



**PB 23-34 KELLOGG SUPPLY
COMPANY
TEXT AMENDMENT
BOARD OF COMMISSIONERS
MARCH 4, 2024**

Kellogg Supply Company requests an amendment to the Unified Development Ordinance, Chapter 4: Use Standards, Chapter 5: Development Standards, and Chapter 10: Definitions and Measurement, to add a new *Home Improvement Sales Establishment* use type allowing larger outdoor storage and sales areas.

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, Section 4.1.2. Use Table is amended by adding the following underlined language:

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	VC	LI		HI
Retail Sales & Services	<u>Home Improvement Sales Establishment</u>								Z	Z	Z	Z	Z	<u>4.G.6.</u>

Item 2: That Chapter 4, Section 4.2.4. Commercial Uses is amended by adding the following underlined language:

4.2.4. Commercial Uses

G. Retail Sales and Services

(6) Home Improvement Sales Establishment

- a) Home improvement sales establishment uses shall not be located within 125 feet of a residential district.

- b) Outdoor sales and storage areas shall not be located between the front façade of the principal building and the street and shall be screened from off-site views by opaque fences or walls with a minimum height of 8 feet.
- c) Understory trees are required every 15 feet on center and shall be located outside, and immediately adjacent to, required fences or walls in 4.2.4.G.(6) (b) above.
- d) The open side(s) of partially enclosed structures shall not face streets.
- e) Structures used for outdoor sales and storage are exempt from UDO Section 5.8.3.C. (Building Design) but shall incorporate a minimum of three of the following design elements:
 - i. A series of four or more pilasters having a minimum depth of eight inches, a minimum width of eight inches, and shall extend to the full façade height;
 - ii. Façade material or color changes;
 - iii. A pitched or Mansard roof; or
 - iv. Faux windows incorporating awnings or Bermuda shutters and occupying 25 percent of the façade width.

Item 3: That Chapter 5, Section 5.1.3. Development Standards is amended by adding the following underlined language:

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS		
USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES
COMMERCIAL USE CLASSIFICATION		
Retail Sales and Services	Retail Sales Establishments	1 per 300 sf
	<u>Home Improvement Sales Establishment</u>	<u>1 per 300 sf + 1 per 2,000 sf of covered unheated or open outdoor sales and/or storage area.</u>
	Pawn Shop	1 per every 200 sf

Item 4: That Chapter 10, Section 10.4.5 Commercial Use Classification is amended by adding the following underlined language:

M. Home Improvement Sales Establishment

(1) Characteristics

Commercial enterprises that provide home improvement goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. A portion of the use is engaged in the sale, and/or storage of home improvement materials, supplies and equipment, while a portion of the

use is engaged in retail sales of such goods and/or services. A limited area may be utilized for outdoor sales and storage. Covered unheated spaces, that may or may not have walls, protect large item, and other sales areas, from the elements.

(2) Examples

Example use types include home improvement goods and services, hardware, rope, fencing, building materials such as lumber, piping, and other, lawn and garden materials including plantings, bagged fertilizer, bagged mulch, bagged feed, paver blocks, etc.

Item 5: Staff suggested Statement of Consistency:

This request is in conformance with the General Purpose and Intent of the Unified Development Ordinance and is consistent with the goals, objectives, and policies of the *Imagine Currituck 2040 Vision Plan*, including Land Use Goal 3 and Economic Development Goal 1.

The request also meets all of the following review standards:

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.

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.

This ordinance amendment shall be in effect from and after the 4th day of March 2024.


Board of Commissioners' Chairman

Attest:

Leeann Walton
Clerk to the Board

(SEAL)

DATE ADOPTED: March 4, 2024

MOTION TO ADOPT BY COMMISSIONER: K. McCord

SECONDED BY COMMISSIONER: M. Payment

VOTE: 7 AYES 0 NAYS

PLANNING BOARD DATE: 2/13/2024

PLANNING BOARD RECOMMENDATION Approved

VOTE: 5 AYES 0 NAYS

ADVERTISEMENT DATE OF PUBLIC HEARING: 2/21/2024 and 2/28/2024

BOARD OF COMMISSIONERS PUBLIC HEARING: 3/4/2024

BOARD OF COMMISSIONERS ACTION: Approved

POSTED IN UNIFIED DEVELOPMENT ORDINANCE: 3/5/2024

AMENDMENT NUMBER: 97