



**PB 23-29 CURRITUCK COUNTY
CONDITIONAL REZONING
TEXT AMENDMENT
BOARD OF COMMISSIONERS
FEBRUARY 19, 2024**

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 2 Administration and Chapter 3 Zoning Districts.

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

Item 1: That Chapter 2, Section 2.4.4.I is amended by deleting the following strikethrough language and adding the underlined language:

I. Minor Modifications

(1) Minor Modifications from Approved Conceptual Development Plan

Subsequent plans and permits for development within a conditional zoning district may include minor modifications from the approved conceptual development plan, provided such 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 design features that are not specifically addressed in mutually agreed conditions of approval shall constitute minor modifications that may be approved by the Director:

- (a) ~~Driveway locations, internal vehicular circulation patterns and parking area configuration and pedestrian circulation;~~
- (b) Structure floor plan revisions;
- (c) Minor shifts in building size, changes to the arrangement or location of buildings or location;
- (d) Minor changes to the proposed building elevations or façade, including materials, provided that the change retains the same architectural character;
- (e) Decrease in development intensity including density;
- (f) Increase in nonresidential floor area of no more than 10 percent;
- (g) Open space configuration or location of required or proposed amenities;
- (h) Changes to configuration or species of plantings for landscape buffers; and
- (i) 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 modifications, and shall only be changed as amendments to the conditional rezoning in accordance with Section 2.3.14, Amendment of Development Approval.

Item 2: That Chapter 3, Section 3.6 is amended by deleting the following strikethrough language and adding the underlined language:

3.6.2 General Purposes

The rezoning of land to a conditional zoning district is intended to provide a landowner and the county an alternative to rezoning the land to a standard base zoning district, where the base zoning district allows certain uses and development that may be appropriate but also allows uses and development that may not conform to county plans or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the Board of Commissioners to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel base zoning district. This enables the county to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the base zoning district.

3.6.3 Classification of Conditional Zoning Districts

Land shall be classified into a conditional zoning district only in accordance with the procedures and requirements set forth in Section 2.4.4, Conditional Rezoning.

3.6.4 Applicable Regulations

Development in a conditional zoning district shall be subject to all the use and development standards and requirements that apply to development in the parallel base zoning district, plus the conceptual development plan and any conditions imposed as part of the conditional rezoning approval, which may not be less restrictive than the regulations for the parallel base zoning district.

3.6.5 Conceptual Development Plan

Applications for establishment of a conditional zoning district shall be accompanied by a conceptual development plan depicting the proposed development configuration in accordance with Section 2.4.4, Conditional Rezoning. The conceptual development plan shall include, at a minimum, the following information below: The Director may waive any conceptual development plan requirement where the type of use or scale of proposal makes providing that information unnecessary or impractical.

- A. A written description of the proposed use(s) of all land and structures, types of improvements, density, number of lots, proposed floor area of non-residential buildings, activities, and hours of operation;
- B. A list of the proposed conditions requested by the applicant. Any proposed conditions shall not be less restrictive than the provisions of this Ordinance;
- C. A scaled drawing showing boundaries of the lot, adjacent use types, location of streets, rights-of-way, easements, and reservations;
- D. Shorelines, bodies of water, the general location of stands of existing trees, and existing uses of land on the lot(s);
- E. General areas in which structures will be located ~~Proposed building footprints,~~ and the general location of parking, loading, and service areas;
- F. All existing and proposed points of access to public streets. General locations of new streets, driveways, and vehicular and pedestrian circulation features;
- G. Proposed common areas, open space set-asides, anticipated landscape buffering required by this ordinance or proposed by the applicant, and fences or walls (if proposed); and
- H. Elevations and written descriptions of design elements of the proposed building(s) as seen from public streets, public parks, or adjacent lands containing single-family detached development.

3.6.6 Relationship to Overlay Zoning Districts

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying conditional zoning district. If the standards governing a conditional zoning district expressly conflict with those governing an overlay zoning district, more restrictive standards shall control.

Item 3: Statement of Consistency:

The request is consistent with the Imagine Currituck 2040 Vision Plan, Land Use Goals 1 and 2.

Item 4: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 5: This ordinance amendment shall be in effect from and after the 19th day of February 2024.

Bollen
Board of Commissioners' Chairman
Attest:

Leeann Walton
Leeann Walton
Clerk to the Board



DATE ADOPTED: 2.19.2024
MOTION TO ADOPT BY COMMISSIONER: J. Owen Etheridge
SECONDED BY COMMISSIONER: Mary Etheridge
VOTE: 5 AYES 0 NAYS

.....
PLANNING BOARD DATE: 1/29/2024
PLANNING BOARD RECOMMENDATION: Approval
VOTE: 6 AYES 1 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 2/7/2024 & 2/14/2024
BOARD OF COMMISSIONERS PUBLIC HEARING: 2/19/2024
BOARD OF COMMISSIONERS ACTION: Approved
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: 2/20/2024
AMENDMENT NUMBER: 96