



**Planning Board  
Agenda Packet**

**May 10, 2018**

**Work Session**

6:30 PM

**Call to Order**

- A) Pledge of Allegiance & Moment of Silence
- B) Ask for Disqualifications
- C) Announce Quorum Being Met
- D) Approval of Agenda

**Approval of Minutes****Old Business****New Business**

- A) **PB 18-10 Clifford C. Byrum, Jr.:** Text Amendment to modify the Unified Development Ordinance, Chapter 10. Definitions and Measurements regarding the craft distillery definition to regulate the use by production volume instead of building size.
- B) **PB 18-11 Julie Christian:** Text Amendment to modify the Unified Development Ordinance, Chapter 10. Definitions and Measurements to allow medical aesthetics tattooing in the General Business Zoning District.
- C) **PB 18-12 Sign Illumination:** Text Amendment to modify the Unified Development Ordinance, Chapter 5. Development Standards to address sign lighting.

**Announcements****Adjournment**



## CURRITUCK COUNTY NORTH CAROLINA

March 13, 2018

Minutes – Regular Meeting of the Planning Board

### WORK SESSION

A work session was held at 6:30 PM in the conference room with staff and planning board members to review the item on the agenda - PB 17-06 Miller Homes & Building, LLC.

Senior Planner, Tammy Glave briefed the Planning Members on the request and said staff supports the rezoning to Conditional General Business (C-GB). Discussion was held on the prohibited uses listed as a condition of the rezoning on the staff report. Ms. Glave said the applicant added these to his application and therefore staff has to consider it. Discussion was also held on whether the applicant could build townhomes on the property after receiving the conditional rezoning. Ms. Glave said the applicant would be limited to the bakery/sandwich shop since this was stated as the condition; Also, townhomes would have to be in the Mixed Residential (MXR) district or the Conditional Mixed Residential (C-MXR) district. The work session concluded at 6:55 PM.

### CALL TO ORDER

The Currituck County Planning Board met at 7:00 PM for their regular meeting in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Fred Whiteman	Chairman	Present	
C. Shay Ballance	Vice Chairman	Present	
Carol Bell	Board Member	Present	
Steven Craddock	Board Member	Present	
John McColley	Board Member	Absent	
Jeff O'Brien	Board Member	Present	
Jane Overstreet	Board Member	Absent	
J. Timothy Thomas	Board Member	Present	
Laurie LoCicero	Planning and Community Department Director	Present	
Tammy Glave	Planning and Community Development Senior Planner	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Whiteman called the meeting to order.

#### A. Pledge of Allegiance & Moment of Silence

Chairman Whiteman asked everyone to stand for the Pledge of Allegiance and a moment of silence.

Communication: PB Minutes March 13, 2018 (Approval of Minutes)

**B. Ask for Disqualifications**

Chairman Whiteman read the State Government Ethics Act and asked if any board member had a conflict of interest with the matter coming before the board. No conflicts were noted.

**C. Announce Quorum Being Met**

Chairman Whiteman announced a quorum being met with six board members present.

**D. Approval of Agenda**

Chairman Whiteman asked if there were any changes to the agenda for tonight's meeting. With no changes noted, Mr. Craddock motioned to approve the agenda as presented. Mr. Ballance seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, Jeff O'Brien, Board Member, J. Timothy Thomas, Board Member
<b>ABSENT:</b>	John McColley, Board Member, Jane Overstreet, Board Member

**APPROVAL OF MINUTES**

Chairman Whiteman asked if any changes were needed for the meeting minutes for February 13, 2018. With no changes noted, Mr. O'Brien motioned to approve the minutes as presented. Mr. Thomas seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, Jeff O'Brien, Board Member, J. Timothy Thomas, Board Member
<b>ABSENT:</b>	John McColley, Board Member, Jane Overstreet, Board Member

**E. PB Minutes February 13, 2018****OLD BUSINESS**

There was no old business discussed.

**NEW BUSINESS****A. PB 17-06 Miller Homes & Building LLC:**

Chairman Whiteman read the case statement and asked if there was anyone present for representation. Applicant, Sam Miller came before the board and stated his address as 147 Sanderson Court, Moyock. Chairman Whiteman asked the applicant to have a seat while staff presented the case. Senior Planner, Tammy Glave reviewed the staff report. The property is zoned Agriculture (AG) and is Full Service for both the Land Use Plan (LUP) and the Moyock Small Area Plan (MSAP). The request is for Conditional General Business (C-GB) which is in line with the majority of properties behind this parcel also being zoned General Business (GB). Staff recommends approval with the use being a bakery and

sandwich shop; Ms. Glave read the Consistency and Reasonableness Statement from the staff report.

Mr. Miller presented his case to the board. He said his wife wants to use the property for her bakery and he will comply with all the Unified Development (UDO) standards. He plans on modifying the building with a storefront and porch. He added the conditions to show they will not use the property for those uses.

Chairman Whiteman asked if the planning board members had any questions for the applicant. There were no questions.

Chairman Whiteman asked for discussion. Mr. Craddock said it does not appear we need to include the prohibitive uses since the C-GB use will only be for the bakery and sandwich shop. Chairman Whiteman told Mr. Miller he would have to come back with a new application and approval process if he wanted another use. Mr. Miller said he was not aware that his application would restrict him to only the bakery and sandwich shop.

Ms. Bell asked staff why the request was for C-GB and not GB. Ms. Glave said staff received direction that some of the uses in GB would not be compatible with the neighborhood.

Mr. Miller said he does not want to only restrict himself to the bakery and sandwich shop. Chairman Whiteman said we can add some additional uses to our recommended approval if you would like to do that now.

Mr. Miller added the following potential future uses as a condition of his rezoning:

1. Eating Establishments
2. Offices
3. Recreation/Entertainment (indoor and outdoor)
4. Retail Sales and Services limited to:
  - Drug store or pharmacy
  - Financial institution
  - Repair establishment
  - Retail sales establishment

Mr. Ballance motioned to approve PB 17-06 Miller Homes & Building, LLC for Conditional General Business (C-GB) rezoning subject to the applicant's imposed condition as stated at tonight's meeting and the consistency and reasonableness statements as noted in the staff report:

- Immediate use: Bakery and specialty sandwich shop (specialty eating establishment)
- Future potential uses:
  1. Eating Establishments
  2. Offices
  3. Recreation/Entertainment (indoor and outdoor)
  4. Retail Sales and Services limited to:
    - Drug store or pharmacy
    - Financial institution
    - Repair establishment
    - Retail sales establishment

Mr. Craddock seconded the motion and the motion passed unanimously.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 4/2/2018 6:00 PM</b>
<b>AYES:</b>	Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, Jeff O'Brien, Board Member, J. Timothy Thomas, Board Member	
<b>ABSENT:</b>	John McColley, Board Member, Jane Overstreet, Board Member	

## ANNOUNCEMENTS

Planning Director, Laurie LoCicero said a meeting will be held in the month of April with Kimley-Horn and Associates, Inc. to receive an update on Currituck Station and to give feed back to them. More information will be forthcoming soon.

## ADJOURNMENT

Mr. O'Brien motioned to adjourn the meeting. Mr. Ballance seconded the motion and the motion carried unanimously with adjournment at 7:46 PM.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2152)**

**Agenda Item Title**

PB 18-10 Clifford C. Byrum, Jr.:

**Brief Description of Agenda Item:**

Text Amendment to modify the Unified Development Ordinance, Chapter 10. Definitions and Measurements regarding the craft distillery definition to regulate the use by production volume instead of building size.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Cheri Elliott, Assistant

**Presenter of Agenda Item**

Laurie LoCicero



## Currituck County

Planning and Community Development Department  
 Planning and Zoning Division  
 153 Courthouse Road, Suite 110  
 Currituck, North Carolina 27929  
 252-232-3055 FAX 252-232-3026

To: Planning Board

From: Planning Staff

Date: May 10, 2018

Subject: PB 18-10 Clifford C. Byrum Jr., Craft Distillery

The enclosed text amendment, submitted by Clifford C. Byrum Jr., is intended to revise Chapter 10 of the UDO to define Craft Distilleries based on volume produced in lieu of the current building square footage threshold. The UDO currently classifies breweries by volume produced. The text amendment proposes to regulate distilleries similarly.

According to the American Distilling Institute, the production limit for a Craft Distillery is 52,600 cases per year.

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 10 of the Unified Development Ordinance is amended by deleting the following strikethrough language and adding the underlined language.

### **CRAFT DISTILLERY**

An establishment where spirituous liquor is produced on-site, and which shall include a tasting room in which guests or customers may sample the products. ~~The building in which the craft distillery operates shall not exceed 4,000 square feet.~~ Craft distilleries shall not produce more than 52,600 cases annually.

**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 \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Leeann Walton  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_AYES \_\_\_\_NAYS

.....  
PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_AYES \_\_\_\_NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_

Attachment: Staff Report Craft Distilleris (Clifford Byrum) (PB 18-10 Clifford C. Byrum, Jr.)



## Text Amendment Application

### OFFICIAL USE ONLY:

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

### Contact Information

#### APPLICANT:

Name: Clifford C. Byrum, Jr.  
 Address: 823 Amanda Drive  
Matthews, NC 28104  
 Telephone: (m) 803-554-3426; (h) 704-708-9634  
 E-Mail Address: buddybyrum@gmail.com

### Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 10 Section(s) 10.5 (Definitions) as follows:

Change definition of "Craft Distillery" to eliminate building size (sq. ft.) and replace with production quantity, similar to how "Microbrewery" is defined. Distillery production volumes are typically measured in number of "cases" where one (1) case equals 12 bottles, with typical bottle size of 750 ml. The American Distilling Institute (ADI) defines Craft Distilleries as having annual production less than 100,000 proof gallons. A proof gallon is one (1) gallon of spirits at 100 proof. Typical bottled spirits are 80 proof with a case containing approximately 1.9 proof gallons. Based on this conversion the ADI definition for Craft Distilleries is approximately 52,600 cases. Alternately, the Tax Cuts and Jobs Act passed by Congress lowered excise taxes on the first 100,000 proof gallons to stimulate craft distillery startups. My proposed text amendment is to use 52,600 cases as the annual limit in defining "Craft Distillery".

\*Request may be attached on separate paper if needed.

Clifford C. Byrum, Jr.  
 Petitioner

3-22-2018  
 Date

## Text Amendment Submittal Checklist

Staff will use the following checklist to determine the completeness of your application. Only complete applications will be accepted.

## Text Amendment Submittal Checklist

Date Received: \_\_\_\_\_

Project Name: \_\_\_\_\_

Applicant/Property Owner: \_\_\_\_\_

## Text Amendment Submittal Checklist

1	Complete Text Amendment application	
2	Application fee (\$150)	
3	2 hard copies of ALL documents	
4	1 PDF digital copy of all documents (ex. Compact Disk – e-mail not acceptable)	

## For Staff Only

**Pre-application Conference**

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

\_\_\_\_\_  
\_\_\_\_\_

**Comments**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2153)**

**Agenda Item Title**

PB 18-11 Julie Christian:

**Brief Description of Agenda Item:**

Text Amendment to modify the Unified Development Ordinance, Chapter 10. Definitions and Measurements to allow medical aesthetics tattooing in the General Business Zoning District.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Cheri Elliott, Assistant

**Presenter of Agenda Item**

Laurie LoCicero



## Currituck County

Planning and Community Development Department  
 Planning and Zoning Division  
 153 Courthouse Road, Suite 110  
 Currituck, North Carolina 27929  
 252-232-3055 FAX 252-232-3026

To: Planning Board  
 From: Planning Staff  
 Date: May 10, 2018  
 Subject: PB 18-11 Julie Christian, Medical Aesthetics Tattooing

The enclosed text amendment submitted by Julie Christian is intended to revise Chapter 10 of the Unified Development Ordinance to allow Medical Aesthetics Tattooing in the General Business (GB) Zoning District. The current ordinance allows tattooing only in the LI and HI zoning districts and does not acknowledge different types of tattooing. Medical Aesthetics tattooing, as defined below, is a professional service conducted in an office setting similar to a doctor or dentist. Including Medical Aesthetics Tattooing in the definition of *Professional Services Office* will allow the use in the MXR, GB, LB, CC, and VC zoning districts.

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 10 of the Unified Development Ordinance is amended by deleting the following strikethrough language and adding the underlined language.

### OFFICE, PROFESSIONAL SERVICES

A room or group of rooms used for conducting the affairs of a business, profession, or service industry. Examples of professional services offices include offices for lawyers, accountants, engineers, architects, doctors, dentists, medical aesthetics tattooing, and similar professions.

### TATTOO PARLOR

An establishment whose principle business activity, ~~either in terms of operation or as held out to the public~~, is the practice of producing body art including but not limited to one or more of the following: (1) the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

## **BODY ART**

Art made on, with, or consisting of the human body. The most common forms of body art are tattoos and body piercings. Other forms include scarification, branding, subdermal implants, scalpelling, shaping, and body painting. Body art is decorative in nature and does not include medical aesthetics tattooing.

## **MEDICAL AESTHETICS TATTOOING**

An advanced form of cosmetic tattooing performed by a permanent cosmetics technician.

Services provided include but are not limited to the following:

- The diminishment of the appearance of scar tissue due to traumatic injury
- Enhancement of lip symmetry due to a cleft lip
- Restoration of the areola complex
- Restoration of the appearance of hair loss due to alopecia
- Vitiligo color restoration
- Permanent cosmetics

Medical aesthetics tattooing does not include services defined as body art.

**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 \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Leeann Walton  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
 MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
 SECONDED BY COMMISSIONER: \_\_\_\_\_  
 VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS  
 .....

PLANNING BOARD DATE: \_\_\_\_\_  
 PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
 VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS  
 ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
 BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
 BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
 POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
 AMENDMENT NUMBER: \_\_\_\_\_



## Text Amendment Application

OFFICIAL USE ONLY:

Case Number:

Date Filed:

Gate Keeper:

Amount Paid:

 PB 18-11  
 3/22/18  
 J. Littern

### Contact Information

#### APPLICANT:

Name:

Julie Christian

Address:

 222 Shingle Landing Rd  
 Moyock, NC 27958

Telephone:

252-548-4415

E-Mail Address:

julie.skin973@gmail.com

### Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 10 Section(s) 10.5 as follows:

To allow Medical Aesthetics Tattooing in the  
 General Business Zoning District.

\*Request may be attached on separate paper if needed.

Julie Christian  
 Petitioner

3/22/18  
 Date





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2154)**

**Agenda Item Title**

PB 18-12 Sign Illumination:

**Brief Description of Agenda Item:**

Text Amendment to modify the Unified Development Ordinance, Chapter 5. Development Standards to address sign lighting.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Cheri Elliott, Assistant

**Presenter of Agenda Item**

Laurie LoCicero



## Currituck County

Planning and Community Development Department  
 Planning and Zoning Division  
 153 Courthouse Road, Suite 110  
 Currituck, North Carolina 27929  
 252-232-3055 FAX 252-232-3026

To: Board of Commissioners

From: Planning Staff

Date: May 2, 2018

Subject: PB 18-12 Currituck County – Text Amendment

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to update Chapter 5: Development Standards Subsection 5.12.7: Signs, to clarify illumination of signs.

### PB 18-12 CURRITUCK COUNTY

Amendment to the Unified Development Ordinance Chapter 5 Development Standards.

#### **Background:**

The current UDO does not allow internally-illuminated signs, either on the mainland (including Gibbs Woods and Knotts Island) or the Outer Banks. When the sign ordinance was updated in 2017 to comply with Supreme Court decision *Reed v. Town of Gilbert, Arizona*, there was a change in language that required all sign lighting to be full cut-off. This had the unintended consequence to essentially eliminate internally illuminated signs. Most internally illuminated signs cannot meet the definition of full cut-off. Until the revision in 2017, internally illuminated signs were allowed on the mainland.

This text amendment is intended to allow internally illuminated signs on the mainland and require all externally illuminated signs, mainland and Outer Banks, to meet the full cut-off requirements.

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 5. Definitions and Measurement is amended by adding the following underlined language and deleting the struck-through language:

### 5.12.7 Maintenance Standards

#### C. D. illumination

- (1) Illuminated signs shall be designed, installed and maintained in a manner that avoids glare or reflection on adjoining properties and does not interfere with traffic safety;
- (2) A sign shall not be erected that contains employs, or utilizes lights or lighting which rotates, flashes, moves, or alternates.
- (3) Sign lighting shall not exceed 15 footcandles at any location on the property and shall not exceed 1.5 footcandles measured at ground level
- (4) External sign lighting shall be full cut-off lens.
- (5) Internally-illuminated signs (other than window signs) shall only locate on lots on the Mainland, Knotts Island and Gibbs Woods

**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 \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Leeann Walton  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS  
.....

PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_