



PB 26-09 CURRITUCK COUNTY TEXT AMENDMENT BOARD OF COMMISSIONERS JULY 6, 2026

Request to amend the Unified Development Ordinance, Chapter 2: Administration.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 2, Section 2.3.16 Limitation on Subsequent Similar Applications is amended by deleting the following strikethrough language, adding the underlined language and renumbering accordingly:

2.3.16 Limitation on Subsequent Similar Applications

A. Application Denial

- (1) There is no waiting period if ~~If a development application requiring a legislative public hearing is denied , no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of denial unless the decision-making body waives this time limit in accordance with subsection (2) below.~~
- (2) ~~The owner of land subject to this subsection, or the owner's authorized agent, may submit a written request for waiver of the time limit, along with a fee to defray the cost of processing the request, to the Director, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit only on a finding by two thirds of its membership that the owner or agent has demonstrated that:~~
 - ~~(a) There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application; or~~
 - ~~(b) New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application; or~~

- ~~(c) The new application proposed to be submitted is materially different from the prior application; or~~
- ~~(d) The final decision on the prior application was based on a material mistake of fact.~~

(3) If a development application requiring an evidentiary hearing is denied, no application proposing the same or similar development on all, or part of the same land shall be reconsidered unless the applicant submits a new application that clearly demonstrates:

- (a) There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application; or
- (b) New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application; or
- (c) The new application proposed to be submitted is materially different from the prior application; and,
- (d) The decision-making body determines the new application is authorized in accordance with this subsection.

B. ~~Application Withdrawal After Required Public Notification~~

~~If a development application requiring a public hearing is withdrawn after required public notification of the public hearing is provided, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of withdrawal.~~

Item 2: Statement of Consistency:

This request is consistent with the Imagine Currituck 2040 Vision Plan and the Unified Development Ordinance, and it brings the ordinance into compliance with the North Carolina General Statutes.

Item 3: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 4: This ordinance amendment shall be in effect from and after the 6th day of July 2026.

Paul Neal
Board of Commissioners Chairman
Attest:

Leeann Walton
Leeann Walton
Clerk to the Board

(SEAL)

DATE ADOPTED: 7-6-2026
MOTION TO ADOPT BY COMMISSIONER: *Tony Angell*
SECONDED BY COMMISSIONER: *Kevin McCard*
VOTE: 6-0 AYES 6 NAYS 0

PLANNING BOARD DATE: 6/9/2026

PLANNING BOARD RECOMMENDATION: Approved

VOTE: 7 AYES 0 NAYS

ADVERTISEMENT DATE OF PUBLIC HEARING: 5/27/2026 & 6/3/2026

BOARD OF COMMISSIONERS PUBLIC HEARING: 7/6/2026

BOARD OF COMMISSIONERS ACTION: Approved

POSTED IN UNIFIED DEVELOPMENT ORDINANCE: 7/7/2026

AMENDMENT NUMBER: 127