



**CURRITUCK COUNTY
NORTH CAROLINA**

May 11, 2021

Minutes – Regular Meeting of the Planning Board

WORK SESSION

The Currituck County Planning Board held a work session at 5:30 PM in the Historic Courthouse Board Meeting Room with six board members present. Staff members present were Laurie LoCicero, Planning and Community Development Director; Donna Voliva, Assistant Planning Director; Jennie Turner, Planner II; Jason Litteral, Planner II; and Cheri Elliott, Clerk to the Planning Board. The board members were briefed concerning the agenda items with the work session concluding at 6:00 PM.

CALL TO ORDER - 6:00 PM

The Planning Board met for a regular meeting 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	
Lynn L. Hicks	Board Member	Present	
Thomas Hurley	Board Member	Absent	
Juanita S Krause	Board Member	Present	
Laurie LoCicero	Planning Director	Present	
Donna Voliva	Assistant Planning Director	Present	
Jennie Turner	Planner II	Present	
Jason Litteral	Planner II	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Ballance called the meeting to order at 6:00 PM.

A. Pledge of Allegiance & 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 the agenda items tonight. Mr. Hicks said he had a conflict with the first case on the agenda, PB 20-12 Carolina Club Homeowners Association's requested text amendment since he owns

property at Carolina Club so he would recuse himself. Chairman Ballance said Mr. Hicks could remain in his sit, but he would not take part in the discussions or vote.

C. Announce Quorum Being Met

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

D. Approval of Agenda

Chairman Ballance asked if there were any necessary changes to the agenda tonight. Mr. Bass motioned to approve as presented. Mr. Doll seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
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, Lynn L. Hicks, Board Member, Juanita S Krause, Board Member
ABSENT:	Thomas Hurley, Board Member

APPROVAL OF MINUTES FOR MARCH 9, 2021

Chairman Ballance asked if there were any changes needed for the March 9, 2021 meeting minutes. Ms. Krause motioned to approve as presented. Mr. Owens seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Juanita S Krause, Board Member
SECONDER:	Garry Owens, Vice Chairman
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Lynn L. Hicks, Board Member, Juanita S Krause, Board Member
ABSENT:	Thomas Hurley, Board Member

E. Planning Board Minutes - March 9, 2021

OLD BUSINESS

No old business discussed.

NEW BUSINESS

A. PB 20-12 Carolina Club Homeowner's Association:

Donna Voliva presented the staff report, reviewed the background information for the requested text amendment, explained the specific standards on pages 11-12 of the agenda packet, and presented PowerPoint slides showing the current Unified Development Ordinance (UDO) standard which requires shared storage and temporary parking of recreational equipment for developments containing 20 or more lots with an average lot size of less than 20,000 square feet. Ms. Voliva said this specific UDO standard was enacted in

2013 so it did not apply to the Carolina Club since it was built prior to that date. Ms. Voliva also reviewed slides showing three examples of developments (Eagle Creek, Laurel Woods, and Riversedge) built prior to 2013 which had storage and temporary parking of recreational equipment designed into their original plans. Ms. Voliva said the use itself is not inconsistent with the Land Use Plan, but the request does not provide sufficient language to address the impacts associated with the activities and this text amendment would be countywide. She said the applicant is proposing a zoning permit process for the new accessory use, but the administrative review does not allow an adjacent property owner not in the subdivision the opportunity to present evidence during a quasi-judicial hearing; a use permit process would work better so the adjacent property owners were notified of the requested changes along with the hearing. Ms. Voliva said staff cannot recommend approval as the requested text amendment is currently written, but may be able to support a text amendment which meets the review standards and addresses the outlined concerns with compatibility, use of dedicated open space, and process for a recorded development. She said more time is needed to work with the applicant to development better language within the text amendment.

Daryl Hood who resides at 173 Carolina Club Drive came before the board as representation of the Carolina Club HOA. He reviewed the outstanding staff concerns along with the text amendment review standards found in the staff report and gave the board his counter-statements. Mr. Hood said all property owners within Carolina Club knew about the requested change to the UDO to allow Carolina Club to install the shared storage and temporary parking of recreational equipment site and all were in agreement for the parking addition.

Chairman Ballance asked Mr. Hood if they were willing to table the request to give more time to work through the issues and Mr. Hood agreed.

Mr. Bass asked if the property for the parking area was recently purchased by the HOA. Mr. Hood said it was and gave a short history of the purchase along with the moving of the septic fields.

Chairman Ballance asked for public comment. Hearing none, he closed the public hearing.

Chairman Ballance asked for questions and discussion from the board. Hearing none, he asked for a motion.

Ms. Krause motioned to table the request. Mr. Doll seconded the motion and the motion carried unanimously 5-0; Mr. Hicks was recused due to a conflict of interest.

RESULT:	TABLED [5 TO 0]	Next: 6/8/2021 6:00 PM
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
ABSENT:	Thomas Hurley, Board Member	
RECUSED:	Lynn L. Hicks, Board Member	

B. PB 21-08 Truck Accessory Center:

Jason Litteral handed out a revised staff report for the proposed text amendment and

explained why the revision was necessary. Mr. Litteral said the requested changes to the Unified Development Ordinance were originally within Chapter 5, but staff is now recommending the changes be made in Chapter 4. He gave the background information, presented PowerPoint slides, gave the text amendment review standards, and the staff's statement of consistency and reasonableness.

Mr. Bass clarified the board would be approving only the changes to Chapter 4 of the UDO and Mr. Litteral confirmed.

Ms. Krause asked if the parking storage area would be used for sales. Mr. Litteral said he could not confirm that, but since the area is located across the state highway, it did not seem logical for this use.

There was discussion over this text amendment being countywide. Mr. Litteral said it would be, but the parking storage area would have to be located within 2,000 ft of the primary business.

Cathleen Saunders with Quible, 8455 Caratoke Highway, came before the board. She said they have reviewed the latest changes proposed by staff and support these changes. Ms. Saunders said she feels this text amendment is needed for this business since it has grown so much and it is a good business for the County.

Chairman Ballance asked for public comment. Hearing none, the public hearing was closed.

Chairman Ballance asked for discussions or questions from the board. Hearing none, he opened the floor for a motion.

Mr. Doll moved to **approve** PB 21-08 Truck Accessory Center because the request is consistent with the Land Use Plan policy ED1

And the request, with staff suggested changes, is reasonable and in the public interest because:

- A Type D buffer yard will provide appropriate screening from off-site views.

Mr. Bass seconded the motion and the motion carried unanimously 6-0.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 6/7/2021 6:00 PM
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Lynn L. Hicks, Board Member, Juanita S Krause, Board Member	
ABSENT:	Thomas Hurley, Board Member	

C. PB 21-09 Currituck County 160D:

Jennie Turner presented the staff report for the text amendment submitted by Currituck County Planning and Community Development Department to implement the new North Carolina General Statutes Chapter 160D which consolidates city and county enabling

statutes for development regulations into a single, unified chapter. Ms. Turner said local governments have until July 1, 2021 to conform their local ordinances to this new law.

Ms. LoCicero praised Ms. Turner for undertaking this massive change to the Unified Development Ordinance.

Ms. Turner reviewed the changes due to Chapter 160D along with some additional terminology changes to coincide with the unrelated department name change from Planning and Community Development Department to Development Services Department. The term Planning Director shall be stricken and replaced with the term Director and the definition term Planning Director shall become the term Development Services Director.

Ms. Turner gave the text amendment review standards and the consistency statement. Ms. LoCicero gave guidance to the board on how to include the revisions in the motion.

Chairman Ballance asked for any discussion; hearing none, he asked for a motion.

Mr. Bass moved to approve PB 21-09 including the revised changes because the request is consistent with Land Use Development Goal #10 of the 2006 Land Use Plan.

And the request is reasonable and in the public interest because:
It amends the UDO for compliance with North Carolina General Statutes

Mr. Owens seconded the motion and the motion carried unanimously 6-0.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 6/7/2021 6:00 PM
MOVER:	K. Bryan Bass, Board Member	
SECONDER:	Garry Owens, Vice Chairman	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Lynn L. Hicks, Board Member, Juanita S Krause, Board Member	
ABSENT:	Thomas Hurley, Board Member	

ANNOUNCEMENTS

Ms. LoCicero welcomed new board member, Lynn Hicks.

ADJOURNMENT

Mr. Owens motioned to adjourn the meeting; Mr. Doll seconded the motion and the meeting adjourned at 7:24 PM.



CURRITUCK COUNTY NORTH CAROLINA

March 9, 2021

Minutes – Regular Meeting of the Planning Board

WORK SESSION

The Currituck County Planning Board held a work session at 5:30 PM in the Historic Courthouse Board Meeting Room with five board members present. Staff members present were Laurie LoCicero, Planning and Community Development Director; Jennie Turner, Planner II; and Cheri Elliott, Clerk to the Planning Board. The board members were briefed concerning the agenda items.

CALL TO ORDER - 6:00 PM

The Planning Board met for a regular meeting 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	
Laurie LoCicero	Planning Director	Present	
Jennie Turner	Planner II	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Ballance called the meeting to order at 6:00 PM.

A. Pledge of Allegiance & 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 the agenda tonight. No conflicts were noted.

C. Announce Quorum Being Met

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

Communication: Planning Board Minutes - March 9, 2021 (Approval of Minutes for March 9, 2021)

D. Approval of Agenda

Chairman Ballance asked if there were any changes needed to tonight's agenda. Mr. Bass motioned to approve as presented. Mr. Owens seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	K. Bryan Bass, Board Member
SECONDER:	Garry Owens, Vice 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

E. Approval of Minutes for February 9, 2021

Chairman Ballance asked if there were any changes needed for the February 9, 2021 meeting minutes. Ms. Krause motioned to approve the minutes as presented. Mr. Doll seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Juanita S Krause, 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, Juanita S Krause, Board Member
ABSENT:	Anamarie Hilgendorf, Board Member

PB Meeting Minutes - February 9, 2021

OLD BUSINESS

A. PB 20-16 Currituck County Text Amendment Utility and Drainage Easements:

Ms. Turner presented the staff report and went over the background for the requested text amendment, explained the specific changes, and presented slides showing the drainage district locations. Ms. Turner directed the board to the review standards on page 16 of the agenda packet, gave the Statement of Consistency and Reasonableness, and said staff is recommending approval. Ms. Turner turned her presentation over to Ms. LoCicero.

Ms. LoCicero gave an update on the concerns raised by Mr. Bissell of Bissell Professional Group at the last Planning Board meeting. Ms. LoCicero said she had spoken with the County Manager and the County Attorney about Mr. Bissell's concerns and was directed to proceed with the text amendment as originally presented. Mr. Bissell's request does not involve this text amendment so he will have to submit his own request.

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

Ms. Krause asked how this text amendment will affect existing septic systems which are located within the easement area. Ms. LoCicero said the utility and drainage easements will only be for new development.

Ms. Krause said she believes this text amendment is a necessary change to protect the septic systems when maintaining our drainage ditches.

Chairman Ballance opened and closed the public comment since no one was present to speak.

Chairman Ballance asked for a motion.

Ms. Krause motioned to **approve PB 20-16** Currituck County Utility and Drainage Easements Text Amendment because the request is consistent with the following policies of the 2006 Land Use Plan:

- POLICY WQ6
- POLICY WQ8
- POLICY WS6 and
- POLICY HN8.

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

- o It clarifies that required maintenance access drainage easements shall be dedicated to the county to ensure access to maintain drainage infrastructure.
- o It prohibits placement of on-site wastewater systems in utility and drainage easements to protect individual site improvements from potential damage.

Mr. Bass seconded the motion and the motion passed unanimously 5-0.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 4/5/2021 6:00 PM
MOVER:	Juanita S Krause, 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	

NEW BUSINESS

A. PB 21-05 Currituck County Text Amendment PUD Open Space:

Ms. Turner presented the staff report and gave the background information, reviewed an amended sketch plan for Pine Island PUD showing the requested location for the fire training facility in Corolla. Ms. Turner said this change will apply to any Planned Unit Development (PUD) so staff wanted to be very specific with the language in the text amendment; also, this change will only apply to PUDs, County owned land, and Open Space. Ms. Turner presented a picture of the fire training facility proposed by the Corolla Fire and Rescue. She said it is comprised of stacked storage containers and will not have any utilities within it. The storage containers will allow for simulation of building access with artificial smoke and darkness. Ms. Turner directed the board to page 26 of the agenda packet for the review standards, she gave the Statement of Consistency, and Reasonableness and said staff recommends approval.

Chairman Ballance asked if board members had questions for staff.

Ms. Krause asked about the height of the proposed structure and if it was visible. Ms. Turner said there is some buffer around the area, but it probably would be somewhat visible.

Chairman Ballance opened and closed the public comment since no one was present to speak.

Chairman Ballance asked for a motion.

Mr. Bass motioned to **approve PB 21-05** because the request is consistent with the following policies of the 2006 Land Use Plan:

- POLICY PS1
- POLICY PS2
- POLICY OB1

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

- o It addresses a demonstrated community need by allowing for training facilities that will improve fire fighter training opportunities in Corolla.

Mr. Doll seconded the motion and the motion was approved unanimously 5-0.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 4/5/2021 6:00 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, Juanita S Krause, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member	

ANNOUNCEMENTS

Ms. LoCicero said all County staff will be back in the office on March 22nd. The offices will still have limited access and will be by appointment only.

Mr. Doll said the next Covid vaccination clinic will be held tomorrow at Maple Park starting at 9:00 AM for the first dose vaccination.

ADJOURNMENT

Mr. Owens motioned to adjourn the meeting. Mr. Doll seconded the motion and the meeting adjourned at 6:25 PM.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3119

Agenda Item Title: PB 20-12 Carolina Club Homeowner's Association:

Submitted By: Donna Voliva – Planning & Community Development

Item Type: Legislative

Presenter of Item: Donna Voliva

Board Action: Action

Brief Description of Agenda Item:

Requests to amend the Currituck County Unified Development Ordinance, Chapter 4, Use Standards to allow shared parking of major recreational equipment as an accessory use in major subdivisions approved and recorded prior to January 1, 2013.

Planning Board Recommendation:

Staff Recommendation: Denial

TRC Recommendation:



Currituck County

Planning and Community Development Department
 Planning and Zoning Division
 153 Courthouse Road Suite 110
 Currituck NC 27929
 252-232-3055 Fax 252-232-3026

To: Planning Board
 From: Planning Staff
 Date: April 29, 2021
 Subject: PB 20-12 Carolina Club HOA – Shared Parking of Recreational Equipment

Request

The proposed text amendment submitted by Ansley Miller, agent for the Carolina Club Homeowner's Association, is to provide language and establish a process for a homeowner's association to allocate an area for shared parking of major recreational equipment. The amendment targets major subdivisions recorded prior to January 1, 2013.

Background

Most residential subdivisions created prior to January 1, 2013 do not have areas in the development for shared parking of major recreational equipment. Property owners in these developments may rent space at a nearby self-storage facility or park the equipment at the residence if permitted by the restrictive covenants.

The Unified Development Ordinance, Section 6.1.3.E. requires shared storage and temporary parking of recreational equipment for developments containing 20 or more lots with an average lot size of less than 20,000 square feet. The parking area is shown on the preliminary plat and is part of the subdivision. It is not typical for residential development not subject to Section 6.1.3.E. to provide shared parking area(s) within the development.

Outstanding Staff Concerns

With residential subdivisions, the developer dedicates area on the final plat as open space. The dedicated area is transferred to the homeowner's association and the association maintains and controls the common area. Required open space is allocated for passive or active recreational uses, public facilities, conservation areas, farming, or forested lands. The final plat provides clarity and assurances that the open space will be used for these activities. When a developer records a subdivision and sells lots referencing the plat, the purchaser or owner has expectations, assurances, and rights that development will occur as depicted on the plat. A property owner may find an increased value to a particular lot because of the surrounding land uses such as open space. This does not mean final plats can not be changed. By agreement of the property owners and compliance with county regulations, the dedications and land use allocations can be changed.

Some properties may be owned by a homeowner's association, listed as future development, and not allocated or dedicated as open space on a recorded plat. These lands may be internal or centrally located in a subdivision or along the perimeter of a subdivision. When the lands are located along the perimeter of the subdivision, impacts to a property owner adjacent to the subdivision but not a part of the residential subdivision may occur with outdoor storage or parking of recreational equipment. The applicant is proposing a zoning permit process for the new accessory use. The administrative review does not allow an adjacent property owner not in the subdivision the opportunity to present evidence during a quasi-judicial hearing. For a new major residential subdivision, input by the adjacent owners are factored into the public process. Establishing a process similar to the major subdivision review could better evaluate the location and activities associated with the shared parking, including but not limited to noise, size of area dedicated to the shared parking, surrounding land uses, access, aesthetics, lighting, stormwater, and other similar impacts typical of equipment storage.

When shared parking is provided in a new subdivision it is planned at the onset and can become an amenity to the property owners in a development. The maintenance of these areas is extremely important to adjoining properties.

Designated outdoor storage areas are not permitted in required open space. The text amendment should also consider explicitly:

1. Not allowing shared parking and storage of major recreational equipment to be included in required open space; or,
2. Allowing shared parking and storage of major recreational equipment to be included in required open space.

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

The staff recommendation on the proposed text amendment involves the director concluding whether the application complies with all applicable review standards (Text Amendment Review Standards). The proposed amendment does not appear to be inconsistent to goals, objectives, and policies in the 2006 Land Use Plan, but the request does not provide sufficient language to address the impacts associated with the activities. Without adequate review and evaluation of recorded and established developments, it is difficult to ensure the proposed text amendment will maintain and protect high quality aesthetic standards for development (UDO General Purpose and Intent). Many of the developments are located

in residential districts and equipment storage without sufficient planning can create compatibility issues. The 2013 UDO requires a residential development with smaller lots (less than 20,000 square feet) to provide a central location for shared parking and storage in the boundaries of the development. As presented, staff recommends denial of the request since the proposed text amendment does not establish a mechanism (use permit) to review the location, design, operations of the shared parking to determine compatibility with the surrounding land uses.

Staff has been working with the applicant to provide language that addresses the potential impacts associated with the use activities. Staff could support a text amendment provided the request meets the review standards and addresses the outlined concerns with compatibility, use of dedicated open space, and process for a recorded development.



**PB 20-12 CAROLINA CLUB HOA
TEXT AMENDMENT
PLANNING BOARD
MAY 11, 2021**

Carolina Club Homeowner's Association requests an amendment to the Unified Development Ordinance, Chapter 4. Use Standards to allow shared parking of major recreational equipment as an accessory use in major subdivisions approved and recorded prior to January 1, 2013.

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 4 is amended by adding the underlined language and renumbering/lettering accordingly:

4.3.2 General Standards and Limitations

A. 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 = <u>Special</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
<u>Shared Parking of Major Recreational Equipment in Major Subdivisions</u>		Z	Z			Z											<u>3.X.</u>

X. Shared Parking of Major Recreational Equipment in Major Subdivisions

- (1) Subdivisions subject to the procedures of Section 2.4.8. Subdivision, shall meet the requirements of Section 6.13.3.E., Recreational Equipment Storage, and shall not be subject to the standards of this section.
- (2) Shared parking of major recreational equipment shall comply with the following standards:

- (a) The accessory use shall be located in an existing residential major subdivision approved and recorded prior to January 1, 2013.
- (b) The property used for shared parking of major recreational equipment shall:
 - (i) Be owned by the homeowner's association or property owner's association and shall be located within the subdivision for which the association has control; and,
 - (ii) Not be located in required open space.
- (c) The shared parking area shall be screened with a Type D buffer along all property lines in accordance with Section 5.2.7., Screening.
- (d) Equipment parked or stored shall not be connected to electricity, water, gas, or sewer facilities.
- (e) At no time shall the equipment be used for housekeeping purposes.
- (f) All equipment stored in the facility shall be owned by property owners in the subdivision for which the parking area is provided.
- (g) All equipment shall be kept in good repair and carry a current year's license and/or registration.
- (h) Vehicular use area shall comply with Section 5.1.4., Configuration of Vehicular Use Area.
- (i) Parking spaces shall be a minimum of 12' x 40' with adequate drive aisles. No parking or storage shall occur in the drive aisles.

Item 2: Staff suggested Statement of Consistency and Reasonableness:

- Vision Statement and ensure the proposed activities will provide an aesthetically pleasing environment. (VISION STATEMENT)
- Land Use and Development Goals to properly distribute development forms in accordance with the suitability of land, infrastructure available and the compatibility of surrounding land uses.

The request is not reasonable and in the public interest because the text amendment will not result in a logical and orderly development pattern and does not establish a mechanism (use permit) to review the location, design, operations of the shared parking to determine compatibility with the surrounding land uses.

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 _____, 2021.

 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: 1- 20-12 Carolina Club HOA RV storage (PB 20-12 Carolina Club HOA)



Text Amendment Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information
APPLICANT:

Name: Carolina Club Home Owners Association
 Address: PO BOX 1807
Nags Head, NC 27959
 Telephone: (252) 480-4749
 E-Mail Address: ansleym@vrobx.com

Request

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

Amend Chapter(s) 6 Section(s) 1.3.E.3 as follows:

See Attached

*Request may be attached on separate paper if needed.

Ansley Mich / agent for
 Petitioner Carolina Club HOA

7-13-20
 Date

Text Amendment Submittal Checklist

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

Text Amendment Submittal Checklist

Date Received: _____

Project Name: _____

Applicant/Property Owner: _____

Text Amendment Submittal Checklist

1	Complete Text Amendment application	☒
2	Application fee (\$300)	☒
3	2 hard copies of ALL documents	☒
4	1 PDF digital copy of all documents (ex. Compact Disk – e-mail not acceptable)	☒

For Staff Only**Pre-application Conference**

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

Comments

E. Recreational Equipment Storage

(3) Subdivisions existing before July 1, 2019, may create Recreational Equipment Storage areas on land abutting the subdivision. Recreational Equipment Facilities created under this section are not required to be part of the recorded plat of the subdivision. Recreational Equipment Storage areas created under this section must meet the following criteria.

- Parcel must have a minimum of 30 feet of road frontage.
- All property lines abutting residential properties must meet Type D Buffer requirements.
- Lighting will meet the requirements of Section 5.4.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3121

Agenda Item Title: PB 21-08 Truck Accessory Center:

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Jason Litteral

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Unified Development Ordinance, Chapter 5, Development Standards to allow off-site storage and display of recreational vehicles and trailers associated with an existing business.

Planning Board Recommendation:

Staff Recommendation: Approval with Conditions

TRC Recommendation:


Currituck County

Planning and Community Development Department
 Planning and Zoning Division
 153 Courthouse Road Suite 110
 Currituck NC 27929
 252-232-3055 Fax 252-232302

To: Planning Board
 From: Planning Staff
 Date: May 5, 2021
 Subject: PB 21-08 Truck Accessory Center (TAC)

Background

The purpose of the proposed text amendment is to allow off-site storage and display of recreational vehicles and trailers associated with an existing business. The Truck Accessory Center has been in business since 1996 and has now grown to the point where additional storage and display area is needed. Given the business's current lot size and location, along with the size of the items being stored, TAC is seeking additional storage and display area. Since the neighboring properties are unavailable as a source of additional storage and display, TAC is seeking the extra space at an off-site location which is not directly adjacent to the existing business. For further explanation, please see the attached letter from the applicant.

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:

The proposed text amendment is consistent with the following 2006 Land Use Plan Policies:

POLICY ED1: *NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.*

2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances:

The proposed amendment, as presented by the applicant, is in conflict section 4.2.4.1.(3) of the Unified Development Ordinance which requires vehicle display areas to be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone. The amendment proposes crushed stone and grass as allowable surface materials for off-site storage and display.

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 does not recommend approval of the language as submitted by the applicant.
- Staff does recommend approval of the modified language as shown in the following section.



**PB 21-08 TRUCK ACCESSORY
CENTER
TEXT AMENDMENT
PLANNING BOARD
MAY 11, 2021**

Truck Accessory Center requests an amendment to the Unified Development Ordinance, Chapter 5 Development Standards, to allow off-site storage of recreational vehicles and trailers.

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:

The following represents the text changes proposed by the applicant.

Item 1: That Chapter 5 is amended by adding the following underlined language in Section 5.1.6.C: Off Site Parking for Nonresidential Uses.

C. Off-Site Parking for Nonresidential Uses

(5) Off-Site Storage of Recreational Vehicles

- (a) The area designated for the off-site storage of recreational vehicles must be no farther than 2,000 feet from the use it is intended to serve, as required by Section 5.1.6, but no Pedestrian Way is required between the two areas if they are on different sides of a state-maintained highway, street or right-of-way.
- (b) When the area designated for off-site storage of recreational vehicles abuts a public right-of-way, perimeter landscaping strips shall be provided and shall comply with the requirements of Sections 5.2.5, Vehicular Use Area Landscaping and 5.2.6, Perimeter Landscape Buffers.
- (c) The area designated for off-site storage of recreational vehicles which abuts any public right-of-way shall also be screened with an approved opaque fencing material, but at least one entrance and one exit shall be allowed for access to and from the public right-of-way.
- (d) The area designated for off-site storage of recreational vehicles may be illuminated by exterior lights one hour prior to sunset and one hour after sunrise by appropriate light fixtures so as to provide protection against trespass or other criminal activity on the site. All such lighting shall be designed and installed so as to minimize excessive light spillage and glare onto adjacent lands, neighboring areas and adjoining highways and streets. Maximum illumination levels shall comply with the standards

applicable to Parking Lots in the Table contained in Section 5.4.6 (D) (1).

- (e) It shall not be required that any area designated for the storage of recreational vehicles be paved or surfaced with concrete, asphalt, or other permanent surfacing materials. The use of crushed stone shall be allowed, as long as the area in question is kept free of grass, weeds or other debris, and the area is maintained in a smooth, well-graded condition. The area must be maintained in a safe condition at all times so as not to constitute a hazard to public safety or detract from the aesthetics of the surrounding area.
- (f) Any area approved for the off-site storage of recreational vehicles shall provide sufficient access and turnaround space for emergency vehicles. Such access and turnaround areas must, at a minimum, be covered in gravel of sufficient depth and width to support a 75,000 pound fire truck.
- (g) Storage of recreational vehicles may occur on grass as long as those areas are otherwise kept in a manner which complies with this Ordinance.

Add additional Items as necessary and renumber accordingly.

Staff has determined the proposed use more closely resembles outdoor storage and display than parking. Parking is intended for the temporary storage of vehicles, where patrons of a business can park for a limited time, generally during business hours. Storage is the long-term keeping of goods intended for sale. Display is storage which can be visually observed by patrons of a business. Therefore, staff recommends the following alternative to the applicant's request:

Item 1: That Chapter 4 is amended by adding the underlined language in Section 4.2.4.I.(3): Automotive Sales or Rentals.

(3) **Automotive Sales or Rentals**

- (h) Uses primarily involving the sales or rental of recreational vehicles or travel trailers may include one off-site storage area. Off-site storage and display areas shall meet the following standards:
 - (i) The area designated for off-site storage of recreational vehicles shall be no farther than 2,000 feet from the use it is intended to serve. No pedestrian way is required between the two areas if they are on different sides of a state-maintained highway, street, or right-of-way.

(ii) The area designated for off-site storage of recreational vehicles which faces, or is visible from, any public right-of-way shall be screened with a Type D Buffer.

(iii) Vehicle display areas shall be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone.

Item 2: Staff suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the 2006 Land Use Plan

POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

The request as presented by the applicant is not reasonable and in the public interest as submitted because:

- The proposed text would allow storage of recreational vehicles on a grass surface which is not consistent with the non-residential design standards, nor the surrounding development, both of which provide hard surface material for parking areas.
- Grass surfaces used for storage of recreational vehicles have the potential to become unsightly and unstable.

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 _____, 2021.

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: truck accessory staff report for pp 2 (PB 21-08 Truck Accessory Center)



Text Amendment Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information
APPLICANT:

Name: Frank Bernard
 Address: 126 Caratoke Highway
Moyock, NC 27958
 Telephone: 252-435-2653
 E-Mail Address: ejwhite01@embarqmail.com

Request

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

Amend Chapter(s) 5 Section(s) 5.1.6 as follows:

See attached documentation dated 3/8/2021 from the desk of William H. Morgan, Jr.

Language to be added under 5.1.6.C. Off-Site Parking for Nonresidential Uses. Add item (5)
Off-Site Storage of Recreational Vehicles with bullets 1-4 on the attached documentation.

*Request may be attached on separate paper if needed.

Petitioner

3-15-21
 Date

Recognizing that one of the expressed goals of the Currituck County Unified Development Ordinance is avoiding excessive paved surface areas (Section 5.1.1), the Currituck County Board of Commissioners hereby adopts the following standards for allowing for the off-street parking and storage of recreational vehicles:

1. The area designated for the off-site storage of recreational vehicles must be no farther than 2,000 feet from the use it is intended to serve, as required by Section 5.1.6 of the UDO, but no Pedestrian Way is required between the two areas if they are on different sides of a state-maintained highway, street or right-of-way. (Sections 5.1.5 C. (1) and (2).
2. When the area designated for off-site storage of recreational vehicles abuts a public right-of-way, perimeter landscaping strips shall be provided and shall comply with the requirements of Sections 5.2.5 and 5.2.6 of the UDO.
3. The area designated for off-site storage of recreational vehicles which abuts any public right-of-way shall also be screened with an approved opaque fencing material, but at least one entrance and one exit shall be allowed for access to and from the public right-of-way.
4. The area designated for off-site storage of recreational vehicles may be illuminated by exterior lights during the hours of between one hour prior to sunset and one hour after sunrise by appropriate light fixtures so as to provide protection against trespass or other criminal activity on the site. All such lighting shall be designed and installed so as to minimize excessive light spillage and glare onto adjacent lands, neighboring areas and adjoining highways and streets. Maximum illumination levels shall comply with the

standards applicable to Parking Lots in the Table contained in Section 5.4.6 (D) (1) of the UDO.

5. It shall not be required that any area designated for the storage of recreational vehicles be paved or surfaced with concrete, asphalt, or other permanent surfacing materials. The use of crushed stone shall be allowed, as long as the area in question is kept free of grass, weeds or other debris, and the area is maintained in a smooth, well-graded condition. The area must be maintained in a safe condition at all times so as not to constitute a hazard to public safety or detract from the aesthetics of the surrounding area. (Section 5.1.4 (12) of UDO).
6. Any area approved for the off-site storage of recreational vehicles shall provide sufficient access and turnaround space for emergency vehicles. Such access and turnaround areas must, at a minimum, be covered in gravel of sufficient depth and width to support a 75,000 pound fire truck.
7. Storage of recreational vehicles may occur on grass as long as those areas are otherwise kept in a manner which complies with this Ordinance.

March 10, 2021

TAC has been in business since 1996 and has been a contributing member of Currituck County since the doors opened. I have supported everything from the Whalehead Club to local organizations providing help to the citizens of Currituck County.

TAC has changed and grown over the years. Due to the growth of TAC we are "busting at the seams". There is a great need for additional space to store the RVs. I have looked at numerous ways to find this additional space including moving the business out of the county. Camden and Pasquotank were very interested in helping us.

All of this being said, the best solution for us is the property before you now. I have tried to reach a mutual solution since 2017 but have been unable to do so.

I am not asking for special consideration, just fair consideration. There are numerous businesses along the 168 corridor that do not meet the current UDO. Even the Planning and Community Director for Currituck County, Laurie LoCicero stated the current ordinances did not allow nearly enough outdoor storage and display area and at the time any needs for a large-scale retail business were not considered. These guidelines were changed to meet Tractor Supply needs.

Last year TAC had gross sales in excess of \$19,000,000. How many businesses along the 168 corridor from the Virginia line to the foot of the bridge grossed \$19,000,000 and employed over 40 people? I think we more than qualify as a large-scale retail business!

I am asking you to consider my request to update and change the text of the UDO which would allow me the space to continue to grow my business.

Thank You,

Frank Bernard

Attachment: Application (PB 21-08 Truck Accessory Center)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3120

Agenda Item Title: PB 21-09 Currituck County 160D:

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, Chapters 1, 2, 3, 4, 5, 6, 9, and 10, for compliance with North Carolina General Statutes Chapter 160D.

Planning Board Recommendation:

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: Planning Board

From: Planning Staff

Date: May 4, 2021

Subject: PB 21-09 Currituck County
 NC State Statute 160D –Text Amendment

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department implements the new North Carolina General Statutes Chapter 160D that consolidates city and county enabling legislation.

Item 1

Amend Chapter 1: General Provisions to update G.S. reference to 160D, amend auto-adoption language for DFIRM panels and FIS studies, remove conditional use zoning districts, update “use permit” terminology to “special use permit” and provide that use permits, conditional use permits, and special use permits granted before the date of this text amendment shall become special use permits.

Item 2

Amend Chapter 2: Administration Subsection 2.1. Development Review Summary Table to update “use permit” terminology to “special use permit” and revise TRC “recommendation” to “review and comment” for special use permits and type II preliminary plats.

Amend Subsection 2.2. Advisory and Decision-Making Bodies to add conduct language including conflict of interest standards for the Board of Commissioners, Planning Board, Board of Adjustment, Technical Review Committee and Planning Director. Require rules of procedure for Planning Board and Board of Adjustment to be posted on the county’s website. Revise TRC “recommendation” to “review and comment” for special use permits and type II preliminary plats.

Amend Subsection 2.3. Standard Procedures to provide for review and comment on special use permit and type II preliminary plats and update “use permit” terminology to “special use permit”, change reference from “quasi-judicial public hearing” to “evidentiary hearing”. Updated cross-examination language for evidentiary hearings.

Amend Subsection 2.4.2. Text Amendment to add provisions for Planning Board Review and Recommendation and require minutes to state that the BOC was aware of and considered the Planning Board’s recommendations and applicable county-adopted plans.

Amend Subsection 2.4.3. Zoning Map Amendment to add provisions for Planning Board Review and Recommendation. Add language regarding the BOC statement of reasonableness, require minutes to state that the BOC was aware of and considered the Planning Board’s recommendations and applicable county-adopted plans. Provide that zoning map amendments

Attachment: Staff Report (PB 21-09 Currituck County 160D)

inconsistent with the Future Land Use Map are not effective until CAMA review and approval process is complete.

Amend Subsection 2.4.4. Conditional Rezoning to add provisions for Planning Board Review and Recommendation. Add language regarding the BOC statement of reasonableness, require minutes to state that the BOC was aware of and considered the Planning Board's recommendations and applicable county-adopted plans. Provide that a conditional rezoning is not effective until written consent to mutually agreed conditions is provided by the owner and applicant. Provide that conditional rezoning inconsistent with the Future Land Use Map is not effective until CAMA review and approval process is complete. Update terminology from "deviation" to "modification".

Amend Subsection 2.4.5 Planned Development to amend plan consistency statement and update terminology from "deviation" to "modification".

Amend Subsection 2.4.6 Special Use Permit to update "use permit" terminology to "special use permit". Provide that written consent to BOC imposed conditions is required prior to issuance of a special use permit.

Amend Subsection 2.4.8. Subdivision to update "use permit" terminology to "special use permit", revise TRC "recommendation" to "review and comment" for type II preliminary plats and update "deviation" to "modification".

Amend Subsection 2.4.9. Zoning Compliance Permit to update expiration from six months to one year.

Amend Subsection 2.4.10. Sign Permit to update expiration from six months to one year and update work complete date from twelve months to eighteen months from date of issuance.

Amend Subsection 2.4.12. Floodplain Development Permit to update expiration from six months to one year.

Amend Subsection 2.4.13. Clear-Cutting Permit to update expiration from six months to one year.

Amend Subsection 2.4.14. Variance to change reference from "quasi-judicial public hearing" to "evidentiary hearing".

Amend Subsection 2.4.17 Appeal to change reference from "quasi-judicial public hearing" to "evidentiary hearing" and from "use permit" to "special use permit".

Amend Subsection 2.4.18. Development Agreement to correct GS references.

Amend Subsection 2.4.19. Zoning Compliance Permit – Island Development to update expiration from six months to one year.

Item 3

Amend Chapter 3: Zoning Districts to update "use permit" to "special use permit".

Item 4

Amend Chapter 4: Use Standards to update "use permit" to "special use permit".

Item 5

Amend Chapter 5: Development Standards to update “use permit” to “special use permit” and amend terminology to “Law enforcement, fire or EMS facility”.

Item 6

Amend Chapter 6: Subdivision and Infrastructure Standards to correct GS references and to update “use permit” to “special use permit”.

Revise Subsection 6.3.1. Performance Guarantees to add surety bond as a form of performance guarantee.

Item 7

Amend Chapter 9: Enforcement

Amend Subsection 9.5.4. Enforcement Procedure to provide for electronic delivery of notices of violations and require notice to be delivered to the permittee if different than the owner. Provide for an affidavit affirming required notice.

Amend Subsection 9.6.1. Remedies and Penalties to include stop work order language, provide for an affidavit affirming required notice, revise revocation language and update “use permit” to “special use permit”.

Item 8

Amend Chapter 10: Definitions and Measurement to amend terminology to “Law enforcement, fire or EMS facility” and amend definitions of appeal, existing development, type II preliminary plat, variance; to provide definitions for close familial relationship, commissioner, evidentiary hearing, quasi-judicial decision, special use permit; and delete definitions of quasi-judicial public hearing and use permit.

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 properly distribute development forms in accordance with the suitability of land, infrastructure available, and the compatibility of surrounding land uses.

The request is reasonable and in the public interest because:

1. It amends the UDO for consistency with North Carolina General Statutes.



STAFF REPORT
PB21-09 CURRITUCK COUNTY
NC GENERAL STATUTES 160D
TEXT AMENDMENT
PLANNING BOARD
MAY 11, 2021

Amendment to the Unified Development Ordinance Chapter 1 General Provisions, Chapter 2 Administration, Chapter 3 Zoning Districts, Chapter 4 Use Standards, Chapter 5 Development Standards, Chapter 6 Subdivision & Infrastructure Standards, Chapter 9 Enforcement 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 1. General Provisions is amended by adding the following underlined language and deleting the struck-through language:

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

CHAPTER I. GENERAL PROVISIONS

I.1. TITLE

This Ordinance shall be officially known as the “Unified Development Ordinance of Currituck County, North Carolina” and may be referred to as “the Unified Development Ordinance” or “this Ordinance” or the “UDO.”

I.2. AUTHORITY

I.2.1. General Authority

This Ordinance consolidates the county’s zoning, subdivision, and flood damage prevention regulatory authority as authorized by the North Carolina General Statutes and is adopted in accordance with:

- A.** The authority granted to Currituck County by the General Assembly of the State of North Carolina;
- B.** The North Carolina General Statutes, including:
 - (1)** Chapter 153A, Article 6 (General Police Powers);
 - (2)** Chapter ~~153A-160D~~, Article ~~18~~ (Local Planning and Development Regulation of Development);
 - (3)** Chapter 113A, Article 4 (Sedimentation and Pollution Control);
 - (4)** Chapter 143, Article 21, Part 6 (Floodway Regulations); and
- C.** All other relevant laws of the State of North Carolina.

I.2.2. References to North Carolina General Statutes

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

I.3. GENERAL PURPOSE AND INTENT

The purpose of this Ordinance is to protect the public health, safety, and general welfare of the citizens and landowners of Currituck County, and to implement the policies and objectives of county-adopted plans addressing the county’s growth and development. The intent of this Ordinance is more specifically to:

- A.** Foster convenient, compatible, and efficient relationships among land uses;
- B.** Establish new compact, mixed-use community centers in appropriate locations, as identified in adopted plans;
- C.** Better manage or lessen congestion in the streets;

SECTION I.7: OFFICIAL ZONING MAP

Subsection I.7.1: Generally

I.7. OFFICIAL ZONING MAP**I.7.1. Generally**

- A.** The Official Zoning Map designates the location and boundaries of the various base zoning and overlay zoning districts established in this Ordinance. The Official Zoning Map shall be kept on file in the Planning and Community Development Department and is available for public inspection during normal business hours. It may be kept in either hardcopy or digital form. It shall be the final authority as to the status of the current zoning district classification of land in the county, and shall only be amended in accordance with Section 2.4.3, Zoning Map Amendment, in this Ordinance.
- B.** The Planning and Community Development Department shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

I.7.2. Incorporated by Reference

- A.** The Official Zoning Map and all the notations thereon is incorporated herein by reference and made part of this Ordinance.
- B.** The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) dated June 19, 2020 (as amended). The FIS for Currituck County and associated DFIRM panels and all revisions, including any digital data and digital data revisions developed as part of the FIS, are adopted by reference and declared a part of this Ordinance, ~~and all revisions thereto after January 1, 2021. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Currituck County are also adopted by reference and declared a part of this Ordinance.~~

I.7.3. Interpretation of Official Map Boundaries

The Planning Director shall be responsible for interpretations of the Official Zoning Map in accordance with the standards in Section 2.4.16, Interpretation, and the following standards:

- A.** Boundaries shown as approximately following a utility line or a street, alley, railroad, or other public access way shall be interpreted as following the centerline of the right-of-way or easement for the utility line or access way.
- B.** Boundaries shown as approximately following a property line shall be interpreted as following the property line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the property line moving ten feet or less, the zoning boundary shall be interpreted as moving with the property line.
- C.** Boundaries shown as approximately following a river, stream, canal, lake, or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).
- D.** Boundaries shown as approximately following shorelines shall be interpreted to follow the shoreline, even in the event of change.

SECTION I.8: TRANSITIONAL PROVISIONS**Subsection I.8.4: Approved Applications**

accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Chapter 8: Nonconformities.

- B.** Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.
- C.** An applicant with a pending application accepted before January 1, 2013 may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the standards of this Ordinance.

I.8.4. Approved Applications

Any development approvals granted before January 1, 2013 shall remain valid until their expiration date. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired. If the prior approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance. To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Chapter 8: Nonconformities.

I.8.5. Approved Use Permits, Conditional Use Permits and Special Use Permits Conditional Use Zoning District

- A.** ~~Any use permit, conditional use permit or special use permit granted before (effective date of 160D amendment) shall remain valid until their expiration date. Effective (effective date of 160D amendment), valid use permits and conditional use permits shall become special use permits. Lands subject to a conditional use zoning classification before January 1, 2013 shall retain the conditional use zoning district classification and shall be subject to the existing conditions of approval.~~
- B.** ~~To the extent a landowner proposes development that is different than what is allowed in the existing conditional use zoning district, the land requires approval of a zoning map amendment (see Section 2.4.3, Zoning Map Amendment) in accordance with this Ordinance.~~

I.8.6. Approved Planned Unit Development District Overlay and Sketch Plan

- A.** Lands subject to approval of a planned unit development district overlay classification and sketch plan approval before January 1, 2013 shall retain the Planned Unit Development Overlay district classification and sketch plan approval, and may be developed consistent with the sketch plan approval and any relevant conditions of approval, until the sketch plan approval or any portion of thereof expires. If the sketch plan approval (or any portion thereof) expires or is revoked (e.g., for failure to comply with a term or condition of approval) any subsequent development of the site

SECTION I.9: SEVERABILITY**Subsection I.8.7: Existing Nonconformities**

- (c)** Airports, major utilities, wind energy facilities, outdoor recreation/entertainment uses, and vehicle sales and services require approval of a use permit.
 - (d)** County-owned land designated as open space may be used as a law enforcement, fire or EMS facility.
- (3) Development Standards**
- Development associated with a development application or modified sketch plan shall comply with the standards in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure, and Chapter 7: Environmental Protection provided compliance with the standards does not have the effect of decreasing the type, density, or intensity of land designation contained in the approved master plan establishing the planned unit development.
- C.** Sketch plan amendment applications that comply with the land designations contained in the approved master plan establishing the planned unit development and development applications that comply with Subsection (B) above may be approved by the Planning Director.
 - D.** To the extent a landowner proposes development that is different than that allowed in the sketch plan or Subsection (B) above, the land requires approval of an amended sketch plan and special use permit (see Section 2.4.6, Special Use Permit).

I.8.7. Existing Nonconformities

If any use, structure, lot, or sign legally existed on January 1, 2013, but does not fully comply with the standards of this Ordinance, the use, structure, lot, sign, or site feature is considered nonconforming under this Ordinance and shall comply with the requirements in Chapter 8: Nonconformities.

I.9. SEVERABILITY

It is the legislative intent of the Board of Commissioners in adopting this Ordinance that all provisions shall regulate development in accordance with the existing and future needs of the county as established in this Ordinance, and promote the public health, safety, and general welfare of the land owners and residents of the county. If any section, subsection, sentence, boundary, or clause of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The Board of Commissioners hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases are declared invalid.

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

CHAPTER 2.

ADMINISTRATION

2.1. DEVELOPMENT REVIEW SUMMARY TABLE

Table 2.1, Development Review Procedures, identifies the advisory and decision-making bodies responsible for making recommendations or decisions on development applications reviewed under this Ordinance. The table also identifies the development applications requiring a public hearing.

TABLE 2.1: DEVELOPMENT REVIEW PROCEDURES D = DECIDE R = RECOMMENDATION RC=REVIEW & COMMENT A = APPEAL <> = PUBLIC HEARING					
PROCEDURE	ADVISORY AND DECISION-MAKING BODIES				
	BOARD OF COMMISSIONERS	PLANNING BOARD	BOARD OF ADJUSTMENT	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR
AMENDMENTS					
Text Amendment	<D>	R			R
Zoning Map Amendment	<D>	R			R
Conditional Rezoning	<D>	R		R	
Planned Development	<D>	R		R	
DISCRETIONARY REVIEW					
Special Use Permit	<D>			RC	
SITE DEVELOPMENT					
Site Plan					
Major Site Plan				D	
Minor Site Plan					D
Subdivision					
Major Subdivision					
Preliminary Plat, Type I				D	
Preliminary Plat, Type II	<D>			RC	
Construction Drawings				D	
Final Plat				D	
Minor Subdivision					D
PERMITS					
Zoning Compliance Permit					D
Sign Permit					D
Temporary Use Permit				R	D
Floodplain Development Permit					D
Clear-Cutting Permit					D

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES

Subsection 2.2.1: Generally

TABLE 2.1: DEVELOPMENT REVIEW PROCEDURES D = DECIDE R = RECOMMENDATION RC=REVIEW & COMMENT A = APPEAL <> = PUBLIC HEARING					
PROCEDURE	ADVISORY AND DECISION-MAKING BODIES				
	BOARD OF COMMISSIONERS	PLANNING BOARD	BOARD OF ADJUSTMENT	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR
RELIEF					
Variance			<D>		R
Administrative Adjustment					D
Interpretation					D
Appeal [1]			<D>		
DEVELOPMENT AGREEMENT					
Development Agreement	<D>	<R>		R	

NOTES:
 [1] Appeals of decisions by the Board of Commissioners or the Board of Adjustment are heard by the Superior Court for Currituck County.

2.2. ADVISORY AND DECISION-MAKING BODIES**2.2.1. Generally**

- A.** The following bodies and county staff have powers and responsibilities in administering and reviewing development applications under this Ordinance:
- (1)** Board of Commissioners;
 - (2)** Planning Board;
 - (3)** Board of Adjustment;
 - (4)** Technical Review Committee; and
 - (5)** Planning Director.
- B.** In addition to the advisory and decision-making bodies identified in this section, there are other county agencies departments, or officials who may review and comment on specific application types during the review process as specified in the Administrative Manual.

2.2.2. Board of Commissioners**A. Powers and Duties**

To exercise the authority granted the Board of Commissioners by state law, the Board shall have the following powers and duties under this Ordinance:

(1) Application Review and Decision

To initiate, review, and decide applications for the following:

- (a)** Text amendments;
- (b)** Zoning map amendments;

SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES**Subsection 2.2.3: Planning Board**

- (c) Conditional rezonings;
- (d) Planned developments;
- (e) Special Use permits;
- (f) Type II preliminary plats (for major subdivisions); and
- (g) Development agreements.

(2) Schedule of Fees and Civil Penalties

To approve, by resolution, a schedule of fees governing applications for permits and other development approvals reviewed under this Ordinance and civil penalties for violations of this Ordinance.

(3) Other Actions

To take any other action not delegated to the Planning Board, Board of Adjustment, Technical Review Committee, Planning Director, or County Engineering, as the Board of Commissioners may deem desirable and necessary to implement the provisions of this Ordinance.

B. Conduct

- (1) A commissioner shall not vote on any legislative decision regarding a development regulation adopted pursuant to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the commissioner.
- (2) A commissioner shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the commissioner has a close familial, business, or other associational relationship.
- (3) A commissioner exercising quasi-judicial functions pursuant to this ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

2.2.3. Planning Board

The Planning Board is hereby established pursuant to ~~in accordance with~~ Section 160D-301 ~~153A-321~~ of the North Carolina General Statutes.

A. Powers and Duties

The Planning Board shall have the following powers and duties:

(1) Recommendation Authority

To review and make recommendations to the Board of Commissioners on the following:

- (a) Text amendments;
- (b) Zoning map amendments.
- (c) Conditional rezonings;

SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES**Subsection 2.2.3: Planning Board**

- (d) Planned developments; and
- (e) Development agreements;

(2) Make Studies and Recommendations

To make studies and recommendations for the Board of Commissioners regarding growth, development, and redevelopment in the county.

(3) Other Powers and Duties

To carry out any other powers and duties delegated to it by the Board of Commissioners, consistent with state law.

B. Membership, Appointment, and Terms of Office**(1) General**

- (a) The Planning Board shall consist of ~~a total of~~ seven regular members appointed by the Board of Commissioners. Each ~~County~~ ~~Commissioner~~ may nominate ~~appoint~~ one member from any electoral district in the county, two of which shall be at-large members.
- (b) Planning Board members shall reside within the county. A change in residence to a location outside the county shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed.
- (c) Planning Board members shall be appointed for two-year, staggered terms, and may continue to serve until their successors are appointed.
- (d) Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only.

(2) Chair and Vice-Chair

- (a) At its first meeting in January of each year, the Planning Board shall elect a Chair and a Vice-Chair from among its members, each to serve a one-year term.
- (b) The Chair shall preside over all meetings. The Vice-Chair shall preside over meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Planning Board shall vote to determine who shall serve as acting Chair for the meeting.

C. Staff

The Planning Director shall serve as the professional staff liaison to the Planning Board and provide it with administrative support.

D. Meetings**(1) Schedule**

The Planning Board shall hold at least one regular meeting in each month unless the Chair determines that there are no agenda items for consideration.

(2) Official Record

- (a) The Planning Board shall keep a record of its recommendations, transactions, findings, and determinations.
- (b) The record shall be a public record.

(3) Publication of Notice

SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES**Subsection 2.2.3: Planning Board**

Notice of all Planning Board meetings shall be provided in accordance with state law and the public hearing requirements in Section 2.3.6, Public Hearing Scheduling and Public Notification.

(4) Open to the Public

All meetings shall be open to the public.

E. Quorum and Necessary Vote**(1) Quorum**

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

(2) Voting

An affirmative vote of a majority of members present constituting a quorum is required for all decisions of the Planning Board.

F. Removal from Office

Planning Board members may be removed by the Board of Commissioners at any time for:

- (1)** Failure to attend three consecutive meetings;
- (2)** Failure to attend 30 percent or more of the meetings within any 12-month period; or
- (3)** Any other good cause related to performance of duties.

G. Rules of Procedure

The Planning Board shall adopt rules of procedure governing its procedures and operations. Copies shall be made available for public inspection in the Planning and Community Development Department and posted on the county's website.

H. Advisory Committees

- (1)** The Board of Commissioners may appoint one or more individuals to sit as an advisory committee and assist the Planning Board in carrying out its planning responsibilities with respect to a particular subject area.
- (2)** Members of an advisory committee shall sit as non-voting members of the Planning Board when such issues are being considered.

I. Conduct

- (1)** Before entering their duties, Planning Board members shall qualify by taking an oath of office pursuant to G.S. 160D-309.
- (2)** A Planning Board member shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the Planning Board member.
- (3)** A Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the Planning Board member has a close familial, business, or other associational relationship.

SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES**Subsection 2.2.4: Board of Adjustment****2.2.4. Board of Adjustment**

The Board of Adjustment is hereby established pursuant to ~~in accordance with~~ Section 160D-302 + 53A-345, of the North Carolina General Statutes.

A. Powers and Duties

The Board of Adjustment shall have the following powers and duties:

(1) Application Review and Decision

To review and decide applications for:

- (a)** Variances; and
- (b)** Appeals of administrative decisions by the Planning Director or the Technical Review Committee.

(2) Other Powers and Duties

The Board of Adjustment is authorized by this Ordinance to carry out any other powers and duties delegated to it by the Board of Commissioners, consistent with state law.

B. Membership, Appointment, and Terms of Office**(1) General**

- (a)** The Board of Adjustment shall consist of five regular members and two alternate members appointed by the Board of Commissioners. Each ~~County Commissioner~~ may nominate ~~appoint~~ one member from any electoral district in the county, two of which shall be alternate members.
- (b)** Regular members leaving the Board shall be replaced by existing alternate members; likewise, newly appointed members shall be assigned as alternate members, when practicable. In situations when this can not be met, seats shall be determined by the Board of Commissioners.
- (c)** Board of Adjustment members shall reside within the county. A change in residence to a location outside the county shall constitute a resignation from the Board of Adjustment, effective upon the date a replacement is appointed.
- (d)** An alternate member may sit in-lieu of a regular member upon recusal by a regular member and assignment by the Chair. When seated as a regular member, alternate members shall have the same powers and duties as the regular member they replace.
- (e)** Board of Adjustment members shall be appointed for three-year, staggered terms. Members shall continue to serve until their successors are appointed.
- (f)** Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only.

(2) Chair and Vice-Chair

- (a)** At its first meeting in January of each year, the Board of Adjustment shall elect a Chair and a Vice-Chair from among its members, each to serve a one-year term.
- (b)** The Chair shall preside over all board meetings. The Vice-Chair shall preside over board meetings in the absence of the Chair. If both the

SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES**Subsection 2.2.4: Board of Adjustment**

Chair and Vice-Chair are absent, the Board of Adjustment shall vote to determine who shall serve as Chair for the meeting.

C. Staff

The Planning Director shall serve as the professional staff liaison to the Board of Adjustment and provide it with administrative support.

D. Meetings**(1) Schedule**

The Board of Adjustment shall hold at least one regular meeting in each month unless the Chair determines that there are no agenda items for consideration.

(2) Official Record

(a) The Board of Adjustment shall keep a record of its recommendations, transactions, findings, and determinations.

(b) The record shall be a public record.

(3) Publication of Notice

Publication of notice of all Board of Adjustment meetings shall be provided in accordance with state law and the public hearing requirements in Section 2.3.6, Public Hearing Scheduling and Public Notification.

(4) Open to the Public

All meetings shall be open to the public.

E. Quorum and Necessary Vote**(1) Quorum**

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

(2) Voting

(a) The concurring vote of four-fifths (4/5) of the Board of Adjustment shall be necessary to grant any variance. A majority vote shall be required to decide an appeal application.

(b) Vacant positions and members who are disqualified from participating in or voting on a quasi-judicial matter in accordance with the North Carolina General Statutes shall not be considered members of the board if there are no qualified alternate members available to replace disqualified members.

F. Removal from Office

(1) Board of Adjustment members may be removed by the Board of Commissioners at any time for:

(a) Failure to attend three consecutive meetings;

(b) Failure to attend 30 percent or more of the meetings within any 12-month period; or

(c) Any other good cause related to performance of duties.

SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES**Subsection 2.2.5: Technical Review Committee**

- (2)** Alternate members may be removed for repeated failure to attend or participate in meetings.
- (3)** Upon request of the member proposed for removal, the Board of Commissioners shall hold a hearing on the removal and provide the member an opportunity to respond to the request for removal before it becomes effective.

G. Rules of Procedure

The Board of Adjustment shall adopt rules of procedure governing its procedures and operations. Copies shall be made available for public inspection in the Planning and Community Development Department and on the county's website.

H. Conduct

- (1)** Before entering their duties, Board of Adjustment members shall qualify by taking an oath of office pursuant to G.S. 160D-309.
- (2)** A Board of Adjustment member exercising quasi-judicial functions pursuant to this ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a Board of Adjustment member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome.

2.2.5. Technical Review Committee

The Technical Review Committee (TRC) is hereby established.

A. Powers and Duties

The TRC shall have the following powers and duties:

(1) Application Review and Decision

To review and decide applications for the following:

- (a)** Major site plans;
- (b)** Type I preliminary plats (for major subdivisions);
- (c)** Construction drawings (for major subdivisions); and
- (d)** Final plats (for major subdivisions).

(2) Recommendation Authority

To review and make recommendations on the following:

- (a)** Conditional rezonings;
- (b)** Planned developments;
- ~~**(c)** Use permits;~~
- ~~**(d)** Type II preliminary plats (for major subdivisions);~~
- (e)** Temporary use permits; and
- (f)** Development agreements.

SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES**Subsection 2.2.5: Technical Review Committee**

To review and provide comments on the following:

- (g)** Special use permits;
- (h)** Type II preliminary plats (for major subdivisions).

(3) Additional Duties

The TRC shall have the following additional duties:

- (a)** Participate in pre-application conferences;
- (b)** Provide its expertise and technical assistance to the Planning Director in compiling and maintaining an Administrative Manual and in establishing application content requirements and a submission schedule for review of applications and appeals; and
- (c)** Provide its expertise and technical assistance to the county's other decision-making bodies, upon request.

B. Membership and Appointment

- (1)** The TRC shall consist of the following county departments or officials, and agencies involved with development review:
 - (a)** Planning and Community Development;
 - (b)** Engineering;
 - (c)** Public Utilities;
 - (d)** Fire-Emergency Medical Services;
 - (e)** Soil and Water Conservation;
 - (f)** Chief Building Inspector; and
 - (g)** Albemarle Regional Health Services.
- (2)** Representatives from other county departments and from non-county regulatory agencies and service providers generally involved with development review (such as the North Carolina Department of Transportation and the School Board) may serve as voting members of the TRC. The Chair may request attendance by representatives of other local or state agencies, where appropriate, for an adequate review of an application.

C. Chair

The Planning Director shall serve as Chair of the TRC, and shall schedule committee meetings, coordinate the committee's activities, preside over committee meetings, prepare committee reports, and serve as liaison to the departments and agencies involved for clarification of issues and resolution of conflicts.

D. Meetings

The TRC shall establish a regular meeting schedule and meet frequently enough to take action as expeditiously as practicable on matters before it. The Planning Director may invite applicants to attend TRC meetings.

E. Conduct

- (1)** No TRC agency representative shall make a final decision on an administrative decision required by this ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the TRC agency representative or if the applicant or other person subject to that decision is a

SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES**Subsection 2.2.6: Planning Director**

person with whom the TRC agency representative has a close familial, business, or other associational relationship. If a TRC agency representative has a conflict of interest, the decision shall be assigned to a non-conflicted TRC agency representative.

- (2)** No TRC agency representative shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this ordinance unless the TRC agency representative is the owner of the land or building involved. No TRC agency representative contracting with the county to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the county, as determined by the county.

2.2.6. Planning Director

The Planning Director shall have the following powers and duties:

A. Powers and Duties**(1) Application Review and Decision**

To review and decide applications for the following:

- (a)** Minor site plans;
- (b)** Minor subdivisions;
- (c)** Zoning compliance permits;
- (d)** Sign permits;
- (e)** Temporary use permits;
- (f)** Floodplain development permits;
- (g)** Clear-cutting permits;
- (h)** Administrative adjustments; and
- (i)** Interpretations.

(2) Recommendation Authority

To review and make recommendations on applications for the following:

- (a)** Text amendments;
- (b)** Zoning map amendments; and
- (c)** Variances.

(3) Floodplain Administrator

The Planning Director shall serve as the Floodplain Administrator, and shall perform the following duties:

- (a)** Administer, implement, and coordinate compliance with the provisions of this Ordinance and the National Flood Insurance Program.
- (b)** Review all floodplain development applications for receipt of all necessary State and Federal permits and issue floodplain development permits for all proposed development within special flood hazard areas.
- (c)** Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or

SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES**Subsection 2.2.6: Planning Director**

- (o) Make periodic inspections throughout the special flood hazard area.
 - (p) Maintain a current map repository to include, but not limited to, the FIS Report, historical and effective FIRM, Letters of Map Change, and other official flood maps and studies.
 - (q) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).
 - (r) Coordinate with the Building Inspector on applications to improve, alter, move, enlarge, replace, repair, change occupancy, or other improvements to existing buildings and structures and:
 - (i) Estimate market value as defined by this Ordinance;
 - (ii) Compare the cost to perform the improvement, repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs to market value of the building;
 - (iii) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and,
 - (iv) Notify the applicant if it is determined the work constitutes substantial improvement or repair of substantial damage, and compliance with the flood resistant construction requirements of the NC Building Code and this Ordinance is required.
- (4) Additional Duties**
- The Planning Director shall have the following additional duties:
- (a) Establish application content requirements and a submission schedule for review of applications and appeals;
 - (b) Compile and maintain an Administrative Manual;
 - (c) Conduct pre-application conferences in accordance with Section 2.3.2, Pre-Application Conference.
 - (d) Review applications and submit staff reports to advisory and decision-making bodies;
 - (e) Maintain the Official Zoning Map and related materials;
 - (f) Provide expertise and technical assistance to the county's other review and decision-making bodies, upon request;
 - (g) Maintain a record of all permits and approvals on file, and make copies available upon request;
 - (h) Enforce this Ordinance in accordance with Chapter 9: Enforcement; and
 - (i) Keep copies of all applications on file.

B. Conduct

- (I) The Planning Director shall not make a final decision on an administrative decision required by this ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the Planning Director, or if the applicant or other person subject to that decision is a

SECTION 2.3: STANDARD PROCEDURES**Subsection 2.3.1: General**

person with whom the Planning Director has a close familial, business, or other associational relationship. If the Planning Director has a conflict of interest, the decision shall be assigned to the supervisor of the Planning Director.

- (2)** The Planning Director shall not be financially interested or employed by a business that is financially interested in a development subject to regulation under this ordinance unless the Planning Director is the owner of the land or building involved.

2.3. STANDARD PROCEDURES**2.3.1. General**

- A.** This section describes the standard procedural steps and other rules that are generally applicable to development applications reviewed under this Ordinance, unless otherwise expressly exempted or alternative procedures are specified in Section 2.4, Specific Review Procedures. The procedural flow charts in Section 2.4, Specific Review Procedures, generally depict the procedural steps that apply to the review of the particular type of development application.
- B.** The county has prepared an Administrative Manual that includes information and requirements for persons submitting applications for development review under the UDO. The manual includes application submittal requirements, review schedules, and additional details on application review procedures.

2.3.2. Pre-Application Conference**A. Purpose**

The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submittal requirements and the procedures and standards applicable to an anticipated development application. A pre-application conference is also intended to provide an opportunity for county staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed development, as it relates to the standards in this Ordinance.

B. Applicability**(1) Pre-Application Conference Required**

A pre-application conference between the applicant and the Planning Director shall be held before submittal of the following applications:

- (a)** Text amendments;
- (b)** Zoning map amendments;
- (c)** Conditional rezonings;
- (d)** Planned developments;
- (e)** Special Use permits;
- (f)** Major site plans; and
- (g)** Type I and type II preliminary plats for major subdivisions.

(2) Pre-Application Conference Optional

SECTION 2.3: STANDARD PROCEDURES**Subsection 2.3.3: Community Meeting****B. Favored Practice**

Community meetings are encouraged as opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by development proposals.

C. Applicability**(1) Community Meeting Mandatory**

A community meeting is required before submittal of any of the following applications:

- (a)** Zoning map amendments to establish a more intense base zoning district;
- (b)** Conditional rezonings;
- (c)** Planned developments;
- (d)** Special Use permits; and
- (e)** Type II preliminary plats (for major subdivision) of 50 lots or more.

(2) Community Meeting Optional

A community meeting is encouraged, but not required, before submittal of any other development application that is subject to a public hearing (see Table 2.3.6.A, Required Public Hearings).

D. Procedure

If a community meeting is held by the applicant, it shall comply with the following procedures:

(1) Time and Place

The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the application.

(2) Notification**(a) Mailed Notice**

The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the Planning Director and all persons to whom mailed notice of a public hearing on the development application is required by Section 2.3.6, Public Hearing Scheduling and Public Notification.

(b) Posted Notice

The applicant shall post notice of the community meeting on the land subject to the application for at least ten days before the date fixed for the meeting, in a form established by the Planning Director. Signs used for posted notice shall have a minimum size of six square feet per side.

(c) Notice Content

Notices shall identify the date, time, and place of the meeting and applicant contact information.

(3) Conduct of Meeting

SECTION 2.3: STANDARD PROCEDURES**Subsection 2.3.5: Staff Review and Action**

Application). Application fees shall not be refunded for withdrawn applications.

2.3.5. Staff Review and Action**A. Staff Review**

- (1) Applications shall be reviewed during the review cycle in place when the application is determined to be complete.
- (2) When an application is determined complete, it shall be distributed by the Planning Director to all appropriate staff and review agencies for review and comment, and the preparation of a staff report, if appropriate.
- (3) In considering the application, the Planning Director, the Technical Review Committee, or other county staff (as appropriate), shall review the application, relevant support material, and any comments or recommendations from other staff and review agencies to which the application was referred.
- (4) If deficiencies in complying with applicable standards of this Ordinance are identified, the Planning Director shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them, in accordance with Section 2.3.4.G, Application Revision.

B. Staff Report and Recommendation

- (1) The Planning Director shall prepare a written staff report on any application subject to a public hearing. The staff report shall conclude whether the application complies with all applicable review standards of this Ordinance, and recommend one of the decisions authorized for the particular type of application or review and provide comments, based on the review standards applicable to the application type, as set forth in Section 2.4, Specific Review Procedures. The staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the development application might be mitigated.
- (2) A staff report is not required to be prepared for an application decided by the Planning Director or the Technical Review Committee, even though the Planning Director may choose to do so.

C. Distribution and Availability of Application and Staff Report

In cases where a development application is subject to review by an advisory or decision-making body, the Planning Director shall take all the following actions within a reasonable time period before the meeting or public hearing at which the application is scheduled for review:

- (1) Schedule and ensure any required notice of public hearing on the application (if appropriate) in accordance with Section 2.3.6, Public Hearing Scheduling and Public Notification;
- (2) Transmit the application, related materials, and the staff report to the appropriate advisory or decision-making body;
- (3) Transmit a copy of the staff report to the applicant; and

SECTION 2.3: STANDARD PROCEDURES**Subsection 2.3.6: Public Hearing Scheduling and Public Notification**

- (4)** Make the application, related materials, and the staff report available for examination by the public in the Planning and Community Development Department during normal business hours, and make copies of such materials available at a reasonable cost.

D. Applications Subject to Decision by Planning Director or Technical Review Committee

(1) Decision

If an application is subject to staff review and a final decision by the Planning Director or Technical Review Committee, as appropriate, the Planning Director or Technical Review Committee shall approve, approve subject to conditions, or disapprove the application, based on the review standards set forth in Section 2.4, Specific Review Procedures, for the particular type of application.

(2) Conditions of Approval

Conditions of approval shall be limited to those deemed necessary to ensure compliance with the standards of this Ordinance. They shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding development. All conditions of approval shall be expressly set forth in the development permit or approval.

2.3.6. Public Hearing Scheduling and Public Notification

A. Public Hearing Scheduling

(1) Application to be Scheduled for Meeting

When a development application is subject to a public hearing, the Planning Director shall ensure that the public hearing on the application is scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the advisory or decision-making body reviewing the application.

(2) Timing

A required public hearing on the application shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied under state law.

(3) Required Public Hearings

Table 2.3.6.A, Required Public Hearings, identifies the advisory and decision-making bodies responsible for conducting a public hearing on a development application, where a public hearing is required, and the type of hearing (legislative public hearing or ~~quasi-judicial public~~ evidentiary hearing) to be conducted.

SECTION 2.3: STANDARD PROCEDURES**Subsection 2.3.6: Public Hearing Scheduling and Public Notification****TABLE 2.3.6.A: REQUIRED PUBLIC HEARINGS**

L = Legislative Public Hearing Q E = Quasi-Judicial Public Evidentiary Hearing

APPLICATION TYPE	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
Text Amendment [I]	L	
Zoning Map Amendment [I]	L	
Conditional Rezoning [I]	L	
Planned Development [I]	L	
Type II Preliminary Plat for Major Subdivision	Q E	
Special Use Permit	Q E	
Variance		Q E
Appeal		Q E
Development Agreement [I]	L	

NOTES:

[I] The Planning Board conducts a public meeting prior to consideration by the Board of Commissioners, but the public meeting with the Planning Board is not a public hearing.

B. Public Notification

All development applications shall comply with the North Carolina General Statutes, the provisions listed in Table 2.3.6.B, Public Hearing Notification Timing Requirements, the provisions of this section, and the other provisions of this Ordinance with regard to public notification.

(I) Notice Timing Requirements

Public notification of a public hearing on a development application shall be provided in accordance with the timing requirements in Table 2.3.6.B: Public Notification Timing Requirements, for the type of application and the type of notice. In computing the required time periods, the day the notice is published, mailed, or posted shall not be included, but the day of the hearing shall be included.

SECTION 2.3: STANDARD PROCEDURES**Subsection 2.3.6: Public Hearing Scheduling and Public Notification****TABLE 2.3.6.B: PUBLIC NOTIFICATION TIMING REQUIREMENTS**

APPLICATION TYPE [1]	TYPES OF REQUIRED PUBLIC NOTICE		
	PUBLISHED NOTICE	MAILED NOTICE	POSTED NOTICE
Text Amendment [2]	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing		
Zoning Map Amendment [2]	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing [3]	At least 10 days before hearing
Conditional Rezoning [2]	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Planned Development [2]	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Special Use Permit [2]	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Type II Preliminary Plat (for Major Subdivision)	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	
Variance		Between 10 and 25 days before hearing	At least 10 days before hearing
Administrative Adjustment		At least 10 days before a decision is rendered	
Appeal	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing [4]	At least 10 days before hearing [4]
Development Agreement	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing

NOTES:

[1] Only those development application types listed here require public hearing notification. Public notification of public meetings held by the Planning Board is not required.

[2] Applications that would change the range of allowable uses within five miles of a military installation require mailed notice be delivered by certified mail to the military base commander between 10 and 25 days before the hearing.

[3] Mailed notice shall not be required when a zoning map amendment includes more than 50 lots or tracts, owned by at least 50 different landowners, provided the county publishes a notice (occupying at least one-half (½) of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for two successive calendar weeks, with the first notice published not less than ten days nor more than 25 days before the date fixed for the public hearing. Affected land owners residing outside the newspaper circulation area shall be notified via first class mail pursuant to Section 2.3.6, Public Hearing Scheduling and Public Notification.

[4] Mailed and posted notification are required only in cases where the appeal pertains to a specific parcel of land.

(2) Published Notice Requirements

- (a)** When the provisions of this Ordinance require that notice of a public hearing be published, the Planning Director shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county.
- (b)** The first time notice is published, it shall be not less than ten days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of published notice shall not be included, but the day of the hearing shall be included.

SECTION 2.3: STANDARD PROCEDURES**Subsection 2.3.8: Public Hearing Procedures**

be provided or considered on the matter. The applicant may be asked questions or allowed to comment on proposed conditions.

C. ~~Quasi-Judicial Public~~ Evidentiary Hearings Distinguished

~~Quasi-judicial public~~ Evidentiary hearings shall be subject to the standards in Section 2.3.8.B, Conduct of Public Hearing, and the following.

(1) Opportunity to Present Testimony and Evidence

Any affected party shall be afforded a reasonable opportunity to present testimony and evidence in support of or in opposition to the application, and to ask questions of the applicant and the applicant's representatives and county staff and county staff's representatives. At the discretion of the person chairing the body conducting the ~~public~~ evidentiary hearing, an affected party may be granted an opportunity to ask questions of any other member of the public who has testified at the hearing.

(2) Not Bound by Rules of Evidence

Except as otherwise provided in the North Carolina General Statutes, the body conducting an ~~quasi-judicial public~~ evidentiary hearing is not bound by the rules of evidence, or limited to consideration of evidence that is admissible in a court of law. The body may consider all testimony and evidence it deems competent and material to the application under consideration.

(3) Cross Examination

Any inquiry under cross-examination shall be limited to matters raised in the direct examination of the witness. ~~No re-direct or re-cross examination may shall be allowed unless requested by upon the applicant, an affected party, or the county stating the desired area of inquiry —who shall state the desired area of inquiry—and the request is with the approval of approved by the person chairing the body conducting the hearing. If re-direct or re-cross is allowed, it shall be limited to questions of the witness on issues raised in the cross-examination.~~

(4) Ex Parte Communication

Ex parte communication between an applicant or an affected party and a member of the board reviewing or making a decision on the application is prohibited, and must be disclosed during the ~~public~~ evidentiary hearing, if it occurs.

(5) Conflict

In the event conflict between these standards and the standards in Section 2.3.8.B, Conduct of Public Hearing, these standards shall control during an ~~quasi-judicial public~~ evidentiary hearing.

D. General Procedures and Findings Following Public Hearing**(1) Time**

Any review body conducting the public hearing shall act in accord with any time limits established in this Ordinance or the body's own rules of procedure. Action shall be taken as promptly as possible in consideration of the interests of the applicant, the citizens of the county, and shall include a recommendation or decision of approval, approval with conditions, or disapproval (whichever is appropriate).

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.1: Overview**

- the decision-making body's application of the relevant review standards to the development proposed in the new application; or
- (c) The new application proposed to be submitted is materially different from the prior application; or
 - (d) The final decision on the prior application was based on a material mistake of fact.

B. Application Withdrawal After Required Public Notification

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

2.4. SPECIFIC REVIEW PROCEDURES**2.4.1. Overview****A. General**

This section sets forth supplemental procedures, standards, and related information for each of the specific review procedures for development applications reviewed under this Ordinance, as identified in Table 2.1, Development Review Procedures. They apply in addition to, or instead of, the standard procedures set forth in Section 2.3, Standard Procedures.

B. Structure of Procedures

For each type of development application reviewed under this Ordinance, the following sections state the purpose of the section and/or type of development permit or approval, and whether each of the steps in the standard procedure set forth in Section 2.3, Standard Procedures, is applicable, optional, or not applicable. The following sections also include, for each step, any variations of, or additions to, the standard procedures. This is followed by the review standards for the application, and provisions addressing expiration and amendment, if applicable.

2.4.2. Text Amendment**A. Purpose**

The purpose of this section is to provide a uniform means for amending the text of this Ordinance whenever the public necessity, changed conditions, convenience, general welfare, or appropriate land use practices justify or require doing so.

B. Text Amendment Procedure**(1) Pre-Application Conference**

Applicable (see Section 2.3.2).

(2) Community Meeting

Not applicable.

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4). Applications may be initiated by the Board of Commissioners, the Planning Board, the Planning Director, the TRC, any

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.2: Text Amendment**

person who may submit applications in accordance with Section 2.3.4.A, Authority to File Applications, or any other interested party.

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.2.C, Text Amendment Review Standards.

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Applicable (see Section 2.3.8).

(7) Advisory Body Review and Recommendation

(a) Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on an application in accordance with Section 2.3.9, Advisory Body Review and Recommendation, and Section 2.4.2.C, Text Amendment Review Standards.

(b) The Planning Board shall advise on and comment on whether the proposed text amendment is consistent with 2.4.2.B.8(b) and shall make a written recommendation to the Board of Commissioners that addresses plan consistency and other matters deemed appropriate by the Planning Board. The Board of Commissioners is not bound by a Planning Board recommendation.

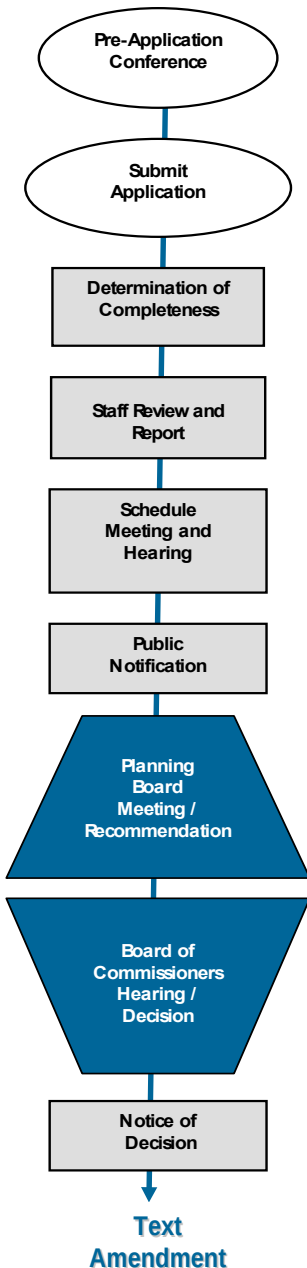
(8) Decision-Making Body Review and Decision

(a) Applicable (see Section 2.3.10). The Board of Commissioners, following a legislative public hearing (see Section 2.3.8.B), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.2.C, Text Amendment Review Standards. The decision shall be one of the following:

- (i)** Adoption of the text amendment as proposed;
- (ii)** Adoption of a revised text amendment;
- (iii)** Denial of the text amendment; or
- (iv)** Remand of the text amendment application back to the Planning Board for further consideration.

(b) ~~In~~ When making its decision, the Board of Commissioners shall ~~approve~~ adopt a ~~written~~ statement of consistency and reasonableness that:

- (i)** Describes whether the decision is consistent with all county-adopted plans that are applicable; and
- (ii)** The meeting minutes must state that at the time of decision the Board of Commissioners was aware of and considered the Planning Board's recommendations and relevant portions of applicable county-adopted plans.



SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.3: Zoning Map Amendment****C. Text Amendment Review Standards**

The advisability of amending the text of this Ordinance 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.

D. Effect

Applicable (see Section 2.3.13).

E. Amendment

Applicable (see Section 2.3.14).

F. Expiration

Approval of a text amendment shall not expire, but the amended text of this Ordinance is subject to further amendment in accordance with the text amendment procedures set forth in this section.

2.4.3. Zoning Map Amendment**A. Purpose**

The purpose of this section is to provide a uniform means for reviewing and deciding proposed general amendments to the Official Zoning Map whenever the public necessity, general welfare, Land Use Plan, or appropriate land use practices justify or require doing so.

B. Zoning Map Amendment Procedure

- (1) Pre-Application Conference**
Applicable (see Section 2.3.2).
- (2) Community Meeting**
Applicable (see Section 2.3.3).
- (3) Application Submittal and Acceptance**

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.3: Zoning Map Amendment**

Applicable (see Section 2.3.4). Applications may be initiated by the Board of Commissioners, the Planning Board, the Planning Director, or any person who may submit applications in accordance with Section 2.3.4.A, Authority to File Applications.

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.3.C, Map Amendment Review Standards.

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Applicable (see Section 2.3.8).

(7) Advisory Body Review and Recommendation

(a) Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with Section 2.4.3.C, Zoning Map Amendment Review Standards.

(b) The Planning Board shall advise and comment on whether the proposed zoning map amendment is consistent with 2.4.3.B.8(b) and shall make a written recommendation to the Board of Commissioners that addresses plan consistency and other matters deemed appropriate by the Planning Board. The Board of Commissioners is not bound by a Planning Board recommendation.

(8) Decision-Making Body Review and Decision

(a) Applicable (see Section 2.3.10). The Board of Commissioners, following a legislative public hearing (see Section 2.3.8.B), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.3.C, Zoning Map Amendment Review Standards. The decision shall be one of the following:

- (i)** Approval of the map amendment as submitted;
- (ii)** Approval of the map amendment with a reduction in the area proposed to be rezoned;
- (iii)** Approval of a map amendment to a more restricted base zoning district; or
- (iv)** Denial of the map amendment application.

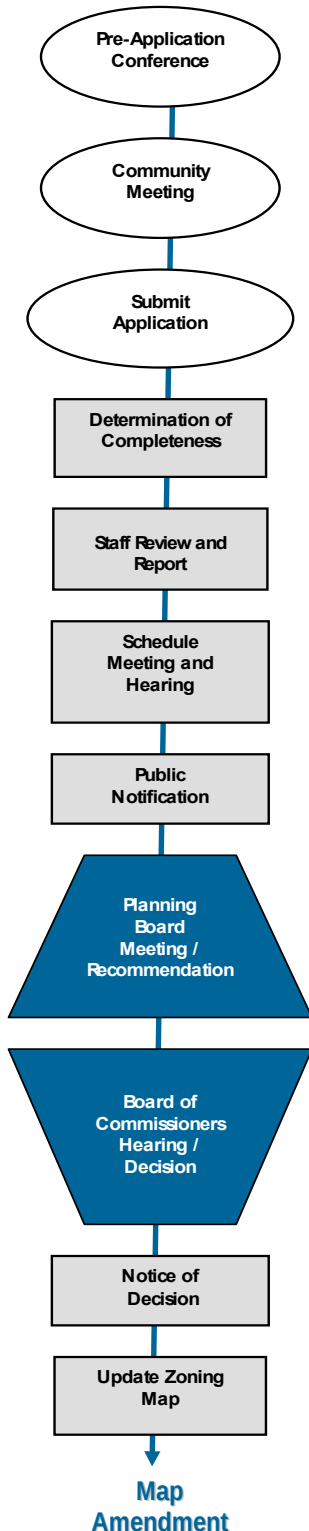
(b) ~~In~~ When making its decision, the Board of Commissioners shall approve ~~adopt~~ a ~~written~~ statement of consistency and reasonableness that:

- (i)** Describes whether the decision is consistent with all county-adopted plans that are applicable; and
- (ii)** Explains why the decision is reasonable and in the public interest. When making a statement of reasonableness, the Board of Commissioners may consider, among other factors:

Chapter 2: Administration

SECTION 2.4: SPECIFIC REVIEW PROCEDURES

Subsection 2.4.3: Zoning Map Amendment



- (A) The size, physical conditions, and other attributes of any area proposed to be rezoned;
- (B) The benefits and detriments to the landowners, the neighbors, and the surrounding community;
- (C) The relationship between the current actual and permissible development and the development permissible under the proposed zoning map amendment;
- (D) Why the action taken is in the public interest; and
- (E) Any changed conditions warranting the amendment.

(iii) The meeting minutes must state that at the time of decision the Board of Commissioners was aware and considered the Planning Board's recommendations and relevant portions of applicable county-adopted plans.

(c) Approval of a zoning map amendment inconsistent with the Future Land Use Map is not effective until review and approval required pursuant to GS 113A-110 is complete.

C. Zoning Map Amendment Review Standards

The advisability of an amendment to the Official Zoning Map 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 a proposed map amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed amendment:

- (1) Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this Ordinance;
- (2) Is 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 compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
- (6) Adversely impacts nearby lands;
- (7) Would result in a logical and orderly development pattern;
- (8) Would result in significant 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;
- (9) Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);
- (10) Would not result in significantly adverse impacts on the land values in the surrounding area; and

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.4: Conditional Rezoning**

- (II)** Would not conflict with the public interest, and is in harmony with the purposes and intent of this Ordinance.

D. Designation on Official Zoning Map

The Planning Director shall enter changes onto the Official Zoning Map promptly after approval of a map amendment application by the Board of Commissioners.

E. Effect

Applicable (see Section 2.3.13).

F. Amendment

Applicable (see Section 2.3.14).

G. Expiration

Approval of an Official Zoning Map amendment shall not expire, but the amended Official Zoning Map is subject to further amendment in accordance with the map amendment procedures set forth in this section.

2.4.4. Conditional Rezoning**A. Purpose**

The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish conditional zoning districts. In cases where the standards of a general use zoning district are inadequate to ensure that development allowed by the district will conform to the county's adopted plans or to appropriately address the impacts expected to be generated by development, a landowner may apply for a conditional rezoning. The conditional rezoning establishes a parallel conditional zoning district that is equivalent to a corresponding general use zoning district, but is subject to additional conditions or restrictions that the applicant and county mutually agree are necessary to ensure conformance to adopted plans and adequately address expected development impacts.

B. Uses Allowed Subject to a Conditional Zoning District Classification

Specific uses may require a conditional zoning district classification to appropriately address the impacts on the community expected to be generated by the development. Uses requiring a conditional zoning district classification are not allowed in the corresponding base zoning district.

C. Applied to Entire Site

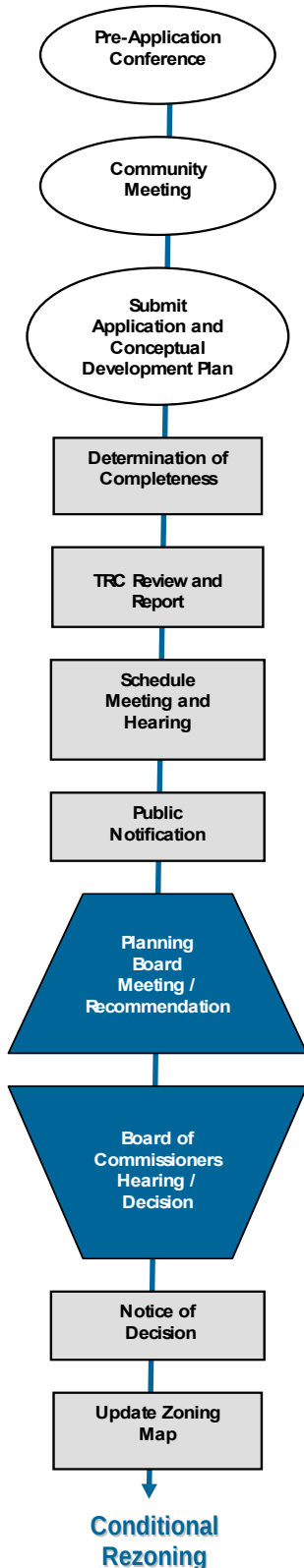
Applications for conditional rezoning submitted after January 1, 2013 shall include all the land area within a recorded lot or site that is the subject of the application. Conditional rezoning applications may not establish bi-furcated zoning classifications where only a portion of a lot or site is subject to a conditional zoning classification.

D. Conditional Rezoning Procedure**(1) Pre-Application Conference**

Applicable (see Section 2.3.2).

(2) Community Meeting

Applicable (see Section 2.3.3).

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.4: Conditional Rezoning****(3) Application Submittal and Acceptance**

Applicable (see Section 2.3.4). Conditional rezoning applications may not be initiated by anyone other than the landowner(s) of the subject land. All conditions of approval proposed by the applicant, including a mandatory conceptual development plan depicting the proposed development configuration, must be included in with the conditional rezoning application (see Section 3.6.5, Conceptual Development Plan).

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.4.D, Conditional Rezoning Review Standards.

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Applicable (see Section 2.3.8).

(7) Advisory Body Review and Recommendation

(a) Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with Section 2.3.9, Advisory Body Review and Recommendation, and Section 2.4.4.D, Conditional Rezoning Review Standards.

(b) During its review of the application, the Planning Board may suggest revisions to the proposed conditions (including the conceptual development plan), consistent with the provisions of Section 2.3.11, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

(c) The Planning Board shall advise on and comment on whether the proposed zoning map amendment is consistent with 2.4.4.B.8(b) and shall make a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board. The Board of Commissioners is not bound by a Planning Board recommendation.

(8) Decision-Making Body Review and Decision

(a) Applicable (see Section 2.3.10). The Board of Commissioners, following a legislative public hearing (Section 2.3.8.B), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.4.D, Conditional Rezoning Review Standards. The decision shall be one of the following:

- (i)** Approval of the conditional rezoning subject to the conditions included in the application;
- (ii)** Approval of the conditional rezoning subject to any revised or additional conditions agreed to by the applicant, in writing;
- (iii)** Denial of the conditional rezoning; or

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.4: Conditional Rezoning**

- (iv) Remand of the conditional rezoning application back to the Planning Board for further consideration.
- (b) ~~As part of the~~ When making a decision, the Board of Commissioners shall approve ~~adopt~~ a ~~written~~ statement of consistency and reasonableness that:
 - (i) Describes whether the decision is consistent with all county-adopted plans that are applicable; and
 - (ii) Explains why the decision is reasonable and in the public interest. When making a statement of reasonableness, the Board of Commissioners may consider, among other factors:
 - (A) The size, physical conditions, and other attributes of any area proposed to be rezoned;
 - (B) The benefits and detriments to the landowners, the neighbors, and the surrounding community;
 - (C) The relationship between the current actual and permissible development and the development permissible under the proposed zoning map amendment;
 - (D) Why the action taken is in the public interest; and
 - (E) Any changed conditions warranting the amendment.
 - (iii) The meeting minutes must state that at the time of decision the Board of Commissioners was aware and considered the Planning Board's recommendations and relevant portions of applicable county-adopted plans.
- (c) A conditional rezoning is not effective until the owner and applicant provide written consent to mutually agreed conditions imposed by the Board of Commissioners as part of a conditional zoning district.
- (d) A conditional rezoning inconsistent with the Future Land Use Map is not effective until review and approval required pursuant to GS 113A-110 is complete.

E. Conditional Rezoning Review Standards

The advisability of a conditional rezoning 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 a conditional rezoning, the Board of Commissioners may consider the standards in Section 2.4.3.C, Zoning Map Amendment Review Standards.

F. Conditions of Approval

- (1) Only conditions mutually agreed to by the owner(s) of the property to be conditionally rezoned and the Board of Commissioners may be approved as part of a conditional zoning district.
- (2) Conditions shall be limited to those that address conformance of development and use of the site with county regulations and adopted plans and that address

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.4: Conditional Rezoning**

the impacts reasonably expected to be generated by the development or use of the site.

- (3)** Conditions may be in the form of text or of plans and maps.
- (4)** No condition shall be less restrictive than the standards of the parallel general use zoning district, any applicable overlay zoning district standard, or other applicable requirements in this Ordinance.

G. Designation on Official Zoning Map

Designation of a conditional zoning district on the Official Zoning Map shall bear the same designation as the parallel general use zoning district but shall also include the prefix "C" along with the ordinance number approving the conditional rezoning.

H. Effect

Lands rezoned to a conditional zoning district shall be subject to the standards applicable to the parallel general use zoning district, as modified by the more restrictive conditions proposed by the applicant and approved by the Board of Commissioners. These standards and modifying conditions are binding on the land as an amendment to this Ordinance and the Official Zoning Map.

I. Minor ~~Deviations~~ Modifications**(1) Minor ~~Deviations~~ Modifications from Approved Conceptual Development Plan**

Subsequent plans and permits for development within a conditional zoning district may include minor ~~deviations~~ modifications from the approved conceptual development plan, provided such ~~deviations~~ modifications are limited to changes addressing technical considerations that could not reasonably be anticipated during the conditional zoning classification process, or any other change that has no material effect on the character of the approved development. Changes in the following shall constitute minor ~~deviations~~ modifications that may be approved by the Planning Director:

- (a)** Driveway locations;
- (b)** Structure floor plan revisions;
- (c)** Minor shifts in building size or location; and
- (d)** Facility design modifications for amenities and the like.

(2) Material Changes are Amendments

Changes that materially affect the basic configuration of the approved conceptual development plan are not considered minor ~~deviations~~ modifications, and shall only be changed as amendments to the conditional rezoning in accordance with Section 2.3.14, Amendment of Development Approval.

J. Amendment

Applicable (see Section 2.3.14).

K. Expiration

Not applicable.

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.5: Planned Development****2.4.5. Planned Development****A. Purpose**

A planned development is a development that is planned and developed under unified control in accordance with more flexible standards and procedures that are conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher quality development than could be achieved through general use (base) zoning district regulations. The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a Planned Development (PD) zoning district.

B. Scope

A planned development district is established by amendment of the Official Zoning Map to rezone land to a PD zoning district classification that is defined by a PD master plan and a PD terms and conditions document.

C. Planned Development Procedure**(1) Pre-Application Conference**

Applicable (see Section 2.3.2).

(2) Community Meeting

Applicable (see Section 2.3.3).

(3) Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4). Planned development applications may not be initiated by anyone other than the landowner(s) of the land subject to the application.

(b) The application shall include a master plan depicting the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing (see Section 3.7.2.A, Planned Development Master Plan).

(c) The application shall also include a terms and conditions document specifying terms and conditions defining development parameters, providing for environmental mitigation, and outlining how public facilities will be provided to serve the planned development.

(d) To ensure unified control, the application shall also include a copy of the title to all land that is part of the proposed PD zoning district classification.

(4) Staff Review and Action

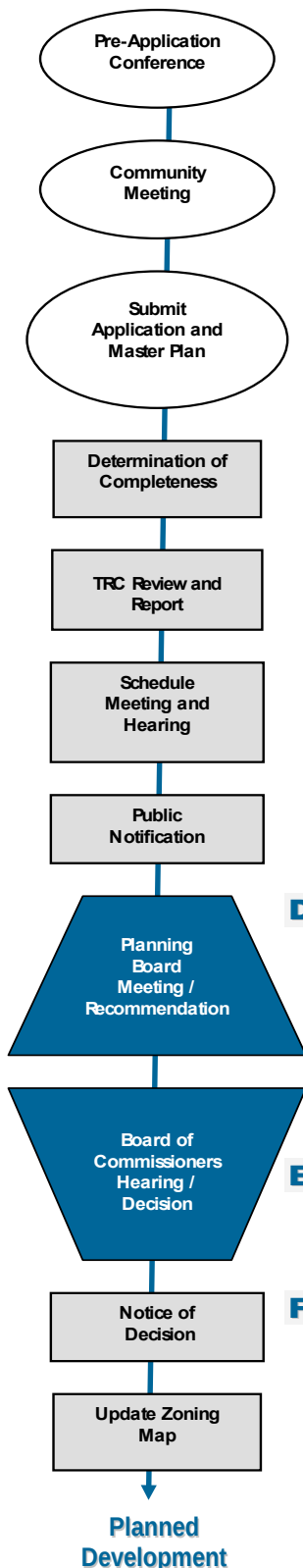
Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.5.D, Planned Development Review Standards.

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Applicable (see Section 2.3.8).

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.5: Planned Development****(7) Advisory Body Review and Recommendation**

Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with Section 2.3.9, Advisory Body Review and Recommendation, and Section 2.4.5.D, Planned Development Review Standards.

(8) Decision-Making Body Review and Decision

(a) Applicable (see Section 2.3.10). The Board of Commissioners, following a legislative public hearing (Section 2.3.8.B), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.5.D, Planned Development Review Standards. The decision shall be one of the following:

- (i)** Approval of the planned development subject to the PD master plan and PD terms and conditions in the application;
- (ii)** Approval of the planned development subject to additional or revised conditions related to the PD master plan or PD terms and conditions;
- (iii)** Denial of the planned development; or
- (iv)** Remand of the planned development application back to the Planning Board for further consideration.

(b) ~~As part of the~~ When making a decision, the Board of Commissioners shall adopt a ~~written~~ statement of consistency and reasonableness that:

- (i)** Describes whether the decision is consistent with all county-adopted plans that are applicable; and
- (ii)** Explains why the decision is reasonable and in the public interest.

D. Planned Development Review Standards

The advisability of establishing a planned development 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 a planned development, the Board of Commissioners shall consider the standards in Section 2.4.3.C, Zoning Map Amendment Standards, and the standards for the proposed type of PD district in Section 3.7, Planned Development Base Zoning Districts.

E. Designation on the Official Zoning Map

Designation of a PD zoning district on the Official Zoning Map shall note the ordinance number approving the PD zoning classification.

F. Effect

Lands rezoned to a PD district shall be subject to the approved PD master plan and the approved PD terms and conditions. The master plan and terms and conditions are binding on the land as an amendment to the Official Zoning Map. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the PD master plan in accordance with the appropriate procedures and standards set forth in this Ordinance. Any permits or approvals shall comply with the PD master plan and the PD terms and conditions.

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.5: Planned Development****G. Expiration**

- (1) If no application for approval of a preliminary plat or site plan for any part of the approved PD master plan is submitted within three years after approval of the planned development, the Planning Director shall initiate a map amendment application to rezone the land back to its prior zoning classification or any other base zoning classification determined to be appropriate. Such time period shall not be extended with transfer of ownership.

H. Minor ~~Deviation~~ Modification**(1) General**

Subsequent plans and permits for development within an approved planned development may include minor ~~deviations~~ modifications from the PD master plan or PD terms and conditions, provided the Planning Director determines such ~~deviations~~ modifications are limited to changes addressing technical considerations that could not reasonably be anticipated during the PD zoning classification process or any other change that has no material effect on the character of the approved planned development or any of its approved terms or conditions. Changes in the following shall constitute minor ~~deviations~~ modifications and may be approved by the Planning Director:

- (a) Driveway locations;
- (b) Structure floor plan revisions;
- (c) Minor shifts in building size or location that do not result in any substantive changes or impacts to the site elements or surrounding lands; and
- (d) Facility design modifications for amenities and the like.

(2) Material Changes are Amendments

Changes that materially affect the basic concept of the PD master plan or basic parameters set by the PD terms and conditions are not considered minor ~~deviations~~ modifications, and shall only be changed as amendments to the PD master plan or PD terms and conditions.

I. Amendments**(1) General**

If an applicant determines it is necessary to alter the concept or intent of the PD master plan or the PD terms and conditions, the PD master plan or PD terms and conditions shall be amended, extended, or modified only in accordance with the procedures and standards for its original approval.

(2) Amendments Defined

The following items are considered an alteration of the concept or intent of the PD master plan or PD terms and conditions and are treated as an amendment:

- (a) Changes in use designations;
- (b) Density/intensity increases;
- (c) Decreases in open space;

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.6: Special Use Permit**

- (d) Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected);
- (e) Change in the location of any public easement; or
- (f) Change in the proportion of housing types by more than 15 percent.

2.4.6. Special Use Permit**A. Purpose**

A use requiring a special use permit in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this section is to establish a mechanism to review these kinds of uses to ensure they are appropriate for a particular zoning district.

B. Applicability

The following forms of development shall obtain special use permit approval in accordance with the standards in this section:

- (1) Uses identified as requiring special use permits in Table 4.1.1.A and Table 4.1.1.B, Summary Use Table, or Table 4.3.2.E, Table of Common Accessory Uses;
- (2) Type II preliminary plats;
- (3) Type I preliminary plats when one or more public facilities are at 85 percent or more of maximum capacity; and
- (4) Commercial structures exceeding 5,000 square feet in area proposed outside a Full Service area.

C. Special Use Permit Procedure**(1) Pre-Application Conference**

Applicable (see Section 2.3.2).

(2) Community Meeting

Applicable (see Section 2.3.3).

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4).

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide comments a ~~recommendation~~ in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.6.D, Use Permit Review Standards.

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Applicable (see Section 2.3.7).

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.6: Special Use Permit****(7) Advisory Body Review and Recommendation**

Not Applicable.

(8) Decision-Making Body Review and Decision

- (a)** Applicable (see Section 2.3.10). ~~The Board of Commissioners, following an quasi-judicial public evidentiary hearing (see Section 2.3.8.C), the Board of Commissioners shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.6.D, Special Use Permit Review Standards. The decision shall be the one of the following:~~

- (i)** Adoption of the special use permit;
- (ii)** Adoption of the special use permit subject to conditions of approval; or
- (iii)** Denial of the special use permit.

- (b)** The Board of Commissioners may attach additional conditions of approval, including timing limits on residential building lots or units available for occupancy, to assure adequate public facilities remain sufficient to serve the development.

- (c)** Any conditions of approval shall meet or exceed the minimum requirements of this Ordinance.

- (d)** The owner and applicant shall provide written consent to conditions imposed by the Board of Commissioners prior to issuance of the special use permit.

D. Special Use Permit Review Standards

A special use permit shall be approved on a finding the applicant demonstrates the proposed use will:

- (1)** Not endanger the public health or safety;
- (2)** Not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located;
- (3)** Be in conformity with the Land Use Plan or other officially adopted plan.
- (4)** Not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

E. Effect of Development Approval

Applicable (see Section 2.3.13).

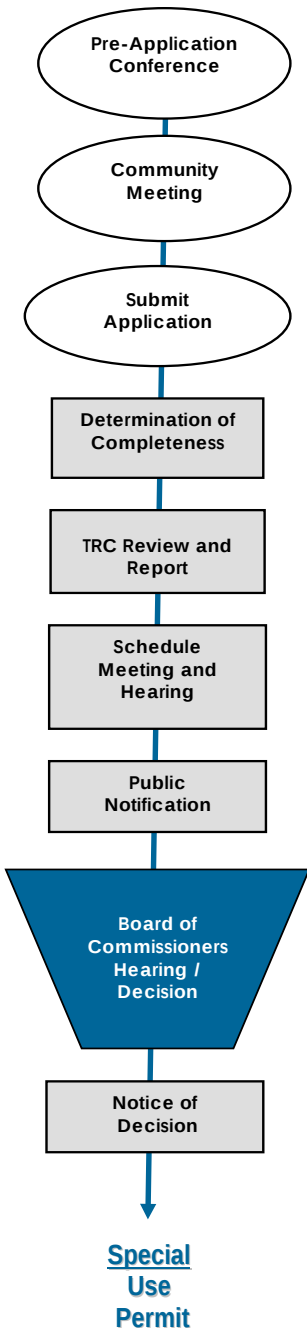
F. Amendment of Development Approval

Applicable (see Section 2.3.14).

G. Expiration of Development Approval

A special use permit shall automatically expire if any of the following is not obtained within two years of the date of special use permit approval:

- (1)** A building permit;
- (2)** If a building permit is not required, establishment of the use; or



SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.8: Subdivision**

- (i) Development of a major subdivision requires approval of a preliminary plat (type I or type II), a special use permit (if applicable), construction drawings, and then a final plat.
- (ii) The Planning Director may allow concurrent submittal of a preliminary and final plat in cases where no public improvements are required, or concurrent submittal of a preliminary plat and construction drawings where public improvements are required.
- (iii) Minor subdivision lots shall be included when calculating the acreage and total number of lots for a major subdivision when:
 - (A) The minor subdivision lots are created from the same parent parcel or parcels of land proposed for a major subdivision; and
 - (B) The preliminary plat is submitted within five years from the date in which the minor subdivision was approved.
- (b) **Preliminary Plat**
 - (i) The preliminary plat is a detailed plan that shows the general organization, layout, and phasing (if appropriate) of the subdivision. It does not have to include all design details. It is expected to be modified as more detailed planning and engineering are completed on the site.
 - (ii) There are two types of preliminary plats, a type I and a type II. A type I preliminary plat is required for a subdivision creating 20 or fewer lots, and is reviewed and decided upon by the TRC. Approval of a type II preliminary plat (see Section 2.4.8.E.3) by the Board of Commissions is required for subdivisions of 21 or more lots.
 - (iii) Type I preliminary plats do not require concurrent approval of a special use permit unless one or more of the applicable public facilities is within 85 percent or more of capacity. Type II preliminary plats require concurrent approval of a special use permit.
 - (iv) If phasing is proposed, it should generally be included in the preliminary plat, even though review may be waived until the final plat stage. Proposed land uses and land use mixes shall be identified in the phasing.
- (c) **Construction Drawings**

Construction drawings are the detailed, engineered drawings showing individual lots and all the information necessary to install required public improvements. The construction drawings are combined with the preliminary plat to prepare the final plat.
- (d) **Final Plat**
 - (i) The final plat shall be in substantial conformance with the preliminary plat and construction drawings, and include only minor ~~deviations~~ modifications created by final engineering,

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.8: Subdivision**

surveying, or other minor design enhancements. Major changes (e.g., increase in the number of lots, reduction in the amount of open space, significant change in the location of streets, etc.) at final plat stage may, at the discretion of the Planning Director, require re-review of the preliminary plat.

- (ii) All construction of on-site improvements on the land subject to the final plat shall be in accordance with the final plat and engineering. Final engineering may be modified in the field, provided as-built drawings are submitted. As-built drawings must be reviewed by the Technical Review Committee. If unacceptable, the work must be corrected at the developer's expense, prior to accepting improvements and return of any surety.
- (iii) Lots not meeting the standards of this Ordinance shall be considered in violation of this Ordinance and all development stopped until revised plats meeting the standards of this Ordinance are submitted and approved in accordance with this section. All final plats must be in accordance with applicable state law.

(2) Type I Preliminary Plat Procedure**(a) Pre-Application Conference**

Applicable (see Section 2.3.2).

(b) Community Meeting

Not applicable.

(c) Application Submittal and Acceptance

- (i) Applicable (see Section 2.3.4). An application for a type I preliminary plat shall also include an application for a special use permit where one or more public facilities are within 85 percent of the maximum capacity (see Section 2.4.6, Special Use Permit).
- (ii) Construction drawings may be submitted, at the applicant's option, concurrently with a type I preliminary plat application.

(d) Staff Review and Action

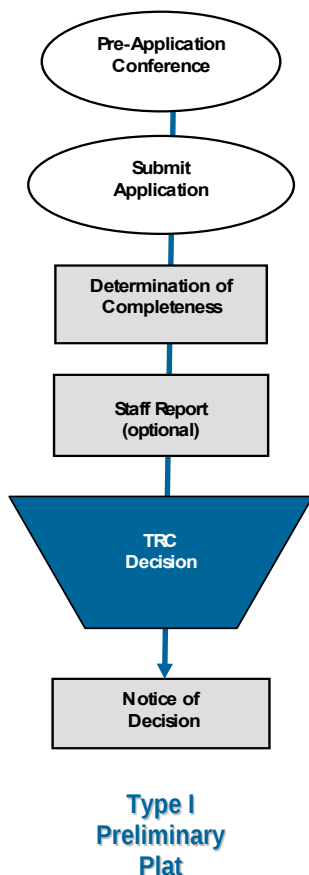
Applicable (see Section 2.3.5). The Technical Review Committee shall decide an application for a type I preliminary plat in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.8.E.4.a, Preliminary Plat Review Standards.

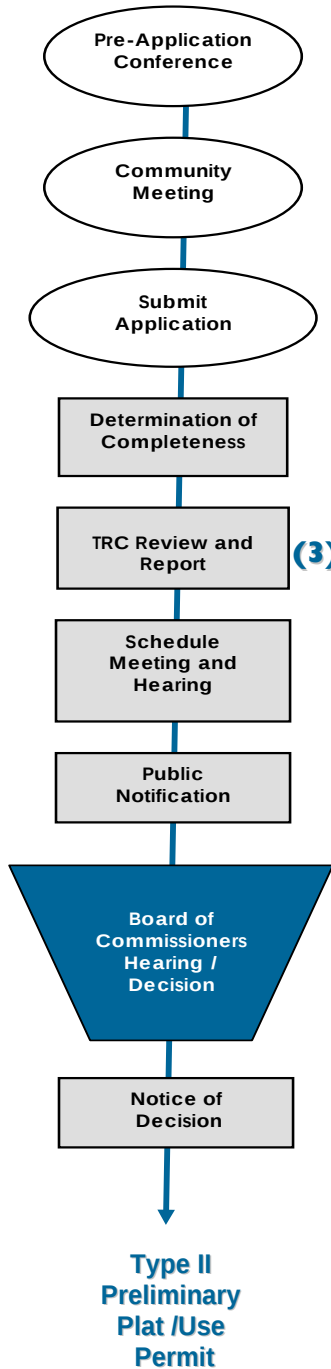
(e) Public Hearing Scheduling and Public Notification

Not applicable (unless a special use permit is required).

(f) Public Hearing Procedures

Not applicable (unless a special use permit is required).

(g) Advisory Body Review and Recommendation



Not applicable.

(h) Decision-Making Body Review and Decision

- (i)** Not applicable unless a special use permit is required.
- (ii)** When a special use permit is required, the Board of Commissioners, following an ~~quasi-judicial public evidentiary~~ hearing (Section 2.3.8.C), shall decide the application in accordance with the standards in Section 2.3.10, Decision-Making Body Review and Decision, Section 2.4.8.E.4.a, Preliminary Plat Review Standards and Section 2.4.6.D, Special Use Permit Review Standards.
- (iii)** The Board of Commissioners may place limitations on the timing and extent of new development in accordance with Section 6.6, Adequate Public Facility Standards.

(3) Type II Preliminary Plat / Special Use Permit Procedure

(a) Pre-Application Conference

Applicable (see Section 2.3.2).

(b) Community Meeting

Applicable for plats of 50 lots or more (see Section 2.3.3).

(c) Application Submittal and Acceptance

- (i)** Applicable (see Section 2.3.4). An application for a type II preliminary plat shall also include an application for a special use permit (see Section 2.4.6, Special Use Permit).
- (ii)** Construction drawings may be submitted concurrently with a type II preliminary plat application, at the applicant's option.

(d) Staff Review and Action

Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide comments a ~~recommendation~~ on the application in accordance with Section 2.4.8.E.4.a, Preliminary Plat Review Standards, and Section 2.4.6.D, Special Use Permit Review Standards.

(e) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(f) Public Hearing Procedures

Applicable (see Section 2.3.8).

(g) Advisory Body Review and Recommendation

Not Applicable.

(h) Decision-Making Body Review and Decision

- (i)** Applicable (see Section 2.3.10). The Board of Commissioners, following an ~~quasi-judicial public evidentiary~~ hearing (Section 2.3.8.C), shall decide the application in accordance with the standards in Section 2.3.10, Decision-Making Body Review and

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.8: Subdivision**

Decision, Section 2.4.8.E.4.a, Preliminary Plat Review Standards and Section 2.4.6.D, Special Use Permit Review Standards.

- (ii) The Board of Commissioners may place limitations on the timing and extent of new development in accordance with Section 6.6, Adequate Public Facility Standards.

(4) Preliminary Plat Standards, Effect, Amendment, and Expiration

(a) Preliminary Plat Review Standards

An application for a type I or type II preliminary plat shall be approved only upon a finding the applicant demonstrates the preliminary plat complies with:

- (i) All applicable standards in Chapter 6: Subdivision and Infrastructure Standards, and other applicable standards in this Ordinance;
- (ii) The standards in 2.4.6.D, Special Use Permit Standards, if applicable;
- (iii) The Currituck County Stormwater Manual;
- (iv) All standards or conditions of any prior applicable development permits and approvals; and
- (v) All other applicable requirements in the County Code of Ordinances.

(b) Effect of Development Approval

Approval of a type I or type II preliminary plat authorizes:

- (i) The submittal of construction drawings for the subdivision or an approved phase of the subdivision, in accordance with this section; or
- (ii) Review and decision on construction drawings by the Technical Review Committee, if submitted concurrently with the preliminary plat application.

(c) Amendment of Development Approval

Applicable (see Section 2.3.14).

(d) Expiration of Development Approval

- (i) Approval of a type I or type II preliminary plat shall automatically expire if a complete application for approval of a final plat is not submitted within three years after the date of approval of the type I or type II preliminary plat.

(5) Construction Drawings Procedure

(a) Pre-Application Conference

Optional (see Section 2.3.2).

(b) Community Meeting

Not applicable.

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.10: Sign Permit**

waste treatment system complying with the requirements of the Albemarle Regional Health Services, where applicable.

(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 2.4.9.D, Zoning Compliance Permit 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.

D. Zoning Compliance Permit Review Standards

A zoning compliance permit shall be approved upon a finding the applicant demonstrates the proposed development complies with all applicable standards in this Ordinance, the County Code of Ordinances, and all conditions of permits or development approvals approved under this Ordinance.

E. Effect of Development Approval

(1) Approval of a zoning compliance permit authorizes an applicant to apply for a building permit, or to commence construction if the proposed development does not require a building permit.

(2) If the zoning compliance permit application is filed concurrently with a building permit application, approval of the zoning compliance permit authorizes the county to complete its review of the building permit application.

F. Amendment of Development Approval

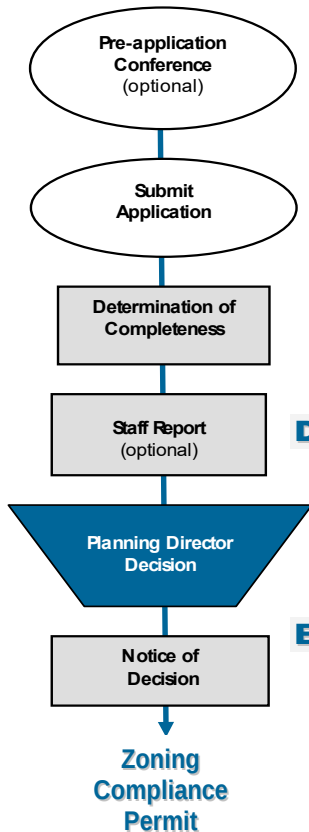
Applicable (see Section 2.3.14).

G. Expiration of Development Approval

Approval of a zoning compliance permit shall automatically expire if the development activity it authorizes is not commenced within ~~six months~~ one year after the date of approval.

2.4.10. Sign Permit**A. Purpose**

The purpose of this section is to provide a uniform mechanism for reviewing applications for sign permits to ensure all signs comply with the standards of Section 5.12, Signage.



SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.II: Temporary Use Permit****F. Amendment of Development Approval**

Applicable (see Section 2.3.14).

G. Expiration of Development Approval

- (1) A sign permit shall expire ~~within six months~~ one year from the date of issuance unless work authorized by the permit has been started.
- (2) Work associated with a sign permit shall be completed within ~~twelve months~~ eighteen months of the date of issuance or the sign permit shall be void.

2.4.II. Temporary Use Permit**A. Purpose**

The purpose of this subsection is to establish a uniform mechanism for reviewing temporary uses and structures, and special events to ensure they comply with the standards in Section 4.4, Temporary Use Standards.

B. Applicability

The provisions of this section shall apply to all proposed temporary uses, temporary structures, and special events set forth in Section 4.4, Temporary Use Standards.

C. Temporary Use Permit Procedure**(1) Pre-Application Conference**

Optional (see Section 2.3.2).

(2) Community Meeting

Not applicable (see Section 2.3.3).

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4).

(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, Section 2.4.II.D, Temporary Use Permit Review Standards, and all other applicable standards in this Ordinance and the County Code of Ordinances.

(5) Public Hearing Scheduling and Public Notification

Not applicable.

(6) Public Hearing Procedures

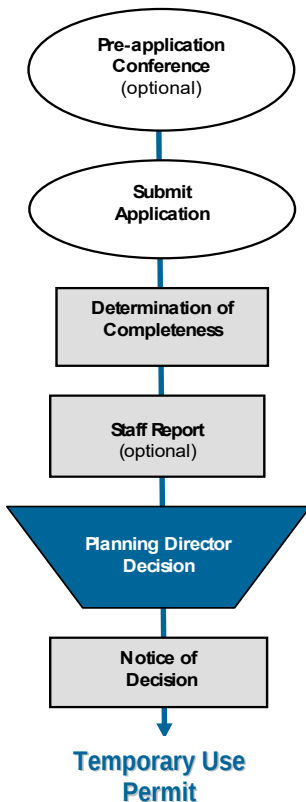
Not applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.



SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.13: Clear-Cutting Permit****G. Expiration of Approval**

Approval of a floodplain development permit shall automatically expire if the development activity it authorizes is not commenced within ~~six months~~ one year after the date of approval.

2.4.13. Clear-Cutting Permit**A. Purpose**

This section is intended to ensure that development and clear-cutting activities comply with the tree protection standards in this Ordinance.

B. Applicability**(1) In General**

Except for development exempted in accordance with sub-section (2) below, a clear-cutting permit is required before any clear-cutting or significant land-disturbing activities. For the purposes of this sub-section, "significant land-disturbing activities" shall include but not be limited to deposition or removal of fill, grading or grubbing of a site, or trenching.

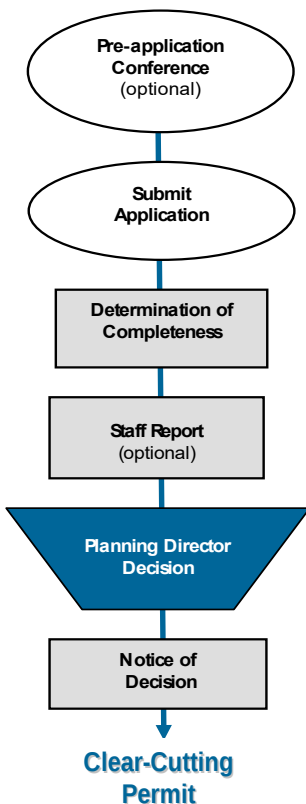
(2) Exemptions

The following activities are exempt from the requirements of this section:

- (a)** The removal of dead or naturally fallen trees;
- (b)** The removal of diseased trees posing a threat to adjacent trees;
- (c)** The selective and limited removal of trees or vegetation necessary to obtain clear visibility within sight distance triangles;
- (d)** Removal of trees on developed single-family residential lots or lots within a single-family residential subdivision platted prior to January 1, 2013;
- (e)** Land-disturbing activities and tree removal in accordance with a site plan, preliminary plat, or building permit approved after January 1, 2013;
- (f)** Removal of trees as necessary to maintain safe operations at the Currituck County Airport;
- (g)** Land-disturbing activities and tree removal on unbuildable lands;
- (h)** The removal of vegetation by public or private agencies within the lines of any right-of-way, easement, or other county-owned lands as may be necessary to ensure public safety; and
- (i)** Land disturbing activities undertaken on land under agricultural, horticultural, or forest production and taxed at present-use value in accordance with Sections 105-277.2 through 277.7 of the North Carolina General Statutes.

C. Clear-Cutting Permit Procedure**(1) Pre-Application Conference**

Optional (see Section 2.3.2).

(2) Community Meeting

SECTION 2.4: SPECIFIC REVIEW PROCEDURES

Subsection 2.4.14: Variance

Not applicable.

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4).

(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 2.4.13.D, Clear-Cutting Permit 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.

D. Clear-Cutting Permit Review Standards

A clear-cutting permit shall be approved only upon a finding that all of the following standards are met:

- (1)** All healthy heritage trees within the site are preserved or maintained during and after any tree removal or other land-disturbing activity, or a plan for mitigation consistent with the requirements in Section 7.2.3.E, Replacement/Mitigation of Heritage Trees, has been approved by the Planning Director.
- (2)** A tree protection zone around all heritage trees to be preserved is established consistent with the requirements in Section 7.2, Tree Protection.
- (3)** In the event a tract or site proposed for tree removal or other land-disturbing activity contains no heritage trees, the clear cutting permit shall indicate that no tree protection zones are required.

E. Effect of Development Approval

Applicable (see Section 2.3.13).

F. Amendment of Development Approval

Applicable (see Section 2.3.14).

G. Expiration of Development Approval

A clear-cutting permit expires ~~six months~~ one year after its approval.

2.4.14. Variance**A. Purpose**

The purpose of a variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numerical standards) when the landowner demonstrates that, owing to special

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.14: Variance**

circumstances or conditions beyond the landowner's control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. This section also includes standards for variance from the county's flood damage prevention standards in Section 7.4.

B. Applicability

The variance procedure may be used to seek hardship relief from the dimensional, numerical, and flood damage prevention standards in this Ordinance. No variance may be sought that increases development density (e.g., units per acre) beyond that allowed in a base zoning district, or increases the number of a particular type of sign beyond that allowed by signage standards. In addition, no variance may be sought that would permit a use not allowed in a zoning district, or would have the effect of allowing a prohibited use or a prohibited sign.

C. Variance Procedure**(1) Pre-Application Conference**

Optional (see Section 2.3.2).

(2) Community Meeting

Not Applicable.

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4). The Planning Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.16.D, Variance Review Standards.

(4) Staff Review and Action

Applicable (see Section 2.3.5).

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Applicable (see Section 2.3.8).

(7) Advisory Body Review and Recommendation

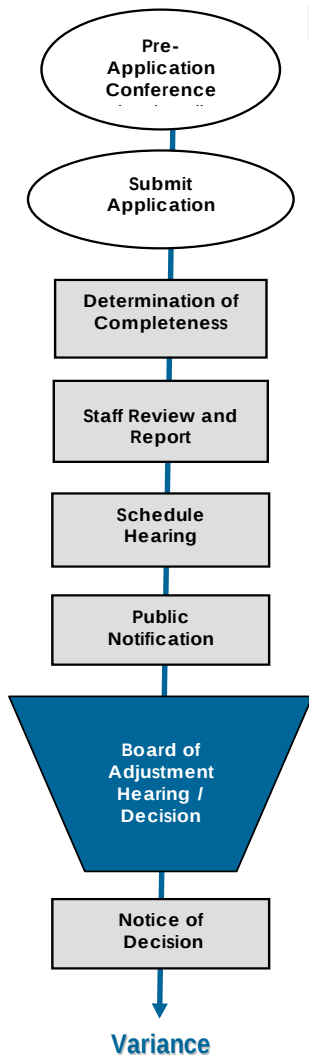
Not applicable.

(8) Decision-Making Body Review and Decision

Applicable (see Section 2.3.10). The Board of Adjustment, following an ~~quasi-judicial~~ public evidentiary hearing (see Section 2.3.8.C), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, Section 2.4.16.D, Variance Review Standards, or Section 2.4.16.2.F, Standards for Flood Damage Prevention Ordinances, as appropriate.

D. Variance Review Standards

A variance shall be approved on a finding the applicant demonstrates all of the following standards are met:



SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.17: Appeal****F. Official Record**

The Planning Director shall maintain a record of written interpretations that shall be available in the Planning and Community Development Department for public inspection, on reasonable request, during normal business hours.

2.4.17. Appeal**A. Purpose**

The purpose of this section is to establish a procedure and standards for an aggrieved party affected by any decision or interpretation by a county official to determine if the decision or interpretation complies with the requirements of this Ordinance.

B. Initiation

An appeal shall be initiated by filing a written Notice of Appeal with the Planning Director within:

- (1)** Thirty days of the date of the interpretation or decision, or notice of violation being appealed.

C. Appeal Procedure**(1) Pre-Application Conference**

Optional (see Section 2.3.2).

(2) Community Meeting

Not applicable.

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4). The written Notice of Appeal shall include a statement of the error or improper decision or interpretation, the date of that decision, the grounds for the appeal, and all related support materials.

(4) Staff Review and Action

Applicable (see Section 2.3.5). On accepting a Notice of Appeal application, the Planning Director shall transmit the appeal and the record of material considered by the decision-maker in making the decision or interpretation (including but not limited to, for example, the application and support materials, staff report, other plans, documents, reports, and studies considered in making the decision, and any minutes, transcripts, or record of the meetings held to consider and make the decision). These materials, plus the Land Use Plan and this Ordinance, shall constitute the record of the appeal.

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6). The Planning Director shall provide notice of the ~~public~~ evidentiary hearing to the applicant for the decision being appealed, if different from the appellant.

(6) Public Hearing Procedures

Applicable (see Section 2.3.8). The ~~public~~ evidentiary hearing shall be on the record of the appeal, with presentations limited to arguments on the record of the appeal as it relates to the grounds for appeal specified in the appeal application.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

- (a)** Applicable (see Section 2.3.10). The Board of Adjustment, following an ~~quasi-judicial public~~ evidentiary hearing (see Section 2.3.8.C) shall decide the application for the appeal. The decision shall be based solely on the record of the appeal, as supplemented by arguments presented at the public hearing, and the standards in Section 2.4.17.D, Appeal Review Standards. The decision shall be one of the following:

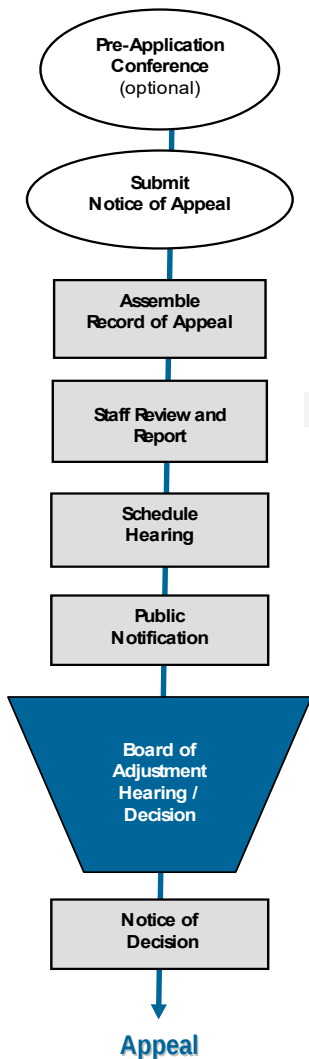
- (i)** Affirmation of the decision or interpretation (in whole or in part);
- (ii)** Modification of the decision or interpretation (in whole or in part); or
- (iii)** Reversal of the decision or interpretation (in whole or in part).

D. Appeal Review Standards

- (1)** The Board of Adjustment is limited to the following determinations in considering the appeal, which shall be based on clear and substantial evidence in the record:
- (a)** The decision-maker did not make an error or correctly applied the standards of this Ordinance in making the decision or interpretation;
 - (b)** The decision-maker made an error in determining whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was or was not met;
 - (c)** The decision-maker made the decision based on a standard not contained in this Ordinance or other appropriate county ordinances, regulations, or state law, or that a standard more strict or broad than the standard established in this Ordinance was applied; or
 - (d)** The decision-maker made an error in applying a standard or measuring a standard.
- (2)** Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications of those making the determination.
- (3)** The Board of Adjustment shall not hear any evidence or make any decision based on hardships or special conditions. (Such matters may only be considered in the context of an application for a variance or special use permit.)

E. Effect of Appeal

An appeal shall stay all administrative proceedings by the county in furtherance of the action appealed, unless the Planning Director certifies that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the Superior Court for Currituck County.



SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.18: Development Agreement****F. Amendment of Appeal**

Not applicable.

G. Expiration of Appeal

Not applicable.

2.4.18. Development Agreement**A. Purpose**

The purpose and intent of this section is to authorize development agreements to be entered into between a developer and the Board of Commissioners in accordance with the terms of this section to:

- (1)** Encourage comprehensive planning and capital facilities planning;
- (2)** Ensure the provision of adequate public facilities for development;
- (3)** Encourage the efficient use of resources, while providing certainty in the process of obtaining development permits and approvals; and
- (4)** Reduce the economic costs of development by providing greater regulatory certainty.

B. Findings

The Board of Commissioners finds and determines that development agreements may be useful to both Currituck County and developers by providing more regulatory certainty, establishing a schedule for development, and assisting both developers and the county coordinate the provision of adequate public facilities to serve development, coordinate the phasing of development, and administer and manage efforts to maintain open space and environmentally sensitive lands.

C. Authority

The county may enter into a development agreement with a developer, subject to the procedures and standards of ~~Part 3A~~ of Article ~~18—10~~ of Chapter ~~453A~~ 160D of the North Carolina General Statutes. In entering into a development agreement, the county may not exercise any authority or make any commitment not authorized by general or local act, and may not impose any tax or fee not authorized by otherwise applicable law.

D. Development Agreement Procedure

- (1) Pre-Application Conference**
Optional (see Section 2.3.2).
- (2) Community Meeting**
Optional (see Section 2.3.3).
- (3) Application Submittal and Acceptance**
Applicable (see Section 2.3.4).
- (4) Staff Review and Action**

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.18: Development Agreement**

The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

(2) Rights and Obligations

Rights and obligations established by a development agreement shall not preclude or supersede rights and obligations established pursuant to other law regarding building permits, site specific development plans, phased development plans, or other provisions of law.

(3) Building and Housing Code

A Development Agreement shall not exempt the property owner or developer from compliance with the State Building Code or the county's Minimum Housing Code.

(4) Identify Subsequently Enacted Laws

Unless the development agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a development agreement are those in force at the time of execution of the agreement.

(5) Application of Subsequently Adopted Laws

Except for grounds specified in Section ~~153A-344.1(e)~~ 160D-1007 of the North Carolina General Statutes, the county may not apply subsequently adopted ordinances or development policies to a development that is subject to a development agreement.

(6) Change in State or Federal Law

If state or federal law is changed after a development agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the development agreement, the county, by ordinance after notice and a hearing, may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the development agreement.

(7) Vested Rights

This Ordinance does not abrogate any rights preserved by Sections ~~153A-344 or 153A-344.1~~ 160D-1007 of the North Carolina General Statutes, or that may vest pursuant to common law or otherwise in the absence of a development agreement.

G. Approval of Debt

If any of the obligations of the county in the development agreement constitute debt, the county shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the county, with any applicable constitutional and statutory procedures for the approval of the debt. The agreement shall be signed by the County Attorney, Finance Director, and County Manager.

H. Periodic Review and Breach of Agreement**(I) Annual Review**

During any period of time in which a permit or development approval subject to a development agreement is active, the county shall review the

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.19: Zoning Compliance Permit – Island Development**

transportation, emergency services, law enforcement, and fire and rescue are not available at this location.”

- (2)** The application provides an appropriate location on the mainland, approved by the Planning Director, for staging of construction for new development on the island. The mainland location must be secured either through ownership or a written agreement provided to the Planning Director and shall be located in an appropriate zoning district.
- (3)** No more than one single-family dwelling shall be constructed on an island. Accessory dwelling units are prohibited.
- (4)** The single-family dwelling shall not exceed 4,000 square feet.
- (5)** The single-family dwelling unit must have an approved NFPA 13D sprinkler system installed for fire protection as an alternate means of construction per Section 105.1 of the 2018 edition of the North Carolina State Administrative Code. Since the dwelling unit will rely on a well for water, a storage tank, pump, and emergency backup power source will be necessary to ensure an adequate means of water will be available to maintain the operation of the system per NFPA guidelines in the event of a fire. In the event that the system is disabled or is not maintained properly, the certificate of occupancy may be revoked until such time the system is placed in normal operation. The owner is to provide a certificate of inspection to the Fire Code Official once a year from a North Carolina licensed contractor certified to perform maintenance and inspection of the system.
- (6)** The applicant shall provide transportation for county staff or other public agency to access the island for official business (i.e. building inspector, zoning official, tax official, CAMA, environmental health, etc.).

E. Effect of Development Approval

- (1)** Approval of a zoning compliance permit for island development authorizes an applicant to apply for a building permit, or to commence construction if the proposed development does not require a building permit.

F. Amendment of Development Approval

Applicable (see Section 2.3.14).

G. Expiration of Development Approval

Approval of a zoning compliance permit shall automatically expire if the development activity it authorizes is not commenced within ~~six months~~ one year after the date of approval.

Item 3: That Chapter 3. Zoning Districts is amended by adding the following underlined language:

Chapter 3: Zoning Districts

SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS

Subsection 3.4.2: Single-Family Residential-Mainland (SFM) District

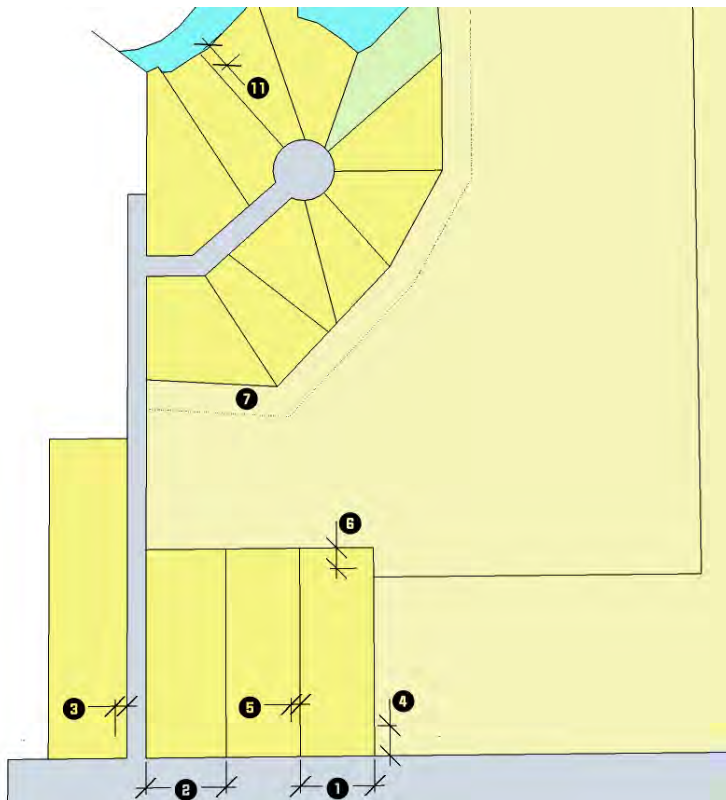
3.4.2. Single-Family Residential-Mainland (SFM) District

SFM

SINGLE-FAMILY RESIDENTIAL MAINLAND

**A. DISTRICT PURPOSE**

The Single-Family Residential-Mainland (SFM) district is established to accommodate low density residential neighborhoods and supporting uses on mainland Currituck County. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from the Caratoke Highway, or place undue stress on the county's educational infrastructure. A variety of residential use types are allowed in the district, including single-family detached homes, manufactured homes on their own lots, detached accessory dwelling units, as well as duplexes. The district accommodates agriculture, equestrian uses, minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, religious institutions, schools, and similar uses. This district also includes the conservation subdivision option with the ability to accommodate up to one unit per acre in Full Service areas designated on the future land use map of the Land Use Plan. Major utilities require approval of a special use permit, while commercial, office, and industrial uses are prohibited.

C. LOT CONFIGURATION**B. LOT PATTERNS**

Development established after January 1, 2013 that fronts or is within 1,000 feet of a major arterial street shall provide streetscape landscaping in accordance with Section 5.2.8.

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

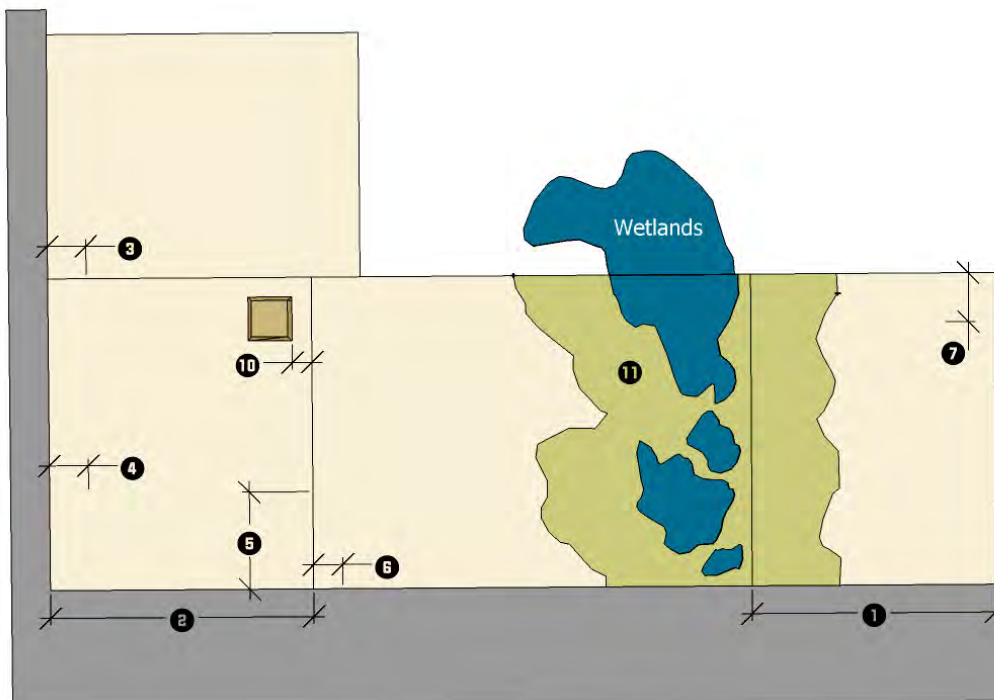
SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS**Subsection 3.4.3: Single-Family Residential-Outer Banks (SFO) District****3.4.3. Single-Family Residential-Outer Banks (SFO) District**

SFO

SINGLE-FAMILY RESIDENTIAL OUTER BANKS

**A. DISTRICT PURPOSE**

The Single-Family Residential-Outer Banks (SFO) district is established to accommodate low- to medium-density residential neighborhoods and supporting uses on the portion of the outer banks south of Currituck Milepost 13. The district is intended to accommodate residential and supporting uses in a manner that preserves sensitive natural resources, protects wildlife habitat, reduces traffic congestion, and seeks to minimize damage from flooding and catastrophic weather events. A variety of residential use types are allowed in the district, including single-family detached homes and detached accessory dwelling units (with a special use permit). The district also accommodates minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, shoreline access, religious institutions, and schools. All development in the district is subject to stormwater management, dune and maritime forest protection, and special exterior lighting limitations. Major utilities and marinas require approval of a special use permit, while commercial, office, and industrial uses are prohibited.

B. LOT PATTERNS**C. LOT CONFIGURATION**

All development in the SFO district is subject to the lighting standards in Chapter 5, and the stormwater and environmental protection standards in Chapter 7 of this Ordinance.

Chapter 3: Zoning Districts

SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS

Subsection 3.4.5: Single-Family Residential-Isolated (SFI) District

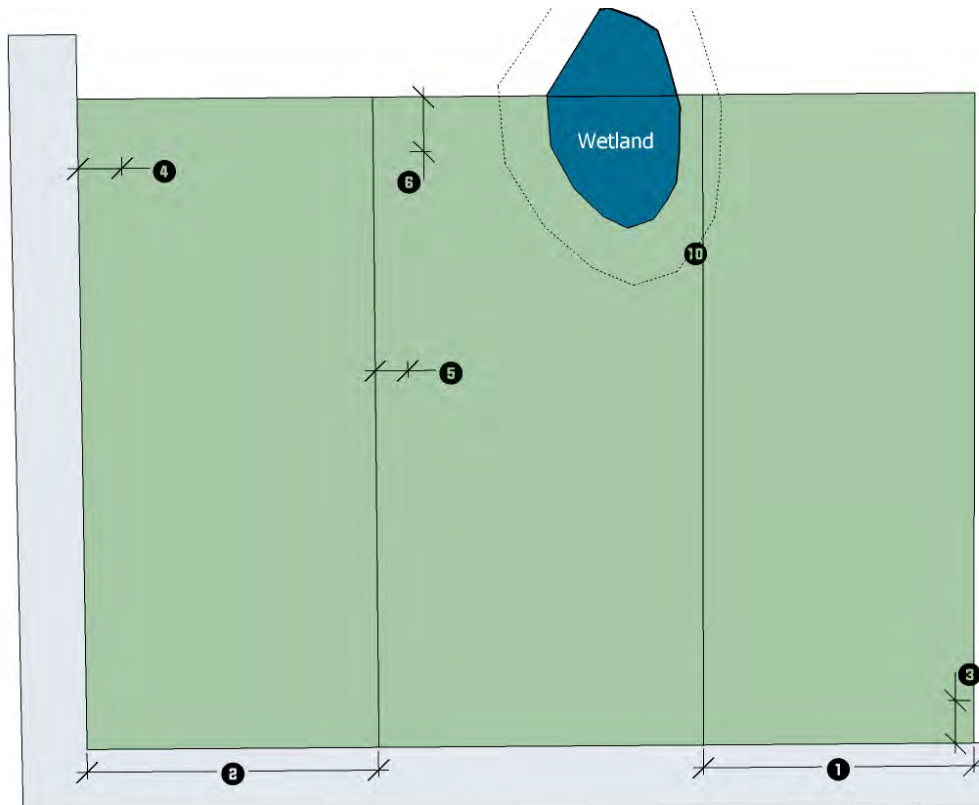
3.4.5. Single-Family Residential-Isolated (SFI) District

SFI

SINGLE-FAMILY RESIDENTIAL ISOLATED

**A. DISTRICT PURPOSE**

The Single-Family Residential-Isolated (SFI) district is established to accommodate low density residential neighborhoods and supporting uses in remote portions of Currituck County that are not directly accessible from roadways on the mainland, such as Knotts Island or Gibbs Woods. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity or wildlife habitat. Residential uses allowed in the district include single-family detached homes and manufactured homes on individual lots. Subdivisions approved after January 1, 2013 shall maintain lots of at least three acres per lot. The district accommodates agriculture, equestrian uses, minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, religious institutions, and schools. Major utilities require approval of a special use permit, while commercial, office, and industrial uses, as well as conservation subdivisions, are prohibited.

B. LOT PATTERNS**C. LOT CONFIGURATION**

Conservation subdivisions are prohibited in the SFI district.

D. TYPICAL BUILDING FORMS

Chapter 3: Zoning Districts

SECTION 3.5: BUSINESS AND MIXED-USE BASE ZONING DISTRICTS

Subsection 3.5.2: General Business (GB) District

3.5.2. General Business (GB) District

GB

GENERAL BUSINESS

**A. DISTRICT PURPOSE**

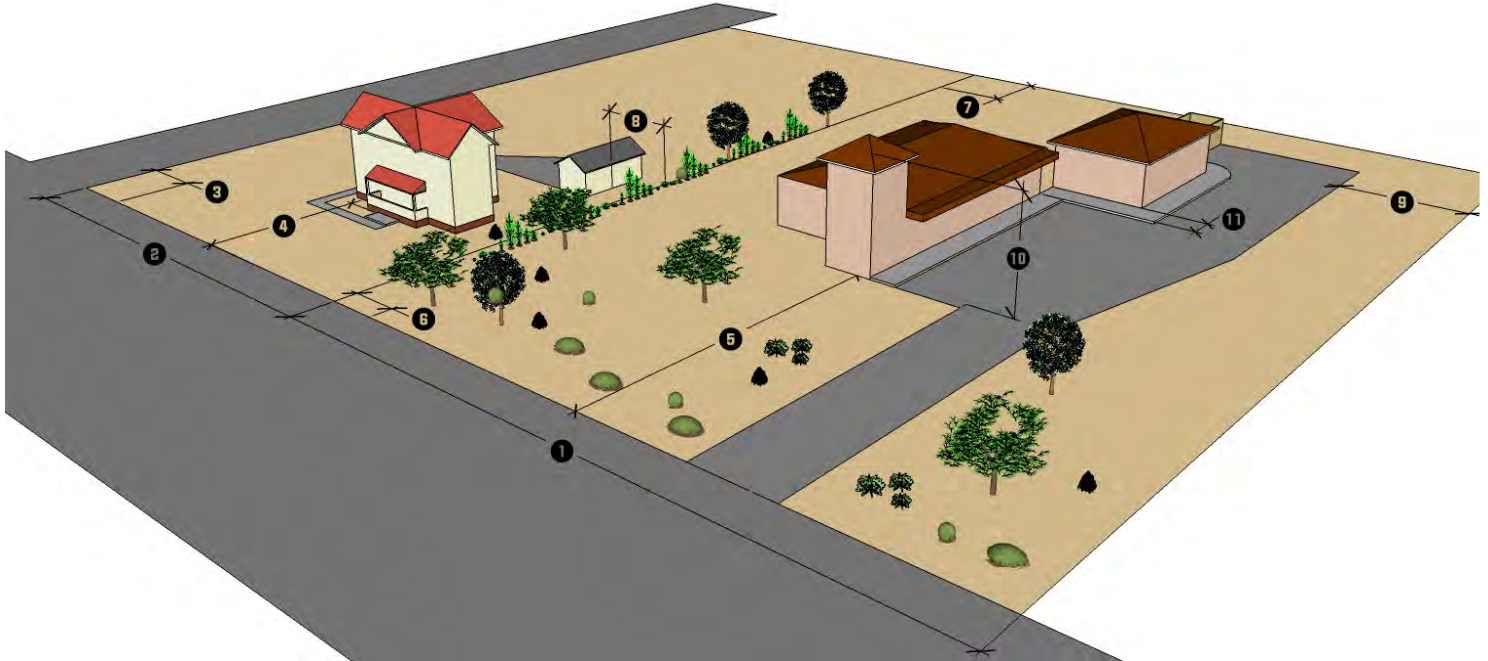
The General Business (GB) district is established to accommodate a wide variety of residential and nonresidential uses on lots bounding major roadways outside of community and village center areas. The district is intended to accommodate small to medium-sized commercial, office, personal service, and 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 special 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**

Chapter 3: Zoning Districts

SECTION 3.5: BUSINESS AND MIXED-USE BASE ZONING DISTRICTS

Subsection 3.5.2: General Business (GB) District

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 special 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

Chapter 3: Zoning Districts

SECTION 3.5: BUSINESS AND MIXED-USE BASE ZONING DISTRICTS

Subsection 3.5.3: Limited Business (LB) District

3.5.3. Limited Business (LB) District**LB
LIMITED
BUSINESS****A. DISTRICT PURPOSE**

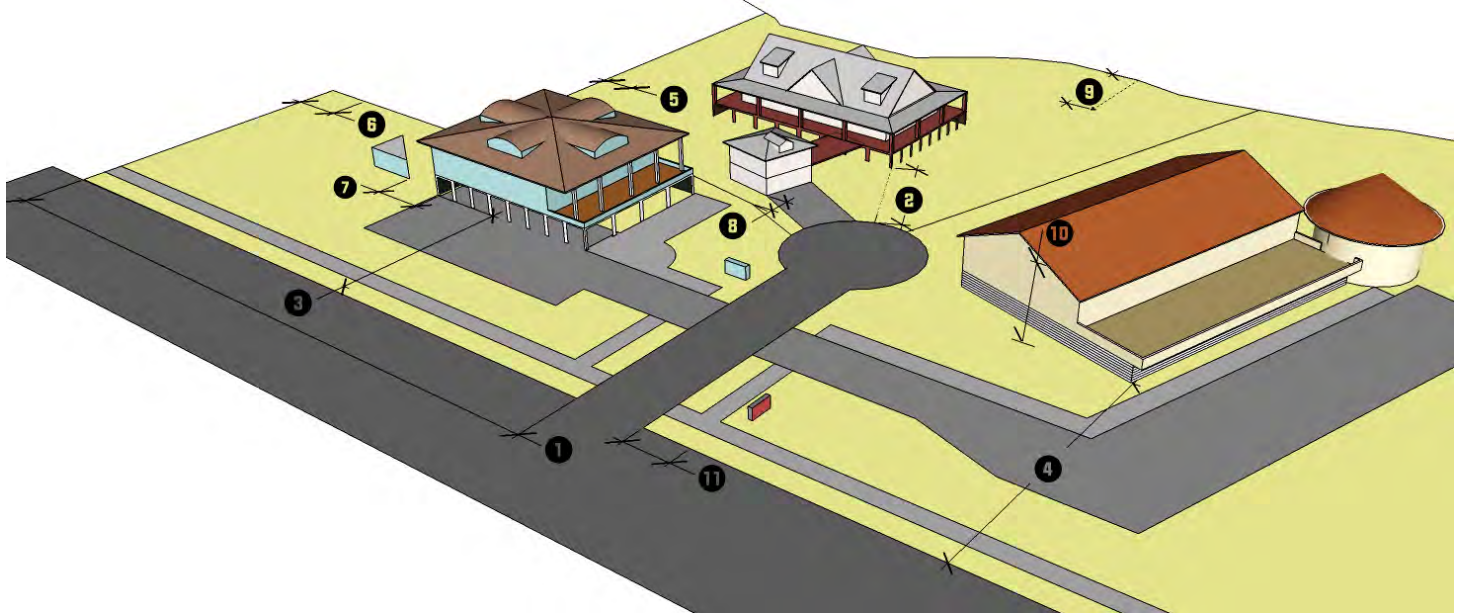
The Limited Business (LB) district is established to accommodate various residential and nonresidential uses on lots bounding major roadways outside of community and village center areas. The district is intended to accommodate low intensity commercial, office, personal service, and institutional uses 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 special 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**

Chapter 3: Zoning Districts

SECTION 3.5: BUSINESS AND MIXED-USE BASE ZONING DISTRICTS

Subsection 3.5.3: Limited Business (LB) District

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 special 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

Item 4: That Chapter 4. Use Standards is amended by adding the following underlined language:

CHAPTER 4. USE STANDARDS

4.1. USE TABLE

4.1.1. Explanation of Use Table Structure

A. General

- (1) Table 4.1.1.A and 4.1.1.B, Summary Use Table, lists use types and indicates whether they are allowed by right, allowed with a special use permit, allowed in a conditional zoning district, allowed in a planned development zoning district, or prohibited in a zoning district. The use table also includes references to any additional requirements or regulations applicable to the specific use type.
- (2) The status of a use in a conditional zoning district shall be the same as in the parallel base zoning district unless such status is modified by conditions imposed as part of the conditional rezoning designating the conditional zoning district.

B. Organization of Uses

The use table organizes allowable uses by use classifications, use categories, and use types. The use table and Section 10.4, Use Classifications, Categories, and Use Types, together provide a systematic basis for identifying and consolidating or distinguishing unidentified land uses to determine whether a particular land use is allowable in a particular zoning district and in addressing future land uses.

(1) Use Classifications

The use classifications identify broad general classifications of uses and include residential uses, institutional uses, agricultural uses, commercial uses, and industrial uses. Use classifications are further broken down into a series of general “use categories” and specific “use types.”

(2) Use Categories

The use categories describe the major sub-groups of the respective use classifications and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Use Classification is divided into the Household Living and Group Living use categories. Use categories are further broken down into a series of individual use types.

(3) Use Types

The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, duplex dwellings, live/work dwellings, manufactured homes, single-family detached dwellings, and townhouse dwellings are use types in the Household Living Use Category.

SECTION 4.1: USE TABLE**Subsection 4.1.1: Explanation of Use Table Structure****C. Uses Requiring a Zoning Compliance Permit**

A “Z” in a cell of the use table indicates that the corresponding use category or use type is permitted in the corresponding base zoning district or parallel conditional zoning district, subject to compliance with the use-specific standards referenced in the final column of the use table (conditions imposed as part of a conditional rezoning, if applicable) and issuance of a zoning compliance permit by the county. Uses requiring a zoning compliance permit are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection.

D. Uses Requiring a Special Use Permit

A “U” in a cell of the use table indicates that the corresponding use category or use type is allowed in the corresponding base zoning district or parallel conditional zoning district, only upon approval of a special use permit in accordance with Section 2.4.6, Use Permit, any use-specific standards referenced in the final column of the use table, and any conditions imposed as part of a conditional rezoning (if applicable). Uses subject to a special use permit are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection.

E. Uses Allowed Subject to a Conditional Zoning District Classification

A “CZ” in a cell of the use table indicates that the corresponding use category or use type is only allowed within a parallel conditional zoning district of the corresponding base zoning district, subject to compliance with use-specific regulations set forth in the final column of the table, and any conditions imposed as part of the conditional rezoning. Uses subject to a conditional zoning district are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 3: Zoning Districts, Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection.

F. Uses Allowed Subject to a Planned Development District Classification

An “MP” in a cell of the use table indicates that the corresponding use category or use type is allowed in the corresponding planned development district, subject to compliance with the use-specific regulations set forth in the final column of the table and provided the use is included in the required list of possible use types in the planned development master plan. An “U” in the cell of the use table indicates that the corresponding use category or use type is allowed in the corresponding planned development district only upon approval of a special use permit in accordance with Section 2.4.6, Special Use Permit, and any conditions imposed as part of the approved master plan and terms and conditions. Allowed uses are subject to other applicable regulations in this Ordinance, including those set forth in Section 3.7, Planned Development Base Zoning Districts.

G. Prohibited Uses

- (1) A blank cell in the use table indicates that the corresponding use category or use type is prohibited in the corresponding zoning district. Use types with a blank cell are not allowable in a corresponding planned development district, and shall not be included in the planned development master plan.
- (2) The following activities or use types are not identified in Table 4.1.1.A and Table 4.1.1.B. but are prohibited in all zoning districts in the county.

Chapter 4: Use Standards

SECTION 4.1: USE TABLE

Subsection 4.1.2: Use Table

4.1.2. Use Table

TABLE 4.1.1.A: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]													ADDITIONAL REQ. (4.2.____)
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	
AGRICULTURAL USE CLASSIFICATION															
Agriculture / Horticulture	All	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Animal Husbandry	All		Z				Z						Z	Z	I.A
Agriculture Support and Services (Directly Related)	Agri-education	Z	Z				Z		Z	Z	Z				I.B.2
	Agri-entertainment	Z	Z				Z		Z	Z	Z				I.B.2
	Agricultural processing		Z					U					Z	Z	I.B
	Agribusiness		Z				Z		Z	Z	Z			Z	I.B
	Equestrian facility		Z	Z			Z		Z		Z	Z	Z		I.B.3
	Farmers market		Z				Z		Z	Z	Z	Z	Z		I.B
	Nursery, production		Z				Z		Z	Z			Z	Z	I.B.4
	Roadside market		Z						Z						I.B.5
Agriculture Support and Services (Not Directly Related)	Agricultural research facility		Z						Z	Z	Z		Z	Z	I.C
	Distribution hub for agricultural and agronomic products		Z						Z	Z			Z	Z	I.C
	Farm machinery sales, rental, and service		Z						Z	Z	Z		Z	Z	I.C
	Agricultural Retail Facility		Z						Z	Z	Z		Z	Z	I.C
	Stockyard / Slaughterhouse		U											U	I.C
Silviculture	All	Z	Z	Z			Z	Z	Z	Z			Z	Z	I.C
RESIDENTIAL USE CLASSIFICATION															
Household Living	Dwelling, duplex			Z/U				Z			Z	Z			2.A.1
	Dwelling, live/work							Z	Z	Z	Z	Z			2.A.2
	Dwelling, mansion apartment							C Z			Z	Z			2.A.3
	Dwelling, manufactured home (class A)		Z	Z			Z	Z	Z						2.A.4
	Dwelling, manufactured home (class B)		Z	Z			Z	Z	Z						2.A.4
	Dwelling, multi-family							C Z			Z	Z			2.A.5
	Dwelling, single-family detached		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			
	Dwelling, townhouse							C Z			Z	Z			2.A.5
	Dwelling, upper story							Z	Z	Z	Z	Z			2.A.6
Group Living	Dormitory							Z	Z	U	Z	Z			2.B.1
	Family care home			Z	Z	Z	Z	Z	Z	Z	Z	Z			2.B.2
	Rooming or boarding house							Z	Z		Z	Z			2.B.3

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

Chapter 4: Use Standards

SECTION 4.1: USE TABLE

Subsection 4.1.2: Use Table

TABLE 4.1.1.A: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
CZ = Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]													ADDITIONAL REQ. (4.2.____)
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	
INSTITUTIONAL USE CLASSIFICATION															
Community Services	Community center			Z	Z	U	Z	Z	Z	Z	Z	Z			
	Cultural facility	U		Z	Z			Z	Z	Z	Z	Z			
	Library			Z	Z		Z	Z	Z	Z	Z	Z			
	Museum			Z				Z	Z	Z	Z	Z			
	Senior center							Z	Z	Z	Z	Z			
	Youth club facility							Z	Z	Z	Z	Z			
Day Care	Adult day care center							Z	Z	Z	Z	Z			
	Child care center			Z	Z		Z	Z	Z	Z	Z	Z			3.A
Educational Facilities	College or university								Z	Z	Z	Z			
	School, elementary		U	Z	Z		U	Z	Z	Z	Z	Z			
	School, middle		U	Z	Z		U	Z	Z	Z	Z	Z			
	School, high							Z	Z	Z	Z	Z			
	Vocational or trade school								Z	Z	Z	Z	Z	Z	3.B
Government Facilities	Government maintenance, storage, or distribution facility								Z	Z	Z	Z	Z	Z	
	Government office		Z	Z	Z		Z	Z	Z	Z	Z	Z	Z		
Health Care Facilities	Blood/tissue collection facility								Z		U	U	Z		
	Drug or alcohol treatment facility								Z	U	U	U	Z		3.C.1
	Hospital								Z	Z	Z	Z	Z		3.C.2
	Medical treatment facility								Z	Z	Z	Z			
Institutions	Assisted living facility							Z	Z	Z	Z	Z			
	Auditorium, conference, and convention center								Z	Z	Z	Z			3.D.1
	Club or lodge			U				U	Z	Z	Z	Z	Z		
	Halfway house							U	U				U		3.D.2
	Nursing home							Z	Z	Z	Z	Z			
	Psychiatric treatment facility							U					U		
	Religious institution		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		3.D.3
Parks and Open Areas	Arboretum or botanical garden	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z			
	Cemetery, columbaria, mausoleum							Z					Z	Z	3.E
	Community garden	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			
	Park, public or private	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		
Public Safety	Correctional facility												U	U	
	Law enforcement-Police, fire, or EMS facility		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

Chapter 4: Use Standards

SECTION 4.1: USE TABLE

Subsection 4.1.2: Use Table

TABLE 4.1.1.A: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												ADDITIONAL REQ. (4.2.____)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI		HI
	Security training facility		U												3.F
Trans- portation	Airport		U						U		U		U	U	
	Helicopter landing facility								U		U		U	U	3.G
	Passenger terminal, surface transportation			U	U				Z		Z	Z			
Utilities	Solar array														
	Solar Energy Facility		U												3.K
	Telecommunications antenna collocation on tower or building		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.H
	Telecommunications tower, freestanding		U			U			U	U			U	U	3.H
	Utility, major	U	U	U	U	U	U	U	U	U	U	U	U	U	3.I
	Utility, minor	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.J
	Wind energy facility, large														
COMMERCIAL USE CLASSIFICATION															
Adult Entertainment	All													U	4.A
Animal Care	Animal grooming								Z	Z	Z	Z	Z		4.B
	Animal shelter								Z					Z	4.B
	Kennel		U						Z	Z		Z	Z	Z	4.B
	Veterinary clinic		U						Z	Z	Z	Z	Z		4.B
Eating Establish- ments	Dinner theater								Z	Z	Z	Z			
	Restaurant, with indoor or outdoor seating							U	Z	Z	Z	Z	Z		4.C
	Specialty eating establishment							Z	Z	Z	Z	Z	Z		
Offices	Business and sales							Z	Z	Z	Z	Z	Z		4.D
	Professional services							Z	Z	Z	Z	Z			4.D
Parking, Commercial	Parking lot								Z	Z	Z	Z	Z	Z	4.E.1
	Parking structure										Z	Z			4.E.2
Recreation/ Entertainment, Indoor	Fitness center							Z	Z	Z	Z	Z	Z		
	Recreation, indoor							Z	Z	Z	Z	Z	Z		
	Theater							Z	Z	Z	Z	Z			
Recreation / Entertainment, Outdoor	Automotive Racing													U	
	Arena, amphitheater, or stadium								U		U	U			4.F.1
	Athletic facility			Z	Z		Z	Z	Z	Z	Z	Z			4.F.2
	Golf course			U	U			U							
	Golf driving range							Z	Z	Z					

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

Chapter 4: Use Standards

SECTION 4.1: USE TABLE

Subsection 4.1.2: Use Table

TABLE 4.1.1.A: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]														ADDITIONAL REQ. (4.2.____)
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI		
	Marinas							U	Z		Z	Z	Z		4.F.3	
	Outdoor shooting range		U											U	4.F.5	
	Outdoor tour operator								U	U	Z	Z			4.F.6	
	Outdoor tour operator, Aviation		U						U	U	Z	Z			4.F.7	
	Recreation, outdoor							U	Z	Z	Z	Z			4.F.4	
Retail Sales & Services	Artisan Food and Beverage Producer								Z				Z			
	Auction House												Z			
	Bar, nightclub, or cocktail lounge								Z		Z	Z			4.G.1	
	Brewery, Large												Z			
	Convenience store							Z	Z	Z	Z	Z	Z			
	Crematory													U		
	Distillery												Z			
	Drug store or pharmacy							Z	Z	Z	Z	Z				
	Entertainment establishment							Z	Z	Z	Z	Z				
	Financial institution							Z	Z	Z	Z	Z				
	Flea market												Z	Z	4.G.2	
	Funeral home								Z	Z	Z	Z				
	Grocery store								Z		Z	Z				
	Laundromat							Z	Z	Z	Z	Z	Z			
	Pawn shop								U				U			
	Personal services establishment							Z	Z	Z	Z	Z	Z			
	Repair establishment								Z	Z	Z	Z	Z	Z	4.G.3	
	Retail sales establishments								Z	Z	Z	Z				
	Shopping center								U		Z	Z			4.G.4	
	Tattoo parlor/body piercing establishment												Z	Z	4.G.5	
	Winery								Z				Z			
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance												Z	Z		
	Automotive wrecker service												Z	Z	4.H.1	
	Boat and marine rental, sales, and service								Z				Z	Z	4.H.2	
Vehicle Sales and Services, Light	Automotive parts and installation								Z		Z	Z	Z		4.I.1	
	Automobile repair and servicing (including painting/bodywork)								Z		Z	Z	Z		4.I.2	
	Automobile sales or rentals								U		Z	Z	Z		4.I.3	
	Car wash or auto detailing								Z		Z	Z	Z		4.I.4	
	Taxicab service								Z	Z	Z	Z			4.I.5	

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

Chapter 4: Use Standards

SECTION 4.1: USE TABLE

Subsection 4.1.2: Use Table

TABLE 4.1.1.A: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]													ADDITIONAL REQ. (4.2.____)
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	
Visitor Accommodations	Bed and breakfast inn			Z	Z		Z	Z	Z	Z	Z	Z			4.J.1
	Hotel or motel								Z		Z	Z			4.J.2
	Hunting lodge		U					Z	Z	Z					
INDUSTRIAL USE CLASSIFICATION															
Extractive Industry	All uses		U										U	U	5.A
Industrial Services	Contractor service								Z		Z	Z	Z	Z	
	Crabshedding		Z					Z	Z				Z	Z	5.B.1
	Fuel oil/bottled gas distributor												Z	Z	
	General industrial service and repair												Z	Z	5.B.2
	Heavy equipment sales, rental, and service												Z	Z	5.B.3
	Laundry, dry cleaning, and carpet cleaning plants												Z	Z	5.B.4
	Manufactured home and prefabricated building sales												Z	Z	5.B.5
	Research and development								Z	Z	Z	Z	Z	Z	
Manufacturing and Production	Manufacturing, heavy													Z	5.C.1
	Manufacturing, light												Z	Z	5.C.2
Warehouse and Freight Movement	Cold storage plant												Z	Z	
	Outdoor storage (as a principal use)												Z	Z	5.D.1
	Self-service storage												Z	Z	5.D.2
	Truck or freight terminal												Z	Z	5.D.3
	Warehouse (distribution)												Z	Z	5.D.3
	Warehouse (storage)												Z	Z	5.D.3
	Warehouse (distribution) Medical Waste													U	5.D.4
Waste-Related Services	Incinerator													U	5.E.1
	Landfill, land clearing and inert debris or construction debris												U	U	5.E.2
	Public convenience center/transfer station		U	U	U	U	U	U	U	U			U	U	5.E.3
	Recycling center, processing													U	5.E.4
	Recycling center, transfer												U	U	5.E.5
	Salvage and junkyard													U	5.E.6
	Waste composting		U										U	U	
Wholesale Sales	All uses												Z	Z	

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

Chapter 4: Use Standards

SECTION 4.1: USE TABLE

Subsection 4.1.2: Use Table

TABLE 4.1.1.B: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	PLANNED DEVELOPMENT ZONING DISTRICT [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												ADDITIONAL REQ. (4.2.____)
		PD-R	PD-M	PD-O	PD-CS ZONING DISTRICT SUB-DISTRICT DESIGNATIONS									
					CENTER STATION	CHARTER	CROSSROADS	CYPRESS	JUNCTION	MOYOCK RUN	NEWTOWN	OAK TRAIL		
AGRICULTURAL USE CLASSIFICATION														
Agriculture / Horticulture	All	MP	MP	MP									MP	
Animal Husbandry	All		MP											I.A
Agriculture Support and Services (Directly Related)	Agri-education		MP											I.B.2
	Agri-entertainment		MP											I.B.2
	Agricultural processing		MP											I.B
	Agribusiness		MP											I.B
	Equestrian facility	MP	MP	MP										I.B.3
	Farmers market	MP	MP	MP	MP	MP							MP	I.B
	Nursery, production	MP	MP										MP	I.B.4
	Roadside market													I.B.5
Agriculture Support and Services (Not Directly Related)	Agricultural research facility		MP											I.C
	Distribution hub for agricultural and agronomic products		MP											I.C
	Farm machinery sales, rental, and service		MP											I.C
	Stockyard / Slaughterhouse													I.C
Silviculture	All	MP	MP											I.C
RESIDENTIAL USE CLASSIFICATION														
Household Living	Dwelling, duplex	MP	MP	MP		MP	MP		MP	MP		MP		2.A.1
	Dwelling, live/work	MP	MP	MP			MP							2.A.2
	Dwelling, mansion apartment	MP	MP	MP		U	U			U		U		2.A.3
	Dwelling, manufactured home (class A)													2.A.4
	Dwelling, manufactured home (class B)													2.A.4
	Dwelling, multi-family	U	U	U		U	U			U		U		2.A.5
	Dwelling, single-family detached	MP	MP	MP			MP		MP	MP		MP	MP	
	Dwelling, townhouse	MP	MP	MP		U	U			U		U		2.A.5
	Dwelling, upper story	MP	MP	MP		U	U							2.A.6
Group Living	Dormitory		MP											2.B.1
	Family care home	MP	MP	MP										2.B.2
	Rooming or boarding house	MP	MP	MP										2.B.3
INSTITUTIONAL USE CLASSIFICATION														
Community	Community center	MP	MP	MP			MP					MP		

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

Chapter 4: Use Standards

SECTION 4.1: USE TABLE

Subsection 4.1.2: Use Table

TABLE 4.1.1.B: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
 CZ = Allowed in a Conditional Zoning District blank cell = Prohibited

Use Category	Use Type	PLANNED DEVELOPMENT ZONING DISTRICT [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												
		PD-R	PD-M	PD-O	PD-CS ZONING DISTRICT SUB-DISTRICT DESIGNATIONS									Additional Req. (4.2. ____)
						Center Station	Charter	Crossroads	Cypress	Junction	Moystick Run	Newtown	Oak Trail	
Services	Cultural facility	MP	MP	MP			MP				MP			
	Library	MP	MP	MP		MP	MP		MP	MP	MP	MP	MP	
	Museum	MP	MP	MP		MP	MP		MP	MP	MP	MP	MP	
	Senior center	MP	MP	MP						MP				
	Youth club facility	MP	MP	MP					MP	MP	MP			
Day Care	Adult day care center	MP	MP	MP								MP		
	Child care center	MP	MP	MP			MP		MP	MP		MP		3.A
Educational Facilities	College or university	MP	MP	MP			U	U			U			
	School, elementary	MP	MP	MP			MP	MP	MP	MP	MP	MP		
	School, middle	MP	MP	MP			MP	MP	MP	MP	MP	MP		
	School, high	MP	MP	MP			MP	MP	MP	MP	MP	MP		
	Vocational or trade school		MP	MP			MP	MP		MP	MP	MP		3.B
Government Facilities	Government maintenance, storage, or distribution facility	MP	MP	MP		MP	MP	MP	MP	MP	MP	MP	MP	
	Government office	MP	MP	MP		MP	MP	MP	MP	MP	MP	MP	MP	
Health Care Facilities	Blood/tissue collection facility					U	MP							
	Drug or alcohol treatment facility													3.C.1
	Hospital		MP	MP		U	U				U			3.C.2
	Medical treatment facility	MP	MP	MP		MP	MP							
Institutions	Assisted living facility	MP	MP	MP		U	U		U	U		U		
	Auditorium, conference, and convention center		MP	MP										3.D.1
	Club or lodge	MP	MP	MP			MP				MP			
	Halfway house													3.D.2
	Nursing home	MP	MP	MP						MP		U		
	Psychiatric treatment facility													
	Religious institution	MP	MP	MP		MP	MP		MP	MP	MP	MP		
Parks and Open Areas	Arboretum or botanical garden	MP	MP	MP										
	Cemetery, columbaria, mausoleum		MP											
	Community garden	MP	MP	MP									MP	
	Park, public or private	MP	MP	MP		MP	MP	MP	MP	MP	MP	MP	MP	
Public Safety	Correctional facility													
	Law enforcement—Police, fire, or EMS facility	MP	MP	MP		MP	MP	MP	MP	MP	MP	MP	MP	
	Security training facility													
Transportation	Airport		MP	MP										

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

Chapter 4: Use Standards

SECTION 4.1: USE TABLE

Subsection 4.1.2: Use Table

TABLE 4.1.1.B: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

Use Category	Use Type	PLANNED DEVELOPMENT ZONING DISTRICT [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												
		PD-R	PD-M	PD-O	PD-CS ZONING DISTRICT SUB-DISTRICT DESIGNATIONS								ADDITIONAL REQ. (4.2.____)	
						CENTER STATION	CHARTER	CROSSROADS	CYPRESS	JUNCTION	MOYOCK RUN	NEWTOWN		OAK TRAIL
Utilities	Helicopter landing facility		MP											
	Passenger terminal, surface transportation	MP	MP	MP										
	Solar array													
	Telecommunications antenna collocation on tower or building	MP	MP	MP								U		
	Telecommunications tower, freestanding											U		
	Utility, major	MP	MP	MP						U				
	Utility, minor	MP	MP	MP						U			3J	
	Wind energy facility, large													
COMMERCIAL USE CLASSIFICATION														
Adult Entertainment	All												4.A	
Animal Care	Animal grooming	MP	MP	MP		MP	MP						4.B	
	Animal shelter		MP										4.B	
	Kennel		MP	MP									4.B	
	Veterinary clinic	MP	MP	MP		MP	MP		MP		MP		4.B INDOOR NO BOARDING	
Eating Establishments	Dinner theater	MP	MP	MP		MP								
	Restaurant, with indoor or outdoor seating	MP	MP	MP		MP	MP	U	MP	MP		MP	4.C	
	Specialty eating establishment	MP	MP	MP		MP	MP	U	MP	MP		MP		
Offices	Business and sales	MP	MP	MP		MP	MP	MP	MP			MP	4.D	
	Professional services	MP	MP	MP		MP	MP	MP	MP			MP	4.D	
Parking, Commercial	Parking lot	MP	MP	MP			U						4.E.1	
	Parking structure	MP	MP	MP		U	U						4.E.2	
Recreation/ Entertainment, Indoor	Fitness center	MP	MP	MP		MP	MP		MP					
	Recreation, indoor	MP	MP	MP		U	U							
	Theater	MP	MP	MP		MP	MP							
Recreation / Entertainment, Outdoor	Automotive Racing													
	Arena, amphitheater, or stadium	MP	MP	MP									4.F.1	
	Athletic facility	MP	MP	MP									4.F.2	
	Golf course	MP	MP	MP										
	Golf driving range	MP	MP											
	Marinas	MP	MP	MP									4.F.3	
	Outdoor shooting range												4.F.5	
	Outdoor tour operator		MP	MP									4.F.6	

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

Chapter 4: Use Standards

SECTION 4.1: USE TABLE

Subsection 4.1.2: Use Table

TABLE 4.1.1.B: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

Use Category	Use Type	PLANNED DEVELOPMENT ZONING DISTRICT [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												
		PD-R	PD-M	PD-O	PD-CS ZONING DISTRICT SUB-DISTRICT DESIGNATIONS								ADDITIONAL REQ. (4.2.____)	
					CENTER STATION	CHARTER	CROSSROADS	CYPRESS	JUNCTION	MOYOCK RUN	NEWTOWN	OAK TRAIL		
	Outdoor tour operator, Aviation		MP	MP									4.F.7	
	Recreation, outdoor	MP	MP	MP									4.F.4	
Retail Sales & Services	Artisan Food and Beverage Producer	MP	MP	MP		MP	MP	MP						
	Auction House		MP											
	Bar, nightclub, or cocktail lounge	MP	MP	MP									4.G.1	
	Brewery, Large	MP	MP	MP		MP	MP	MP						
	Convenience store	MP	MP	MP		U	U	U	U	U		U		
	Crematory													
	Distillery					U	U	MP						
	Drug store or pharmacy	MP	MP	MP		MP	MP							
	Entertainment establishment	MP	MP	MP										
	Financial institution	MP	MP	MP		MP	MP							
	Flea market	MP	MP										4.G.2	
	Funeral home		MP	MP										
	Grocery store	MP	MP	MP		U								
	Laundromat	MP	MP	MP										
	Pawn shop													
	Personal services establishment	MP	MP	MP		MP								
	Repair establishment		MP	MP									4.G.3	
	Retail sales establishments	MP	MP	MP		MP	MP							
	Shopping center		MP	MP		MP	U			U		U	4.G.4	
	Tattoo parlor/body piercing establishment												4.G.5	
	Winery	MP	MP	MP		MP	U							
	Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance												
		Automotive wrecker service			MP									4.H.1
Boat and marine rental, sales, and service			MP	MP									4.H.2	
Vehicle Sales and Services, Light	Automotive parts and installation		MP	MP									4.I.1	
	Automobile repair and servicing (including painting/bodywork)		MP	MP									4.I.2	
	Automobile sales or rentals	MP	MP	MP									4.I.3	
	Car wash or auto detailing	MP	MP	MP									4.I.4	
	Taxicab service	MP	MP	MP					U		U		4.J.5	
Visitor	Bed and breakfast inn	MP	MP	MP		MP	MP					U	4.J.1	

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

Chapter 4: Use Standards

SECTION 4.1: USE TABLE

Subsection 4.1.2: Use Table

TABLE 4.1.1.B: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	PLANNED DEVELOPMENT ZONING DISTRICT [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												
		PD-R	PD-M	PD-O	PD-CS ZONING DISTRICT SUB-DISTRICT DESIGNATIONS								ADDITIONAL REQ. (4.2.____)	
					CENTER STATION	CHARTER	CROSSROADS	CYPRESS	JUNCTION	MOYOCK RUN	NEWTOWN	OAK TRAIL		
Accommodations	Hotel or motel	MP	MP	MP			MP			MP		MP		
	Hunting lodge	MP	MP	MP			MP			MP		MP		
INDUSTRIAL USE CLASSIFICATION														
Extractive Industry	All uses													
Industrial Services	Contractor service		MP	MP										
	Crabshedding	MP	MP											5.B.1
	Fuel oil/bottled gas distributor		MP											
	General industrial service and repair		MP											5.B.2
	Heavy equipment sales, rental, and service		MP											5.B.3
	Laundry, dry cleaning, and carpet cleaning plants		MP											5.B.4
	Manufactured home and prefabricated building sales													5.B.5
	Research and development	MP	MP	MP			MP	MP						
Manufacturing and Production	Manufacturing, heavy							MP						5.C.1
	Manufacturing, light		MP				U	MP						5.C.2
Freight Movement	Cold storage plant													
	Outdoor storage (as a principal use)													
	Self-service storage		MP											5.D.2
	Truck or freight terminal		MP											5.D.3
	Warehouse (distribution)		MP				U	MP						5.D.3
	Warehouse (storage)	MP	MP	MP			U	MP						5.D.3
	Warehouse (distribution) Medical Waste	MP	MP	MP										5.D.4
Waste-Related Services	Incinerator													
	Landfill, land clearing and inert debris or construction debris													
	Public convenience center/transfer station													
	Recycling center, processing													
	Recycling center, transfer													
	Salvage and junkyard													
	Waste composting													
Wholesale Sales	All uses		MP	MP				MP						

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

SECTION 4.2: USE-SPECIFIC STANDARDS**Subsection 4.2.2: Residential Uses**

areas are not to be placed in drive aisles, loading zones, fire lanes or parking lots.

- (ii) Non-building adjacent or detached outdoor display areas shall be screened with a type A buffer yard (option 2 with shrubs) or a type B buffer yard (option 1 or 2).
- (iii) Outdoor display areas associated with agricultural support and services shall not be limited by length and shall be limited in size to 125% of the overall building square footage.
- (iv) Outdoor display areas adjacent to the building (excluding sidewalk display areas) shall be contained by a fence for aesthetics and security reasons. The fence shall be either wrought iron, powder coated aluminum, or similar material, with decorative columns (for example stone or brick) adjacent to any street frontage.

4.2.2. Residential Uses**A. Household Living****(1) Dwellings, Duplex**

Duplex dwellings shall comply with the following standards:

- (a) Duplex dwellings in the SFM district on lots less than 20,000 square feet are subject to an approved special use permit (see Section 2.4.6).
- (b) Except for circular driveways, no duplex dwelling shall be served by more than one driveway on the same block face.
- (c) Duplex dwellings in the SFM and MXR districts shall be served by a single entrance on any individual building façade.
- (d) Ground based, roof-based, and wall-mounted electrical equipment, HVAC equipment, and other utility connection devices shall be ganged and screened, or located outside the view from any adjacent public street.

(2) Dwellings, Live/Work

Live/work dwellings shall comply with the following standards:

- (a) The residential portion of the building shall occupy over 50 percent of the gross floor area.
- (b) The nonresidential portion of the building shall comply with all applicable nonresidential building code requirements.
- (c) Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.
- (d) Drive-through facilities are prohibited.
- (e) Any nonresidential off-street parking shall be located as far as practicable from existing adjacent single-family dwellings.

(3) Dwelling, Mansion Apartment

Mansion apartments shall comply with the following requirements.

- (a) Individual mansion apartment buildings shall not exceed six individual dwelling units.

SECTION 4.2: USE-SPECIFIC STANDARDS**Subsection 4.2.4: Commercial Uses**

waterparks may be increased to a maximum height of 110 feet. Structures that exceed 35 feet in height shall be required to maintain a one foot setback from front, side, and rear property lines for every one foot of structure height. Guy wires, when applicable, shall conform to district setback provisions.

(5) Outdoor Shooting Range

Outdoor shooting ranges shall comply with all applicable standards in the county Code of Ordinances and the following standards:

- (a)** Required mailed notice of any public hearing shall be provided to the owners of land within one-half mile of the property lines of land subject to the special use permit application and shall comply with subsection 2.3.6.B Public Notification.
- (b)** Outdoor shooting ranges shall be located on a site or parcel with an area of at least ten acres.
- (c)** No part of a shooting range shall be located within 200 feet of any property line and less than one-half mile from an existing residential dwelling, school, waterfowl impoundment (flooded area), or Currituck Game Commission sanctioned waterfowl rest area.
- (d)** Shooting range facilities shall be designed, constructed and maintained as specified by the most current edition of the National Rifle Association of America (NRA) Range Source Book, including but not limited to the following protective barriers:
 - (i)** Backstops with a minimum height of 20 feet;
 - (ii)** Side berms or walls with a minimum height of eight feet; and
 - (iii)** Firing line covers or overhead safety baffles.
- (e)** Shooting range facilities shall be designed to contain all bullets, shot, or other debris on the range facility and must implement best management practices for lead management as specified by the Environmental Protection Agency's (EPA's) most current edition of Best Management Practices for Lead at Outdoor Shooting Ranges.
- (f)** Weapon types are restricted to pistol, rifle, or shotgun. The use of explosives or any target that detonates is prohibited.
- (g)** Hours of operation shall be from no earlier than 9:00 a.m. to no later than one-half hour prior to sunset, Monday through Saturday. The discharge of weapons or shooting activities shall not occur on Sunday.
- (h)** The operators of an outdoor shooting range shall provide proof of accident and liability insurance coverage. A minimum coverage of \$500,000 shall be established and maintained.
- (i)** A registered engineer shall certify that the design, specifications, and plans for range construction are in compliance with the standards in this subsection.
- (j)** An approved special use permit for an outdoor shooting range shall be evaluated annually. If the county receives an excessive number of valid complaints in the judgment of the Planning Director, the range shall

SECTION 4.2: USE-SPECIFIC STANDARDS**Subsection 4.2.4: Commercial Uses**

integrate sound abatement strategies or discontinue operation, as determined by the Board of Commissioners.

(6) Outdoor Tour Operators

The base operation and extended business operations of outdoor tour operators shall comply with all applicable standards in the county Code of Ordinances and the following standards:

- (a)** When not in use, tour vehicles shall be parked in a properly marked space toward the rear of the principle structure to improve traffic flow and preserve roadside aesthetics.
- (b)** Tour vehicles shall be labeled with decals or paint markings that clearly display the company name.

(7) Outdoor Tour Operators, Aviation

The base operation and extended business operations shall comply with all applicable standards in the county Code of Ordinances and the following standards:

- (a)** Aviation tour operations shall comply with the standards and regulations of the Federal Aviation Administration (FAA).
- (b)** Flight patterns shall be established to limit flights below 500 feet altitude over single-family residential zoning districts or existing single-family residential uses.
- (c)** As part of the special use permit approval process, the Board of Commissioners may establish hours of operation and permit duration.
- (d)** Aviation outdoor tour operator uses shall provide public restrooms and adequate parking.
- (e)** Aviation tour operations in the AG zoning district shall:
 - (i)** Be located at least 500 feet from any single-family residential zoning district.
 - (ii)** Have direct access onto a major arterial or collector street.
 - (iii)** Be located on a lot at least two acres in area.
 - (iv)** Have minimal physical alteration to the area where the use is performed.

G. Retail Sales and Services**(1) Bars, Nightclubs, and Similar Establishments**

Bars, nightclubs, and similar establishments shall be located at least 500 feet from any child care center, religious institution, or educational facility.

(2) Flea Market

Flea markets shall comply with the following standards:

(a) Hours of Operation

- (i)** Flea markets shall be open at least three days within any 90-day period.
- (ii)** Hours of operation shall be limited to 7:00 AM to 7:00 PM.

SECTION 4.2: USE-SPECIFIC STANDARDS**Subsection 4.2.5: Industrial Uses**

- (c) 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.
 - (d) There shall only be one kitchen and all meals served on the premises shall be for overnight guests.
 - (e) 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.
- (2) Hotels and Motels**
- Hotel and motel uses shall comply with the following standards:
- (a) **Maximum Density**
In no case may the number of lodging units exceed 40 lodging units per acre.
 - (b) **Ownership**
All hotel units associated with a single development shall be under common ownership, and in no instance shall individual units be held under individual ownership.
 - (c) **Area Devoted to Non-living Quarters**
Up to 20 percent of the gross floor area of a hotel or motel may be for non-living-quarter incidental uses (accessory uses), including management/employee offices, conference space, meeting rooms, banquet halls, retail services, such as newsstands and gift shops, and similar uses, provided any incidental business is conducted primarily to service guests.
 - (d) **Eating Establishments**
In addition to the accessory uses allowed in Section 4.3, Accessory Use Standards, up to an additional 20 percent of the gross floor area of a hotel or motel may be devoted to eating establishments as an accessory use. The eating establishments(s) may have an entrance from outside the principal building.

4.2.5. Industrial Uses**A. Extractive Industry**

Extractive industry uses shall receive and maintain a State of North Carolina mining permit and comply with the following standards:

- (1) General**
 - (a) Any mine activity affecting more than one acre (including excavation, area where overburden is placed, area used processing or treatment and settling ponds, access roads, etc.) shall be subject to these regulations and require a special use permit.
 - (b) All State permits and applications for State permits associated with the mining activity, including permit modifications, shall be filed with the Planning and Community Development Department by the applicant.

SECTION 4.2: USE-SPECIFIC STANDARDS**Subsection 4.2.5: Industrial Uses**

No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on site. Notwithstanding the forgoing, warehousing and distribution of medical waste for processing or disposal off-site may be authorized by a Special Use Permit in accordance with Section 4.2.5.D.4 Warehousing and Distribution of Medical Waste.

(9) Mine Discharge Water

- (a)** Discharging of water from the mine site shall be permitted subject to obtaining a state permit. The county may require periodic testing of the mine discharge water for settleable solids, total suspended solids, chlorides, turbidity, and pH at the operators' expense. Such testing shall not exceed six tests per year. Discharging without proper state permits will result in initiating procedures to revoke the special use permit.
- (b)** Mine discharge water, including but not limited to discharge stormwater, mine dewatering, and process wastewater, shall not adversely affect downstream properties. Drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation. The county may require decreased discharge rates until the downstream impacts are resolved.

(10) Signage

'No trespassing' signs indicating that a mining operation is being conducted on the site shall be spaced a minimum of 250 feet apart.

(11) Reclamation

Reclamation shall be conducted simultaneously with mining operations. Annual reclamation reports shall be submitted to the Planning and Community Development Department within ten days of being filed with the State.

(12) Overburden

Overburden to be used for future reclamation shall be placed where it will not be disturbed by normal mining activities and shall be stabilized to reduce wind and water erosion. Use of overburden for earth berms is encouraged to reduce the impact of the mining operation on adjoining properties.

(13) Groundwater Level Impacts

No mining activities shall adversely affect surrounding in use wells, ponds or increase chlorides in downstream water bodies. If a mine that requires off-site dewatering is located within a 1,500 foot radius of an in use well, pond, or a source of salt water intrusion, hydrogeological reports or performance guarantees with monitoring wells shall be required and the Board of Commissioners may consider adjusting setbacks or imposing other conditions on the applicant. Any person owning or operating a mining site in a manner that adversely affects an in use well through contamination or diminution of groundwater shall provide the well owner with a replacement water supply of equal quantity and quality. Any person owning or operating a mining site in a manner which creates lowering of pond levels below moderate drought levels or increases chloride levels downstream of dewatering operations shall decrease pumping rates until normal levels are reached. A rebuttal is permitted that contamination or diminution of water has been caused by the

SECTION 4.2: USE-SPECIFIC STANDARDS**Subsection 4.2.5: Industrial Uses**

- (e) Location and dimension of existing and proposed buffer(s) and berms;
- (f) Location, acreage, and height of stockpile and overburden disposal areas;
- (g) Location of 100-year floodplain and wetland boundaries;
- (h) Phasing of mining operations including reclamation;
- (i) Estimated noise levels at exterior property lines;
- (j) Location of existing and proposed drainage features within a 1,500 foot radius of the excavation area;
- (k) Location of existing in use wells and ponds within a 1,500 foot radius of the excavation area if the mine will use dewatering operations; and
- (l) Hydrogeological report, monitoring well plan, or performance guarantee as determined by the County Engineer addressing potential impacts to in use wells, ponds, or salt water intrusion sources within a 1,500 foot radius of the excavation area.

(15) Expansion

An expansion of an existing mining operation shall comply with the following procedures and additional standards:

(a) Procedure

- (i) With the approval of the Planning Director, additional area within the site can be mined provided previously mined areas are reclaimed with non-contaminated soils to the original ground elevation in accordance with state standards. All reclaimed land shall be identified on a map recorded in the register of deeds.
- (ii) With the approval of the Planning Director, an expansion of an existing mine operation not to exceed 40 percent of the total site area can be mined.
- (iii) In accordance with Section 2.3.14, the Board of Commissioners can approve an expansion of an existing mine operation not to exceed 50 percent of the total site area.

(b) Additional Standards

- (i) The existing mine has an active special use permit and State permit.
- (ii) The existing mine has been in operation for a period of no less than five years.
- (iii) The existing mine has maintained compliance with all applicable state and local permit regulations for the past five years of operation.
- (iv) The cumulative total of the mine's excavation area, including the requested expansion, shall not exceed 50 percent of the total site area. All on-site CAMA and US Army Corps of Engineers designated wetlands and surface waters shall not be included in the total site area calculation.

SECTION 4.2: USE-SPECIFIC STANDARDS**Subsection 4.2.5: Industrial Uses**

- (v) All state mining permit modifications shall be obtained prior to any expansion activities being performed.

(16) Expiration

The special use permit shall be valid for the same permit period as the State of North Carolina mining permit not to exceed ten years from the date of issuance or for a shorter duration as deemed appropriate by the Board of Commissioners. In the event the property owner desires to continue the mining operation thereafter, he shall again petition the Board of Commissioners for a new permit.

(17) Extension of Expiration Time Period

The Planning Director may, upon receiving a written request for extension, grant an extension not to exceed ten years provided the existing mine has maintained compliance with all applicable state and local regulations.

B. Industrial Services**(I) Crabshedding**

Crabshedding uses located within all zoning districts shall comply with the following standards:

(a) General Standards

- (i) No odor, fumes, excessive noise, or traffic shall be allowed;
- (ii) On-premise freezing, packing and preparation for shipping is allowed;
- (iii) Open storage must be fenced with opaque fencing a minimum of six feet in height; and,
- (iv) On-premise sale of soft crabs and peeler crabs is allowed.

(b) Additional Standards in the AG and MXR Districts

- (i) A sign not exceeding six square feet is allowed;
- (ii) All phases of the operation must be conducted not less than 10 feet from the property line and not less than 50 feet from any adjacent dwelling.
- (iii) No more than one truck, van, car or other vehicle, or part of a vehicle associated with the business that is visible from adjacent public streets may be kept on the site; and,
- (iv) No vehicle or trailer which larger than 8 feet by 32 feet shall be maintained on-site.

(c) Additional Standards in the GB District

- (i) All equipment of the operation (i.e. tanks, coolers, freezers) must be within a fully enclosed building.
- (ii) On-premise wholesale of soft crabs and peeler crabs is allowed.

(2) General Industrial Services and Repair

SECTION 4.3: ACCESSORY USE STANDARDS**Subsection 4.3.2: General Standards and Limitations**

- (d) Community agriculture; or,
- (e) Parking or storage of 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.U.
- (2) An accessory use or structure may be approved in conjunction with or subsequent to approval of the principal use or structure.
- (3) Incidental accessory uses, such as mailboxes, newspaper boxes, birdhouses, dog houses, flagpoles less than 35 feet high, pump or well covers, and similar non-habitable structures may be established without a zoning compliance permit.

D. Table of Common Accessory Uses**(1) Table as Guide**

Table 4.3.2.E, Table of Common Accessory Uses, is established as a guide to identify the appropriateness of the more common accessory uses in each zoning district.

(2) Listed Accessory Uses

Table 4.3.2.E, Table of Common Accessory Uses, lists what types of accessory uses, structures, and activities are allowed in each of the zoning districts.

- (a) If a specific accessory use is allowed by-right without a zoning compliance permit, the cell underneath the zoning district is marked with a "P".
- (b) If a specific accessory use is allowed as a permitted use subject to a zoning compliance permit, the cell underneath the zoning district is marked with a "Z".
- (c) If a specific accessory use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "U".
- (d) If the accessory use or structure is not allowed in a zoning district, the cell is blank.
- (e) In the case of planned development districts, if an accessory use is allowable, it is marked with an "MP", and the accessory use must be set out in the approved master plan.

If there is a reference contained in the column entitled "Additional Requirements," refer to the cited section(s) for additional standards that apply to the specific accessory use.

(3) Interpretation of Unidentified Accessory Uses

The Planning Director shall evaluate potential accessory uses that are not identified in Table 4.3.2.E, Table of Common Accessory Uses, on a case-by-case basis, as an Interpretation (Section 2.4.16). In making the interpretation, the Planning Director shall apply the following standards.

- (a) The definition of "accessory use" (see Chapter 10: Definitions.), and the general accessory use standards established in Section 4.3.2, General Standards and Limitations.
- (b) The additional regulations for specific accessory uses established in Section 4.3.3, Specific Standards for Certain Accessory Uses.

Chapter 4: Use Standards

SECTION 4.3: ACCESSORY USE STANDARDS

Subsection 4.3.2: General Standards and Limitations

- (c) The purpose and intent of the zoning district in which the accessory use is located (see Chapter 3: Zoning Districts).
- (d) Any potential adverse impacts the accessory use may have on other lands in the area, compared with other accessory uses permitted in the zoning district.
- (e) The compatibility of the accessory use, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district.

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 = <u>Special</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	
Accessory Dwelling Unit		Z	Z	Z	Z	Z	Z	Z	Z	P	P			3.A
Aggregate Storage and Processing		Z												3.B
Amateur Ham Radio		P	P			P	P			P	P			3.C
Automated Teller Machine							Z	Z	Z	Z	Z	Z		
Campground, Public	U	Z					Z	Z						3.D
Cemetery (family or religious institution)		Z	Z			Z	Z	Z	Z					3.E
Child Care, Incidental		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			3.F
Community Agriculture	P	P	P			P	P							3.G
Dock, Pier, Boat House, or Boatlift	P	P	P	P	P	P	P	P	P	P	P	P	P	
Drive-Through								Z	Z	Z	Z	Z		3.H
Electronic Gaming Operation								Z						3.I
Excavation		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.J
Gasoline Sales								Z		Z	Z	Z		3.K
Home Occupation		P	P	P	P	P	P	P	P	P	P			3.L
Housing for Poultry		P	P			P	P	P						3.M
Ice House								Z	Z	Z	Z	Z		3.N
Inoperable Vehicle		P	P	P	P	P	P	P						3.O
Keeping of Specific Livestock		P	P			P								3.P
Land Application of Biosolids or Septage		P				P							P	3.Q
Outdoor Display/Sales								Z	Z	Z	Z	Z		3.R

Chapter 4: Use Standards

SECTION 4.3: ACCESSORY USE STANDARDS

Subsection 4.3.2: General Standards and Limitations

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES

P = Permitted by-right Z= Zoning Compliance Permit U = Special 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	
Outdoor Storage		Z						Z	Z	Z	Z	Z	Z	3.S
Parking of Boats or Watercraft		P	P	P	P	P	P	P	P					3.T
Parking of Heavy Trucks, or Trailers		P						P				P	P	3.T
Parking of Major Recreational Equipment		P	P	P		P	P	P						3.U
Produce Stand		P						P	P	P	P			3.V
Retail Sales from a Vehicle		P					P	P	P	P	P	P		3.W
Solar Energy Equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	3.X
Stable (horses)		P	P			P		P						3.Y
Underground Storage Tank		P						P	P	P	P	P	P	3.Z
Wind Energy Facility, Small		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.AA

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan; blank cell = Prohibited

ACCESSORY USE TYPE	PLANNED DEVELOPMENT ZONING DISTRICT [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												
	PLANNED DEVELOPMENT			PD-CS ZONING DISTRICT									ADDITIONAL REQ. (4.3.)
	PD-R	PD-M	PD-O		CENTER STATION	CHARTER	CROSSROADS	CYPRESS	JUNCTION	MOYOCK RUN	NEWTOWN	OAK TRAIL	
Accessory Dwelling Unit	MP	MP	MP										3.A
Amateur Ham Radio		MP											
Automated Teller Machine	MP	MP	MP		MP	MP							
Campground, Public	MP												3.D
Cemetery (family or religious institution)	MP	MP											3.E
Child Care, Incidental	MP	MP	MP			MP	MP	MP	MP		MP		3.F
Community Agriculture	MP											MP	3.G
Dock, Pier, Boat House, or	MP	MP	MP										

Chapter 4: Use Standards

SECTION 4.3: ACCESSORY USE STANDARDS

Subsection 4.3.2: General Standards and Limitations

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
blank cell = Prohibited

ACCESSORY USE TYPE	PLANNED DEVELOPMENT ZONING DISTRICT [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												
	PLANNED DEVELOPMENT			PD-CS ZONING DISTRICT									ADDITIONAL REQ. (4.3.____)
	PD-R	PD-M	PD-O		CENTER STATION	CHARTER	CROSSROADS	CYPRESS	JUNCTION	MOYOCK RUN	NEWTOWN	OAK TRAIL	
Boatlift													
Drive-Through	MP	MP	MP		U	MP					U		3.H
Excavation	MP	MP	MP										3.J
Gasoline Sales	MP	MP	MP		U		U	U			U		3.K
Home Occupation	MP	MP	MP			MP		MP	MP		MP	MP	3.L
Housing for Poultry	MP	MP											3.M
Ice House		MP	MP										3.N
Outdoor Display/Sales		MP	MP		MP	MP							3.R
Outdoor Storage		MP	MP				MP						3.S
Parking of Boats or Watercraft	MP	MP	MP										3.T
Parking of Heavy Trucks or Trailers			MP										3.T
Parking of Major Recreational Equipment	MP	MP	MP										3.U
Produce Stand	MP	MP	MP										3.V
Retail Sales from a Vehicle	MP	MP	MP										3.W
Solar Energy Equipment	MP	MP	MP		U			U				U	3.X
Stable (horses)	MP											MP	3.Y
Underground Storage Tank		MP											3.Z
Wind Energy Facility, Small	MP	MP	MP										3.AA

F. Location of Accessory Uses or Structures

- (I) The following accessory uses shall not be located between the principal use and adjacent street rights-of-way:
- (a) Amateur ham radio equipment;
 - (b) Drive-through;
 - (c) Housing for poultry;
 - (d) Outdoor storage;
 - (e) Small wind energy facilities; or
 - (f) Stable.

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

SECTION 5.1: OFF-STREET PARKING AND LOADING**Subsection 5.1.3: Off-Street Parking Standards**

- (1) Re-striping an existing parking lot which does not create a deficient number of parking spaces or nonconforming situation;
- (2) Expansion of a single-family or duplex dwelling that does not increase the number of bedrooms; and
- (3) Rehabilitation or re-use of an historic structure.

5.1.3. Off-Street Parking Standards**A. Parking Plan Required**

The parking plan shall accurately designate the required parking spaces, access aisles, pedestrian connections, materials, dimensions, driveways, loading area and circulation, and the relation of the off-street parking facilities to the development the facilities are designed to serve.

B. Minimum Number of Spaces Required

Unless otherwise expressly stated in this section or approved through an alternative parking plan, the minimum number of off-street parking spaces shall be provided in accordance with Table 5.1.3.C, Minimum Off-Street Parking Standards.

C. Maximum Number of Spaces Permitted

- (1) Commercial and Industrial uses of 5,000 square feet in area or larger listed in Table 5.1.3.C, Minimum Off-Street Parking Standards, shall not exceed 125 percent of the minimum number of parking spaces required in the table.
- (2) Through approval of an alternative parking plan in accordance with Section 5.1.6.A, Provision Over the Maximum Allowed, commercial and industrial uses may provide up to a maximum of 175 percent of the minimum number of parking spaces required in the table.
- (3) Provision of more than 175 percent of the minimum number of parking spaces for uses subject to the standards of this section shall require approval of a special use permit in accordance with Section 2.4.6, Special Use Permit.

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS

USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES
AGRICULTURAL USE CLASSIFICATION		
Agriculture / Horticulture	All	1 per every 1,500 sf
Animal Husbandry	All	
Agriculture Support and Services (Directly Related)	Agri-education	1 per every 1,000 sf
	Agri-entertainment	
	Agricultural processing	1 per every 1,500 sf
	Agribusiness	3
	Equestrian facility	1 per stall + 2
	Farmers market	1 per every 300 sf
	Nursery, production	1 per every 300 sf (excluding greenhouses)

Chapter 5: Development Standards

SECTION 5.1: OFF-STREET PARKING AND LOADING

Subsection 5.1.3: Off-Street Parking Standards

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS

USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES
	Club or lodge	1 per every 300 sf
	Halfway house	1 per bedroom + 2
	Nursing home	1 per every 3 patient beds
	Psychiatric treatment facility	1 per every 3 beds
	Religious institution	1 per every 6 seats in worship area
Parks and Open Areas	Arboretum or botanical garden	See Section 5.1.3.E
	Cemetery, columbaria, mausoleum	See Section 5.1.3.E
	Community garden	See Section 5.1.3.E
	Park, public or private	See Section 5.1.3.E
Public Safety	Correctional facility	See Section 5.1.3.E
	Law enforcement-Police, fire, or EMS facility	See Section 5.1.3.E
	Security training facility	See Section 5.1.3.E
Transportation	Airport	See Section 5.1.3.E
	Helicopter landing facility	See Section 5.1.3.E
	Passenger terminal, surface transportation	See Section 5.1.3.E
Utilities	Solar array	None
	Telecommunications antenna collocation on tower or building	None
	Telecommunications tower, freestanding	None
	Utility, major	1 per every 1,500 sf
	Utility, minor	None
	Wind energy facility, large	1 per every 1,500 sf
COMMERCIAL USE CLASSIFICATION		
Adult Entertainment	All	1 per every 200 sf
Animal Care	Animal grooming	1 per every 300 sf
	Animal shelter	1 per every 300 sf
	Kennel	1 per every 400 sf
	Veterinary clinic	1 per every 300 sf
Eating Establishments	Dinner theater	1 per every 4 seats
	Restaurant, with indoor or outdoor seating	1 per every 150 sf (including outdoor waiting/ seating/ dining areas)
	Specialty eating establishment	1 per every 200 sf
Offices	Business and sales	1 per every 300 sf
	Professional services	1 per every 300 sf
Parking, Commercial	Parking lot	None
	Parking structure	None
Recreation / Entertainment, Indoor	Fitness center	1 per every 300 sf
	Recreation, indoor	1 per every 300 sf
	Theater	1 per every 4 seats
Recreation / Entertainment, Outdoor	Arena, amphitheater, or stadium	1 per every 4 seats
	Athletic facility	See Section 5.1.3.E
	Automotive racing	1 per every 3 seats
	Golf course	4 per hole
	Golf driving range	1 per tee + 1 per every 15 sf of hitting area
	Marinas	1 per slip or mooring
	Outdoor shooting range	1.5 per firing station
	Outdoor tour operator	1 per every 2 employees + 1 per every 5 persons of total tour vehicle capacity

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

Chapter 5: Development Standards

SECTION 5.13: INCENTIVES FOR SUSTAINABLE DEVELOPMENT PRACTICES**Subsection 5.13.6: Menu of Sustainable Development Practices**

- B.** Review for compliance with this section, and granting of requests in accordance with this section shall occur during review of a site plan (Section 2.4.7), planned development master plan (Section 2.4.5), special use permit (Section 2.4.6), or zoning compliance permit (Section 2.4.9), as appropriate. The decision-making body responsible for review of the development application shall also be responsible for the review of sustainable development incentive request.
- C.** The incentive shall be based on the number of sustainable development practices provided, in accordance with Table 5.13.A, Sustainable Development Practice Incentives, and Section 5.13.G, Menu of Sustainable Development Practices. To obtain the right to a particular incentive, development shall provide the minimum number associated of sustainable development practices from both schedule A and schedule B in the table.

TABLE 5.13.A: SUSTAINABLE DEVELOPMENT PRACTICE INCENTIVES		
TYPE OF INCENTIVE	MINIMUM NUMBER OF SUSTAINABLE DEVELOPMENT PRACTICES PROVIDED	
	FROM SCHEDULE A	FROM SCHEDULE B
A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zoning district	2	4
An increase in the maximum allowable height by up to one story or ten feet beyond the maximum allowed in the base zoning district	2	3
A reduction from the minimum parking space requirements by 15 percent, or an increase to the maximum allowable number of parking spaces provided by 15 percent	2	2
An increase in the maximum allowable sign area or maximum height for wall or freestanding signs by 10 percent	1	3
A reduction in the amount of required open space set-aside by 10 percent	1	2

5.13.6. Menu of Sustainable Development Practices

One or more of the sustainable development practices in Table 5.13.B, Sustainable Development Practices, may be offered by an applicant for proposed development in accordance with Table 5.13.A, Sustainable Development Practice Incentives.

TABLE 5.13.B: SUSTAINABLE DEVELOPMENT PRACTICES		
SCHEDULE	TYPE OF PRACTICE	DOCUMENTATION OF COMPLIANCE
ENERGY CONSERVATION		
A	Inclusion of solar photovoltaic panels or small wind energy facilities	Indication on site plan
A	Use of central air conditioners that are Energy Star qualified	Provision of manufacturer's certification statement
A	Use of only solar or tankless water heating systems throughout the structure	Inclusion on construction drawings

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

SECTION 6.1: SUBDIVISION STANDARDS**Subsection 6.1.3: Subdivision Standards****B. Local, State, or Federal Agency Permits Required**

- (1) Except for Non-residential minor subdivisions, applicants proposing a subdivision that will connect to existing public water or sewer systems shall obtain all necessary county, State, and Federal agency permits prior to the approval of the subdivision. Requirements for non-residential minor subdivisions are specified in Section 2.4.8.D.2.c.
- (2) Land-disturbing activities associated with a subdivision shall not take place until all permits required from state agencies are obtained, including but not limited to those required by the Division of Water Quality (sewer and stormwater), Division of Land Resources (soil erosion and sedimentation control), Division of Environmental Health (potable water), NCDOT (encroachment agreement), U.S. Army Corps of Engineers (wetlands), and Division of Coastal Management (CAMA).

C. School Site Reservation

- (1) If a proposed subdivision includes a school site that is designated in the Land Use Plan (in accordance with Section ~~153A-331~~ 160D-804 of the North Carolina General Statutes) or some other long range document adopted by the Board of Commissioners, the county shall immediately notify the Currituck County Board of Education.
- (2) If the Board of Education determines the school site does not need to be reserved, it shall not be required as part of the subdivision.
- (3) If the Board of Education determines the school site needs to be reserved to accommodate a new school, the subdivision shall not be approved without reservation of the school site. If the school site is reserved, the Board of Education must acquire the site within 18 months after the date the site is reserved, or the subdivider may treat the reservation as null and void as authorized by Section ~~153A-331~~ 160D-804 of the North Carolina General Statutes.

D. Water Access

- (1) A subdivider shall not usurp, abolish, or restrict public access to the waters of the Currituck Sound or other local bays, sounds, creeks, rivers, or canals which public access has been historically provided.
- (2) Subdivisions of 20 or more lots or dwelling units abutting public trust or estuarine waters shall provide an area at least 20,000 square feet in area and at least 100 feet in width that provides visual and physical access to the water for landowners in the subdivision. If required water access area occupies more than 50 percent of the subdivision's linear water frontage length, then it may be reduced to at least 10,000 square feet in area and at least 50 feet in width.

E. Recreational Equipment Storage

- (1) Subdivisions of 20 or more lots with an average lot size less than 20,000 square feet shall provide a central location for the shared outdoor storage or temporary parking of boats, boat trailers, or similar recreational equipment (see Figure 6.1.3.E, Recreational Equipment Storage). Such locations shall be large enough to accommodate two 20-foot by 40-foot spaces for every 20 lots or dwelling units.

SECTION 6.3: PERFORMANCE GUARANTEES**Subsection 6.3.1: Performance Guarantees**

- (3)** To ensure completion of private site improvements that are required as part of a site plan (e.g., landscaping, tree protection measures, parking, screening, etc.), but are not installed before occupancy (see Section 2.4.7), provided the Planning Director determines that the property may be safely occupied and used in spite of the delayed installation of the improvements.

B. Term of Performance Guarantees

The term of a performance guarantee shall reflect any time limit for completing installation of required improvements that is included in approval of the final plat, building permit, or zoning compliance permit, as appropriate, but in any case, the term shall not exceed two years. The Planning Director may, for good cause shown and with approval of the provider of the guarantee, grant up to one extension of the term, for a time period not exceeding one year.

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)** Cashier's check from a North Carolina lender 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.
 - (d)** Surety bond issued by any company authorized to do business in North Carolina in a form acceptable to the County Attorney.

The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the performance guarantee. Performance guarantees shall provide that in case of the owner's or developer's failure to complete the guaranteed improvements, the county shall be able to immediately obtain the funds necessary to complete installation of the improvements.

D. Amount of Performance Guarantee

- (1)** Performance guarantees for required improvements shall be in an amount equal to 115 percent of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.
- (2)** Estimated costs for completing installation of required public infrastructure improvements shall be itemized by improvement type and certified by the owner's or developer's registered engineer, and are subject to approval by the Planning Director. Estimated costs for completing installation of required landscaping or other private site improvements shall be itemized and certified by the owner's or developer's contractor, and are subject to approval by the Planning Director.
- (3)** If the guarantee is renewed, the Planning Director may require the amount of the performance guarantee be updated to reflect cost increases over time.

6.5.4. Payments-In-Lieu of Dedication

A. General

If any of the following conditions apply to the proposed subdivision, a payment-in-lieu shall be provided instead of land dedication, in accordance with the provisions of this section:

- (1) The topography or other natural conditions of the site do not provide adequate opportunities for on-site recreation and park areas;
- (2) The amount of recreation and park area to be dedicated is too small to provide adequate recreation and park opportunities or to be efficiently maintained;
- (3) The intended location of the recreation and park area is too far from existing recreation and park areas to be efficiently maintained;
- (4) Adequate access is not available to the proposed land to be dedicated; or
- (5) The recreation and park needs of the subdivision can be better met by acquisition or development of recreation and park sites outside the subdivision but within the immediate area of the subdivision.

B. Amount of Payment

The payment-in-lieu shall be calculated based upon the acreage of land required for dedication, consistent with the requirements of Table 6.5.I, Recreation and Park Area Dedication Requirements. The land's assessed value (as determined by the Currituck County Property Appraiser) shall be used to arrive at the required payment-in-lieu amount.

C. Use of Funds

Payments-in-lieu received in accordance with this subsection shall be used only for the acquisition or development of recreation and park areas, and open space sites that serve residents living in the immediate area of the development making the payment-in-lieu, consistent with the requirements of North Carolina General Statutes Section ~~153A-331~~ 160D-804.

6.6. ADEQUATE PUBLIC FACILITIES STANDARDS

No development authorized by a special use permit (see Section 2.4.6) shall exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. All required public facilities shall be in place or programmed to be in place within two years after the initial approval of the special use permit.

Item 7: That Chapter 9. Enforcement is amended by adding the following underlined language and deleting the struck-through language:

SECTION 9.5: ENFORCEMENT GENERALLY**Subsection 9.5.4: Enforcement Procedure****9.5.4. Enforcement Procedure****A. Investigation of Complaint**

On receiving a written complaint, the Planning Director shall investigate the complaint and determine whether a violation of this Ordinance exists.

B. Notice of Violations

(1) On finding that a violation of this Ordinance exists, whether from an investigation of a written complaint or otherwise, the Planning Director shall provide written notification of the violation, by personal service, electronic delivery, or first class mail, to the owner of the property on which the violation exists, the permittee (if different than owner), and may notify the person causing or maintaining the violation. Such notification shall:

- (a) Describe the location and nature of the violation;
- (b) State the actions necessary to abate the violation; and
- (c) Order that the violation be corrected within a specified reasonable time period stated in the notice of violation.
- (d) For purposes of floodplain management, order that the violation be corrected within a specified reasonable time period stated in the notice of violation but in no case shall that exceed 180 days.

(2) The notice of violation shall state what course of action is intended if the violation is not corrected with the specified time limit. The notice of violation shall also advise the violators of their rights to appeal the notice of violation to the Board of Adjustment in accordance with Section 2.4.17, Appeal.

(3) The Planning Director shall prepare an affidavit affirming that notice meeting these standards was provided. The affidavit shall be conclusive that notice has been given in compliance with the terms of this section.

(4) On receiving a written request for extension of the time limit for correction specified in the notice of violation, the Planning Director may, for good cause shown, grant a single extension of the time limit.

(5) If the owner of the property cannot be located or determined, the Planning Director shall post a copy of the notice on the building, structure, sign, or site that is the subject of the violation. In such a case, the time limit for correction of the violation shall be deemed to begin five days after the notice is posted.

C. Application of Remedies and Penalties

On determining that the violator has failed to correct the violation by the time limit set forth in the notice of violation, or any granted extension thereof, or has failed to timely appeal the notice of violation in accordance with Section 2.4.17, Appeal, the Planning Director shall take appropriate action, as provided in Section 9.6, Remedies and Penalties, to correct and abate the violation and to ensure compliance with this Ordinance.

D. Emergency Enforcement without Notice

On determining that delay in abating the violation would pose a danger to the public health, safety, or welfare, the Planning Director may seek immediate enforcement

SECTION 9.6: REMEDIES AND PENALTIES**Subsection 9.6.1: Remedies**

without prior written notice by invoking any of the remedies authorized in Section 9.6, Remedies and Penalties.

E. Notice of Appeal

Filing of a notice of appeal regarding an alleged ~~violation~~ violation of this Ordinance shall stay further action by the county until the appeal has been reviewed and decided by the Board of Adjustment (see Section 2.4.17, Appeal).

F. Repeat Violations

In addressing repeat violations by the same offender over any two-year period, the county may commence the application of remedies or penalties at the stage in the process where the previous violation was resolved.

9.6. REMEDIES AND PENALTIES

The county may use any combination of the following remedies and enforcement powers to administer and enforce this Ordinance.

9.6.1. Remedies**A. Stop Work Order Issuance**

- (1)** Whenever a building or structure is being constructed, demolished, renovated, altered, or repaired in violation of any applicable provision of this Ordinance, the Planning Director may issue a Stop Work Order. The Stop Work Order shall be in writing, directed to the person doing the work or activity to be stopped, the owner and the permittee. The Stop Work Order and shall state the specific work or activity to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work. The Stop Work Order may be delivered by personal service, electronic delivery or first class mail.
- (2)** The Planning Director shall prepare an affidavit affirming that the Stop Work Order was provided. The affidavit shall be conclusive that notice has been given in compliance with the terms of this section.

B. Injunction

When a violation occurs, the Planning Director may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

C. Order of Abatement

In addition to an injunction, the county may apply for and the court may enter into Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

- (1)** That buildings or other structures on the property be closed, demolished, or removed;
- (2)** That fixtures, furniture, or other moveable property be moved or removed entirely;
- (3)** That improvements, alterations, modifications, or repairs be made; or

SECTION 9.6: REMEDIES AND PENALTIES**Subsection 9.6.1: Remedies**

- (4) That any other action be taken as necessary to bring the property into compliance with this Ordinance.

D. Equitable Remedy

The county may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the county's application for equitable relief.

E. Execution of Court Decisions

The Planning Director may execute the Order of Abatement and will have a lien on the property in the nature of a mechanic's and materialman's lien for the cost of executing the order.

F. Revocation of Permit or Approval

No person may continue to make use of land or buildings in the manner authorized by a zoning permit, special use permit, ~~conditional use permit~~, floodplain development permit, or sign permit approved prior to January 1, 2013, after such permit has been revoked in accordance with this section, or a special use permit, zoning compliance permit, floodplain development permit, or sign permit approved after January 1, 2013. The Planning Director may revoke any such permit or approval in accordance with the development review and approval process required for issuance of the approval, including any required notice or hearing, and the following.

(1) ~~Use Permit, Conditional Use Permit, and Special Use Permit~~

- (a) Notice must be provided by the Planning Director to a permit recipient prior to revocation of a ~~use permit, conditional use permit, or special use permit~~.
- (b) The notice shall inform the permit recipient of the alleged grounds for the revocation.
- (c) The burden of presenting evidence sufficient to authorize the permit-issuing authority to revoke the permit shall be upon the party advocating that position.
- (d) A motion to revoke a permit by the decision-making body shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion.

(2) Zoning Compliance Permit and Zoning Permit

- (a) Notice of the intent to revoke a zoning compliance permit or zoning permit shall be provided by the Planning Director ten days prior to the revocation.
- (b) The notice shall inform the recipient of the alleged reasons for the revocation and of the right to obtain an informal hearing on the allegations.
- (c) If the permit is revoked, the Planning Director shall provide a written statement of the reasons for revocation.

(3) Sign Permit or Zoning Permit for Signage

- (a) The Planning Director may revoke a sign permit or zoning permit issued for signage for any of the following reasons:

Item 8: That Chapter 10. Definitions and Measurement is amended by adding the following underlined language and deleting the struck-through language:

SECTION 10.4: USE CLASSIFICATIONS, USE CATEGORIES, AND USE TYPES**Subsection 10.4.4: Institutional Use Classification**

include offices, dormitories, food service, laboratories, health and sports facilities, theaters, meeting areas, athletic fields, parking, maintenance facilities, and supporting commercial.

(2) Examples

Example use types include public and private kindergarten schools, elementary schools, middle or junior high schools, and senior high schools that provide state-mandated basic education, as well as colleges or universities, and vocational or trade schools.

D. Government Facilities**(1) Characteristics**

The Government Facilities Use Category includes use types that provide for the general operations and functions of local, state, or federal governments. Accessory uses include maintenance, storage (indoor and outdoor), fueling facilities, satellite offices, and parking areas.

(2) Examples

Example use types include post offices, government offices, and government maintenance, storage, and distribution facilities.

(3) Exceptions

- (a)** Law enforcement, Fire, police, and EMS facilities are classified as Public Safety.
- (b)** Passenger terminals for airports and surface transportation are classified as Transportation.
- (c)** City, County, and State parks are classified as Parks and Open Space.
- (d)** Water, wastewater, gas, electric, and other infrastructure services, whether public or private, are classified as Utilities.

E. Health Care Facilities**(1) Characteristics**

The Health Care Facilities Use Category includes use types that provide medical or surgical care and treatment to patients as well as laboratory services. Hospitals and medical treatment facilities offer overnight care, as well as outpatient care. Accessory uses include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.

(2) Examples

Example use types include hospitals, medical treatment facilities, drug and alcohol treatment facilities, and blood/tissue collection facilities.

(3) Exceptions

- (a)** Uses that involve provision of residential care for the elderly or disabled are classified as Institutions.
- (b)** Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents and participants in a program, are considered Institutions.

Chapter 10: Definitions and Measurement

SECTION 10.5: DEFINITIONS

Animal Shelter

ANIMAL SHELTER

A facility used to house and care for stray, homeless, abandoned, or neglected animals and that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization.

ANTENNA

A device used to transmit and/or receive radio or electromagnetic waves between land based or orbiting uses.

APPEAL

An appeal of an administrative decision-maker's interpretation or decision reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.4.17, Appeal. An appeal is a quasi-judicial decision made through an evidentiary hearing.

APPLICANT

The owner of land, or the authorized representative of the landowner, applying for a development approval or permit.

APPLICATION

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate county department, or board as part of the development review processes.

ARBOR

A structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.

ARBORETUM

A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.

ARCADE

A series of arches supported by piers or columns.

ARCH

A curved, semicircular opening in a wall.

ARCHITECTURAL LIGHTING

Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.

AREA OF ENVIRONMENTAL CONCERN (AEC)

An area designated as such by the N.C. Coastal Resources Commission pursuant to GS 113A-113 of the Coastal Area Management Act.

AREA OF SHALLOW FLOODING

A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD

See "Special flood hazard area (SFHA)"

Chapter 10: Definitions and Measurement

SECTION 10.5: DEFINITIONS

Citation

care, cooperative arrangements among parents, or drop-in or short-term child care provided while parents work part-time or participate in other activities on the premises (e.g., churches, shopping malls, hotels, health spas).

CITATION

As used in Chapter 9: Enforcement, a formal notice to a person that he or she is charged with a violation of this Ordinance, and that penalty is due.

CLEAR-CUTTING

Harvesting, clearing, or removal of all or the majority of existing trees located on a lot or site.

CLEAR-CUTTING PERMIT

A type of permit related to removal of existing trees reviewed and approved or denied by the Planning Director in accordance with Section 2.4.13, Clear-Cutting Permit.

CLOSE FAMILIAL RELATIONSHIP

A spouse, parent, child, brother, sister, grandparent, or grandchild. This term includes the step, half, and in-law relationships.

CLUB OR LODGE

A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

CLUSTERED WASTEWATER SYSTEM

A wastewater collection and treatment system under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on a suitable site near the dwellings or buildings.

COASTAL AREA MANAGEMENT ACT (CAMA)

North Carolina's Coastal Area Management Act, this act, along with the Dredge and Fill Law and the Federal Coastal Zone Management Act, is managed through North Carolina Department of Environmental Quality (NCDEQ) Division of Coastal Management (DCM).

COASTAL BARRIER RESOURCES SYSTEM (CBRS)

Undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by federal or state governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

COASTAL HIGH HAZARD AREA

A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as Zone VE.

COASTAL A ZONE (CAZ)

An area within the special flood hazard area, landward of the V zone or landward of an open coast without mapped V zones; in a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A zones are not normally designed on FIRMs. (See Limit of Moderate Wave Action LiMWA).

Chapter 10: Definitions and Measurement

SECTION 10.5: DEFINITIONS

Code of Ordinances

CODE OF ORDINANCES

The county Code of Ordinances for Currituck County, North Carolina.

COLD STORAGE PLANT

A building, structure, machinery, appurtenances, appliances and apparatus occupied and used in the business of freezing food products or storing frozen food products.

COLLEGE OR UNIVERSITY

A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions.

COMMISSIONER

A member of the Board of Commissioners for Currituck County, North Carolina.

COMMUNITY AGRICULTURE

The growing of vegetables or fruits by two or more persons on a single lot or tract for the purpose of personal consumption or re-sale, typically undertaken as an accessory use. Community agriculture uses may include equipment sheds, parking areas, irrigation facilities, and bulk outdoor storage.

COMMUNITY CENTER

A public building to be used as a place of meeting, recreation, or social activity and not operated for profit.

COMMUNITY GARDEN

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person.

COMMUNITY MEETING

A meeting conducted by an applicant on a proposed development before an application for the development permit or approval is submitted to the county.

CONCEPTUAL DEVELOPMENT PLAN

A conceptual drawing or plan depicting the proposed development configuration proposed by an applicant as part of a conditional rezoning application.

CONDITIONAL REZONING

A type of zoning map amendment reviewed and approved or denied by the Board of Commissioners in accordance with Section 2.4.4, Conditional Rezoning.

CONDITIONAL ZONING DISTRICT CLASSIFICATION

The classification of land on the Official Zoning Map subject to conditions of approval in accordance with Section 2.4.4, Conditional Rezoning.

CONDOMINIUM

A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).

Chapter 10: Definitions and Measurement

SECTION 10.5: DEFINITIONS

Elevated Building

determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet sweepstakes, video sweepstakes, electronic gaming operations or cybercafés, who have a finite pool of winners. This does not include any lottery approved by the State of North Carolina.

ELEVATED BUILDING

A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ELEVATION

The front, side, or rear of a structure.

ENCROACHMENT

For the purposes of Section 7.4, Flood Damage Prevention, the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

ENTERTAINMENT ESTABLISHMENT

Indoor continuous entertainment activities such as game arcades, video and pinball parlors, pool halls, indoor firing ranges, and similar types of uses.

EQUESTRIAN FACILITY

A use associated with the keeping of horses or ponies as domesticated animals or pets. Such uses include stalls, feeding areas, paddocks, haylofts, corrals, and other similar outdoor exercise/instruction/performance areas.

EROSION

The wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

EVIDENTIARY HEARING

A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation pursuant to this ordinance.

EXISTING BUILDING

For the purposes of Section 7.4, Flood Damage Prevention, any building and/or structure for which the start of construction commenced before November 1, 1984.

EXISTING DEVELOPMENT

Structures, buildings, site specific plan or other projects that are completely built or that at a minimum have established a vested right as of the effective date of this Ordinance based on at least one of the following being satisfactorily proven to the Planning and Community Development Department for the specific development in question:

- a. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the development, or
- b. Having an outstanding valid building permit as authorized by North Carolina General Statutes Section ~~153A-344.1~~ 160D-108, or
- c. Having an approved site specific or phased development plan as authorized by North Carolina General Statutes Sections ~~153A-344.1~~ 160D-108.

EXISTING LOT (LOT OF RECORD)

A lot which is a part of an approved subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Currituck County, or a lot described by metes and bounds,

Chapter 10: Definitions and Measurement

SECTION 10.5: DEFINITIONS

Principally Above Ground

primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

PRINCIPALLY ABOVE GROUND

At least 51 percent of the actual cash value of the structure is above ground.

PRODUCE STAND OR PRODUCE SALES

A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such uses also include “pick your own” establishments where customers gather their own produce from the fields for purchase and off-site consumption.

PROJECTING BAY

A space projecting outward from the main walls of a building and forming a bay in a room, often incorporating a window.

PROPERTY OWNERS ASSOCIATION

See “Homeowners Association (HOA)”.

PSYCHIATRIC TREATMENT FACILITY

Inpatient facility which provides care for persons with psychiatric problems and which may include outpatient follow-up care to the facility's patients.

PUBLIC CONVENIENCE CENTER/TRANSFER STATION

A publically-owned and operated facility for the purposes of collection of trash and waste for relocation to a sorting facility or permanent long term storage location.

PUBLIC HEARING, LEGISLATIVE

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed ordinances, amendments or other official county business which require public participation and input.

PUBLIC HEARING, QUASI-JUDICIAL

~~A formal public hearing involving the legal rights of specific parties conducted by the Board of Commissioners or the Board of Adjustment based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and typically involve findings of fact made by the decision-making body.~~

PUBLIC INFRASTRUCTURE

Aspects of the public realm owned and maintained by the county or the state that serve the public at large, including streets, highways, sidewalks, curb and gutter, potable water distribution systems, sanitary sewer systems, stormwater drainage retention and conveyance features, street lights, on-street parking spaces, and similar aspects located within a public right-of-way or public easement.

PUBLIC ROAD

Roads maintained by North Carolina Department of Transportation.

PUBLIC SAFETY AND/OR NUISANCE

For the purposes of Section 7.4, Flood Damage Prevention, anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of

Chapter 10: Definitions and Measurement

SECTION 10.5: DEFINITIONS

Quasi-Judicial Decision

persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

QUASI-JUDICIAL DECISION

A decision involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

QUORUM

The minimum number of board members that must be present in order to conduct official business or take official action.

RAINWATER CISTERN

A catchment device intended to capture rain water from a roof or other surface before it reaches the ground.

RECOVERABLE MATERIALS

Materials which the majority can be feasibly recycled, and has been diverted or removed from solid waste stream for sale, use, or reuse.

RECREATIONAL VEHICLE

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

- a. built on a single chassis;
- 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.

RECREATION, INDOOR

A private indoor (entirely within an enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor).

RECREATION, OUTDOOR

A private outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include, but are not limited to, miniature golf facilities, outdoor commercial tourist attractions, and drive-in theatres.

RECREATION AREA

Golfing (excluding miniature golf, driving ranges, chip and putt areas, and indoor golf), horseback riding, surfing, bicycling, boating, fishing picnicking, hiking, or rafting and where either the attraction or within 10 miles, all necessary equipment can be rented.

Chapter 10: Definitions and Measurement

SECTION 10.5: DEFINITIONS

Soil Permeability or Soil Infiltration Rate

SOIL PERMEABILITY OR SOIL INFILTRATION RATE

The measure of the rate at which soil is able to absorb rainfall or irrigation, typically measured in inches per hour or millimeters per hour.

SOIL VOIDS

The measure of the proportion of empty spaces available to store water within the soil profile, expressed as a fraction of the volume of voids over the total volume, between 0–1, or as a percentage between 0–100 percent.

SOLAR ARRAY

Two or more solar collectors or photovoltaic panels intended to capture energy from sunlight, convert it to electricity, and save or deliver the electricity for off-site use.

SOLAR ENERGY EQUIPMENT

A system designed to convert solar radiation into usable energy for space, water heating, or other uses.

SOLAR ENERGY FACILITY (SEF)

Two or more solar collectors or photovoltaic panels intended to capture energy from sunlight, convert it to electricity, and save or deliver the electricity for off-site use.

SOLID WASTE DISPOSAL FACILITY

For the purposes of Flood Damage Prevention, any facility involved in the disposal of solid waste, as defined in NCGS 130A-290 (a)(35).

SOLID WASTE DISPOSAL SITE

For the purposes of Flood Damage Prevention, any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method, as defined in NCGS 130A-290 (a)(36).

SPECIALTY EATING ESTABLISHMENT

Establishments selling specialty food items that normally do not constitute a full meal, including but not limited to: ice cream parlors, dessert cafes, snack shops, juice and coffee houses, and bakeries.

SPECIAL EVENT

A planned, temporary activity required subject to review and approval of a temporary use permit by the county.

SPECIAL FLOOD HAZARD AREA

The land in the floodplain (including the floodway and the non-encroachment area) subject to a one percent or greater chance of flooding in any given year.

SPECIAL USE PERMIT

A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards; reviewed and approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.4.6, Special Use Permit. A special use permit includes any valid conditional use permit, use permit or special use permit issued by the county. A special use permit is a quasi-judicial decision made through an evidentiary hearing.

Chapter 10: Definitions and Measurement

SECTION 10.5: DEFINITIONS

Subdivider

also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

For the purpose of section 7.4, Flood Damage Prevention, a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

SUBDIVIDER

Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein described.

SUBDIVISION, FAMILY

A subdivision where single-family lots may only be conveyed to family members within two degrees of kinship (e.g., child, grandchild).

SUBDIVISION FINAL PLAT

A type of subdivision approval reviewed and approved or denied by the Planning Director in accordance with Section 2.4.8.E.4, Final Plat.

SUBDIVISION, MAJOR

A subdivision that includes public or private streets, creates six or more lots, or both, and is subject to the improvement standards in this Ordinance.

SUBDIVISION, MINOR

The division of land into three or fewer lots that does not constitute a no review subdivision, and does not require significant infrastructure improvement. 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.

SUBDIVISION, NO-REVIEW

A subdivision of land that involves:

- a. Creation of lots that are ten acres or more in size each;
- b. A single parcel of two acres or smaller in size into three or fewer lots, with no public or private streets;
- c. Public acquisition of land for right-of-way; or
- d. Shifting or recombination of lot lines where no new lots are created.

SUBDIVISION, PRELIMINARY PLAT, TYPE I

A type of subdivision approval reviewed and approved or denied by the Technical Review Committee in accordance with Section 2.4.8.E.2.

SUBDIVISION PRELIMINARY PLAT, TYPE II

A type of subdivision approval reviewed and approved or denied by the Board of Commissioners in accordance with Section 2.4.8.E.3, and Section 2.4.6, Special Use Permit.

SUBSTANTIAL DAMAGE

For the purposes of Section 7.4, Flood Damage Prevention, damage of any origin sustained by a structure during any five-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Chapter 10: Definitions and Measurement

SECTION 10.5: DEFINITIONS

Use Permit

USE PERMIT

~~A permit for construction reviewed and approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.4.6, Use Permit.~~

UTILITY, MAJOR

Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, solid waste facilities, and electrical substations.

UTILITY, MINOR

Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of Minor Utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, and surface transportation stops such as bus stops and park-and-ride facilities.

VALET PARKING

The provision of parking for vehicles whereby vehicles are parked and un-parked in a parking area, parking lot or any parking structure by a person other than the owner or operator of the vehicle.

VARIANCE

A development application reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.4.14, Variance. A variance is a quasi-judicial decision made through an evidentiary hearing.

For the purpose of Flood Damage Prevention, a grant of relief from the requirements of this ordinance.

VEGETATION, NATIVE

Any indigenous tree, shrub, ground cover or other plant adapted to the soil, climatic, and hydrographic conditions occurring on the site.

VEHICULAR USE AREA

Areas used for the parking and circulation of automobiles, trucks, and motorcycles.

VEHICULAR USE AREA LANDSCAPING, PERIMETER

Vegetative material, structures (walls or fences), berms, and associated ground cover located around the perimeter of a parking lot, or other vehicular use area when such areas are adjacent to a street right-of-way or land in a residential district or residentially developed lands, used property for the purposes of screening the vehicular use area from off-site views.

VERNACULAR ARCHITECTURE

A style of architecture characterized by common building techniques based on the forms and materials of a particular period, region, or group of people.

VESTED RIGHT

The right to undertake and complete a development or use of property under the terms and conditions of an approved site-specific development plan currently in effect or as otherwise allowed by law.

VESTIBULE

A passage, hall, or room between the outer door and the interior of a building, also known as a lobby.

Item 9: 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 land, infrastructure available, and the compatibility of surrounding land uses.

The request is reasonable and in the public interest because:
It amends the UDO for consistency with North Carolina General Statutes.

Item 10: 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 11: This ordinance amendment shall be in effect from and after the _____ day of _____, 2021.

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: Text Amendment (PB 21-09 Currituck County 160D)



Text Amendment Application

OFFICIAL USE ONLY:

Case Number:

Date Filed:

Gate Keeper:

Amount Paid:

 PB21-09
 3-25-2020

Contact Information

APPLICANT:

Name: Currituck County

Address: 153 Courthouse Road
Currituck, NC 27929

Telephone: 252-232-2075

E-Mail Address: laurie.locicero@currituckcountync.gov

Request

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

Amend Chapter(s) 1,2,3,4,6,9,10 Section(s) Multiple as follows:

See attached descriptions

*Request may be attached on separate paper if needed.

Laurie B. Locicero

Petitioner

3/25/2021

Date

Attachment: Application (PB 21-09 Currituck County 160D)

Description of Proposed 160D UDO Updates

Updated references in GS 153A to Chapter 160D

Amend Flood auto-adoption language.

Eliminated conditional use district zoning from Transitional Provisions.

Provided language in Transitional Provisions to clarify Use Permits and Conditional Use Permits convert to Special Use Permits upon effective date of ordinance. Provided Definition of Special Use Permit.

Changed all references to “conditional use permits” or “use permits” to “special use permits”.

Provided conflict-of-interest standards for BOC and oath requirement for PB, BOA. Added QJD conflict statement.

Require rules of procedure for PB and BOA shall be posted to website.

Incorporated staff conflict-of-interest standards for TRC and Planning Director.

Changed references from QJ public hearing to evidentiary hearing.

Updated Cross Examination language for evidentiary hearings.

Updated Plan Consistency statements for zoning map amendments, conditional rezoning and text amendments.

Added statement that rezoning (conventional and conditional) inconsistent with the future land use map are not effective until the CAMA plan-amendment process is complete.

Changed terminology from “minor deviation” to “minor modification”.

Require the owner and applicant to provide written consent to BOC conditions prior to issuance of Conditional Zoning or SUP.

Updated permit expirations for zoning permit, sign permit, floodplain development permit, clear-cutting permit, and zoning compliance permit – island development to recognize the default rule that development approvals/permits are valid for twelve months, unless altered by statute or extended by local rule.

Provided for surety bond as allowable form of performance guarantee.

Revised Notice of Violation notice requirements to include electronic mail. Added permittee to notice requirement. Require Planning Director to affirm NOV delivered.

Revised Stop Work Order procedure notice requirements. Added requirement for Planning Director to affirm SWO provided.

Revised Revocation of Permit or Approval to require the revocation to follow the same process as the approval.

Revised definition of Appeal, and Variance.

Provided definition of Close Familial Relationship, Commissioner, Evidentiary Hearing, Quasi-Judicial Decision, and Special Use Permit.

Deleted definition of Quasi-Judicial Public Hearing and Use Permit.