



Development Agreement Review Process

Contact Information

Currituck County
Planning and Inspections Department
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Currituck, NC 27929

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Pre-
Application
Conference
(optional)

Community
Meeting
(optional)

Submit
Application

Determination of
Completeness

TRC Review and
Report

Planning
Board
Meeting /
Recommendation

Schedule
Meeting and
Hearing

Public
Notification

Board of
Commissioners
Hearing /
Decision

Notice of
Decision

Annual
Review

**Development
Agreement**

Step 1: Application Submittal and Acceptance

The applicant must submit a complete application packet on or before the application submittal deadline date, which is usually the fourth Thursday of each month. A complete application packet consists of the following:

- Completed Currituck County Development Agreement Application.
- Phasing Plan

Applicable Fee:

- \$350 plus \$7 for each acre and/or part of an acre

Upon receiving an application, staff shall, within ten business days, determine whether the application is complete or incomplete. A complete application contains all the information and materials listed above and is in sufficient detail to evaluate and determine whether it complies with appropriate review standards. If an application is determined to be incomplete, the applicant may correct the deficiencies and resubmit the application for completeness determination. Failure to resubmit a complete application within 45 calendar days after being determined incomplete will result in the application being considered withdrawn.

Step 2: Staff Review and Action

Once an application is determined complete, it will be distributed to the Technical Review Committee (TRC). TRC shall review the application, prepare a staff report, and provide a recommendation on the application. The staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected, and adverse effects of the application might be mitigated.

Step 3: Advisory Body Review and Recommendation

After the TRC prepares a staff report and provides a recommendation on the application, staff shall schedule the application for a public meeting with the Planning Board. At the public meeting, the Planning Board shall consider the application, relevant support materials, staff report, and any public comments. It may suggest revisions to the proposed conditions including the conceptual plan with only those revisions agreed to in writing by the applicant being incorporated into the application. It shall then recommend approval, approval subject to revised or additional conditions agreed to by the applicant, or denial, and clearly state factors considered in making the recommendation. The Planning Board shall provide a recommendation on an application it reviews within two months from the date of its initial meeting to consider the application.

Step 4: Public Hearing Scheduling and Public Notification

After the Planning Board provides a recommendation on the application, staff shall ensure that the public hearing on it is scheduled for a regularly scheduled Board of Commissioners meeting or a meeting specially called for by the Board of Commissioners. The required public hearing with the Board of Commissioners shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied under state law.

The application shall meet the following public notification requirements:

- **Published Notice**
Staff shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county. The first-time notice is published, it shall not be less than 10 days nor more than 25 days before the date fixed for the hearing.
- **Mailed Notice**
Staff shall be responsible for preparing and mailing a written notice between 10 and 25 days before the public hearing. Notice shall be mailed to:
 - All owners of the land subject to the application;
 - The applicant, if different from the land owner;
 - All owners of land within 500 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and
 - Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.
- **Posted Notice**
At least 10 days before the public hearing, posted notice shall be made by staff. A sign shall be placed in a conspicuous location so as to be clearly visible to the traveled portion of the respective street. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.

Step 5: Public Hearing Procedures, and Decision-Making Body Review and Decision

The applicant must be in attendance at the public hearing. During the public hearing, the Planning Director will present the staff report and any review body findings and recommendation to the Board. The applicant will then have the opportunity to present any information they deem appropriate. The burden of demonstrating that an application complies with applicable review and approval standards of the UDO is on the applicant. The public may be permitted to speak in accordance with the Board of Commissioners rules of procedure, or at their discretion, as appropriate, in support of or in opposition to the application. The applicant and Planning Director may respond to any comments, documents, or materials presented.

The Board of Commissioners shall make one of the following decisions on the application:

- Enter into the Development Agreement, as submitted;
- Enter in the Development Agreement, subject to modifications agreed to in writing by the developer; or
- Not enter into the Development Agreement.

A development agreement is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. However, for consideration of the county to participate in a development agreement, a development subject to the agreement must meet the following:

- The property subject to the Development Agreement shall contain 25 acres or more of developable property (exclusive of wetlands, mandatory buffers, unbuildable slopes, and other portions of the property that may be precluded from the property at the time of application).
- The development shall demonstrate phasing, and participation in the proposed agreement shall not exceed 20 years.
- The development shall demonstrate the impact on existing and future provisions of capital improvements by the county, including at least one of the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreational, and health systems and facilities.



Development Agreement Application

Contact Information

APPLICANT:

Name: _____

Address: _____

Telephone: _____

E-Mail Address: _____

PROPERTY OWNER:

Name: _____

Address: _____

Telephone: _____

E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: _____

Property Information

Physical Street Address: _____

Location: _____

Parcel Identification Number(s): _____

Total Parcel(s) Acreage: _____

Existing Land Use of Property: _____

Proposed Land Use of Property: _____

Narrative

Please provide a narrative of the proposed Development Agreement.

Impact on Capital Improvements

How does the development impact existing and future provisions of capital improvements by the county?

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Further, I hereby authorize county officials to enter my property for the purpose of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

Applicant

Date

Property Owner(s)

Date

***NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.**

Development Agreement Submittal Checklist

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

Development Agreement Submittal Checklist

Date Received: _____

TRC Date: _____

Project Name: _____

Applicant/Property Owner: _____

Development Agreement Submittal Checklist		
1	Complete Development Agreement application	
2	Phasing Plan of development	
3	Application fee (\$350 plus \$7 for each acre and/or part of an acre)	

For Staff Only

Pre-application Conference (optional)

Pre-application Conference was held on _____ and the following people were present:

Comments
