

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, December 9, 2019. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

**CALL TO ORDER**                      6:00 pm

**MEMBERS PRESENT**            John Finelli, Chairman  
   Michael Barr                      Beth Midgett  
   Terry Gore II                     David Overton  
   David Hines                      Buddy Shelton

### MEMBERS ABSENT

### CHANGES TO AGENDA

Donna Creef indicated the storm water plan for the Georgia Rhodes Preliminary Plat review was not received and the representative for this division was not present. Ms. Creef requested this item be carried over to the January 13, 2020 agenda. Chairman Finelli amended the agenda to strike the Georgia Rhodes Preliminary Plat Review from the Old Business section.

### APPROVAL OF MINUTES

There was a correction to the fourth sentence on page three of the November 12, 2019 minutes as requested by Chairman Finelli. Terry Gore made a motion to approve the minutes as corrected. Michael Barr seconded the motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

-None-

### OLD BUSINESS

-None-

### NEW BUSINESS

#### ***Consideration of Ordinance Amendments for Fences and Stormwater Easements***

Chairman Finelli suggests that there should be language in Section 22-28 – Walls and Fences, requiring owners to finish the side of any fence facing the street or neighboring

property. The Chairman noted that a number of the towns have such an ordinance as noted below:

Kitty Hawk

Sec. 42-648. – Definitions.

&

Southern Shores

Sec. 36-173. – Buffers and landscaping requirements. (b) Definitions.

Donna Creef speculated whether those communities that have this requirement in their zoning ordinance also require a building permit for fences. Ms. Creef said we do not issue building permits for fences. Fencing is approved by homeowners associations. Ms. Creef said fencing may be addressed through a conditional use permit or commercial site plan at the staff level and would not be required for residential properties.

Chairman Finelli said he is not inclined to propose a change to the ordinance, but when we require owners to put up fences under conditional use we should include that as a provision. Donna Creef said we will follow that as a policy.

No formal action was taken by the Board.

The Board also discussed stormwater easements.

Chairman Finelli said the Planning Board had previously discussed whether stormwater easements should be required for all new subdivisions. Chairman Finelli said he is not opposed to underground storm water systems, but is concerned that above ground swales that are along the property lines, and as part of the stormwater easement, could affect driveway and side-loading garage access.

Michael Barr said if you eliminate drainage easements along the sides of property lines, then it's left up to the property owner, because Dare County does not get involved in drainage issues other than reviewing a plan. If there's not a drainage easement then there is not a method or means to correct drainage problems that may come about in the future. Mr. Barr highly recommends that regardless of the size of the subdivision that we require some kind of drainage plan whether it is above or below ground.

Donna Creef noted that if you have a side-load garage and you paved your driveway over an easement, and five years later there's an issue where the homeowners

association is involved, a homeowner may have to alter their driveway or garage and there is no recourse for the homeowner.

The Planning Board discussed Dare County's role in storm water management enforcement. David Hines asked if Dare County gets involved in drainage easement disputes between two property owners. Ms. Creef clarified that Dare County would not get involved except to confirm that a drainage easement was recorded as part of the subdivision plat. Mr. Barr added that the homeowners association is generally responsible or the two property owners.

Donna Creef said she does not see the need to pursue an amendment to the ordinance, but defers to the Board.

Donna Creef noted that under the broad authority of the subdivision ordinance we can require some drainage improvements and it gives us the authority to ask for a drainage plan. Ms. Creef said we are not seeing large scale subdivisions like we used to and thinks the ordinance is acceptable as it is written for small subdivisions.

No formal action was taken by the Board.

## **OTHER BUSINESS**

### **Discussion of Future Land Use Classifications**

Donna Creef discussed the narratives for the Future Land Use Maps (FLUM) section.

Donna Creef noted that the future land use maps are designed to support the policies and implementation strategies of the 2020 Land Use Plan update and are not regulatory like zoning maps. The future land use maps are general guides and are used to provide guidance to the Planning Board and Board of Commissioners in the review of zoning amendments.

Donna Creef said she revamped some of the classifications and made some minor adjustments. There have not been any major changes to the village maps with the exception of East Lake. There was no zoning in East Lake at the time of the last land use plan update.

Revisions were made to the 2009 plan categories as follows:



Commercial – 2009 Land Use Plan (LUP) Transition Corridor classification. The commercial classification has been applied to those areas zoned for commercial uses on the zoning maps for each village. For those areas zoned S-1, commercial has been applied to the NC 12 corridor.

Residential - there were two sub-classifications in the past LUPs – Community and Community Residential – these have been combined into the Residential classification.

Rural – this classification has been deleted. It was only applied to a very small area on the Mainland in the 2009 LUP since the areas were not zoned at the 2009 LUP. With zoning maps in place for all the Mainland villages, the FLUM reflects the zoning districts.

Donna Creef also discussed the narrative sections for each management topic.

Recommended revisions to the land use plan were discussed for the following management topics:

- Management Topic #1 - Public Access – PA Policy 8

A revision was made to amend sentence two to read: Access by the public, including vehicular access to beaches for fishing, wildlife harvesting and observation should not be prohibited.

- Management Topic #2 - Land Use Compatibility – LUC Policy 12

Paragraph two on page seven was one sentence and has been revised to read as two separate sentences.

- Management Topic #3 – Infrastructure Carrying Capacity – ICC Policy 4, 5

A sentence in the Water section was re-worded and the last two sentences were combined.

- Management Topic #5 – Water Quality – WQ Policy 8

The last sentence on page five was revised. The remaining part of the sentence was discarded.

The Board indicated consensus with all changes.

Donna Creef informed the Planning Board to expect in-depth, lengthy discussions regarding the revised Dare County Flood Prevention Ordinance at the next few Planning Board meetings. Ms. Creef expects the letter of final determination later this month and the flood maps will be effective June 2020.

Chairman Finelli reminded the Planning Board that the State of the County 2020 will be held at Captain George's Seafood Restaurant in Kill Devil Hills on January 15, 2020 at 8:00 am.

Donna Creef also noted that Mr. Ray Sturza, the prior Dare County Planning Director, passed.

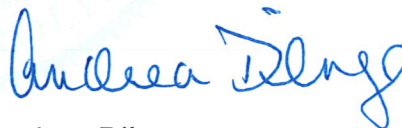
#### **ADJOURNMENT**

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Terry Gore and seconded by Buddy Shelton.

Vote: Ayes – Unanimous

The meeting adjourned at 6:50 p.m.

Respectfully Submitted,



Andrea DiLenge  
Planning Board Clerk

APPROVED: January 13, 2020



John Finelli  
Chairman, Dare County Planning Board