

TOWN OF NAVASSA

334 Main Street
Navassa, N.C. 28451
Phone: (910) 371-2432
townofnavassa.org

Eulis A. Willis, *Mayor*

Council Members

Jerry Merrick, *Mayor Pro-Tem*
Mike Ballard
Melvin Walker
Milton Burns
Craig Suggs

Charlena Alston, *Town Clerk*

Town Council Meeting
Town of Navassa, NC
Thursday, October 15, 2009
7:30 P.M.

Resolution:

The Town Council of Navassa, NC adopts the attached itemized list of text amendments to the town's Subdivision Ordinance.

Whereas:

Navassa's Town Council has determined that it is in the best interests of the Town to adopt these text amendments to better regulate development within the town and to correct formatting and typographical errors found within the Ordinance.

Whereas:

State public hearing rules have been adhered to regarding these text amendments to the Subdivision Ordinance.

Whereas:

The Town Council pursuant to the procedures detailed in Article 5, Section 5.6 of the Subdivision Ordinance and all applicable state and federal requirements confirm that these text amendments are consistent with the town's adopted plans and are designed with the purpose of promoting the health, safety, morals and general welfare of the town's citizens.

Now, Therefore, Be It Resolved:

By the Town Council that Navassa, North Carolina adopts these text amendments to the town's Subdivision Ordinance

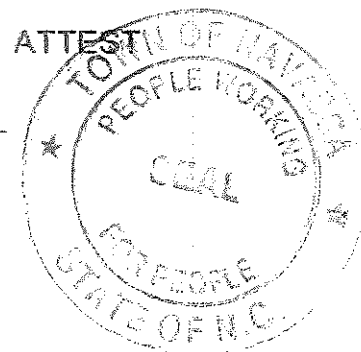
This resolution shall become effective on the date of its adoption.

I hereby certify that this is a true and correct copy of this resolution, duly adopted by the Town Council of Navassa on October 15, 2009, as it appears of record in its official minutes.

TOWN OF NAVASSA

By: Eulis A Willis
Eulis Willis, Mayor

By: Charlena R Alston
Charlena Alston, Town Clerk

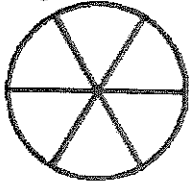


Text Amendments to the Subdivision Ordinance:

- a) On page 11, under Article 3.1.3 there is a typo regarding the location of the Certificate of Exception. "Appendix 2-8" needs to be changed to the correct "Appendix 2-7".
- b) On page 25, in the last sentence of Article 4.2.3, there is a typo "Detention" pond needs to be replaced with "Retention" pond.
- c) On page 27, in Article 4.2.10 Section (A), there is a typo. "At least" needs to be deleted because it is unnecessarily placed in the sentence twice.
- d) On page 37, item (D) under Stormwater Drainage. After talking with Jim Vithalani from Right Angle Engineering and John Klein from Stewart Engineering, the engineers feel that our current slope requirements of 3 to 1 for surface drainage courses is too stringent and that it should be changed to 2 feet of horizontal distance for each 1 foot of vertical drop.
- e) The Cover Page and Table of Contents will also be updated to reflect these changes.

11 *revised*

People Working



For People

TOWN OF NAVASSA

334 Main Street
Navassa, NC 28451
Phone: (910) 371-2432
Fax: (910) 371-0041

Planning Board

Al Beatty, Chair
Walter Ballard
Charlie Graham
Diane Graham
Robert McMillan
Melvin Walker

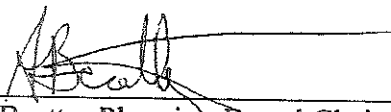
Travis Barnes, Town Planner

The Planning Board of the Town of Navassa hereby recommends that the Town Council adopt the attached itemized list of text amendments to the town's Subdivision Ordinance pursuant to the procedures detailed in Article 5, Section 5.6 of the Subdivision Ordinance and all applicable state and federal requirements. The proposed text amendments are consistent with the town's adopted plans and are designed with the purpose of correcting typographical errors within the existing Subdivision Ordinance, as well as promoting the health, safety, morals, and general welfare of the town's citizens.

This the 9th day of September 2009.

TOWN OF NAVASSAS PLANNING BOARD

BY:



Al Beatty, Planning Board Chairman

TOWN OF NAVASSA
334 Main Street
Navassa, N.C. 28451
Phone: (910) 371-2432
townofnavassa.org

Eulis A. Willis, *Mayor*

Council Members

Jerry Merrick, *Mayor Pro-Tem*
Mike Ballard
Melvin Walker
Milton Burns
Craig Suggs

Charlena Alston, *Town Clerk*

Town Council Meeting
Town of Navassa, NC
Thursday, October 15, 2009
7:30 P.M.

Resolution:

The Town Council of Navassa, NC adopts the attached itemized list of text amendments to the town's Zoning Ordinance.

Whereas:

Navassa's Town Council has determined that it is in the best interests of the Town to adopt these text amendments to better regulate development within the town and to correct formatting and typographical errors found within the Ordinance.

Whereas:

State public hearing rules have been adhered to regarding these text amendments to the Zoning Ordinance.

Whereas:

The Town Council pursuant to the procedures detailed in Article 16, Section 16.7 of the Zoning Ordinance and all applicable state and federal requirements confirm that these text amendments are consistent with the town's adopted plans and are designed with the purpose of promoting the health, safety, morals and general welfare of the town's citizens.

Now, Therefore, Be It Resolved:

By the Town Council that Navassa, North Carolina adopts these text amendments to the town's Zoning Ordinance

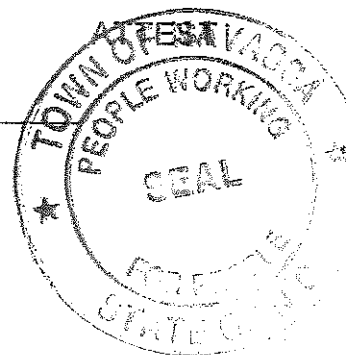
This resolution shall become effective on the date of its adoption.

I hereby certify that this is a true and correct copy of this resolution, duly adopted by the Town Council of Navassa on October 15, 2009, as it appears of record in its official minutes.

TOWN OF NAVASSA

By: Eulis A. Willis
Eulis Willis, Mayor

By: Charlena R. Alston
Charlena Alston, Town Clerk





MEMORANDUM

TO: Navassa Town Council
FROM: Travis Barnes, Town Planner
DATE: October 15, 2009
RE: Planning Board Recommended Text Amendments to the Zoning Ordinance

The following itemized list outlines text amendments to the Zoning Ordinance that were recommended for approval by the Planning Board on September 9, 2009. In accordance with N.C.G.S. 160A-383, the Planning Board has provided a written recommendation to the Town Council that addresses the consistency of these text amendments with that of the town's other adopted plans. The Town Council will hold a public hearing on the proposed text amendments and the planning staff properly published the notification of this hearing in the newspaper for two consecutive weeks according to N.C.G.S. 160A-364.

Text Amendments:

1. On page 2-2, the definition of "Boarding and Rooming House" needs to be changed to read; "An owner-occupied dwelling, or part thereof, in which lodging is provided ~~to more than two (2), but~~ for not more than six (6) paying guests on a daily or longer basis and where the rooms rented do not constitute separate dwelling units."
2. On page 2-4, under the definition of Family Care Home, the word "with" should be deleted because it is unnecessarily placed in the sentence twice.
3. Also on page 2-4, the definition of "Family" should be changed to read;
FAMILY
(1) An individual; or

Two (2) or more persons related by blood, marriage, or adoption living together in a single housekeeping dwelling unit (unless the dwelling contains an accessory dwelling unit), which may also include not more than two (2) unrelated persons; or

A number of persons not exceeding two (2) separate from and in addition to the persons related by blood, adoption or marriage in a single housekeeping dwelling unit; or

In addition to two (2) or more persons related by blood, marriage, or adoption living together in a single housekeeping dwelling unit, a family may include five (5) or fewer foster children placed in a family foster home licensed by the state.

4. In Article 4 all of the formatting needs to be corrected to be the same as in the previous
5. On page 9-5,

Recommended Language for "Day Care Center and Day Care Home":

(E.) "The construction and operation of day care facilities shall comply with the provisions of the General Statutes of the State of North Carolina and any other applicable federal, state, and local laws, including but not limited to any licensing requirement. Once a license is

MEMORANDUM

obtained the day care facility shall provide the Zoning Administrator with written verification of the fact.”

(F.) “Day care facilities must provide the Zoning Administrator with written notification of all violations recorded by the proper North Carolina authority responsible for regulation of day care homes and day care centers. Following the substantiation of any abuse or neglect complaint or the issuance of any administrative action against a child care facility, the child care operator shall notify parents of children currently enrolled and the Navassa Zoning Administrator. The notification shall be in writing and shall include information on the nature of the substantiated complaint or the type of administrative action taken. This includes administrative actions that are under appeal with the Office of Administrative Hearings. The operator shall maintain copies of documentation of the substantiated complaint investigation or the administrative action issued against the facility for the past three years in a binder, which shall be accessible to parents and the Zoning Administrator.”

(G.) “Child day care facilities shall have seventy-five (75) square feet per child of outdoor play area for the total number of children for which the center is licensed.”

6. On page 9-25, the numbering bullet system for “Telecommunication, Wireless Facility, rest of the article.

7. On page 2-2, we also need to define “Amateur Wireless Facility” as: Non-commercial, amateur, ham radio or citizen’s band antenna supporting structures, antennas or antenna arrays with an overall height less than 90 feet.

8. AND that “Amateur Wireless Facilities” be added to the Table of Permitted Uses as an accessory use that is permitted within all zoning districts.

9. AND that in Article 8 under “Accessory Uses” include the following requirements:

8.2 (4) Amateur Wireless Facility: Non-commercial, amateur, ham radio or citizen’s band antenna supporting structures, antennas or antenna arrays with an overall height less than ninety (90) feet, as measured from grade to the highest point on the tower, may be developed in accordance with the following requirements:

(A) Towers shall meet the setback requirements for the zoning district in which the proposed facility shall be located or 100% of the tower height, whichever is greater.

(B) Applicant shall commit in writing that the facility will be erected in accordance with manufacturer’s recommendations.

10. On page 9-24, under the additional development standards for Telecommunication and

MEMORANDUM

Telecommunication, Wireless Facility, Broadcasting Tower and Facility excluding Amateur Wireless Facilities

11. Other Requirements.

a. Proof of ownership of the proposed site or authorization to use it and copies of any easements impacting the site is required.

b. A map of all sites owned/operated by the applicant with parcel numbers and addresses for each site shall be required.

c. Certification by a registered engineer of the loading or percentage capacity of the facility, breaking out any existing antenna arrays and the capacity they represent is required. It is also required to indicate the amount of unused capacity available on the facility after each addition to an existing tower or new tower construction.

13. Third Party Review:

Where due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the Zoning Administrator may require the applicant to pay for a technical review by a third party expert, the costs of which shall be in addition to other applicable fees, as specified in the approved fee schedule. Any additional consultant fees required above the minimum listed will be the responsibility of the applicant. Any unused portion of the consultant review fee not utilized by the Town will be reimbursed to the applicant. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.

Brunswick County has their fee listed at \$250 and the consultant fee at \$6,000 if applicable.

11. On page 9-4, the following additional development standards for "Boarding and Rooming

Boarding and Rooming House

(F) *Appearance.* The boarding and rooming house shall be architectural appearance compatible with the GB or NB neighborhood and streetscape for the district in which it is located. Any proposed change to the facade of an existing structure shall be architecturally compatible with the surrounding neighborhood.

(G) *Separation.* A boarding and rooming house (Definitions - Article 2) shall be located no closer than within a two-hundred and fifty (250) feet radius from any existing, permitted group home large or boarding and rooming house within the GB or NB district (Appendix 1) whether contiguous or not.

MEMORANDUM

12. On page 2-5, the definition of "group home" needs to be added to read;

GROUP HOME

(1)

GROUP HOME, SPECIAL NEEDS PERSONS

(A) Group home special needs persons for the purposes of this ordinance are:

1. Battered individuals,
2. Abused children,
4. Pregnant women and their children,
5. Runaway children,
6. Temporarily or permanently disabled mentally, emotionally or physically, individuals recovering from drug or alcohol abuse; and

(B) All other persons who possess a disability which is protected by either:

1. The provisions of the Americans with Disabilities Act of 1990, 42 USC 12101,
2. The Fair Housing Act as amended, 42 USC 3601 et seq., or
3. G.S. Ch. 168, Art. 3, as they may be amended;

(C) But does not include:

1. Any persons who currently use illegal drugs,
2. Persons who have been convicted of the manufacture or sale of illegal drugs, or
3. Persons with or without disabilities who present a direct threat to the health, safety or property of others.

(D) Note: Foster children are allowed as part of a family provided the family foster home is licensed by the state (see family definition in Article 2 - Definitions). There are no separation requirements for family homes with foster children.

(2) **GROUP HOME, SMALL**

A dwelling unit in which up to three (3) special needs persons as defined reside with a family.

(3) **GROUP HOME, MEDIUM**

MEMORANDUM

A dwelling unit in which up to eight (8) special needs persons as defined reside. However when a resident supervisor is provided, then the number of special needs persons permitted to reside therein is reduced by the number of resident supervisors residing therein.

(4) GROUP HOME, LARGE

A dwelling unit in which up to twelve (12) special needs persons as defined in this section reside. However when a resident supervisor is provided, then the number of special needs persons permitted to reside therein is reduced by the number of resident supervisors residing therein.

13. On page 9-12, the additional development standards for group homes needs to added;

(21) Group Home

(A) Prescribed Conditions. Any group home for special needs persons (see Article 2 – Definitions) small, medium, and large shall meet the following prescribed conditions:

1. The group home shall not be established, constructed, expanded, altered, changed, operated or occupied, except in accordance with the Town and or County housing code, and all applicable federal, state, and local regulations, including but not limited to licensing requirements.
2. A group home development standards application supplied by the Town for group home small and medium or a conditional use permit application for group home large shall be submitted by the applicant to the Town.
3. All group homes must provide verifiable proof that they are licensed or certified by the appropriate state, national, regional, or local licensing or certification body in order to protect the welfare of their residents.
4. Off-street parking must be provided in accordance with Article 10.
5. For new construction, the facade of the structure shall be designed to be architecturally compatible with the streetscape for the district in which it is located. Any proposed change to the facade of an existing structure shall be architecturally compatible with the surrounding neighborhood.

MEMORANDUM

6. No group home shall be occupied or operated without a certificate of occupancy.
 7. Any group home small, medium or large shall have no more than two (2) persons occupying a bedroom.
 8. Adequate supervision shall be provided in accordance with the licensing requirement. Written operating procedures or a manual, including established goals and objectives for persons receiving supervision, care, treatment or therapy, and a structured system of management and adequate supervision shall be submitted as part of a group home development standards application for group home small, medium and large. A conditional use permit application is required for a group home large. A plan for staff supervision shall be provided in the application or permit.
 9. For group homes any more than three (3) final determinations of violations of the Town code and/or criminal convictions related to the premises within one (1) month, or six (6) within one (1) year, shall constitute inadequate supervision and a violation of the group home development standards application for group home small or medium; or conditional use permit for group home large. Offenders shall include property owners as well as lessees, tenants and occupants.
 10. The home shall be operated in a manner that is compatible with the neighborhood and shall not be detrimental to adjoining properties as a result of traffic, noise, refuse, parking or other activities.
 11. For group home small and medium the home shall maintain a residential appearance compatible with the neighborhood.
 12. For group home large the home shall maintain an appearance compatible with the NB or GB neighborhood.
- (B) *Separation requirements.* Any group home (see Article 2 – Definitions) small, medium, and large shall meet the following separation requirements:
1. A proposed group home small (Definitions - Article 2) shall be located no closer than within a 1,500 feet radius from any existing permitted family care home or, permitted group home small within any of the following rural and residential districts (RU, R-20, R-15, R-10, R-8, R-6 and R-MH) (Appendix 1) whether contiguous or not.
 2. A proposed group home medium (Definitions - Article 2) shall be located no closer than within a five-hundred (500) feet radius from any

Motioned by
Councilman Walker
and property seconded.

MEMORANDUM

existing permitted family care home or, permitted group home medium within the R-MF district (Appendix 1) whether contiguous or not.

3. A proposed group home large (Definitions - Article 2) shall be located no closer than within a five-hundred (500) feet radius from any existing, permitted group home large within the NB and GB districts (Appendix 1) whether contiguous or not.
4. With respect to the distance between the proposed group home use (and family care home use) and the existing, permitted group home use(s) (and family care home use(s)) the distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line of the lot on which the existing facility is located.
5. The board of adjustment may grant a variance from the separation requirement if shown to be a reasonable accommodation under the Fair Housing Act.

14. In Appendix 1 – Table of Permitted Uses, the following “Group home” and “Boarding and rooming house” uses need to be changed under the “Residential Uses” as follows;

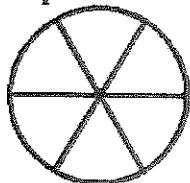
Use	LUC	CR	RU	R-20	R-15	R-10	R-8	R-6	R-MH	R-MF	NB	GB	LI	HI
Boarding and rooming house	B				C,D	C,D				C,D	C,D	C,D		
Group home, small	A		P,D	P,D	P,D	P,D	P,D	P,D	P,D					
Group home, medium	B									C,P,D				
Group home, large	B										C,D	C,D		
Dwelling, single-family detached	A		P	P	P	P	P	P		C	P			

15. In Appendix 3 – Table of Minimum Off-Street Parking Standards, the “group home” parking requirements need to be added to read; “1 space per employee + 1 per every 3 residents”

16. The Cover Page, Table of Contents and the Text Amendment Revisions List will all be edited to reflect the above changes.

17. Family Care Home needs to be moved to be listed as a “Residential Use” in Appendix 1 as opposed to a “Education, Government, and Institutional Use” because they are to be considered as residential uses under the Fair Housing Amendments Act of 1988.

People Working



For People

TOWN OF NAVASSA

334 Main Street
Navassa, NC 28451
Phone: (910) 371-2432
Fax: (910) 371-0041

Planning Board

Al Beatty, Chair
Walter Ballard
Charlie Graham
Diane Graham
Robert McMillan
Melvin Walker

Travis Barnes, Town Planner

The Planning Board of the Town of Navassa hereby recommends that the Town Council adopt the attached itemized list of text amendments to the town's Zoning Ordinance pursuant to the procedures detailed in Article 16, Section 16.7 of the Zoning Ordinance and all applicable state and federal requirements. The proposed text amendments are consistent with the town's adopted plans and are designed with the purpose of correcting typographical errors within the existing Zoning Ordinance, as well as promoting the health, safety, morals and general welfare of the town's citizens.

This the 9th day of September 2009.

TOWN OF NAVASSA PLANNING BOARD

BY:



Al Beatty, Planning Board Chairman