



PB 23-27 HOM DEVELOPMENT, LLC
TEXT AMENDMENT
BOARD OF COMMISSIONERS
JANUARY 16, 2024

Amendment to the Unified Development Ordinance, Chapter 4. Use Standards to allow an expansion of an existing mining operation provided the existing mine has been in operation for twelve months and has been in good standing.

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 4.2.5.A., Extractive Industry, is amended by removing the following strike-through language and adding the underlined language:

(15) **Expansion**

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

(a) **Procedure**

- (i) 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~~ twelve months.
- (iii) The existing mine has maintained compliance with all applicable state and local permit regulations for the past ~~five years~~ twelve months 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, including Waters of the US, shall not be included in the total site area calculation.
- (v) All state mining permit modifications shall be obtained prior to any expansion activities being performed.

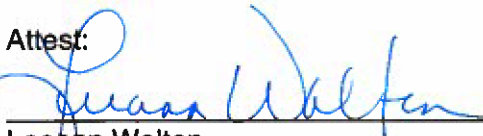
Item 2: Statement of Consistency

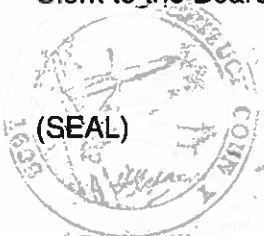
The request is consistent with the goals, policies, and action statement of the Imagine Currituck 2040 Vision Plan, Land Use CC-ACT-12.

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 16th day of January 2024.


Board of Commissioners' Chairman

Attest:

Leeann Walton
Clerk to the Board



DATE ADOPTED: Jan 16, 2024
MOTION TO ADOPT BY COMMISSIONER: Paul Beaumont
SECONDED BY COMMISSIONER: Michael Payment
VOTE: 7 AYES 0 NAYS

.....
PLANNING BOARD DATE: 12/12/2023
PLANNING BOARD RECOMMENDATION: Approved
VOTE: 5 AYES 1 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 1/3/2024 & 1/10/2024
BOARD OF COMMISSIONERS PUBLIC HEARING: 1/16/2024
BOARD OF COMMISSIONERS ACTION: Approved
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: 1/17/2024
AMENDMENT NUMBER: 95