



## CURRITUCK COUNTY NORTH CAROLINA

December 8, 2020  
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 five board members present. Staff members present were 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. Informal discussion followed until 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	
Anamarie Hilgendorf	Board Member	Absent	
Juanita S Krause	Board Member	Present	
J. Timothy Thomas	Board Member	Absent	
Donna Voliva	Assistant Planning Director	Present	
Jennie Turner	Planner II	Present	
Jason Litteral	Planner II	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 item on the agenda tonight. No conflicts were 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 there were any changes needed to the agenda tonight. Mr. Bass motioned to approve as presented. Mr. Doll seconded the motion and the motion carried unanimously.

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

**APPROVAL OF MINUTES FOR NOVEMBER 10, 2020**

Chairman Ballance asked if there were any changes needed to the minutes for November 10, 2020. Mr. Bass noted a change for voting results of PB 18-23 Fost Development, Amended. The voting box should show nay votes for Mr. Bass and Mr. Doll. Ms. Krause voted aye. Mr. Doll motioned to approve the minutes with this change and Ms. Krause seconded the motion. The motion carried unanimously.

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

**E. PB Minutes - November 10, 2020****OLD BUSINESS**

There was no old business discussed.

**NEW BUSINESS****A. PB 20-21 Nigel & Sarah Culpepper Rezoning:**

Jennie Turner, Planner II, presented the staff report. She presented PowerPoint slides showing the aerial north view, the aerial south view along with the Official Zoning Map and the Land Use Plan Classification. Ms. Turner also gave reference to the other surrounding properties zoning and gave the background information for the subject property. She directed the board to page 23 of the agenda packet for an email sent from the Weeping Radish in response to the community meeting letter (page 24 of agenda packet) they received from Nigel and Sarah Culpepper. The Weeping Radish did not object to their requested rezoning to build a residential home next to their property, but wanted to give awareness of the sights, smells, and noise they will have to endure by living next to their brewery, restaurant and butchery. The Weeping Radish was also concerned that any future expansion they request may be blocked due to having residential neighbors next to them. Ms. Turner said the Culpeppers have agreed that the Weeping Radish will not be a problem for them now or in the future. Ms. Turner reviewed a slide showing a substantial buffer between the business and the future residence location. The review standards were given along with the consistency and reasonableness statement saying staff is recommending approval.

Chairman Balance asked if the property owners would be able to have both a business and a residence once it is rezoned to General Business and Ms. Turner said yes.

Board members had discussion on the future location of the house and the required aesthetics of the General Business zoning verses the Light Industrial zoning.

Blake Culpepper who lives at 2280 Sandpiper Road in Carova came before the board. He said he is related to Nigel Culpepper and will also be their contractor for the new house.

Nigel and Sarah Culpepper, the applicants, who currently live at 510 West First Street in Kill Devil Hills came before the board. They both stated they were aware of the noise from the business located beside their property and they are okay with it.

Chairman Ballance closed the public hearing and asked for a motion.

Mr. Bass moved to **approve PB 20-21** because the request is consistent with Land Use Plan Policies including:

Policy CD4  
Policy ML4  
Policy TR6

And the request is reasonable and in the public interest because:

- The request will result in future non-residential uses that meet higher quality design standards along Caratoke Highway, the county's most important Major Arterial Street.
- The request will reduce the potential for non-compatible, highway-oriented industrial uses.

Vice Chairman Owens seconded the motion and the motion carried unanimously 5-0.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 1/4/2021 6:00 PM</b>
<b>MOVER:</b>	K. Bryan Bass, Board Member	
<b>SECONDER:</b>	Garry Owens, Vice Chairman	
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
<b>ABSENT:</b>	Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

#### **B. PB 20-22 Pinnacle Storage - Conditional Rezoning:**

Jason Litteral, Planner II, presented the staff report. He gave background on the previous 84 Lumber rezoning and said the property was zoned for industrial use since 1970. He presented a PowerPoint presentation showing Aerial Zoning, Land Use Plan Classification, and referenced the elevations in the agenda packet. He said the site is appropriate for the proposed use because it is surrounded by industrial uses and industrially zoned properties. The applicant is going to phase the project with the front buildings being constructed first and the buildings in the rear being constructed according to demand. Mr. Litteral said the Technical Review Committee is

recommending approval with the following conditions:

1. 20% windows on highway frontage side of building(s)
2. Finished front façade (brick, stucco, or similar finish)
3. 140% of required streetscaping, allowed to be clustered to provide visibility from 168.
4. A Major Site Plan application shall be submitted to ensure full compliance with the UDO and the conditions of approval.

Mr. Bissell came before the board to represent the applicant. He said the building will sit 150 feet back from the road and the they will be wrapping the brick around the sides of the building. Mr. Bissell said they held a community meeting and two of the main concerns from the attendees were drainage and landscaping concerns.

Ms. Krause asked questions concerning drainage and referenced NCDOT comments from the Technical Review Committee meeting.

The Applicant, Robert High, came before the board. He said all the doors of the self-storage building will be facing internally and they will not be visible from the road.

Chairman Ballance closed the public hearing and asked for a motion.

Vice Chairman Owens moved to **approve PB 20-22**, with agreed upon conditions, because the request is consistent with Land Use Plan policies:

- ID1
- ID2
- ID5
- CA3
- ED1

And the request is reasonable and in the public interest because:

- It provides a needed service for the growing residential development in Moyock

Mr. Doll seconded the motion and the motion carried unanimously 5-0.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 1/4/2021 6:00 PM</b>
<b>MOVER:</b>	Garry Owens, Vice Chairman	
<b>SECONDER:</b>	David Doll, Board Member	
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
<b>ABSENT:</b>	Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

#### **C. PB 20-19 Bissell Professional Group:**

Donna Voliva, Assistant Planning Director, presented the staff report. Ms. Voliva said last year at the Board of Commissioners' retreat, staff was given instruction to address the access points of subdivisions on major arterial roads. This change became necessary due to the increase in minor subdivisions and the potential safety issue from subdivisions creating lots and installing driveways along existing state roads. The

amendment also required all lots to access an internal subdivision street, unless exempt. The applicant's request states the 2019 text amendment prohibits the platting of additional lots on existing state roads and has the effect of slowing commercial site development particularly in the Moyock commercial corridor by making it difficult to divide existing larger commercial tracts along Caratoke Highway for the purpose of commercial development. Ms. Voliva read a summary of the text amendment on page 48 and 49 of the agenda packet. She said we must be careful and cautious about access roads and who will maintain them and she defined the differences between right of ways and easements. She listed other staff's concerns with the requested changes and said the issues may be able to be address with additional language added to the Unified Development Ordinance (UDO), but more time is needed to address the issues.

The applicant, Mr. Bissell, came before the board and gave background on why the text amendment is necessary. He said his client is trying to development a 5 1/4 acre of land in Moyock along Caratoke Highway and ran into problems due to the previous change to the UDO. Mr. Bissell said doing infrastructure prior is very expensive. He went over five sketch plan slides of the commercial development and explained the different problems.

Chairman Ballance asked Mr. Bissell if he would have a problem with tabling his request and Mr. Bissell said no.

Ms. Voliva came back before the board. She said although Mr. Bissell's proposed text amendment works with this scenario, a deeper property may cause problems, tabling would be staff's preference so we can work through these problems and issues.

The Developer, Sanford Cohen of Virginia Beach, came before the board. He said he is optimistic that we can work through this and get the text amendment done; he thanked the board.

Chairman Ballance asked for a motion.

Mr. Bass motioned to **table PB 20-19** so the applicant can address the staff comments, UDO inconsistencies, and Land Us Plan policies.

Ms. Krause seconded the motion and the motion to table was unanimous 5-0.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 1/12/2021 6:00 PM</b>
<b>MOVER:</b>	K. Bryan Bass, Board Member	
<b>SECONDER:</b>	Juanita S Krause, Board Member	
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
<b>ABSENT:</b>	Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

## ANNOUNCEMENTS

Chairman Ballance wished everyone a Merry Christmas.

## ADJOURNMENT

Mr. Bass motioned to adjourn the meeting. Vice Chairman Owens seconded the motion and the meeting adjourned at 7:25 PM.



**CURRITUCK COUNTY  
NORTH CAROLINA**

November 10, 2020  
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 four board members present. Staff members present were: Laurie LoCicero, Planning Director; Donna Voliva, Assistant Planning Director; and Cheri Elliott, Clerk to the Planning Board. The board members were briefed concerning the agenda items. Informal discussion followed until 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	Absent	
K. Bryan Bass	Board Member	Present	
David Doll	Board Member	Present	
Anamarie Hilgendorf	Board Member	Absent	
Juanita S Krause	Board Member	Present	
J. Timothy Thomas	Board Member	Absent	
Laurie LoCicero	Planning Director	Present	
Donna Voliva	Assistant Planning Director	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 item on the agenda tonight. No conflicts were noted.

**C. Announce Quorum Being Met**

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

## D. Approval of Agenda

Chairman Ballance asked if there were any changes needed to the agenda tonight. Mr. Bass requested PB 20-16 Currituck County Utility & Drainage Easement Text Amendment be removed from the agenda. Mr. Doll seconded the motion and the agenda was approved with changes unanimously.

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

## APPROVAL OF MINUTES FOR OCTOBER 13, 2020

Chairman Ballance asked if there were any changes needed to the minutes for October 13, 2020. Mr. Doll motioned to approve as presented. Ms. Krause seconded the motion and the motion carried unanimously.

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

## E. PB Meeting Minutes - October 13, 2020

### OLD BUSINESS

There was no old business discussed.

### NEW BUSINESS

#### A. PB 18-23 Fost Tract Planned Development-Residential - Amendment #2:

The Planning Director, Laurie LoCicero, presented the staff report. She gave the background information saying the Board of Commissioners originally approved the Planned Development - Residential on May 6, 2019, and then approved a plan amended on November 4, 2019. She noted, if the off-site major utility use permit for the waste water treatment plant (WWTP) which connects the Fost Development is not approved, the Board of Commissioners would have to approve a third amendment to change this plan back to on-site septic treatment. Ms. LoCicero presented PowerPoint slides and also went over each change with this amendment. She said the Technical Review Committee recommended approval with the following conditions:

- Changes to the Terms and Conditions document not called out by the applicant must be addressed. (Planning)

- There is a backup in Rowland Creek near the south of the property that must be cleared and snagged ASAP. (Soil and Stormwater)
- Stormwater management on Rowland Creek and areas downstream north and east of the railroad track are within CAMA jurisdiction, require a 30' setback, and CAMA permitting is required. (CAMA)
- Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.

Chairman Ballance asked if the board had any questions for Ms. LoCicero. Mr. Bass asked her to explain the Moyock Small Area Plan (MSAP). She explained when, how, and why the MSAP was created.

Chairman Ballance asked if Planned Development-Residential require a sewage system. Ms. Voliiva said it does. Discussion was held on sewer systems and soil suitability.

Ms. Krause asked questions concerning drainage and Ms. LoCicero directed her to page 7 of 7 in the staff report to review the Stormwater Conditions for Fost dated July 2019. Discussion was held on this.

Mark Bissell came before the board as representation of the applicant. He said the proposal tonight does not change the density that was originally approved. Each project can have its own waste water treatment plant, but it is more efficient to have one large system than having multiple systems for various developments. He said with regard to drainage and the 500 year ditch, we did not understand until we had begun the modeling and we are adjusting the development plan to meet the requirements for the ditch. The clubhouse and the parking moved to the Northwest to provide a larger stormwater pond.

Ms. Krause asked how the ditches would be maintained. Mr. Bissell said the \$5,000 would be for offsite and the HOA Dues will cover onsite. Rowland Creek runs across the property and will become the HOA's responsibility.

Ms. Krause asked who will determine when the ditches need to be cleaned and Mr. Bissell said the stormwater maintenance. Discussion was held over easements and how to clean ditches if there are no easements granted. Mr. Bass asked questions about Fost being tied into the new WWTP. Discussion was held over densities and Fost increasing its density by tying into the new WWTP.

Mr. Bass asked who would own the new WWTP. Mr. Bissell said Environlink.

Ms. Krause asked if the Eagle Creek Community should be concerned about added all these new houses on to the WWTP. Mr. Bissell said the new system will be better since it is a water and sewer company that will run it and own it other than a developer. Mr. Bissell went over the expected capacity levels for the new system. Discussion was held on the amount of water underground reaching the ditches.

Ms. Krause asked if the Middle School is on the this WWTP and Mr. Bissell confirmed they are.

Ms. Krause asked if the stormwater management plan was like the Guinea Mill District. Mr. Bissell said it is not; that is a taxed area and maintained by the County. Ms. Krause said her main concern is with the flooding issues.

Chairman Ballance said there were no citizens present for public comment and closed the public hearing.

Chairman Balance asked for a motion.

Ms. Krause motioned to approve **PB 18-23 Post Planned Development, Amended**, because:

1. It is consistent with all the review standards provided under the Unified Development Ordinance (UDO) Section 2.4.3.C. (BOC 6/24/19)
2. The conditions placed on the development will improve drainage problems on the property within nearby Ranchland and Eagle Creek subdivisions when improvements are made to the drainage system on off-site properties. (BOC 6/24/19)
3. It is compatible with existing Moyock Township subdivisions. (BOC 6/24/19)
4. The drainage and utility requirements in the June 4, 2019 approved order remain unchanged.

And the request is **reasonable** and **in the public interest** because:

1. It is required by changed conditions acknowledged by the Land Use Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components. (BOC 6/24/19)

Also, included the TRC conditions:

- Changes to the Terms and Conditions document not called out by the applicant must be addressed. (Planning)
- There is a backup in Rowland Creek near the south of the property that must be cleared and snagged ASAP. (Soil and Stormwater)
- Stormwater management on Rowland Creek and areas downstream north and east of the railroad track are within CAMA jurisdiction, require a 30' setback, and CAMA permitting is required. (CAMA)
- Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.

Chairman Ballance seconded in favor of the motion and the motion was denied with a 2-2 vote; Mr. Doll and Mr. Bass voted nay.

<b>RESULT:</b>	<b>RECOMMENDED DENIAL [2 TO 2]</b>	<b>Next: 12/7/2020 6:00 PM</b>
<b>MOVER:</b>	Juanita S Krause, Board Member	
<b>SECONDER:</b>	C. Shay Ballance, Chairman	
<b>AYES:</b>	C. Shay Ballance, Chairman, Juanita S Krause, Board Member	
<b>NAYS:</b>	K. Bryan Bass, Board Member, David Doll, Board Member	
<b>ABSENT:</b>	Garry Owens, Vice Chairman, Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

## B. PB 20-17 Currituck County:

The Assistant Planning Director, Donna Voliva, presented the staff report. Ms. Voliva said the text amendment was necessary to correct the Unified Development Ordinance (UDO), Chapter 4, Table 4.1.1.B, Summary Use Table. She said this was items that were previously approved by the Board of Commissioners, but the table was not included. The table is being corrected for the following uses:

- Agriculture Support and Services (Not Directly Related) - Distribution Hub for Agricultural Products
- Utilities - Large Wind Energy Facilities
- Recreation/Entertainment, Outdoor - Aviation Outdoor Tour Operator

Ms. Volvia went over the prior cases that made the changes to the UDO and the dates they were approved by the Board of Commissioners. She listed the review standards and said staff does recommend since these were previously approved.

Chairman Ballance opened and closed the public hearing with no citizen present to speak.

Ms. Krause motioned to approve **PB 20-17** because the request is consistent with the following policies of the 2006 Land Use Plan:

**POLICY ED1**  
**POLICY ED4**  
**POLICY ID5**  
**POLICY AG4**

And the request is reasonable and in the public interest because:

The proposed text amendment replaces language previously adopted by the Board of Commissioners that:

- Is an existing and necessary support service for agriculture (PB 19-26 Nutrien Ag Solutions adopted December 2, 2019).
- May help preserve farm culture and promote farm and open space conservation through diversifying low impact uses of agriculture land (PB 19-09 Bruce Weaver, Kitty Hawk Kites adopted June 3, 2019).
- Provides economic diversification and local economic development (PB 19-09 Bruce Weaver, Kitty Hawk Kites adopted June 3, 2019).
- Removes a potential conflict between wind energy facilities and the operation of an existing naval annex (PB 17-14 Currituck County adopted January 22, 2019).

Mr. Doll seconded the motion and the motion carried unanimously with a 4-0 vote.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 12/7/2020 6:00 PM</b>
<b>MOVER:</b>	Juanita S Krause, Board Member	
<b>SECONDER:</b>	David Doll, Board Member	
<b>AYES:</b>	C. Shay Ballance, Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
<b>ABSENT:</b>	Garry Owens, Vice Chairman, Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

## ANNOUNCEMENTS

Lisa Ray, who owns property at 111 Radio Road, said she was here to speak about the Gallop Sand Mine Use permit that would affect her property if it is approved. She said part of tower (that is on her property) is also on the property for the sand mine. Ms. LoCicero said the Technical Review Committee has reviewed the Gallop Sand Mine Use Permit. Ms. Voliva will get back with Ms. Ray on their review.

## ADJOURNMENT

Mr. Bass motioned to adjourn the meeting. Mr. Doll seconded the motion and the meeting adjourned at 7:28 PM.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – 2977**

**Agenda Item Title:** PB 20-21 Nigel & Sarah Culpepper Rezoning:

**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 rezone 7.5 acres of property located at 6804 Caratoke Highway from LI (Light Industrial) to GB (General Business). The property is Tax Map 108, Parcel 52D, Poplar Branch Township.

### **Planning Board Recommendation:**

**Staff Recommendation:** Approval

**TRC Recommendation:**



**STAFF REPORT**  
**PB 20-21 NIGEL & SARAH CULPEPPER**  
**REZONING**  
**PLANNING BOARD**  
**DECEMBER 8, 2020**

**APPLICATION SUMMARY**

<b>Property Owner:</b> Nigel & Sarah Culpepper 101 Kyle Court Kill Devil Hills, NC 27948	<b>Applicant:</b> Same
<b>Case Number:</b> PB 20-21	<b>Application Type:</b> Zoning Map Amendment
<b>Parcel Identification Number:</b> 0108-000-052D-0000	<b>Existing Use:</b> Vacant
<b>Land Use Plan Classification:</b> Rural & Conservation	<b>Parcel Size (Acres):</b> 7.5 (entire parcel)
<b>Land Use Plan Subarea:</b> Grandy	<b>Zoning History:</b> A-40 (1975), rezoned a to B(GB) on 7/20/1987, GB (1989), rezoned GB to LM (2000), LI (2013)
<b>Current Zoning:</b> LI	<b>Proposed Zoning:</b> GB
<b>Request:</b> Request for a zoning map amendment to rezone Light Industrial (LI) zoned property to General Business (GB).	

**REQUEST**

Narrative

The applicant is requesting a conventional rezoning of approximately 7.5 acres from Light Industrial (LI) to General Business (GB); the request is a downzoning. The subject parcel was part of 78.9 acres that were rezoned from GB to Light Manufacturing (LM) in 2000. The 2000 rezoning request was presented to the board with plans for Eco-Brewing and Eco-farming operations. The vision for the property at the time was a fully integrated production and retail facility for craft products, beer, and agricultural products. The appearance was intended to be a high-end tourist attraction with on-site production, retail and restaurant uses.

The subject property is currently vacant as are approximately 64 acres of the 78.9 acres rezoned to LM in 2000. The property has existing hedgerows along the north and south property lines which help to buffer the property from the existing LI use (brewery) to the south. The property is adjacent to LI zoning on the rear (west) and side (south) property lines. Most of the LI zoned acreage is accessed by Grange Road. The subject property does not have access to Grange Road. Rezoning the subject property will consolidate accesses to LI zoned property through the existing Grange Road access.

On its face, the rezoning request appears to be consistent with the Land Use Plan and the UDO. The Land Use Plan contains policies to protect the appearance of the NC 168/ US 158 corridor. Highway oriented industrial uses are not preferred or desired. Rezoning the parcel to GB will require future commercial projects to comply with non-residential design standards of the ordinance to establish higher quality development. These design standards are in place to enhance the appearance of development along major arterial streets. If the property remains LI, the non-residential design features

will not be required for future development; only façade appearance standards would be applicable to the LI property. The rezoning request allows for future compatible commercial development of the property.

If this rezoning request is approved, the applicants have indicated that they will submit a building permit application to construct a single-family dwelling toward the rear of the property. Staff does have concerns with compatibility of a residential dwelling adjacent to LI zoned property; however, GB zoning adjacent to LI zoning is more compatible than residential zoning adjacent to LI zoning. A rezoning request to Single Family Mainland (SFM) is not a good option for this property because it would create a situation of a SFM parcel surrounded by GB and LI properties.

The UDO allows residential uses in the GB zoning district which is a major difference between GB and LI zoning. Single-Family Dwellings, Upper Story Dwellings, Live/Work, Class A & B manufactured homes, Dormitories, Family Care Homes and Rooming or Boarding Houses are residential uses that are permitted in the GB zoning district. Although residential uses are permitted in the GB zoning district, the GB district is not considered a residential zoning district and does not offer the same protections for residents as residential zoning. Residential zoning districts provide the most protection for residential uses; non-residential uses adjacent to residential zoning require increased buffering and community compatibility standards. The GB zoning district is intended to accommodate small to medium-sized commercial, office, personal service, and institutional uses that provide goods and services to county residents and visitors.

A dwelling in the GB zoning district does not get the same protection from potentially incompatible uses as a dwelling in a residential district. The community compatibility standards of the UDO are intended to provide a proper transition and ensure compatibility between single-family detached development and other more intense development. Community compatibility standards do not apply to non-residential uses adjacent to a dwelling located on property zoned GB.

The existence of a dwelling on property adjacent to LI zoning may require additional setbacks for certain LI uses; for example, the UDO requires a tattoo parlor to be setback at least 500' from a residential use and landfills must be setback at least 300' from a residential use

Many commercial uses are permitted in both GB and LI zoning districts; however, certain uses are permitted in GB and not permitted in LI and vice versa. Uses that are permitted in LI but not in GB tend to have more compatibility issues and other off-site impacts (including traffic, noise and odor) especially on adjacent residential uses. A use comparison is included at the end of this report.

#### Community Meeting

A community meeting was held on October 20, 2020. The applicants, their family, and planning staff were in attendance. There were no other members of the community present; however, the applicants did share correspondence that was received from neighboring property owners (included in the agenda packet).

The UDO does not require a community meeting for zoning map amendments that establish a less intense base zoning district; the community meeting was not required for this request.

#### UDO

In North Carolina, it is illegal to impose conditions on rezonings to conventional zoning districts; therefore, this conventional zoning map amendment is a legislative decision of the Board of Commissioners and is not controlled by any one factor.

## SURROUNDING PARCELS

	Land Use	Zoning
North	Vacant/Wooded Area	GB
South	Weeping Radish Brewery, Butchery & Charcuterie (Restaurant & Brewery)	LI
East	Convenience Center, Farmland & Wooded Area (Across Caratoke Highway)	GB & AG
West	Vacant/Agricultural	LI

## LAND USE PLAN

**The 2006 Land Use Plan (LUP) classifies this site as Full Service within the Grandy subarea. The policy emphasis of the plan is to allow Grandy to evolve as a community center. It is essential that non-residential uses in Full-Service areas preserve existing community character. The proposed zoning map amendment request is consistent with the policies of the plan, including:**

Policy CD4	HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT. (See esp., Policy CD9 below concerning connected parking areas.)
Policy ML 4	Currituck County recognizes that the appearance and traffic moving function of the NC 168/ US 158 CORRIDOR is of exceptional importance to both the near-term quality of life and long-term economic prospects for residents and property owners in the Mainland Area. The Transportation and Community Appearance policy sections of this plan shall be implemented to give priority to this issue.
Policy HN9	Proposed residential development that would expose residents to the harmful effects of INCOMPATIBLE LAND USES or to ENVIRONMENTAL HAZARDS shall be prohibited. This would include, for example, residential development in locations adversely impacted by proximity to the airport or to activities involving excessive noise, light, odors, dust, fertilizers, and insecticides (e.g. certain farm operations, mining activities, etc.).
Policy TR6	HIGHWAY 158/168 shall receive special attention concerning the proper development of land and properties adjoining and/or accessing this critical arterial.

## CONSISTENCY AND REASONABILITY STATEMENT

**A zoning map amendment is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a zoning map amendment the Board of Commissioners shall adopt a written statement of consistency and reasonableness.**

This zoning map amendment request is consistent with the Land Use Plan classifications and policies stated above and it is reasonable and in the public interest because:

- It is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this Ordinance;
  - The request will result in future non-residential uses that meet higher quality design standards along Caratoke Highway, the county's most important Major Arterial Street.

- The request will reduce the potential for non-compatible, highway-oriented industrial uses.
- It is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
  - The request, a downzoning from LI to GB, is compatible with existing and proposed uses. Existing uses adjacent to the property include a restaurant, brewery zoned LI and vacant property zoned GB and LI.

**RECOMMENDATION****PLANNING STAFF**

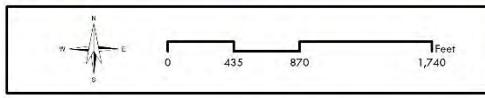
Staff supports the proposed zoning map amendment of approximately 7.5 acres from LI to GB.

USE COMPARISON		
Non-Residential Uses allowed in both GB and LI districts	Non-Residential Uses allowed in GB not LI	Non-Residential Uses allowed in LI not GB
Agriculture/Horticulture Equestrian Facility Farmer's Market Nursery, production Agricultural Research Facility Distribution hub for agricultural and agronomic products Farm machinery sales, rental, and service Silviculture Vocational or trade school Government facilities and offices Blood/tissue collection facility Drug or alcohol treatment facility Hospital Club or Lodge Halfway house Religious institution Park, public or private Airport Helicopter Landing Facility Telecommunications Tower Utilities, major or minor Animal grooming Kennel Veterinary clinic Restaurant Specialty Eating Establishment Offices, Businesses & Sales Parking lot Fitness center Indoor recreation Marinas Artisan Food and Beverage Producer Convenience store Laundromat Pawn shop Personal services establishment Repair establishment Boat & Marine rental, sales and service Automotive parts and installation Automobile repair and service (including painting/bodywork) Automobile sales or rentals Car wash or auto detailing Contractor Service Crabshedding Research and development Public convenience center/transfer station	Agribusiness Roadside market Medical Treatment Facility Assisted Living Facility Auditorium, Conference, and convention center Nursing Home Arboretum or botanical garden Community Garden Passenger Terminal, surface transportation Animal Shelter Dinner Theater Offices, Professional Services Theater Arena, Amphitheater or Stadium Athletic Facility Golf Driving Range Outdoor Tour Operator Outdoor Tour Operator, Aviation Outdoor Recreation Bar, nightclub or cocktail lounge Drug Store or Pharmacy Entertainment Establishment Financial Institution Funeral Home Grocery Store Retail Sales Establishments Shopping Center Taxicab Service Bed & Breakfast Inn Hotel or Motel Hunting Lodge	Animal Husbandry Agricultural Processing Psychiatric Treatment Facility Cemetery, columbaria, mausoleum Correctional Facility Police, fire or EMS facility Auction House Large Brewery Distillery Flea Market Tattoo parlor/body piercing establishment Winery Aircraft parts, sales, maintenance Automotive Wrecker Service Extractive Industry Fuel oil/bottled gas distributor General industrial service and repair Heavy equipment sales, rental and service Laundry, dry cleaning, and carpet cleaning plants Manufactured home and pre-fab building sales Cold Storage Plant Outdoor Storage as principal use Self-service storage Truck or Freight Terminal Warehouse (distribution & storage) Landfill Recycling center, transfer Waste composting Wholesale sales

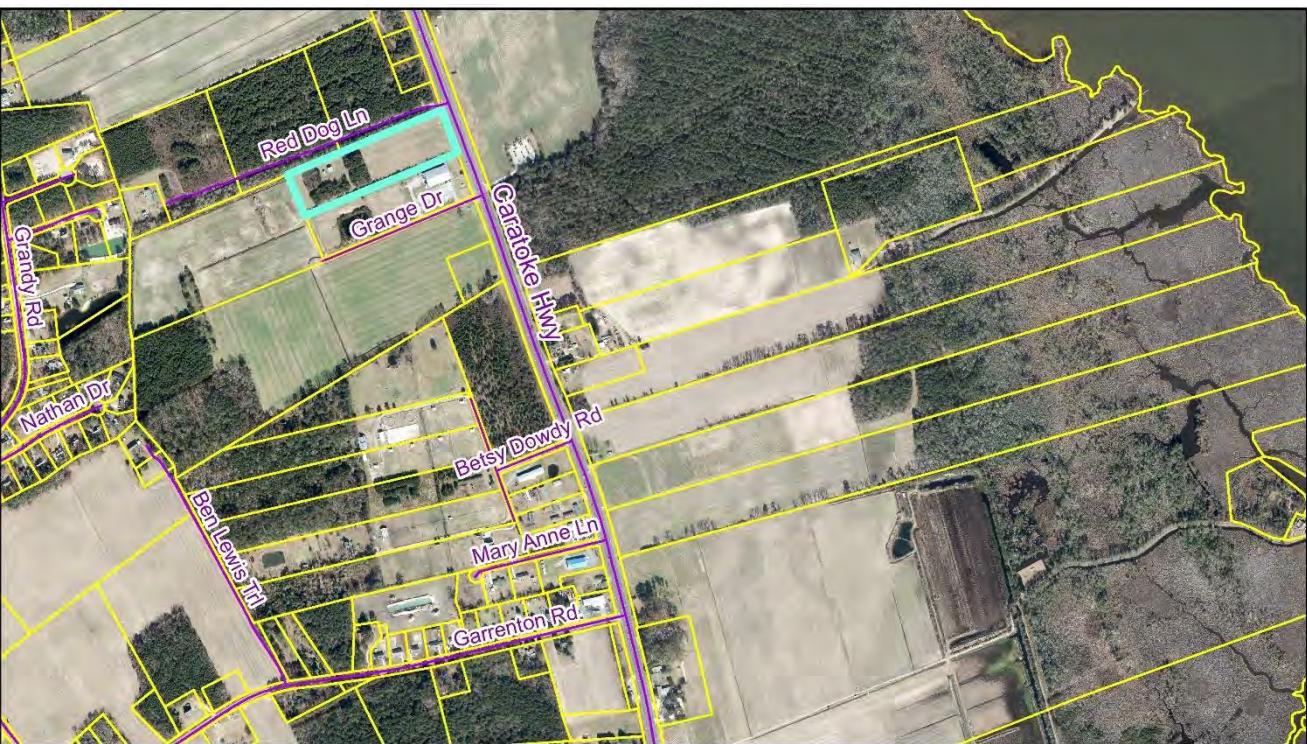
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE  
Planning Board: [www.co.currituck.nc.us/planning-board-minutes-current.cfm](http://www.co.currituck.nc.us/planning-board-minutes-current.cfm)



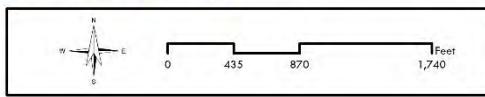
PB20-21 Culpepper Rezoning  
6804 Caratoke Highway  
Aerial - North View



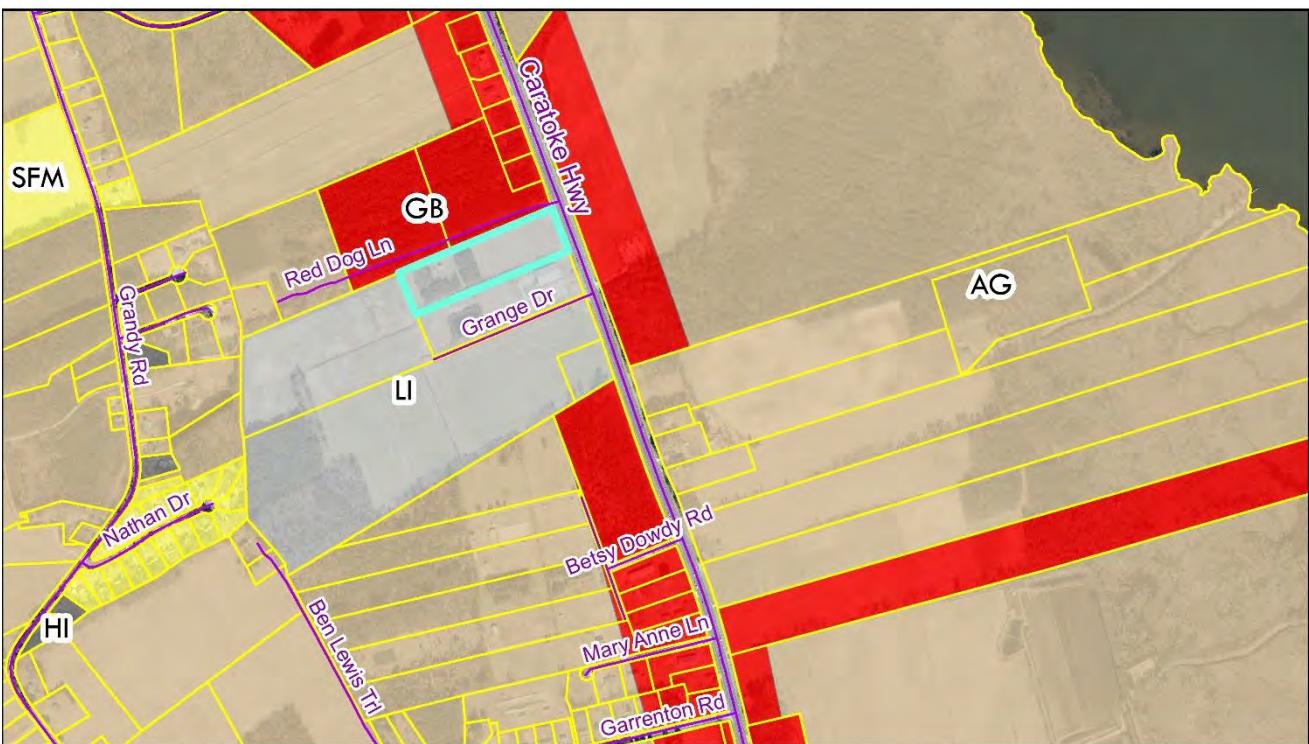
Currituck County  
Planning and Community  
Development



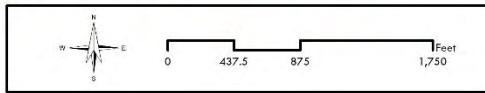
PB20-21 Culpepper Rezoning  
6804 Caratoke Highway  
Aerial - South View



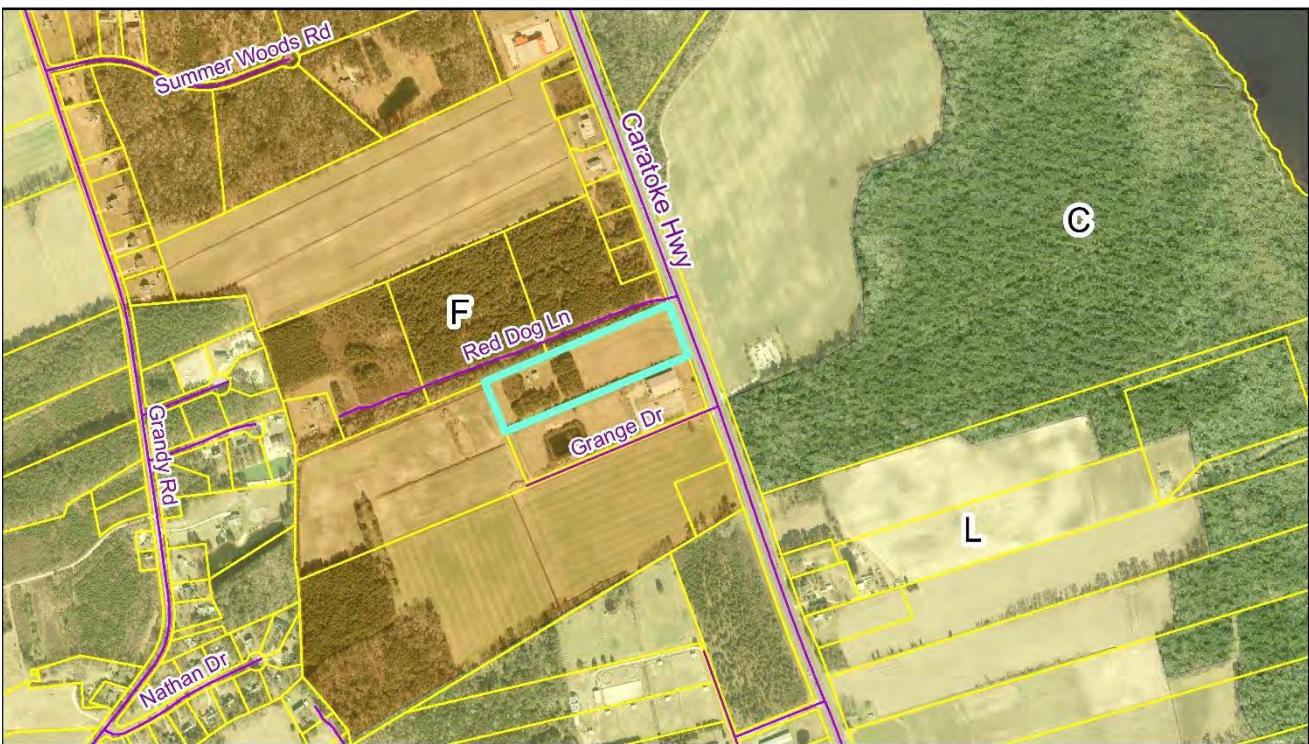
Currituck County  
Planning and Community  
Development



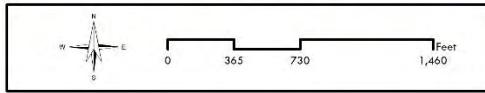
PB20-21 Culpepper Rezoning  
6804 Caratoke Highway  
Official Zoning Map



 Currituck County  
Planning and Community  
Development



PB20-21 Culpepper Rezoning  
6804 Caratoke Highway  
Land Use Plan Classification



 Currituck County  
Planning and Community  
Development



## Zoning Map Amendment Application

OFFICIAL USE ONLY:  
 Case Number: PB 20-21  
 Date Filed: 10-22-2020  
 Gate Keeper: JT  
 Amount Paid: \$240.00

### Contact Information

**APPLICANT:**

Name: Nigel & Sarah Culpepper  
 Address: 101 Kyle Ct.  
 Kill Devil Hills, NC  
 Telephone: 252-421-0045  
 E-Mail Address: \_\_\_\_\_

**PROPERTY OWNER:**

Name: Nigel & Sarah Culpepper  
 Address: 101 Kyle Ct.  
 Kill Devil Hills, NC 27948  
 Telephone: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

**LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER:** \_\_\_\_\_

### Property Information

Physical Street Address: 6804 Caratoke Hwy.

Location: Grandy, NC

Parcel Identification Number(s): 0108000052D0000

Total Parcel(s) Acreage: 7.50

Existing Land Use of Property: Shed

### Request

Current Zoning of Property: LI

Proposed Zoning District: General Business

Total Acreage for Rezoning: 7.5

Are you rezoning the entire parcel(s): Yes/No

Metes and Bounds Description Provided: Yes/No

### Community Meeting, if Applicable

Date Meeting Held: Oct. 20, 2020

Meeting Location: 6804 Caratoke Hwy., Gra

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

  
 Signature of Nigel & Sarah Culpepper

Property Owner(s)/Applicant\*

Oct. 20, 2020

Date

\*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.

### Zoning Map Amendment Design Standards and Submittal Checklist

The table below depicts the design standards of the site plan or map for a zoning map amendment application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

## Zoning Map Amendment

### Site Plan Design Standards and Submittal Checklist

Date Received: 10-22-2020

→ Project Name: Culpepper - Rezoning

Applicant/Property Owner: Nigel + Sarah Culpepper

#### Site Plan or Map Design Standards Checklist

1	Lot/parcel dimensions.	<u>326,700</u>
2	Zoning designation.	<u>BUSINESS, General</u>
3	All existing physical features (structures, buildings, streets, roads, etc.).	<u>shed</u>
4	Location and dimensions of any proposed construction.	

#### Zoning Map Amendment Submittal Checklist

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

#### Zoning Map Amendment Submittal Checklist

1	Complete zoning map amendment application	✓
2	Application fee (\$200 plus \$5 for each acre or part thereof)	<u>240.-</u>
3	Community meeting written summary, if applicable	✓
4	Site plan or map	✓
5	Meters and bounds survey, if applicable	—
6	2 copies of plans or maps	✗
7	2 hard copies of ALL documents	✗
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	✗

#### For Staff Only

##### Pre-application Conference

Pre-application Conference was held on 10/2/2020 and the following people were present:

Jennie Turner, Donna Volira, Dale Culpepper, Barry Lombardi,  
Will Rumsby, Bill Newsom, /

##### Comments

See attached -OK

Here are notes from our virtual pre-app at 10AM on October 2, 2020.

**Planning Comments:**

Jennie Turner & Donna Voliva

Consider impacts to SFD living in GB surrounded by GB & LI zoning.

Consider range of uses allowed around the dwelling because of the existing zoning.

Residential zoning districts have the most protection for SFD use.

This may impact future development on surrounding properties.

The property owners must sign the application.

Consider the purposes of the GB & LI zoning districts.

Building Inspector Bill Newns had no comments.

Will Rumsey, Public Utilities stated the tap fee \$4,279

Larry Lombardi Economic Development Director

Stated concern about impacts to surrounding land uses including the brewery and future LI or GB uses.

I will see you tonight at 5:30 for the community meeting.

Thanks,

Jennie Turner

Planner II

County of Currituck

Planning & Community Development

Phone: 252-232-6031

Fax: 252-453-8300

Email: [jennie.turner@currituckcountync.gov](mailto:jennie.turner@currituckcountync.gov)

Website: [www.currituckgovernment.com](http://www.currituckgovernment.com)

**Notes for October 20, 20202 Meeting:**

Meeting held at location of property to be rezoned, 6804 Caratoke Hwy., Grandy, NC.

Meeting started at 5:30 pm.

In attendance: Jeannie Turner, Planning II  
Savannah Newbern, Assistant  
Nigel Culpepper, Owner  
Sarah Culpepper, Owner  
Blake Culpepper  
Virginia Culpepper

Discussed location of proposed home and surrounding area. Also clarified guidelines of building on property.

Presented letters from two surrounding landowners in response to letters that we mailed to them.

Everyone signed sheet saying that they attended meeting.

Meeting was completed by 6 pm.

Rezoning Meeting  
6804 Caratoke Hwy, Grandy  
Oct. 20, 2020 (Tuesday)

Please sign:

Jennie Turner Currituck County 252-232-6031

Savannah Newbern Currituck County

Sarah Culpepper - Owner - 804-387-7435

Nigel Culpepper - OWNER - 252-421-0043

Blakes Culpepper

Virginia Culpepper

252-421-0043

252-421-004



blake culpepper &lt;firstculpepper@gmail.com&gt;

## Zoning Change 6804 Caratoke Hwy. Grandy

1 message

Uli Bennewitz &lt;ulibennewitz@gmail.com&gt;

Tue, Oct 20, 2020 at 10:10 AM

To: firstculpepper@gmail.com

Cc: Donna W Voliva &lt;dvoliva@co.currituck.nc.us&gt;, selena.jarvis@currituckcountync.gov

Dear Nigel & Sarah,

First of all, welcome to the neighborhood! Thank you for your very kind personal letter and I enjoyed talking with you on the phone this weekend.

As you are aware, I was the one who initially changed the zoning of the land, which included your parcel to "light manufacturing". One of the reasons this was granted at that time was the fact that there was no residential property adjacent to us, only agricultural.

We have no objection to you building your residence on this lovely property of yours, but we want to put in writing that we operate a business next to you and our property will be used eventually for further commercial development, as long as this is permitted under our land use classification. Currently we operate the brewery, restaurant and butchery, and we want you to be aware of the following:

- We have two large hood fans from the kitchen pointing north towards your property. No doubt kitchen smell will waft across to your property.
- We have a very large smokehouse, again, the exhaust points north towards your property. The smokehouse is computerized and may run at night.
- Our brewery creates smells and while the brewery exhaust points south, there will no doubt be odor on your side if the wind blows your way.
- We have a bulk gas tank and a dumpster, both are serviced outside business hours by large trucks. This creates noise mostly in the early hours before we get there. We also on occasions receive containers of materials, which will be offloaded outside normal business hours.
- We operate a forklift which has a very annoying beeping sound every time we reverse, which seems to be most of the time. Again, that creates noise pollution.
- At the rear of your property we have a wastewater spray field for our brewery. This is an above ground application of wastewater which again creates smells. It does not run for hours, but it does create odors when it is running.
- We hope to add other commercial activities at our location here, that is the reason we own the 24 acres. We are obviously concerned that any expansion we request in the future may be blocked by the argument that we have residential neighbors adjacent to us.

As you can see, we truly are looking forward on a personal level to have you as neighbors here, but we are concerned about the impact this may have on the future use of our property. We are not objecting to your rezoning request, but we want to have a record of our concerns on file.

As I said at the beginning, welcome to the neighborhood, please feel free to reach out any time, if we can help you in any way.

Dear

We are Nigel and Sarah Culpepper.

We are the new owners of 6804 Caratoke Hwy. in Grandy. This is the piece of property adjacent to the "Weeping Radish" on the north side.

The previous owner, about 15 years ago, upped the zoning to Light Industrial so that the piece of property would be more appealing to businesses in the future if he opted to sell.

My wife and I have purchased the property. We were married on this piece of property over 5 years ago. We had the opportunity this past year to purchase this property on the thoughts of building our dream home. So much to our surprise going through the steps to achieving a building permit, we are going to need to rezone so that we may build our dream home.

So much to our surprise going through the steps to achieving a building permit, we are going to need to rezone so that we may build a residential home. We are requesting a zoning map amendment from the current Light Industrial (LI) Zoning District to General Business (GB) Zoning District.

We are notifying the surrounding landowners to be aware of our intent as per the requirement of the Currituck County United Development Ordinance.

If you have any questions, comments and/or are not able to attend the meeting, please contact us directly at 252-421-0045 or email us at [firstculpepper@gmail.com](mailto:firstculpepper@gmail.com).

This letter is to inform you of a community meeting to discuss any concerns regarding the proposed rezoning:

- Date: October 20, 2020
- Time: 5:30 pm
- Location: 3605 Caratoke Hwy. Grandy, NC  
(This location is the property to be rezoned just north of the Weeping Radish Brewery)

October 9, 2020

Dear Mr. and Mrs. Culpepper,  
I am the owner of the farm across  
the street from you. I have no  
objection to your rezoning the property  
from Light Industrial (L1) Zoning District  
to General Business (G3) Zoning District.

Sincerely yours,

William E. Bradley  
owner of Bradley Farm  
6815 Caratoke Highway  
Gorandy, N.C.



## Currituck County

Department of Planning  
 Post Office Box 70  
 Currituck, North Carolina 27929  
 252-232-3055  
 FAX 252-232-3026

### MEMORANDUM

**To:** Nigel & Sarah Culpepper

**From:** Planning Staff

**Date:** November 12, 2020

**Re:** PB 20-21 Culpepper Rezoning  
 6804 Caratoke Highway  
 Grandy, NC

The following comments have been received for the November 10, 2020 TRC meeting. Your case will be scheduled for the December 8, 2020 Planning Board meeting. If you wish to provide responses to any comments prior to the Planning Board meeting, please do so by November 23, 2020. TRC comments are valid for six months from the date of the TRC meeting.

#### **Planning, Jennie Turner, 252-232-6031**

Reviewed

As mentioned at the pre-application conference as well as the community meeting; staff has concerns with compatibility of a single-family dwelling constructed in the General Business (GB) zoning district adjoining the Light Industrial (LI) zoning district. In addition to potential impacts on enjoyment of the proposed single-family dwelling, the existence of a single-family dwelling on GB zoned property may impact use setbacks and landscaping requirements on adjacent GB and LI zoned properties. Residential zoning districts offer the most protection for single-family dwellings.

Staff's recommendation on this rezoning request will be provided to you in the staff report prepared for the Planning Board, this report is typically provided one week in advance of the Planning Board meeting.

#### **Currituck Soil and Stormwater, Dylan Lloyd**

Approved

#### **Currituck County Utilities, Will Rumsey & Dave Spence**

No Comment

#### **Currituck County GIS, Harry Lee**

Reviewed

No Comment

**Currituck County Building Inspections, Bill Newns**

No Comment

**Currituck County Parks and Recreation, Jason Weeks**

No Comment

**Currituck County Economic Development, Larry Lombardi, 252-232-6015**

Reviewed

Even though by right residential is allowed in GB, there are potential compatibility issues with constructing a dwelling on property adjacent to Light Industrial Zoning Districts. The GB & LI zoning districts are in place to protect homeowners and business owners. A dwelling located in GB may be impacted by off-site activities of existing or future business developments that are permitted in Business and Industrial zoning districts.

**NC Division of Coastal Management, Charlan Owens**

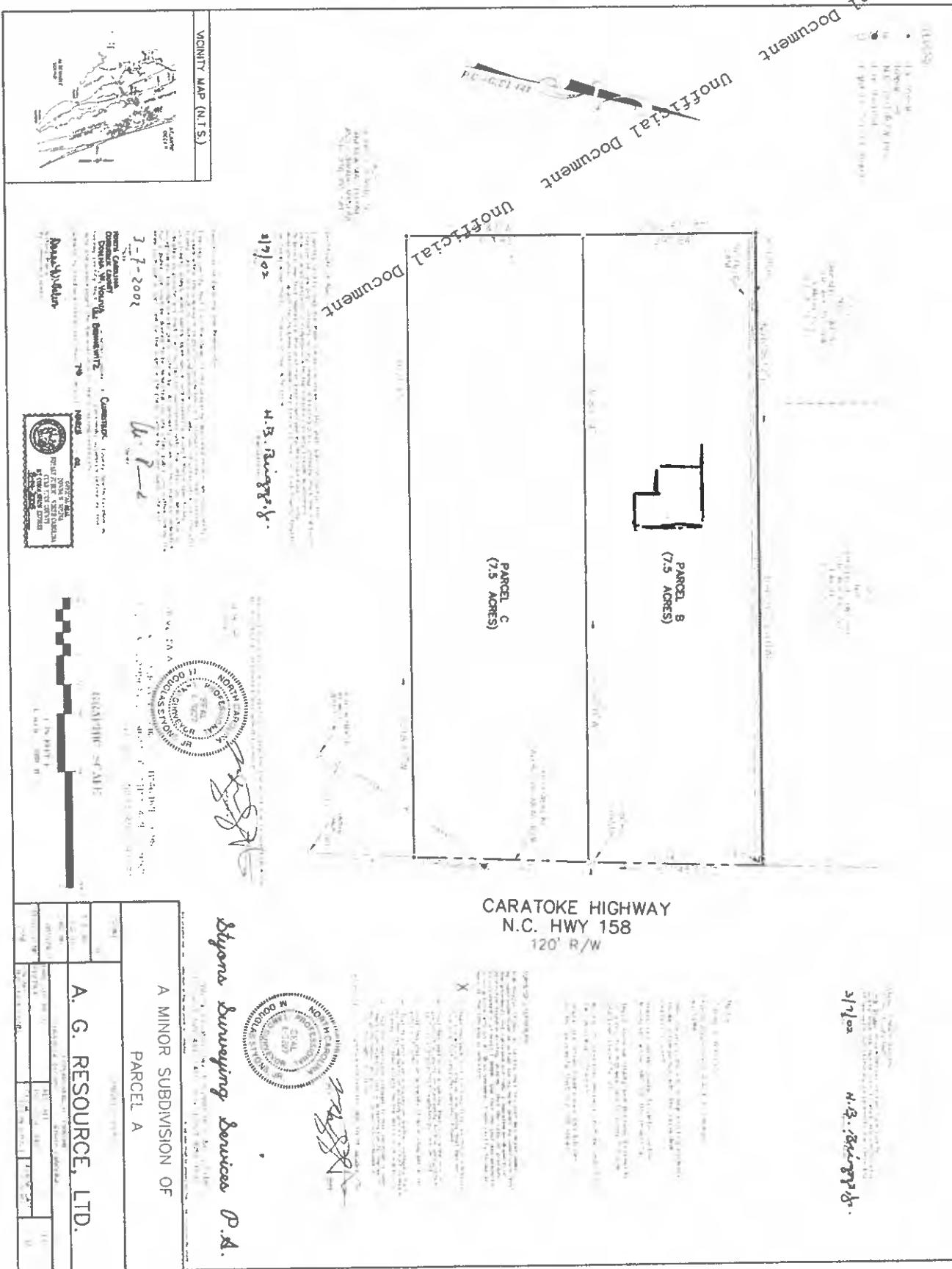
No Comment

**Albemarle Regional Health Services, Joe Hobbs**

Reviewed

OWNER/DEVELOPER PLEASE CONSULT WITH KEVIN CARVER RS AT 252-232-6603 CONCERNING SEPTIC SYSTEM APPROVAL AND PRIVATE WELL APPROVAL AT DESIRED AREA OF PROPERTY FOR FUTURE HOME SITE.







## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – 2987**

**Agenda Item Title:** PB 20-22 Pinnacle Storage - Conditional Rezoning:

**Submitted By:** Cheri Elliott – Planning & Community Development

**Item Type:** Legislative

**Presenter of Item:** Jason Litteral

**Board Action:** Action

---

### **Brief Description of Agenda Item:**

Robert High Development, LLC is requesting conditional rezoning of a 10.48 acre parcel from Conditional-Heavy Industrial (formally zoned for 84 Lumber) to Conditional Heavy-Industrial for Self-Service Storage. The property is owned by Pierce Hardy, LTD Partnership, and is located at 1462 Caratoke Highway, Tax Map 23, Parcel 68J, Moyock Township.

**Planning Board Recommendation:**

**Staff Recommendation:**

**TRC Recommendation:** Approval with Conditions



**STAFF REPORT  
PB 20-22 PINNACLE STORAGE  
CONDITIONAL ZONING  
PLANNING BOARD  
DECEMBER 8, 2020**

**APPLICATION SUMMARY**

<b>Property Owner:</b> Pierce Hardy Ltd. Partnership c/o 84 Lumber Co. 1019 Rte. 519, Bldg Eighty-Four, PA 15330	<b>Applicant:</b> Robert High Development, LLC 324 Greenville Ave. Wilmington, NC 28403
<b>Case Number:</b> PB 20-22	<b>Application Type:</b> Conditional Rezoning
<b>Parcel Identification Number:</b> 023000068J0000	<b>Existing Use:</b> Vacant
<b>Land Use Plan Classification:</b> Rural	<b>Parcel Size (Acres):</b> 10.48
<b>Moyock Small Area Plan Classification:</b> Limited Service Area Industrial Activity Center	<b>Zoning History:</b> (1970-Light Industrial). (1974-Manufacturing), (1989-Heavy Industrial) (2015 C-HI)
<b>Current Zoning:</b> Conditional Heavy Industrial (C-HI) 84 Lumber	<b>Proposed Zoning:</b> Conditional Heavy Industrial (C-HI) Self Service Storage
<b>Request:</b> Robert High Development, LLC is requesting conditional rezoning of a 10.48 acre parcel from C-HI (84 Lumber) to C-HI (Pinnacle) Self Service Storage	

**REQUEST**

**NARRATIVE**

Robert High Development, LLC is requesting conditional rezoning of a 10.48 acre parcel from C-HI (84 Lumber) to C-HI (Pinnacle Storage) Self-Service Storage. In 2015, the subject parcel was granted conditional rezoning to allow 84 Lumber to conduct a lumber warehousing use with a retail component. The 84 Lumber project never materialized and the property has remained vacant.

According to historical zoning maps, the subject property has been zoned for industrial use since at least 1970. It is located in front of Wind Chaser Industrial area. There are currently several nearby industrial uses including a concrete plant, a precast concrete facility, and a recycling business. The properties to the north and south are split zoned with General Business near Caratoke Highway and Heavy Industrial in the rear. The property to the north is proposing a self-service storage use on the Heavy Industrial portion while the front will remain General Business.

The site is appropriate for the proposed use because it is surrounded by industrial uses and industrially zoned properties. The applicant is addressing concerns about the proximity to Caratoke Highway by proposing the conditions of approval listed below.

The applicant is proposing to phase the project with the front buildings being constructed first, and the buildings in the rear being constructed according to demand.

## COMMUNITY MEETING

Mark Bissell presented a summary of the land, setting and the approval process, along with a presentation of the development plan. The development plan included the, site plan, preliminary architectural plan, stormwater, and landscaping general plan. Community comments were received and were addressed as shown below. There were also informal discussions around the renderings that had been provided for review, and then the meeting was adjourned.

1. **Concerns about drainage** – Ponds will be designed to store and slow release stormwater.
2. **Concerns about landscaping** – Committing to provide 140% of streetscaping required by UDO.
3. **How will it be phased**- The front 3 buildings will be constructed first. The schedule for the remaining buildings will be based on market conditions.

## CONDITIONS OF APPROVAL

1. 20% windows on highway frontage side of building(s)
2. Finished front façade (brick, stucco, or similar finish)
3. 140% of required streetscaping, allowed to be clustered to provide visibility from 168.

## SURROUNDING PARCELS

	Land Use	Zoning
North	Vacant	Agricultural (Across Highway)
South	Concrete Plant	Heavy Industrial
East	Vacant	Heavy Industrial/GB
West	Vacant	Heavy Industrial/GB

## LAND USE PLAN

**The 2006 Land Use Plan classifies this site as Limited Service within the Moyock subarea. The policy emphasis for the Moyock subarea is properly managed. The proposed plan is consistent with the policies of the plan, some of which are:**

Policy ID 5	WAREHOUSING, STORAGE AND DISTRIBUTION facilities shall have access to thoroughfares of adequate traffic carrying capacity, and shall be appropriately designed and/or visually buffered according to the visibility of their location.
Policy ID 2	Industrial uses should not be located in areas that would diminish the desirability of existing and planned NON-INDUSTRIAL DEVELOPMENTS, nor shall incompatible nonindustrial uses be allowed to encroach upon existing or planned industrial sites.
Policy CA 3	LANDSCAPE IMPROVEMENTS at existing and new commercial developments, particularly as related to breaking up and softening the appearance of expansive parking areas, and absorbing storm water runoff, shall be required.
Policy ID1	To diversify the local economy and broaden the local tax base, the County shall encourage a public service and regulatory environment conducive to COMPATIBLE INDUSTRIAL DEVELOPMENT. "Compatible" shall be defined as, among other things, industries that do not adversely impact the environmental quality of the area, or overburden the local infrastructure.
Policy ED1	NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity based economy of Currituck County.

## MOYOCK SMALL AREA PLAN

**The Moyock Small Area Plan classifies this site as a limited service industrial activity center. The proposed plan is consistent with the policies of the plan, some of which are:**

Policy BI 3	Actively Market Moyock as an emerging growth area (virtual micropolitan) to encourage targeted retail and service development.
-------------	--

## RECOMMENDATION

### Technical Review Committee

The Technical Review Committee recommends approval of the conditional rezoning subject to the following conditions:

1. 20% windows on highway frontage side of building(s)
2. Finished front façade (brick, stucco, or similar finish)
3. 140% of required streetscaping, allowed to be clustered to provide visibility from 168.
4. A Major Site Plan application shall be submitted to ensure full compliance with the UDO and the conditions of approval.

## CONSISTENCY AND REASONABILITY STATEMENT

**A conditional zoning is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a conditional rezoning the Board of Commissioners shall adopt a written statement of consistency and reasonableness.**

***This conditional zoning request is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this Ordinance; Is compatible with existing and proposed uses surrounding the land subject to the application,***

**and is the appropriate zoning district and uses for the land; and addresses a demonstrated community need.**

**It is reasonable and in the public interest because provides a needed service for the growing residential development in Moyock.**

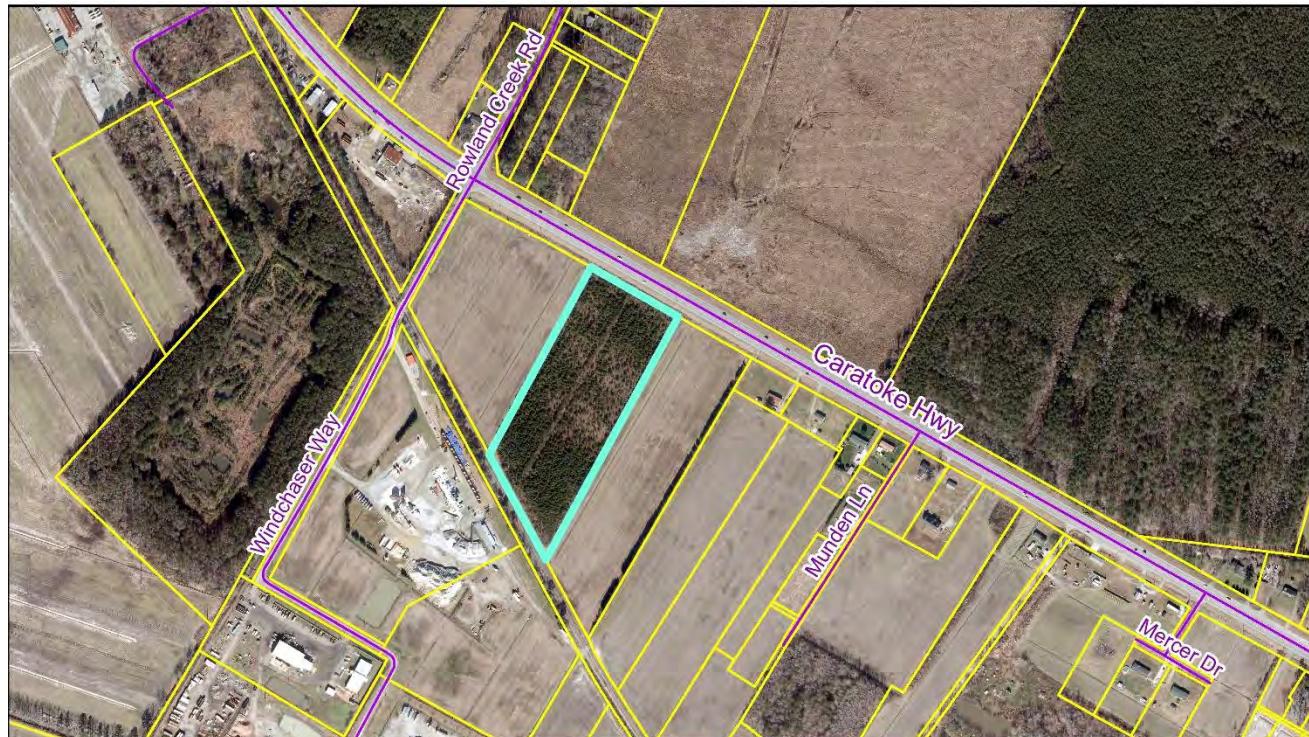
## CONDITIONS OF APPROVAL

**Only conditions mutually agreed to by the owner(s) may be approved as part of a conditional zoning district. Conditions shall be limited to those that address conformance of development and use of the site with county regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use. No condition shall be less restrictive than the standards of the parallel general use zoning district.**

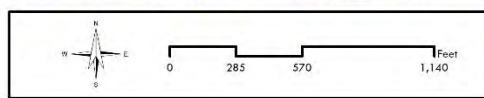
### Agreed upon conditions of approval:

1. 20% windows on highway frontage side of building(s)
2. Finished front façade (brick, stucco, or similar finish)
3. 140% of required streetscaping, allowed to be clustered to provide visibility from 168.
4. A Major Site Plan application shall be submitted to ensure full compliance with the UDO and the conditions of approval.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE  
Board of Commissioners: [www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm](http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm)



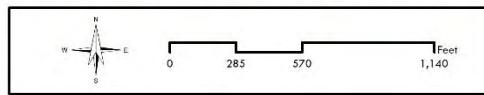
PB 20-22 Pinnacle Storage  
Conditional Rezoning  
Aerial



Currituck County  
Planning and Community  
Development



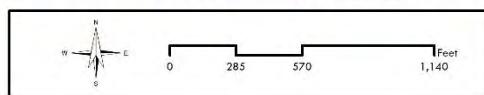
PB 20-22 Pinnacle Storage  
Conditional Rezoning  
Official Zoning Map



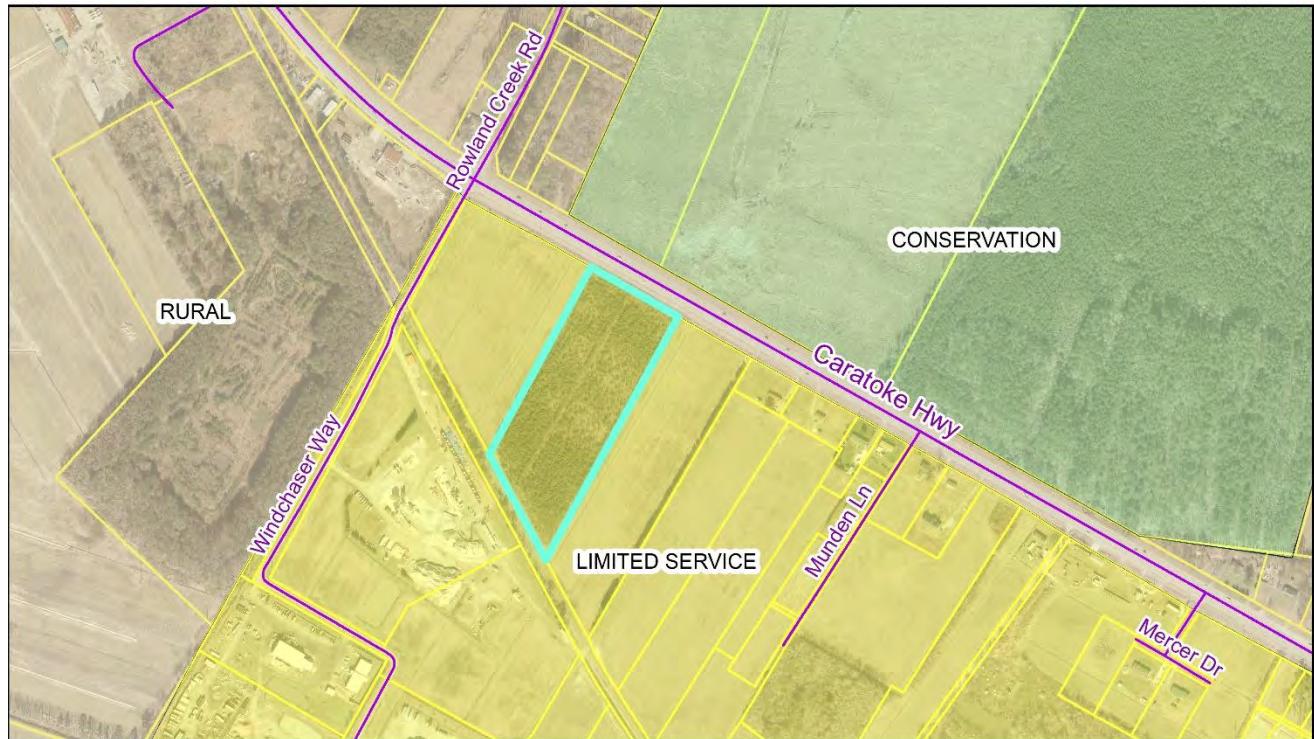
Currituck County  
Planning and Community  
Development



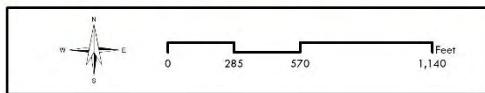
PB 20-22 Pinnacle Storage  
Conditional Rezoning  
2006 LUP Classification



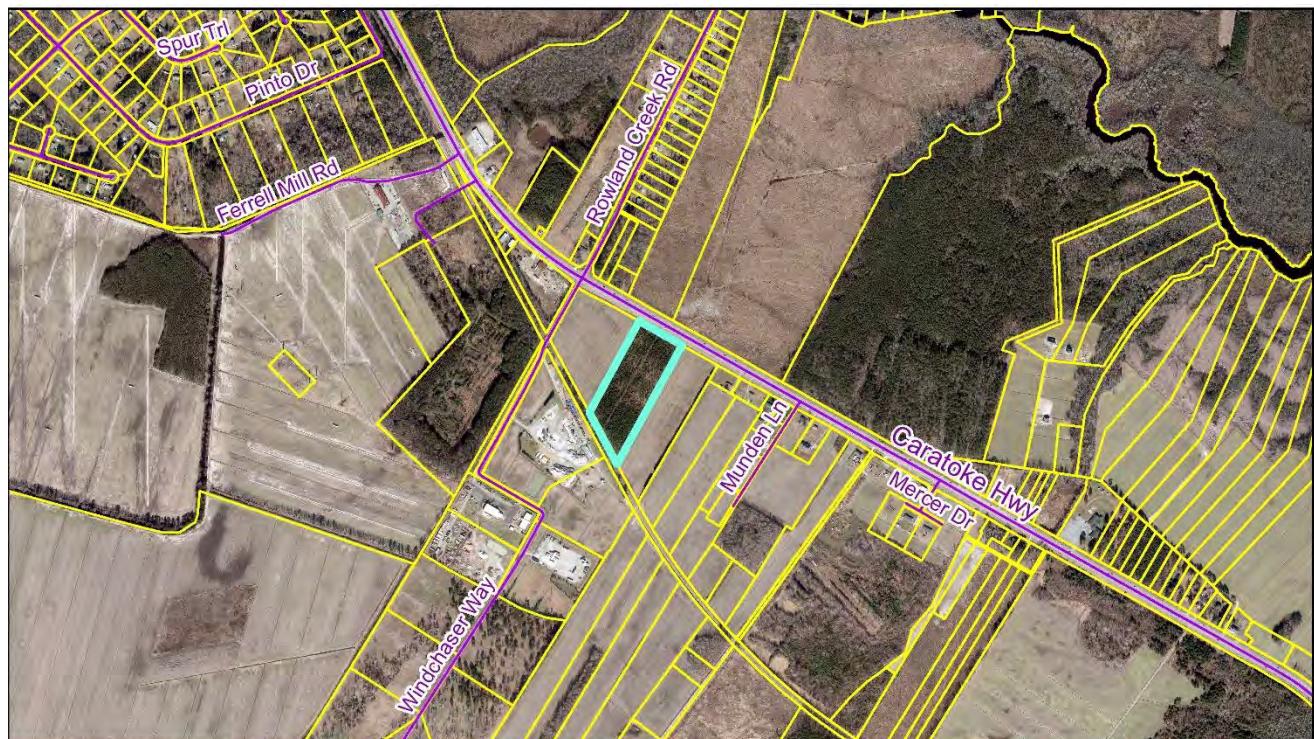
Currituck County  
Planning and Community  
Development



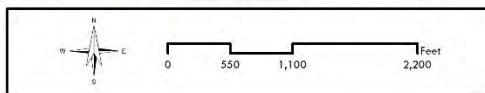
PB 20-22 Pinnacle Storage  
Conditional Rezoning  
Moyock Small Area Plan



Currituck  
County  
Planning and Community  
Development



PB 20-22 Pinnacle Storage  
Rezoning  
Aerial



Currituck  
County  
Planning and Community  
Development



## Conditional Rezoning Application

OFFICIAL USE ONLY:  
 Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

### Contact Information

#### APPLICANT:

Name: Robert High Development, LLC  
 Address: 324 Greenville Ave.  
 Wilmington, NC 28403  
 Telephone: 910-790-9490

E-Mail Address: robert@roberthighdevelopment.com E-Mail Address: bethany.cypher@84lumber.com

#### PROPERTY OWNER:

Name: Pierce Hardy Ltd.  
 Partnership c/o 84 Lumber Co.  
 Address: 1019 Rte. 519, Bldg. #4  
 Eighty-Four, PA 15330

Telephone: (724) 228-8820 Ext. 2046

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

### Property Information

Physical Street Address: 1462 Caratoke Highway, Moyock, NC 27958

Location: Moyock, NC 27958

Parcel Identification Number(s): 0023000068J0000

Total Parcel(s) Acreage: 10.48 ac.

Existing Land Use of Property: Undeveloped

### Request

Current Zoning of Property: C-HI Proposed Zoning District: C-HI

### Community Meeting

Date Meeting Held: Oct. 14, 2020 Meeting Location: Eagle Creek Pavilion

**Conditional Rezoning Request**

To Chairman, Currituck County Board of Commissioners:

The undersigned respectfully requests that, pursuant to the Unified Development Ordinance, a conditional zoning district be approved for the following use(s) and subject to the following condition(s):

**Proposed Use(s):**

Self-service storage development

**Proposed Zoning Condition(s):**

20% windows on highway frontage side of building(s)

Wooden fence along the highway side

Finished front building facade (brick, stucco, or similar finish)

140% of required streetscaping, allowed to be clustered to provide visibility from 168

An application has been duly filed requesting that the property involved with this application be rezoned from:  
C-HI to: C-HI

It is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound to the conceptual development plan, use(s) authorized, and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Currituck County Unified Development Ordinance. It is further understood and acknowledged that final plans for any development be made pursuant to any such conditional zoning district so authorized and shall be submitted to the Technical Review Committee.

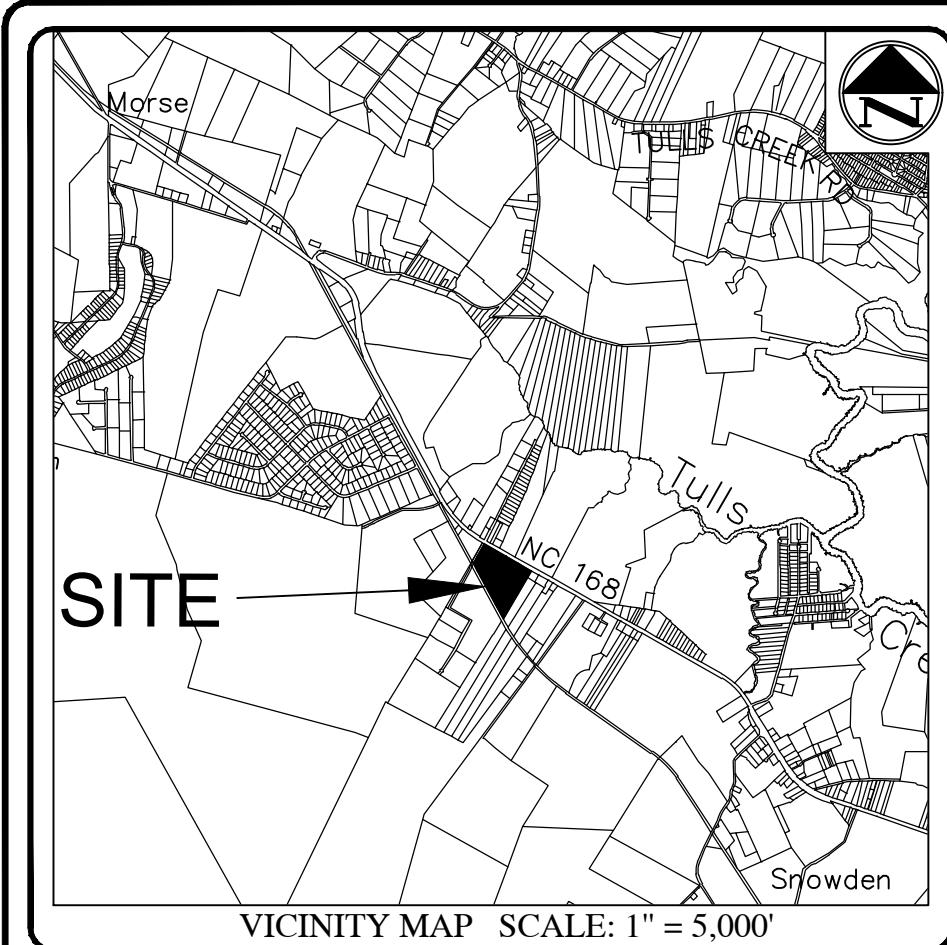
Pierce Hardy Limited Partnership

Bethany L. Cypher  
Property Owner(s)  
Assistant V.P.

10/21/20

Date

**NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.**



**GENERAL NOTES:**  
PROJECT NAME: PINNACLE STORAGE

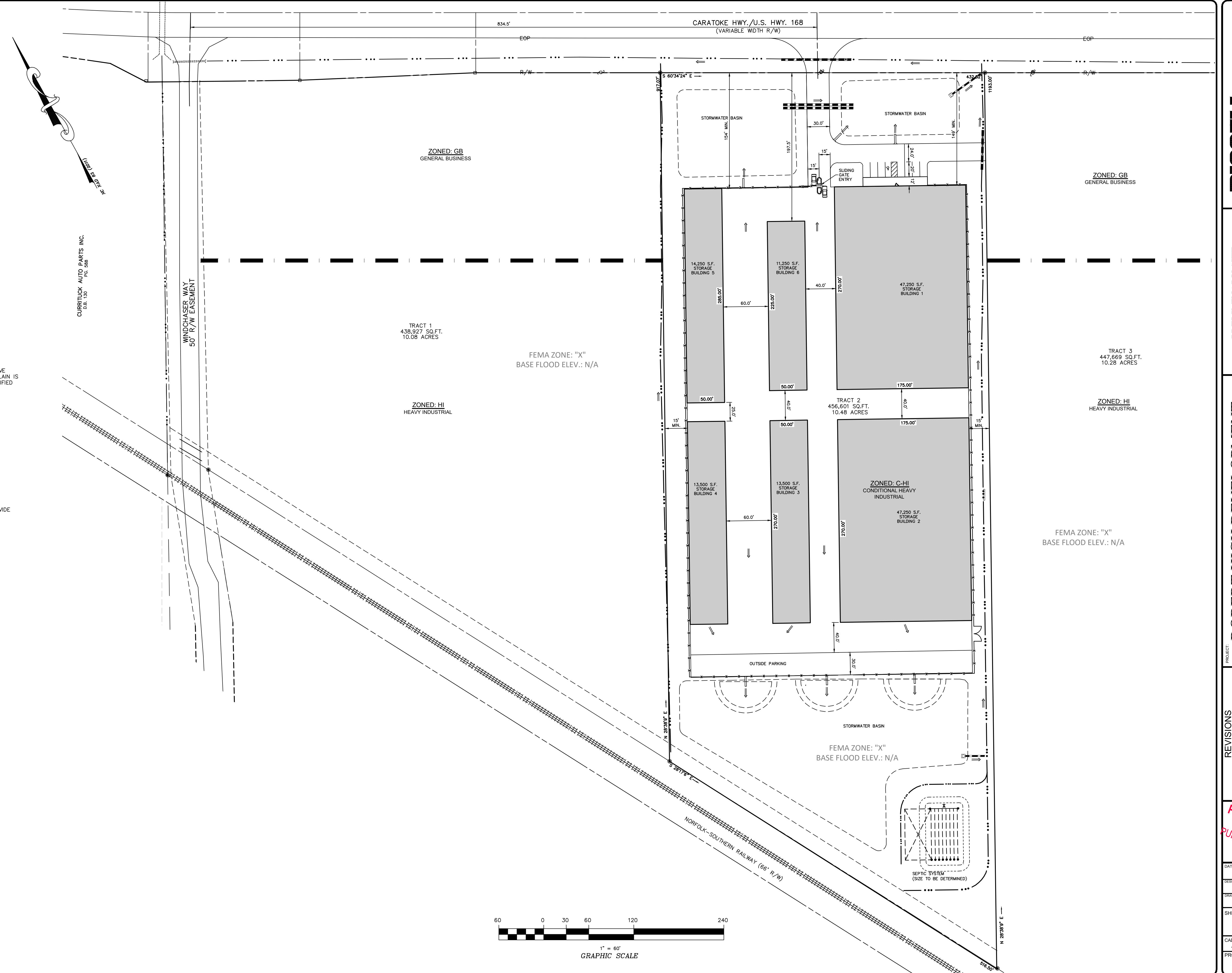
- APPLICANT: ROBERT HIGH DEVELOPMENT  
223 GREENVILLE AVE., SUITE B  
WILMINGTON, NC 28403
- OWNER: PIERCE HARDY PARTNERSHIP LTD  
1019 ROUTE 519, BLDG 4  
EIGHTY-FOUR, PA 15330
- PROPERTY DATA:  
PARCEL ID# 0023-000-068J-0000  
PRIMARY ADDRESS: 1462 CARATOKE HWY.  
MOYOCK, NC  
RECORDED REFERENCES: D.B. 1035, PG. 725  
P.C. K, SL. 48
- PROPERTY ZONING: C-HI (EXISTING & PROPOSED)
- F.I.R.M. DATA:  
ZONING: C-HI. F.I.R.M. MAP PANEL: 3721804000 K, CID: 370078. EFFECTIVE DATE DECEMBER 21, 2018. USE OF LAND WITHIN A FLOODWAY OR FLOOD PLAIN IS SUBSTANTIALLY RESTRICTED BY CHAPTER 7 OF THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE.
- THIS PROPERTY CONTAINS NO ACOE "404" JURISDICTIONAL WETLANDS.

**PROPOSED ZONING CONDITIONS:**

- DEVELOPMENT SHALL PROVIDE:
- 20% WINDOWS ON HIGHWAY FRONTAGE SIDE OF BUILDING.
  - WOODEN FENCE ALONG HIGHWAY SIDE.
  - FINISHED FRONT BUILDING FAÇADE (BRICK, STUCCO OR SIMILAR FINISH).
  - 140% OF REQUIRED STREETSCAPING, WHICH MAY BE CLUSTERED TO PROVIDE VISIBILITY FROM ROUTE 168.

LEGEND	
ROADWAY CENTERLINE	RIGHT-OF-WAY
PROPERTY BOUNDARY	ADJOINING PROPERTY LINE
EXISTING DITCH CENTERLINE	ZONING BOUNDARY LINE
6	EXISTING GRADE CONTOUR

DEVELOPMENT SCHEDULE	
CONSTRUCTION OF BUILDINGS 1, 5 & 6	2021
CONSTRUCTION OF BUILDINGS 2, 3 & 4	MARKET DRIVEN



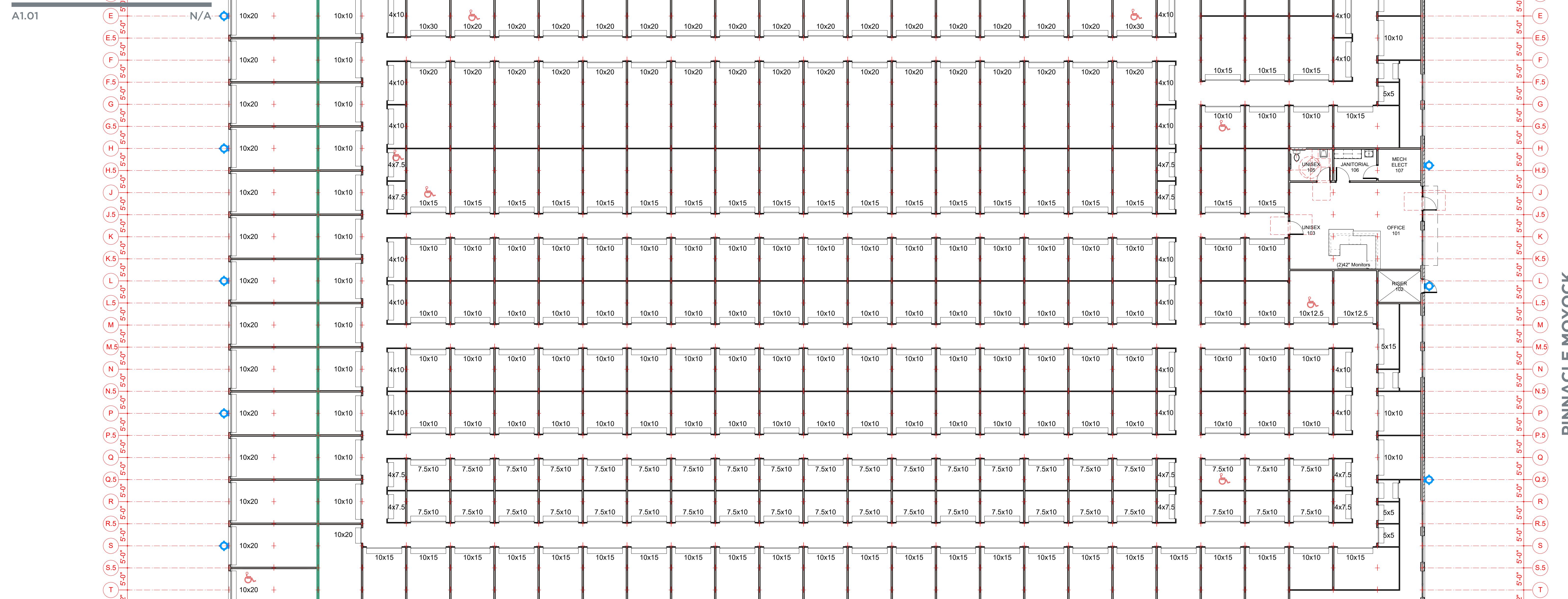
UNIT MIX CALCULATIONS		Comments
Unit Size	1st Flr HC units	
4x7.5	10	1 ADA compliant hardware
4x10	23	1 ADA compliant hardware
5x5	3	1 ADA compliant hardware
5x15	2	1 ADA compliant hardware
7.5x10	40	1 ADA compliant hardware
10x10	99	1 ADA compliant hardware
10x12.5	2	1 ADA compliant hardware
10x15	50	1 ADA compliant hardware
10x20	35	1 ADA compliant hardware
10x30	2	1 ADA compliant hardware
Exterior		
5x15	2	
10x20	15	1 ADA compliant hardware
10x25	18	1 ADA compliant hardware
<b>TOTAL</b>	<b>301</b>	
		<b>12.0 = 10+2% units over 200</b>

Sizes listed for individual storage units are nominal and center to center of partition walls. There may be adjustments to any such unit to allow for site constraints, structural tolerances, mechanical systems, vertical transportation and other issues encountered both during design and in the field.

5' wide handicapped units are equipped with 3'-0" wide swing doors with ADA compliant lever hardware, typical. 10' wide handicapped units are equipped with a pair of 3'-0" wide swing doors with ADA compliant lever hardware, typical. In all handicapped unit locations where a swing door cannot be provided, the roll-up door must be electronically operable with a battery backup in case of power failure.

### UNIT MIX CALCULATION

A1.01



FLOOR PLAN

SCHEMATIC DESIGN  
OCTOBER 5, 2020

Owner acknowledges and agrees that Robert High Development, LLC (RHD) [and its architect Cothran Harris Architecture and engineers] have retained all ownership rights in and to the Plans and Specifications (collectively, "Plans and Specifications") relating to the Project (including without limitation architectural and engineering drawings, plans and specifications, data, reports, blueprints, and other materials) and all rights and interests in connection with the construction, ownership, operation and maintenance of the Project. The Owner shall not, without the prior written consent of RHD, have any right, title or interest in or to any of the Plans and Specifications or any patents (issued or pending), trademarks, service marks, trade names, copyrights, licenses, licensed or otherwise granted by RHD or any other rights granted by third parties or other professionals to RHD.

The Plans and Specifications and any contents of any documents or information contained therein are the sole and exclusive property of RHD and are held in confidence by the Owner. The Owner shall not copy, reproduce, or in any way, in whole or in part, without the prior, written permission of Cothran Harris Architecture and RHD.

FLOOR PLAN

A1.18

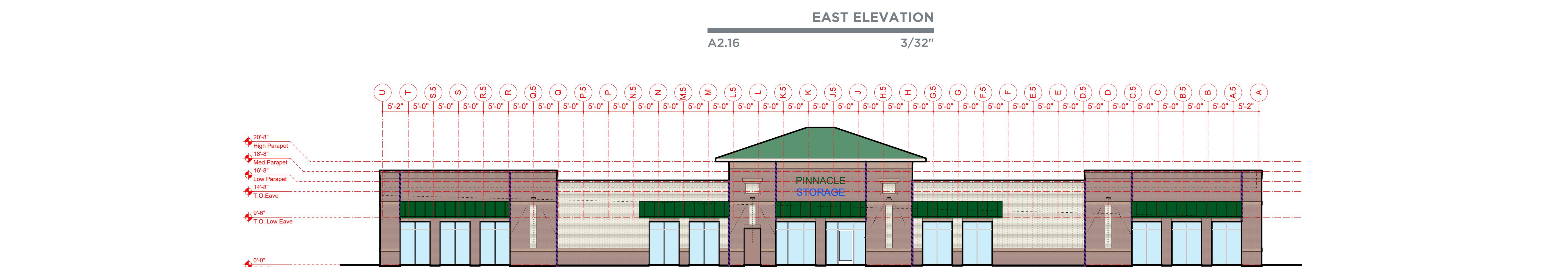
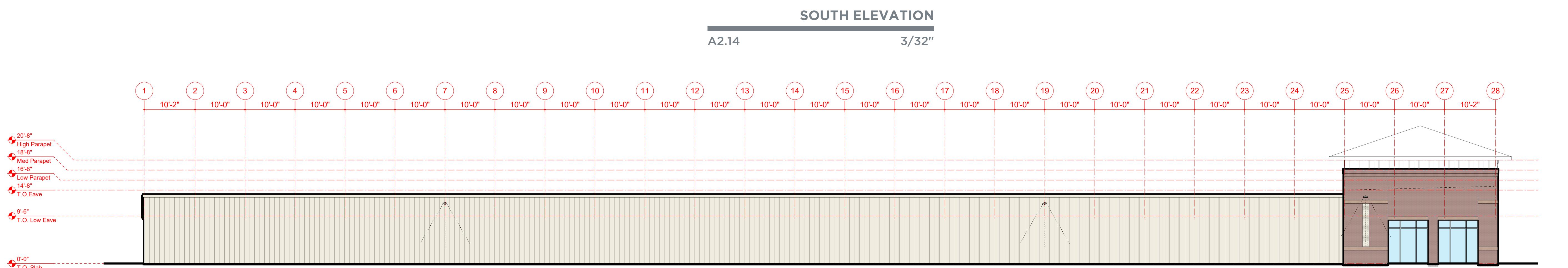
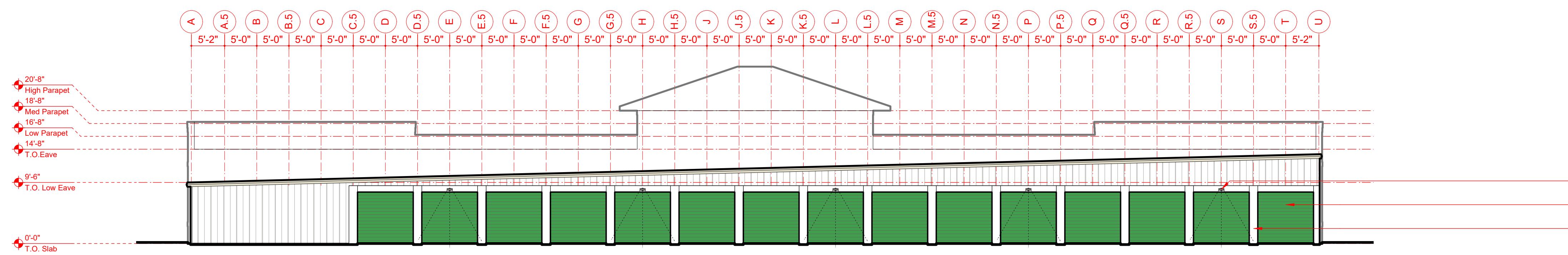
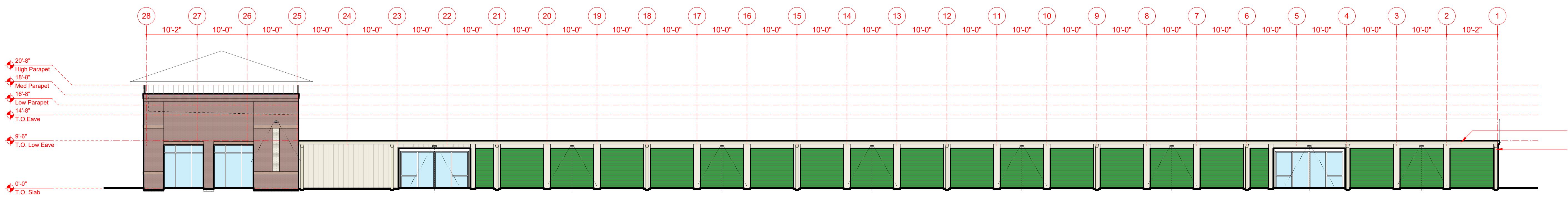
3/32"



A1.1

©2020 CHA. ALL RIGHTS RESERVED

Packet Pg. 44



Owner acknowledges and agrees that Robert High Development, LLC (RHD) [and its architect COTHRAN HARRIS ARCHITECTURE and engineers] have retained all ownership rights in and to the Plans and Specifications (collectively, "Plans and Specifications") relating to the Project (including without limitation architectural and engineering drawings, plans and specifications, and all related documents, data, and information, and all related materials, reports, and correspondence in connection with the construction, ownership, operation and maintenance of the Project) and that RHD shall have the sole and exclusive right, title or interest in or to any of the Plans and Specifications or any patents (issued or pending), trademarks, service marks, trade names, copyrights, licenses, licensed or otherwise granted by RHD or any such rights granted by third parties or other professionals to RHD.

The Plans and Specifications and any contents of any documents or information contained therein are the sole and exclusive property of COTHRAN HARRIS ARCHITECTURE and RHD and are to be used only for the Project and may not be reproduced, copied, or in part, without the prior, written permission of COTHRAN HARRIS ARCHITECTURE and RHD.

©2020 CHA ALL RIGHTS RESERVED

Packet Pg. 45







## Currituck County

Department of Planning and Community Development  
 153 Courthouse Road, Suite 110  
 Currituck, North Carolina 27929  
 252-232-3055  
 FAX 252-232-3026

### MEMORANDUM

**To:** Robert High Development, LLC  
 Bissell Professional Group

**From:** Planning Staff

**Date:** 11/19/2020

**Re:** PB 20-22 Pinnacle Storage, Conditional Rezoning

The following comments have been received for the November 10, 2020 TRC meeting. In order to be scheduled for the December 8, 2020 Planning Board meeting, please address all comments and resubmit as necessary by 3:00 p.m. on November 23, 2020. TRC comments are valid for six months from the date of the TRC meeting.

#### Planning, Jason Litteral

Reviewed

1. The proposed conditions of approval are acceptable.
2. A major site plan application shall be submitted for review.

#### Currituck County Building and Fire Inspections (Bill Newns, 252-232-6023)

Fire flow calculations based on ISO Method

Fire hydrants within 400' or 600' based on sprinkler of all portions of the buildings

#### Currituck County Economic Development (Larry Lombardi 252-232-6015)

Reviewed plans and this is an appropriate location for this project.

#### Currituck Soil and Stormwater (Dylan Lloyd, 252-232-3360)

- 1) Clean out any existing perimeter ditches and back ditch bordering the railroad ROW.
- 2) At the large Stormwater Basin in the back angle the outfall pipe culvert 45 degrees into the side swale to reduce erosive velocity to the channel. The Stormwater basin at the front of the property is like this.

#### NCDOT (David Otts, 252-331-4737)

As per our Policy On Street and Driveway Access to North Carolina Highways, "for land uses that require....gates or other entry control devices, the vehicle storage will be of adequate length so that entering vehicles do not queue back on the adjacent highway right-of-way." Accordingly, please ensure this offset is detailed on the construction plans. I would suggest this gate be offset adequate distance to accommodate a moving truck with trailer, followed by a passenger vehicle.

#### Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)

PLEASE CONSULT WITH KEVIN CARVER RS(252-232-6603) CONCERNING SEPTIC SYSTEM APPROVAL FOR PROPOSED COMMERCIAL DEVELOPMENT .

#### Mediacom (252-482-5583)

See attached letter.

**US Post Office**

Contact the local post office for mail delivery requirements

**The following items are necessary for resubmittal:**

- 3 - full size copies of revised plans.
- 10 - 11"x17" copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.


**Kim Mason, NC Area Director**
[kmason@mediacomcc.com](mailto:kmason@mediacomcc.com)

216 B Shannonhouse Road

Edenton NC, 27932

Edenton: 252-482-5583

Plymouth: 252-793-2491

Mobile: 252-497-0328

**RE: New Build & Development**

Dear Development manager;

As you know the key need for all homes in this 21<sup>st</sup> Century is a solid internet connection, be it for business, education or entertainment, the public demand is here.

With this in mind, as you plan for your development and build out, we would like to encourage you to reach out to us, as you do for other essential utilities. It is most economical and reasonable for you to work with us and have this valuable infrastructure in advance of selling and building the homes. Any build out costs can easily be recouped as the lots are developed and make your neighborhoods more appealing to families and professionals.

We invite you to partner with us and contact us locally. We will process a ROI for your location to determine partnership feasibility and estimated cost to ensure your development has access to the best internet services available.

Our key contacts are, Kim Mason, Director for North Carolina – information above and our construction coordinator Nathaniel Harris at 252-793-5256 or 252-339-9375.

Mediacom launched 1-Gig broadband speeds in the following areas of North Carolina and operates customer service offices in Edenton and Plymouth.

Bertie County	Martin County	Chowan County	Perquimans County
Colerain	Jamesville	Arrowhead / Chowan Beach	Hertford
Kelford	Northampton County	Edenton	Winfall
Lewiston	Conway	Currituck County	Tyrrell County
Powellsboro	Galatia	Barco	Columbia
Roxobel	Jackson	Currituck	Washington County
Windsor	Rich Square	Grandy	Creswell
Camden County	Seaboard	Moyock	Plymouth
Camden	Severn	Point Harbor	Roper
Shiloh	Woodland	Poplar Branch	
South Mills		Tulls Bay	

**About Mediacom Communications**

Mediacom Communications Corporation is the 5<sup>th</sup> largest cable operator in the U.S. serving over 1.3 million customers in smaller markets primarily in the Midwest and Southeast. Mediacom offers a wide array of information, communications and entertainment services to households and businesses, including video, high-speed data, phone, and home security and automation. Through Mediacom Business, the company provides innovative broadband solutions to commercial and public sector customers of all sizes and sells advertising and production services under the OnMedia brand. More information about Mediacom is available at [www.mediacomcable.com](http://www.mediacomcable.com).

We look forward to partnering with you to ensure your projects are successful and your development has the best services available for your buyers.

Best regards,

*Kim Mason*

Kim Mason

Operations Director, North Carolina

## Pinnacle Storage

October 14, 2020

Scheduled Time/Place: 6:00pm, Eagle Creek, Currituck, NC

Meeting Began a little before 6:00pm/Meeting Ended at approximately 6:50pm

Attendees: (See attached sign-in sheet)

Comments from the Community	How Addressed
Concerned about drainage	Ponds will be designed to store and slow-release stormwater
Concerned about landscaping	Committing to provide 140% of streetscaping required by UDO
How will it be phased?	The front 3 buildings will be constructed first. The schedule for the remaining buildings will be based on market conditions.

**Summary:**

Mark Bissell presented a summary of the land and setting and the approval process, along with a presentation of the development plan (site plan and preliminary architectural plan) stormwater, landscaping general plan.

Community comments were received and were addressed as shown above.

There were also informal discussions around the renderings that had been provided for review, and then the meeting was adjourned.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – 2986**

**Agenda Item Title:** PB 20-19 Bissell Professional Group:

**Submitted By:** Donna Voliva – Planning & Community Development

**Item Type:** Legislative

**Presenter of Item:** Donna Voliva

**Board Action:** Action

---

### **Brief Description of Agenda Item:**

Requests to amend the Currituck County Unified Development Ordinance, Chapter 2: Administration, Section 2.4.8.D., Minor Subdivision, Chapter 6: Subdivision and Infrastructure Standards , Section 6.2.1., Street Standards, and Section 6.2.3. Utility Standards to simply the approval process, design standards, and defer infrastructure installation for non-residential subdivisions containing four or fewer lots.

### **Planning Board Recommendation:**

**Staff Recommendation:** Denial

**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 252-232302

To: Board of Commissioners  
 From: Planning Staff  
 Date: November 30, 2020  
 Subject: PB 20-19 Bissell Professional Group

---

Mark Bissell, Bissell Professional Group, submitted a text amendment to the Unified Development Ordinance (UDO) to establish a process and review standards for non-residential minor subdivisions in the General Business (GB) zoning district. The request would also modify the infrastructure standards and installation requirements for this type of development. The proposed text amendment allows the developer to create up to four lots as a non-residential minor subdivision for commercial uses from the parent parcel that existed on the effective date of this amendment. If approved, the developer could create lots under the provisions of the amendment and delay infrastructure installation to a later time and not completed as part of the subdivision. Instead, the development would be completed more similar to individual site development plans. The delay in infrastructure installation could include water mains and service, sewer, road or access improvements including deceleration lanes, landscaping, buffers, and stormwater.

### Background

At its January 2019 retreat, the Board of Commissioners directed staff to address the increasing use of minor subdivisions and the potential safety issue from subdivisions creating lots and installing driveways along existing state roads. In 2019, minor subdivisions were divisions of land into 5 lots or less without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). The adopted language (September 3, 2019) reduced the number of lots created as a minor subdivision (maximum of three lots) and limited driveway cuts along existing NCDOT streets preserving the traffic function of these existing roads. The amendment also required all lots to access an internal subdivision street, unless exempt.

The applicant's request states the 2019 text amendment prohibits the platting of additional lots on existing state roads and has the effect of slowing commercial site development particularly in the Moyock commercial corridor by making it difficult to divide existing larger commercial tracts along Caratoke Highway for the purpose of commercial development.

### Request Summary

1. Non-residential minor subdivision of no more than four lots zoned GB.

2. Parent parcel date to be changed from April 2, 1989 to the effective date of the amendment.
3. Driveway (shared or individual) construction in easements instead of road construction in a right of way.
4. Individual lot stormwater design (site plan design standards instead of subdivision design standards).
5. Individual water and sewer (public/private/individual) to be provided prior to initiation of the use instead of installed before the subdivision is recorded and/or building permit application for water and sewer. It appears the applicant is requesting individual utility services for each of the lots instead of water/sewer (when applicable) main extension.
6. General Development Plan

### **Staff Concerns with the Proposed Request**

Establishing a non-residential minor subdivision process for General Business (GB) zoned property could streamline the subdivision review process. Allowing the parent parcel to be reestablished from April 2, 1989 to the adoption date of the text amendment for non-residential minor subdivisions could also increase flexibility in the process by reducing the review time and the subdivision requirements associated with major subdivisions for properties that were previously divided and no longer qualify for minor subdivisions. Those two changes would reduce the difficulties identified in the application. However, it is not clear how delaying the installation of infrastructure or requiring up to four individual lots to manage their infrastructure would have a similar effect. The applicant indicated the individual lot owner would be responsible for the installation and maintenance of the infrastructure on their property. The maintenance of a shared access can become an issue when additional lots access the common infrastructure without agreements in place that outline the maintenance responsibilities. The amendment, if approved, has the potential of encouraging and creating a fragmented four lot strip development (Policy CD5), and shifting the infrastructure installation responsibility from the developer (seller) to the future purchaser. Releasing the developer from securing the approvals and permits, installing common infrastructure of a comprehensive development supports the transfer of property, but it does not appear to accelerate commercial development. The implications on the highway corridor of stripping out up to four individual lots does not appear to be supported by the 2006 Land Use Plan or the 2019 minor subdivision amendment.

There are some situations when one or two lots located at a major intersection with existing utilities could be divided and offer a similar development pattern that is typical for corner lots provided adequate easements, utility availability, and access management are incorporated into the general development plan with limited infrastructure installed or guaranteed. The proposed text amendment, if adopted, requires a general development plan to identify existing water and sewer lines, stormwater infrastructure, approximate plan and location for water and wastewater, conceptual drainage plan, preliminary location for building pads and parking areas, and a preliminary plan for fire protection. The amendment does not provide the guidance for design, permits, and infrastructure necessary to begin construction of the commercial use, does not address the management of the general development plans, installation responsibility for water/sewer, maintenance of shared access, agreements for any common elements, or how the shared accesses should be designed or constructed. From a staff perspective, the amendment would generate a development that is individually designed and managed instead of a planned subdivision that is designed, installed, and maintained as a comprehensive project. The result of this amendment may not generate a comprehensive project, promote unified access that is safe, efficient, or provide for orderly movement of traffic.

The subdivision standards of the UDO are based on right of way access instead of the easement. Allowing the easement access creates inconsistencies in other sections of the UDO that are not

included in the proposed text amendment. The inconsistencies may be addressed with additional language.

The 2019 approved text amendment required minor subdivisions to access a proposed internal subdivision street. The applicant is requesting the non-residential minor subdivision to be exempt from the internal street access requirements. This would allow for more lots to provide individual or shared driveway access to state roads, specifically Caratoke Highway, that could reduce the traffic function of the major arterial. A dedicated right of way can impact a property with increased setbacks but provides open area for utilities and drainage. Staff has concerns with the current language that it may not generate an orderly and logical development pattern with an efficient way to manage the required infrastructure.

### **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**

There are portions of the proposed amendment presented by the applicant, such as establishing a non-residential minor subdivision review procedure (modified version) as well as reestablishing the parent parcel date that could be supported by staff.

However, as presented staff recommends denial of this request because:

It is in conflict with the following sections of the UDO:

- Section 6.1.3.B.(1) - by allowing an applicant to propose a subdivision that is required to connect to existing public water or sewer systems to not obtain all necessary county, State, and Federal permits prior to the approval of the subdivision.
- Section 10.3.3.B.(6) - Lots shall abut a public or private right of way unless the parent parcel has been planned for development in which the resulting lots are provided direct access to a public or private right of way across common property.

It is inconsistent with the following policies of the 2006 Land Use Plan:

**POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES** should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.

POLICY CD9: Businesses shall be encouraged to coordinate their SITE DESIGNS with other nearby businesses. Design factors should include, at a minimum, shared or connected parking and access, convenient pedestrian and vehicular movement, and consistent sign standards.

And, the request will not result in a logical and orderly development pattern since the development:

- Would no longer be designed, constructed, or managed as a comprehensive development plan put in place with the subdivision, and
- Places the infrastructure installation responsibility on the individual property owner or any future owner instead of the developer creating the subdivision.



**PB 20-19 BISSELL PROFESSIONAL  
GROUP  
TEXT AMENDMENT  
PLANNING BOARD  
DECEMBER 8, 2020**

PB 20-19 Bissell Professional Group requests an amendment to the Unified Development Ordinance, Chapter 2: Administration and Chapter 6: Subdivision & Infrastructure Standards to simplify the approval process, design standards, and defer infrastructure installation for non-residential development containing four or fewer lots.

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 and underlined strikethrough language and adding the bold and underlined language in Section 2.4.8.

**D. Minor Subdivision**

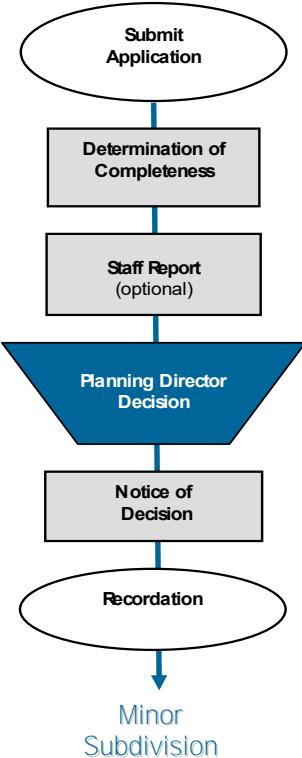
- (1) Procedure**
  - (a) Pre-Application Conference**  
Not applicable.
  - (b) Community Meeting**  
Not Applicable.
  - (c) Application Submittal and Acceptance**
    - (i)** Applicable (see Section 2.3.4). Applications shall include a final plat prepared in accordance with the standards in Section 2.4.8.E.5.b, Final Plat Review Standards.
    - (ii)** Applications 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;
- (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. The existing driveway to the parent parcel shall be removed if the driveway is not converted into the private access street to serve 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 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.
- (v) Principal uses shall be limited to single-family detached dwellings and customary accessory uses.

(c)

**Additional Standards for Non-Residential Minor Subdivisions**

Non-residential minor subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above. In order to assure orderly development, non-residential minor subdivisions shall also comply with the following:

- (i) Lots shall be created exclusively for commercial use and on properties that are located in a GB zoning district.
- (ii) No more than four lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in areas it existed on (effective date of amendment).
- (iii) Ingress and egress points shall be designated on the plat and shall comply with Section 6.2.1.D.5.B. Minimum Separations.
- (iv) A general plan of development shall be provided, showing the following:
  - (A) Locations of existing water and sewer lines and stormwater facilities in the vicinity of the property.

- (B) Approximate plan and location for water service to each of the proposed lots on the property.
  - (C) Either a site evaluation report from Albemarle Regional Health Services, or an approximate plan and location for sewer service to each of the proposed lots on the property.
  - (D) A conceptual drainage plan for the property.
  - (E) Preliminary locations for building pads and parking areas for each of the lots.
  - (F) A preliminary plan for fire protection.
  - (v) A note shall appear on the final plat advising the public that each lot is responsible for providing access, water, sewer, and fire protection of this ordinance.
- (3) **Effect of Development Approval**
- (a) Approval of a minor subdivision constitutes approval of a final plat for subdivision.
  - (b) Lots shall not be sold or conveyed until after a final plat has been recorded.
- (4) **Amendment of Development Approval**  
Applicable (see Section 2.3.14).
- (5) **Expiration of Development Approval**  
A minor subdivision plat shall be recorded with the Currituck County Register of Deeds within 90 days of its approval, or it shall be null and void.

**Item 2:** That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the bold and underlined language in Section 6.2.1.

## 6.2. REQUIRED INFRASTRUCTURE

Unless exempted, all development in the county shall comply with the standards in this section.

### 6.2.1. Street Standards

- (1) **Streets Serving Non-Residential Minor Subdivisions**  
Streets serving non-residential minor subdivisions are exempt from the prohibition in C.1. above provided they comply with Section 6.2.1.D.5.B. Minimum Separation. Cross-access easements shall be provided as necessary to provide access to each non-residential subdivision lot.

**Item 3:** That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the bold and underlined language in Section 6.2.3.:

### 6.2.3. Utility Standards

#### D. Water Supply Standards

##### (1) Connection to Public Water Supply System

- (a) The developer shall install the water mains and accessories necessary so that all lots and uses to be developed are able to connect to the county water supply system. Non-residential minor subdivisions shall be permitted to extend water service to the lots after the subdivision has been recorded but prior to the initiation of the use on each lot, in accordance with an approved general plan of development for the subdivision that shall be on file in the Department of Planning and Community development.

#### E. Sewage Disposal Standards

##### (1) Sewage System Required

- (a) Every principal use and every buildable lot in a subdivision shall be served by a wastewater system that complies with all Albemarle Regional Health Services and State standards. Non-residential minor subdivision shall be permitted to extend sewer service to the lots after the subdivision has been recorded but prior to the initiation of the use on each lot, in accordance with an approved general plan of development for the subdivision that shall be on file in the Department of Planning and Community Development.

**Item 4:** Staff suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is in conflict with Section 6.1.3.B.(1) of the Unified Development Ordinance by allowing an applicant to propose a subdivision that is required to connect to existing public water or sewer systems to not obtain all necessary county, State, and Federal permits prior to the approval of the subdivision.

The request is not reasonable and in the public interest because the request will not result in a logical and orderly development pattern since the development:

- Would no longer be designed, constructed, or managed as a comprehensive development plan put in place prior to subdivision, and
- Places the infrastructure installation responsibility on the individual property owner or any future owner instead of the developer creating the subdivision.

**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 \_\_\_\_\_, 2020.

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 20-19  
 Date Filed: 10/22/20  
 Gate Keeper: S. Morris  
 Amount Paid: \$35.00

### Contact Information

#### APPLICANT:

Name: Bissell Professional Group

Address: P.O. Box 1068 - 3512 N. Croatan Hwy.  
Kitty Hawk, NC 27949

Telephone: (252) 261-3266

E-Mail Address: mark@bissellprofessionalgroup.com

### Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.  
2.4.8, 6.2.1, 6.2.3,

Amend Chapter(s) 2 & 6 Section(s) and 6.2.4 as follows:

Please see attachment

\*Request may be attached on separate paper if needed.

Petitioner

10-21-20  
Date

## **Proposed Text Amendment for Non-Residential Minor Subdivisions**

**Statement of Problem:** A recent text amendment that prohibits the platting of additional lots on existing state highways has had the effect of slowing commercial site development, particularly in the Moyock commercial corridor, by making it difficult to divide existing larger commercial tracts along Caratoke highway for the purpose of commercial development. While Currituck County has intended to promote new commercial development along the NC 168 corridor, the current ordinance makes it more difficult to subdivide and convey commercial property. For example, dividing a commercial tract into two lots requires that first a roadway be platted and improved. Dividing a tract into 3 or more lots requires that, prior to subdivision approval, a new roadway be paved to NCDOT standards, after the development goes thru the major subdivision approval process, prior to the first lot being conveyed to a commercial developer. This proposed amendment is intended to make it easier for commercial property to be sold or purchased for development.

**Proposed Solution:** The intent of the proposed text amendment is to simplify both the approval process and the design standards for accomplishing a minor subdivision for non-residential development.

Suggested amendments to the UDO are attached.

## Chapter 2: Administration

### SECTION 2.4: SPECIFIC REVIEW PROCEDURES

#### Subsection 2.4.8: Subdivision

- (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 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

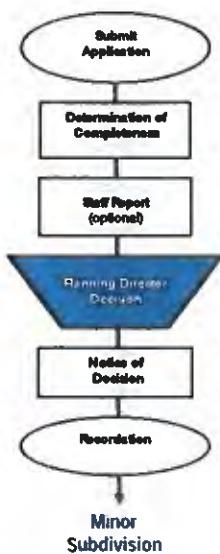
Not applicable.

#### (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;



## Chapter 2: Administration

## SECTION 2.4: SPECIFIC REVIEW PROCEDURES

## Subsection 2.4.8: Subdivision

- (H) It complies with the dimensional standards of Chapter 3;
  - (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) 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. 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 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,

## Chapter 2: Administration

## SECTION 2.4: SPECIFIC REVIEW PROCEDURES

## Subsection 2.4.8: Subdivision

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.
- (v) Principal uses shall be limited to single-family detached dwellings and customary accessory uses.

**(c) Additional Standards for Non-Residential Minor Subdivisions**

Formatted: Outline numbered + Level: 6 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned 2" + Tab after: 2.5" + Indent at: 2.5"

Non-residential minor subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above. In order to assure orderly development, non-residential minor subdivisions shall also comply with the following

- i. Lots shall be created exclusively for commercial use and on properties that are located in a GB zoning district.
- ii. No more than four 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 on \_\_\_\_\_, 2020 (the date of adoption of this amendment).
- iii. Ingress and egress points shall be designated on the plat and shall comply with Section 6.2.1.D.(5)(b) Minimum Separations.

## Chapter 2: Administration

### SECTION 2.4: SPECIFIC REVIEW PROCEDURES

#### Subsection 2.4.8: Subdivision

- iv. A general plan of development shall be provided, showing the following:
  - a. Locations of existing water and sewer lines and stormwater facilities in the vicinity of the property;
  - b. Approximate plan and location for water service to each of the proposed lots on the property;
  - c. Either a site evaluation report from Albemarle Regional Health Services, or an approximate plan and location for sewer service to each of the proposed lots on the property;
  - d. A conceptual drainage plan for the property;
  - e. Preliminary locations for the building pads and parking areas for each of the lots;
  - f. A preliminary plan for fire protection.

A note shall appear on the plat advising the public that each lot is responsible for providing access, water, sewer and fire protection as necessary to comply with the provisions of this ordinance.

Formatted: Heading 6,CC Heading 6

(v)

#### (3) Effect of Development Approval

- (a) Approval of a minor subdivision constitutes approval of a final plat for subdivision.
- (b) Lots shall not be sold or conveyed until after a final plat has been recorded.

#### (4) Amendment of Development Approval

Applicable (see Section 2.3.14).

## Chapter 6: Subdivision and Infrastructure Standards

### SECTION 6.1: SUBDIVISION STANDARDS

#### Subsection 6.1.4: Homeowners or Property Owners Association Requirements

for all purchasers of land within the subdivision and their successors in title.

- (2) All members of an association shall be responsible for contributions to the association's reserve fund to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure.

#### F. Transfer of Maintenance Responsibility

- (1) The subdivider shall be responsible for maintenance of all common areas, common features, and private infrastructure until maintenance responsibility is transferred to the association in accordance with the standards in this subsection.
- (2) The subdivider shall cede maintenance responsibility for common areas, common features, regulatory permits (e.g., stormwater permits), and private infrastructure to the association upon sale of 75 percent of the lots in a subdivision.
- (3) Maintenance responsibility is not transferred from the subdivider to the association until all of the following occur:
  - (a) At least 75 percent of the total number of lots in the subdivision are sold; and
  - (b) The subdivider commissions a report prepared by a registered engineer indicating that all common areas, common features, and infrastructure elements comply with the minimum standards in this Ordinance and the County Code of Ordinances. The report shall also include verification of the reserve fund balance in accordance with the standards in this section; and
  - (c) County staff reviews and approves the report prepared by a registered engineer; and
  - (d) A reserve fund dedicated to the continued maintenance and upkeep of common areas, common features, and private infrastructure is established with a banking institution acceptable to the county in the name of the association that contains a minimum balance that includes the following:

## Chapter 6: Subdivision and Infrastructure Standards

### SECTION 6.2: REQUIRED INFRASTRUCTURE

#### Subsection 6.1.4: Homeowners or Property Owners Association Requirements

- (I) Ten percent of the road construction costs for streets not maintained by NCDOT at the time of transfer (gravel base and asphalt only);
- (II) Except for sidewalks and street trees, ten percent of the construction costs of common features and private infrastructure;
- (III) Liability insurance and taxes for two years; and,
- (IV) Facilities, stormwater, and landscaping maintenance costs for two years.

In the event the association has not collected sufficient assessment funds from the lot owners in the subdivision to meet the minimum balance requirements of the reserve fund, the subdivider shall be responsible for the difference needed to meet the minimum balance requirements.

- (4) Applications to turn over maintenance responsibility to the association for common areas, common features, or private infrastructure prior to conveyance of 75 percent of the lots in the subdivision may be reviewed by the Board of Commissioners. The Board of Commissioners, at the request of the subdivider, shall waive the requirement upon a finding that the association has sufficient financial capacity to assume maintenance responsibility for common areas, common facilities, and private infrastructure.

#### **6. Failure to Maintain is a Violation**

Failure to maintain common areas, common features, or infrastructure is a violation of this Ordinance and is subject to the penalties and remedies in Chapter 9: Enforcement.

#### **6.2.**

### **REQUIRED INFRASTRUCTURE**

Unless exempted, all development in the county shall comply with the standards in this section.

## Chapter 6: Subdivision and Infrastructure Standards

## SECTION 6.2: REQUIRED INFRASTRUCTURE

## Subsection 6.2.1: Street Standards

**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**

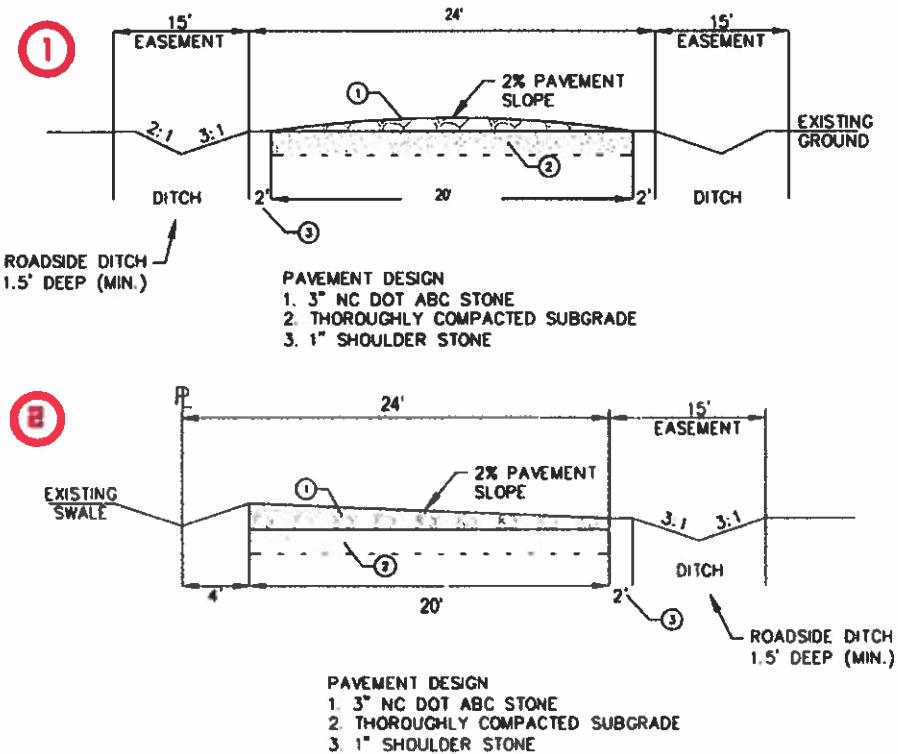
- (a) A street within a family subdivision or serving a subdivision of two or fewer lots are exempted from the standards in this section, provided they are configured in accordance with Figure 6.2.1.B, Private Access Street Standards, and Section 6.2.1.C.4, Connection with State Streets.
- (b) One private access street is allowed per parent parcel as it existed on April 2, 1989.
- (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."

## Chapter 6: Subdivision and Infrastructure Standards

## SECTION 6.2: REQUIRED INFRASTRUCTURE

## Subsection 6.2.1: Street Standards

Figure 6.2.1.B: Private Access Street Standards



## C. Street Access

- (1) All lots must access the proposed internal subdivision street(s). Lots along existing NCDOT streets are prohibited unless exempted by this ordinance.
- (2) **Streets Serving Planned Unit and Planned Developments**  
Streets within planned unit and planned developments shall comply with NCDOT street construction standards but shall be exempt from NCDOT street design standards in regards to allowable road curvature, right-of-way and pavement widths, and drainage requirements.

## Chapter 6: Subdivision and Infrastructure Standards

### SECTION 6.2: REQUIRED INFRASTRUCTURE

#### Subsection 6.2.1: Street Standards

##### (3) Streets within a Conservation Subdivision

Streets within a conservation subdivision shall comply with NCDOT street construction standards but shall be exempt from NCDOT street design standards in regards to allowable road curvature, right-of-way and pavement widths, and drainage requirements.

##### (4) Streets in the SFR District

Streets within the SFR district are exempted from the standards in this section, provided they comply with the standards in Section 6.2.1.1, Streets in the SFR District.

##### (5) Streets Serving Non-Residential Minor Subdivisions

Formatted: Heading 5,CC Heading 5, Indent: Left: 0"

Streets serving non-residential minor subdivisions are exempt from the prohibition in C.1, above provided they comply with Section 6.2.1.D.(5)(b) Minimum Separation. Cross access easements shall be provided as necessary to provide access to each non-residential subdivision lot.

Formatted: Normal

#### D. Street Design Standards

Streets in development subject to these standards shall comply with the following:

##### (1) Conformance with Existing Maps or Plans

- (a) The street layout shall conform to the arrangement, width, and location indicated on any official adopted plans or maps for Currituck County. In areas where plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, natural features such as streams and tree growth, to public convenience and safety, and to the proposed land use to be served by such streets;
- (b) In cases where a proposed subdivision fronts an existing street that does not comply with the minimum standards

## Chapter 6: Subdivision and Infrastructure Standards

### SECTION 6.2: REQUIRED INFRASTRUCTURE

#### Subsection 6.2.1: Street Standards

of this Ordinance, the subdivider shall be responsible for upgrading the portion of the existing street abutting the subdivision, in accordance with the standards of this Ordinance.

##### (2) Conformance with NCDOT Standards

The current edition of *Subdivision Roads Minimum Construction Standards*, established for the particular type of street in question, by the NCDOT Division of Highways, unless this Ordinance establishes a stricter standard.

##### (3) Conformance with Community Form Standards

The applicable street standards in Section 5.6, Community Form Standards.

##### (4) Connection with State Streets

Provide direct access to an improved street that meets NCDOT design and construction standards or one that has been accepted for maintenance by NCDOT, to the maximum extent practicable.

##### (5) Street Intersections

###### (a) Design

- (i) Streets shall intersect as nearly as possible at right angles and not intersect any other street at an angle less than 70 degrees (see Figure 6.2.1.C, Street Intersections).
- (ii) No more than two streets shall intersect at any one point unless the NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety.

###### (b) Minimum Separation

- (i) New streets shall maintain minimum separation distances between intersections in accordance with Table 6.2.1.C, Minimum Intersection Separation.

**TABLE 6.2.1.C: MINIMUM INTERSECTION**

## Chapter 6: Subdivision and Infrastructure Standards

## SECTION 6.2: REQUIRED INFRASTRUCTURE

## Subsection 6.2.1: Street Standards

TYPE OF STREET	SEPARATION (FT <sup>(1)</sup> )		
	UP TO 35	36-54	55+
Local	125	125	200
Collector	125	200	200
Major Arterial	230	800	1,000

[1] Measurements shall be taken from the centerline of each intersecting street.

- (ii) The Planning Director, upon advice of NCDOT, may authorize a reduction in minimum separation distance due to lot width, presence of existing streets or curb cuts, or other physical features that make compliance with these standards impractical.

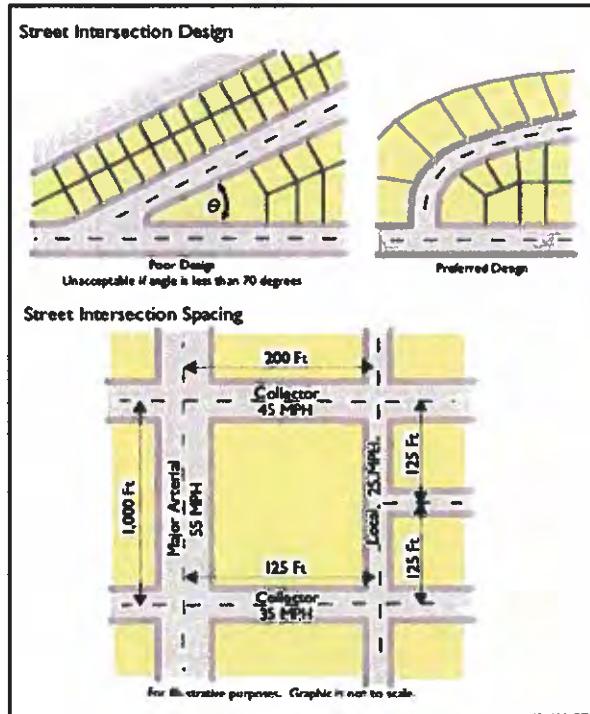
**(6) Street Lengths**

- (a) Streets shall be longer than 150 feet in length.
- (b) Streets longer than 2,000 feet shall contain an intersection unless the subdivider demonstrates the standards cannot be met because:
  - (i) Environmental or topographic constraints;
  - (ii) The site has an irregular shape; or,
  - (iii) The number of railroad grade or major stream crossings can be reduced;

## Chapter 6: Subdivision and Infrastructure Standards

## SECTION 6.2: REQUIRED INFRASTRUCTURE

## Subsection 6.2.1: Street Standards

**Figure 6.2.1.C, Street Intersections****(7) Double Frontage**

Streets shall be arranged to avoid double frontage lots except where no other alternative is reasonably practicable or when it is necessary to avoid direct access of lots onto major arterial streets.

**(8) New Street Grades**

- (a) New street grades shall conform as closely as practicable to the original topography of the land, subject to all applicable NCDOT requirements.

## Chapter 6: Subdivision and Infrastructure Standards

## SECTION 6.2: REQUIRED INFRASTRUCTURE

## Subsection 6.2.1: Street Standards

- (b) New street grades shall comply with the drainage and stormwater runoff standards in Section 7.3, Stormwater Management.

(9) **Deceleration Lanes**

Developments with new streets shall:

- (a) Install a deceleration lane in accordance with NCDOT standards if the subdivision is for nonresidential development or includes 40 or more residential lots and includes access onto major arterial streets (US 158, NC 168, NC 34, NC 136, NC 615, and NC 12).
- (b) Install left turn and deceleration lanes in accordance with NCDOT standards if the subdivision includes 40 or more residential lots and includes access onto Tulls Creek Road (SR 1222) Poplar Branch Road (SR 1131) and South Mills Road (SR 1227).
- (c) Provide at least one deceleration lane per street front in accordance with NCDOT standards if located along a major arterial and the use is capable of generating more than 60 trips per peak hour, as estimated in the *ITE Trip Generation Manual*.

(10) **Dedication and Maintenance**

Be designated for dedication to NCDOT or for maintenance by an established homeowners or property owners association.

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	24	20	2	N/A	N/A	No	No

## Chapter 6: Subdivision and Infrastructure Standards

## SECTION 6.2: REQUIRED INFRASTRUCTURE

## Subsection 6.2.1: Street 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?
Subdivision					
Residential Subdivision				Yes	Yes
Nonresidential Subdivision				Yes	Yes
Conservation Subdivision	30	20 [1]	N/A	N/A	No
Planned Unit and Planned Development [2]	30	20 [1]	N/A	N/A	No

## 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.

**F. Cul-de-Sacs and Dead End Streets**

All cul-de-sacs and dead end streets shall comply with the following standards:

- (1) A cul-de-sac shall not be less than 150 feet in length, as measured from the closest street intersection centerline.
- (2) The entrance into a cul-de-sac shall be flared by sufficient width to ensure proper turning radius for emergency vehicles entering and exiting the cul-de-sac.
- (3) Cul-de-sacs shall not be used to avoid required street connections.
- (4) All permanent dead-end streets shall terminate with one of the following:

## Chapter 6: Subdivision and Infrastructure Standards

### SECTION 6.2: REQUIRED INFRASTRUCTURE

#### Subsection 6.2.1: Street Standards

- (a) A "hammer-head" turnaround with a width of 120 feet;
- (b) A "Y" turnaround with a minimum depth of 60 feet; or
- (c) A cul-de-sac head with a minimum diameter of 96 feet.

##### G. One Way Streets

- (1) One-way streets shall only be developed in situations where the applicant can demonstrate public safety will not be jeopardized.
- (2) The travel way for a one-way street shall not be less than 14 feet, excluding parallel parking spaces.

##### H. Alleys

- (1) Alleys shall not be dead-end streets, and shall only intersect with streets.
- (2) Alleys shall not include pavement widths of less than 14 feet or more than 16 feet.
- (3) Alleys with a pavement width exceeding 14 feet shall:
  - (a) Include a curb cut, driveway apron, and sidewalk crossing at the intersection with a street and be configured to appear as a driveway; or
  - (b) Be screened by primary or accessory structures or trees located to minimize views down the alley corridor from adjacent streets.

##### I. Private Streets

Private streets shall be constructed in accordance with minimum NCDOT design and construction requirements.

##### J. Streets in the SFR District

- (1) Streets in the SFR district are exempt from NCDOT design and construction standards, but shall be graded, drained, and stabilized in accordance with the provisions of this section.
- (2) If access to the beach requires crossing a dune line, the subdivider shall obtain all required CAMA permits prior to final plat approval and if legally possible, establish a graded beach access.

## Chapter 6: Subdivision and Infrastructure Standards

### SECTION 6.2: REQUIRED INFRASTRUCTURE

#### Subsection 6.2.1: Street Standards

- (3) The subdivider shall stabilize and maintain the rights-of-way adjoining and along the street through establishment of vegetation, or other means, to the extent reasonably possible.
- (4) Tracts or parcels which are proposed for subdivision and are within the alignment of Ocean Pearl Road shall:
  - (a) Establish a 100-foot-wide right-of-way that connects to and follows the alignment of the street(s) identified above; and
  - (b) Orient or design all streets to connect with existing or proposed streets shown on previously recorded plats in order to provide a continuous right-of-way to adjoining lots;

No subdivider shall be required to maintain more than one major access street with a 100-foot-wide right-of-way to connect with adjoining lots. Streets that are not necessary for continuous access through the subdivision may be abandoned or deleted.
- (5) When a private street is created in the SFR district, the subdivider shall establish a homeowners association in accordance with Section 6.1.4, Homeowners or Property Owners Association Requirements, to maintain such streets.
- (6) Prior to final plat approval (see Section 2.4.8) the subdivider shall demonstrate that all private streets proposed in the subdivision will be properly maintained by submitting a plan that explains who will maintain the streets, how they will be stabilized and maintained, and how maintenance of the streets will be financed.
- (7) The amount of a performance guarantee (see Section 6.3) for streets shall be determined on a case-by-case basis by the Planning Director, in consideration of all of the surrounding conditions and circumstances.
- (8) A final plat that shows lots served by streets authorized in this section shall not be recorded unless the final plat contains the following notation:
 

"Further subdivision of any lot shown on this plat as served by a road or street may be prohibited by the Currituck

## Chapter 6: Subdivision and Infrastructure Standards

## SECTION 6.2: REQUIRED INFRASTRUCTURE

## Subsection 6.2.1: Street Standards

County Unified Development Ordinance unless the roads or streets shown on this plat are improved to state standards. These roads do not meet state standards for the assumption of maintenance due to inadequate right-of-way and/or construction or lack of public dedication. It is not the function of county government in the State of North Carolina to construct or maintain roads. There may be areas of standing water on the street(s) after ocean overwash or periods of heavy rains that may impede access to the individual homesites. It is the sole responsibility of the owners to provide an improved access to their properties."

- (9) A subdivider shall furnish any initial purchaser of a lot in the SFR district a disclosure statement outlining the maintenance responsibilities for the street(s) as provided in Section 136-102.6(f) of the North Carolina General Statutes. The disclosure statement shall fully and completely disclose the status (whether public or private) of the street(s) upon which the house or lot fronts. If the street is designated by the subdivider as a private street, the subdivider shall include in the disclosure statement an explanation of the consequences and responsibility as to maintenance of a private street, and shall fully and accurately disclose the party or parties upon whom responsibility for construction and maintenance of such street(s) shall rest, and shall further disclose that the street(s) will not be constructed to minimum standards, sufficient to allow their inclusion on the State highway system for maintenance.
- (10) In order to minimize the flooding of streets and to assure proper drainage within the SFR district, all major and minor subdivision plats, shall have a drainage plan approved by the county prior to final plat approval.
- (11) All proposed street rights-of-way used to cross the primary frontal sand dunes within the SFR district shall be at least 30-feet-wide.

## Chapter 6: Subdivision and Infrastructure Standards

## SECTION 6.2: REQUIRED INFRASTRUCTURE

## Subsection 6.2.1: Street Standards

**K. Other Street Standards****(1) Curb and Gutter**

- (a) Curb and gutter is not required, but if installed, shall be in accordance with NCDOT standards.
- (b) As provided in Section 136-44.14 of the North Carolina General Statutes, whenever curb and gutter construction is provided on public streets, wheelchair ramps and depressed curbs for the disabled shall be provided in accordance with NCDOT standards.

**(2) Vehicular Gates**

- (a) For the purposes of preserving access to public and private lands by citizens, utility companies, and emergency service providers, vehicular gates, barriers, or other devices intended to obstruct vehicular traffic along a public street right-of-way are prohibited.
- (b) Vehicular gates are allowed on private streets platted after January 1, 2013, provided the gate is equipped with county-approved devices that allow emergency services to gain access to the street and it meets all requirements set forth in the currently adopted version of the North Carolina Fire Code.

**(3) Traffic Control Devices**

- (a) If NCDOT determines traffic control signs and signals are necessary, they shall be erected and maintained by the subdivider at each street intersection within the subdivision.
- (b) Traffic control signs shall also be installed where subdivision streets intersect with an improved or state maintained street.
- (c) Traffic control signs shall comply with county and NCDOT standards related to size, shape, color, location, and information contained thereon.

## Chapter 6: Subdivision and Infrastructure Standards

### SECTION 6.2: REQUIRED INFRASTRUCTURE

#### Subsection 6.2.1: Street Standards

- (d) At least two or more traffic control signs shall be placed at each four-way street intersection and at least one traffic control sign shall be placed at each "T" intersection.
- (e) Traffic control signs shall be installed free of visual obstruction.

#### (4) Bridges

Bridges shall be constructed in accordance with the standards and specifications of the NCDOT, except that bridges on roads not intended for public dedication may be approved by the county even if they do not comply with NCDOT standards, if designed by a North Carolina licensed architect or engineer and certified to be safe for travel.

#### (5) Street Names

- (a) Street names shall be assigned by the subdivider subject to the approval of the Planning Director. Proposed streets that are in alignment with existing streets shall bear the same street name.
- (b) Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the county, regardless of the use of different suffixes.
- (c) Street names shall include one of the following suffixes:
  - (i) Street or road – public streets not designated by another suffix;
  - (ii) Circle – a short street that returns to itself;
  - (iii) Court or place – a cul-de-sac or dead-end street;
  - (iv) Loop – a street that begins at the intersection with one street and circles back to end at another intersection with the same street; or
  - (v) Other common suffix used by NCDOT (e.g., way, close, boulevard, avenue, drive, lane, parkway, etc.).
- (d) Appropriate street name signs that comply with NCDOT and county specifications shall be placed at all

## Chapter 6: Subdivision and Infrastructure Standards

### SECTION 6.2: REQUIRED INFRASTRUCTURE

#### Subsection 6.2.1: Street Standards

intersections by and at the expense of the developer or subdivider.

- (e) Building numbers shall be assigned by the county, where appropriate.

#### L. Street Trees

Street trees shall be required to serve all development in the county in accordance with the following standards:

##### (1) Where Required

Except along alleys, street trees shall be required along both sides of all streets constructed after January 1, 2013.

##### (2) Location

Street trees shall be located within 50 feet of the centerline of the street they serve, and may be located within front and corner side setbacks when there is insufficient space within the right-of-way.

##### (3) Timing

Installation of required street trees on individual building lots may be delayed until after issuance of the building permit. In no instance shall a development subject to these standards be occupied before street trees are installed or a performance guarantee (see Section 6.3) for street trees has been posted with the county.

##### (4) Configuration

- (a) Street trees shall be canopy trees except beneath overhead utilities or other projections into the public right-of-way, where understory trees shall be used instead.

- (b) All trees planted along a NCDOT right-of-way shall conform to NCDOT guidelines.

##### (5) Maximum On-Center Spacing

- (a) Understory trees shall be spaced between 20 and 30 feet on center.

- (b) Canopy trees shall be spaced 50 feet on center.

- (c) Spacing may be reduced to avoid driveways or sight distance triangles.

## Chapter 6: Subdivision and Infrastructure Standards

### SECTION 6.2: REQUIRED INFRASTRUCTURE

#### Subsection 6.2.2: Reserved

- (d) Alternative spacing or placement (e.g., as major arterial screening, within open space set-asides, or as a development entry feature) may be considered through the Alternative Landscape Plan procedure in Section 5.2.9.

#### 6.2.2. Reserved

#### 6.2.3. Utility Standards

All utilities shall be installed in accordance with the following standards:

##### A. General Standards

- (1) All utilities (including, but not limited to: electric power, telephone, gas distribution, cable television, potable water, sewer, etc.) located outside an existing street right-of-way and intended to serve new development shall be underground.
- (2) The requirement for underground electricity, telephone, or cable television utilities shall not be applied to lateral service lines intended to serve an individual single-family dwelling that must extend over 200 feet from an overhead source.
- (3) Unless attached to a bridge, no utilities may be installed over the waters of the Currituck Sound or over areas of environmental concern, and no utility poles shall be erected within the waters of Currituck Sound or areas of environmental concern.
- (4) All utility providers installing service lines for their respective utilities in the public right-of-way are required to separate utility lines in trenches specific to that utility.
- (5) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

##### B. Utility Easements

- (1) Each subdivision shall provide utility easements in accordance with the following standards:

## Chapter 6: Subdivision and Infrastructure Standards

### SECTION 6.2: REQUIRED INFRASTRUCTURE

#### Subsection 6.2.3: Utility Standards

- (a) Ten-foot-wide easements shall be provided along all rear and side lot lines.
- (b) Fifteen-foot-wide easements shall be provided along all front lot lines.
- (c) Alternative easement locations may be considered by the Planning Director as part of a planned development, conservation subdivision, or zero lot line development.
- (2) Whenever a subdivision includes water, sewer, electrical power, telephone, or cable television utilities intended for operation by a public utility or entity other than the subdivider, the subdivider shall transfer all necessary ownership or easement rights to enable the public utility or other entity to operate and maintain the utilities.

#### C. As-built Drawings Required

- (1) Whenever a subdivider installs or causes to be installed any utility line in any public right-of-way, the subdivider shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the county with a copy of a drawing that shows the exact location of such utility lines (prior to approval of a final plat).
- (2) As-built drawings shall be verified as accurate by the utility service provider's professional engineer. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing the development.
- (3) As-built drawings are required for all water and /or sewer treatment plants as well as after any changes made to such systems in the future.

#### 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.

## Chapter 6: Subdivision and Infrastructure Standards

## SECTION 6.2: REQUIRED INFRASTRUCTURE

## Subsection 6.2.3: Utility Standards

- (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
- (d) All new subdivisions located in the AG zoning district shall be connected and serviced by the county water system if the distance between the closest existing county water main and the proposed development is within the following formula distance: 100 feet for each of the first ten units plus 20 feet for each additional unit. In determining the number of units proposed in a phased development, the number of units for water services relates to the total number of proposed units for the entire tract rather than a single phase of the proposed development.

*Example: a proposed subdivision with 30 single-family dwelling units located 1,400 feet or less from an existing water main shall connect (10 units x 100) + (20 units x 20).*

Where the distance to the closest existing county water main exceeds the formula above, the developer shall meet the minimum dimensional standards in Chapter 3 for lots not served by the county water supply system located in the AG zoning district.

- (e) Water lines owned by the Ocean Sands Water and Sewer District shall be considered part of the county's water supply system for the purposes of this section.

**(2) Connection to Public Water Supply System**

- (a) The developer shall install the water mains and accessories necessary so that all lots and uses to be developed are

## Chapter 6: Subdivision and Infrastructure Standards

## SECTION 6.2: REQUIRED INFRASTRUCTURE

## Subsection 6.2.3: Utility Standards

able to connect to the county water supply system. Non-residential minor subdivisions shall be permitted to extend water service to the lots after the subdivision has been recorded but prior to the initiation of the use on each lot, in accordance with an approved general plan of development for the subdivision that shall be on file in the Department of Planning & Community Development.

- (b) The minimum water main size shall be adequate to service the potable water and fire suppression demand of the proposed development at full build out. Fire suppression demand shall be based upon guidance from the Insurance Services Office and existing fire-fighting capacity. In no instance shall a water main serving a fire hydrant be less than eight inches in diameter.
- (c) Water mains shall be installed within street right-of-ways or dedicated utility easements.
- (d) The developer shall be responsible for modeling and sizing water mains to service the proposed development. Modeling inputs shall include the proposed development at full build-out and the anticipated development density of adjacent undeveloped tracts of land as specified in county-adopted plans.
- (e) If the county determines that oversized facilities are in the interest of future development, the county or a developer may elect to pay for that portion of water main improvement that exceeds the diameter required to service the proposed development at full build-out.
- (f) Installation of water mains and accessories shall meet the most recent version of the Standard Specifications and Details for the Currituck County Water Department and the Southern Outer Banks Water System, as appropriate.
- (g) The developer shall be required to submit detail drawings with the construction drawings associated with a proposed development, prepared and certified by a registered engineer, showing the installation of the required water mains.

## Chapter 6: Subdivision and Infrastructure Standards

### SECTION 6.2: REQUIRED INFRASTRUCTURE

#### Subsection 6.2.3: Utility Standards

- (h) The developer may apply for a Water Main Reimbursement Contract for partial repayment of the cost of the extension of a water main necessary to service a proposed development. The general provisions for partial repayment are specified in the Water Main Reimbursement Contract and an attested and executed copy of the agreement between the developer and county must be filed with the Currituck County Public Utilities Department.

(3) Connection Fees

- (a) All connection fees shall be paid for each lot or use that is required to be connected to the county water supply system at the time of issuance of the building permit authorizing construction to begin.

#### E. Sewage Disposal Standards

(1) Sewage System Required

- (a) Every principal use and every buildable lot in a subdivision shall be served by a wastewater system that complies with all Albemarle Regional Health Services and State standards. Non-residential minor subdivisions shall be permitted to extend sewer service to the lots after the subdivision has been recorded but prior to the initiation of the use on each lot, in accordance with an approved general plan of development for the subdivision that shall be on file in the Department of Planning & Community Development.

- (b) All principal uses and buildable lots within a multi-family development, planned unit development, or planned development shall be connected and serviced by a centralized wastewater system. The County Engineer may approve a decentralized wastewater system upon finding that the proposed development:

- (I) Is not located within the service area of an existing centralized wastewater system;  
 (II) Is subject to a wastewater operation and maintenance plan prepared by a registered engineer