

**Currituck County
PB 09-25
UDO AMENDMENT REQUEST**

An amendment to Chapter 2: Zoning Districts, Chapter 3: Special Requirements, Chapter 17: Definitions, and Chapter 15: Administration, to require a special use permit for outdoor tour operators and increase civil penalty amounts up to 500 dollars.

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: Zoning Districts, Section 2.5 Permitted Uses Table is amended by deleting the strikethrough language and adding the following underlined language:

Section 2.5 Permitted Uses Table

Use	LUC	Zoning Districts											Special Requirements	
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM		
<i>Recreation & Entertainment</i>														
Outdoor Tour Operators	<u>II</u>							<u>S</u>	<u>S</u>	<u>S</u>				<u>3.7.3</u>
Recreation Grounds	III						S							3.7. 3 <u>4</u>

Item 2: That Chapter 3: Special Requirements is amended by adding the following underlined language and renumbering accordingly:

3.7.3 Outdoor Tour Operators (Special Use Permit only)

The requirements of this section shall apply to the base operation and extended business operations of outdoor tour operators.

- 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. Label font size shall be a minimum of four inches.
- C. As part of the special use permit approval process, the Board of Commissioners may establish a maximum number of vehicles, hours of operation, and permit duration.
- D. All vehicular outdoor tour operators with a base operation within the jurisdiction of Currituck County shall apply for a special use permit within four months from the date of passage of this ordinance (effective September 21, 2009).

Item 3: That Chapter 17: Definitions is amended by adding the following underlined language alphabetically:

Outdoor Tour Operators

A company or individual that arranges travel tours associated with outdoor recreation. This shall include, but is not limited to, guided or independent horse, bicycle, segway, aviation, boat, or vehicle tours. For the purposes of this definition, the term vehicle includes any self-propelled device or structure used for transporting persons.

Item 4: That Chapter 15: Administration, Section 15.2.4 Penalties and Remedies for Violations is amended by deleting the strikethrough language and adding the following underlined language:

15.2.4 Penalties and Remedies for Violations

B. Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use or conditional use permits, shall also subject the offender to a civil penalty of ~~400~~ up to 500 dollars for each day the violation continues. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation and did not take an appeal to the Board of Adjustment within the prescribed time. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

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 _____ day of _____, 200__.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
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: _____