



COUNTY OF CURRITUCK

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Memorandum

To: Board of Commissioners, Planning Board

From: Planning Staff

Date: November 14, 2017

Re: PB 17-11 Currituck County -Discussion of 3 Potential Text Amendment Items.

Item 1: Cupolas

In recent months several building permit applications for new single family dwellings have been submitted with plans showing cupolas. These cupolas do not directly conflict with the ordinance, but also do not meet the intent. The applications in question propose "cupolas" which are either direct extensions of the exterior house walls or are only slightly inset from exterior walls. In addition, the size of the cupolas in relation to the overall size of the house is larger than would typically be proposed as a cupola. These "cupolas" are more of a vertical extension of the house walls than they are a decorative architectural feature and essentially exceed the maximum mean roof height of 35 feet. Examples of these cupolas will be shown at the meeting.

Currently, the UDO defines a cupola as "A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.

Staff is seeking guidance on creating regulations for cupolas that will not hinder architectural design, but that will keep applicants within building height limits and in line with the overall intent of the ordinance.

Staff has discussed controlling the size of cupolas by limiting their length and width to a certain percentage (25) of the roof dimensions (length and width). Staff also considered language requiring that cupolas extend upward directly from the roof and not be an extension of an exterior house wall.

Item 2: Accessory Structures

The ordinance requires that all accessory structures:

- (1) Directly serve the principal use or structure;*
- (2) Be customarily accessory and clearly incidental and subordinate to the principal use and structure;*
- (3) Be subordinate in area, extent, and purpose to the principal use or structure;*
- (4) Not exceed 25 percent of the heated floor or buildable area of the principal use, except structures typically associated with single family dwellings (garages, storage buildings), or where otherwise allowed by this Ordinance;*
- (5) Be owned or operated by the same person as the principal use or structure (except that vending machines, automated teller machines, and similar features are exempted from this requirement);*
- (6) Be located on the same lot as the principal use or structure;*
- (7) Together with the principal use or structure, not violate the bulk, density, parking, landscaping, or open space standards of this Ordinance; and*
- (8) Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use).*

Standard number (4) exempts accessory structures typically associated with single family dwellings from the requirement that they not exceed 25 percent of the heated floor area of the principle structure and gives two examples (garages and storage buildings).

Standard number (3) requires that all accessory structures be subordinate in area, extent, and purpose to the principle structure or use, and standard number (2) requires that all accessory structures be clearly incidental and subordinate to the principle structure or use.

This means that while a residential accessory structure is not restricted to 25% of the size of the principle structure, it cannot be as large, or larger, than the principle structure or use.

Staff is seeking guidance as to whether this is a desired county wide policy considering the history of large accessory structures in the county. For example, if a citizen owns a 1000 square foot home, but wants a 1200 square foot garage for his personal wood working shop, the current ordinance would prohibit him/her from gaining zoning approval.

Staff is also considering changing standard number (4) to say “*including but not limited to*” where it gives the examples of garages and storage buildings, and may include accessory dwelling units in the listed examples.

Item 3: Stormwater Infrastructure Maintenance Requirements

There are longstanding, county-wide issues with regard to the maintenance of stormwater drainage features. Maintenance is an issue for both site specific drainage features within a subdivision, as well as major drainage outfalls that may be shared by multiple developments.

Staff is considering revisions to the UDO and the administrative manual that would bolster the required language in restrictive covenants with regard to drainage maintenance responsibilities. By adding specific language regarding the required maintenance of swales, ditches, and culverts, the HOA will have a clearer understanding of its future maintenance responsibilities. The HOA will also be more cognizant of the condition of these drainage features prior to accepting maintenance from the developer. Staff is considering a holistic approach to drainage in the future.

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