



City of Boiling Spring Lakes
9 East Boiling Spring Road
Southport, NC 28461

STAFF REPORT

Agenda Date:

January 6, 2026

Title:

Public Hearing – Text Amendment (TX-2025-06) - UDO Article 7, Section 7-9 – Access and Driveways

Department(s):

Assistant City Manager/Planning & Zoning Dept./Stormwater Dept.

Background Information:

The City has initiated an amendment to the current driveway construction policies in Article 7, Section 7-9 of the City's Unified Development Ordinance. Under the existing policy for driveway connections to City streets, applicants are responsible for purchasing the driveway culvert and material, while City staff evaluate the site, determine the culvert size and materials required, and complete the installation once materials are on site. The proposed amendment will shift the responsibility for both the purchase **and** installation of the culvert and materials to the applicant, while maintaining the City's role in site evaluation, design approval, and compliance verification.

The current requirement that driveway connections to City streets be performed by City staff imposes a significant operational burden on City resources, particularly in terms of labor and equipment. Additionally, with increasing demand for residential driveway connections, the City has identified a need to streamline the process for property owners and reduce operational burden on the City. The proposed amendments include a new review process, with the City Stormwater Engineer overseeing all design reviews and ensuring that all driveway connections meet stormwater management requirements as part of the permitting process.

At their duly held meeting on November 10, 2025 the Planning Board voted unanimously to recommend approval of the proposed amendments to Article 7, Section 7-9.

Financial Impact:

Cost to advertise for required public hearing.

Recommendation:

None at this time. Public hearing only.

Action Needed:

No action at this time. Public hearing only.

Attachments:

Proposed Text Amendment: Article 7, Section 7-9 – Access and Driveways
Plan Consistency & Reasonableness

Proposal:

Proposed language is identified by underlined text and language to be deleted is shown as strikethrough text.

Sec. 7-9 – Access and driveways.

7-9-4 - Driveway connections to city streets.

No person shall locate, establish, construct, replace, modify, install, or substantially reconstruct a private driveway or culvert without first filing an application and obtaining a permit which shall be issued by the City Stormwater Department. ~~No driveway shall be connected to the city street system without a permit which shall be issued by the UDO administrator.~~ With the exception of permit applications accompanied by certified engineer/surveyor drawings that have been approved by the City Stormwater Engineer, the following shall be applicable for all driveway connections ~~approved for driveways~~ abutting City-owned streets:

Permit application shall be signed by the property owner and shall include a drawing depicting the location and orientation of the proposed driveway and culvert in relation to the property and adjacent road. Property owner shall be responsible for the cost, installation, maintenance, and upkeep of culverts installed under this section. ~~All costs (labor, material, permit cost) shall be borne by the property owner.~~

~~Driveway culverts without abutments shall be either metal pipe (fully galvanized), or plastic high density polyethylene pipe with a diameter of at least twelve (12) inches and a length of twenty (20) feet, as determined by the public works department, prior to the issuance of a permit. Plastic culvert pipe (HDPE) must be smooth core with a rib outer wall forming a double wall type of construction.~~

Prior to issuance of the permit, the City Stormwater Department shall determine the proper type, diameter, and length of the culvert. The City Stormwater Department shall make a determination on whether head walls and end walls are to be used. All open pipe culvert inlets and outlets shall be stabilized with rip-rap to prevent bank erosion.

Culverts must be constructed of corrugated aluminum alloy pipe or high-density polypropylene pipe, except for connections to NCDOT roads, and shall be a minimum of 18 inches, unless otherwise approved by the City Stormwater Department. In some instances, due to minimal cover, or flow capacity, elliptical or arch pipes may be necessary. Multiple pipes may be used as an alternate to provide minimal cover or additional flow capacity but shall only be used in cases where all other culvert pipe shapes/sizes have been deemed inadequate.

The length of the culvert shall extend at least 12 inches beyond the edge of the driveway with a minimum width of 18 feet. For any driveway width less than 18 feet, the culvert shall extend a minimum of 24 inches on both sides, or meet the width of any required end treatment.

Head/end walls or flared sections are required under the following conditions:

1. Where the culvert is exposed and longer than 20 feet;
2. Where the driveway is elevated above grade by more than 12 inches;
3. Where erosion is evident or likely at the inlet or outlet;

4. Where the City Stormwater Department determines a safety hazard exists, or where bank erosion may occur.

Head/end walls and culvert end treatments shall meet the following requirements:

1. Precast or cast-in-place concrete;
2. Head/end walls shall not extend higher than 6 inches above finished driveway grade;
3. Head/end walls shall be constructed with wingwalls to promote flow direction, prevent bank erosion and support the surrounding road and driveway structures;
4. Approved manufactured flared end sections;
5. Riprap shall be required around the culvert inlet/outlet to prevent erosion. The average rock diameter size shall be 6 inches to 8 inches for 18 inch pipes. Pipes larger than 18 inches shall have a minimum stone diameter size of 10 inches to 14 inches.
6. Side slopes around culverts and end treatments shall not exceed 3:1 (H:V) unless approved by the Stormwater Department. In such cases, permanent stabilization methods (matting, sod, stone, etc.) shall be used to prevent ditch slope erosion.

~~Any design wherein a paved surface (either concrete or asphalt) driveway abuts or passes over the city right-of-way must be approved in detail by the public works department prior to the issuance of a permit prior to construction.~~ Upon issuance of a permit, the property owner may install the required driveway connection. Prior to covering, the property owner shall request an inspection to be conducted by the City Stormwater Department. The following must be visible and verifiable at the time of the inspection:

1. Correct pipe size and material;
2. Confirmed slope and flow direction;
3. Matching invert elevations with ditch flowline;
4. End treatments, if required;
5. No debris or blockages within the pipe.

In no event shall any driveway connection interfere with the normal street drainage system or the grade level of the street abutting such driveway.

~~The maintenance of driveways and culverts shall be the responsibility of the property owner.~~ Any person who installs a culvert under this section shall be responsible for repairing any damage to any sidewalk, street, or roadway caused by the construction.

Any driveway connection or associated grading activity conducted upon land with a slope greater than 12% shall require the certification of a licensed professional engineer that such activity will not result in destabilization or erosion of any city-owned road. No grading or land activity shall result in any sediment or erosion onto city-owned roads. Any party causing such activity shall be liable for the costs of remediation of such action as well as civil penalties set forth in the City's Fee Schedule.

Driveways constructed in violation of this section may be removed by the ~~Boiling Spring Lakes public works department~~ City and such action on the part of a property owner shall constitute a violation of this ordinance.

~~With the exception of driveway connections that have been designed by certified engineers/surveyors, and work performed as part of an approved stormwater management plan, all~~

~~driveway connections will be checked for elevation by the city of Boiling Spring Lakes public works department and the ditch area shall be prepared by said personnel for the culvert installation. Installation of the culvert will be completed by the Boiling Spring Lakes public works department. The culvert to be used and the material to cover the pipe must be at the location prior to the site preparation.~~

For permit applications that are accompanied by certified engineer/surveyor drawings that have been approved by the City Stormwater Engineer, ~~When work on driveway connections is performed by someone other than the public works department,~~ property owner shall submit a written certification from a licensed professional indicating the culvert was installed at the correct elevation prior to issuance of a certificate of occupancy.

Repair or modification of existing driveways resulting in changes to the size or location of the existing driveway shall be subject to meeting new construction standards.

7-9-5 Driveway abutments.

~~A building permit shall be required for construction of an abutment.~~ A zoning permit shall be required for all driveway abutments, which shall be approved by the City Stormwater Engineer.

Where the height of a driveway connection exceeds four (4) feet in height, along any point of the span, prior to issuance of a zoning permit, a professional engineer must certify that the construction plans are both sufficient to maintain structural integrity and the stormwater flow is unobstructed adjacent to the driveway.

Abutments shall be made with concrete blocks, poured concrete or brick similar to brick used on homes.

Distance between abutments shall not exceed the length of the culvert, outside to outside measurement, so as not to cover ditch pipe.

Abutments shall not extend more than two (2) feet from centerline of pipe toward roadway.

Mailboxes, paper boxes, etc., shall not be a part of the abutment.

PLAN CONSISTENCY & REASONABLENESS DETERMINATION

In accordance with NCGS, zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. Prior to adopting or rejecting any zoning amendment, a statement regarding plan consistency shall be adopted.

- (A) X The Planning Board hereby recommends approval of the proposed amendments to the Unified Development Ordinance and finds that it (i) is consistent with the City's comprehensive plan (2017 Land Use Plan), which states "the City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, dimensional standards, and other items deemed necessary by the Planning Board, Board of Commissioners, and City staff" and; (ii) that it is in the public interest because it will advance the public health, safety, and welfare of the City of Boiling Spring Lakes by helping to mitigate flooding and improving efficiency and sustainability of development.
- (B) The Planning Board hereby recommends denial of the proposed amendments to the Unified Development Ordinance and finds that (i) it is not consistent with the City's comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City for the following reasons: _____ and/or (ii) it is not in the public interests for the following reasons: _____

Motion to Recommend Approval (A) X Motion to Recommend Denial (B)

(For 5 Against 0 Abstained)