



Agenda Item Summary Sheet

Item No. 8

Meeting Date: 12/3/07

Item Title: Common Driveway Standards -- Proposed Subdivision Ordinance Amendments

Item Summary:

See attached staff comments

(Use additional Paper if necessary)

Number of Attachments: _____

Will your presentation require audiovisual equipment? Yes No

Note: All audiovisual materials must be submitted in digital format to the Clerk of the Dare County Board of Commissioners with this sheet. Acceptable formats include: VHS, DVD, audio CD, Word document, Adobe Acrobat PDF files, PowerPoint files and jpeg files.

Specific Action Requested:

Consideration of proposed amendments to Subdivision Ordinance

Submitted By: Donna Creef, Senior Planner Donna Creef Date: 11/16/07

Dept. Head

Comments:

Signature Ray Shy Date: 11/19/07

Finance

Comments:

Signature

Date:

County Attorney

Comments:

Signature

Date:

County Manager

Approval:

[Signature]
Signature

11/19/07
Date:

Commission Action:

Earlier this year, the Board of Commissioners reviewed a proposed subdivision that featured a common driveway as access several lots. It was noted during that discussion that the Subdivision Ordinance did not include specific standard for common driveways. As a result of that discussion, the Board instructed the Planning Board and Planning staff to review the Subdivision Ordinance Street standards for amendments to address the construction of common driveways.

Attached with this agenda summary are draft standards for common driveways. These are proposed as an amendment to Section 153.40 of the Subdivision Ordinance which establishes the regulations for streets. The Planning Board conducted a hearing on the common driveways standards at their October 8, 2007 meeting. A copy of the draft language was sent to all the area surveying and engineering firms. Only one person spoke at the Planning Board hearing and his comments were more about subdivision roads in general versus the draft common driveway standards. The Planning Board voted on November 12, to recommend adoption of the common driveways standards.

If it is the pleasure of the Board to move forward with consideration of these draft standards, then a Public Hearing must be held. The earliest Public Hearing date is January 7, 2008.

Motion to schedule hearing -- "I move that the draft standards for common driveways be advertised for Public Hearing on January 7, 2008."

If upon review of the draft standards, the Board feels additional work by the Planning Board is needed, then a motion to refer this item back to the Planning Board would be in order.

Motion to refer to Planning Board: "I move that additional work on these draft standards is needed to address (issues for revision)"

PROPOSED AMENDMENTS TO SECTION 153.40 STREETS – SUBDIVISION ORDINANCE

(J) *Common drives.* Common driveways may be permitted from public or private streets upon a determination by the Planning Board in which the Board of Commissioners concurs that the use of common driveways will not endanger or diminish the public health, safety and welfare. The following standards shall apply to common driveways:

- (1) The common driveway is constructed to serve as supplemental access along elongated portions of flag lots or irregular-shaped lots. Flag lots shall be defined as a lot design that features an elongated portion or “pole”, the length of which extends to the remaining portion of the lot area. Such driveways shall be a minimum of 12 feet in width and shall be paved in a manner consistent with the standards of Section 153.40 (A) (1). Additional width may be required by Dare County depending on the design and location of the proposed common drive. An individual common driveway shall not be used to provide access to more than 2 lots.
- (2) Common driveways shall not exceed 200 feet in length and a turnaround area for maneuvering of public service vehicles shall be required at the terminus of the common driveway. For common driveways that are 100 feet or less in length, a turnaround area shall not be required. The design of common driveways and turnaround areas shall be reviewed and approved by the Dare County Fire Marshal, Dare County Public Works, Dare County Emergency Services Director and the Dare County Engineer before any preliminary plat featuring common driveways is reviewed by the Dare County Planning Board.
- (3) All common driveway improvements shall be constructed following preliminary plat approval by the Dare County Board of Commissioners. As part of the final plat review, a certificate from a North Carolina licensed professional engineer shall be submitted stating that all common driveways have been constructed as depicted on the preliminary plat.
- (4) Maintenance of the common driveways shall be the responsibility of the subdivision homeowners association and/or the individual lot owners using the common driveway. The final plat shall include language to this effect and such information shall also be noted in homeowners documents created for the subdivision.
- (5) Common driveways shall not be used to facilitate the platting of additional subdivision lots which would be better served by a street. Common driveways may be used in lieu of a frontage road for lots fronting on a highway as detailed in Section 153.32 (E) (3) of this Ordinance upon a determination by the Planning Board in which the Board of Commissioners concurs that the use of common driveways better serves the public health safety and welfare.
- (6) Individual flag lots shall provide access along the elongated or pole portion of the lot with a minimum of 12’ width. This access area shall be improved with gravel, stone, rock, marl, clay, turf-stone, or other surface that will accommodate access by emergency service vehicles.