lighting will meet the requirements of Section 5.4.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3154

Agenda Item Title: PB 21-10 Currituck County Text Amendment:

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Jennie Turner

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Currituck County Unified Development Ordinance, Chapter 2. Administration, Chapter 6. Subdivision and Infrastructure Standards, and Chapter 10. Definitions and Measurement to allow family subdivisions on parent parcels 12 acres in area or larger without the required connection to an existing NCDOT maintained street.

Planning Board Recommendation:

Staff Recommendation: Approval

TRC Recommendation:



Currituck County

Planning and Community Development Department

Planning and Zoning Division

153 Courthouse Road Suite 110

Currituck NC 27929

252-232-3055 Fax 252-232-3026

To: Planning Board

From: Planning Staff

Date: June 3, 2021

Subject: PB 21-10 Currituck County Text Amendment
Family Subdivisions

Request

The proposed text amendment initiated by the Board of Commissioners will allow family subdivisions on parent parcels 12 acres in area or larger without the required connection to an existing NCDOT maintained street or a street that meets NCDOT standards. Resultant family subdivision lots shall be three acres in area minimum and are exempt from the current UDO requirement that private access streets shall not serve more than five lots. The current UDO language will not allow extension of a private access street serving more than five lots.

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.

Land Use Plan Policies

The following 2006 Land Use Plan Policies are relevant to this proposed text amendment.

POLICY TR8: Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists. Care shall be taken to encourage local street "connectivity" without creating opportunities for cut-through traffic from outside the connected areas.

POLICY TR12: New residential developments shall provide for the installation of PAVED PUBLIC ROADWAY AND DRAINAGE INFRASTRUCTURE at the time of development. This policy is intended to prevent the creation of substandard developments that must later correct for infrastructure problems that could have been avoided, had they been installed properly from the beginning. Family subdivisions and non-asphalt roads serving the northern beaches are the only exceptions to this policy.

Staff Recommendation

Staff recommends that the Board carefully consider impacts of this text amendment on all property owners. Owners of property along existing private access streets currently have assurance that development that accesses the street will be limited unless the street is improved to NCDOT standards.

The UDO states that the purpose of subdivision regulations is to promote health, safety, convenience, order, prosperity, and welfare of present and future residents of the county and subdivision and infrastructure standards are established to maintain conditions essential to the public's health, safety, and general welfare.

Road maintenance is important and necessary for access, safety, and emergency response. Relaxing standards for family subdivisions may detrimentally impact existing roads and property owners along those roads. This ordinance may create situations where roads are further deteriorated due to the creation of additional lots on substandard roads. Staff is concerned with allowing unlimited lots along a private access street. This text amendment leaves the potential for an unlimited number of lots dependent on access from a private access street. The current limitation for private access streets is 5 lots.

Staff recommends a process for existing owners of a private access street and those with the legal right to access a private street the ability to provide consent for further subdivision along the street. The proposed language includes a requirement for consent by owners of existing private streets.

Staff recommends that family subdivision lots created subject to these regulations shall not be further divided into family subdivision lots, the proposed language includes this prohibition.

Staff suggests including language on the recorded plat that the family subdivision is for the purpose of keeping the land within the family and not for the purpose of short-term investment or circumvention of the UDO.

Staff recommends approval of the request and suggests the following Statement of Consistency and Reasonableness:

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

Policy TR12: New residential developments shall provide for the installation of PAVED PUBLIC ROADWAY AND DRAINAGE INFRASTRUCTURE at the time of development. This policy is intended to prevent the creation of substandard developments that must later correct for infrastructure problems that could have been avoided, had they been installed properly from the beginning. Family subdivisions and non-asphalt roads serving the northern beaches are the only exceptions to this policy.

The request is reasonable and in the public interest because:

It allows family subdivisions to create larger parcels with relaxed access standards for the purpose of keeping the land within the family.



**PB 21-10 CURRITUCK COUNTY
TEXT AMENDMENT
PLANNING BOARD
JUNE 8, 2021**

Amendment to the Unified Development Ordinance, Chapter 2. Administration, Chapter 6. Subdivision and Infrastructure Standards, and Chapter 10. Definitions and Measurement.

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 adding the following underlined language and renumbering accordingly:

2.4.8. Subdivision

D. Minor Subdivision

(1) Procedure

(a) Pre-Application Conference

Not applicable.

(b) Community Meeting

Not Applicable.

(c) Application Submittal and Acceptance

(i) Applicable (see Section 2.3.4). Applications shall include a final plat prepared in accordance with the standards in Section 2.4.8.E.5.b, Final Plat Review Standards.

(ii) Applications and plats for a family subdivision shall include an attestation that the purpose for the subdivision is solely for the conveyance of lots to family members, and that conveyance of a lot in a family subdivision to a non-family member is a violation of this Ordinance.

(d) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall decide an application for a minor subdivision in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.8.D.2, Minor Subdivision Review Standards.

(e) Public Hearing Scheduling and Public Notification

Not applicable.

- (f) **Public Hearing Procedures**
Not applicable.
- (g) **Advisory Body Review and Recommendation**
Not applicable.
- (h) **Decision-Making Body Review and Decision**
Not applicable.

(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 (except as allowed in Section 2.4.8.D.2.B.IV);
- (iii) It will result in no more than three 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, or as allowed in Section 2.4.8.D.2.C., Additional Standards for Non-residential Minor Subdivisions);
- (iv) It does not front an existing NCDOT-maintained public street (except for Family Subdivisions, and Non-residential Minor Subdivisions);
- (v) The parent parcel and new parcel(s) shall front a private access street (except as allowed in Section 2.4.8.D.2.C, Additional Standards for Non-residential Minor Subdivisions). The existing driveway to the parent parcel shall be removed if that driveway is not converted into the private access street to service the resultant parcels.
- (vi) There is no public right-of-way dedication;
- (vii) 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 shall connect to an existing NCDOT-maintained public street (except as allowed in Section 2.4.8.D.2.B.IV) and shall comply with Section 6.2.1.B.1 Private Access Street Standards; and,
- (ix) It does not require significant infrastructure improvements. For the purpose of this section significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.

(b) **Additional Standards for Family Subdivisions**

Family subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above as well as the following:

- (i) Lots shall be conveyed solely to family members within two degrees of kinship (e.g., child, grandchild). A maximum of one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.
- (ii) No more than five lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed ten years prior to application submittal.
- (iii) Ingress and egress to a lot shall not be from a major arterial street.
- (iv) Private access streets created shall connect to an NCDOT-maintained public street and shall not serve more than five lots except for lots that meet the following standards:
 - (A) The parent parcel or tract shall be a minimum of 12 acres in area.
 - (B) Lots created shall be a minimum of 3 acres in area in all zoning districts with a minimum lot width of 125 feet.
 - (C) Existing and proposed streets shall be improved in accordance with Section 6.2.1.B.1. from an NCDOT maintained public street to the lots created.
 - (D) A certification shall be required on the recorded plat indicating that the existing and proposed streets meet North Carolina State Fire Code.
 - (E) All owners of existing private streets shall consent to the family subdivision application.
 - (F) An agreement specifying ownership and responsibility for the maintenance of existing and proposed streets shall be recorded prior to approval of the plat.
 - (G) The plat shall state that lots created shall not be further divided into family subdivision lots.
- (v) Principal uses shall be limited to single-family detached dwellings and customary accessory uses.

Item 2: That Chapter 6 is amended by adding the following underlined language:

6.2.1. Street Standards

A. Applicability

Unless exempted in accordance with Section 6.2.1.B, Exemptions, the street standards shall apply to all streets serving three or more lots.

B. Exemptions

(1) Private Access Streets

- (a) A street within a family subdivision or serving a subdivision of two or fewer lots are exempted from the standards in this section, provided they are configured in accordance with Figure 6.2.1.B, Private Access Street Standards, and Section 6.2.1.C.4, Connection with State Streets.
- (b) One private access street is allowed per parent parcel as it existed on April 2, 1989, except as permitted in Section 2.4.8.D.2.B.IV.
- (c) All subdivision plats served by private access streets shall bear the following notation:
 "Private access streets do not meet the NCDOT's minimum standards for the assumption of maintenance. Currituck County does not construct or maintain streets. Further subdivision of any lot shown on this plat may be prohibited by the Currituck County UDO unless the private access street is improved consistent with minimum NCDOT standards."

E. Minimum Street Width

All streets in a subdivision subject to these standards shall comply with the minimum street width standards in Table 6.2.1.D, Minimum Street Width Standards.

TABLE 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	24	20	2	N/A	N/A	No	No
Residential Subdivision	See NCDOT <i>Subdivision Roads Minimum Construction Standards Manual</i>					Yes	Yes
Nonresidential Subdivision						Yes	Yes
Conservation Subdivision	30	20 [1]	N/A	N/A	N/A	No	Yes
Planned Unit and Planned Development [2]	30	20 [1]	N/A	N/A	N/A	No	Yes

NOTES:

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

[2] Streets in Planned Developments shall be installed in accordance with the approved master plan and the requirements of this section.

6.2.3 Utility Standards

D. Water Supply Standards

(1) Water Supply System Required

- (a) Every principal use and every buildable lot in a subdivision shall be serviced by a means of water supply that is adequate to accommodate

the reasonable needs of such use or lot and that complies with all applicable health regulations.

- (b) All buildable lots within a planned unit development, planned development, or multi-family development shall be connected and serviced by the county water supply system.
- (c) Except for family subdivisions, lots in the Fruitville and Moyock-Gibbs Woods Townships, and lots located in the Agriculture (AG) zoning district, all new subdivisions and nonresidential development shall be connected and serviced by the county water supply.

Item 3: That Chapter 10 is amended by adding the following underlined language:

10.3.3 Lots

(8) Lot Types (see Figure 10.3.3.A.7, Lot Types)

(e) Family Subdivision Lot

A lot created through the family subdivision process (see Section 2.4.8).

B. General Lot Requirements

(2) Family Subdivision Lots

- (a) Family subdivision lots shall maintain a minimum lot area of 40,000 square feet, regardless of the minimum requirements for the zoning district (except as permitted in Section 2.4.8.D.2.B.IV or in the SFR district, where district requirements apply).
- (b) Family subdivision lots are not required to front onto a public or private street.

10.3 Definitions

STREET, PRIVATE ACCESS

A street subject to the requirements of Section 6.2.1.B.1, Private Access Streets, that serves a family subdivision or a maximum of two lots.

SUBDIVISION, FAMILY

A subdivision where single-family lots may only be conveyed to family members within two degrees of kinship (e.g., child, grandchild).

Item 4: Staff suggested Statement of Consistency and Reasonableness:

Item 5: 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 6: This ordinance amendment shall be in effect from and after the _____ day of _____, 2021.

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:

Case Number: PB 21-10
 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: 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 Section(s) _____ as follows:

Amend the UDO to allow alternative family subdivisions.

Alternative family subdivisions are permitted on minimum 12-acre parent parcels.

Increase maximum number of family subdivision lots that can access a private access street.

Alternative family subdivision lots shall be a minimum of 3 acres.

*Request may be attached on separate paper if needed.

Ben Stikeleather

Petitioner

3-25-21

Date