CURRITUCK COUNTY
NORTH CAROLINA

June 11, 2020
Minutes – Special Meeting of the Planning Board

WORK SESSION

The Currituck County Planning Board held a work session at 5:00 PM in the Historic Courthouse Board Meeting Room with five board members present. Staff members present were: Laurie LoCicero, Planning Director; Jennie Turner, Planner II; and Cheri Elliott, Clerk to the Planning Board. Informal discussion was held until 5:15 PM while board members and staff had refreshments in celebration of the fourth Planning Board Meeting within 10 days in order to catch up from the Covid-19 related absence.

5:15 PM - Jennie Turner briefed the board on PB 20-05 Currituck County Nonconforming Campgrounds Text Amendment. She went over the requested Definition changes and the General Standard changes for the Unified Development Ordinance (UDO). Laurie LoCicero gave background on a Board of Adjustment case held in 2019 concerning Hampton Lodge Campground (KOA) where the new owner wanted additional amenities or intensification. Staff had given them a Letter of Determination denying their requests and that decision was upheld by the Board of Adjustment. Even though campgrounds in Currituck County have been deemed nonconforming, the attorney for the campground was using specific terminology found in the General Standards of the UDO to justify additional amenities in the nonconforming campground. The text amendment changes are needed to clarify the language so there is no longer any miscommunication in the UDO that campgrounds are a nonconforming use that are not meant for intensification and to close any loop holes in the language concerning nonconforming campgrounds in the UDO. Discussion was also held on the modular trailers brought onsite at the KOA and their description of them as cabins.

Ms. LoCicero briefed the board on PB 20-06 Currituck County Remove Planned Development-Residential (PD-R) Text Amendment. In trying to control growth, staff looked at the different applications and found that the PD-R was creating an exceptional amount of growth in the Moyock population. The Board of Commissioners instructed staff to remove the PD-R, but to keep the Planned Development-Mixed (PD-M) District. Ms. LoCicero said PD-R will become a legacy district instead of completely removing it. The PD-R could be brought back at a later date. Ms. Krause asked if Currituck Station would be affected by this change. Ms. LoCicero said Currituck Station would not be affected. She stated Currituck Station is on the agenda for the Board of Commissioners' meeting on June 15th, but we do not know how they will decide it. Discussion was held over not restricting the County as a whole when the growth that needs to be slowed is in Moyock. Board members discussed creating a PD-R Lower Currituck that would still remain in use.

Ms. Turner briefed the board on PB 20-03 Currituck County Miscellaneous Text Amendment which includes thirteen miscellaneous changes.

Ms. Turner briefed the board on PB 20-08 Currituck County Subdivision Access Standards Text Amendment.

CALL TO ORDER - 6:00 PM

The Planning Board met in a special session in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
C. Shay Ballance	Chairman	Present	
Garry Owens	Vice Chairman	Present	
K. Bryan Bass	Board Member	Present	
David Doll	Board Member	Present	
Anamarie Hilgendorf	Board Member	Absent	
Juanita S Krause	Board Member	Present	
J. Timothy Thomas	Board Member	Absent	
Laurie LoCicero	Planning and Community Department Director	Present	
Jennie Turner	Planning and Community Development Planner II	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Ballance called the meeting to order at 6:01 PM.

A. Pledge of Allegiance and Moment of Silence

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

B. Ask for Disqualifications

Chairman Ballance asked if any board member had a conflict of interest with any item on the agenda tonight. No conflicts were noted.

C. Announce Quorum Being Met

Chairman Ballance announced a quorum being met with five board members present.

D. Approval of Agenda

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

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

A. PB 20-05 Currituck County Nonconforming Campgrounds Text Amendment: Request to amend the Unified Development Ordinance, Chapter 8 Nonconformities and Chapter 10 Definitions and Measurement to revise the nonconforming campground ordinance and amend definitions.

Ms. Turner presented the staff report. She said this text amendment was created to address concerns from the Board of Commissioners and the County Attorney concerning the nonconforming campgrounds. Ms. Turner gave the background of various changes in the Unified Development Ordinance (UDO) concerning campgrounds back to 1982 and with the most recent change in 2013, specifying campgrounds as nonconforming uses that could not longer be expanded. She went over the requested changes. Ms. LoCicero said requested text amendment came directly from the advice of our County Attorney. She said the KOA, last year, used language in the UDO and tried to interpret this language that they could make any modifications they wanted as long as they did not add any additional campsites. Ms. LoCicero said they should not add amenities to prolong the life of campgrounds when they are nonconforming. Ms. Turner went over the text amendment review standards for making a decision to amend the UDO. She also reviewed the Consistency and Reasonableness Statement and said staff recommends approval.

Chairman Ballance asked if there were any question from the board. With no questions, he opened the public comment.

William Privott of 107 Baggy Davis Lane, Currituck, came before the board. Mr. Privott said he is the owner of Bells Island Campground and he said the campground has been in business for 57 years. He said he has had very notable people who have stayed or kept campers at his campground. He said they started changing $1 per day to swim/fish in 1963 and the price is still the same. Mr. Privott said it is wrong to make campgrounds nonconforming and he doesn't have any problems at his campground with the residents there. He said he was appointed Magistrate in 1983 and served for 34 years. He handed a notice to Ms. LoCicero he had received in 1999 when he was cited for a violation. His wife Judy signed an affidavit for the county and the Code Enforcement Officer (at that time) sent him a letter allowing him to continue having residents living in his campground. The letter was passed to each board member for review. Mr. Privott then referenced a Code Enforcement letter dated November 23, 1999 from Ms. LoCicero. He pointed at Ms. LoCicero and read the letter aloud. Mr. Privott said this is being caused by the County's issue with Hampton Lodge Campground (KOA). Chairman Ballance told Mr. Privott he should not be mad at staff; they are only doing their jobs.

Mr. Bass asked Mr. Privott about the property tax he pays. He said he pays on each permanent camper he has onsite. Mr. Bass asked how many camper sites he has. Mr. Privot said he has 40 units all year and 24 that are a mix of no sewer and metered to him. He said 15 sites are permanent all year.

Ms. Krause said she had visited his website and liked that he shares the local businesses on his site.

Alex Spencer of 928 Water Lily Road came before the board. Mr. Spencer spoke on behalf of the Water Lily community and said they are in favor of the clarifications in the text amendment.

Discussion was held on whether occupancy tax is collected on campsites. Ms. LoCicero said they do not pay occupancy tax since campers are not considered permanent structures; they only pay property tax.

Ms. Turner commented that the Tax Department does not let the Planing Department know if "these things" can be there. They just collect the property tax.

A general discussion and whether there were any open violations for the four campgrounds in the County: Bells Island Campground, Barns Campground (2 campers), Sandy Point, and Hampton Lodge (KOA) Campground.

Chairman Ballance asked for a motion.

Mr. Bass said he would like to motion, but wants to compromise. He said he has an issue with permanent residences.

Discussion was held on whether the permanent residents at Bells Island Campground are allowed to vote without an official address. Mr. Privott said they get PO Boxes at the Post Office to vote.

Mr. Privott said he applied for a boat ramp then the County said he was nonconforming and he could not get his permit.

Ms. Krause asked why the length of stay in campgrounds is being changed from 90 days to 60 days. Ms. LoCicero said to keep people moving; so they come, visit, and leave.

Mr. Bass moved to **approve PB 20-05** with an exception made if a campground has an official County letter which grandfathers the campground to an earlier ordinance because the request is consistent with the following goal of the 2006 Land Use Plan:

> ***Land Use and Development Goal # 10*** To properly distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surrounding land uses.

And the request is reasonable and in the public interest because:

> It provides language that will reduce the potential impacts of existing campgrounds in neighborhoods where the campgrounds are located and the proposed language may improve compatibility among uses for efficient development within the county.

Mr. Doll seconded the motion and the motion carried, 4-1, with Ms. Krause voting nay.

RESULT:	**RECOMMENDED APPROVAL [4 TO 1]**	**Next: 6/22/2020 4:00 PM**
MOVER:	K. Bryan Bass, Board Member	
SECONDER:	David Doll, Board Member	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member	
NAYS:	Juanita S Krause, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

B. PB 20-06 Currituck County Remove Planned Development-Residential Text Amendment: Request to amend the Unified Development Ordinance, Chapter 3 Zoning Districts to remove PD-R zoning district for new rezoning requests and retain existing PD-R standards to preserve the administrative review process and development standards for amendments to existing PD-R zoning districts and master plans.

Ms. LoCicero presented the staff report and said discussion was held at the October 2019 Board of Commissioners' work session about the growth in the northern end/Moyock area. Donna Voliva, Assistant Planning Director, created a chart to show where all the growth was coming from and discovered it was mainly due to the Planned Development-Residential (PD-R) District. In an effort to control the growth, the Board of Commissioners' instructed staff to remove the PD-R, but to keep the Planned Development-Mixed (PD-M). The PD-R will become a legacy district and could be brought back at a later date. Ms. Turner said staff recommends approval of this change.

Discussion was held over it affecting the entire county and where the current PD-R's are located. Board asked staff if it was possible to only apply the restriction to north of the bridge.

No citizens were present to speak in favor or opposition. Chairman Ballance closed the public hearing and opened the floor for a motion.

Mr. Ballance motioned to **approve PB 20-06** with the additional recommendation to create a new district called PDR Mainland South because the request is consistent with the following goals and policies of the 2006 Land Use Plan:

> **Land Use and Development Goal #3** To conserve the County's remaining prime agricultural areas, while recognizing the economic realities of farm operations and private property rights.
>
> **POLICY AG6:** For areas experiencing intense development pressure, new residential development may be allowed to locate in COMPACT, VILLAGE-LIKE CLUSTERS, PREFERABLY NEAR EXISTING, NON-AGRICULTURAL ACTIVITIES AND SERVICES, or in other locations that will not interfere with resource production activities. Overall density shall remain very low, with permanent open space, dedicated during the development review process, surrounding such clusters of homes.
>
> **POLICY HN4**: Currituck County shall discourage all forms of housing from "LEAPFROGGING" INTO THE MIDST OF FARMLAND and rural areas, thereby eroding the agricultural resource base of the county.

POLICY WS4: Currituck County endorses utilities extension policies that avoid those parts of the county best suited for agriculture and to PROTECT FARMLAND FROM DEVELOPMENT PRESSURES brought about by such utilities. Exceptions to this policy may include extensions for major economic development initiatives, and extensions to address imminent public health problems or related environmental hazards.

And the request is reasonable and in the public interest because:

- The proposed text amendment allows for the continuance of existing PD-R districts and amendments thereto but does not permit new rezoning applications for PD-R; and,
- There are zoning districts within the county that allow for similar development density and patterns.

Mr. Bass seconded the motion and the motion carried unanimously.

RESULT:	**RECOMMENDED APPROVAL [UNANIMOUS]**	**Next: 6/22/2020 4:00 PM**
MOVER:	C. Shay Ballance, Chairman	
SECONDER:	K. Bryan Bass, Board Member	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

C. PB 20-03 Currituck County Miscellaneous Text Amendment: Request to amend the Unified Development Ordinance to change Planning Board quorum; require surveyed site plans (<20,000 sf lots) and as-built surveys (<40,000 sf lots); clarify allowable use of metal siding in Business and Industrial Zoning Districts; remove redundant parking language for Bed and Breakfast Inns; correct Single Family-Residential Remote accessory parking language; allow accessory keeping of specific livestock (goats) subject to additional standards; amend bio solid/sludge language for consistency with recent court decisions; clarify home occupation language; revise accessory dwelling unit standards; update private residence terminology; remove reserve utility open space requirement; and update financial terminology.

Ms. Turner presented the staff report. This text amendment is intended to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO) and to amend certain sections at the direction of the Board of Commissioners. Ms. LoCicero gave specific background information on Item 2 of the thirteen miscellaneous changes. She said this is to fix people building on setbacks which has been a problem recently. Ms. Turner went over all the changes and referenced the Review Standards and the Statement of Consistency and Reasonableness. She said staff recommends approval.

No citizens were present for public comment.

Mr. Owens moved to **approve PB 20-03** because the request is consistent with the following goal and policies of the 2006 Land Use Plan:

- *Land Use and Development Goal* #1 To protect and conserve the area's natural beauty and coastal resources as the County's greatest asset for economic development and a high quality of life.
- POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments.
- POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.
- POLICY ID1: To diversify the local economy and broaden the local tax base, the County shall encourage a public service and regulatory environment conducive to COMPATIBLE INDUSTRIAL DEVELOPMENT.
- POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.
- POLICY WS6: Currituck County endorses the proper use and maintenance of APPROVED SEPTIC SYSTEMS in suitable soils as an environmentally acceptable means of treating and dispersing waste from low-density development.

And the request is reasonable and in the public interest because:

- It clarifies portions of the UDO for more consistent interpretation and enforcement.
- It amends the UDO for consistency with recent court decisions and current financial terminology.
- It allows accessory keeping of certain livestock in agricultural and residential zoning districts subject to specific standards intended to address compatibility issues.
- It removes utility open space requirements for new subdivisions that have been deemed unnecessary.

Mr. Owens added changed Item 2 from 20,000 square feet or smaller to 25,000 square feet or smaller.

Mr. Ballance seconded the motion and the motion carried unanimously with the requested change

Chairman Ballance recessed for a 5 minute break at 8:25 PM.

The meeting reconvened at 8:33 PM.

RESULT:	**RECOMMENDED APPROVAL [UNANIMOUS]**	**Next: 6/22/2020 4:00 PM**
MOVER:	Garry Owens, Vice Chairman	
SECONDER:	C. Shay Ballance, Chairman	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

D. PB 20-08 Currituck County Subdivision Access Standards Text Amendment: Request to amend the Unified Development Ordinance, Chapter 2 Administration to clarify that Family Subdivisions may front NCDOT-maintained streets and that private access streets shall connect to an NCDOT-maintained street.

Ms. Turner presented the staff report and said this text amendment is necessary to clarify Family Subdivision access and private access street requirements. Family Subdivisions may front an existing NCDOT maintained public street and a private access street is required to connect to an NCDOT maintained public street. Ms. Turner referenced the review standards and the Statement of Consistency and Reasonableness. She said staff recommends approval.

Chairman Ballance asked if the board had any questions for staff.

There were no questions and no citizens present for public comment.

Mr. Doll moved to **approve PB 20-08** because the request is consistent with the following policies of the 2006 Land Use Plan:

- POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments.
- POLICY TR5: So as to preserve the traffic moving function of the County's primary roads, minimize traffic accidents, and avoid land locking interior land parcels, Currituck County shall discourage residential and commercial strip development along the county's primary roads.

And the request is reasonable and in the public interest because:

- It clarifies the access standards of the UDO for Minor and Family Subdivisions for more consistent interpretation and implementation.

Mr. Bass seconded the motion and the motion carried unanimously.

RESULT:	**RECOMMENDED APPROVAL [UNANIMOUS]**	**Next: 6/22/2020 4:00 PM**
MOVER:	David Doll, Board Member	
SECONDER:	K. Bryan Bass, Board Member	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

ANNOUNCEMENTS

Ms. LoCicero made announcements: The Currituck Station work session will be held on Monday at 4:00 PM in the auditorium of the North Carolina Extension Center, Barco; The Board of Commissioners will meet in a special session to consider three rezonings and all the text amendments that were heard by the Planning Board; There is a Planning Board meeting on July 14th with one item on the agenda; we expect to be directed to finish the Imagine Currituck soon.

Chairman Ballance and Ms. LoCicero thanked everyone for being flexible with all the recent meetings.

ADJOURNMENT

Mr. Bass motioned to adjourn. Mr. Doll seconded the motion and the meeting adjourned at 8:42 PM.

Currituck County
Agenda Item Summary Sheet

Agenda ID Number – 2821

Agenda Item Title: PB 20-05 Currituck County Nonconforming Campgrounds Text Amendment: Request to amend the Unified Development Ordinance, Chapter 8 Nonconformities and Chapter 10 Definitions and Measurement to revise the nonconforming campground ordinance and amend definitions.

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Jennie Turner

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Unified Development Ordinance, Chapter 8 Nonconformities and Chapter 10 Definitions and Measurement to revise the nonconforming campground ordinance and amend definitions.

Planning Board Vote: Approved 4-1

Planning Board Recommendation: Approval

Staff Recommendation: Approval

TRC Recommendation:

Currituck County
Planning and Community Development Department
Planning 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: June 18, 2020

Subject: PB 20-05 Currituck County Text Amendment
Nonconforming Campgrounds

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to revise the Nonconforming Campgrounds section of the Unified Development Ordinance (UDO) to address concerns of Planning Staff and the County Attorney and to clarify the intent of the Board of Commissioners.

Item 1 Clarify that removal of tents and recreational vehicles (campers) includes moving each from the campground and campground subdivision, revise the term "camper" to "recreational vehicles or tents", remove language that allows modifications of existing campgrounds, clarify that storage areas for unoccupied recreational vehicles or unoccupied tents are prohibited, clarify that recreational vehicles or tents may not be placed on a permanent or temporary foundation and that only recreational vehicles and tents may be placed in a campground. Staff proposes that these changes go into effect upon adoption of the ordinance.

Item 2 Revise allowable timeframe for tents and campers from 90 days to 60 days within a calendar year, add requirement for posting and numbering each campsite and maintaining registration records of all campground occupants. Staff proposes that these changes go into effect 120 days after adoption of the ordinance.

Item 3 Revise existing definitions and add new definitions related to campgrounds. Staff proposes that the definition amendments go into effect upon adoption of the ordinance.

BACKGROUND

The 1982 Currituck County Zoning Ordinance did allow campgrounds but did not permit the expansion of the district which allowed the use.

The 1989 Unified Development Ordinance did not allow for the expansion of the zoning district that allowed campgrounds (RR). This restriction did not permit campgrounds created on property not zoned RR.

In 1992, a text amendment was approved that allowed the expansion of the RR zoning district when a property contained two zoning districts one of which was RR with a maximum overall density of 4.5 units per acre. The density was later increased to 5.5 units per acre.

In early 2011, a request was submitted to the county to allow new RR zoning districts to be created and was later withdrawn.

In 2013, the UDO specified campgrounds were nonconforming uses and could no longer be expanded.

In 2016, Blue Water Development Corp. submitted a request to allow private campgrounds in the Single Family Residential-Mainland (SFM) zoning district. After meeting with staff, the applicant modified the request to only allow the expansion of existing campgrounds subject to specific standards. The Planning Board recommended denial of the request at the March 14, 2017 meeting. The request was withdrawn by the applicant and was not heard by the Board of Commissioners.

Historically, campgrounds have been the source of many enforcement complaints such as recreational vehicles used as permanent dwellings and permanent additions being made to the temporary vehicles rendering many of them non-transportable.

The following campgrounds were considered existing in the county on January 1, 2013:

- Barnes Campground (Knotts Island) Zoned SFI
- Bells Island Campground (Currituck) Zoned SFM
- Hampton Lodge Campground (Church's Island) Zoned SFM
- Sandy Point Resort (Knotts Island) Zoned SFI

Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation

Staff recommends approval of the request as submitted and suggests the following statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

Land Use and Development Goal # 10 To properly distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surrounding land uses.

The request is reasonable and in the public interest by providing language that will reduce the potential impacts of existing campgrounds in neighborhoods where the campgrounds are located and the proposed language may improve compatibility among uses for efficient development within the county.

STAFF REPORT
PB20-05 CURRITUCK COUNTY NONCONFORMING CAMPGROUNDS
BOARD OF COMMISSIONERS
JUNE 22, 2020

Amendment to the Unified Development Ordinance Chapter 8: Nonconforming Uses and Chapter 10: Definitions and Measurement:

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 8. Nonconforming Uses is amended by adding the following non-highlighted underlined language and deleting the non-highlighted struck-through language and
Item 2: That Chapter 8. Nonconforming Uses is amended by adding the following highlighted underlined language and deleting the highlighted struck-through language:

8.2.6. Nonconforming Campgrounds

Private campgrounds are not allowed as a principle use in Currituck County. All existing campgrounds and campground subdivisions are nonconforming uses subject to the following standards:

A. General Standards

(1) Camping is an allowed use of land only in existing campgrounds and campground subdivisions.

(2) ~~Campers~~ Recreational vehicles or tents may not be modified in any manner that would render the recreational vehicle or tent ~~unit~~ non-transportable.

(3) No recreational vehicle or tent ~~or camper may~~ shall ~~be located~~ remain ~~on a campsite~~ in a campground or campground subdivision for a period of more than 60 ~~90~~ days per calendar year.

(4) Additions to recreational vehicles or tents ~~campers~~ are not permitted.

(5) ~~Modifications to existing campgrounds are permitted provided the changes do not increase the nonconformity with respect to number of campsites that existed on January 1, 2013.~~

Each campsite space shall be identified by a permanent number which shall not be changed. The appropriate number of each campsite space shall be permanent and visibly displayed on each space. Each number shall be placed on a concrete, wood,

Attachment: Staff Report BOC 20-05 Currituck County TA Nonconforming Campgrounds (PB 20-05 Currituck County Nonconforming

metal or any permanent post or object and conspicuously located on the lot.

(6) Every campground owner or operator shall maintain an accurate register containing a record of all occupants in the campground. The register shall be available for inspection at all times by authorized county representatives. The register shall contain the following information:

(a) Name and address of the occupants of each space;

(b) Campsite space number; and

(c) Date when occupancy within the campground begins and date when occupancy within the campground ceases.

(7) Storage areas for unoccupied recreational vehicles or unoccupied tents are prohibited.

B. **Existing Campgrounds**

(1) Existing campgrounds may not be expanded to cover additional land area or exceed the total number of campsites that existed on January 1, 2013.

(2) ~~Campers~~ Recreational vehicles or tents may not be placed on a permanent or temporary foundation.

(3) Campsite~~s~~ spaces may have a wooden platform not to exceed 100 square feet. Platforms must be 12 inches or less in height from existing grade. Handicap ramps are not subject to the maximum height requirement and square footage provided the ramp does not exceed five feet in width.

(4) Campgrounds shall not include permanent residences, excluding one dwelling unit to be occupied by the park caretaker or manager.

(5) Only recreational vehicles or tents may be placed in a campground.

Item 3: That Chapter 10. Definitions and Measurement is amended by adding the following underlined language and deleting the struck-through language:

CAMPER

See "Recreational Vehicle"

~~A portable dwelling (as a special equipped trailer or automobile vehicle) for use during casual travel and camping.~~

CAMPGROUND

Any area, place, parcel or tract of land on which two or more campsites are occupied or intended for occupancy or facilities established or maintained, wholly or in part, for the accommodation of recreational vehicles or tents ~~camping units~~ for periods of overnight

Attachment: Staff Report BOC 20-05 Currituck County TA Nonconforming Campgrounds (PB 20-05 Currituck County Nonconforming

or longer, whether the use of campsites and facilities is granted gratuitously, or by rental fee, lease or conditional sale, or by covenants, restrictions and easements. Campground includes but not limited to, a travel camp, recreational camp, family campground, camping resort, recreational vehicles park and camping community. Campground does not include a summer camp, migrant labor camp or park for manufactured homes, or a construction camp, or storage area for unoccupied recreational vehicles or unoccupied tents ~~camping units~~.

CAMPSITE SPACE

A space designed and promoted for the purpose of locating a recreational vehicle or tent.

LIGHT DUTY TRUCK

~~For the purposes of Section 7.4., Flood Damage Prevention, any~~ Any motor vehicle rated at 8,500 lbs. Gross Vehicular Weight Rating or less which has a vehicular curb rate of 6,000 lbs. or less and which has a basic vehicle frontal area of 45 square feet or less as defined in Title 40 US Code of Federal Regulations at Subpart 86.082-2 and is:

(a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or,

(b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or,

(c) Available with special features enabling off-street or off-highway operation and use.

TRAVEL TRAILER

See "Recreational Vehicle"

~~A structure that is: a. Intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and b. Is for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a manufactured home.~~

RECREATIONAL VEHICLE

A vehicle built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel, or seasonal use; fully licensed and ready for highway use; that does not exceed 8.5 feet in width in the transport mode; and of a size and weight that does not require a special highway movement permit when towed by a motorized vehicle. Recreational vehicles shall not have any permanent (hard) wiring, plumbing, or mechanical connections. The term "recreational vehicle" does not include a "manufactured home".

~~For the purposes of Section 7.4., Flood Damage Prevention, a vehicle, which is:~~

~~a. built on a single chassis;~~

Attachment: Staff Report BOC 20-05 Currituck County TA Nonconforming Campgrounds (PB 20-05 Currituck County Nonconforming

~~b. 400 square feet or less when measured at the largest horizontal projection;~~

~~c. designed to be self-propelled or permanently towable by a light duty truck;~~

~~d. designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; and,~~

~~e. is fully licensed and ready for highway use.~~

Item 4: Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

Land Use and Development Goal # 10 To properly distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surrounding land uses.

The request is reasonable and in the public interest by providing language that will reduce the potential impacts of existing campgrounds in neighborhoods where the campgrounds exist and the proposed language may improve compatibility among uses for efficient development within the county.

Item 5: 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 6: Item 1 and Item 3 of this ordinance amendment shall be in effect from and after the ____ _____ day of _____, 2020.

Item 7: Item 2 of this ordinance amendment shall be in effect 120 days after the _____ day of _____, 2020.

_____
Board of Commissioners' Chairman
Attest:

_____
Leeann Walton
Clerk to the Board

DATE ADOPTED: _____

Attachment: Staff Report BOC 20-05 Currituck County TA Nonconforming Campgrounds (PB 20-05 Currituck County Nonconforming

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: PB 20-05
Date Filed: 2/27/20
Gate Keeper: C. Edwards
Amount Paid:

Contact Information

APPLICANT:

Name: County of Currituck

Address: 153 Courthouse Road Suite 204
Currituck, NC 27929

Telephone: 252-232-2075

E-Mail Address: ben.stikeleather@currituckcountync.gov

Request

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

Amend Chapter(s) 8 & 10 Section(s) 8.2.6 & 10.5 as follows:

Change allowable timeframe for tents and campers from 90 days to 60 days within a calendar year.

Clarify that removal of tents and campers includes moving each from the campground and campground subdivision.

Add requirement for designation and numbering of campsite spaces.

Add requirement for maintaining registration records of all occupants.

Remove language that allows modifications of existing campgrounds.

Revise existing and add new definitions related to campgrounds and campground uses.

*Request may be attached on separate paper if needed.

Ben Stikeleather
Petitioner

3-2-2020
Date

Attachment: signed application (PB 20-05 Currituck County Nonconforming Campgrounds Text Amendment)

Currituck County
Agenda Item Summary Sheet

Agenda ID Number – 2822

Agenda Item Title: PB 20-06 Currituck County Remove Planned Development-Residential Text Amendment: Request to amend the Unified Development Ordinance, Chapter 3 Zoning Districts to remove PD-R zoning district for new rezoning requests and retain existing PD-R standards to preserve the administrative review process and development standards for amendments to existing PD-R zoning districts and master plans.

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Jennie Turner

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Unified Development Ordinance, Chapter 3 Zoning Districts to remove PD-R zoning district for new rezoning requests and retain existing PD-R standards to preserve the administrative review process and development standards for amendments to existing PD-R zoning districts and master plans.

Planning Board Vote: Approved 5-0

Planning Board Recommendation: Approval

Staff Recommendation: Approval

TRC Recommendation:

Currituck County
Planning and Community Development Department
Planning 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: June 18, 2020

Subject: PB 20-06 Currituck County Text Amendment
Planned Development –Residential (PD-R) Zoning District

At the February 7, 2020 retreat the Board of Commissioners directed staff to prepare a text amendment to remove the Planned Development-Residential (PD-R) Zoning District.

Since there are existing PD-R zoning districts and pending PD-R zoning district applications, staff suggests designating the PD-R Zoning District as a Legacy District. The Legacy designation indicates that no new lands in the county shall be zoned PD-R but allows for existing PD-R standards to remain in place to preserve the administrative review process and development standards for amendments to existing PD-R Zoning Districts and Master Plans.

Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation

Staff recommends approval of the request as submitted and suggests the following Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

1. ***Land Use and Development Goal # 10*** To property distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surrounding land uses.

Attachment: Staff Report PB20-06 PD-R Revision June 2020 (PB 20-06 Currituck County Remove Planned Development-Residential Text

2. **POLICY AG6:** For areas experiencing intense development pressure, new residential development may be allowed to locate in COMPACT, VILLAGE-LIKE CLUSTERS, PREFERABLY NEAR EXISTING, NON-AGRICULTURAL ACTIVITIES AND SERVICES, or in other locations that will not interfere with resource production activities. Overall density shall remain very low, with permanent open space, dedicated during the development review process, surrounding such clusters of homes.
3. **POLICY HN3:** Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
    1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
    2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.
4. **POLICY WS4:** Currituck County endorses utilities extension policies that avoid those parts of the county best suited for agriculture and to PROTECT FARMLAND FROM DEVELOPMENT PRESSURES brought about by such utilities. Exceptions to this policy may include extensions for major economic development initiatives, and extensions to address imminent public health problems or related environmental hazards.

The request is reasonable and in the public interest because:

1. The proposed text amendment allows for the continuance of existing PD-R districts and amendments thereto but does not permit new rezoning applications for PD-R.
2. There are zoning districts within the county that allow for similar development density and patterns.

Attachment: Staff Report PB20-06 PD-R Revision June 2020 (PB 20-06 Currituck County Remove Planned Development-Residential Text

STAFF REPORT
PB20-06 CURRITUCK COUNTY
PLANNED DEVELOPMENT-RESIDENTIAL (PD-R) ZONING DISTRICT
BOARD OF COMMISSIONERS
JUNE 22, 2020

Amendment to the Unified Development Ordinance Chapter 3. Zoning Districts to designate the PD-R District as a Legacy District and to maintain the process and standards for amending existing PD-R 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 3. Zoning Districts is amended by deleting the struck-through language and adding the underlined language:

3.2. BASE ZONING DISTRICTS ESTABLISHED

3.2.1. General

Table 3.2.1, Base Zoning Districts Established, sets out the base zoning districts established by this Ordinance. Base zoning districts are grouped into Special, Residential, Business and Mixed-Use, and Planned Development districts.

TABLE 3.2.1: BASE ZONING DISTRICTS ESTABLISHED

District Name	Abbreviation
Special Districts	
Resource Conservation	RC
Agriculture	AG
Residential Districts	
Single-Family Residential – Mainland	SFM
Single-Family Residential – Outer Banks	SFO
Single-Family Residential – Outer Banks, Remote	SFR
Single-Family Residential – Isolated	SFI
Mixed Residential	MXR
Business and Mixed-Use Districts	
General Business	GB
Limited Business	LB
Community Center	CC
Village Center	VC

Attachment: Staff Report PB20-06 PD-R Revision June 2020 (PB 20-06 Currituck County Remove Planned Development-Residential Text

TABLE 3.2.1: BASE ZONING DISTRICTS ESTABLISHED	
DISTRICT NAME	**ABBREVIATION**
Light Industrial	LI
Heavy Industrial	HI
PLANNED DEVELOPMENT DISTRICTS	
Planned Development – Residential Legacy	PD-R
Planned Development – Mixed	PD-M
Planned Development – Outer Banks	PD-O

3.7.3. Planned Development – Residential (PD-R) Legacy District

PD-R
PLANNED DEVELOPMENT – RESIDENTIAL LEGACY

A. DISTRICT PURPOSE

The Planned Development – Residential (PD-R) District is a Legacy District previously established and intended to encourage the use of innovative and creative design to provide a mix of different residential uses in close proximity to one another on mainland Currituck County, while at the same time providing an efficient use of open space. Limited, small-scale commercial uses may be allowed in the PD-R district, primarily to serve the needs of residents in the development.
No new lands in the County shall be zoned Planned Development-Residential (PD-R) nor shall any boundary of an existing PD-R be modified.
The standards in this section apply to individually-designated PD-R districts established prior to Date set by BOC. Modifications to existing PD-R Districts shall be subject to the review procedures of Section 2.4.5 and the standards of Section 3.7.

B. DIMENSIONAL STANDARDS

District area, minimum (acres)	50
Gross residential density, maximum (dwelling units/acre) [1]	To be established in the master plan
Lot area, minimum (sq ft)	
Lot width, minimum (ft)	
Nonresidential land area, maximum (% of district total)	40
Single housing type, maximum (% of units)	85
Lot coverage, maximum (% of lot area)	To be established in the master plan
Nonresidential FAR, maximum (%)	
Individual building size, maximum (sq ft)	

C. DEVELOPMENT STANDARDS

The standards in Chapter 5: Development Standards, shall apply to all development in PD-R districts, but some of those standards may be modified as part of the master plan if consistent with the general purposes of the PD-R district and the procedures noted below.

Development Standard	Means of Modifying
Off-street parking & loading	Specify in Alternative Parking Plan (see Section 5.1.6)
Landscaping [2]	Specify in Alternative Landscaping Plan (see Section 5.2.9)
Tree protection	
Open space set-aside [3]	30%
Fences and walls	Specify in Security Plan (see Sections5.3.5. and 5.4.4)
Exterior lighting	

Attachment: Staff Report PB20-06 PD-R Revision June 2020 (PB 20-06 Currituck County Remove Planned Development-Residential Text

Building height, maximum (ft)		Community form	Specify in master plan
Setbacks, minimum or maximum (ft)		Nonresidential design	
Setback from abutting residential zoning district or existing residential use (ft)		Multi-family design	
Setback from agriculture (ft)		Community compatibility [4]	Modifications prohibited
Setback from major arterial streets (ft)		Signage	Modifications prohibited
Min. Wetland/Riparian Buffer (ft)	30	Adequate public facilities	Modifications prohibited

NOTES:
[1] May not exceed three units per acre in Full Service areas ~~or one and one half units per acre in Limited Service areas~~
[2] Uses internal to the development shall not be required to provide perimeter buffers
[3] The required percentage of open space set-aside shall be calculated based on the total district

D. ENVIRONMENTAL PROTECTION STANDARDS

The environmental protection standards in Chapter 7 of the UDO may not be modified by a planned development

[4] Community compatibility standards shall not apply to uses internal to the development

Item 3: Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

1. ***Land Use and Development Goal # 10*** To property distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surrounding land uses.
2. **POLICY AG6:** For areas experiencing intense development pressure, new residential development may be allowed to locate in COMPACT, VILLAGE-LIKE CLUSTERS, PREFERABLY NEAR EXISTING, NON-AGRICULTURAL ACTIVITIES AND SERVICES, or in other locations that will not interfere with resource production activities. Overall density shall remain very low, with permanent open space, dedicated during the development review process, surrounding such clusters of homes.
3. **POLICY HN3:** Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
    1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
    2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.
4. **POLICY WS4:** Currituck County endorses utilities extension policies that avoid those parts of the county best suited for agriculture and to PROTECT FARMLAND FROM DEVELOPMENT PRESSURES brought about by such utilities. Exceptions to this policy may include extensions for major economic development initiatives, and

Attachment: Staff Report PB20-06 PD-R Revision June 2020 (PB 20-06 Currituck County Remove Planned Development-Residential Text

extensions to address imminent public health problems or related environmental hazards.

The request is reasonable and in the public interest because:

1. The proposed text amendment allows for the continuance of existing PD-R districts and amendments thereto but does not permit new rezoning applications for PD-R.
2. There are zoning districts within the county that allow for similar development density and patterns.

Item 4: 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 5: This ordinance amendment shall be in effect from and after the _____ day of _____ _____, 2020.

_____
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 PB20-06 PD-R Revision June 2020 (PB 20-06 Currituck County Remove Planned Development-Residential Text

Attachment: Staff Report PB20-06 PD-R Revision June 2020 (PB 20-06 Currituck County Remove Planned Development-Residential Text

Text Amendment
Application

OFFICIAL USE ONLY
Case Number: PB 20-06
Date Filed: 2/27/20
Gate Keeper: C. Ellis
Amount Paid: $0

Contact Information

APPLICANT:

Name: County of Currituck

Address: 153 Courthouse Road Suite 204
Currituck, NC 27929

Telephone: 252-232-2075

E-Mail Address: ben.stikeleather@currituckcountync.gov

Request

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

Amend Chapter(s) 3,4 Section(s) 3.7.3 & 4.1.2 as follows:

Remove Planned Development-Residential (PDR) District

Remove references to PDR District

*Request may be attached on separate paper if needed.

Petitioner

3-2-2020
Date

Attachment: Application 20-06 Remove PD-R Text Amendment (PB 20-06 Currituck County Remove Planned Development-Residential Text

Currituck County
Agenda Item Summary Sheet

Agenda ID Number – 2820

Agenda Item Title: PB 20-03 Currituck County Miscellaneous Text Amendment: Request to amend the Unified Development Ordinance to change Planning Board quorum; require surveyed site plans (<20,000 sf lots) and as-built surveys (<40,000 sf lots); clarify allowable use of metal siding in Business and Industrial Zoning Districts; remove redundant parking language for Bed and Breakfast Inns; correct Single Family-Residential Remote accessory parking language; allow accessory keeping of specific livestock (goats) subject to additional standards; amend bio solid/sludge language for consistency with recent court decisions; clarify home occupation language; revise accessory dwelling unit standards; update private residence terminology; remove reserve utility open space requirement; and update financial terminology.

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Jennie Turner

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Unified Development Ordinance, Chapter 2 Administration, Chapter 3 Zoning Districts, Chapter 4 Use Standards, Chapter 5 Development Standards, and Chapter 6 Subdivision and Infrastructure Standards to change Planning Board quorum, require surveyed site plans (<20,000 sf lots) and as-built surveys (<40,000 sf lots), clarify allowable use of metal siding in Business Districts and Industrial Zoning Districts, remove redundant parking language for Bed and Breakfast Inns, correct Single Family-Residential Remote accessory parking language, allow accessory keeping of specific livestock (goats) subject to additional standards, amend bio solid/sludge language for consistency with recent court decisions, clarify home occupation language, revise accessory dwelling unit standards, update private residence terminology, remove reserve utility open space requirement, and update financial terminology.

Planning Board Recommendation: Approval

Staff Recommendation: Approval

TRC Recommendation:

Currituck County
Planning and Community Development Department
Planning 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: June 18, 2020

Subject: PB 20-03 Currituck County –Text Amendment

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO) and to amend certain sections at the direction of the Board of Commissioners:

Item 1 Change Planning Board quorum requirement from 5 members to 4 members to bring consistency with reduction of planning board members previously approved by the BOC. (P&CD)

Item 2 Codify Administrative Manual requirement that a NC licensed surveyor, engineer, or architect must prepare a site plan for lots 20,000 square feet or smaller. (P&CD) Require an As-Built Survey for development of principal structures on lots 40,000 square feet or smaller. (BOC)

Item 3 Clarify metal siding prohibition in Business Districts in order to clarify the intent of prohibition of use of metal siding on facades facing major arterial streets in Industrial Zoning Districts. (BOC and P&CD)

Item 4 Remove redundant parking language for Bed and Breakfast Inns. Parking is regulated in Chapter 5. (P&CD)

Item 5 Correct language regarding allowable accessory uses prior to principal uses in the SFR zoning district to be consistent with the motion approved at the December 4, 2017 BOC meeting. (P&CD)

Item 6 Allow the keeping of specific livestock as an accessory use in AG, SFM and SFI zoning districts subject to specific standards. (BOC)

Item 7 Revise the term Sludge to Biosolids and amend the permit requirements for Land application of Biosolids and Septage as permitted by right subject to a permit from the appropriate agency. This revision will bring consistency with recent court decisions. (P&CD)

Item 8 Include the Home Occupation definition in the specific standards for better consistency in communicating the requirements and allowable Home Occupation uses. (P&CD)

Item 9 Remove the minimum square footage for Accessory Dwelling Units to be consistent with State Law Session 2019-174 that prohibits a minimum square footage designation. (P&CD)

Item 10 Change the reference from “Private Residence” to “Single Family Dwelling” for Certain Temporary Uses. (P&CD)

Item 11 Clarify the intent that Non-Residential Design Features are required on front building facades and facades facing or visible from streets and clarify the intent that use of metal siding is prohibited on front building facades and facades facing or visible from streets in Business Districts. (BOC and P&CD)

Item 12 Remove the Reserve Utility Open Space requirement. (BOC)

Item 13 Revise the term certified check to cashier’s check to be consistent with current financial terminology. (P&CD)

Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Attachment: 20-03 Currituck County TA -BOC (PB 20-03 Currituck County Miscellaneous Text Amendment)

Staff Recommendation
Staff recommends approval of the request as submitted and suggests the following Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

1. *Land Use and Development Goal* #1 To protect and conserve the area's natural beauty and coastal resources as the County's greatest asset for economic development and a high quality of life.

2. POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include, for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to meet NCDOT acceptance standards. (See Transportation Policies for details concerning requirements for paved roads.)
3. POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT. (See esp., Policy CD9 below concerning connected parking areas.)
4. POLICY ID1: To diversify the local economy and broaden the local tax base, the County shall encourage a public service and regulatory environment conducive to COMPATIBLE INDUSTRIAL DEVELOPMENT. "Compatible" shall be defined as, among other things, industries that do not adversely impact the environmental quality of the area, or overburden the local infrastructure.
5. POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.
6. POLICY WS6: Currituck County endorses the proper use and maintenance of APPROVED SEPTIC SYSTEMS in suitable soils as an environmentally acceptable means of treating and dispersing waste from low-density development.

The request is reasonable and in the public interest because:

1. It clarifies portions of the UDO for more consistent interpretation and enforcement.
2. It amends the UDO for consistency with recent court decisions and current financial terminology.
3. It allows accessory keeping of certain livestock in agricultural and residential zoning districts subject to specific standards intended to address compatibility issues.
4. It removes utility open space requirements for new subdivisions that have been deemed unnecessary.

Attachment: 20-03 Currituck County TA -BOC (PB 20-03 Currituck County Miscellaneous Text Amendment)

STAFF REPORT
PB20-03 CURRITUCK COUNTY TEXT AMENDMENT
BOARD OF COMMISSIONERS
JUNE 22, 2020

Amendment to the Unified Development Ordinance Chapter 2 Administration, Chapter 3 Zoning Districts, Chapter 4 Use Standards, Chapter 5 Development Standards, Chapter 6 Subdivision & Infrastructure Standards and Chapter 10 Definitions and Measurement.

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. Administration is amended by adding the following underlined language and deleting the struck-through language:

2.2.3 Planning Board

E. Quorum and Necessary Vote

(1) Quorum

Four ~~Five~~ members of the Planning Board shall constitute a quorum. No official business of the Planning Board shall be conducted without a quorum present.

Item 2: That Chapter 2. Administration is amended by adding the following underlined language and deleting the struck-through language and renumber accordingly:

2.4.7 Site Plan

A. Purpose

Site plan review is intended to ensure that the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable standards in this Ordinance and all other county regulations. The purpose of this section is to establish the procedure and standards for review of site plans.

B. Applicability

(1) General

All development, unless exempted in accordance with sub-section (2) below shall be required to have a site plan approved in accordance with this section prior to issuance of a zoning compliance permit or building permit.

Attachment: 20-03 Currituck County TA -BOC (PB 20-03 Currituck County Miscellaneous Text Amendment)

(2) Exemptions

The following development is exempted from the requirements of this section:

(a) Internal construction that does not increase building height, increase the density or intensity of use, or affect parking or landscaping requirements;

(b) Change in use that does not result in the need for additional parking or landscaping;

(c) Detached accessory structures associated with a single-family detached residential use that involve construction of less than 144 gross square feet of floor area; and

(d) Temporary uses, subject to a temporary use permit (see Section 2.4.11).

C. Site Plans Distinguished

There are two different types of site plans under this section: minor site plans and major site plans.

(1) Minor Site Plans

The following development shall be reviewed as a minor site plan:

(a) New single-family detached dwellings, including individual manufactured homes and duplexes;

(b) Additions or expansions of a single-family detached dwelling;

(c) Accessory uses or structures serving an existing principal use; or

(d) Development or expansion of a nonresidential, multi-family, or mixed-use building's gross floor area, impervious surface, disturbed land area, and other use area, by less than 5,000 square feet.

(2) Major Site Plans

All other development shall be reviewed as a major site plan.

D. Major Site Plan Review Procedure

(1) Pre-Application Conference

Applicable (see Section 2.3.2).

(2) Community Meeting

Optional (see Section 2.3.3).

(3) Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4).

(b) <u>A NC licensed surveyor, architect, or engineer shall prepare site plans for principal structures on lots 20,000 square feet in area or smaller.</u>

(4) Staff Review and Action

Attachment: 20-03 Currituck County TA -BOC (PB 20-03 Currituck County Miscellaneous Text Amendment)

Applicable (see Section 2.3.5). The Technical Review Committee shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.7.F, Site Plan Review Standards.

(5) Public Hearing Scheduling and Public Notification

Not applicable.

(6) Public Hearing Procedures

Not applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

E. Minor Site Plan Review Procedure

(1) Pre-Application Conference

Not applicable.

(2) Community Meeting

Not applicable.

(3) Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4).

(b) A NC licensed surveyor, architect, or engineer shall prepare site plans for principal structures on lots 20,000 square feet in area or smaller.

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.7.F, Site Plan Review Standards.

(5) Public Hearing Scheduling and Public Notification

Not applicable.

(6) Public Hearing Procedures

Not applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

F. Site Plan Review Standards

An application for a site plan shall be approved on a finding the applicant has demonstrated the proposed development:

(1) Is consistent with the Land Use Plan or other officially adopted plan;

Attachment: 20-03 Currituck County TA -BOC (PB 20-03 Currituck County Miscellaneous Text Amendment)

(2) Complies with the applicable district, use-specific, development, environmental, and infrastructure design standards of this Ordinance;

(3) Complies with the Currituck County Stormwater Manual and all other applicable standards of this Ordinance and the County Code of Ordinances; and

(4) Complies with all standards or conditions of any prior applicable development permits or approvals.

G. As-Built Survey Required

Prior to scheduling final inspection for principal structures on lots 40,000 square feet or less in area, an as-built survey prepared by a NC licensed surveyor shall be submitted for review and approval.

H. Effect of Development Approval

Approval of a site plan authorizes the submittal of an application for a zoning compliance permit and any other development application that may be required before construction or other development authorized by this Ordinance. Applicants may submit applications for a site plan, zoning compliance permit, and building permit concurrently.

I. Amendment of Development Approval

Applicable (see Section 2.3.14).

J. Expiration of Development Approval

Site plan approval shall automatically expire at the end of two years following the date of approval if a building permit for at least one building in the site plan is not approved. A change in the ownership in land does not affect this time period.

Item 3: That Chapter 3. Zoning Districts is amended by adding the following underlined language and deleting the struck-through language and renumbering accordingly:

Attachment: 20-03 Currituck County TA -BOC (PB 20-03 Currituck County Miscellaneous Text Amendment)

3.5.2 General Business (GB) District

GB
GENERAL BUSINESS

A. District Purpose

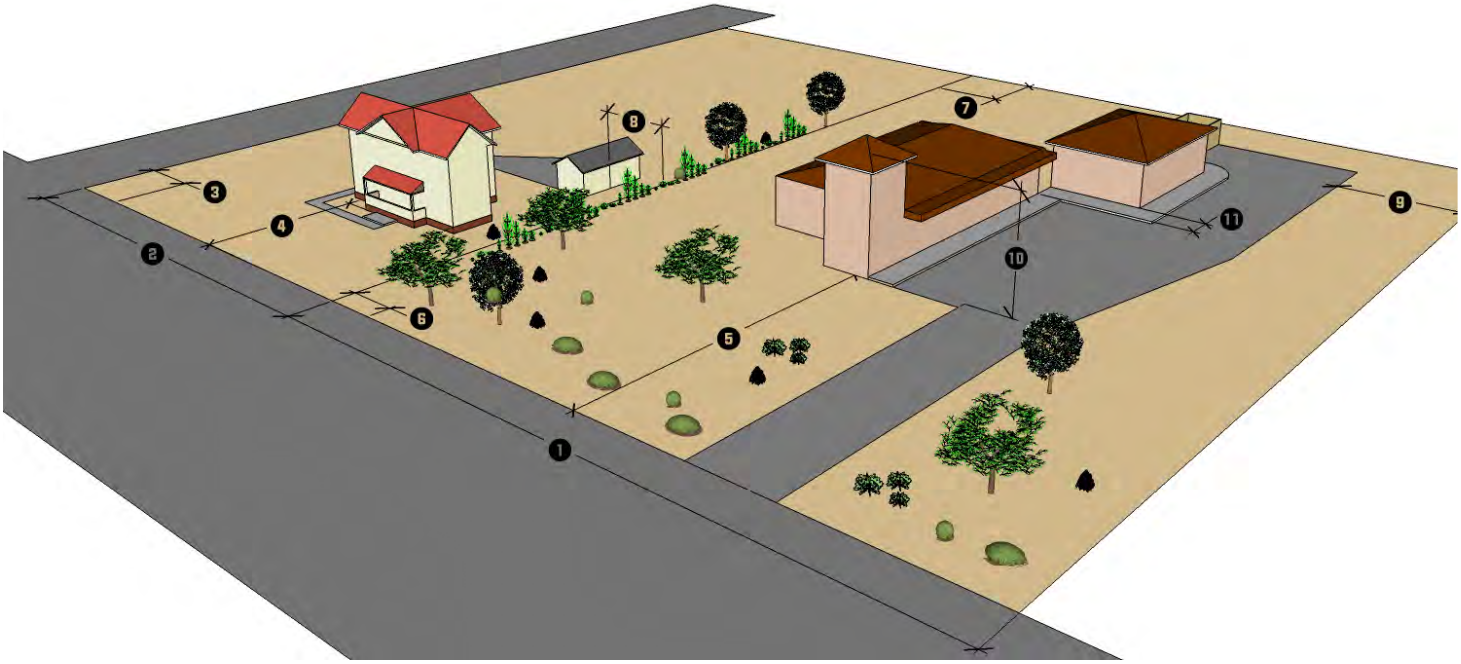
The General Business (GB) district is established to accommodate a wide variety of residential and nonresidential uses on lots bounding major roadways outside of community and village center areas. The district is intended to accommodate small to medium-sized commercial, office, personal service, and institutional uses that provide goods and services to county residents and visitors in ways that protect the county's scenic corridors as well as maintain the traffic carrying capacity of major roadways. The district also accommodates low density single-family detached dwellings, accessory dwelling units, and manufactured homes on individual lots (on the mainland). New commercial development is subject to commercial design standards to ensure development quality and consistency with surrounding development patterns. New commercial development of 5,000 square feet or more proposed on lots located outside of areas designated as Full Service areas in the Land Use Plan is required to obtain use permit approval. New development on lots along major arterials (like Caratoke Highway) outside designated Full Service areas are subject to increased minimum front setbacks and increased landscaping requirements to help protect the scenic character of these areas. New industrial, multi-family, and institutional residential uses are prohibited in the GB district.

B. Lot Patterns

C. Typical Building Forms

Attachment: 20-03 Currituck County TA -BOC (PB 20-03 Currituck County Miscellaneous Text Amendment)

D. Building Configuration



E. Dimensional Standards

Max. Gross Density (du/ac)	N/A		Min. Major Arterial Street Setback (ft) [3]		
Max. Nonresidential FAR (%) [2]	0.40		Within Full Service Areas (ft)	30	4
Min. Lot Area (sf ft)	40,000		Outside Full Service Areas (ft)	100	5
Max. Lot Area (acres)	N/A		Min. Side Setback (ft)	15	6
Min. Lot Width, Interior Lot (ft)	125	1	Min. Rear Setback (ft)	25	7
Min. Lot Width, Corner Lot (ft)	125	2	Min. Agricultural Setback (ft) [4]	50	
Max. Lot Depth (ft)	[1]		Min. Accessory Use Setback (ft)	10	8
Max. Lot Coverage (%)	65		Min. Driveway/Parking Setback (ft)	10	9
Min. Front Setback (ft)	20		Min. Fill Setback from all Lot Lines (ft)	10	
Min. Corner Side Setback (ft)	20	3	Min. Wetland/Riparian Buffer (ft) [4]	30	
			Max. Building Height (ft)	35	10
			Min. Spacing Between Principal Buildings (ft)	10	11

[1] Lot depth shall not exceed four times the lot width
[2] Commercial structures exceeding 5,000 square feet must obtain use permit approval if proposed outside a Full Service area
[3] Metal siding is prohibited on building facades facing or visible from major arterial streets
[4] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

Attachment: 20-03 Currituck County TA -BOC (PB 20-03 Currituck County Miscellaneous Text Amendment)

3.5.3 Limited Business (LB) District

LB
LIMITED BUSINESS

A. District Purpose

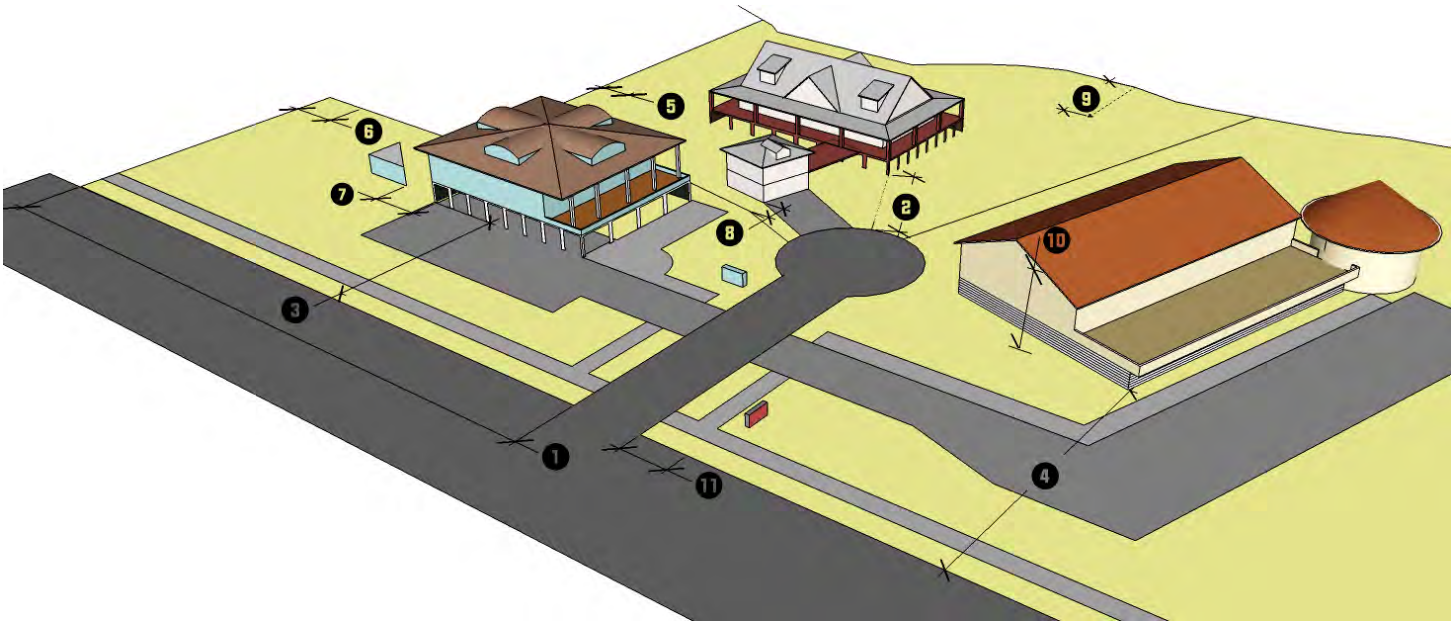
The Limited Business (LB) district is established to accommodate various residential and nonresidential uses on lots bounding major roadways outside of community and village center areas. The district is intended to accommodate low intensity commercial, office, personal service, and institutional uses that provide goods and services to county residents and visitors in ways that protect the county's scenic corridors as well as maintain the traffic carrying capacity of major roadways. The district also accommodates low density single-family detached dwellings, accessory dwelling units, and manufactured homes on individual lots (on the mainland only). New commercial development is subject to commercial design standards to ensure development quality and consistency with surrounding development patterns. New commercial development of 5,000 square feet or more proposed on lots located outside of areas designated as Full Service areas in the Land Use Plan is required to obtain use permit approval. New development on lots along major arterials (like Highway 12) outside designated Full Service areas are subject to increased minimum front setbacks and increased landscaping requirements to help protect the scenic character of these areas. New industrial, multi-family, and institutional residential uses are prohibited in the LB district.

B. Lot Patterns

C. Typical Building Forms

Attachment: 20-03 Currituck County TA -BOC (PB 20-03 Currituck County Miscellaneous Text Amendment)

D. Building Configuration



E. Dimensional Standards

Max. Gross Density (du/ac)	N/A		Min. Major Arterial Street Setback (ft) [3]		
Max. Nonresidential FAR (%) [2]	0.40		Within Full Service Areas (ft)	30	3
Min. Lot Area (sf ft)	40,000		Outside Full Service Areas (ft)	100	4
Max. Lot Area (acres)	N/A		Min. Side Setback (ft)	15	6
Min. Lot Width, Interior Lot (ft)	125		Min. Rear Setback (ft)	25	5
Min. Lot Width, Corner Lot (ft)	125	1	Min. Agricultural Setback (ft) [4]	50	
Max. Lot Depth	[1]		Min. Accessory Use Setback (ft)	10	
Max. Lot Coverage (%)	65		Min. Driveway/Parking Setback (ft)	10	8
Min. Front Setback (ft)	20	2	Min. Fill Setback from all Lot Lines	10	
Min. Corner Side Setback (ft)	20	11	Min. Wetland/Riparian Buffer (ft) [4]	30	9
			Max. Building Height (ft)	35	10
			Min. Spacing Between Principal Buildings (ft)	10	7

[1] Lot depth shall not exceed four times the lot width
[2] Commercial structures exceeding 5,000 square feet must obtain use permit approval if proposed outside a full service area
[3] Metal siding is prohibited on building facades facing <u>or visible from</u> major arterial streets
[4]Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

Attachment: 20-03 Currituck County TA -BOC (PB 20-03 Currituck County Miscellaneous Text Amendment)

3.5.8 Light Industrial (LI) District

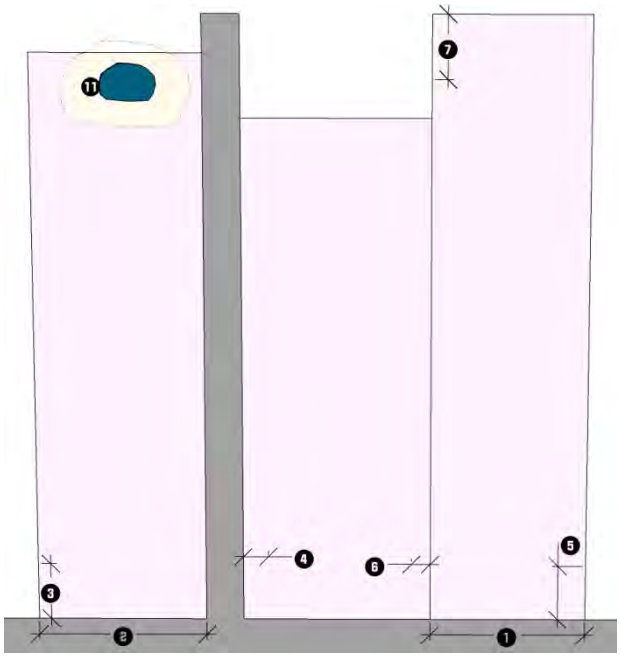
LI
LIGHT INDUSTRIAL

A. District Purpose

The Light Industrial (LI) district is established to accommodate low intensity light manufacturing and industrial uses engaged in assembly, fabrication, processing, distribution, storage, and research and development activities within portions of the county removed from residential and environmentally sensitive areas. The district is intended for small-scale development that has a minimum of exterior vehicular movements, limited outdoor storage of raw materials, minimal visual impacts on adjacent residential lands, and avoidance of excessive noise, odor, glare, dust, or vibration impacts on off-site areas. In addition to light industrial uses, the district allows supporting office, commercial, and warehousing functions. Residential uses are not permitted in the district, but some institutional and commercial uses are permitted, provided they will not negatively impact the range of allowed uses in the district. Development in the district is subject to development standards that seek to minimize nuisances and address the visual quality of development, as seen from adjacent residential development and public streets.

B. Lot Patterns

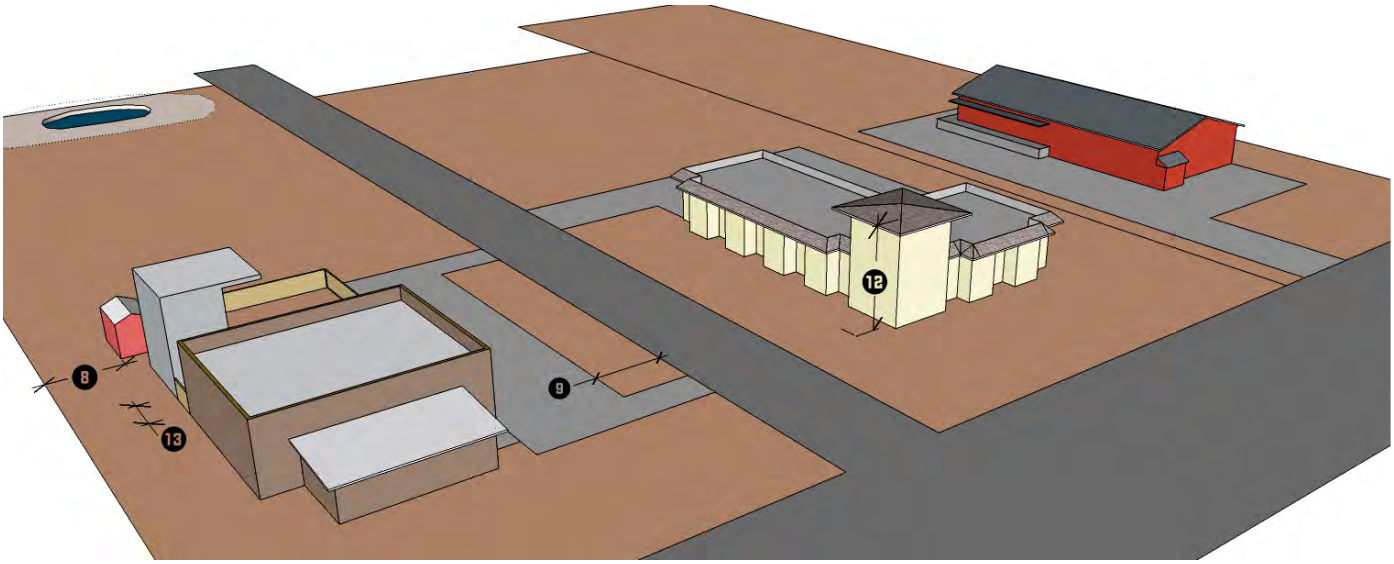
C. Lot Configuration



Attachment: 20-03 Currituck County TA -BOC (PB 20-03 Currituck County Miscellaneous Text Amendment)

D. Typical Building Forms

E. Building Configuration



F. Dimensional Standards

Max. Gross Density (du/ac)	N/A		Min. Major Arterial Street Setback (ft) [4]	50	5
Max. FAR (%)	0.40		Min. Side Setback (ft)	15	6
Min. Lot Area (sf ft)	60,000		Min. Rear Setback (ft)	25	7
Max. Lot Area (acres)	N/A		Min. Agricultural Setback (ft) [5]	50	
Min. Lot Width, Interior Lot (ft)	125 [1]	1	Min. Accessory Use Setback (ft)	20	8
Min. Lot Width, Corner Lot (ft)	135	2	Min. Driveway/Parking Setback (ft)	10	9
Max. Lot Depth (ft)	[2]		Min. Fill Setback from all Lot Lines (ft)	10	
Max. Lot Coverage (%)	65		Min. Wetland/Riparian Buffer (ft) [5]	30	11
Min. Front Setback (ft)	20	3	Max. Building Height (ft) [6]	35	12
Min. Corner Side Setback (ft) [3]	20	4	Min. Spacing Between Principal Buildings (ft)	10	13

[1] All lots shall maintain a minimum street frontage of 35 feet
[2] Lot depth shall not exceed four times the lot width
[3] Driveways shall provide access from street with less traffic
[4] Metal siding is prohibited on building facades facing major arterial streets
[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater
[6] Some site features are exempted from height limits

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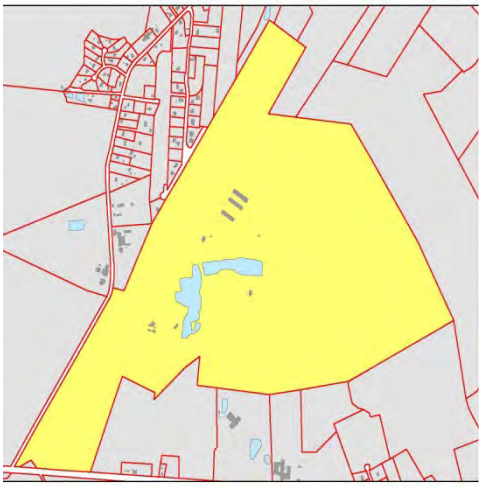
3.5.9 Heavy Industrial (HI) District

HI
HEAVY INDUSTRIAL

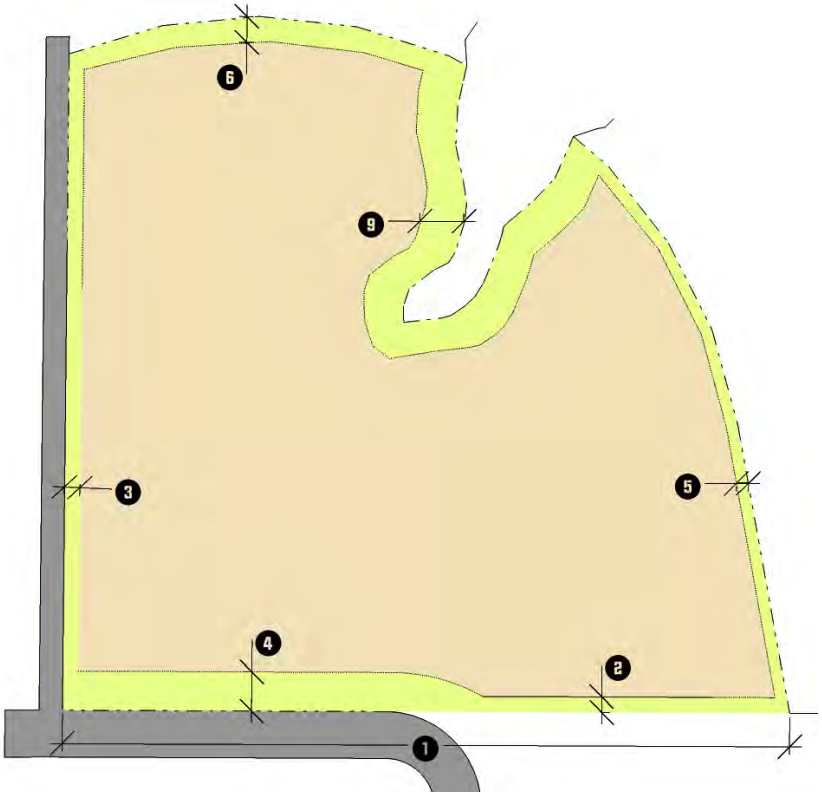
A. District Purpose

The Heavy Industrial (HI) district is established to accommodate intense or heavy manufacturing and industrial uses engaged in assembly, fabrication, processing, distribution, storage, and research and development activities within portions of the county removed from residential and environmentally sensitive areas. The district is intended for large-scale development that includes extensive exterior vehicular movements, outdoor storage of raw materials and finished products, stockpiling of wastes, and the potential for noise, odor, glare, dust, vibration, or negative visual impacts on adjacent uses. In addition to industrial uses, the district allows supporting office and warehousing functions. Residential uses are not permitted in the district, but some institutional, commercial, and office uses are permitted, provided they will not negatively impact the range of allowed uses in the district. Development in the district is subject to development standards that seek to minimize nuisances and address the visual quality of development, as seen from adjacent residential development and public streets.

B. Lot Patterns



C. Lot Configuration



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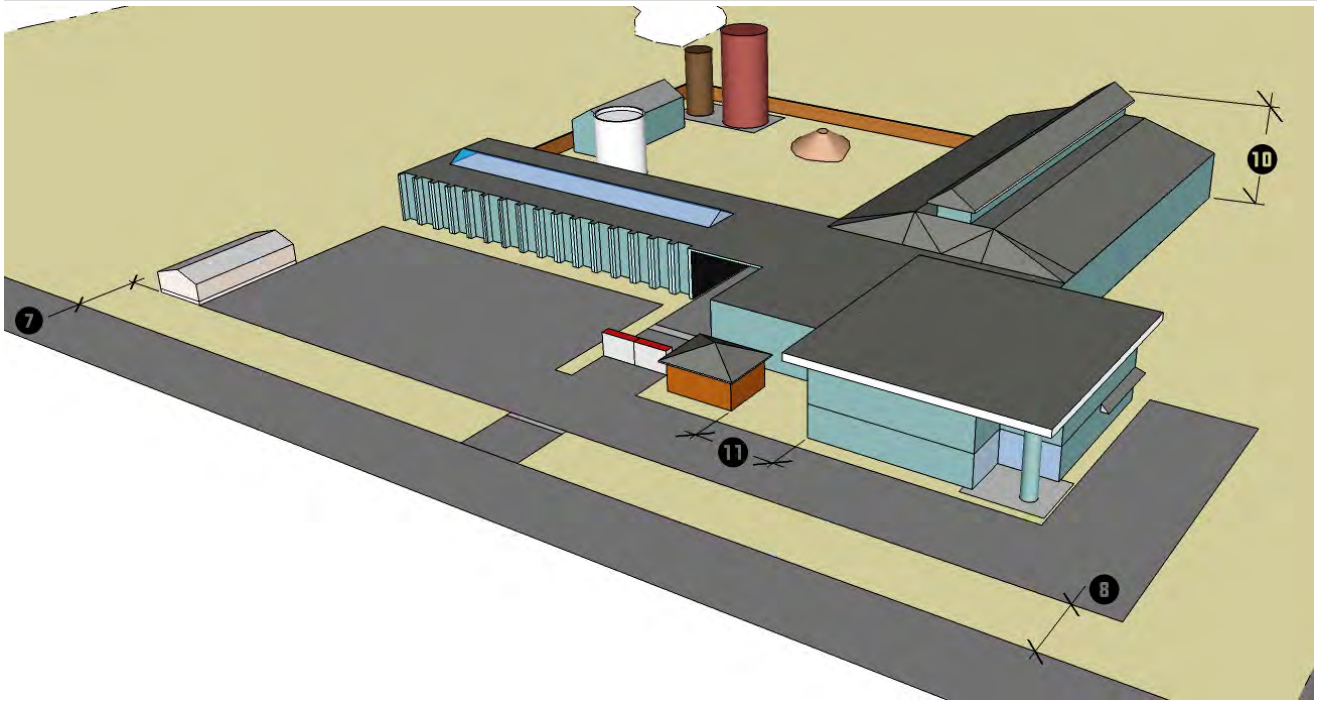
D. Typical Building Forms

E. Building Configuration



F. Dimensional Standards

Max Gross Density (du/ac)	N/A		Min. Major Arterial Street Setback (ft) [4][7]	50	4
Max. FAR (%)	0.40		Min. Side Setback (ft) [7]	15	5
Min. Lot Area (sf ft)	80,000		Min. Rear Setback (ft) [7]	25	6
Max. Lot Area (acres)	N/A		Min. Agricultural Setback (ft) [5]	50	
Min. Lot Width, Interior Lot (ft)	125 [1]		Min. Accessory Use Setback (ft)	20	7
Min. Lot Width, Corner Lot (ft)	135	1	Min. Driveway/Parking Setback (ft)	10	8
Max. Lot Depth (ft)	[2]		Min Fill Setback from all Lot Lines (ft)	10	
Max. Lot Coverage (%)	65		Min. Wetland/Riparian Buffer (ft) [5]	30	9
Min. Front Setback (ft) [7]	20	2	Max. Building Height (ft) [6]	65	10
Min. Corner Side Setback (ft) [3][7]	20	3	Min. Spacing Between Buildings (ft)	10	11

[1] All lots shall maintain a minimum street frontage of 35 feet
[2] Lot depth shall not exceed four times the lot width
[3] Driveways shall provide access from street with less traffic
[4] Metal siding is prohibited on building facades facing major arterial streets
[5] Applied to major subdivisions plated after January 1, 2013 and site plans on lots 10 acres in area and greater

[6] Some site features are exempted from height limits
[7] Additional 1 foot setback for every 1 foot the structure exceeds 35 feet. (Example: A 50 foot structure shall be a minimum of 35 feet from the front property line or 65 feet if located on a major arterial, 30 feet from the side property line, and 40 feet from the rear property line).

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Item 4: That Chapter 4. Use Standards is amended by deleting the struck-through language and renumbering accordingly:

4.2.4 Commercial Uses

J. Visitor Accommodations

(1) Bed and Breakfast Inns

(a) Bed and breakfast inn uses shall comply with the following standards:

(b) A bed and breakfast inn shall take place within a building that was designed and used as a single-family detached dwelling.

(c) A bed and breakfast inn shall be operated primarily by persons who reside within the dwelling unit, with the assistance of not more than the equivalent of one, full-time employee.

(d) The building that houses the dwelling unit may not be expanded by more than ten percent of its original floor area, nor may rooms for rent be added onto or created within accessory buildings.

~~(e) There shall be at least one parking space per sleeping room.~~

(f) There shall only be one kitchen and all meals served on the premises shall be for overnight quests.

(g) Not more than one sign may be erected on the lot where such a use is located. The sign may not exceed six square feet in surface area nor be internally illuminated.

Item 5: That Chapter 4. Use Standards is amended by adding the following underlined language and deleting the struck-through language and renumbering accordingly:

4.3.2 General Standards and Limitations

C. Approval of Accessory Uses and Structures

(1) Except for the following, no accessory use shall be located on a lot prior to development of an associated principal use:

(a) Piers, docks, boathouses, boat lifts, dune decks, or beach accessways;

(b) A single storage shed (for upkeep of a lot);

(c) Ponds or borrow pits;

(d) Community agriculture; or,

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(e) Parking or storage of ~~up to two~~ licensed and registered vehicles and one boat trailer or utility trailer of up to 16 feet in length in the SFR zoning district, provided the use does not constitute Parking of Heavy Trucks, or Trailers as regulated in Section 4.3.3.T.

Item 6: That Chapter 4. Use Standards is amended by adding the following underlined language and deleting the struck-through language and renumbering accordingly:

4.3.2 General Standards and Limitations

E. Table of Common Accessory Uses

Table 4.3.2.E, Table of Common Accessory Uses, specifies common types of accessory use and the zoning district where each type may be permitted.

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES

P = Permitted by-right Z= Zoning Compliance Permit U = Use Permit MP = Allowed with master plan blank cell = Prohibited

Accessory Use Type	Zoning District																Additional Req. (4.3.___)
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
Keeping of specific livestock		P	P			P											3.P

P. Keeping of Specific Livestock

Accessory keeping of goats is permitted subject to the following standards:

(1) General

(a) Manure stockpiles shall not be permitted.

(b) On-site slaughter of livestock is prohibited.

(2) Minimum Site Size

(a) In AG Zoning District the use shall be located on a lot with an area of 20,000 square feet or more and one animal may be kept per every 10,000 square feet of lot area.

(b) In SFM and SFI Zoning Districts the use shall be located on a lot with an area of 40,000 square feet or more and one animal may be kept per every 20,000 square feet of lot area.

(3) Minimum Setbacks

(a) Pens, shelters, and animal quarters shall be located to the side or rear of a principal residential structure.

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(b) In AG Zoning District pens, shelters, and animal quarters shall be located at least 50 feet from any adjacent dwelling, 100 feet from any well, and 10 feet from all abutting lot lines.

(c) In SFM and SFI Zoning Districts pens, shelters, and animal quarters shall be located at least 75 from any adjacent dwelling, 100 feet from any well, and 25 feet from all abutting lot lines.

(4) Fencing or Pens Required

(a) Animals shall be maintained within pens, shelters, fenced areas, or other suitable enclosures.

(5) Maintenance Required

(a) Pens, shelters, and grazing areas shall be maintained in a sanitary manner that does not result in noxious odors.

(b) Pens, shelters, and animal quarters shall be maintained in a healthy and safe manner. Healthy and safe is defined as, but not limited to, fences kept in good repair, potable water available, and protection from wind or rain.

Item 7: That Chapter 4. Use Standards is amended by adding the following underlined language and deleting the struck-through language and renumbering accordingly:

4.3.2 General Standards and Limitations

E. Table of Common Accessory Uses

Table 4.3.2.E, Table of Common Accessory Uses, specifies common types of accessory use and the zoning district where each type may be permitted.

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES

P = Permitted by-right Z= Zoning Compliance Permit U = Use Permit MP = Allowed with master plan blank cell = Prohibited

Accessory Use Type	Zoning District																Additional Req. (4.3.___)
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
Land Application of ~~Sludge~~ Biosolids or Septage		~~U~~ P				~~U~~ P							~~U~~ P				3.~~P~~Q

~~P~~Q. Land Application of ~~Sludge~~ Biosolids or Septage

A permit must be obtained by the applicant from the appropriate regional, or State agency which has authority to issue required permits prior to land

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application of biosolids or septage. All conditions stated in the appropriate regional, or State permit shall be strictly adhered to.

~~Land application of commercial sludge or septage shall comply with all the following requirements:~~

~~(1) Setbacks~~

~~Table 4.3.3.P, Land Application Setbacks, establishes the setback requirements for land application of commercial sludge and septage.~~

~~TABLE 4.3.3.P: LAND APPLICATION SETBACKS~~		
~~USE OR FEATURE~~	~~MIN. SETBACK FOR COMMERCIAL SLUDGE APPLICATION (FEET)~~	~~MIN. SETBACK FOR SEPTAGE APPLICATION (FEET)~~
~~Existing residential or commercial structure~~	~~1,000 [1]~~	~~500 [2]~~
~~Private or public potable water well~~	~~1,000~~	~~500~~
~~Wells, other than monitoring~~	~~N/A~~	~~200~~
~~Abandoned wells~~	~~N/A~~	~~50~~
~~Ground water lowering ditches or devices~~	~~N/A~~	~~100~~
~~All lot lines~~	~~100~~	~~100~~

~~NOTES:~~
~~[1] Vegetated buffers shall also be required for applications within 2,000 feet of an existing residential or commercial structure~~
~~[2] Setback may be increased to 1,000 feet, or lime stabilization may be required upon receipt of complaints from adjacent land owners~~

~~(2) General Requirements~~

~~(a)~~ ~~A permit must be obtained by the applicant from the appropriate county, regional, or State agency which has authority to issue required permits prior to land application of biosolids sludge or septage. All conditions stated in the appropriate county, regional, or State permit shall be strictly adhered to.~~

~~(b)~~ ~~"No Trespassing" signs shall be posted at access roads or paths crossing or leading to the disposal area and a legible sign of at least four square feet in area stating, "'Septage" or "Sludge Disposal Area"' shall be posted at the entrance to the disposal area.~~

~~(c)~~ ~~Land application of sludge shall occur only during daylight hours. Septage shall be applied so as to have no standing surface collection of liquid within 24 hours after application.~~

~~(d)~~ ~~Upon issuance of the use permit, the property owner shall record the use permit in the Currituck County Register of~~

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~~Deeds and have it indexed under the record owner's name as grantor.~~

Item 8: That Chapter 4. Use Standards is amended by adding the following underlined language and deleting the struck-through language:

4.3.3 Specific Standards for Certain Accessory Uses

L. Home Occupations

A home occupation shall be permitted as accessory to any principal dwelling unit, provided that the accessory use will not change the character of the residential neighborhood in terms of appearance, noise, odors, traffic, or other impacts. Home occupation includes but is not limited to: offices; electronic and offsite retail; personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as: automotive repair and the like; dentists or physician's offices and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business which is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties. Home occupations shall be subject to the following standards:

(1) The business or service is located within the dwelling or an associated accessory building, and does not exceed 25 percent of the heated floor area of the principal structure or 1,000 square feet, whichever is less.

(2) The principal person or persons providing the business or service resides in the dwelling on the premises.

(3) The home occupation employs no more than one person on the premises who do not reside on the premises.

(4) The home occupation causes no change in the external appearance of the existing dwelling and structures on the property.

(5) Retail sales of products produced on site shall be limited to lots with street frontage on a major arterial street.

(6) All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there are no more than one vehicle per home occupation. In no instance shall any vehicle larger than eight feet by 32 feet be parked, stored, or otherwise maintained at the site of a home occupation.

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(7) Home occupations shall not result in regular and on-going vehicular traffic to the home where located.

(8) There is sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself.

(9) Up to one advertising sign shall be allowed, provided the sign does not exceed six square feet in area per side, or more than four feet in height. No signage shall be illuminated or moving.

(10) The property contains no outdoor display or storage of goods, equipment, or services that are associated with the home occupation.

(11) The home occupation does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

Item 9: That Chapter 4. Use Standards is amended by adding the following underlined language and deleting the struck-through language:

4.3.3 Specific Standards for Certain Accessory Uses

A. Accessory Dwelling Units

Accessory dwelling units shall comply with the following standards:

(1) Where Permitted

(a) Accessory dwelling units may be located within a principal structure (e.g., a downstairs apartment) or as a freestanding building or above a detached outbuilding.

(b) The use of manufactured homes, travel trailers, campers, tractor trailers, or similar vehicles as an accessory dwelling unit is prohibited.

(2) Additional Standards

(a) Not more than one accessory dwelling unit per lot is permitted.

(b) <u>The floor area of</u> an accessory dwelling unit shall ~~have a floor area of at least 300 square feet, but shall~~ not exceed 1,000 square feet in size.

(c) At least one, but no more than two, off-street parking spaces shall be provided for an accessory dwelling unit (in addition to the required off-street parking serving the principal use).

(d) Accessory dwelling units shall not be sold apart from the principal structure.

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(e) Accessory dwelling units may be used for home occupation uses but in no instance shall more than one home occupation use be conducted on a single lot.

Item 10: That Chapter 4. Use Standards is amended by adding the following underlined language and deleting the struck-through language:

4.4.6 Specific Regulations for Certain Temporary Uses and Structures

I. Special Events

(1) Applicability

(a) General

The procedures and standards of this subsection shall apply to all special events (including but not limited to sporting events, cultural events, musical events, charitable events, celebrations, festivals, fairs, carnivals, circuses, and communal camping) held on private property within the county, unless exempted in accordance with Section 4.4.6.I.1.C, Exemptions.

(b) Temporary Use Permit for Special Event Required

(i) All special events subject to this subsection shall have a temporary use permit for a special event reviewed and approved or approved with conditions by the Planning Director in accordance with Section 2.4.11, Temporary Use Permit, before conducting the special event.

(ii) The Planning Director may require review and approval from other county officials, such as the sheriff or fire marshal, as appropriate.

(c) Exemptions

The following events or activities are exempt from the standards of this subsection (i.e., may occur without a temporary use permit for a special event). Such activities are subject to all other applicable procedures and standards of this Ordinance.

(i) On Grounds of Private Residence

Special events or activities occurring within, or on the grounds of, a single-family dwelling ~~private residence~~ or on the common areas of a townhouse or multi-family residential development.

(ii) Event Sponsored by County or State

Any event sponsored in whole or in part by the county or State.

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(iii) Event or Activity at Site Intended for Such Event or Activity

Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; wedding services conducted at reception halls, or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services, and funeral services conducted at religious institutions.

Item 11: That Chapter 5. Development Standards is amended by adding the following underlined language:

5.8.3 Nonresidential Design Standards

All development subject to this section shall comply with the following standards:

C. Building Design

(1) Design Features

Front building facades and facades facing <u>or visible from</u> streets shall provide a minimum of three of the following six design features (see Figure 5.8.3.C.1, Required Building Design Features):

(a) Facades of 60 feet in width or wider shall incorporate wall offsets of at least one-foot in depth a minimum of every 40 feet. Each offset shall have a minimum width of ten feet;

(b) Façade color changes following the same dimensional standards as the offset standards in (a) above;

(c) A series of four or more pilasters having a minimum depth of eight inches, a minimum width of eight inches, and a minimum height of 80 percent of the façade's height;

(d) Roofline changes, coupled with correspondingly aligned wall offset facade material changes, including changes in the roof planes or changes in the height of a parapet wall (such as extending the top of pilasters above the top of the parapet wall);

(e) A covered front porch occupying at least 25 percent of the front façade (counted as two features); or

(f) Glazing of at least 30 percent of the width of street level frontage with visibly permeable windows or doorways.

Attachment: 20-03 Currituck County TA -BOC (PB 20-03 Currituck County Miscellaneous Text Amendment)

(2) Outbuildings

Outbuildings located in front of other buildings within the same development shall include a consistent level of architectural detail on all four sides of the building as well as exterior materials and colors that are compatible with the primary building in the development.

Figure 5.8.3.C.2, Roof Form

(3) Roofs

(a) Structures with a flat roof shall include parapet walls with a decorative three-dimensional cornice (see Figure 5.8.3.C.2, Roof Form).

(b) All rooftop equipment shall be screened from view from all streets.

(c) Buildings in the Outer Banks shall use a pitched roof.

(4) Prohibited Materials

Metal siding shall not be used on front building facades and facades facing <u>or visible from</u> streets.

Item 12: That Chapter 6 Subdivision & Infrastructure Standards is amended by deleting the struck-through language and renumbering accordingly:

6.2.3 Utility Standards

E. Sewage Disposal Standards

~~**(3) Reserve Area Required**~~

~~**(a)** Subdivisions of 20 or more lots or dwelling units served by on-site wastewater systems shall reserve an area, suitable in terms of size, location, soil type, topography, and other relevant factors to accommodate a clustered or centralized wastewater system if one becomes necessary in the future due to septic tank failure or other health or safety reasons.~~

~~**(b)** This area is referred to as reserve utility open space, and shall be encumbered by a reserve area easement.~~

~~**(c)** Lots classified by Albemarle Regional Health Services as suitable for an on-site wastewater system are not required to be included in the reserve area calculation.~~

~~**(d)** The developer shall provide plans and specifications, prepared by a qualified professional, including a soil analysis and an analysis of loading rate, depending on the disposal method for an adequate reserve utility open space to the satisfaction of the County Engineer and Board of Commissioners.~~

Attachment: 20-03 Currituck County TA -BOC (PB 20-03 Currituck County Miscellaneous Text Amendment)

Item 13: That Chapter 6 Subdivision & Infrastructure Standards is amended by adding the following underlined language and deleting the struck-through language:

6.3.1 Performance Guarantees

C. Form of Performance Guarantee

(1) Where required, the owner or developer shall furnish a performance guarantee in any of the following acceptable forms:

(a) Cash deposit with the county;

(b) ~~Certified~~ Cashier's check from a North Carolina lender ~~based upon a cash deposit,~~ in a form acceptable to the County Attorney; or

(c) Irrevocable letter of credit, valid for at least three years, from a North Carolina banking institution in a form acceptable to the County Attorney.

Item 14: Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

1. *Land Use and Development Goal* #1 To protect and conserve the area's natural beauty and coastal resources as the County's greatest asset for economic development and a high quality of life.

2. POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include, for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to meet NCDOT acceptance standards. (See Transportation Policies for details concerning requirements for paved roads.)
3. POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT. (See esp., Policy CD9 below concerning connected parking areas.)
4. POLICY ID1: To diversify the local economy and broaden the local tax base, the County shall encourage a public service and regulatory environment conducive to COMPATIBLE INDUSTRIAL DEVELOPMENT. "Compatible" shall be defined as, among other things, industries that do not adversely impact the environmental quality of the area, or overburden the local infrastructure.
5. POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive

Attachment: 20-03 Currituck County TA -BOC (PB 20-03 Currituck County Miscellaneous Text Amendment)

priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.

6. POLICY WS6: Currituck County endorses the proper use and maintenance of APPROVED SEPTIC SYSTEMS in suitable soils as an environmentally acceptable means of treating and dispersing waste from low-density development.

The request is reasonable and in the public interest because:

1. It clarifies portions of the UDO for more consistent interpretation and enforcement.
2. It amends the UDO for consistency with recent court decisions and current financial terminology.
3. It allows accessory keeping of specific livestock in agricultural and residential zoning districts subject to specific standards intended to address compatibility issues.
4. It removes utility open space requirements for new subdivisions that have been deemed unnecessary.

Item 15: 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 16: This ordinance amendment shall be in effect from and after the _____ day of _____ _____, 2020.

_____
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: PB 20-03
Date Filed: 2/27/20
Gate Keeper: S-Elliott
Amount Paid:

Contact Information

APPLICANT:

Name: County of Currituck

Address: 153 Courthouse Road Suite 204
Currituck, NC 27929

Telephone: 252-232-2075

E-Mail Address: ben.stikeleather@currituckcountync.gov

Request

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

Amend Chapter(s) see attached Section(s) see attached as follows:

*Request may be attached on separate paper if needed.

Petitioner

3-2-2020
Date

Attachment: Application 20-03 (PB 20-03 Currituck County Miscellaneous Text Amendment)

Currituck County
Proposed Text Amendments

1. Amend Chapter 2, Section 2.2.3. Planning Board to change quorum requirement from 5 to 4 members to bring consistency with reduction of planning board members approved by the BOC.
2. Amend Chapter 2, Section 2.4.7 Site Plan to codify Administrative Manual requirement that a licensed surveyor, engineer, or architect must prepare a site plan for lots 20,000 square feet or smaller. Add As-Built Survey requirement for lots 40,000 square feet or smaller.
3. Amend Chapter 3, Section 3.5.2 General Business District, Section 3.5.3 Limited Business District, Section 3.5.8 Light Industrial (LI) District and Section 3.5.9 Heavy Industrial (HI) to avoid redundancy of metal siding prohibition in Business Districts and to clarify the prohibition of use of metal siding on facades facing major arterial streets in Industrial Zoning Districts.
4. Amend Chapter 4, Section 4.2.4 Commercial Uses regarding Visitor Accommodations to remove parking language for Bed and Breakfast Inns to avoid redundancy in the ordinance. Parking is regulated in Chapter 5.
5. Amend Chapter 4, Section 4.3.2 General Standards and Limitations for Accessory Uses to correct the language regarding allowable accessory uses prior to principal uses in the SFR zoning district to be consistent with the motion approved by BOC at the December 4, 2017 meeting.
6. Amend Chapter 4, Section 4.3.3 Specific Standards for Certain Accessory Uses to clarify that uses listed in the definition of Home Occupation are not permitted as Home Occupations. Language from the definition in Chapter 10 will be added to the specific standards for consistency in communication of requirements.
7. Amend Chapter 4, Section 4.3.3 Specific Standards for Certain Accessory Uses to remove the minimum square footage designation of Accessory Dwelling Units to be consistent with State Law Session 2019-174 that does not allow a minimum square footage designation.
8. Amend Chapter 4, Section 4.3. Accessory Use Standards to allow keeping of certain livestock in SFM and SFI zoning districts subject to specific standards.
9. Amend Chapter 4, Section 4.3.2 to change Sludge to Biosolids and to allow Land application of Biosolids and Septage as permitted by right subject to a permit from the appropriate agency. This revision will bring consistency with recent court decisions.
10. Amend Chapter 4, Section 4.4.6 Specific Regulations for Certain Temporary Uses and Structures to change reference to "Private Residence" to "Single Family Dwelling".
11. Amend Chapter 5, Section 5.8.3 Nonresidential Design Standards to clarify that Design Features are required on front building facades and facades facing or visible from streets and to clarify that use of metal siding is prohibited on front building facades and facades facing or visible from streets.
12. Amend Chapter 6, Section 6.2.3 Utility Standards to remove the Reserve Utility Open Space requirement.
13. Amend Chapter 6, Section 6.3.1 Form of Performance Guarantees to remove reference to certified checks and correct to cashier's check to be consistent with current financial terminology.

Attachment: Application 20-03 (PB 20-03 Currituck County Miscellaneous Text Amendment)

Currituck County
Agenda Item Summary Sheet

Agenda ID Number – 2823

Agenda Item Title: PB 20-08 Currituck County Subdivision Access Standards Text Amendment: Request to amend the Unified Development Ordinance, Chapter 2 Administration to clarify that Family Subdivisions may front NCDOT-maintained streets and that private access streets shall connect to an NCDOT-maintained street.

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Jennie Turner

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Unified Development Ordinance, Chapter 2 Administration to clarify that Family Subdivisions may front NCDOT-maintained streets and that private access streets shall connect to an NCDOT-maintained street.

Planning Board Vote: Approved 5-0

Planning Board Recommendation: Approval

Staff Recommendation: Approval

TRC Recommendation:

Currituck County
Planning and Community Development Department
Planning 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: June 18, 2020

Subject: PB 20-08 Currituck County – Text Amendment
Clarify Family Subdivision access and private access street requirements

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department will revise the Specific Review Standards for Minor Subdivisions and Family Subdivisions to clarify that Family Subdivisions may front an existing NCDOT-maintained public street and to clarify that a private access street is required to connect to an NCDOT-maintained public street.

Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation
Staff recommends approval of the request as submitted and suggests the following Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

1. POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include, for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to meet NCDOT acceptance standards. (See Transportation Policies for details concerning requirements for paved roads.)
2. POLICY TR5: So as to preserve the traffic moving function of the County's primary roads, minimize traffic accidents, and avoid land locking interior land parcels, Currituck County shall discourage residential and commercial strip development along the county's primary roads.

The request is reasonable and in the public interest because:

1. It clarifies the access standards of the UDO for Minor and Family Subdivisions for more consistent interpretation and implementation.

STAFF REPORT
PB20-08 CURRITUCK COUNTY SUBDIVISION ACCESS STANDARDS TEXT AMENDMENT
BOARD OF COMMISSIONERS
JUNE 22, 2020

Amendment to the Unified Development Ordinance Chapter 2 Administration to clarify that Family Subdivisions may front an NCDOT-maintained public street and that private access streets shall connect to an NCDOT-maintained street.

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. Administration is amended by adding the following underlined language and deleting the struck-through language:

2.4. SPECIFIC REVIEW PROCEDURES

2.4.8. Subdivision

D. Minor Subdivision

(1) Minor Subdivision Review Standards

(a) General Standards

A minor subdivision shall be approved on a finding that:

(i) It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.B; and all other applicable standards in this Ordinance;

(ii) It complies with the dimensional standards of Chapter 3;

(iii) It will result in no more than three lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B, Additional Standards for Family Subdivisions);

(iv) It does not front an existing NCDOT-maintained public street <u>(except for Family Subdivisions)</u>;

(v) The parent parcel and new parcel(s) shall front a private access street. The existing driveway to the parent parcel shall be removed if that driveway is

Attachment: Staff Report 20-08 Clarify Family Subdivision & Private Access Standards (PB 20-08 Currituck County Subdivision Access

not converted into the private access street to service the resultant parcels.

(vi) There is no public right-of-way dedication;

(vii) It does not create a private access street serving more than two lots unless it is a family subdivision;

(viii) Any private access street created shall connect to an NCDOT-maintained public street and shall comply ~~complies~~ with Section 6.2.1.B.1 Private Access Street Standards; and,

(ix) It does not require significant infrastructure improvements. For the purpose of this section significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.

(b) **Additional Standards for Family Subdivisions**

Family subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above as well as the following:

(i) Lots shall be conveyed solely to family members within two degrees of kinship (e.g., child, grandchild). A maximum of one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.

(ii) No more than five lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed ten years prior to application submittal.

(iii) Ingress and egress to a lot shall not be from a major arterial street.

(iv) Private access streets created shall connect to an NCDOT-maintained public street and shall not serve more than five lots.

(v) Principal uses shall be limited to single-family detached dwellings and customary accessory uses.

Item 2: Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

1. POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include, for example, that all homes have a

permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to meet NCDOT acceptance standards. (See Transportation Policies for details concerning requirements for paved roads.)

2. POLICY TR5: So as to preserve the traffic moving function of the County's primary roads, minimize traffic accidents, and avoid land locking interior land parcels, Currituck County shall discourage residential and commercial strip development along the county's primary roads.

The request is reasonable and in the public interest because:

1. It clarifies the access standards of the UDO for Minor Subdivisions and Family Subdivisions for more consistent interpretation and implementation.

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 _____ _____, 2020.

_____
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: PB 20-08
Date Filed: 4-7-20
Gate Keeper: J.T.
Amount Paid: n/a

Contact Information

APPLICANT:

Name: County of Currituck

Address: 153 Courthouse Road Suite 204
Currituck, NC 27929

Telephone: 252-232-2075

E-Mail Address: ben.stikeleather@currituckcountync.gov

Request

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

Amend Chapter(s) 2 Section(s) 2.4.8 Subdivision as follows:

Clarify the family subdivision access and private access road requirements.

*Request may be attached on separate paper if needed.

Petitioner

4-7-20
Date

Attachment: Signed Application (PB 20-08 Currituck County Subdivision Access Standards Text Amendment)