



PB 25-15 CURRITUCK COUNTY TEXT AMENDMENT BOARD OF COMMISSIONERS SEPTEMBER 2, 2025

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 2. Administration and Chapter 10. Definitions and Measurement.

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

Item 1: That Chapter 2, Section 2.4.6 Special Use Permit is amended by deleting the following strikethrough language and renumbering accordingly:

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 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 of G-2, G-3, or G-4 transects of the Land Use Plan.
- (5) Commercial, industrial, mixed-use, or multi-family development consisting of 30,000 square feet of floor area located in Corolla.

Item 2: That Chapter 2, Section 2.4.8 Subdivision is amended by deleting the following strikethrough language, adding the underlined language and renumbering accordingly:

E. Major Subdivision

(1) Overview

(a) In General

- (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 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 Commissioners 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 modifications created by final engineering, 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 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 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 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 School Facility Standards.

Item 3: That Chapter 10, Section 10.5 Definitions is amended by adding the following underlined language and deleting the following strike through language:

PARENT PARCEL

A parcel or tract of land as it existed on April 2, 1989.

SUBDIVISION, PRELIMINARY PLAT, TYPE I

A type of subdivision creating 20 or fewer lots from the parent parcel including minor lots created within 5 years and major subdivision lots created within 10 years of subdivision application, ~~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 creating 21 or more lots from the parent parcel including minor lots created within 5 years and major subdivision lots created within 10 years of subdivision application, ~~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.

Item 4: Statement of Consistency:

The request is in conformance with the goals, objectives, and policies of the *Imagine Currituck 2040 Vision Plan* and the Unified Development Ordinance including Land Use Goals 1 and 2, and Infrastructure and County Services Goal 1.

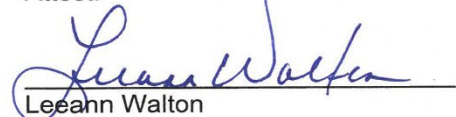
Item 5: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 6: This ordinance amendment shall be in effect from and after the 2nd day of September 2025.



Board of Commissioners' Chairman

Attest:



Leeann Walton
Clerk to the Board

(SEAL)



DATE ADOPTED: 9.2.2025
MOTION TO ADOPT BY COMMISSIONER: Tony Angell
SECONDED BY COMMISSIONER: Kevin McCord
VOTE: 6-0 AYES 6 NAYS 0
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PLANNING BOARD DATE: 8/12/2025
PLANNING BOARD RECOMMENDATION: Approved with Option 2, Item 5
VOTE: 4 AYES 0 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 8/20/2025 & 8/27/2025
BOARD OF COMMISSIONERS PUBLIC HEARING: 9/2/2025
BOARD OF COMMISSIONERS ACTION: Approved
POSTED IN UNIFIED DEVELOPMENT ORDINANCE 9/3/2025
AMENDMENT NUMBER: 118