Currituck County

Unified Development Ordinance

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CHAPTER 1. GENERAL PROVISIONS

1.1. TITLE

This Ordinance shall be officially known as the "Unified Development Ordinance of Currituck County, North Carolina" and may be referred to as "the Unified Development Ordinance" or "this Ordinance" or the "UDO."

1.2. AUTHORITY

1.2.1. General Authority

This Ordinance consolidates the county's zoning, subdivision, and flood damage prevention regulatory authority as authorized by the North Carolina General Statutes and is adopted in accordance with:

A. The authority granted to Currituck County by the General Assembly of the State of North Carolina;

B. The North Carolina General Statutes, including:

(1) Chapter 153A, Article 6 (General Police Powers);

(2) Chapter 153A, Article 18 (Planning and Regulation of Development);

(3) Chapter 113A, Article 4 (Sedimentation and Pollution Control);

(4) Chapter 143, Article 21, Part 6 (Floodway Regulations); and

C. All other relevant laws of the State of North Carolina.

1.2.2. References to North Carolina General Statutes

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.3. GENERAL PURPOSE AND INTENT

The purpose of this Ordinance is to protect the public health, safety, and general welfare of the citizens and landowners of Currituck County, and to implement the policies and objectives of county-adopted plans addressing the county's growth and development. The intent of this Ordinance is more specifically to:

A. Foster convenient, compatible, and efficient relationships among land uses;

B. Establish new compact, mixed-use community centers in appropriate locations, as identified in adopted plans;

C. Better manage or lessen congestion in the streets;

D. Ensure the provision of adequate open space between uses for light, air, and fire safety;

E. Improve development quality and the quality of life for county residents and visitors;

F. Prevent the overcrowding of land and avoid undue concentrations of population;

G. Preserve the character and quality of residential communities while providing increased housing choices indicated in adopted plans, as appropriate;

H. Promote desirable living conditions and the sustained stability of communities;

I. Protect the county's rural character and agricultural heritage;

J. Facilitate the adequate provision of transportation, utilities, parks, recreation, emergency services, and other public facilities;

K. Maintain and enhance the character of various districts within the county through an emphasis on design quality;

L. Maintain and protect high quality aesthetic standards for development;

M. Conserve the value of buildings and land;

N. Conserve the natural resources, cultural resources, and environmental quality of the county and its environs, particularly in the Outer Banks;

O. Protect development and residents from flooding and other natural hazards; and

P. Incorporate and foster sustainable development practices.

1.4. APPLICABILITY AND JURISDICTION

1.4.1. General Applicability

This Ordinance applies to the development of all lands within the County of Currituck, unless land or development is expressly exempted by a specific section or subsection of this Ordinance.

1.4.2. Exemptions

The following are exempted from this Ordinance:

A. Bona fide farm lands being used for farming purposes, except that the standards in Section 7.4, Flood Damage Prevention shall apply to bona fide farm lands. A bona fide farm consists of:

(1) The permanent residence of the farm owner, the parent, the grandparent, or the child of the farm owner or owner occupant, provided the owner or owner occupant receives at least 75 percent of their income from the farm.

(2) Lands used for the production of agricultural products or activities related to agricultural products, as defined in Section 106-581.1 of the North Carolina General Statutes.

(3) Land used for the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to Section 106-743.2 of the North Carolina General Statutes.

(4) Lands used for forestry purposes, subject to a forestry management plan.

B. Court-ordered subdivisions of land that comply with state law and all relevant requirements of this Ordinance.

1.4.3. Application to Governmental Units

Except as stated herein, the provisions of this Ordinance shall apply to:

A. Development by the county or its agencies or departments;

B. Development of buildings by the State, public colleges or universities, or other political subdivisions of the state, in accordance with the North Carolina General Statutes; and

C. Development owned or held in tenancy by the government of the United States, its agencies, departments or corporate services, to the full extent permitted by law.

1.4.4. No Development Until Compliance with this Ordinance

A. Unless exempted, no land shall be developed without compliance with this Ordinance and all other applicable county, state, and federal regulations.

B. No person shall use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under their control, except in accordance with this Ordinance.

C. No building, or portion thereof, shall be erected, used, moved, or altered except in conformity with the regulations specified for the zoning district in which it is located.

1.5. CONFORMANCE WITH ADOPTED PLANS

1.5.1. Conformance

A. This Ordinance is intended to ensure that all development within the county's jurisdiction is consistent with the goals, objectives, policies, strategies, and actions of those county-adopted plans addressing the county's growth and development, including, but not limited to, the plans identified in Section 1.5.2 below.

B. To the extent this Ordinance is or becomes inconsistent with the adopted plans, it should be amended to remain consistent with the adopted plans. It is the intent of the Board of Commissioners that this Ordinance not be challenged on the basis of any alleged inconsistency with an adopted plan, except for areas of environmental concern required by Section 113A-111, North Carolina General Statutes.

1.5.2. Adopted Plans

A. 2006 Land Use Plan

The Currituck County 2006 Land Use Plan is a county-wide plan, adopted in accordance with the North Carolina Coastal Management Act, serving as the basic policy guide for this Ordinance. The plan contains policy recommendations, goals, objectives, a map depicting desired future land uses, and specific land use recommendations.

B. Small Area Plans

(1) The Board of Commissioners has adopted the following plans for specific geographic areas and corridors within the county:

(a) Corolla Village Small Area Plan;
(b) The Maple-Barco Small Area Plan; and
(c) The U.S. Highway 158 & N.C. Highway 168 Corridor Plan.

(2) These plans include goals, objectives, policies, and actions related to, and that serve as a guide to, various aspects of development intensity and design within specific geographic areas.

C. Functional Plans and Documents

The county has adopted functional plans, documents, and regulations relating to future development (e.g. Administrative Manual), provision of public infrastructure and services (e.g., the Currituck County Stormwater Manual), economic development, and tourism. The county will continue to adopt and amend these types of functional plans, documents and regulations. These plans, documents, and regulations include goals, objectives, policies, and actions related to the form and timing of the county's growth and development as well as to the location and design of public infrastructure.

1.6. RELATIONSHIP WITH OTHER LAWS

1.6.1. Conflicts with Other County Codes or Laws

If a provision of this Ordinance is inconsistent with another provision of this Ordinance, or with a provision found in other adopted ordinances of the county, the provision providing the greatest protection to the environment or natural features shall control. In cases where this intent is not clear, then the more restrictive provision shall govern. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

1.6.2. Conflicts with Private Agreements

The county may review private agreements, such as those related to maintenance of private common open space set-asides, but the county shall not be responsible for monitoring or enforcing private covenants and restrictions.

1.6.3. Conflicts with State or Federal Law

If a provision of this Ordinance is inconsistent with a provision found in the law or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

1.6.4. Existing Agreements or Vested Rights

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any existing private agreements or vested rights previously adopted or issued in accordance with all applicable laws, provided such agreements or rights are lawfully established and remain in effect.

1.7. OFFICIAL ZONING MAP

1.7.1. Generally

A. The Official Zoning Map designates the location and boundaries of the various base zoning and overlay zoning districts established in this Ordinance. The Official Zoning Map shall be kept on file in the Planning and Community Development Department and is available for public inspection during normal business hours. It may be kept in either hardcopy or digital form. It shall be the final authority as to the status of the current zoning district classification of land in the county, and shall only be amended in accordance with Section 2.4.3, Zoning Map Amendment, in this Ordinance.

B. The Planning and Community Development Department shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

1.7.2. Incorporated by Reference

A. The Official Zoning Map and all the notations thereon is incorporated herein by reference and made part of this Ordinance.

B. The Flood Insurance Rate Maps (FIRM) prepared by the State and the associated Flood Insurance Study (FIS) that were adopted on December 16, 2005 (as amended), are incorporated herein by reference and made part of this Ordinance. Future revisions to the FIS and FIRM panels that do not change flood hazard data within the jurisdictional authority of Currituck County are also adopted by reference and declared to be part of this ordinance.

1.7.3. Interpretation of Official Map Boundaries

The Planning Director shall be responsible for interpretations of the Official Zoning Map in accordance with the standards in Section 2.4.16, Interpretation, and the following standards:

A. Boundaries shown as approximately following a utility line or a street, alley, railroad, or other public access way shall be interpreted as following the centerline of the right-of-way or easement for the utility line or access way.

B. Boundaries shown as approximately following a property line shall be interpreted as following the property line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the property line moving ten feet or less, the zoning boundary shall be interpreted as moving with the property line.

C. Boundaries shown as approximately following a river, stream, canal, lake, or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).

D. Boundaries shown as approximately following shorelines shall be interpreted to follow the shoreline, even in the event of change.

E. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.

F. If the specific location of a depicted boundary cannot be determined from notations on the Official Zoning Map or application of the above standards, it shall be determined by using the map's scale to determine the boundary's distance from other features shown on the map.

G. Where the actual locations of existing physical or natural features vary from that shown on the Official Zoning Map, or in other circumstances not covered by this subsection, the Planning Director shall have the authority to interpret the district boundaries (Section 2.4.16, Interpretation).

H. Interpretations of the floodplain boundary shall be made by the Planning Director, in accordance with the standards in Section 7.4, Flood Damage Prevention.

1.7.4. Changes to Official Zoning Map

Changes made in zoning district boundaries on the Official Zoning Map shall be considered an amendment to this Ordinance and are made in accordance with Section 2.4.3 Map Amendment. Changes shall be entered on the Official Zoning Map by the Planning Director promptly after the amendment is approved by the Board of Commissioners. Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the Planning Director may enter on the Official Zoning Map notations reflecting the ordinance wording.

1.7.5. Transition to New Zoning Districts

On January 1, 2013, land zoned with a zoning district classification from the previous UDO shall be translated or reclassified to one of the zoning district classifications in this Ordinance as set forth in Chapter 3: Zoning Districts. Table 1.7.5, Zoning District Translation Table, summarizes the translation or reclassification of the zoning districts used in the previous UDO to the zoning districts used in this Ordinance. (For example, Table 1.7.5 shows that all lands classified as Basic Residential (R) in the previous UDO (under the column titled "Prior Districts") are now classified Single-Family Residential-Mainland (SFM) in this Ordinance (under the column titled "New Districts").)

TABLE 1.7.5: ZONING DISTRICT TRANSLATION TABLE

PRIOR DISTRICTS	NEW DISTRICTS
Special Districts	
	(RC) Resource Conservation (NEW)
(A) Agricultural	(AG) Agriculture
Residential Districts	
(R) Basic Residential	(SFM) Single-Family Residential – Mainland
(RR) Residential Recreational	
(RO1) Outer Banks Standard Residential	(SFO) Single-Family Residential – Outer Banks
(RO2) Outer Banks Limited Access Residential	(SFR) Single-Family Residential – Outer Banks, Remote
	(SFI) Single-Family Residential – Isolated (NEW)
(RA) Mixed Residential [1]	(MXR) Mixed Residential
Business Districts	
(GB) General Business	(GB) General Business
(C) Commercial	
(LBH) Limited Business Hotels Allowed	(LB) Limited Business

TABLE 1.7.5: ZONING DISTRICT TRANSLATION TABLE

PRIOR DISTRICTS	NEW DISTRICTS
	(CC) Community Center (NEW)
	(VC) Village Center (NEW)
(LM) Light Manufacturing	(LI) Light Industrial
(HM) Heavy Manufacturing	(HI) Heavy Industrial
Planned Development Districts	
	(PD-R) Planned Development – Residential (NEW)
	(PD-M) Planned Development – Mixed (NEW)
	(PD-O) Planned Development – Outer Banks (NEW)
Overlay Districts	
(PUD) Planned Unit Development Overlay [2]	(PUD) Planned Unit Development Overlay
(RET) Planned Adult Retirement Overlay [2]	(RET) Planned Adult Retirement Overlay
(RMF) Multi-Family Overlay [3]	(DELETED)
(OB) Outer Banks Overlay	
(RAD) Residential Airpark Development	(AP) Airport Overlay
	(CVO) Corolla Village Overlay (placeholder)

NOTES:
[1] Some of these lands may be re-designated into the Agricultural or Single-Family Residential districts.
[2] Lands subject to an approved Planned Unit Development Overlay or Planned Adult Retirement Overlay district designation may continue in accordance with an approved master plan, but substantial modifications shall require a zoning map amendment to establish a planned development district in accordance with this Ordinance.
[3] Lands subject to this overlay district designation will be translated to the new (MXR) Mixed Residential district.

1.8. TRANSITIONAL PROVISIONS

1.8.1. Effective Date

This Ordinance shall become effective on January 1, 2013, and repeals and replaces the Currituck County Unified Development Ordinance, as originally adopted on September 4, 2007, and subsequently amended.

1.8.2. Violations Continue

A. Any violation of the previous UDO shall continue to be a violation under this Ordinance unless the development complies with the express terms of this Ordinance.

B. Any violation of the previous UDO that is no longer a violation under the new UDO shall not be considered a violation.

C. Violations of this UDO shall be subject to the penalties set forth in Chapter 9: Enforcement, unless the development complies with the express terms of this Ordinance or the other ordinances, laws, or statutes.

1.8.3. Complete Applications

A. Any development application submitted and accepted as complete before January 1, 2013, but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not

comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Chapter 8: Nonconformities.

B. Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.

C. An applicant with a pending application accepted before January 1, 2013 may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the standards of this Ordinance.

1.8.4. Approved Applications

Any development approvals granted before January 1, 2013 shall remain valid until their expiration date. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired. If the prior approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance. To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Chapter 8: Nonconformities.

1.8.5. Approved Conditional Use Zoning District

A. Lands subject to a conditional use zoning classification before January 1, 2013 shall retain the conditional use zoning district classification and shall be subject to the existing conditions of approval.

B. To the extent a landowner proposes development that is different than what is allowed in the existing conditional use zoning district, the land requires approval of a zoning map amendment (see Section 2.4.3, Zoning Map Amendment) in accordance with this Ordinance.

1.8.6. Approved Planned Unit Development District Overlay and Sketch Plan

A. Lands subject to approval of a planned unit development district overlay classification and sketch plan approval before January 1, 2013 shall retain the Planned Unit Development Overlay district classification and sketch plan approval, and may be developed consistent with the sketch plan approval and any relevant conditions of approval, until the sketch plan approval or any portion of thereof expires. If the sketch plan approval (or any portion thereof) expires or is revoked (e.g., for failure to comply with a term or condition of approval) any subsequent development of the site (or portion thereof) shall be applied for in accordance with the procedures and standards of this Ordinance.

B. An owner of a parcel proposed for redevelopment, vacant parcel, or phase of a planned unit development subject to an approved sketch plan may submit a development application or application to amend the approved sketch plan or special

use permit consistent with the applicable conditions of approval and compliance with the following:

(1) Bulk and Dimensional Requirements

Development applications or modifications to an approved sketch plan shall comply with the standards in Table 1.8.6.A, Bulk and Dimensional Standards.

TABLE 1.8.6.A: BULK AND DIMENSIONAL STANDARDS

SITE CHARACTERISTIC	STANDARD
Minimum Lot Area (square feet)	10,000 with central sewer [1]; 20,000 without central sewer
Minimum Lot Width (feet)	65
Maximum Lot Coverage (%)	Nonresidential: 65 Residential: 30 for lots larger than 19,000 sf 35 for lots 10,000 sf – 19,000 sf 45 for lots less than 10,000 sf
Minimum Front Setback (feet)	20
Minimum Side Setback (feet)	10
Minimum Rear Setback (feet)	25; 10 when abutting open space
Maximum Building Height (feet)	35
Maximum Density (du/ac)	3
Maximum Nonresidential FAR (%)	0.40
Minimum Open Space Set-Aside (%)	35 [2]
Maximum Land Area Occupied by Commercial Development (%)	10

NOTES:
[1] May be reduced in accordance with Section 3.2.2, Zero Lot Line Development or if lot size reduction is added to the minimum open space set-aside.
[2] No modification to an approved sketch plan shall result in a planned development with less than 35 percent of its land area occupied by open space.

(2) Allowable Uses

The range of principal uses allowed on a site subject to a modified sketch plan shall be limited to the following:

(a) Land designated for residential development shall be limited to the allowable uses for the SFO district listed in Table 4.1.1, Summary Use Table.

(b) Land designated for commercial or multi-family development shall be limited to the allowable uses for the PD-O district listed in Table 4.1.1, Summary Use Table.

(c) Airports, major utilities, wind energy facilities, outdoor recreation/entertainment uses, and vehicle sales and services require approval of a use permit.

(3) Development Standards

Development associated with a development application or modified sketch plan shall comply with the standards in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure, and Chapter 7: Environmental Protection provided compliance with the standards does not have the effect of decreasing the type, density, or intensity of land designation contained in the approved master plan establishing the planned unit development.

C. Sketch plan amendment applications that comply with the land designations contained in the approved master plan establishing the planned unit development and development applications that comply with Subsection (B) above may be approved by the Planning Director.

D. To the extent a landowner proposes development that is different than that allowed in the sketch plan or Subsection (B) above, the land requires approval of an amended sketch plan and use permit (see Section 2.4.6, Use Permit).

1.8.7. Existing Nonconformities

If any use, structure, lot, or sign legally existed on January 1, 2013, but does not fully comply with the standards of this Ordinance, the use, structure, lot, sign, or site feature is considered nonconforming under this Ordinance and shall comply with the requirements in Chapter 8: Nonconformities.

1.9. SEVERABILITY

It is the legislative intent of the Board of Commissioners in adopting this Ordinance that all provisions shall regulate development in accordance with the existing and future needs of the county as established in this Ordinance, and promote the public health, safety, and general welfare of the land owners and residents of the county. If any section, subsection, sentence, boundary, or clause of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The Board of Commissioners hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases are declared invalid.

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CHAPTER 2. ADMINISTRATION

2.1. DEVELOPMENT REVIEW SUMMARY TABLE

Table 2.1, Development Review Procedures, identifies the advisory and decision-making bodies responsible for making recommendations or decisions on development applications reviewed under this Ordinance. The table also identifies the development applications requiring a public hearing.

TABLE 2.1: DEVELOPMENT REVIEW PROCEDURES
D = DECIDE R = RECOMMENDATION A = APPEAL <> = PUBLIC HEARING

PROCEDURE	ADVISORY AND DECISION-MAKING BODIES				
	BOARD OF COMMISSIONERS	PLANNING BOARD	BOARD OF ADJUSTMENT	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR
AMENDMENTS					
Text Amendment	<D>	R			R
Zoning Map Amendment	<D>	R			R
Conditional Rezoning	<D>	R		R	
Planned Development	<D>	R		R	
DISCRETIONARY REVIEW					
Use Permit	<D>			R	
SITE DEVELOPMENT					
Site Plan					
Major Site Plan				D	
Minor Site Plan					D
Subdivision					
Major Subdivision					
Preliminary Plat, Type I				D	
Preliminary Plat, Type II	<D>			R	
Construction Drawings				D	
Final Plat				D	
Minor Subdivision					D
PERMITS					
Zoning Compliance Permit					D
Sign Permit					D
Temporary Use Permit				R	D
Floodplain Development Permit					D
Clear-Cutting Permit					D

TABLE 2.1: DEVELOPMENT REVIEW PROCEDURES
D = DECIDE R = RECOMMENDATION A = APPEAL <> = PUBLIC HEARING

PROCEDURE	ADVISORY AND DECISION-MAKING BODIES				
	BOARD OF COMMISSIONERS	PLANNING BOARD	BOARD OF ADJUSTMENT	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR
RELIEF					
Variance			<D>		R
Administrative Adjustment					D
Interpretation					D
Appeal [1]			<D>		
DEVELOPMENT AGREEMENT					
Development Agreement	<D>	<R>		R	

NOTES:
[1] Appeals of decisions by the Board of Commissioners or the Board of Adjustment are heard by the Superior Court for Currituck County.

2.2. ADVISORY AND DECISION-MAKING BODIES

2.2.1. Generally

A. The following bodies and county staff have powers and responsibilities in administering and reviewing development applications under this Ordinance:

(1) Board of Commissioners;

(2) Planning Board;

(3) Board of Adjustment;

(4) Technical Review Committee; and

(5) Planning Director.

B. In addition to the advisory and decision-making bodies identified in this section, there are other county agencies departments, or officials who may review and comment on specific application types during the review process as specified in the Administrative Manual.

2.2.2. Board of Commissioners

A. Powers and Duties

To exercise the authority granted the Board of Commissioners by state law, the Board shall have the following powers and duties under this Ordinance:

(1) Application Review and Decision

To initiate, review, and decide applications for the following:

(a) Text amendments;
(b) Zoning map amendments;
(c) Conditional rezonings;

(d) Planned developments;

(e) Use permits;

(f) Type II preliminary plats (for major subdivisions); and

(g) Development agreements.

(2) Schedule of Fees and Civil Penalties

To approve, by resolution, a schedule of fees governing applications for permits and other development approvals reviewed under this Ordinance and civil penalties for violations of this Ordinance.

(3) Other Actions

To take any other action not delegated to the Planning Board, Board of Adjustment, Technical Review Committee, Planning Director, or County Engineering, as the Board of Commissioners may deem desirable and necessary to implement the provisions of this Ordinance.

2.2.3. Planning Board

The Planning Board is hereby established in accordance with Section 153A-321 of the North Carolina General Statutes.

A. Powers and Duties

The Planning Board shall have the following powers and duties:

(1) Recommendation Authority

To review and make recommendations to the Board of Commissioners on the following:

(a) Text amendments;

(b) Zoning map amendments.

(c) Conditional rezonings;

(d) Planned developments; and

(e) Development agreements;

(2) Make Studies and Recommendations

To make studies and recommendations for the Board of Commissioners regarding growth, development, and redevelopment in the county.

(3) Other Powers and Duties

To carry out any other powers and duties delegated to it by the Board of Commissioners, consistent with state law.

B. Membership, Appointment, and Terms of Office

(1) General

(a) The Planning Board shall consist of a total of nine regular members appointed by the Board of Commissioners. Each County Commissioner may appoint one member from any electoral district in the county. The remaining two members shall be designated as at-large appointees by the entire Board of Commissioners. One shall reside on the mainland. The other shall reside on the Outer Banks.

(b) Planning Board members shall reside within the county. A change in residence to a location outside the county shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed.

(c) Planning Board members shall be appointed for two-year, staggered terms, and may continue to serve until their successors are appointed.

(d) Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only.

(2) Chair and Vice-Chair

(a) At its first meeting in January of each year, the Planning Board shall elect a Chair and a Vice-Chair from among its members, each to serve a one-year term.

(b) The Chair shall preside over all meetings. The Vice-Chair shall preside over meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Planning Board shall vote to determine who shall serve as acting Chair for the meeting.

C. Staff

The Planning Director shall serve as the professional staff liaison to the Planning Board and provide it with administrative support.

D. Meetings

(1) Schedule

The Planning Board shall hold at least one regular meeting in each month unless the Chair determines that there are no agenda items for consideration.

(2) Official Record

(a) The Planning Board shall keep a record of its recommendations, transactions, findings, and determinations.

(b) The record shall be a public record.

(3) Publication of Notice

Notice of all Planning Board meetings shall be provided in accordance with state law and the public hearing requirements in Section 2.3.6, Public Hearing Scheduling and Public Notification.

(4) Open to the Public

All meetings shall be open to the public.

E. Quorum and Necessary Vote

(1) Quorum

Five members of the Planning Board shall constitute a quorum. No official business of the Planning Board shall be conducted without a quorum present.

(2) Voting

An affirmative vote of a majority of members present constituting a quorum is required for all decisions of the Planning Board.

F. Removal from Office

Planning Board members may be removed by the Board of Commissioners at any time for:

(1) Failure to attend three consecutive meetings;

(2) Failure to attend 30 percent or more of the meetings within any 12-month period; or

(3) Any other good cause related to performance of duties.

G. Rules of Procedure

The Planning Board shall adopt rules of procedure governing its procedures and operations. Copies shall be made available for public inspection in the Planning and Community Development Department.

H. Advisory Committees

(1) The Board of Commissioners may appoint one or more individuals to sit as an advisory committee and assist the Planning Board in carrying out its planning responsibilities with respect to a particular subject area.

(2) Members of an advisory committee shall sit as non-voting members of the Planning Board when such issues are being considered.

2.2.4. Board of Adjustment

The Board of Adjustment is hereby established in accordance with Section 153A-345, of the North Carolina General Statutes.

A. Powers and Duties

The Board of Adjustment shall have the following powers and duties:

(1) Application Review and Decision

To review and decide applications for:

(a) Variances; and

(b) Appeals of administrative decisions by the Planning Director or the Technical Review Committee.

(2) Other Powers and Duties

The Board of Adjustment is authorized by this Ordinance to carry out any other powers and duties delegated to it by the Board of Commissioners, consistent with state law.

B. Membership, Appointment, and Terms of Office

(1) General

(a) The Board of Adjustment shall consist of five regular members and two alternate members appointed by the Board of Commissioners. Each County Commissioner may appoint one member from any

electoral district in the county, two of which shall be alternate members.

(b) Regular members leaving the Board shall be replaced by existing alternate members; likewise, newly appointed members shall be assigned as alternate members, when practicable. In situations when this can not be met, seats shall be determined by the Board of Commissioners.

(c) Board of Adjustment members shall reside within the county. A change in residence to a location outside the county shall constitute a resignation from the Board of Adjustment, effective upon the date a replacement is appointed.

(d) An alternate member may sit in-lieu of a regular member upon recusal by a regular member and assignment by the Chair. When seated as a regular member, alternate members shall have the same powers and duties as the regular member they replace.

(e) Board of Adjustment members shall be appointed for three-year, staggered terms. Members shall continue to serve until their successors are appointed.

(f) Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only.

(2) Chair and Vice-Chair

(a) At its first meeting in January of each year, the Board of Adjustment shall elect a Chair and a Vice-Chair from among its members, each to serve a one-year term.

(b) The Chair shall preside over all board meetings. The Vice-Chair shall preside over board meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Board of Adjustment shall vote to determine who shall serve as Chair for the meeting.

C. Staff

The Planning Director shall serve as the professional staff liaison to the Board of Adjustment and provide it with administrative support.

D. Meetings

(1) Schedule

The Board of Adjustment shall hold at least one regular meeting in each month unless the Chair determines that there are no agenda items for consideration.

(2) Official Record

(a) The Board of Adjustment shall keep a record of its recommendations, transactions, findings, and determinations.

(b) The record shall be a public record.

(3) Publication of Notice

Publication of notice of all Board of Adjustment meetings shall be provided in accordance with state law and the public hearing requirements in Section 2.3.6, Public Hearing Scheduling and Public Notification.

(4) Open to the Public

All meetings shall be open to the public.

E. Quorum and Necessary Vote

(1) Quorum

Four members of the Board of Adjustment shall constitute a quorum. No official business of the Board shall be conducted without a quorum present.

(2) Voting

(a) The concurring vote of four-fifths (4/5) of the Board of Adjustment shall be necessary to grant any variance. A majority vote shall be required to decide an appeal application.

(b) Vacant positions and members who are disqualified from participating in or voting on a quasi-judicial matter in accordance with the North Carolina General Statutes shall not be considered members of the board if there are no qualified alternate members available to replace disqualified members.

F. Removal from Office

(1) Board of Adjustment members may be removed by the Board of Commissioners at any time for:

(a) Failure to attend three consecutive meetings;
(b) Failure to attend 30 percent or more of the meetings within any 12-month period; or
(c) Any other good cause related to performance of duties.

(2) Alternate members may be removed for repeated failure to attend or participate in meetings.

(3) Upon request of the member proposed for removal, the Board of Commissioners shall hold a hearing on the removal and provide the member an opportunity to respond to the request for removal before it becomes effective.

G. Rules of Procedure

The Board of Adjustment shall adopt rules of procedure governing its procedures and operations. Copies shall be made available for public inspection in the Planning and Community Development Department.

2.2.5. Technical Review Committee

The Technical Review Committee (TRC) is hereby established.

A. Powers and Duties

The TRC shall have the following powers and duties:

(1) Application Review and Decision

To review and decide applications for the following:

(a) Major site plans;
(b) Type I preliminary plats (for major subdivisions);

(c) Construction drawings (for major subdivisions); and
(d) Final plats (for major subdivisions).

(2) Recommendation Authority

To review and make recommendations on the following:

(a) Conditional rezonings;
(b) Planned developments;
(c) Use permits;
(d) Type II preliminary plats (for major subdivisions);
(e) Temporary use permits; and
(f) Development agreements.

(3) Additional Duties

The TRC shall have the following additional duties:

(a) Participate in pre-application conferences;
(b) Provide its expertise and technical assistance to the Planning Director in compiling and maintaining an Administrative Manual and in establishing application content requirements and a submission schedule for review of applications and appeals; and
(c) Provide its expertise and technical assistance to the county's other decision-making bodies, upon request.

B. Membership and Appointment

(1) The TRC shall consist of the following county departments or officials, and agencies involved with development review:

(a) Planning and Community Development;
(b) Engineering;
(c) Public Utilities;
(d) Fire-Emergency Medical Services;
(e) Soil and Water Conservation;
(f) Chief Building Inspector; and
(g) Albemarle Regional Health Services.

(2) Representatives from other county departments and from non-county regulatory agencies and service providers generally involved with development review (such as the North Carolina Department of Transportation and the School Board) may serve as voting members of the TRC. The Chair may request attendance by representatives of other local or state agencies, where appropriate, for an adequate review of an application.

C. Chair

The Planning Director shall serve as Chair of the TRC, and shall schedule committee meetings, coordinate the committee's activities, preside over committee meetings, prepare committee reports, and serve as liaison to the departments and agencies involved for clarification of issues and resolution of conflicts.

D. Meetings

The TRC shall establish a regular meeting schedule and meet frequently enough to take action as expeditiously as practicable on matters before it. The Planning Director may invite applicants to attend TRC meetings.

2.2.6. Planning Director

The Planning Director shall have the following powers and duties:

A. Powers and Duties

(1) Application Review and Decision

To review and decide applications for the following:

(a) Minor site plans;
(b) Minor subdivisions;
(c) Zoning compliance permits;
(d) Sign permits;
(e) Temporary use permits;
(f) Floodplain development permits;
(g) Clear-cutting permits;
(h) Administrative adjustments; and
(i) Interpretations.

(2) Recommendation Authority

To review and make recommendations on applications for the following:

(a) Text amendments;
(b) Zoning map amendments; and
(c) Variances.

(3) Floodplain Administrator

The Planning Director shall serve as the Floodplain Administrator, and shall perform the following duties:

(a) Review all floodplain development applications for receipt of all necessary State and Federal permits and issue floodplain development permits for all proposed development within special flood hazard areas.
(b) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
(c) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
(d) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood damage prevention provisions of Section 7.4, Flood Damage Prevention, are met.

(e) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures in accordance with Section 7.4.5, Flood Certificates.

(f) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and public utilities have been floodproofed, in accordance with the standards in Section 7.4.5, Flood Certificates

(g) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 7.4.5, Flood Certificates.

(h) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 7.4.5, Flood Certificates, and Section 7.4.6, Standards.

(i) Interpret the exact location of boundaries of the special flood hazard areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary may appeal the interpretation in accordance with Section 2.4.17, Appeal.

(j) When base flood elevation data has not been provided in accordance with the standards of Section 7.4, Flood Damage Prevention, obtain, review, and reasonably utilize any base flood elevation data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 7.4.6 E, Standards for Riverine Floodplains without Established Floodways or Non-encroachment Area, in order to administer the standards of this ordinance.

(k) When base flood elevation data is provided but no floodway or non-encroachment area data has been provided in accordance with the standards of Section 7.4, Flood Damage Prevention, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the standards of this ordinance.

(l) Permanently maintain all records that pertain to the administration of the flood damage prevention provisions and make these records available for public inspection, except for any information protected by the Privacy Act of 1974.

(m) Make on-site inspections of work in progress, issue stop-work orders, or revoke floodplain development permits, as required.

(n) Make periodic inspections throughout the special flood hazard area.

(o) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM, Letters of Map Change, and other official flood maps and studies.

(p) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

(4) Additional Duties

The Planning Director shall have the following additional duties:

(a) Establish application content requirements and a submission schedule for review of applications and appeals;

(b) Compile and maintain an Administrative Manual;

(c) Conduct pre-application conferences in accordance with Section 2.3.2, Pre-Application Conference.

(d) Review applications and submit staff reports to advisory and decision-making bodies;

(e) Maintain the Official Zoning Map and related materials;

(f) Provide expertise and technical assistance to the county's other review and decision-making bodies, upon request;

(g) Maintain a record of all permits and approvals on file, and make copies available upon request;

(h) Enforce this Ordinance in accordance with Chapter 9: Enforcement; and

(i) Keep copies of all applications on file.

2.3. STANDARD PROCEDURES

2.3.1. General

A. This section describes the standard procedural steps and other rules that are generally applicable to development applications reviewed under this Ordinance, unless otherwise expressly exempted or alternative procedures are specified in Section 2.4, Specific Review Procedures. The procedural flow charts in Section 2.4, Specific Review Procedures, generally depict the procedural steps that apply to the review of the particular type of development application.

B. The county has prepared an Administrative Manual that includes information and requirements for persons submitting applications for development review under the UDO. The manual includes application submittal requirements, review schedules, and additional details on application review procedures.

2.3.2. Pre-Application Conference

A. Purpose

The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submittal requirements and the procedures and standards applicable to an anticipated development application. A pre-application conference is also intended to provide an opportunity for county staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed development, as it relates to the standards in this Ordinance.

B. Applicability

(1) Pre-Application Conference Required

A pre-application conference between the applicant and the Planning Director shall be held before submittal of the following applications:

(a) Text amendments;
(b) Zoning map amendments;
(c) Conditional rezonings;
(d) Planned developments;
(e) Use permits;
(f) Major site plans; and
(g) Type I and type II preliminary plats for major subdivisions.

(2) Pre-Application Conference Optional

A pre-application conference may be requested and held at the applicant's option for any development application other than those listed in Section 2.3.2.B.1, Pre-application Conference Required.

C. Required Information Submitted Prior to Conference

(1) Except for a pre-application conference associated with a text amendment and zoning map amendment, the applicant shall submit conceptual drawings that show the location, general layout, and main elements of the development to be proposed as part of the application.

(2) Conceptual drawings shall be submitted to the Planning Director at least three business days before the pre-application conference.

(3) Pre-application conferences related to an application for a text amendment shall include a written description of the nature and purpose of the text amendment.

D. Scheduling

Upon receipt of the request for a pre-application conference, the Planning Director shall schedule the pre-application conference and notify the applicant of the time and place of the pre-application conference.

E. Conference Determinations

County staff shall review the materials submitted by the potential applicant prior to the conference, and at the conference ask the applicant questions about the proposed application, as appropriate, and identify any concerns, problems, or other factors the applicant should consider about the application.

F. Written Summary

Within a reasonable period of time after completion of the pre-application conference, the Planning Director shall provide the potential applicant a brief written summary of the issues discussed at the pre-application conference.

G. Effect

The pre-application conference is intended as a means of facilitating the review process. Discussions held in accordance with this section are not binding on the county and do not constitute a formal review of an application. Processing times for review of development applications do not begin until a formal application is submitted and determined to be complete.

2.3.3. Community Meeting

A. Purpose

The purpose of the community meeting is to inform owners and occupants of nearby lands about a proposed development application that is going to be reviewed under this Ordinance, and to provide the applicant an opportunity to hear comments and concerns about the development proposal as a means of resolving conflicts and outstanding issues, where possible.

B. Favored Practice

Community meetings are encouraged as opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by development proposals.

C. Applicability

(1) Community Meeting Mandatory

A community meeting is required before submittal of any of the following applications:

(a) Zoning map amendments to establish a more intense base zoning district;

(b) Conditional rezonings;

(c) Planned developments;

(d) Use permits; and

(e) Type II preliminary plats (for major subdivision) of 50 lots or more.

(2) Community Meeting Optional

A community meeting is encouraged, but not required, before submittal of any other development application that is subject to a public hearing (see Table 2.3.6.A, Required Public Hearings).

D. Procedure

If a community meeting is held by the applicant, it shall comply with the following procedures:

(1) Time and Place

The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the application.

(2) Notification

(a) Mailed Notice

The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the Planning Director and all persons to whom mailed notice of a public hearing on the development application is required by Section 2.3.6, Public Hearing Scheduling and Public Notification.

(b) Posted Notice

The applicant shall post notice of the community meeting on the land subject to the application for at least ten days before the date fixed for

the meeting, in a form established by the Planning Director. Signs used for posted notice shall have a minimum size of six square feet per side.

(c) Notice Content

Notices shall identify the date, time, and place of the meeting and applicant contact information.

(3) Conduct of Meeting

At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to questions and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.

(4) Staff Attendance

County staff shall attend the meeting for the purpose of advising attendees about applicable provisions of this Ordinance and the land use plan, but shall not serve as facilitators or become involved in discussions about the development proposal.

(5) Written Summary of Community Meeting

The applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments, discuss issues related to the development proposal, and any other information the applicant deems appropriate. The meeting summary shall be included with the application materials and be made available to the public for inspection.

(6) Response to Summary

Any person attending the community meeting may submit a written response to the applicant's meeting summary to the Planning Director within 30 days after the application is determined complete. The response may state their understanding of attendee comments, discuss issues related to the development proposal, and include any other information they deem appropriate. All written responses to the applicant's summary of the community meeting shall be transmitted to the applicant, included with the application materials, and made available for public inspection.

2.3.4. Application Submittal and Acceptance

A. Authority to File Applications

(1) Unless expressly stated otherwise in this Ordinance, development applications reviewed under this Ordinance shall be submitted by:

(a) The owner, contract purchaser, or other person having a recognized property interest in the land on which development is proposed; or

(b) A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person have a recognized interest in the land.

(2) If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

B. Application Content

The Planning Director is authorized to establish the requirements for the content and form for each type of specific development application reviewed under this Ordinance. These materials shall be placed in the Administrative Manual. The Planning Director may amend and update these standards as necessary to ensure effective and efficient review. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with all applicable standards.

C. Application Fees

The Board of Commissioners shall establish application fees, which shall be included in the Administrative Manual, and may amend and update those fees as necessary.

D. Submittal and Review Schedule

The Planning Director is authorized to and shall establish specific rules for the submittal and review schedule (including time frames for review) for the various types of development applications, which shall be included in the Administrative Manual. The Planning Director may amend and update these provisions as is determined necessary to ensure effective and efficient review under this Ordinance.

E. Application Submittal

Applications shall be submitted to the Planning Director in the form established by the Planning Director, along with the appropriate application fee.

F. Determination of Application Completeness

(1) Completeness Review

On receiving an application, the Planning Director shall, within ten business days, determine whether the application is complete or incomplete. A complete application is one that:

(a) Contains all information and materials established by the Planning Director in the Administrative Manual as required for submittal of the particular type of application;

(b) Is in the form established by the Planning Director as required for submittal of the particular type of application;

(c) Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate review standards of this Ordinance; and

(d) Is accompanied by the fee established for the particular type of application.

(2) Application Incomplete

(a) On determining that the application is incomplete, the Planning Director shall notify the applicant of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for completeness determination.

(b) If the applicant fails to resubmit a complete application within 45 calendar days after being first notified of submittal deficiencies, the application shall be considered withdrawn.

(c) Incomplete appeal applications shall be resubmitted and determined complete within the time specified in Section 2.4.17.B. Failure to do so will result in the interpretation, decision, or notice of violation being considered final.

(d) The Planning Director shall not process an application for further review until it is determined to be complete.

(3) Application Complete

On determining that the application is complete, the Planning Director shall accept the application for review in accordance with the procedures and standards of this Ordinance.

G. Application Revision

(1) An applicant may revise an application after receiving initial staff review comments on the application, or on requesting and receiving permission from the TRC or an advisory or decision-making body after that body has reviewed but not yet taken action on the application.

(2) Revisions shall be limited to changes that directly respond to specific requests or suggestions made by the staff, TRC, or the advisory or decision-making body, and shall not constitute significant substantive revisions to the development proposed in the application. For the purposes of this sub-section, significant substantive revisions include, but are not limited to:

(a) Increases in density;

(b) Increases in building height by 10 percent or more;

(c) Increases in lot coverage by 10 percent or more;

(d) Increases in floor area by 20 percent or more;

(e) Increases in the number of lots;

(f) Relocation of lot lines by two feet or more;

(g) Relocation of streets or driveways by two feet or more;

(h) Decreases in tree protection zones or open space set-asides;

(i) Decreases in the amount of landscaping provided by 10 percent or more;

(j) Decreases in setbacks from sensitive environmental features of two or more feet; or

(k) Changes to a more intense use type.

(3) Any other revisions (including significant substantive revisions) to the application may be submitted at any time during the review procedure, but the revised application shall be submitted to the Planning Director and reviewed as if it were a new application. The revised application submittal shall be subject to additional application fees to defray the additional costs of processing the revised application.

H. Application Withdrawal

(1) An applicant may withdraw a development application at any time by submitting a letter of withdrawal to the Planning Director.

(2) Applications withdrawn after required notice of any public hearing scheduled for the application shall be subject to limitations on the subsequent submittal of similar applications (in Section 2.3.16, Limitation on Subsequent Similar Application). Application fees shall not be refunded for withdrawn applications.

2.3.5. Staff Review and Action

A. Staff Review

(1) Applications shall be reviewed during the review cycle in place when the application is determined to be complete.

(2) When an application is determined complete, it shall be distributed by the Planning Director to all appropriate staff and review agencies for review and comment, and the preparation of a staff report, if appropriate.

(3) In considering the application, the Planning Director, the Technical Review Committee, or other county staff (as appropriate), shall review the application, relevant support material, and any comments or recommendations from other staff and review agencies to which the application was referred.

(4) If deficiencies in complying with applicable standards of this Ordinance are identified, the Planning Director shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them, in accordance with Section 2.3.4.G, Application Revision.

B. Staff Report and Recommendation

(1) The Planning Director shall prepare a written staff report on any application subject to a public hearing. The staff report shall conclude whether the application complies with all applicable review standards of this Ordinance, and recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in Section 2.4, Specific Review Procedures. The staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the development application might be mitigated.

(2) A staff report is not required to be prepared for an application decided by the Planning Director or the Technical Review Committee, even though the Planning Director may choose to do so.

C. Distribution and Availability of Application and Staff Report

In cases where a development application is subject to review by an advisory or decision-making body, the Planning Director shall take all the following actions within a reasonable time period before the meeting or public hearing at which the application is scheduled for review:

(1) Schedule and ensure any required notice of public hearing on the application (if appropriate) in accordance with Section 2.3.6, Public Hearing Scheduling and Public Notification;

(2) Transmit the application, related materials, and the staff report to the appropriate advisory or decision-making body;

(3) Transmit a copy of the staff report to the applicant; and

(4) Make the application, related materials, and the staff report available for examination by the public in the Planning and Community Development Department during normal business hours, and make copies of such materials available at a reasonable cost.

D. Applications Subject to Decision by Planning Director or Technical Review Committee

(1) Decision

If an application is subject to staff review and a final decision by the Planning Director or Technical Review Committee, as appropriate, the Planning Director or Technical Review Committee shall approve, approve subject to conditions, or disapprove the application, based on the review standards set forth in Section 2.4, Specific Review Procedures, for the particular type of application.

(2) Conditions of Approval

Conditions of approval shall be limited to those deemed necessary to ensure compliance with the standards of this Ordinance. They shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding development. All conditions of approval shall be expressly set forth in the development permit or approval.

2.3.6. Public Hearing Scheduling and Public Notification

A. Public Hearing Scheduling

(1) Application to be Scheduled for Meeting

When a development application is subject to a public hearing, the Planning Director shall ensure that the public hearing on the application is scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the advisory or decision-making body reviewing the application.

(2) Timing

A required public hearing on the application shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied under state law.

(3) Required Public Hearings

Table 2.3.6.A, Required Public Hearings, identifies the advisory and decision–making bodies responsible for conducting a public hearing on a development application, where a public hearing is required, and the type of hearing (legislative public hearing or quasi-judicial public hearing) to be conducted.

TABLE 2.3.6.A: REQUIRED PUBLIC HEARINGS
L =Legislative Public Hearing Q = Quasi-Judicial Public Hearing

Application Type	Board of Commissioners	Board of Adjustment
Text Amendment [1]	L	
Zoning Map Amendment [1]	L	
Conditional Rezoning [1]	L	
Planned Development [1]	L	
Type II Preliminary Plat for Major Subdivision	Q	
Use Permit	Q	
Variance		Q
Appeal		Q
Development Agreement [1]	L	

NOTES:
[1] The Planning Board conducts a public meeting prior to consideration by the Board of Commissioners, but the public meeting with the Planning Board is not a public hearing.

B. Public Notification

All development applications shall comply with the North Carolina General Statutes, the provisions listed in Table 2.3.6.B, Public Hearing Notification Timing Requirements, the provisions of this section, and the other provisions of this Ordinance with regard to public notification.

(1) Notice Timing Requirements

Public notification of a public hearing on a development application shall be provided in accordance with the timing requirements in Table 2.3.6.B: Public Notification Timing Requirements, for the type of application and the type of notice. In computing the required time periods, the day the notice is published, mailed, or posted shall not be included, but the day of the hearing shall be included.

TABLE 2.3.6.B: PUBLIC NOTIFICATION TIMING REQUIREMENTS

Application Type [1]	Types of Required Public Notice		
	Published Notice	Mailed Notice	Posted Notice
Text Amendment [2]	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing		
Zoning Map Amendment [2]	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing [3]	At least 10 days before hearing
Conditional Rezoning [2]	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Planned Development [2]	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Use Permit [2]	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Type II Preliminary Plat (for Major Subdivision)	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	
Variance		Between 10 and 25 days before hearing	At least 10 days before hearing
Administrative Adjustment		At least 10 days before a decision is rendered	
Appeal	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing [4]	At least 10 days before hearing [4]
Development Agreement	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing

NOTES:
[1] Only those development application types listed here require public hearing notification. Public notification of public meetings held by the Planning Board is not required.
[2] Applications that would change the range of allowable uses within five miles of a military installation require mailed notice be delivered by certified mail to the military base commander between 10 and 25 days before the hearing.
[3] Mailed notice shall not be required when a zoning map amendment includes more than 50 lots or tracts, owned by at least 50 different landowners, provided the county publishes a notice (occupying at least one-half (½) of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for two successive calendar weeks, with the first notice published not less than ten days nor more than 25 days before the date fixed for the public hearing. Affected land owners residing outside the newspaper circulation area shall be notified via first class mail pursuant to Section 2.3.6, Public Hearing Scheduling and Public Notification.
[4] Mailed and posted notification are required only in cases where the appeal pertains to a specific parcel of land.

(2) Published Notice Requirements

(a) When the provisions of this Ordinance require that notice of a public hearing be published, the Planning Director shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county.

(b) The first time notice is published, it shall be not less than ten days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of published notice shall not be included, but the day of the hearing shall be included.

(3) Mailed Notice Requirements

(a) Except for community meetings, when the provisions of this Ordinance require mailed notice, the Planning Director shall be responsible for preparing and mailing the written notice. Notice shall be mailed to:

(i) The owners of the land subject to the application;

(ii) The applicant, if different from the land owner;

(iii) The owners (shown as primary and secondary on the county tax listing) of land within 200 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and

(iv) Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.

(b) Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The content and form of the notice shall comply with subsection 2.3.6.B.5, Notice Content, and the North Carolina General Statutes.

(c) The Planning Director shall prepare an affidavit affirming that notice meeting these standards was mailed. The affidavit shall be conclusive that notice has been given in compliance with the terms of this section. The affidavit shall be included in the support materials of the application.

(d) A copy of the mailed notice shall be maintained in the office of the Planning Director for public inspection during normal business hours.

(4) Posted Notice Requirements

Except for community meetings, when the provisions of this Ordinance require that notice be posted by the applicant on the land subject to the application, posted notice shall be made by the Planning Director, and shall comply with the following:

(a) A sign shall be placed in a conspicuous location so as to be clearly visible to the traveled portion of the respective street. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.

(b) The content and form of the notice shall comply the North Carolina General Statutes.

(5) Notice Content

All notices for public hearings provided by mail (mailed notice), or publication (publishing in a newspaper of general circulation in the county) shall:

(a) Identify the date, time, and place of the public hearing;

(b) Describe the land involved by street address or by its relationship to a fronting street and the nearest cross street (if applicable), and its size (except posted notice);

(c) Describe the nature and scope of the proposed development or action; and

(d) State that substantial changes in the proposal may be made following the public hearing.

(6) Constructive Notice

(a) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt is made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to:

(i) Errors in a legal description; or

(ii) Typographical or grammatical errors that do not impede communication of the notice to affected parties.

(b) Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a public hearing and the location of the subject property(ies) shall be strictly adhered to.

(c) If questions arise at the hearing regarding the adequacy of notice, the body conducting the hearing shall direct the Planning Director to make a formal finding as to whether there is substantial compliance with the notice requirements of this Ordinance, and such findings shall be made available to the decision-making body before final action on the request.

2.3.7. Deferral of Application

An applicant may request that an advisory or decision-making body's consideration of a development application at public hearing be deferred by submitting a written request for deferral to the Planning Director.

A. Planning Director Action

If public notification has not been provided in accordance with this Ordinance, the Planning Director shall consider and decide the deferral request. A request for deferral shall be approved only in cases where the applicant needs additional time to prepare evidence, secure approval from outside agencies, or bring the application into closer alignment with the Land Use Plan or the requirements of this Ordinance.

B. Advisory or Decision-Making Body Action

(1) If public notification has been provided in accordance with this Ordinance, the request for deferral shall be placed on the public hearing agenda of the advisory or decision-making body on the date the application is to be considered and acted upon by the body. The advisory or decision-making body may approve the request for deferral for good cause.

(2) The applicant shall be responsible for any additional public notification expenses.

C. General Requirements

(1) No more than one deferral may be granted.

(2) The deferral shall not exceed six months in duration.

(3) A second deferral request shall be considered as withdrawal of the application.

2.3.8. Public Hearing Procedures

If the development application is subject to a public hearing by an advisory or decision-making body, the advisory or decision-making body shall hold the public hearing in accordance with the following procedures.

A. Order of Proceedings

The order of proceedings at the hearing shall be as follows:

(1) Presentation of Staff Report

The Planning Director shall provide a brief introductory narrative and/or graphic description of the application and present the staff report and any review body findings and recommendations.

(2) Applicant Presentation

The applicant shall present any information the applicant deems appropriate.

(3) Public Comment

Public comments shall be heard. Any person other than the applicant or the applicant's representatives may be permitted to speak in accordance with the advisory or decision-making body's rules of procedure, or at their discretion, as appropriate, in support of or in opposition to the application. At the discretion of the person chairing the body conducting the hearing, such person may be granted additional time to speak when it is justified.

(4) Applicant Response to Comments

The applicant may respond to any comments, documents, or materials presented by the Planning Director or the public.

(5) Planning Director Response to Comments

The Planning Director may respond to any comments, documents, or materials presented by the applicant or the public.

(6) Close of Hearing

The person chairing the body conducting the hearing shall close the hearing.

B. Conduct of Public Hearing

(1) Burden of Proof or Persuasion

The burden of demonstrating that an application complies with applicable review and approval standards of this Ordinance is on the applicant.

(2) Rights of All Persons

Any person may appear at a public hearing and submit testimony, either individually or as a representative of a person or an organization. Each person

who appears at a public hearing shall be identified, state an address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented. If the person states they represent an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the organization in regard to the matter under consideration.

(3) Exclusion of Testimony

The body conducting the public hearing may exclude testimony that it finds to be irrelevant, immaterial, or unduly repetitious.

(4) Offers of Testimony

In the event any testimony is excluded as irrelevant, immaterial, or unduly repetitious, the person submitting such testimony shall have an opportunity at that hearing to offer such testimony to be entered into the record. Such offer shall be made at the public hearing.

(5) Continuance of Public Hearing

The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time, and place. An applicant shall have the right to request and be granted one continuance. Any subsequent continuances requested by any party shall be granted at the discretion of the body conducting the public hearing only upon good cause shown. In no instance shall a continuance exceed six months.

(6) Recording

A record of the hearing shall be kept as follows.

(a) General

(i) The body conducting the public hearing shall record the public hearing.

(ii) The written or taped record of oral proceedings (including testimony and statements of personal opinions), the hearing minutes, all applications, exhibits and papers submitted in any proceeding before the review board, the staff report, and the recommendation or decision shall constitute the record.

(b) Public Record

All records of public hearings conducted by an advisory or decision-making body shall be a public record, and open for inspection at the offices of the Planning Director during normal business hours upon reasonable notice.

(c) Copy of Record

A copy of the public hearing record may be obtained by any person upon applying to the Planning Director and paying the cost for duplication of the record.

(7) Close of Hearing

Upon the completion of all testimony or public comment, the hearing shall be closed. No further direct or informal testimony, comments, or evidence shall

be provided or considered on the matter. The applicant may be asked questions or allowed to comment on proposed conditions.

C. Quasi-Judicial Public Hearings Distinguished

Quasi-judicial public hearings shall be subject to the standards in Section 2.3.8.B, Conduct of Public Hearing, and the following.

(1) Opportunity to Present Testimony and Evidence

Any affected party shall be afforded a reasonable opportunity to present testimony and evidence in support of or in opposition to the application, and to ask questions of the applicant and the applicant's representatives and county staff and county staff's representatives. At the discretion of the person chairing the body conducting the public hearing, an affected party may be granted an opportunity to ask questions of any other member of the public who has testified at the hearing.

(2) Not Bound by Rules of Evidence

Except as otherwise provided in the North Carolina General Statutes, the body conducting a quasi-judicial public hearing is not bound by the rules of evidence, or limited to consideration of evidence that is admissible in a court of law. The body may consider all testimony and evidence it deems competent and material to the application under consideration.

(3) Cross Examination

Any inquiry under cross-examination shall be limited to matters raised in the direct examination of the witness. No re-direct or re-cross shall be allowed unless requested by the applicant, an affected party, or the county—who shall state the desired area of inquiry—and the request is approved by the person chairing the body conducting the hearing. If re-direct or re-cross is allowed, it shall be limited to questions of the witness on issues raised in the cross-examination.

(4) Ex Parte Communication

Ex parte communication between an applicant or an affected party and a member of the board reviewing or making a decision on the application is prohibited, and must be disclosed during the public hearing, if it occurs.

(5) Conflict

In the event conflict between these standards and the standards in Section 2.3.8.B, Conduct of Public Hearing, these standards shall control during a quasi-judicial public hearing.

D. General Procedures and Findings Following Public Hearing

(1) Time

Any review body conducting the public hearing shall act in accord with any time limits established in this Ordinance or the body's own rules of procedure. Action shall be taken as promptly as possible in consideration of the interests of the applicant, the citizens of the county, and shall include a recommendation or decision of approval, approval with conditions, or disapproval (whichever is appropriate).

(2) Form of Decisions

The form of all decisions shall include at least the following elements:

(a) A summary of the information presented before the body.

(b) A statement of findings or other factors considered, whichever is appropriate, and a statement of the basis upon which such facts were applied with respect to the relevant review standards, if required by state law.

(c) A statement of a recommendation or decision of approval, approval with conditions or disapproval (whichever is appropriate).

2.3.9. Advisory Body Review and Recommendation

If an application is subject to a recommendation by an advisory body (Planning Board), the review body shall review and act on the application in accordance with the following procedures.

A. General

The advisory body shall hold any required public meeting in accordance with Section 2.3.8, Public Hearing Procedures, and consider the application, relevant support materials, staff report, and any public comments. It shall then recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in Section 2.4, Specific Review Procedures.

B. Clearly State Factors for Decision

The advisory body's recommendation shall clearly state the factors considered in making the recommendation and the basis or rationale for the recommended decision.

C. Timing

Unless deferred or subject to a continuance, the advisory body shall provide a recommendation on an application it reviews within two months from the date of its initial meeting to consider the application.

2.3.10. Decision-Making Body Review and Decision

If an application is subject to a final decision by the Board of Commissioners or Board of Adjustment, such decision-making body shall review and decide the application in accordance with the following procedures.

A. General

The decision-making body shall hold any required public hearing(s) in accordance with Section 2.3.8., Public Hearing Procedures, and consider the application, relevant support materials, staff report, any advisory body recommendations, and any public comments. It shall then make one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in Section 2.4, Specific Review Procedures.

B. Remand

The decision-making body may remand the application to the appropriate advisory body or county staff for further consideration of new information or specified issues or concerns by the staff or any advisory bodies, if appropriate.

C. Clearly State Factors for Decision

Unless stated otherwise in this Ordinance, the decision-making body's decision shall clearly state the factors considered in making the decision and the basis or rationale for the decision.

D. Timing

The decision-making body shall take action as promptly as possible in consideration of the interests of the applicant, affected parties, and citizens of the county.

E. Timing of Lots

The Board of Commissioners may allocate the total number of lots in a subdivision that may be depicted on a final plat at any one time, based upon the adequacy of public facilities serving the development.

2.3.11. Conditions of Approval

Conditions of approval shall be limited to those deemed necessary to ensure compliance with the review standards for the particular type of application, or to prevent or minimize adverse effects from the proposed development on surrounding lands. They shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding development. All conditions of approval shall be expressly set forth in the notice of decision or development permit approval.

2.3.12. Notification of Decision or Action

Within ten business days after a final decision on a development application, the Planning Director shall provide the applicant written notice of the decision or action and make a copy of the decision available to the public in the offices of the Planning and Community Development Department, during normal business hours.

2.3.13. Effect of Development Approval

Approval of any development application in accordance with this Ordinance authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application. In the event that one permit or approval is a prerequisite to another permit or approval (e.g., administrative adjustment or variance approval prior to a site plan approval) development may not take place until all required approvals are obtained, and approval of one development application does not necessarily guarantee approval of any subsequent development application.

2.3.14. Amendment of Development Approval

Unless specified in the specific procedure description in Section 2.4, Specific Review Procedures, an amendment of a permit or approval may only be reviewed in accordance with the procedures and standards established for its original approval.

2.3.15. Expiration of Development Approval

A. General

(1) Except for zoning map amendments, conditional rezonings, planned developments, and development permits and approvals subject to a vested right, development approvals granted in accordance with this Ordinance shall expire as provided in Section 2.4, Specific Review Procedures, for the particular type of development permit or approval.

(2) If no expiration period is provided in Section 2.4, for a specific type of development permit or approval, the development permit or approval shall expire if a zoning compliance permit authorizing the approved development is not obtained within two years of the approval.

(3) A change in ownership of the land shall not affect the established expiration time period. The filing of an appeal shall toll the established expiration period until final resolution of the appeal.

B. Extension of Expiration Time Period

(1) Except as otherwise provided in Section 2.4, Specific Review Procedures, for the particular type of development permit or approval, the Planning Director may, on receiving a written request for extension before the expiration date and on a showing of good cause, grant one or more extensions of the expiration time period for up to a cumulative total of one year.

(2) Any further extensions shall be subject to approval by the authority that granted the development permit or approval, on submittal of a request for extension to the Planning Director before the expiration date and a showing of good cause.

2.3.16. Limitation on Subsequent Similar Applications

A. Application Denial

(1) If a development application requiring a public hearing is denied, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of denial unless the decision-making body waives this time limit in accordance with subsection (2) below.

(2) The owner of land subject to this subsection, or the owner's authorized agent, may submit a written request for waiver of the time limit, along with a fee to defray the cost of processing the request, to the Planning Director, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit only on a finding by two-thirds of its membership that the owner or agent has demonstrated that:

(a) There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application; or

(b) New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect

the decision-making body's application of the relevant review standards to the development proposed in the new application; or

(c) The new application proposed to be submitted is materially different from the prior application; or

(d) The final decision on the prior application was based on a material mistake of fact.

B. Application Withdrawal After Required Public Notification

If a development application requiring a public hearing is withdrawn after required public notification of the public hearing is provided, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of withdrawal.

2.4. SPECIFIC REVIEW PROCEDURES

2.4.1. Overview

A. General

This section sets forth supplemental procedures, standards, and related information for each of the specific review procedures for development applications reviewed under this Ordinance, as identified in Table 2.1, Development Review Procedures. They apply in addition to, or instead of, the standard procedures set forth in Section 2.3, Standard Procedures.

B. Structure of Procedures

For each type of development application reviewed under this Ordinance, the following sections state the purpose of the section and/or type of development permit or approval, and whether each of the steps in the standard procedure set forth in Section 2.3, Standard Procedures, is applicable, optional, or not applicable. The following sections also include, for each step, any variations of, or additions to, the standard procedures. This is followed by the review standards for the application, and provisions addressing expiration and amendment, if applicable.

2.4.2. Text Amendment

A. Purpose

The purpose of this section is to provide a uniform means for amending the text of this Ordinance whenever the public necessity, changed conditions, convenience, general welfare, or appropriate land use practices justify or require doing so.

B. Text Amendment Procedure

(1) Pre-Application Conference

Applicable (see Section 2.3.2).

(2) Community Meeting

Not applicable.

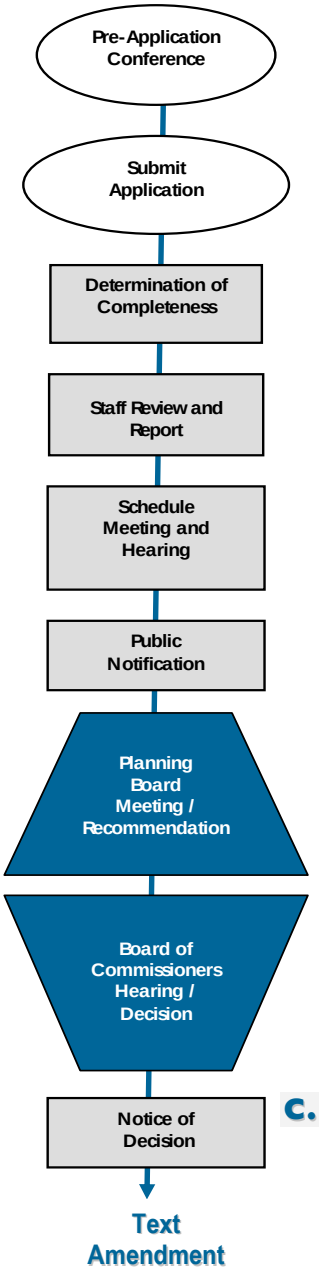
(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4). Applications may be initiated by the Board of Commissioners, the Planning Board, the Planning Director, the TRC, any

person who may submit applications in accordance with Section 2.3.4.A, Authority to File Applications, or any other interested party.

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.2.C, Text Amendment Review Standards.



(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Applicable (see Section 2.3.8).

(7) Advisory Body Review and Recommendation

Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on an application in accordance with Section 2.3.9, Advisory Body Review and Recommendation, and Section 2.4.2.C, Text Amendment Review Standards.

(8) Decision-Making Body Review and Decision

(a) Applicable (see Section 2.3.10). The Board of Commissioners, following a legislative public hearing (see Section 2.3.8.B), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.2.C, Text Amendment Review Standards. The decision shall be one of the following:

(i) Adoption of the text amendment as proposed;

(ii) Adoption of a revised text amendment;

(iii) Denial of the text amendment; or

(iv) Remand of the text amendment application back to the Planning Board for further consideration.

(b) In making its decision, the Board of Commissioners shall adopt a written statement of consistency and reasonableness that:

(i) Describes whether the decision is consistent with all county-adopted plans that are applicable; and

(ii) Explains why the decision is reasonable and in the public interest.

C. Text Amendment Review Standards

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

(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.

D. Effect

Applicable (see Section 2.3.13).

E. Amendment

Applicable (see Section 2.3.14).

F. Expiration

Approval of a text amendment shall not expire, but the amended text of this Ordinance is subject to further amendment in accordance with the text amendment procedures set forth in this section.

2.4.3. Zoning Map Amendment

A. Purpose

The purpose of this section is to provide a uniform means for reviewing and deciding proposed general amendments to the Official Zoning Map whenever the public necessity, general welfare, Land Use Plan, or appropriate land use practices justify or require doing so.

B. Zoning Map Amendment Procedure

(1) Pre-Application Conference

Applicable (see Section 2.3.2).

(2) Community Meeting

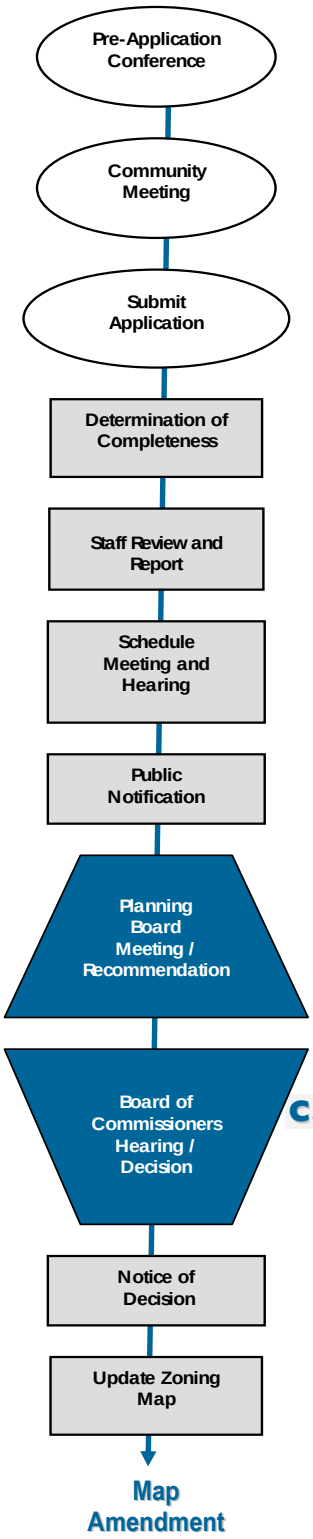
Applicable (see Section 2.3.3).

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4). Applications may be initiated by the Board of Commissioners, the Planning Board, the Planning Director, or any person who may submit applications in accordance with Section 2.3.4.A, Authority to File Applications.

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.3.C, Map Amendment Review Standards.



(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Applicable (see Section 2.3.8).

(7) Advisory Body Review and Recommendation

Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with Section 2.4.3.C, Zoning Map Amendment Review Standards.

(8) Decision-Making Body Review and Decision

(a) Applicable (see Section 2.3.10). The Board of Commissioners, following a legislative public hearing (see Section 2.3.8.B), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.3.C, Zoning Map Amendment Review Standards. The decision shall be one of the following:

(i) Approval of the map amendment as submitted;
(ii) Approval of the map amendment with a reduction in the area proposed to be rezoned;
(iii) Approval of a map amendment to a more restricted base zoning district; or
(iv) Denial of the map amendment application.

(b) In making its decision, the Board of Commissioners shall adopt a written statement of consistency and reasonableness that:

(i) Describes whether the decision is consistent with all county-adopted plans that are applicable; and
(ii) Explains why the decision is reasonable and in the public interest.

C. Zoning Map Amendment Review Standards

The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed map amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed amendment:

(1) Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this Ordinance;

(2) Is 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 compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;

(6) Adversely impacts nearby lands;

(7) Would result in a logical and orderly development pattern;

(8) Would result in significant 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;

(9) Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);

(10) Would not result in significantly adverse impacts on the land values in the surrounding area; and

(11) Would not conflict with the public interest, and is in harmony with the purposes and intent of this Ordinance.

D. Designation on Official Zoning Map

The Planning Director shall enter changes onto the Official Zoning Map promptly after approval of a map amendment application by the Board of Commissioners.

E. Effect

Applicable (see Section 2.3.13).

F. Amendment

Applicable (see Section 2.3.14).

G. Expiration

Approval of an Official Zoning Map amendment shall not expire, but the amended Official Zoning Map is subject to further amendment in accordance with the map amendment procedures set forth in this section.

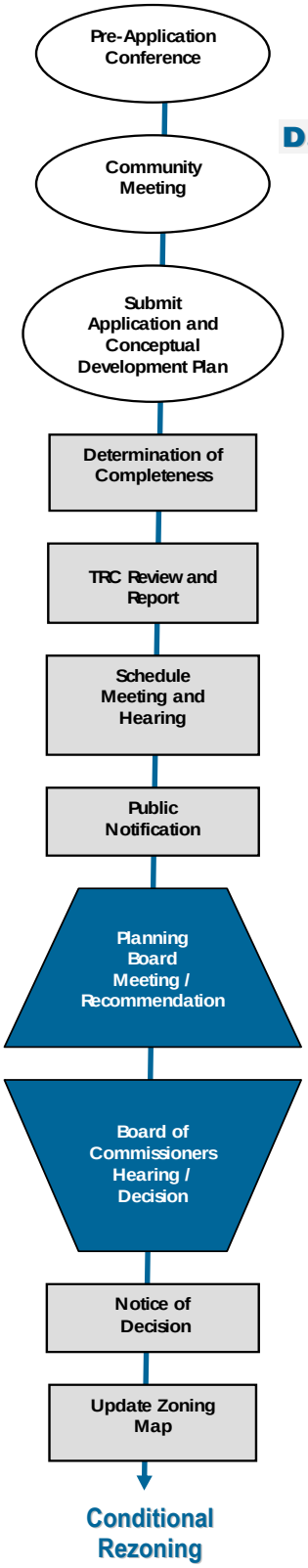
2.4.4. Conditional Rezoning

A. Purpose

The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish conditional zoning districts. In cases where the standards of a general use zoning district are inadequate to ensure that development allowed by the district will conform to the county's adopted plans or to appropriately address the impacts expected to be generated by development, a landowner may apply for a conditional rezoning. The conditional rezoning establishes a parallel conditional zoning district that is equivalent to a corresponding general use zoning district, but is subject to additional conditions or restrictions that the applicant and county mutually agree are necessary to ensure conformance to adopted plans and adequately address expected development impacts.

B. Uses Allowed Subject to a Conditional Zoning District Classification

Specific uses may require a conditional zoning district classification to appropriately address the impacts on the community expected to be generated by the development. Uses requiring a conditional zoning district classification are not allowed in the corresponding base zoning district.



C. Applied to Entire Site

Applications for conditional rezoning submitted after January 1, 2013 shall include all the land area within a recorded lot or site that is the subject of the application. Conditional rezoning applications may not establish bi-furcated zoning classifications where only a portion of a lot or site is subject to a conditional zoning classification.

D. Conditional Rezoning Procedure

(1) Pre-Application Conference

Applicable (see Section 2.3.2).

(2) Community Meeting

Applicable (see Section 2.3.3).

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4). Conditional rezoning applications may not be initiated by anyone other than the landowner(s) of the subject land. All conditions of approval proposed by the applicant, including a mandatory conceptual development plan depicting the proposed development configuration, must be included in with the conditional rezoning application (see Section 3.6.5, Conceptual Development Plan).

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.4.D, Conditional Rezoning Review Standards.

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Applicable (see Section 2.3.8).

(7) Advisory Body Review and Recommendation

(a) Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with Section 2.3.9, Advisory Body Review and Recommendation, and Section 2.4.4.D, Conditional Rezoning Review Standards.

(b) During its review of the application, the Planning Board may suggest revisions to the proposed conditions (including the conceptual development plan), consistent with the provisions of Section 2.3.11, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

(8) Decision-Making Body Review and Decision

(a) Applicable (see Section 2.3.10). The Board of Commissioners, following a legislative public hearing (Section 2.3.8.B), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.4.D, Conditional Rezoning Review Standards. The decision shall be one of the following:

(i) Approval of the conditional rezoning subject to the conditions included in the application;

(ii) Approval of the conditional rezoning subject to any revised or additional conditions agreed to by the applicant, in writing;

(iii) Denial of the conditional rezoning; or

(iv) Remand of the conditional rezoning application back to the Planning Board for further consideration.

(b) As part of the decision, the Board of Commissioners shall adopt a written statement of consistency and reasonableness that:

(i) Describes whether the decision is consistent with all county-adopted plans that are applicable; and

(ii) Explains why the decision is reasonable and in the public interest.

E. Conditional Rezoning Review Standards

The advisability of a conditional rezoning is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a conditional rezoning, the Board of Commissioners may consider the standards in Section 2.4.3.C, Zoning Map Amendment Review Standards.

F. Conditions of Approval

(1) Only conditions mutually agreed to by the owner(s) of the property to be conditionally rezoned and the Board of Commissioners may be approved as part of a conditional zoning district.

(2) Conditions shall be limited to those that address conformance of development and use of the site with county regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.

(3) Conditions may be in the form of text or of plans and maps.

(4) No condition shall be less restrictive than the standards of the parallel general use zoning district, any applicable overlay zoning district standard, or other applicable requirements in this Ordinance.

G. Designation on Official Zoning Map

Designation of a conditional zoning district on the Official Zoning Map shall bear the same designation as the parallel general use zoning district but shall also include the prefix "C" along with the ordinance number approving the conditional rezoning.

H. Effect

Lands rezoned to a conditional zoning district shall be subject to the standards applicable to the parallel general use zoning district, as modified by the more restrictive conditions proposed by the applicant and approved by the Board of Commissioners. These standards and modifying conditions are binding on the land as an amendment to this Ordinance and the Official Zoning Map.

I. Minor Deviations

(1) Minor Deviations from Approved Conceptual Development Plan

Subsequent plans and permits for development within a conditional zoning district may include minor deviations from the approved conceptual development plan, provided such deviations 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 shall constitute minor deviations that may be approved by the Planning Director:

(a) Driveway locations;
(b) Structure floor plan revisions;
(c) Minor shifts in building size or location; and
(d) 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 deviations, and shall only be changed as amendments to the conditional rezoning in accordance with Section 2.3.14, Amendment of Development Approval.

J. Amendment

Applicable (see Section 2.3.14).

K. Expiration

Not applicable.

2.4.5. Planned Development

A. Purpose

A planned development is a development that is planned and developed under unified control in accordance with more flexible standards and procedures that are conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher quality development than could be achieved through general use (base) zoning district regulations. The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a Planned Development (PD) zoning district.

B. Scope

A planned development is established by amendment of the Official Zoning Map to rezone land to a Planned Development zoning district classification that is defined by a master plan and a terms and conditions document.

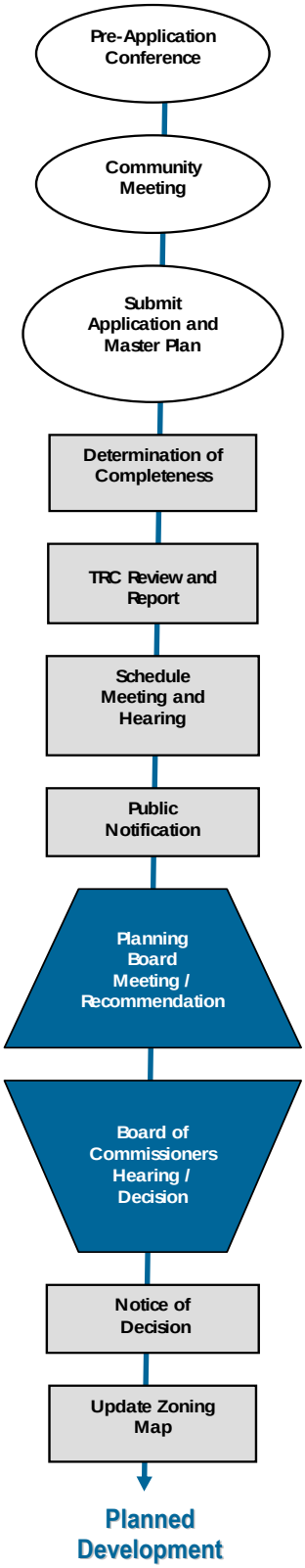
C. Planned Development Procedure

(1) Pre-Application Conference

Applicable (see Section 2.3.2).

(2) Community Meeting

Applicable (see Section 2.3.3).



(3) Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4). Planned development applications may not be initiated by anyone other than the landowner(s) of the land subject to the application.

(b) The application shall include a master plan depicting the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing (see Section 3.7.2.A, Planned Development Master Plan).

(c) The application shall also include a terms and conditions document specifying terms and conditions defining development parameters, providing for environmental mitigation, and outlining how public facilities will be provided to serve the planned development.

(d) To ensure unified control, the application shall also include a copy of the title to all land that is part of the proposed PD zoning district classification.

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.5.D, Planned Development Review Standards.

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Applicable (see Section 2.3.8).

(7) Advisory Body Review and Recommendation

Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with Section 2.3.9, Advisory Body Review and Recommendation, and Section 2.4.5.D, Planned Development Review Standards.

(8) Decision-Making Body Review and Decision

(a) Applicable (see Section 2.3.10). The Board of Commissioners, following a legislative public hearing (Section 2.3.8.B), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.5.D, Planned Development Review Standards. The decision shall be one of the following:

(i) Approval of the planned development subject to the PD master plan and PD terms and conditions in the application;

(ii) Approval of the planned development subject to additional or revised conditions related to the PD master plan or PD terms and conditions;

(iii) Denial of the planned development; or

(iv) Remand of the planned development application back to the Planning Board for further consideration.

(b) As part of the decision, the Board of Commissioners shall adopt a written statement of consistency and reasonableness that:

(i) Describes whether the decision is consistent with all county-adopted plans that are applicable; and

(ii) Explains why the decision is reasonable and in the public interest.

D. Planned Development Review Standards

The advisability of establishing a planned development is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a planned development, the Board of Commissioners shall consider the standards in Section 2.4.3.C, Zoning Map Amendment Standards, and the standards for the proposed type of PD district in Section 3.7, Planned Development Base Zoning Districts.

E. Designation on the Official Zoning Map

Designation of a PD zoning district on the Official Zoning Map shall note the ordinance number approving the PD zoning classification.

F. Effect

Lands rezoned to a PD district shall be subject to the approved PD master plan and the approved PD terms and conditions. The master plan and terms and conditions are binding on the land as an amendment to the Official Zoning Map. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the PD master plan in accordance with the appropriate procedures and standards set forth in this Ordinance. Any permits or approvals shall comply with the PD master plan and the PD terms and conditions.

G. Expiration

(1) If no application for approval of a preliminary plat or site plan for any part of the approved PD master plan is submitted within two years after approval of the planned development, the Planning Director shall initiate a map amendment application to rezone the land back to its prior zoning classification or any other base zoning classification determined to be appropriate. Such time period shall not be extended with transfer of ownership.

(2) Upon written request submitted at least 30 days before expiration of the two-year period provided in Section 2.4.5.G.1 above, and upon a showing of good cause, the Planning Director may grant one extension not to exceed six months for the applicant to submit required development applications.

H. Minor Deviation

(1) General

Subsequent plans and permits for development within an approved planned development may include minor deviations from the PD master plan or PD terms and conditions, provided such deviations are limited to changes addressing technical considerations that could not reasonably be anticipated during the PD zoning classification process or any other change that has no material effect on the character of the approved planned development or any

of its approved terms or conditions. Changes in the following shall constitute minor deviations and may be approved by the Planning Director:

(a) Driveway locations;

(b) Structure floor plan revisions;

(c) Minor shifts in building size or location; and

(d) Facility design modifications for amenities and the like.

(2) Material Changes are Amendments

Changes that materially affect the basic concept of the PD master plan or basic parameters set by the PD terms and conditions are not considered minor deviations, and shall only be changed as amendments to the PD master plan or PD terms and conditions.

I. Amendments

(1) General

If an applicant determines it is necessary to alter the concept or intent of the PD master plan or the PD terms and conditions, the PD master plan or PD terms and conditions shall be amended, extended, or modified only in accordance with the procedures and standards for its original approval.

(2) Amendments Defined

The following items are considered an alteration of the concept or intent of the PD master plan or PD terms and conditions and are treated as an amendment:

(a) Changes in use designations;

(b) Density/intensity increases;

(c) Decreases in open space;

(d) Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected);

(e) Change in the location of any public easement; or

(f) Change in the proportion of housing types by more than 15 percent.

2.4.6. Use Permit

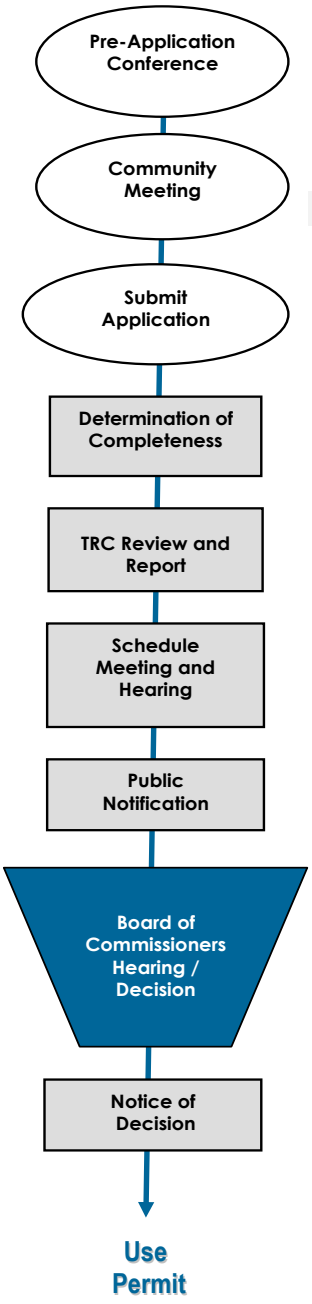
A. Purpose

A use requiring a 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 use permit approval in accordance with the standards in this section:

(1) Uses identified as requiring use permits in Table 4.1.1, 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 a Full Service area.

C. Use Permit Procedure

(1) Pre-Application Conference

Applicable (see Section 2.3.2).

(2) Community Meeting

Applicable (see Section 2.3.3).

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4).

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.6.D, Use Permit Review Standards.

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Applicable (see section 2.3.7).

(7) Advisory Body Review and Recommendation

Not Applicable.

(8) Decision-Making Body Review and Decision

(a) Applicable (see Section 2.3.10). The Board of Commissioners, following a quasi-judicial public hearing (see Section 2.3.8.C), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.6.D, Use Permit Review Standards. The decision shall be the one of the following:

(i) Adoption of the use permit;
(ii) Adoption of the use permit subject to conditions of approval; or
(iii) Denial of the use permit.

(b) The Board of Commissioners may attach additional conditions of approval, including timing limits on residential building lots or units available for occupancy, to assure adequate public facilities remain sufficient to serve the development.

(c) Any conditions of approval shall meet or exceed the minimum requirements of this Ordinance.

D. Use Permit Review Standards

A use permit shall be approved on a finding the applicant demonstrates the proposed use will:

(1) Not endanger the public health or safety;

(2) Not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located;

(3) Be in conformity with the Land Use Plan or other officially adopted plan.

(4) Not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

E. Effect of Development Approval

Applicable (see Section 2.3.13).

F. Amendment of Development Approval

Applicable (see Section 2.3.14).

G. Expiration of Development Approval

A use permit shall automatically expire if any of the following is not obtained within two years of the date of use permit approval:

(1) A building permit;

(2) If a building permit is not required, establishment of the use; or

(3) Submittal of a complete application for approval of a final plat, if the use requires approval of a preliminary plat.

2.4.7. Site Plan

A. Purpose

Site plan review is intended to ensure that the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable standards in this Ordinance and all other county regulations. The purpose of this section is to establish the procedure and standards for review of site plans.

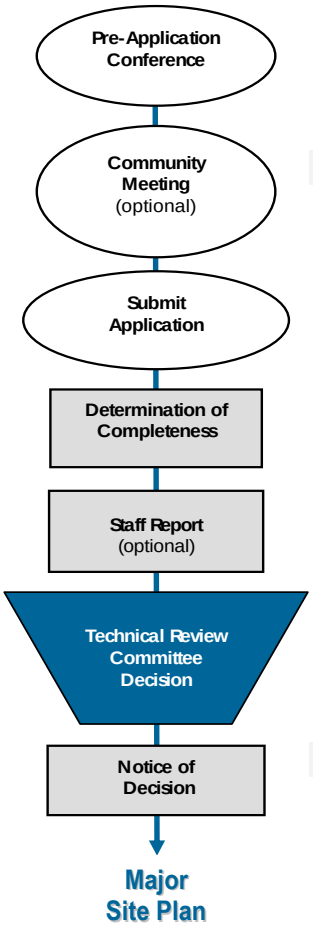
B. Applicability

(1) General

All development, unless exempted in accordance with sub-section (2) below shall be required to have a site plan approved in accordance with this section prior to issuance of a zoning compliance permit or building permit.

(2) Exemptions

The following development is exempted from the requirements of this section:



(a) Internal construction that does not increase building height, increase the density or intensity of use, or affect parking or landscaping requirements;

(b) Change in use that does not result in the need for additional parking or landscaping;

(c) Detached accessory structures associated with a single-family detached residential use that involve construction of less than 144 gross square feet of floor area; and

(d) Temporary uses, subject to a temporary use permit (see Section 2.4.11).

C. Site Plans Distinguished

There are two different types of site plans under this section: minor site plans and major site plans.

(1) Minor Site Plans

The following development shall be reviewed as a minor site plan:

(a) New single-family detached dwellings, including individual manufactured homes and duplexes;

(b) Additions or expansions of a single-family detached dwelling;

(c) Accessory uses or structures serving an existing principal use; or

(d) Development or expansion of a nonresidential, multi-family, or mixed-use building's gross floor area, impervious surface, disturbed land area, and other use area, by less than 5,000 square feet.

(2) Major Site Plans

All other development shall be reviewed as a major site plan.

D. Major Site Plan Review Procedure

(1) Pre-Application Conference

Applicable (see Section 2.3.2).

(2) Community Meeting

Optional (see Section 2.3.3).

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4).

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Technical Review Committee shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.7.F, Site Plan Review Standards.

(5) Public Hearing Scheduling and Public Notification

Not applicable.

(6) Public Hearing Procedures

Not applicable.

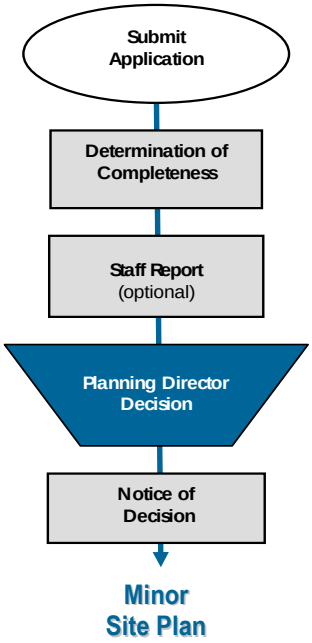
(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

E. Minor Site Plan Review Procedure



(1) Pre-Application Conference

Not applicable.

(2) Community Meeting

Not applicable.

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4).

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.7.F, Site Plan Review Standards.

(5) Public Hearing Scheduling and Public Notification

Not applicable.

(6) Public Hearing Procedures

Not applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

F. Site Plan Review Standards

An application for a site plan shall be approved on a finding the applicant has demonstrated the proposed development:

(1) Is consistent with the Land Use Plan or other officially adopted plan;

(2) Complies with the applicable district, use-specific, development, environmental, and infrastructure design standards of this Ordinance;

(3) Complies with the Currituck County Stormwater Manual and all other applicable standards of this Ordinance and the County Code of Ordinances; and

(4) Complies with all standards or conditions of any prior applicable development permits or approvals.

G. Effect of Development Approval

Approval of a site plan authorizes the submittal of an application for a zoning compliance permit and any other development application that may be required before construction or other development authorized by this Ordinance. Applicants may

submit applications for a site plan, zoning compliance permit, and building permit concurrently.

H. Amendment of Development Approval

Applicable (see Section 2.3.14).

I. Expiration of Development Approval

Site plan approval shall automatically expire at the end of two years following the date of approval if a building permit for at least one building in the site plan is not approved. A change in the ownership in land does not affect this time period.

2.4.8. Subdivision

A. Purpose

The purpose of this section is to provide a uniform means for the review and approval of divisions of land and to ensure, in conjunction with Chapter 6: Subdivision and Infrastructure Standards, that subdivisions promote the health, safety, convenience, order, prosperity, and welfare of the present and future residents of the county by:

(1) Providing for the orderly growth and development of the county;

(2) Coordinating streets within proposed subdivisions with the existing street system, transportation plans, and other public facilities;

(3) Providing rights-of-way for streets and utility easements;

(4) Avoiding congestion and overcrowding, and encouraging the proper arrangement of streets in relation to existing or planned streets;

(5) Ensuring there is adequate open space and recreation facilities to serve development; and

(6) Ensuring there is proper recordation of land ownership or property owner association records, where applicable.

B. Applicability

(1) General

Unless exempted in accordance with subsection B.2 below, before the division of land (whether improved or unimproved) into two or more lots is recorded or otherwise made effective, the landowner shall comply with the requirements of this section.

(2) Exemptions

(a) The division of a tract or parcel transferred to the county, State, or Federal government is exempt from subdivision review and the standards in Chapter 6; Subdivision and Infrastructure Standards, provided the transferred tract or parcel is for the conservation of natural resources, utilities, or other public purposes. The subsequent transfer of government property to a non-governmental entity, further division of the property for non-public uses, and any resultant lot shall be subject to the requirements of this section.

(b) No-review subdivisions are exempt from subdivision review, but shall be required to comply with the relevant standards in Chapter 6:

Subdivision and Infrastructure Standards, all other applicable standards in this Ordinance, and the County Code of Ordinances.

C. Subdivisions Distinguished

There are three different types of subdivisions under this section: a no-review subdivision, a minor subdivision, and a major subdivision.

(1) No-Review Subdivision

(a) A no-review subdivision is the division of land in a way that is not subject to review under this section, but is subject to compliance with all other applicable standards in this Ordinance and the County Code of Ordinances. No-review subdivisions consist of the division of land in one of the following ways:

(i) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;

(ii) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved. Each parcel that is part of the subdivision shall be greater than ten acres;

(iii) The public acquisition by purchase of strips of land for the widening or opening of streets or provision of public utilities;

(iv) The division of a tract of land in single ownership that is no greater than two acres in area into not more than three lots, when:

(A) No street right-of-way dedication is involved: and

(B) The resultant lots are equal to or exceed the standards of this Ordinance.

(b) Any map or plat related to a no-review subdivision intended for recordation shall bear the words "no approval required" and the signature of the Planning Director.

(2) Minor Subdivision

A minor subdivision consists of the division of land into five or fewer lots that does not constitute a no review subdivision.

(3) Major Subdivision

All other subdivisions of land shall constitute a major subdivision.

D. Minor Subdivision

(1) Procedure

(a) Pre-Application Conference

Not applicable.

(b) Community Meeting

Not Applicable.

(c) Application Submittal and Acceptance

(i) Applicable (see Section 2.3.4). Applications shall include a final plat prepared in accordance with the standards in Section 2.4.8.E.5.b, Final Plat Review Standards.

(ii) Applications for a family subdivision shall include an attestation that the purpose for the subdivision is solely for the conveyance of lots to family members, and that conveyance of a lot in a family subdivision to a non-family member is a violation of this Ordinance.

(d) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall decide an application for a minor subdivision in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.8.D.2, Minor Subdivision Review Standards.

(e) Public Hearing Scheduling and Public Notification

Not applicable.

(f) Public Hearing Procedures

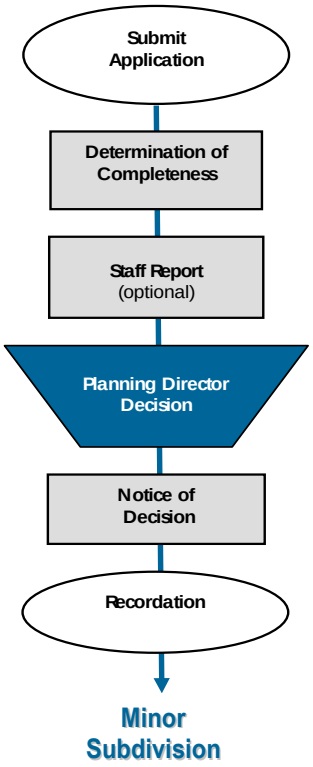
Not applicable.

(g) Advisory Body Review and Recommendation

Not applicable.

(h) Decision-Making Body Review and Decision

Not applicable.



(2) Minor Subdivision Review Standards

(a) General Standards

A minor subdivision shall be approved on a finding that:

(i) It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.B; and all other applicable standards in this Ordinance;

(ii) It complies with the dimensional standards of Chapter 3;

(iii) It will result in five or fewer lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B, Additional Standards for Family Subdivisions);

(iv) It fronts an existing NCDOT-maintained public street or a private access street;

(v) There is no public right-of-way dedication;

(vi) It does not create a private access street serving more than two lots unless it is a family subdivision; and

(vii) Any private access street created complies with Section 6.2.1.B.1 Private Access Street Standards.

(b) Additional Standards for Family Subdivisions

Family subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above as well as the following:

(i) Lots shall be conveyed solely to family members within two degrees of kinship (e.g., child, grandchild). A maximum of one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.

(ii) No more than five lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed ten years prior to application submittal.

(iii) Ingress and egress to a lot shall not be from a major arterial street.

(iv) Private access streets created shall not serve more than five lots.

(v) Principal uses shall be limited to single-family detached dwellings and customary accessory uses.

(3) Effect of Development Approval

(a) Approval of a minor subdivision constitutes approval of a final plat for subdivision.

(b) Lots shall not be sold or conveyed until after a final plat has been recorded.

(4) Amendment of Development Approval

Applicable (see Section 2.3.14).

(5) Expiration of Development Approval

A minor subdivision plat shall be recorded with the Currituck County Register of Deeds within 90 days of its approval, or it shall be null and void.

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 use permit (if applicable), construction drawings, and then a final plat.

(ii) The Planning 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 Commissions is required for subdivisions of 21 or more lots.

(iii) Type I preliminary plats do not require concurrent approval of a 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 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

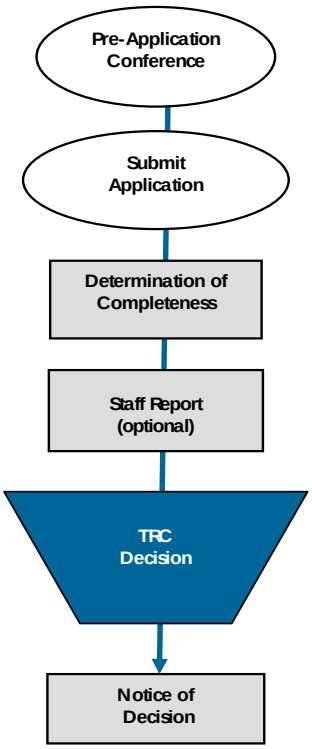
(i) The final plat shall be in substantial conformance with the preliminary plat and construction drawings, and include only minor deviations created by final engineering, surveying, or other minor design enhancements. Major changes (e.g., increase in the number of lots, reduction in the amount of open space, significant change in the location of streets, etc.) at final plat stage may, at the discretion of the Planning 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



Type I Preliminary Plat

(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 use permit where one or more public facilities are within 85 percent of the maximum capacity (see Section 2.4.6, 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 Planning 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 use permit is required).

(f) Public Hearing Procedures

Not applicable (unless a use permit is required).

(g) Advisory Body Review and Recommendation

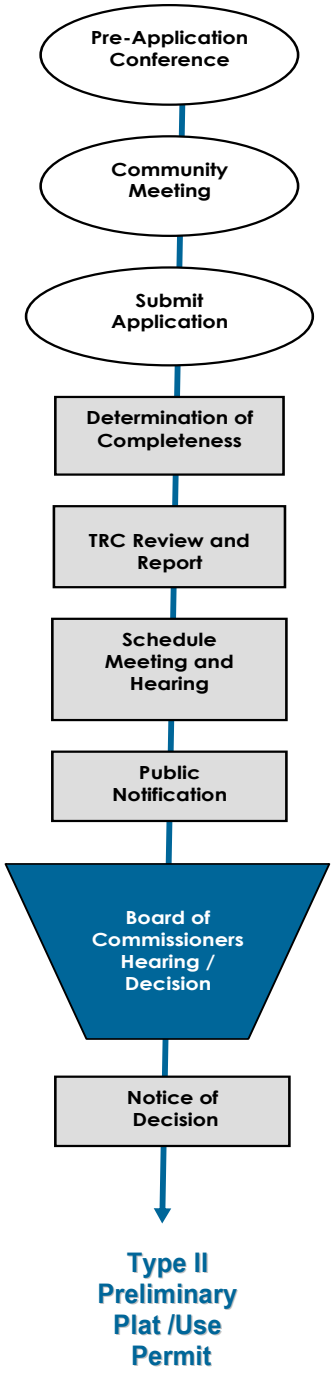
Not applicable.

(h) Decision-Making Body Review and Decision

(i) Not applicable unless a use permit is required.

(ii) When a use permit is required, the Board of Commissioners, following a quasi-judicial public 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, 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 Facility Standards.



(3) Type II Preliminary Plat / Use Permit Procedure

(a) Pre-Application Conference

Applicable (see Section 2.3.2).

(b) Community Meeting

Applicable for plats of 50 lots or more (see Section 2.3.3).

(c) Application Submittal and Acceptance

(i) Applicable (see Section 2.3.4). An application for a type II preliminary plat shall also include an application for a use permit (see Section 2.4.6, Use Permit).

(ii) Construction drawings may be submitted concurrently with a type II preliminary plat application, at the applicant's option.

(d) Staff Review and Action

Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide a recommendation on the application in accordance with Section 2.4.8.E.4.a, Preliminary Plat Review Standards, and Section 2.4.6.D, Use Permit Review Standards.

(e) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(f) Public Hearing Procedures

Applicable (see Section 2.3.8).

(g) Advisory Body Review and Recommendation

Not Applicable.

(h) Decision-Making Body Review and Decision

(i) Applicable (see Section 2.3.10). The Board of Commissioners, following a quasi-judicial public 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, Use Permit Review Standards.

(ii) The Board of Commissioners may place limitations on the timing and extent of new development in accordance with Section 6.6, Adequate Public Facility Standards.

(4) Preliminary Plat Standards, Effect, Amendment, and Expiration

(a) Preliminary Plat Review Standards

An application for a type I or type II preliminary plat shall be approved only upon a finding the applicant demonstrates the preliminary plat complies with:

(i) All applicable standards in Chapter 6: Subdivision and Infrastructure Standards, and other applicable standards in this Ordinance;

(ii) The standards in 2.4.6.D, Use Permit Standards, if applicable;

(iii) The Currituck County Stormwater Manual;

(iv) All standards or conditions of any prior applicable development permits and approvals; and

(v) All other applicable requirements in the County Code of Ordinances.

(b) Effect of Development Approval

Approval of a type I or type II preliminary plat authorizes:

(i) The submittal of construction drawings for the subdivision or an approved phase of the subdivision, in accordance with this section; or

(ii) Review and decision on construction drawings by the Technical Review Committee, if submitted concurrently with the preliminary plat application.

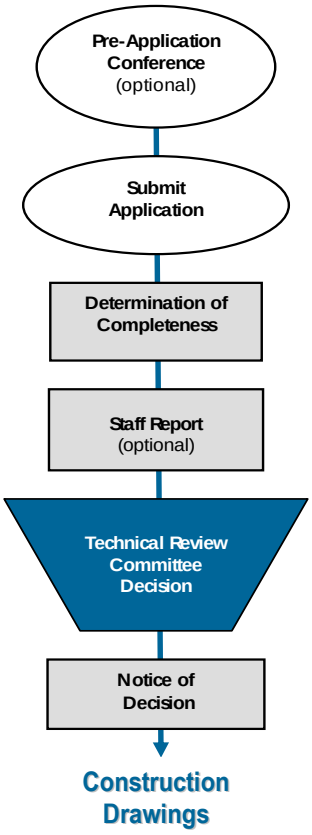
(c) Amendment of Development Approval

Applicable (see Section 2.3.14).

(d) Expiration of Development Approval

(i) Approval of a type I or type II preliminary plat shall automatically expire if a complete application for approval of a final plat is not submitted within two years after the date of approval of the type I or type II preliminary plat.

(ii) A subdivider may submit no more than one request for a two-year extension for consideration by the Board of Commissioners prior to the initial expiration. The Board of Commissioners may grant a request for extension for good cause.



(5) Construction Drawings Procedure

(a) Pre-Application Conference

Optional (see Section 2.3.2).

(b) Community Meeting

Not applicable.

(c) Application Submittal and Acceptance

Applicable (see Section 2.3.4).

(d) Staff Review and Action

Applicable (see Section 2.3.5). The Technical Review Committee shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.8.E.5.b, Construction Drawing Review Standards.

(e) Public Hearing Scheduling and Public Notification

Not applicable.

(f) Public Hearing Procedures

Not applicable.

(g) Advisory Body Review and Recommendation

Not applicable.

(h) Decision-Making Body Review and Decision

Not applicable.

(6) Construction Drawing Standards, Effect, Amendment, and Expiration

(a) Construction Drawing Review Standards

Construction drawings shall be approved only on a finding the applicant demonstrates the drawings comply with:

(i) The applicable standards in Chapter 6: Subdivision and Infrastructure Standards and all other applicable standards in this Ordinance;

(ii) All standards or conditions of any prior applicable development permits and approvals;

(iii) Sound engineering and construction practices;

(iv) The Currituck County Stormwater Manual; and

(v) All other applicable requirements in the County Code of Ordinances.

(b) Effect of Development Approval

(i) Approval of construction drawings authorizes the submittal of an application for approval of a final plat for the subdivision in accordance with this section.

(ii) Failure to obtain approval of construction drawings prior to the start of the construction of public improvements shall be a violation of this Ordinance and automatically renders the preliminary plat null and void.

(c) Amendment of Development Approval

Applicable (see Section 2.3.14)

(d) Expiration of Development Approval

Construction drawings shall remain valid and in effect as long as the preliminary plat with which they are associated remains valid.

(7) Final Plat Procedure

(a) Pre-Application Conference

Optional (see Section 2.3.2).

(b) Community Meeting

Not applicable.

(c) Application Submittal and Acceptance

Applicable (see Section 2.3.4).

(d) Staff Review and Action

Applicable (see Section 2.3.5). The Technical Review Committee shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.8.E.6.b, Final Plat Review Standards.

(e) Public Hearing Scheduling and Public Notification

Not applicable.

(f) Public Hearing Procedures

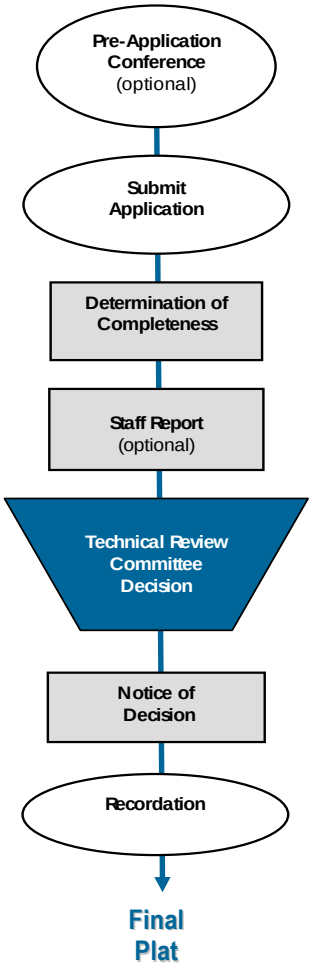
Not applicable.

(g) Advisory Body Review and Recommendation

Not applicable.

(h) Decision-Making Body Review and Decision

Not applicable.



(8) Final Plat Standards, Infrastructure, Effect, Amendment, and Expiration

(a) Final Plat Review Standards

A final plat shall be approved only on a finding the applicant demonstrates the following:

(i) The final plat is in substantial conformance with the preliminary plat and construction drawings, Chapter 6: Subdivision and Infrastructure Standards, and all other applicable standards in this Ordinance;

(ii) The final plat includes the entire area approved for construction on preliminary plat (by phase); and

(iii) All required improvements depicted on the preliminary plat and final plat are installed or subject to a performance guarantee (see Section 6.3).

(b) Acceptance of Public Infrastructure

(i) The subdivider shall retain responsibility for public infrastructure until maintenance responsibility is accepted by NCDOT, a homeowner or property owners association, or the county, as appropriate.

(ii) Approval of a final plat shall not constitute acceptance by the county or other public agency of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. However, the county or other public agency may, to the extent of its statutory authority, accept such offer of dedication by resolution of the governing body or by actually exercising control over and maintaining such facilities.

(c) Effect of Development Approval

Approval of a final plat allows the sale or conveyance of lots within the subdivision.

(d) Amendment of Development Approval

Lot sizes may be varied on an approved final plat after recording, provided that:

(i) No lot or tract shall be created or sold that is smaller than the size shown on the approved plat;

(ii) Drainage easements shall not be changed;

(iii) Right-of-ways shall not be changed;

(iv) Street alignment and block sizes shall not be changed;

(v) The rear portion of lots shall not be subdivided from the front portion; and

(vi) The character of the preliminary plat shall be maintained.

(e) Expiration of Development Approval

A final plat shall be recorded with the Currituck County Register of Deeds within 90 days of approval, or it shall be null and void.

2.4.9. Zoning Compliance Permit

A. Purpose

The purpose of a zoning compliance permit is to ensure no development occurs until there is assurance the development complies with the requirements of this Ordinance.

B. Applicability

A zoning compliance permit is required before issuance of a building permit, any change in use, or commencement of activity that does not require issuance of a building permit.

C. Zoning Compliance Permit Procedure

(1) Pre-Application Conference

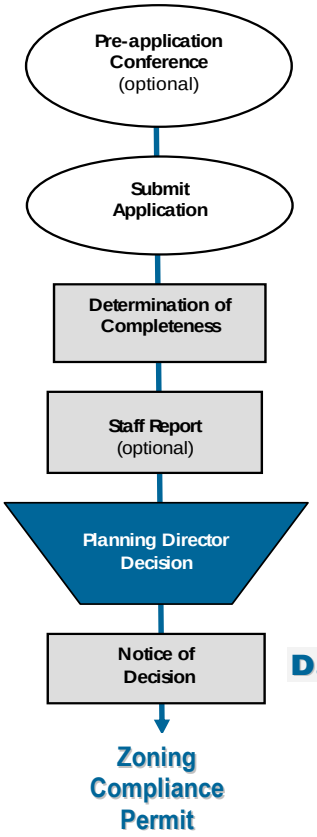
Optional (see Section 2.3.2).

(2) Community Meeting

Not applicable.

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4). Prior to the issuance of a zoning compliance permit, verification must be submitted by the applicant that the lot will be served by either a state-approved package plant, public sewer facility, or a



waste treatment system complying with the requirements of the Albemarle Regional Health Services, where applicable.

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.9.D, Zoning Compliance Permit Review Standards.

(5) Public Hearing Scheduling and Public Notification

Not applicable.

(6) Public Hearing Procedures

Not applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

D. Zoning Compliance Permit Review Standards

A zoning compliance permit shall be approved upon a finding the applicant demonstrates the proposed development complies with all applicable standards in this Ordinance, the County Code of Ordinances, and all conditions of permits or development approvals approved under this Ordinance.

E. Effect of Development Approval

(1) Approval of a zoning compliance permit authorizes an applicant to apply for a building permit, or to commence construction if the proposed development does not require a building permit.

(2) If the zoning compliance permit application is filed concurrently with a building permit application, approval of the zoning compliance permit authorizes the county to complete its review of the building permit application.

F. Amendment of Development Approval

Applicable (see Section 2.3.14).

G. Expiration of Development Approval

Approval of a zoning compliance permit shall automatically expire if the development activity it authorizes is not commenced within six months after the date of approval.

2.4.10. Sign Permit

A. Purpose

The purpose of this section is to provide a uniform mechanism for reviewing applications for sign permits to ensure all signs comply with the standards of Section 5.12, Signage.

B. Applicability

(1) In General

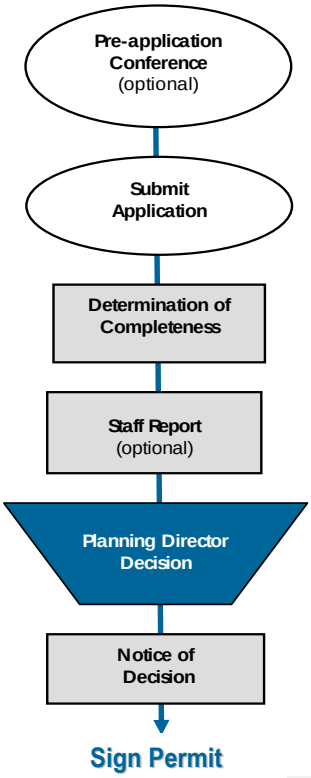
All signs, unless exempted in accordance with subsection B.2 below, shall obtain a sign permit in accordance with the procedures and standards of this section before being erected, replaced, relocated, or altered.

(2) Exemptions

(a) Signs identified in Section 5.12.3, Signs Exempt from Signage Regulations, are exempt from the signage regulations in this Ordinance.

(b) Signs identified in Section 5.12.4, Signs Exempted from Sign Permit Requirements, are exempt from the requirement to obtain a sign permit in accordance with this section, but are required to comply with all other standards in Section 5.12, Signage.

C. Sign Permit Procedure



(1) Pre-Application Conference

Optional (see Section 2.3.2).

(2) Community Meeting

Not applicable.

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4).

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.10.D, Sign Permit Review Standards.

(5) Public Hearing Scheduling and Public Notification

Not applicable.

(6) Public Hearing Procedures

Not applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

D. Sign Permit Review Standards

A sign permit shall be approved only upon a finding the application complies with the standards in Section 5.12, Signage, all relevant standards of this Ordinance, applicable standards from the North Carolina State Building Code, and any other applicable county requirements or applicable conditions of approval.

E. Effect of Development Approval

Applicable (see Section 2.3.13).

F. Amendment of Development Approval

Applicable (see Section 2.3.14).

G. Expiration of Development Approval

(1) A sign permit shall expire within six months from the date of issuance unless work authorized by the permit has been started.

(2) Work associated with a sign permit shall be completed within twelve months of the date of issuance or the sign permit shall be void.

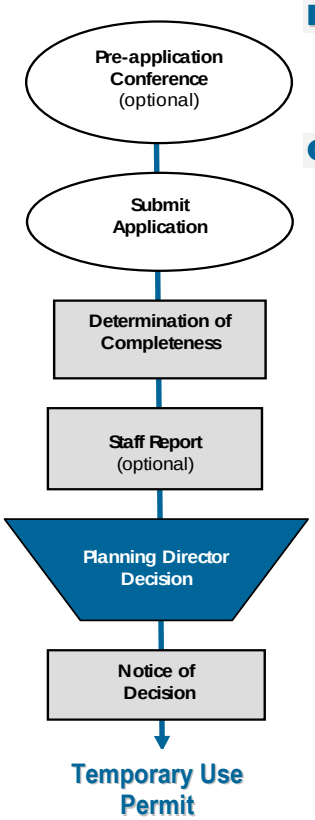
2.4.11. Temporary Use Permit

A. Purpose

The purpose of this subsection is to establish a uniform mechanism for reviewing temporary uses and structures, and special events to ensure they comply with the standards in Section 4.4, Temporary Use Standards.

B. Applicability

The provisions of this section shall apply to all proposed temporary uses, temporary structures, and special events set forth in Section 4.4, Temporary Use Standards.



C. Temporary Use Permit Procedure

(1) Pre-Application Conference

Optional (see Section 2.3.2).

(2) Community Meeting

Not applicable (see Section 2.3.3).

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4).

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, Section 2.4.11.D, Temporary Use Permit Review Standards, and all other applicable standards in this Ordinance and the County Code of Ordinances.

(5) Public Hearing Scheduling and Public Notification

Not applicable.

(6) Public Hearing Procedures

Not applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

D. Temporary Use Permit Review Standards

A Temporary Use Permit shall be approved on a finding the applicant demonstrates the proposed temporary use, temporary structure, or special event complies with the relevant standards in Section 4.4, Temporary Use Standards.

E. Effect of Development Approval

Applicable (see Section 2.3.13).

F. Amendment of Development Approval

Applicable (see Section 2.3.14).

G. Expiration of Development Approval

Approval of a temporary use permit shall be effective beginning on the date of approval and shall remain effective for the period indicated in the permit.

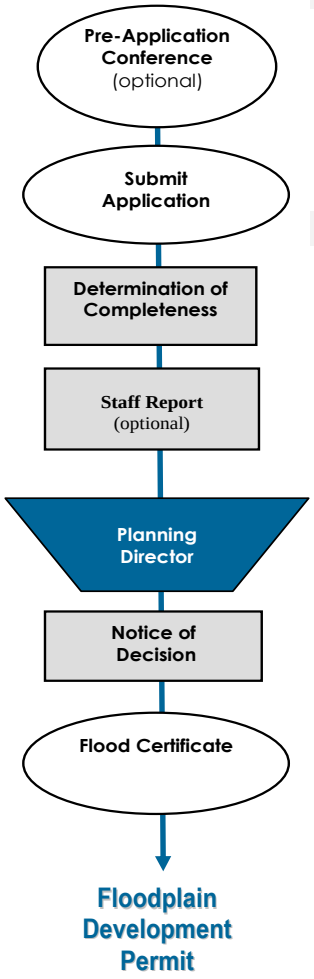
2.4.12. Floodplain Development Permit

A. Purpose

The purpose of the floodplain development permit is to establish procedures and standards for the review of development located within the special flood hazard area, to reduce the potential for damage to property and life from flooding or floodwaters.

B. Applicability

All development proposed in the special flood hazard area shall obtain a floodplain development permit and applicable flood certificates/certifications in accordance with this section and Section 7.4, Flood Damage Prevention, prior to or concurrent with an application for a site plan, building permit, or zoning compliance permit, as appropriate.



C. Floodplain Development Permit Procedure

(1) Pre-Application Conference

Optional (see Section 2.3.2).

(2) Community Meeting

Not applicable.

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4).

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.12.D, Floodplain Development Permit Review Standards.

(5) Public Hearing Scheduling and Public Notification

Not applicable.

(6) Public Hearing Procedures

Not applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

D. Floodplain Development Permit Review Standards

A floodplain development permit shall be approved only upon a finding that all of the following standards are met:

(1) The permit is issued prior to the commencement of development;

(2) The development proposed within the special flood hazard area complies with the standards in Section 7.4, Flood Damage Prevention, and all other applicable standards in this Ordinance and the County Code of Ordinances; and

(3) The floodplain development permit includes:

(a) A description of development to be permitted under the floodplain development permit.

(b) The special flood hazard area determination for the proposed development in accordance with available data specified in Section 7.4, Flood Damage Prevention.

(c) The regulatory flood protection elevation required for the reference level, all attendant utilities, and the protection of all public utilities as applicable.

(d) All certification submittal requirements with appropriate timelines.

(e) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

(f) Flood openings requirements, if in flood zones A or AE.

E. Effect of Approval

Approval of a floodplain development permit authorizes an applicant to obtain all required elevation certificates or other required certificates and proceed with construction following issuance of a building permit.

F. Amendment of Approval

Applicable (see Section 2.3.14).

G. Expiration of Approval

Approval of a floodplain development permit shall automatically expire if the development activity it authorizes is not commenced within six months after the date of approval.

2.4.13. Clear-Cutting Permit

A. Purpose

This section is intended to ensure that development and clear-cutting activities comply with the tree protection standards in this Ordinance.

B. Applicability

(1) In General

Except for development exempted in accordance with sub-section (2) below, a clear-cutting permit is required before any clear-cutting or significant land-disturbing activities. For the purposes of this sub-section, "significant land-disturbing activities" shall include but not be limited to deposition or removal of fill, grading or grubbing of a site, or trenching.

(2) Exemptions

The following activities are exempt from the requirements of this section:

(a) The removal of dead or naturally fallen trees;

(b) The removal of diseased trees posing a threat to adjacent trees;

(c) The selective and limited removal of trees or vegetation necessary to obtain clear visibility within sight distance triangles;

(d) Removal of trees on developed single-family residential lots or lots within a single-family residential subdivision platted prior to January 1, 2013;

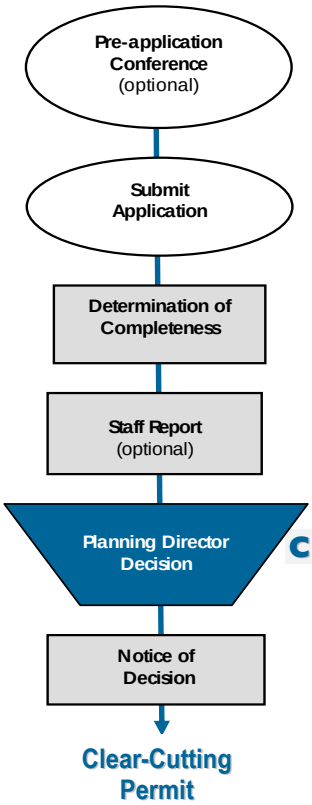
(e) Land-disturbing activities and tree removal in accordance with a site plan, preliminary plat, or building permit approved after January 1, 2013;

(f) Removal of trees as necessary to maintain safe operations at the Currituck County Airport;

(g) Land-disturbing activities and tree removal on unbuildable lands;

(h) The removal of vegetation by public or private agencies within the lines of any right-of-way, easement, or other county-owned lands as may be necessary to ensure public safety; and

(i) Land disturbing activities undertaken on land under agricultural, horticultural, or forest production and taxed at present-use value in accordance with Sections 105-277.2 through 277.7 of the North Carolina General Statutes.



C. Clear-Cutting Permit Procedure

(1) Pre-Application Conference

Optional (see Section 2.3.2).

(2) Community Meeting

Not applicable.

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4).

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.13.D, Clear-Cutting Permit Review Standards.

(5) Public Hearing Scheduling and Public Notification

Not applicable.

(6) Public Hearing Procedures

Not applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

D. Clear-Cutting Permit Review Standards

A clear-cutting permit shall be approved only upon a finding that all of the following standards are met:

(1) All healthy heritage trees within the site are preserved or maintained during and after any tree removal or other land-disturbing activity, or a plan for mitigation consistent with the requirements in Section 7.2.3.E, Replacement/ Mitigation of Heritage Trees, has been approved by the Planning Director.

(2) A tree protection zone around all heritage trees to be preserved is established consistent with the requirements in Section 7.2, Tree Protection.

(3) In the event a tract or site proposed for tree removal or other land-disturbing activity contains no heritage trees, the clear cutting permit shall indicate that no tree protection zones are required.

E. Effect of Development Approval

Applicable (see Section 2.3.13).

F. Amendment of Development Approval

Applicable (see Section 2.3.14).

G. Expiration of Development Approval

A clear-cutting permit expires six months after its approval.

2.4.14. Variance

A. Purpose

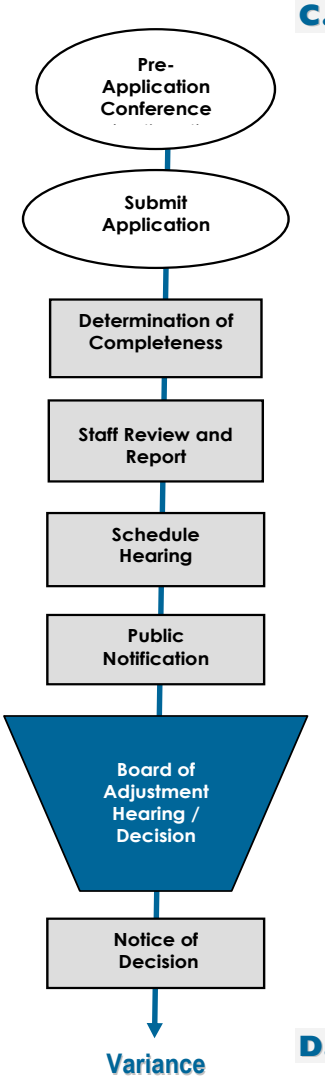
The purpose of a variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numerical standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. This

section also includes standards for variance from the county's flood damage prevention standards in Section 7.4.

B. Applicability

The variance procedure may be used to seek hardship relief from the dimensional, numerical, and flood damage prevention standards in this Ordinance. No variance may be sought that increases development density (e.g., units per acre) beyond that allowed in a base zoning district, or increases the number of a particular type of sign beyond that allowed by signage standards. In addition, no variance may be sought that would permit a use not allowed in a zoning district, or would have the effect of allowing a prohibited use or a prohibited sign.

C. Variance Procedure



(1) Pre-Application Conference

Optional (see Section 2.3.2).

(2) Community Meeting

Not Applicable.

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4). The Planning Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.16.D, Variance Review Standards.

(4) Staff Review and Action

Applicable (see Section 2.3.5).

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Applicable (see Section 2.3.8).

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Applicable (see Section 2.3.10). The Board of Adjustment, following a quasi-judicial public hearing (see Section 2.3.8.C), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, Section 2.4.16.D, Variance Review Standards, or Section 2.4.16.2.F, Standards for Flood Damage Prevention Ordinances, as appropriate.

D. Variance Review Standards

A variance shall be approved on a finding the applicant demonstrates all of the following standards are met:

(1) The alleged hardship is suffered by the applicant as a result of the application of this Ordinance;

(2) The hardship relates to the applicant's land, such as location, size, or topography, rather than personal circumstances;

(3) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;

(4) The hardship is not the result of the applicant's own actions;

(5) The variance will not authorize the initiation of a nonconforming use of land; and

(6) The requested variance is consistent with the spirit, purpose, and intent of this Ordinance, such that public safety is secured, and substantial justice is achieved.

E. Not Grounds for a Variance

The following factors do not constitute sufficient grounds for approval of a variance:

(1) A request for a particular use that is expressly, or by inference, prohibited in the zoning district;

(2) Hardships resulting from factors other than application of standards of this Ordinance;

(3) The fact that land or a structure may be utilized more profitably or be more marketable with a variance;

(4) The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts; or

(5) Financial hardship.

F. Variances from Flood Damage Prevention Standards

(1) Eligibility for Variance

The following forms of development are eligible to request a variance from the flood damage prevention standards in Section 7.4, Flood Damage Prevention:

(a) Repair or rehabilitation of historic structures, upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

(b) Functionally dependent facilities, provided they are protected by methods that minimize flood damage during the base flood and create no additional threats to public safety; or

(c) Any other type of development, provided it meets the standards of this section.

(2) Standards for Flood Damage Prevention Variances

A flood damage prevention variance shall be approved on a finding the applicant demonstrates all of the following standards are met:

(a) There is a good and sufficient cause to grant the variance.

(b) Failure to grant the variance would result in exceptional hardship.

(c) The variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Approval of the variance will not render the building in violation of applicable Federal, State, or local requirements.

(e) Granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with this Ordinance.

(f) Approval of the variance will not result in any increase in flood levels within any designated floodway or non-encroachment area during the base flood discharge.

(g) The variance is issued prior to development permit approval.

(3) Grounds for Denial of a Flood Damage Prevention Variance Request

All of the following factors shall be taken into account when denying a request for a flood damage prevention variance:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location as a functionally-dependent facility;

(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the Land Use Plan and the county's floodplain management program;

(i) The safety of access to the use in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(4) Conditions of Approval

Upon consideration of the standards in Section (2) above and the purposes of this Ordinance, the BOA may attach such conditions to the variance as it deems necessary to further the purposes and objectives of this Ordinance.

(5) Notification Regarding Flood Insurance Costs

(a) Any applicant to whom a flood damage prevention variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a

structure below the BFE will result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage.

(b) Such notification shall be maintained with the record of the variance action.

(6) Records

Upon request, the Planning Director shall report any flood damage prevention variance approvals to the Federal Emergency Management Agency and the State of North Carolina.

G. Effect of Development Approval

Approval of a variance authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this Ordinance and any other applicable laws, and does not indicate that the development for which the variance is granted should receive other development permits or approvals under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met.

H. Amendment of Development Approval

Applicable (see Section 2.3.14).

I. Expiration of Development Approval

Unless it expires in accordance with Section 2.3.15, Expiration of a Development Approval, a variance, including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

2.4.15. Administrative Adjustment

A. Purpose

The purpose of this section is to provide an administrative mechanism for allowing minor variations, or adjustments, to certain numerical standards (i.e., setbacks) of the zoning provisions based on specific standards, with the intent of providing relief where application of a standard creates practical difficulties in allowing development that otherwise advances the purposes served by the standards and is compatible with the area.

B. Timing

(1) An administrative adjustment may be requested either as a stand-alone application or in conjunction with other application(s).

(2) If an administrative adjustment application is submitted in conjunction with another application, it shall be reviewed and decided prior to the other application. (For example, if an administrative adjustment application is submitted in conjunction with a site plan application (because the administrative adjustment is needed to achieve the plan for development in the site plan), the administrative adjustment application shall be reviewed and decided upon prior to review of the site plan application.)

C. Applicability

Administrative adjustments may be requested and granted for the following standards in this Ordinance:

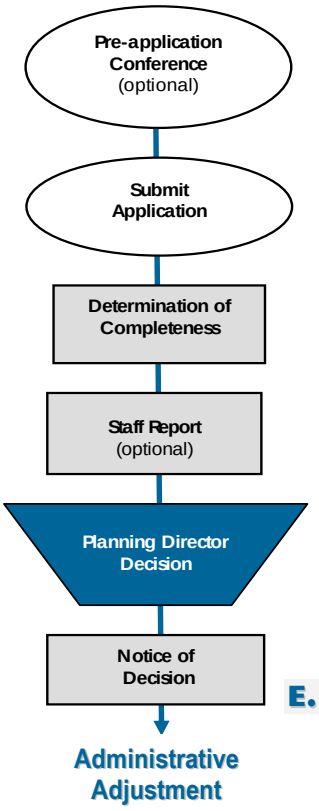
(1) Modifications in building height by up to 15 percent;

(2) Modifications in a building setback by up to 20 percent in Full Service areas designated on the future land use map of the 2006 Land Use Plan;

(3) Modifications in building setbacks by up to 15 percent outside Full Service areas; and

(4) Modifications in major arterial street setbacks by up to 40 percent.

D. Administrative Adjustment Procedure



(1) Pre-Application Conference

Optional (see Section 2.3.2).

(2) Community Meeting

Not applicable.

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4).

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.15.E, Administrative Adjustment Review Standards.

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Not applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

E. Administrative Adjustment Review Standards

An application for an administrative adjustment shall be approved upon a finding the applicant demonstrates all of the following standards are met:

(1) The administrative adjustment does not exceed:

(a) Modifications in building height by up to 15 percent;

(b) Modifications in a building setback by up to 20 percent in Full Service areas designated on the future land use map of the 2006 Land Use Plan;

(c) Modifications in building setbacks by up to 15 percent in all other areas in the county;

(d) Modifications in major arterial street setbacks by up to 40 percent, provided the structure maintain a minimum distance of at least 20 feet from the major arterial street;

(2) The administrative adjustment is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;

(3) The administrative adjustment is either:

(a) Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;

(b) Supports an objective or goal from the purpose and intent statements of the zoning district where it is located; or

(c) Saves healthy existing trees;

(4) The administrative adjustment will not pose a danger to the public health or safety;

(5) Any adverse impacts will be mitigated, to the maximum extent practicable; and

(6) The site is not subject to a series of multiple, incremental administrative adjustments that result in a reduction in development standards by the maximum allowed.

F. Effect of Development Approval

Applicable (see Section 2.13.13)

G. Amendment of Development Approval

Applicable (see Section 2.3.14).

H. Expiration of Development Approval

Unless otherwise specified in the approval, an application for a building permit shall be approved within one year of the date of the approval of the administrative adjustment, or the administrative adjustment shall become null and void, and automatically expire. Permitted timeframes do not change with successive owners.

2.4.16. Interpretation

A. Purpose

The purpose of this section is to provide a uniform mechanism for rendering formal written interpretations of the text of this Ordinance and the boundaries or classifications on the Official Zoning Map.

B. Applicability

The Planning Director is responsible for making interpretations of all provisions of this Ordinance, including, but not limited to:

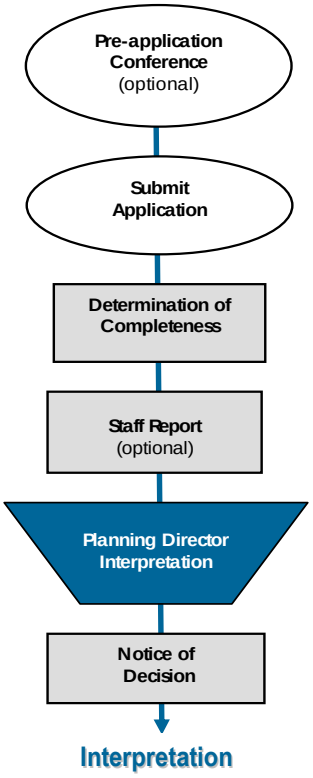
(1) Interpretations of the text;

(2) Interpretations of the zoning district boundaries;

(3) Interpretations of whether an unlisted use in Table 4.1.1. Summary Use Table, is comparable to a listed use or not, and should be allowed in a zoning district or prohibited in that district; and

(4) Interpretations of compliance with a condition of approval.

C. Interpretation Procedure



(1) Pre-Application Conference

Optional (see Section 2.3.2).

(2) Community Meeting

Not applicable.

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4). An application for a formal written interpretation may be initiated by the Board of Commissioners, the Planning Board, any resident or landowner in the county, or any person having a contractual interest in land in the county.

(4) Staff Review and Action

(a) Applicable (see Section 2.3.5). The Planning Director shall review the request and make interpretations in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.16.D, Interpretation Review Standards.

(b) Prior to rendering an interpretation the Planning Director shall consult with the County Attorney and other affected county officials.

(5) Public Hearing Scheduling and Public Notification

Not applicable.

(6) Public Hearing Procedures

Not applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

D. Interpretation Review Standards

(1) Zoning District Map Boundaries

Interpretation of zoning district boundaries on the Official Zoning Map shall be in accordance with the standards in Section 1.7.3, Interpretation of Official Map Boundaries, and consistent with the Land Use Plan.

(2) Unspecified Uses

Interpretation of whether an unspecified use is similar to a use identified in Table 4.1.1, Summary Use Table, or is prohibited in a zoning district shall be based on Section 10.4.1.D, Interpretation of Unlisted Uses, and consistency with the Land Use Plan.

(3) Text Provisions

Interpretation of the text and its application shall be based on the standards in Section 10.1, General Rules for Interpretation, and the following considerations:

(a) The clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision—as established in Section 10.5, Definitions, and by the common and accepted usage of the term;

(b) The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history related to its adoption;

(c) The general purposes served by this Ordinance, as set forth in Section 1.3, General Purpose and Intent; and

(d) Consistency with the Land Use Plan.

E. Effect of Interpretation

A written interpretation shall be binding on subsequent decisions by the Planning Director or other county administrative officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the Interpretation is modified in accordance with this section, or the text of this Ordinance is modified.

F. Official Record

The Planning Director shall maintain a record of written interpretations that shall be available in the Planning and Community Development Department for public inspection, on reasonable request, during normal business hours.

2.4.17. Appeal

A. Purpose

The purpose of this section is to establish a procedure and standards for an aggrieved party affected by any decision or interpretation by a county official to determine if the decision or interpretation complies with the requirements of this Ordinance.

B. Initiation

An appeal shall be initiated by filing a written Notice of Appeal with the Planning Director within:

(1) Thirty days of the date of the interpretation or decision, or notice of violation being appealed.

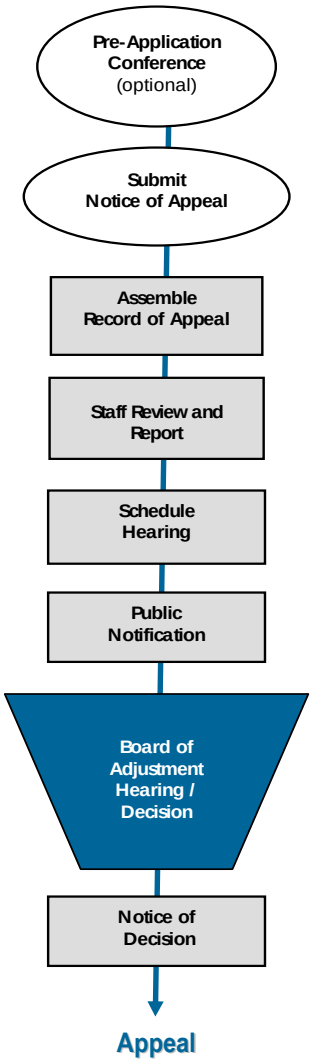
C. Appeal Procedure

(1) Pre-Application Conference

Optional (see Section 2.3.2).

(2) Community Meeting

Not applicable.



(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4). The written Notice of Appeal shall include a statement of the error or improper decision or interpretation, the date of that decision, the grounds for the appeal, and all related support materials.

(4) Staff Review and Action

Applicable (see Section 2.3.5). On accepting a Notice of Appeal application, the Planning Director shall transmit the appeal and the record of material considered by the decision-maker in making the decision or interpretation (including but not limited to, for example, the application and support materials, staff report, other plans, documents, reports, and studies considered in making the decision, and any minutes, transcripts, or record of the meetings held to consider and make the decision). These materials, plus the Land Use Plan and this Ordinance, shall constitute the record of the appeal.

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6). The Planning Director shall provide notice of the public hearing to the applicant for the decision being appealed, if different from the appellant.

(6) Public Hearing Procedures

Applicable (see Section 2.3.8). The public hearing shall be on the record of the appeal, with presentations limited to arguments on the record of the appeal as it relates to the grounds for appeal specified in the appeal application.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

(a) Applicable (see Section 2.3.10). The Board of Adjustment, following a quasi-judicial public hearing (see Section 2.3.8.C) shall decide the application for the appeal. The decision shall be based solely on the record of the appeal, as supplemented by arguments presented at the public hearing, and the standards in Section 2.4.17.D, Appeal Review Standards. The decision shall be one of the following:

(i) Affirmation of the decision or interpretation (in whole or in part);

(ii) Modification of the decision or interpretation (in whole or in part); or

(iii) Reversal of the decision or interpretation (in whole or in part).

D. Appeal Review Standards

(1) The Board of Adjustment is limited to the following determinations in considering the appeal, which shall be based on clear and substantial evidence in the record:

(a) The decision-maker did not make an error or correctly applied the standards of this Ordinance in making the decision or interpretation;

(b) The decision-maker made an error in determining whether a standard was met. The record must indicate that an error in judgment

occurred or facts, plans, or regulations were misread in determining whether the particular standard was or was not met;

(c) The decision-maker made the decision based on a standard not contained in this Ordinance or other appropriate county ordinances, regulations, or state law, or that a standard more strict or broad than the standard established in this Ordinance was applied; or

(d) The decision-maker made an error in applying a standard or measuring a standard.

(2) Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications of those making the determination.

(3) The Board of Adjustment shall not hear any evidence or make any decision based on hardships or special conditions. (Such matters may only be considered in the context of an application for a variance or use permit.)

E. Effect of Appeal

An appeal shall stay all administrative proceedings by the county in furtherance of the action appealed, unless the Planning Director certifies that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the Superior Court for Currituck County.

F. Amendment of Appeal

Not applicable.

G. Expiration of Appeal

Not applicable.

2.4.18. Development Agreement

A. Purpose

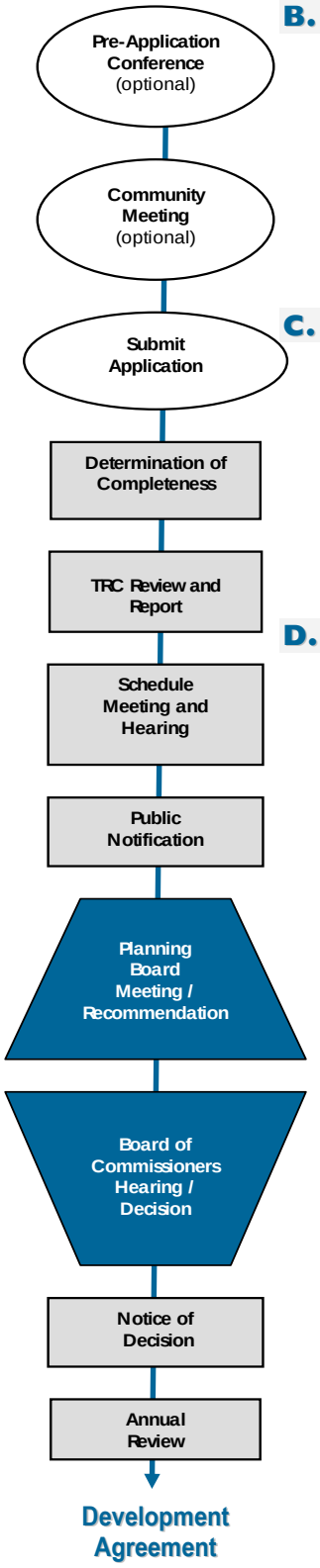
The purpose and intent of this section is to authorize development agreements to be entered into between a developer and the Board of Commissioners in accordance with the terms of this section to:

(1) Encourage comprehensive planning and capital facilities planning;

(2) Ensure the provision of adequate public facilities for development;

(3) Encourage the efficient use of resources, while providing certainty in the process of obtaining development permits and approvals; and

(4) Reduce the economic costs of development by providing greater regulatory certainty.



B. Findings

The Board of Commissioners finds and determines that development agreements may be useful to both Currituck County and developers by providing more regulatory certainty, establishing a schedule for development, and assisting both developers and the county coordinate the provision of adequate public facilities to serve development, coordinate the phasing of development, and administer and manage efforts to maintain open space and environmentally sensitive lands.

C. Authority

The county may enter into a development agreement with a developer, subject to the procedures and standards of Part 3A of Article 18 of Chapter 153A of the North Carolina General Statutes. In entering into a development agreement, the county may not exercise any authority or make any commitment not authorized by general or local act, and may not impose any tax or fee not authorized by otherwise applicable law.

D. Development Agreement Procedure

(1) Pre-Application Conference

Optional (see Section 2.3.2).

(2) Community Meeting

Optional (see Section 2.3.3).

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4).

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.18.E, Development Agreement Review Standards.

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Applicable (see Section 2.3.8).

(7) Advisory Body Review and Recommendation

Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with Section 2.3.9, Advisory Body Review and Recommendation, and Section 2.4.18.E, Development Agreement Review Standards.

(8) Decision-Making Body Review and Decision

Applicable (see Section 2.3.10). The Board of Commissioners, following a legislative public hearing (Section 2.3.8.B), shall decide the application in accordance with Section 2.4.10, Decision-Making Body Review and Decision, and Section 2.4.18.E, Development Agreement Review Standards. The action taken shall be one of the following:

(a) Enter into the Development Agreement, as submitted;

(b) Enter into the Development Agreement, subject to modifications agreed to in writing by the developer; or

(c) Not enter into the Development Agreement.

(9) Recordation

Within 14 days after entering into a development agreement, the applicant shall record the agreement with the Currituck County Register of Deeds.

E. Development Agreement Review Standards

For consideration of the county to participate in a development agreement, a development subject to the agreement must meet the following:

(1) The property subject to the Development Agreement shall contain 25 acres or more of developable property (exclusive of wetlands, mandatory buffers, unbuildable slopes, and other portions of the property that may be precluded from the property at the time of application).

(2) The development shall demonstrate phasing, and participation in the proposed agreement shall not exceed 20 years.

(3) The development shall demonstrate the impact on existing and future provisions of capital improvements by the county, including at least one of the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreational, and health systems and facilities.

F. Effect of Development Agreement

(1) Burdens and Benefits

The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

(2) Rights and Obligations

Rights and obligations established by a development agreement shall not preclude or supersede rights and obligations established pursuant to other law regarding building permits, site specific development plans, phased development plans, or other provisions of law.

(3) Building and Housing Code

A Development Agreement shall not exempt the property owner or developer from compliance with the State Building Code or the county's Minimum Housing Code.

(4) Identify Subsequently Enacted Laws

Unless the development agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a development agreement are those in force at the time of execution of the agreement.

(5) Application of Subsequently Adopted Laws

Except for grounds specified in Section 153A-344.1(e) of the North Carolina General Statutes, the county may not apply subsequently adopted ordinances

or development policies to a development that is subject to a development agreement.

(6) Change in State or Federal Law

If state or federal law is changed after a development agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the development agreement, the county, by ordinance after notice and a hearing, may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the development agreement.

(7) Vested Rights

This Ordinance does not abrogate any rights preserved by Sections 153A-344 or 153A-344.1 of the North Carolina General Statutes, or that may vest pursuant to common law or otherwise in the absence of a development agreement.

G. Approval of Debt

If any of the obligations of the county in the development agreement constitute debt, the county shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the county, with any applicable constitutional and statutory procedures for the approval of the debt. The agreement shall be signed by the County Attorney, Finance Director, and County Manager.

H. Periodic Review and Breach of Agreement

(1) Annual Review

During any period of time in which a permit or development approval subject to a development agreement is active, the county shall review the development at least once every 12 months for compliance with the agreement. The developer must demonstrate good faith compliance with the terms of the development agreement. Failure to meet a commencement or completion date specified in the development agreement shall not, in and of itself, constitute a material breach of the agreement, but must be judged based upon the totality of the circumstances.

(2) Material Breach

If the county finds and determines that the developer has committed a material breach of the terms or conditions of the development agreement, the county shall serve written notice of the breach upon the developer within a reasonable time after the periodic review. Such notice shall set forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and shall provide the developer a reasonable time in which to cure the material breach.

(3) Failure to Cure Material Breach

If the developer fails to cure the material breach within the time given, then the county unilaterally may terminate or modify the development agreement.

(4) Appeal

The notice of termination or modification may be appealed to the Board of Adjustment for review and decision in accordance with Section 2.4.17, Appeal.

I. Amendment

(1) Mutual Consent

A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

(2) Major Modification

Consideration of a proposed major modification of a development agreement shall follow the same procedures as required for initial approval of the agreement.

(3) Minor Modification

The Planning Director may approve minor modifications of the development agreement with the mutual consent of the other parties to the agreement, without following the same procedures as required for initial approval of the agreement, upon making written findings that the proposed modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare.

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3 ZONING DISTRICTS

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CHAPTER 3. ZONING DISTRICTS

3.1. GENERAL PROVISIONS

3.1.1. Types of Zoning Districts

Land within the county is generally classified by this Ordinance to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable conditional zoning districts in accordance with Section 2.4.4, Conditional Rezoning, or to one of several planned development zoning districts in accordance with Section 2.4.5, Planned Development. Land within any base, conditional, or planned development zoning district may also be classified into one or more overlay zoning districts, in which case regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district, conditional zoning district, or planned development zoning district.

3.1.2. Compliance with District Standards

No land within the county shall be developed except in accordance with the zoning district regulations of this chapter and all other regulations of this Ordinance, including but not limited to: Chapter 4: Use Standards, Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection.

3.2. BASE ZONING DISTRICTS ESTABLISHED

3.2.1. General

Table 3.2.1, Base Zoning Districts Established, sets out the base zoning districts established by this Ordinance. Base zoning districts are grouped into Special, Residential, Business and Mixed-Use, and Planned Development districts.

TABLE 3.2.1: BASE ZONING DISTRICTS ESTABLISHED

District Name	Abbreviation
Special Districts	
Resource Conservation	RC
Agriculture	AG
Residential Districts	
Single-Family Residential – Mainland	SFM
Single-Family Residential – Outer Banks	SFO
Single-Family Residential – Outer Banks, Remote	SFR
Single-Family Residential – Isolated	SFI
Mixed Residential	MXR
Business and Mixed-Use Districts	
General Business	GB
Limited Business	LB

TABLE 3.2.1: BASE ZONING DISTRICTS ESTABLISHED

DISTRICT NAME	ABBREVIATION
Community Center	CC
Village Center	VC
Light Industrial	LI
Heavy Industrial	HI
PLANNED DEVELOPMENT DISTRICTS	
Planned Development – Residential	PD-R
Planned Development – Mixed	PD-M
Planned Development – Outer Banks	PD-O

A. Classification of Base Zoning Districts

Land shall be classified or reclassified into a base zoning district only in accordance with the procedures and requirements set forth in Section 2.4.3, Zoning Map Amendment, or Section 2.4.5, Planned Development District, as appropriate.

B. 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 base zoning district. If the standards governing a base zoning district expressly conflict with those governing an overlay zoning district, the standards governing the overlay zoning district shall control.

C. Organization of Base Zoning District Regulations

Sections 3.3 through 3.5 set out the general purposes of each group of base zoning districts and contain subsections that set out the specific purpose, density, bulk, and dimensional standards for each individual base zoning district. These subsections have a common structure consisting of a purpose statement, applicable dimensional standards, photographs showing hypothetical preferred building forms for the district, a graphic depiction of typical street layout and lot patterns, and a hypothetical graphic depiction of the district's bulk and dimensional standards as applied to typical lot patterns and building forms. Each district includes a summary table of dimensional standards that include numbers in black circles. The black circles in the dimensional standards table correspond to the black circles depicted in the district graphics. The building form photographs and lot pattern diagrams are for illustrative purposes only, and may not be consistent with all the dimensional requirements. In these cases, the dimensional requirements in the text of this Ordinance shall control. The range of allowable uses for each base zoning district are described in Chapter 4: Use Standards, which includes Table 4.1.1, Summary Use Table, a summary use table specifying permitted, special, and allowable uses for each of the base zoning districts and references any standards specific to individual uses.

3.2.2. Zero Lot Line Development

In addition to traditional development, this UDO also allows zero lot line development in the residential and business and mixed-use districts in accordance with the following standards.

A. Applicability

These standards apply to two-to four-family, townhouse, multi-family, nonresidential, or mixed-use development with two or more side-by-side lots, where each individual lot contains a portion of a single building that is shared with other lots in the same zero lot line development.

B. Procedure

Establishment of new or modifications to existing zero lot line development is subject to review and approval as a major site plan in accordance with Section 2.4.7.D, Major Site Plan Review Procedure.

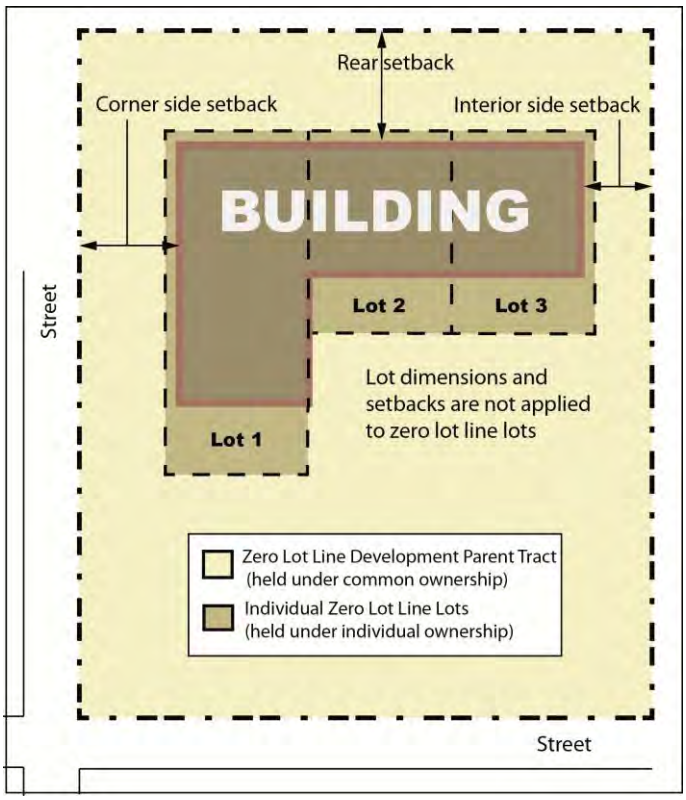
C. Standards

(1) Lot Size and Configuration

(a) No lot size, maximum lot coverage, or minimum lot width standards shall apply to interior lots within a zero lot line development (see Figure 3.2.2, Zero Lot Line Development).

(b) The zero lot line development, when considered as a single development under common ownership instead of a series of smaller lots under separate ownership surrounded by a larger tract owned in common, shall comply with all applicable lot size, configuration, and open space requirements for the base zoning district where located.

Figure 3.2.2, Zero Lot Line Development



(2) Dimensional Requirements

(a) Side setbacks shall not apply to interior lots within a zero lot line development.

(b) Buildings built on two or more zero lot line lots are required to meet the front, corner side, and rear setbacks as applied to the development as a whole for the district where located.

(3) Unified Control Required

(a) The zero lot line development, as a whole, shall be subject to control by a homeowner's or property owner's association or other entity that can exercise unified control over the common areas and site features serving the development (e.g., parking, landscaping, etc.).

(b) The applicant shall submit documents for the creation of the homeowners or property owners association to the county for review and approval, including the association's bylaws, all documents governing ownership, maintenance, and use restrictions.

(c) The applicant shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before approval of the first zoning compliance permit, for the development.

(d) Membership in the association shall be required (mandatory) for all purchasers of land, dwelling units, or structures in the development, and their successors in title.

D. Compliance with Other Standards

Zero lot line development is subject to all applicable use standards in Chapter 4: Use Standards, applicable design and development standards in Chapter 5: Development Standards, the subdivision requirements in Chapter 6: Subdivision and Infrastructure Standards, and the environmental standards in Chapter 7: Environmental Protection.

3.3. SPECIAL BASE ZONING DISTRICTS

3.3.1. General Purposes

The special base zoning districts established in this section are intended to address special lands where typical growth and development does not occur, either because the lands contain important natural resources or natural hazards (Resource Conservation district) or are rural or agricultural in nature (Agricultural district).

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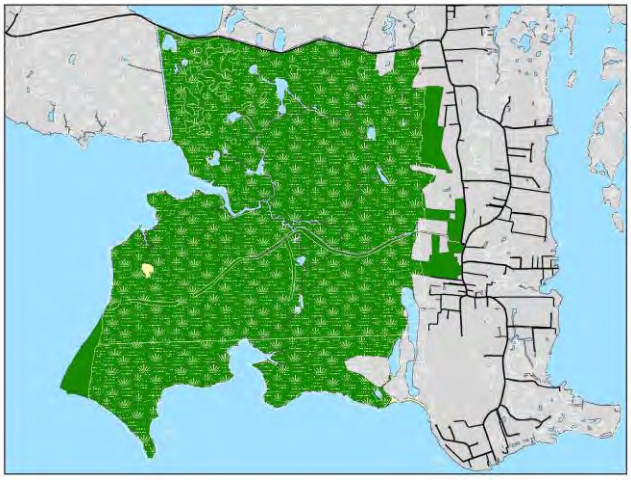
3.3.2. Resource Conservation (RC) District

RC
RESOURCE CONSERVATION DISTRICT

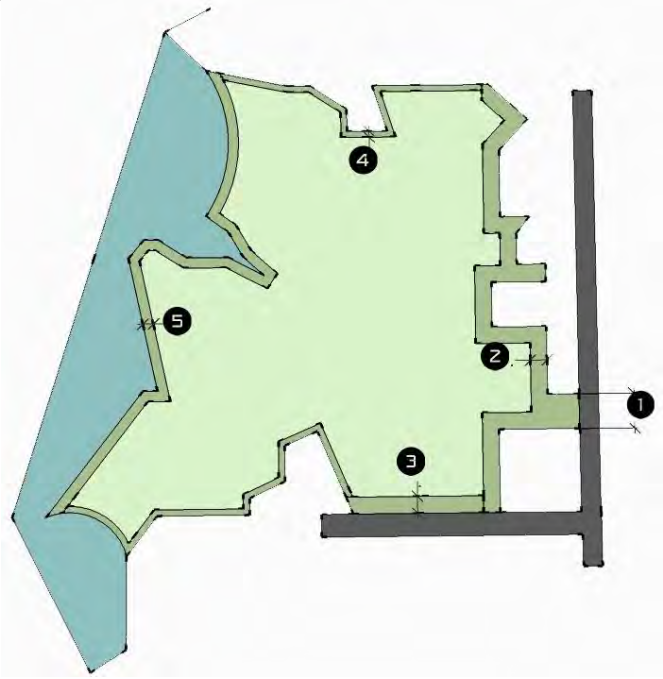
A. District Purpose

The Resource Conservation (RC) district is established to preserve and protect identifiable natural resources and areas of environmental concern on public or semi-public lands from incompatible development. The district is intended to protect swamps, wetlands, and riparian corridors from erosion and sedimentation; retain natural heritage areas and protect their environmentally-sensitive character; preserve and protect habitats for species of concern; preserve and protect sand dunes, maritime forest, and near-shore underwater habitat from intrusion by development; protect archeological resources from disturbance; and preserve and maintain the aesthetic qualities and appearance of the county. The district allows low-impact recreational facilities (trails, boardwalks, docks, boat launches), accessways, utilities, erosion control features, and public parks. The district does not permit residential or commercial development, marinas, or on-site wastewater treatment.

B. Lot Patterns

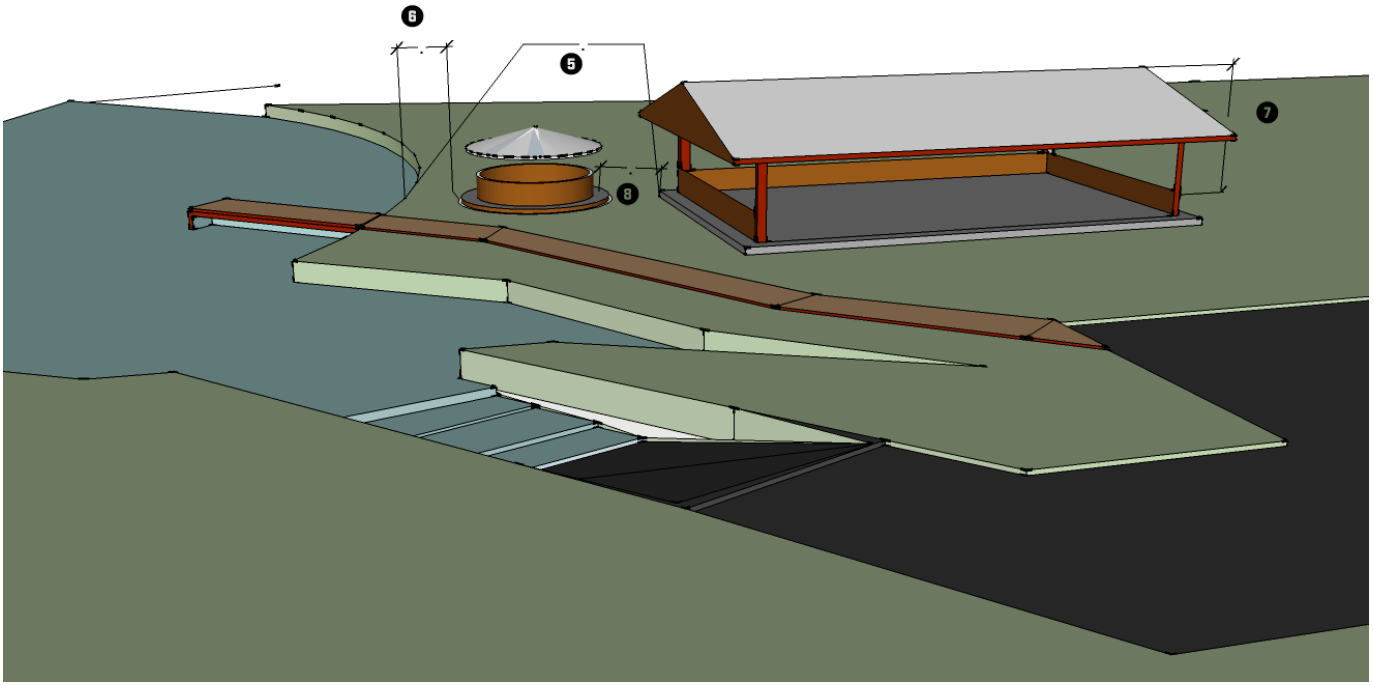


C. Lot Configuration



D. Typical Building Forms

E. Building Configuration



F. Dimensional Standards

Max. Gross Density (du/ac)	N/A		Min. Major Arterial Street Setback (ft)	50	
Max. FAR (%)	N/A		Min. Side Setback (ft)	15	4
Min. Lot Area (sq ft)	40,000		Min. Rear Setback (ft)	35	5
Max. Lot Area (sq ft)	None		Min. Agricultural Setback (ft)	50	
Min. Lot Width, Interior Lot (ft)	None		Min. Accessory Use Setback (ft)	10	6
Min. Lot Width, Corner Lot (ft)	None	1	Min. Driveway/Parking Setback (ft)	10	
Max. Lot Depth (ft)	None		Min. Fill Setback from all Lot Lines (ft) [2]	10	
Max. Lot Coverage (%) [1]	10		Min. Wetland/Riparian Buffer (ft) [2]	30	
Min. Front Setback (ft)	50	2	Max. Building Height (ft)	35	7
Min. Corner Side Setback (ft)	50	3	Min. Spacing Between Buildings (ft)	10	8

[1] Limited to 30% of the lot area within 75 feet of the water level of Estuarine Shoreline AEC areas
[2] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

3.3.3. Agriculture (AG) District

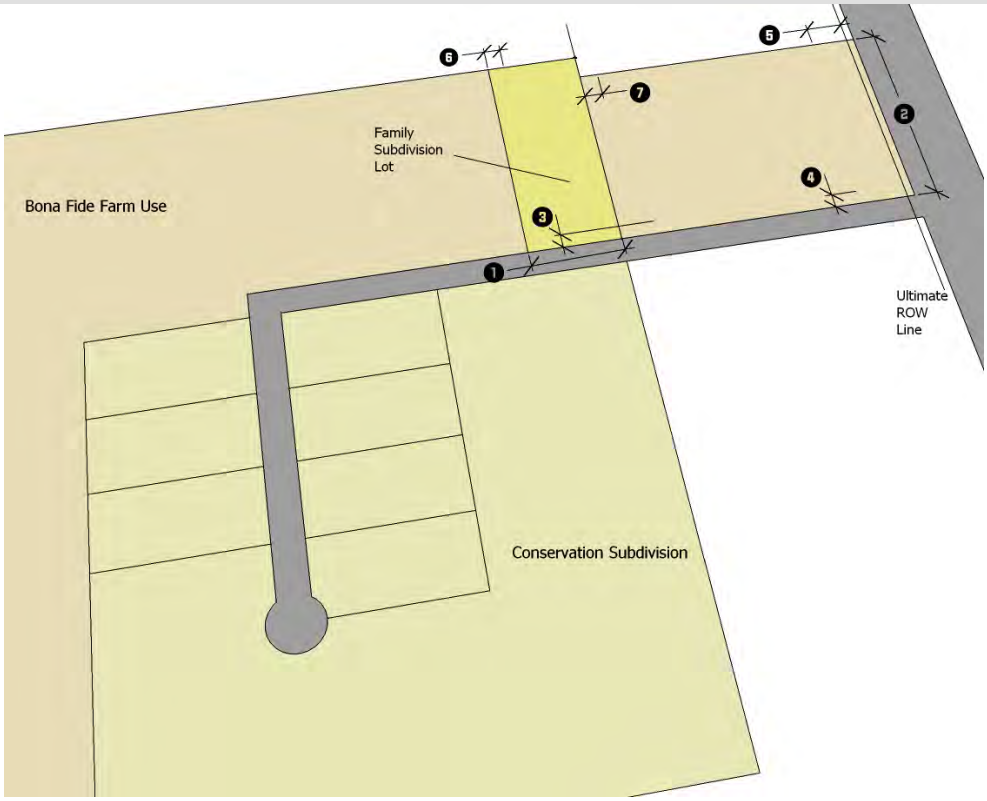
AG
AGRICULTURAL DISTRICT

A. District Purpose

The Agricultural (AG) district is established to accommodate agriculture and agriculturally-related uses (including residential development) at very low densities in rural portions of the county. The district is intended to preserve and protect active agricultural uses, farmlands, and other open lands for current or future agricultural use. The district accommodates small-scale residential uses and allows farmers to capture a portion of the land's development potential through special provisions for conservation subdivisions that allow a portion of a tract or site to be developed with single-family homes while the balance of the site is left as open lands available for continued agricultural use. The district accommodates a wide range of agricultural and agricultural-related uses like "agri-business" and "agri-entertainment", but prohibits uses that are not directly related to or that do not provide direct support for agricultural activities.

B. Lot Patterns

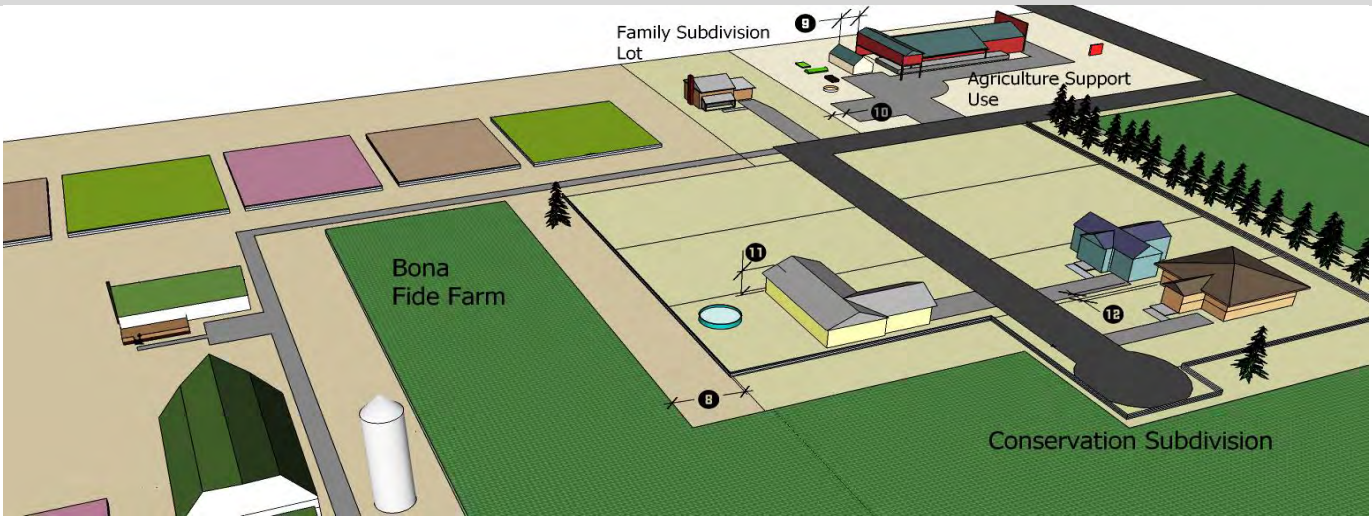
C. Lot Configuration



All subdivisions resulting in six or more lots shall be designed in accordance with the conservation subdivision standards in Section 6.4.

D. Typical Building Forms

E. Building Configuration



F. Dimensional Standards

TD = Traditional Development CS = Conservation Subdivision Development

	TD	CS			TD	CS	
Max. Gross Density (du/ac)	N/A	-		Max. Lot Coverage (%)	30	30	
With 50% Open Space (du/ac)				Min. Front Setback (ft) [4]	20	N/A	3
County Water Supply		0.33		Min. Corner Side Setback (ft)	20	N/A	4
No County Water Supply [7]		0.15		Min. Major Arterial Street Setback (ft)	50	50	5
With 60% Open Space (du/ac)	-	0.4		Min. Side Setback (ft)	15	15	6
Max. Nonresidential FAR (%)	0.40	N/A		Min. Rear Setback (ft)	25	N/A	7
Min. Lot Area [1]				Min. Agriculture Setback (ft) [5]	N/A	50	8
County Water Supply (square feet)		30,000		Min. Accessory Use Setback (ft)	10	10	9
No County Water Supply (acres) [7]		2		Min. Driveway/Parking Setback (ft)	10	N/A	10
Max. Lot Area (acres)	N/A	N/A		Min. Fill Setback from all Lot Lines (ft)	10	10	
Min. Lot Width, Interior Lot (ft) [2]	125	N/A	1	Min. Wetland/Riparian Buffer (ft) [5]	30	30	
Min. Lot Width, Corner Lot (ft)	135	N/A	2	Max. Building Height (ft) [6]	35	35	11
Max. Lot Depth	[3]	N/A		Min. Spacing Between Principal Buildings (ft)	10	10	12

[1] Minor subdivision lots shall be at least 40,000 square feet in area on public water supply and, 3 acres in area when the proposed minor subdivision exceeds the county water supply connection distance formula
[2] All lots shall maintain a minimum street frontage of 35 feet
[3] Lot depth shall not exceed four times the lot width
[4] Front setbacks shall be measured from ultimate ROW line
[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater
[6] Not applied to farm structures meeting minimum setbacks plus an additional setback of one foot for each foot in height over 35 feet
[7] Applied to subdivisions that exceed the county water supply connection distance formula in Chapter 6

3.4. RESIDENTIAL BASE ZONING DISTRICTS

3.4.1. General Purposes

The residential base zoning districts established in this section are intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

A. Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the Land Use Plan and applicable small area plans;

B. Ensure adequate light, air, privacy, and recreational and open space areas for each dwelling, and protect residents from the negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse environmental impacts;

C. Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;

D. Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units;

E. Provide for safe and efficient vehicular access and circulation and promote bicycle-,and pedestrian-friendly neighborhoods;

F. Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development or require a residential environment while protecting residential areas from incompatible nonresidential development;

G. Create neighborhoods and preserve existing community character while accommodating new development and redevelopment consistent with the county's goals and objectives; and

H. Preserve the unique character and historic resources of the traditional neighborhoods and the community.

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3.4.2. Single-Family Residential-Mainland (SFM) District

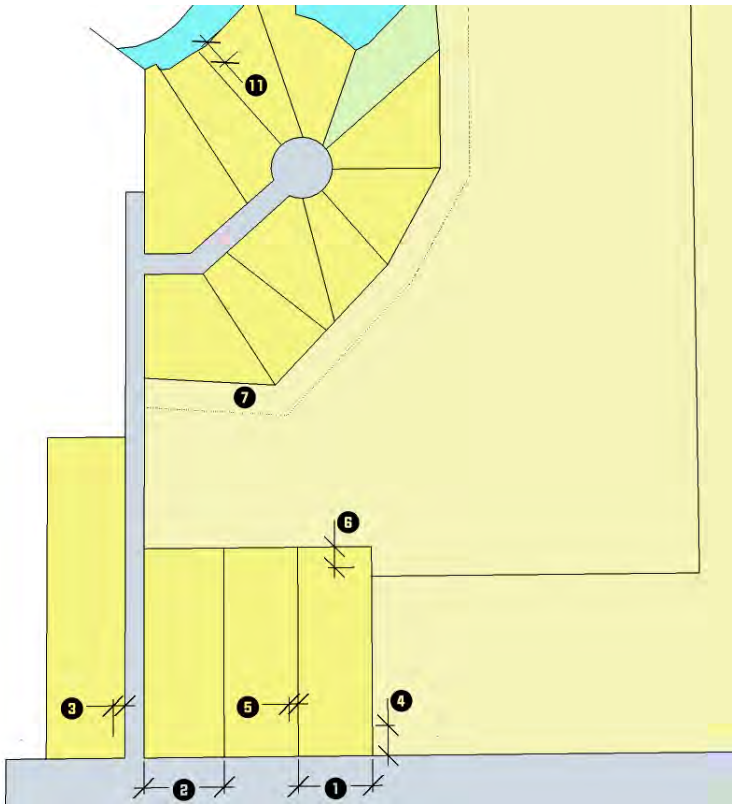
SFM
SINGLE-FAMILY RESIDENTIAL MAINLAND

A. District Purpose

The Single-Family Residential-Mainland (SFM) district is established to accommodate low density residential neighborhoods and supporting uses on mainland Currituck County. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from the Caratoke Highway, or place undue stress on the county's educational infrastructure. A variety of residential use types are allowed in the district, including single-family detached homes, manufactured homes on their own lots, detached accessory dwelling units, as well as duplexes. The district accommodates agriculture, equestrian uses, minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, religious institutions, schools, and similar uses. This district also includes the conservation subdivision option with the ability to accommodate up to one unit per acre in Full Service areas designated on the future land use map of the Land Use Plan. Major utilities require approval of a use permit, while commercial, office, and industrial uses are prohibited.

B. Lot Patterns

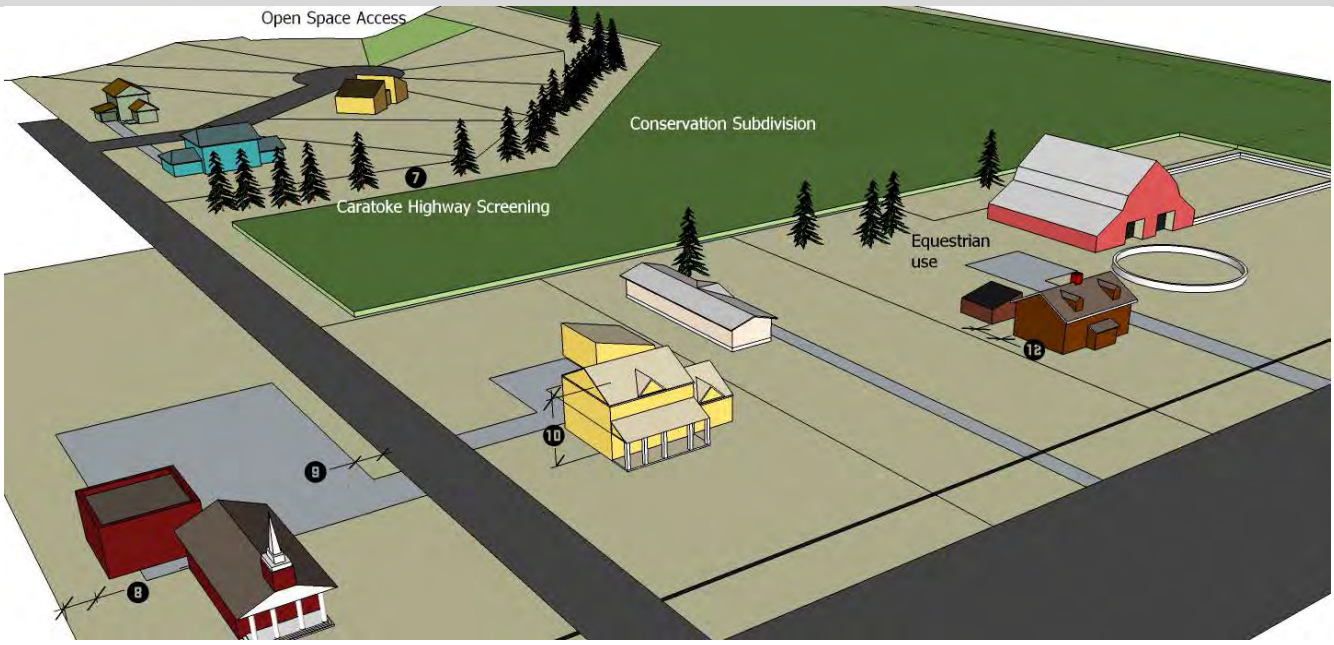
C. Lot Configuration



Development established after January 1, 2013 that fronts or is within 1,000 feet of a major arterial street shall provide streetscape landscaping in accordance with Section 5.2.8.

D. Typical Building Forms

E. Building Configuration



F. Dimensional Standards

TD = Traditional Development CS = Conservation Subdivision Development

	TD	CS			TD	CS	
Max. Gross Density – Traditional Dev. (du/ac)	N/A	-		Min. Front Setback (ft)	20	N/A	
Max. Gross Density – Conservation Sub.				Min. Corner Side Setback (ft) [4]	20	N/A	3
In Rural/Conservation Areas (du/ac)	-	0.33		Min. Major Arterial Street Setback (ft)	50	50	4
In Limited Service Areas (du/ac)	-	0.75		Min. Side Setback (ft)	10	10	5
In Full Service Areas (du/ac)	-	1.0		Min. Rear Setback (ft)	25	N/A	6
Max. Nonresidential FAR (%)	0.40	N/A		Min. Agriculture Setback (ft) [5]	50	50	7
Min. Lot Area (sf ft)	40,000	25,000		Min. Accessory Use Setback (ft)	10	10	8
Max. Lot Area (acres)	N/A	N/A		Min. Driveway/Parking Setback (ft)	10	N/A	9
Min. Lot Width, Interior Lot (ft) [1]	125	N/A	1	Min. Fill Setback from all Lot Lines (ft)	10	10	
Min. Lot Width, Corner Lot (ft)	135	N/A	2	Max. Building Height (ft)	35	35	10
Max. Lot Depth	[2]	N/A		Min. Wetland/Riparian Buffer (ft) [5]	30	30	11
Max. Lot Coverage (%)	30 [3]	30		Min. Spacing Between Principal Buildings (ft)	10	10	12

[1] All lots shall maintain a minimum street frontage of 35 feet
[2] Lot depth shall not exceed four times the lot width
[3] 35% for platted lots of 19,000 sf in area or less
[4] Front setbacks shall be measured from ultimate ROW line
[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

3.4.3. Single-Family Residential-Outer Banks (SFO) District

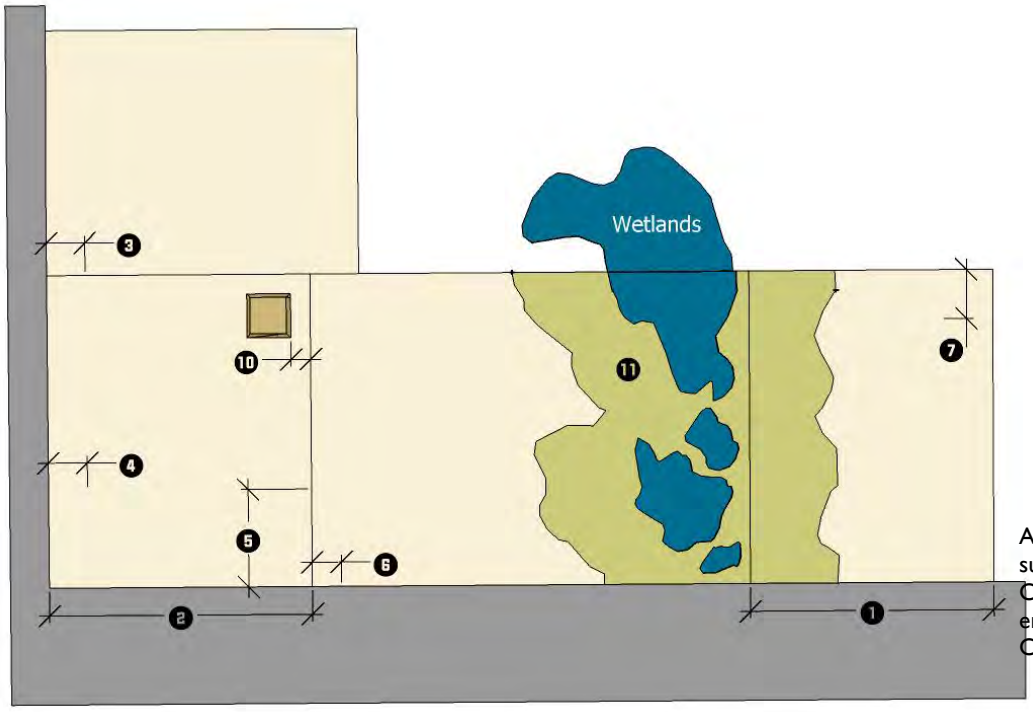
SFO
SINGLE-FAMILY RESIDENTIAL OUTER BANKS

A. District Purpose

The Single-Family Residential-Outer Banks (SFO) district is established to accommodate low- to medium-density residential neighborhoods and supporting uses on the portion of the outer banks south of Currituck Milepost 13. The district is intended to accommodate residential and supporting uses in a manner that preserves sensitive natural resources, protects wildlife habitat, reduces traffic congestion, and seeks to minimize damage from flooding and catastrophic weather events. A variety of residential use types are allowed in the district, including single-family detached homes and detached accessory dwelling units (with a use permit). The district also accommodates minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, shoreline access, religious institutions, and schools. All development in the district is subject to stormwater management, dune and maritime forest protection, and special exterior lighting limitations. Major utilities and marinas require approval of a use permit, while commercial, office, and industrial uses are prohibited.

B. Lot Patterns

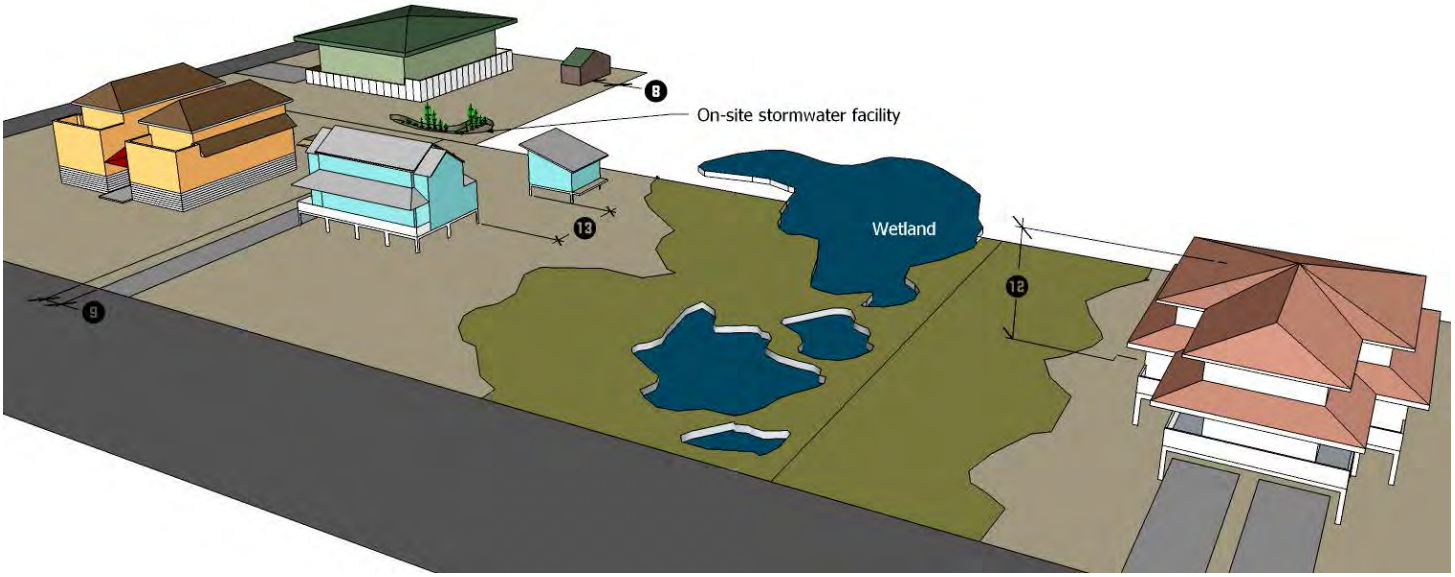
C. Lot Configuration



All development in the SFO district is subject to the lighting standards in Chapter 5, and the stormwater and environmental protection standards in Chapter 7 of this Ordinance.

D. Typical Building Forms

E. Building Configuration



F. Dimensional Standards

Max. Density (du/ac)	N/A		Min. Major Arterial Street Setback (ft)	50	5
Max. Nonresidential FAR (%)	0.40		Min. Side Setback (ft)	10	6
Min. Lot Area (sf ft)	20,000		Min. Rear Setback (ft)	25	7
Max. Lot Area (acres)	N/A		Min. Agricultural Setback (ft) [5]	50	
Min. Lot Width, Interior Lot (ft)	100 [1]	1	Min. Accessory Use Setback (ft)	10	8
Min. Lot Width, Corner Lot (ft)	110	2	Min. Driveway/Parking Setback (ft)	10	9
Max. Lot Depth	[2]		Min. Fill Setback from all Lot Lines (ft) [6]	10	10
Max. Lot Coverage (%)	30 [3]		Min. Wetland/Riparian Buffer (ft) [5]	30	11
Min. Front Setback (ft) [4]	20	3	Max. Building Height (ft)	35	12
Min. Corner Side Setback (ft)	20	4	Min. Spacing Between Principal Buildings (ft)	10	13

[1] All lots shall maintain a minimum street frontage of 35 feet
[2] Lot depth shall not exceed four times the lot width
[3] 35% for platted lots of 19,000 sf in area or less
[4] Front setbacks shall be measured from ultimate ROW line

[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater
[6] Except as needed for driveways

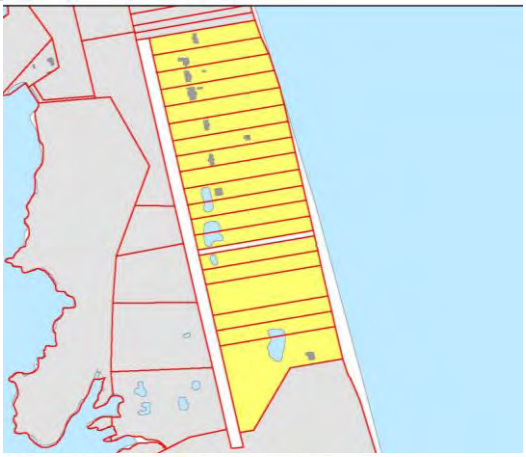
3.4.4. Single-Family Residential-Outer Banks Remote (SFR) District

SFR
SINGLE-FAMILY RESIDENTIAL OUTER BANKS REMOTE

A. District Purpose

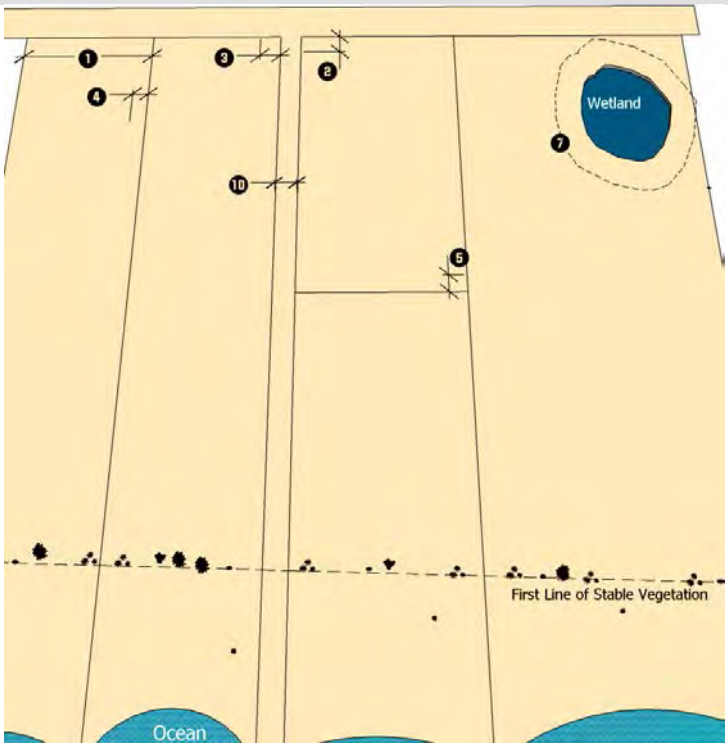
The Single-Family Residential-Outer Banks Remote (SFR) district is established to accommodate very low density residential development on the portion of the outer banks north of Currituck Milepost 13. The district is intended to accommodate limited amounts of development in a manner that preserves sensitive natural resources, protects wildlife habitat, recognizes the inherent limitations on development due to the lack of infrastructure, and seeks to minimize damage from flooding and catastrophic weather events. The district accommodates single-family detached homes on lots platted prior to April 2, 1989, even in cases where the lot does not meet the minimum lot area requirement for the district. All development in the district is subject to stormwater management, dune and maritime forest protection, and special exterior lighting limitations. Public safety and utility uses are allowed, while commercial, office, and industrial uses are prohibited.

B. Lot Patterns



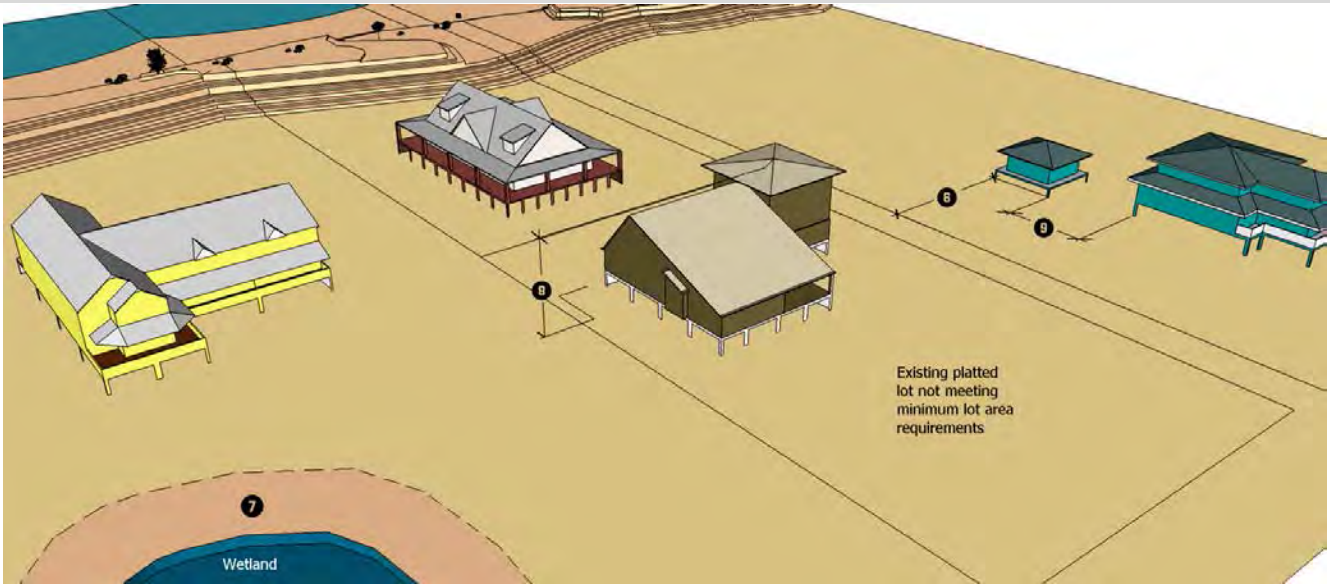
Vacant nonconforming lots in the SFR district shall comply with Section 8.4.3, Development on Vacant Nonconforming Lots.

C. Lot Configuration



D. Typical Building Forms

E. Building Configuration



F. Dimensional Standards

Max. Gross Density (du/ac)	N/A		Min. Side Setback (ft)	10	4
Max. Nonresidential FAR (%)	N/A		Min. Rear Setback (ft) [4]	25	5
Min. Lot Area (sq ft) [1]	120,000		Min. Agricultural Setback (ft) [5]	N/A	
Max. Lot Area (sq ft)	N/A		Min. Accessory Use Setback (ft)	10	6
Min. Lot Width, Interior Lot (ft)	125	1	Min. Driveway/Parking Setback (ft)	N/A	
Min Lot Width, Corner Lot (ft)	125		Min. Fill Setback from all Lot Lines (ft)	N/A	
Max. Lot Depth (ft)	[2]		Min. Wetland/Riparian Buffer (ft) [5]	30	7
Max. Lot Coverage (%)	30 [3]		Max. Building Height (ft)	35	8
Min. Front Setback (ft)	20	2	Min. Spacing Between Principal Buildings (ft)	10	9
Min. Corner Side Setback (ft)	20	3	Min. Public Vehicular Accessway Width (ft)	20	10
Min. Major Arterial Street Setback (ft)	N/A				

[1] Applies to family subdivision lots
[2] Lot depth shall not exceed seven times the lot width on beachfront lots
[3] 35% for platted lots of 19,000 sf in area or less
[4] Beachfront lots are also subject to CAMA Small Structure Setback Line requirements
[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

3.4.5. Single-Family Residential-Isolated (SFI) District

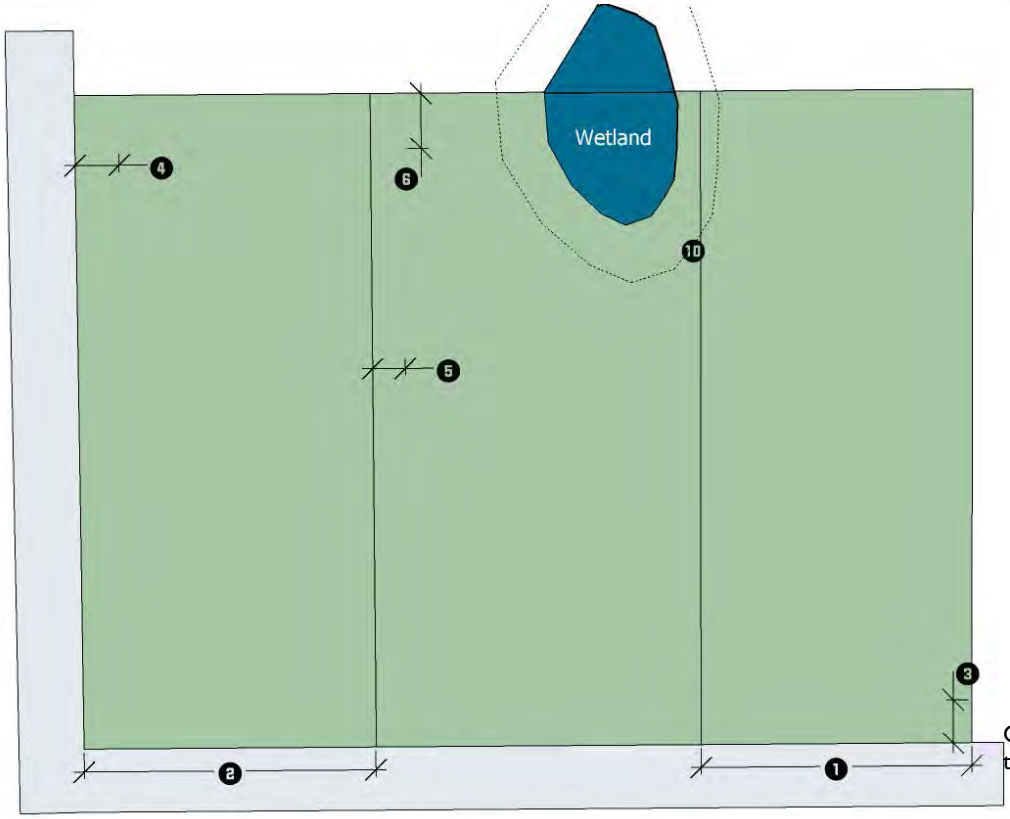
SFI
SINGLE-FAMILY RESIDENTIAL ISOLATED

A. District Purpose

The Single-Family Residential-Isolated (SFI) district is established to accommodate low density residential neighborhoods and supporting uses in remote portions of Currituck County that are not directly accessible from roadways on the mainland, such as Knotts Island or Gibbs Woods. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity or wildlife habitat. Residential uses allowed in the district include single-family detached homes and manufactured homes on individual lots. Subdivisions approved after January 1, 2013 shall maintain lots of at least three acres per lot. The district accommodates agriculture, equestrian uses, minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, religious institutions, and schools. Major utilities require approval of a use permit, while commercial, office, and industrial uses, as well as conservation subdivisions, are prohibited.

B. Lot Patterns

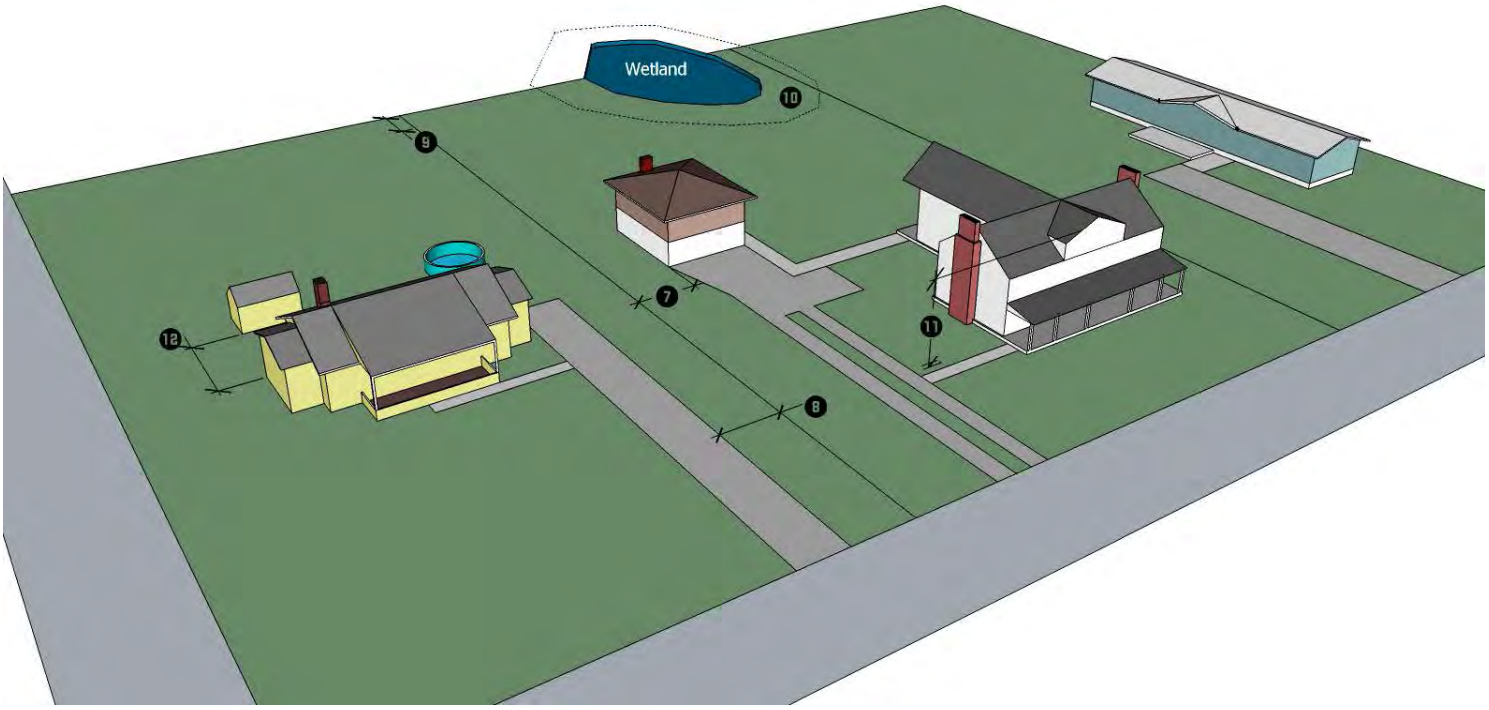
C. Lot Configuration



Conservation subdivisions are prohibited in the SFI district.

D. Typical Building Forms

E. Building Configuration



F. Dimensional Standards

Max. Gross Density (du/ac)	N/A		Min. Major Arterial Street Setback (ft)	50	
Max. Nonresidential FAR (%)	0.40		Min. Side Setback (ft)	15	5
Min. Lot Area (sf ft) [1]	130,000		Min. Rear Setback (ft)	25	6
Max. Lot Area (acres)	N/A		Min. Agricultural Setback (ft) [5]	50	
Min. Lot Width, Interior Lot (ft)	125 [2]	1	Min. Accessory Use Setback (ft)	10	7
Min. Lot Width, Corner Lot (ft)	135	2	Min. Driveway/Parking Setback (ft)	10	8
Max. Lot Depth (ft)	[3]		Min. Fill Setback from all Lot Lines (ft)	10	9
Max. Lot Coverage (%)	30		Min. Wetland/Riparian Buffer (ft) [5]	30	10
Min. Front Setback (ft) [4]	20	3	Max. Building Height (ft)	35	11
Min. Corner Side Setback (ft)	20	4	Min. Spacing Between Principal Buildings (ft)	10	12

[1] Lots platted prior to January 1, 2013 and minor subdivision lots shall be at least 40,000 square feet in area
[2] All lots shall maintain a minimum street frontage of 35 feet
[3] Lot depth shall not exceed four times the lot width
[4] Front setbacks shall be measured from ultimate ROW line
[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

3.4.6. Mixed Residential (MXR) District

MXR
MIXED RESIDENTIAL

A. District Purpose

The Mixed Residential (MXR) district is established to accommodate a wide variety of residential use types at moderate densities as well as very low intensity neighborhood-serving commercial, personal service, and institutional uses outside of community and village centers on the mainland and the outer banks. The district is intended to provide moderate-cost housing options for county residents within well-designed neighborhoods and developments that incorporate open space resources and may also include limited nonresidential uses proximate to housing. The district accommodates all forms of residential development, including detached dwellings, apartments, townhouses, manufactured homes on individual lots (only on the mainland), accessory dwelling units, and live/work developments. The district also accommodates offices, neighborhood-oriented personal service uses, and retail uses (subject to maximum tenant size limits). In addition, the district allows neighborhood-supporting institutional uses like parks, marinas, religious institutions, schools, recreational facilities, and utilities. Development in the MXR district is subject to various design standards, including community compatibility standards applied to multi-family and nonresidential uses proposed adjacent to existing single-family dwellings.

B. Typical Building Forms

C. Lot Patterns

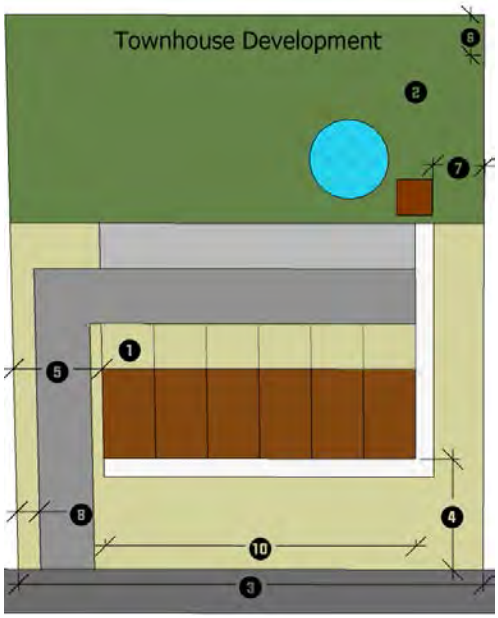
D. Dimensional Standards

CD=Cottage Development

	Residential	Multi-Family		Nonresidential	
	Single-Family Detached	CD	Other		
Max. Gross Density, Full Service Area (du/ac)	2.0	3.0	3.0	2.0	
Max. Gross Density, Limited Service Area (du/ac)	1.0	1.5	1.5	1.0	
Max. FAR (%)	N/A	N/A	N/A	0.40	
Min. Lot Area/Dwelling Unit (sq ft) [1]	15,000	N/A	N/A	20,000	❶
Min. Open Space Set-Aside (% of development size) [2]	30	40	30	10	❷
Min. Lot Width (corner or interior lots) (ft)	100	100 [3]	100[3]	200 [3]	❸
Max. Lot Coverage (%)	30	40 [3]	40 [3]	65 [3]	
Perimeter Building Wall Setbacks (from development boundaries)					
Front and Corner Side Setback (ft)	20	20	50	20	❹
Major Arterial Street Setback (ft)	50	50	50	50	
Side Setback (ft) [5]	10	10 [3]	15	15	❺
Rear Setback (ft)	25	30[3]	30[3]	30	❻
Min. Agricultural Setback (ft) [4]	50	50	50	50	
Min. Accessory Use Setback (ft)	10	10[3]	10	10	❼
Min. Driveway/Parking Setback (ft)	10	10 [3]	10 [3]	10 [3]	❽
Min. Fill Setback from Perimeter Lot Line	10	10	10	10	
Min. Wetland/Riparian Buffer (ft) [4]	30	30	30	30	
Max. Building Height (ft)	35	35	35	35	
Min. Spacing Between Buildings (ft)[5] [6]	20	20	20	20	❾
Max. Building Length (ft)	N/A	N/A	250	[7]	❿

[1] Maximum lot depth shall not exceed four times the lot width
[2] Applied to subdivisions platted after UDO effective date
[3] Applied to entire development, not individual building lots
[4] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater
[5] Setbacks are subject to needed fire flow based on the ISO method
[6] Not applied to individual units in a zero lot line development
[7] Commercial and personal service uses are limited to a maximum size of 2,500 square feet per building

E. Lot Configuration



F. General Development Standards (applied to all cottage home developments)

Cottage developments (CD) are a type of detached housing subject to the multi-family standards of this ordinance that provide a small community of cottage clusters oriented around a central open space.

The following general development standards are applied to all cottage developments (CD) within the MXR district in addition to the standards in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection in this Ordinance. In the event of conflict, the standards in this district shall control.

1. Pedestrian Orientation	a. Each dwelling unit shall be oriented around a central open space that contains pedestrian-oriented features.
	b. Pedestrian circulation shall be provided through the central open space. Sidewalks or pedestrian pathways shall connect each cottage cluster.
	c. Each dwelling unit shall have an entry accessed from the central open space. A sidewalk shall connect each dwelling unit to the central open space pedestrian circulaton system.
2. Site Configuration	a. Ten acre minimum development size.
	b. Each dwelling unit shall be oriented around a central open space that meets the open space set-aside standards. The central open space shall be a principal place that may be used by all occupants of the cottage cluster that is not divided by a road or parking area. No more than one central courtyard shall be provided for each cottage cluster.
	c. A cottage cluster shall consist of a minimum of four dwelling units and a maximum of ten dwelling units per cluster. Cottage home developments shall not exceed two cottage clusters (20 units).
3. Parking	a. Off-street parking shall be designed to minimize the visual and physical impacts of parking in the cottage development. Clustered vehicular use areas to the side or rear of a cottage project is desired. Parking areas are not encouraged between the cottage development and the primary street frontage.
4. Buildings	a. Each dwelling unit shall not exceed a maximum floor area of 1,300 square feet.
	b. Campers, travel trailer, recreational vehicles, manufactured homes shall not be permitted.
	c. Dwelling units shall not exceed two stories.
	d. Accessory dwelling units are prohibited.
	e. Buildings shall maintain consistency with local coastal architectural forms such as pitched roofs, dormers, tower features, cupolas, decks, porches, decorative exterior shutters, significant overhangs or eaves, wall shingles, clapboard siding, or other common features.
	f. No more than 10 percent of the dwelling unit floor area shall be used or intended for attached storage (i.e. garages). Private detached accessory structures (i.e. sheds, carports) are not permitted.
	g. Accessory structures shall maintain a similar level of architectural detail as the principle building they serve.

3.5. BUSINESS AND MIXED-USE BASE ZONING DISTRICTS

3.5.1. General Purposes

The business and mixed-use base zoning districts are established for the general purpose of ensuring there are lands in the county that provide a wide range of office, retail, service, industrial, and related uses to meet household and business needs, and more specifically to:

A. Provide appropriately located lands for the full range of business uses needed by the county's residents, businesses, and workers, consistent with the goals, objectives, and policies of the Land Use Plan and applicable small area plans;

B. Strengthen the county's economic base, and provide employment opportunities close to home for residents of the county and surrounding communities;

C. Create suitable environments for various types of business uses, and protect them from the adverse effects of incompatible uses;

D. Create suitable environments for various types of mixed-use development, where business, office, retail, and residential uses are designed and integrated in compatible ways;

E. Preserve the unique character and historic resources of the Caratoke Highway and Corolla Village areas; and

F. Minimize the impact of business development on residential districts and uses, and sensitive natural environments.

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3.5.2. General Business (GB) District

GB
GENERAL BUSINESS

A. District Purpose

The General Business (GB) district is established to accommodate a wide variety of residential and nonresidential uses on lots bounding major roadways outside of community and village center areas. The district is intended to accommodate small to medium-sized commercial, office, personal service, and institutional uses that provide goods and services to county residents and visitors in ways that protect the county's scenic corridors as well as maintain the traffic carrying capacity of major roadways. The district also accommodates low density single-family detached dwellings, accessory dwelling units, and manufactured homes on individual lots (on the mainland). New commercial development is subject to commercial design standards to ensure development quality and consistency with surrounding development patterns. New commercial development of 5,000 square feet or more proposed on lots located outside of areas designated as Full Service areas in the Land Use Plan is required to obtain use permit approval. New development on lots along major arterials (like Caratoke Highway) outside designated Full Service areas are subject to increased minimum front setbacks and increased landscaping requirements to help protect the scenic character of these areas. New industrial, multi-family, and institutional residential uses are prohibited in the GB district.

B. Lot Patterns

C. Typical Building Forms

D. Building Configuration

E. Dimensional Standards

Max. Gross Density (du/ac)	N/A		Min. Major Arterial Street Setback (ft) [3]		
Max. Nonresidential FAR (%) [2]	0.40		Within Full Service Areas (ft)	30	4
Min. Lot Area (sf ft)	40,000		Outside Full Service Areas (ft)	100	5
Max. Lot Area (acres)	N/A		Min. Side Setback (ft)	15	6
Min. Lot Width, Interior Lot (ft)	125	1	Min. Rear Setback (ft)	25	7
Min. Lot Width, Corner Lot (ft)	125	2	Min. Agricultural Setback (ft) [4]	50	
Max. Lot Depth (ft)	[1]		Min. Accessory Use Setback (ft)	10	8
Max. Lot Coverage (%)	65		Min. Driveway/Parking Setback (ft)	10	9
Min. Front Setback (ft)	20		Min. Fill Setback from all Lot Lines (ft)	10	
Min. Corner Side Setback (ft)	20	3	Min. Wetland/Riparian Buffer (ft) [4]	30	
			Max. Building Height (ft)	35	10
			Min. Spacing Between Principal Buildings (ft)	10	11

[1] Lot depth shall not exceed four times the lot width
[2] Commercial structures exceeding 5,000 square feet must obtain use permit approval if proposed outside a Full Service area
[3] Metal siding is prohibited on building facades facing major arterial streets
[4] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

3.5.3. Limited Business (LB) District

LB
LIMITED BUSINESS

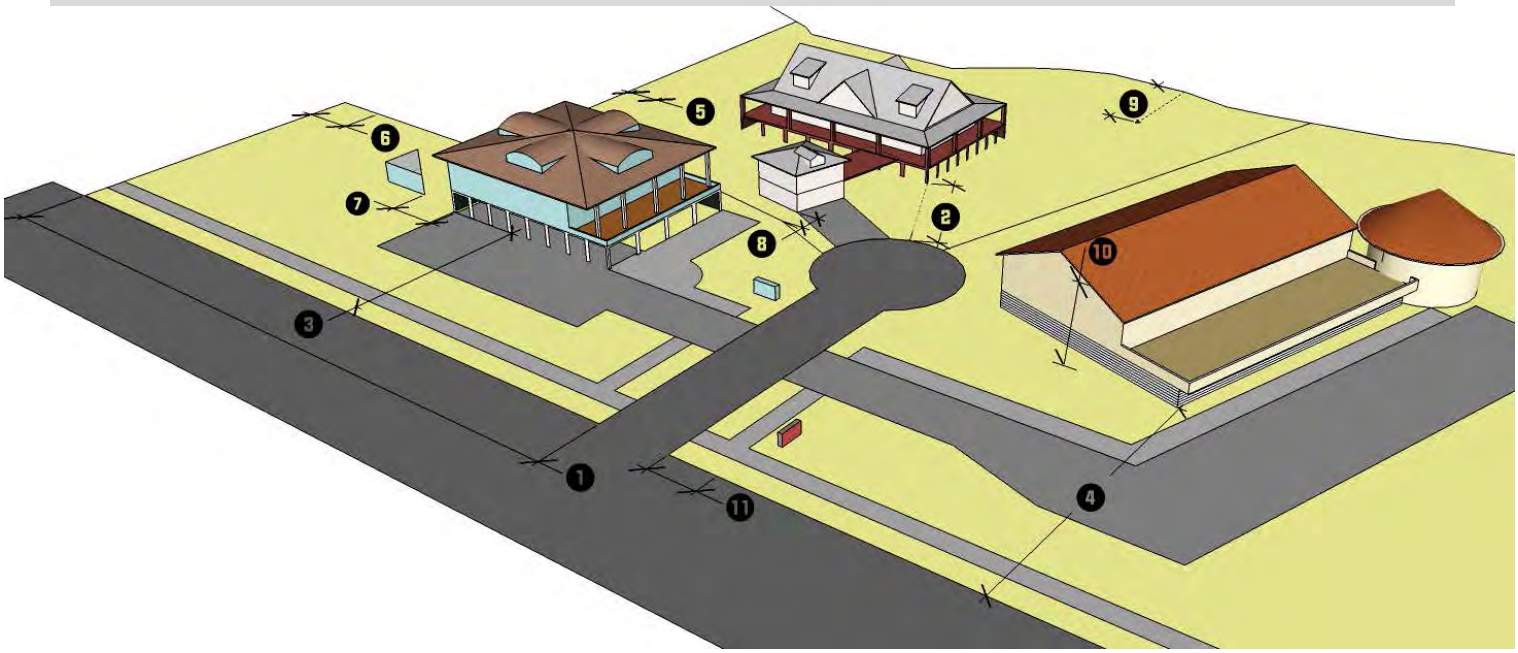
A. District Purpose

The Limited Business (LB) district is established to accommodate various residential and nonresidential uses on lots bounding major roadways outside of community and village center areas. The district is intended to accommodate low intensity commercial, office, personal service, and institutional uses that provide goods and services to county residents and visitors in ways that protect the county's scenic corridors as well as maintain the traffic carrying capacity of major roadways. The district also accommodates low density single-family detached dwellings, accessory dwelling units, and manufactured homes on individual lots (on the mainland only). New commercial development is subject to commercial design standards to ensure development quality and consistency with surrounding development patterns. New commercial development of 5,000 square feet or more proposed on lots located outside of areas designated as Full Service areas in the Land Use Plan is required to obtain use permit approval. New development on lots along major arterials (like Highway 12) outside designated Full Service areas are subject to increased minimum front setbacks and increased landscaping requirements to help protect the scenic character of these areas. New industrial, multi-family, and institutional residential uses are prohibited in the LB district.

B. Lot Patterns

C. Typical Building Forms

D. Building Configuration



E. Dimensional Standards

Max. Gross Density (du/ac)	N/A		Min. Major Arterial Street Setback (ft) [3]		
Max. Nonresidential FAR (%) [2]	0.40		Within Full Service Areas (ft)	30	3
Min. Lot Area (sf ft)	40,000		Outside Full Service Areas (ft)	100	4
Max. Lot Area (acres)	N/A		Min. Side Setback (ft)	15	6
Min. Lot Width, Interior Lot (ft)	125		Min. Rear Setback (ft)	25	5
Min. Lot Width, Corner Lot (ft)	125	1	Min. Agricultural Setback (ft) [4]	50	
Max. Lot Depth	[1]		Min. Accessory Use Setback (ft)	10	
Max. Lot Coverage (%)	65		Min. Driveway/Parking Setback (ft)	10	8
Min. Front Setback (ft)	20	2	Min. Fill Setback from all Lot Lines	10	
Min. Corner Side Setback (ft)	20	11	Min. Wetland/Riparian Buffer (ft) [4]	30	9
			Max. Building Height (ft)	35	10
			Min. Spacing Between Principal Buildings (ft)	10	7

[1] Lot depth shall not exceed four times the lot width
[2] Commercial structures exceeding 5,000 square feet must obtain use permit approval if proposed outside a full service area
[3] Metal siding is prohibited on building facades facing major arterial streets
[4] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

3.5.4. Community Center (CC) District

CC
COMMUNITY CENTER

A. District Purpose

The Community Center (CC) district framework is established to accommodate higher-density, mixed-use, compact, pedestrian-oriented development at key locations along the Caratoke Highway in accordance with the policies and recommendations of area plans adopted by the Board of Commissioners. The district includes general development standards applied to all development within the CC district. In addition, each CC district shall include individual CC sub-districts with additional district-specific standards established in accordance with this section. The CC district encourages compact activity centers that include residential and nonresidential development in close proximity to one another as a means of promoting pedestrian-scale development and walkability. The district also provides additional incentives for use of sustainable development practices.

B. Establishment

The Board of Commissioners shall establish individual Community Center districts (and associated sub-district designations) in accordance with this section and Section 2.4.3, Zoning Map Amendment, only after approving an area plan for the specific sub-district specifying the general location, attributes, and policy objectives for the sub-district. Each CC sub-district shall comply with the standards in Section 3.5.4.F General Development Standards. In establishing a new CC sub-district, the Board of Commissioners may also establish a unique set of development standards applicable to all development in the particular sub-district (see Section 3.5.5, CC Sub-District-Specific Development Standards).

C. Locational Criteria

Allowable District Location	Designated Full Service areas only
Min. District Size (ac)	10
District must be subject to an area or functional plan adopted by the Board of Commissioners	

D. Dimensional Standards

Min. Lot Area (sf ft)	5,000
Min. Lot Width (ft)	35
Max. Lot Depth	[5]
Max. Lot Coverage (%)	65
Min. Front Setback (ft)	None
Max. Front Setback (ft)	20
Min. Major Arterial Street Setback (ft)	30
Min. Corner Side Setback (ft)	None
Min. Side Setback (ft)	3 [6]
Min. Rear Setback (ft)	10 [6]
Min. Wetland/Riparian Buffer(ft) [7]	30
Min. Agricultural Setback (ft) [7]	50
Min. Accessory Use Setback (ft)	3

E. Use Characteristics

Min. Land Area Devoted to Residential Use Types (% of sub-district area)	30
Min. Land Area Devoted to Commercial Use Types (% of sub-district area)	20
Max. Land Area Occupied by Commercial Use Types (% of sub-district area)	60
Max. Density (du/ac)	3 [1]
Max. Nonresidential FAR (%)	0.50 [2]
Max. Structure Size (sq ft)	None
Min. Spacing Between Buildings (ft)	10
Max. Building Height (ft) [3]	35 [4]

F. General Development Standards (applied to all CC districts)

The following general development standards are applied to all development within the CC district in addition to the standards in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection in this Ordinance. In the event of conflict, the standards in this district shall control.

1. Parking and Loading	a. As a means of promoting pedestrian-scale development and walkability, the minimum parking standards in Table5.1.3.C, Minimum Off-Street Parking Standards, are reduced by 10 percent.
	b. Applicable maximum parking standards in Section 5.1.3.Care reduced to 125 percent of the minimum in Table5.1.3.C, Minimum Off-Street Parking Standards.
2. Landscaping	Perimeter landscaping buffers are not required between different nonresidential uses in the CC district.
3. Pedestrian Orientation	a. All development shall provide at least one improved sidewalk, trail, or multi-use path connection to the pedestrian circulation system serving other lots in the district, if applicable.
	b. Commercial development shall provide pedestrian shading features (awnings, canopies, trellis, arcades, umbrellas, etc.) to create shaded walking or seating areas. Shaded areas shall be provided at a rate of one square foot of shaded area for every three square feet of total indoor and outdoor customer use area. Shading features may be centralized, but credit towards these requirements may not be shared among different establishments.
4. Site Configuration	No new overhead utilities shall be permitted.
5. Building Design	Accessory structures shall maintain a similar level of architectural detail as the principal building they serve.

G. Notes

[1] Maximum densities may be increased to four dwelling units an acre through the inclusion of sustainable building features in accordance with Section 5.13, Incentives for Sustainable Development Practices
[2] Maximum FAR may be increased to 0.6 through the inclusion of sustainable building features in accordance with Section 5.13, Incentives for Sustainable Development Practices
[3] Land located within the Airport Overlay (AO) district shall be subject to AO maximum building heights
[4] Maximum building height may be increased to 40 feet above base flood elevation (or finished grade if above base flood elevation) for buildings that include upper-story residential uses above nonresidential uses
[5] Maximum lot depth shall not exceed four times the lot width
[6] Setbacks are doubled along lot lines corresponding with CC district boundaries
[7] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

3.5.5. CC Sub-District-Specific Development Standards

Lands within a particular CC sub-district shall be subject to the general development standards in Section 3.5.4.F as well as the following additional sub-district-specific standards, as appropriate.

A. Maple-Barco (CC-MB) Sub-District

(1) Relationship to the AO District

In cases where the range of allowable uses, density, or maximum building height conflict with the AO standards, the AO standards shall control.

(2) Permitted Uses

Allowable uses within the CC-MB and also within the AO district shall be limited to those authorized by Section 3.8.5.C, Airport Compatible Use Zone Requirements.

(3) Preserve Waterfront Views

Development on lots in the CC-MB shall be configured to retain existing views to Currituck Sound from the Caratoke Highway right-of-way through site design, clustering of buildings, placement of open space set asides, or other steps.

(4) Shoreline Stabilization

(a) Lands bordering Currituck Sound or other open waters shall incorporate "soft" shoreline stabilization techniques such as retention of a 50-foot undisturbed vegetated buffer, supplemented with appropriate native vegetation, as appropriate.

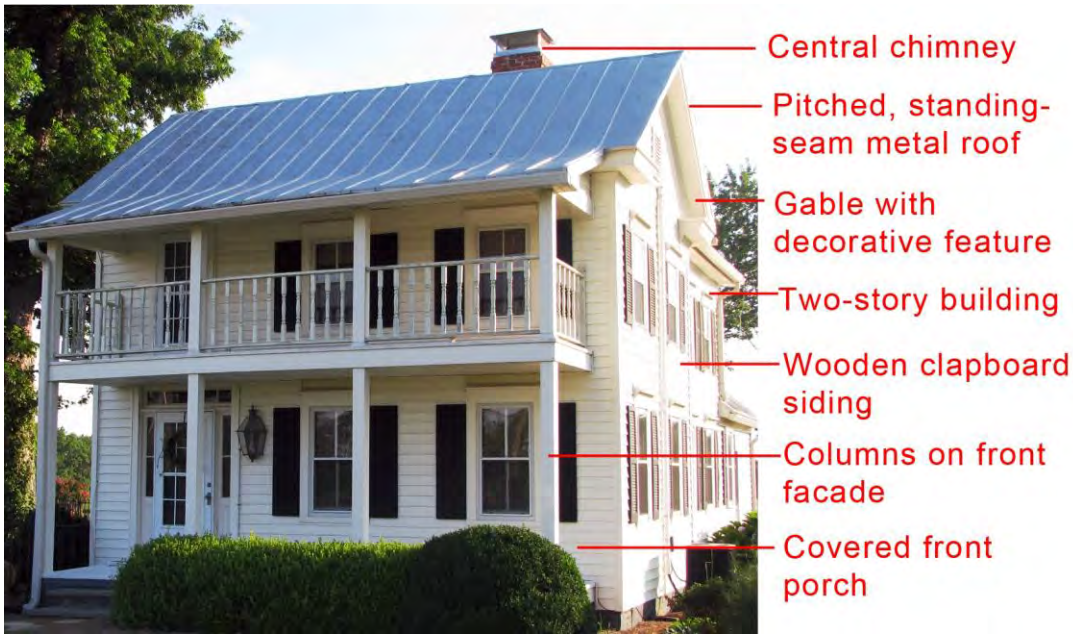
(b) Hard armoring techniques such as rip rap, sea walls, bulk heads, groins, jetties, or other constructed techniques are prohibited on sites of ten acres or more unless required to protect existing conforming development.

(c) Nothing in these provisions shall prevent installation and use of boardwalks, docks, boat launches, and similar water-borne recreational features.

(5) Building Design

Nonresidential and multi-family development within the CC-MB sub-district shall maintain consistency with locally-occurring "homestead" architectural vernacular. See Figure 3.5.5.A, Homestead Architectural Character. Consistency may be maintained through inclusion of three or more of the following common building design elements or materials:

Figure 3.5.5.A, Homestead Architectural Character



(a) Pitched roofs;

(b) Gables that include windows, decorative vent covers, or decorative molding at the gable apex;

(c) Two-story buildings;

(d) Standing seam metal roof treatments;

(e) Covered front porches occupying at least fifty percent of the ground-floor front façade;

(f) Columns or pilasters on the front façade;

(g) Wooden clapboard or hardiplank siding;

(h) Oversize windows with window bottoms located within 30 inches of the floor (measured from inside the building) without exterior shutters; or

(i) Chimneys (real or artificial) located on one or more building ends or in a central building location.

3.5.6. Village Center (VC) District

VC VILLAGE CENTER

A. District Purpose

The Village Center (VC) district framework is established to accommodate higher-density, mixed-use, compact, pedestrian-oriented development at key locations on the portion of the outer banks south of Currituck Milepost 13 in accordance with the policies and recommendations of area plans adopted by the Board of Commissioners. The district includes general development standards applied to all development within the VC district. In addition, each VC district shall include individual VC sub-districts with additional district-specific standards established in accordance with this section. The VC district encourages compact activity centers that include residential and nonresidential development in close proximity to one another as a means of limiting the creation of strip development and associated automobile traffic. The district also provides additional incentives for use of sustainable development practices.

B. Establishment

The Board of Commissioners shall establish individual Village Center districts (and associated sub-district designations) in accordance with this section and Section 2.4.3, Zoning Map Amendment, only after approving an area plan for the specific sub-district specifying the general location, attributes, and policy objectives for the sub-district. Each VC sub-district shall comply with the standards in Section 3.5.5.F General Development Standards. In establishing a new VC sub-district, the Board of Commissioners may also establish a unique set of development standards applicable to all development in the particular sub-district (see Section 3.5.7, VC Sub-District-Specific Development Standards).

C. Locational Criteria

Allowable District Location	Designated Full Service areas only
Min. District Size (ac)	5
District must be subject to an area or functional plan adopted by the Board of Commissioners	

D. Dimensional Standards

Min. Lot Area (sq ft)	5,000
Min. Lot Width (ft)	35
Max. Lot Depth	[4]
Max. Lot Coverage (%)	65
Min. Front Setback (ft)	None
Max. Front Setback (ft)	20
Min. Major Arterial Street Setback (ft)	30
Min. Corner Side Setback (ft)	None
Min. Side Setback (ft)	3 [5]
Min. Rear Setback (ft)	10 [5]
Min. Wetland/Riparian Buffer (ft) [6]	30
Min. Agricultural Setback (ft) [6]	50
Min. Accessory Use Setback (ft)	3

E. Use Characteristics

Min. Land Area Devoted to Residential Use Types (% of sub-district area)	25
Min. Land Area Devoted to Commercial Use Types (% of sub-district area)	10
Max. Land Area Occupied by Commercial Use Types (% of sub-district area)	50
Max. Density (du/ac)	3 [1]
Max. Nonresidential FAR (%)	0.50 [2]
Max. Structure Size (sq ft)	None
Min. Spacing Between Buildings (ft)	10
Max. Building Height (ft)	35 [3]

F. General Development Standards (applied to all VC districts)

The following general development standards are applied to all development within the VC district in addition to the standards in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection in this Ordinance. In the event of conflict, the standards in this district shall control.

1. Parking and Loading	a. As a means of promoting pedestrian-scale development and walkability, the minimum parking standards in Table 5.2.3.B, Minimum Off-Street Parking Standards, are reduced by 10 percent.
	b. Applicable maximum parking standards in Section 5.2.3.F are reduced to 125 percent of the minimum in Table 5.2.3.B, Minimum Off-Street Parking Standards, except that off-street parking spaces located beneath habitable structures shall not be subject to maximum parking standards.
2. Landscaping	Only native vegetation shall be credited towards the landscaping requirements in this Ordinance.
3. Tree Protection	Maritime forest shall be left undisturbed, or an equivalent area of maritime forest plant species shall be re-established and maintained contiguous to existing maritime forest elsewhere in the district.
4. Pedestrian Orientation	a. All development shall provide at least one improved sidewalk, trail, or multi-use path to the larger pedestrian circulation system serving other lots in the district, if applicable.
	b. Commercial development shall provide pedestrian shading features (awnings, canopies, trellis, arcades, umbrellas, etc.) to create shaded walking or seating areas. Shaded areas shall be provided at a rate of one square foot of shaded area for every three square feet of total indoor and outdoor customer use area. Shading features may be centralized, but credit towards these requirements may not be shared among different establishments.
5. Site Configuration	a. No new overhead utilities shall be permitted.
	b. All on-site stormwater treatment facilities shall be underground or designed as site amenities instead of as utilitarian features.
6. Building Design	a. Primary exterior materials on principal structures shall be of natural origins (e.g., wood, stone, masonry, hardiplank, etc.) and shall not be synthetic (e.g., EIFS, extruded foam, vinyl, etc.). Composite materials and metal trim and roofing are permitted.
	b. Buildings shall maintain consistency with local coastal architectural forms such as pitched roofs, dormers, tower features, cupolas, decks, porches, decorative exterior shutters, significant overhangs or eaves, wall shingles, clapboard siding, or other common features.
	c. Accessory structures shall maintain a similar level of architectural detail as the principal building they serve.

G. Notes

[1] Maximum densities may be increased to four dwelling units an acre through the inclusion of sustainable building features in accordance with Section 5.13, Incentives for Sustainable Development Practices
[2] Maximum FAR may be increased to 0.6 through the inclusion of sustainable building features in accordance with Section 5.13, Incentives for Sustainable Development Practices
[3] Maximum building height may be increased to 40 feet above base flood elevation (or finished grade if above base flood elevation) for buildings that include upper-story residential uses above nonresidential uses
[4] Maximum lot depth shall not exceed four times the lot width
[5] Setbacks are doubled along lot lines corresponding with VC district boundaries
[6] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater.

3.5.7. VC Sub-District-Specific Development Standards

[Placeholder]

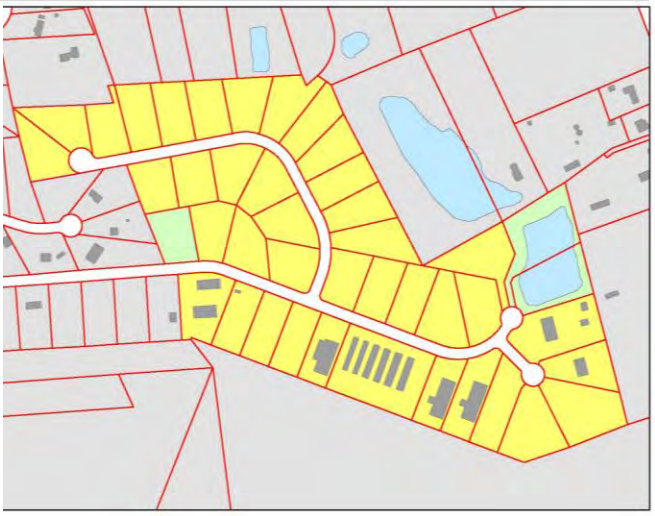
3.5.8. Light Industrial (LI) District

LI
LIGHT INDUSTRIAL

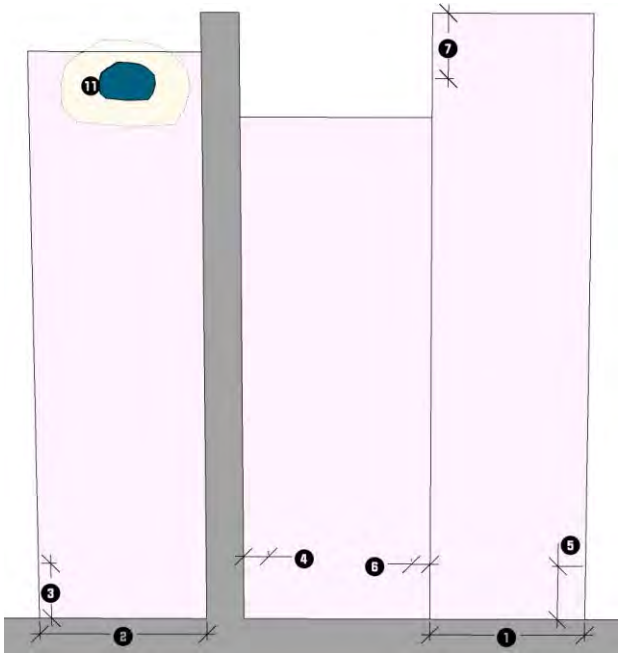
A. District Purpose

The Light Industrial (LI) district is established to accommodate low intensity light manufacturing and industrial uses engaged in assembly, fabrication, processing, distribution, storage, and research and development activities within portions of the county removed from residential and environmentally sensitive areas. The district is intended for small-scale development that has a minimum of exterior vehicular movements, limited outdoor storage of raw materials, minimal visual impacts on adjacent residential lands, and avoidance of excessive noise, odor, glare, dust, or vibration impacts on off-site areas. In addition to light industrial uses, the district allows supporting office, commercial, and warehousing functions. Residential uses are not permitted in the district, but some institutional and commercial uses are permitted, provided they will not negatively impact the range of allowed uses in the district. Development in the district is subject to development standards that seek to minimize nuisances and address the visual quality of development, as seen from adjacent residential development and public streets.

B. Lot Patterns

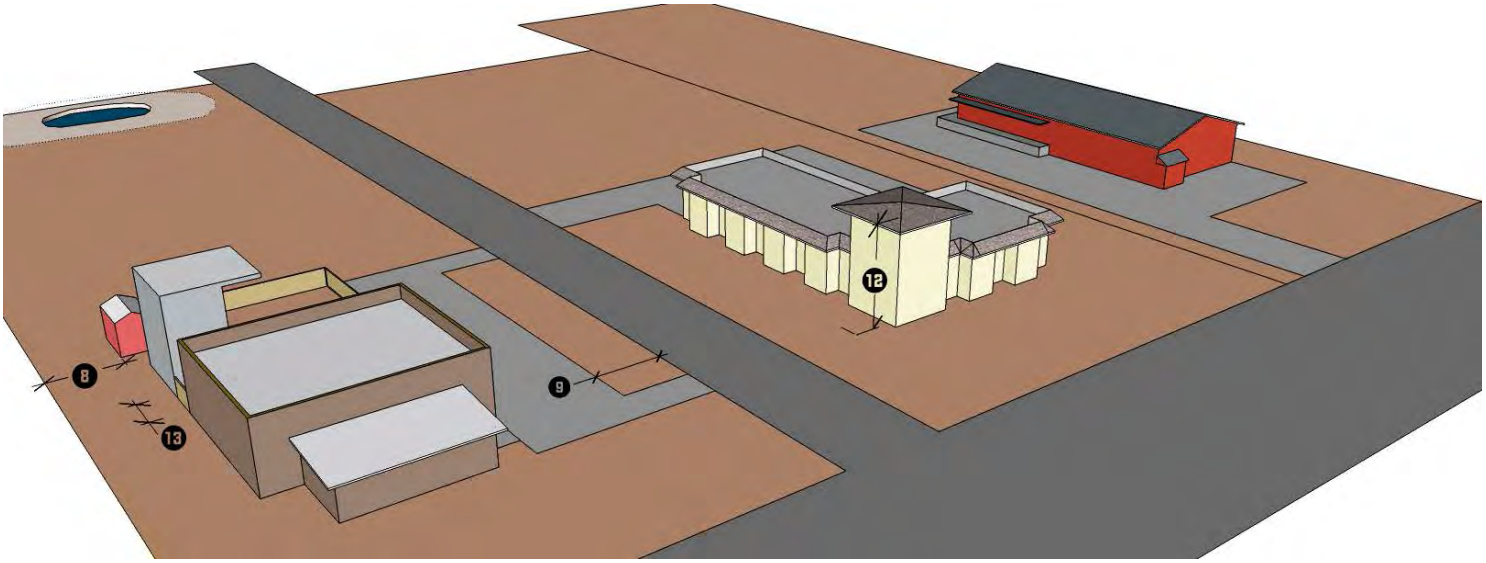


C. Lot Configuration



D. Typical Building Forms

E. Building Configuration



F. Dimensional Standards

Max. Gross Density (du/ac)	N/A		Min. Major Arterial Street Setback (ft) [4]	50	5
Max. FAR (%)	0.40		Min. Side Setback (ft)	15	6
Min. Lot Area (sf ft)	60,000		Min. Rear Setback (ft)	25	7
Max. Lot Area (acres)	N/A		Min. Agricultural Setback (ft) [5]	50	
Min. Lot Width, Interior Lot (ft)	125 [1]	1	Min. Accessory Use Setback (ft)	20	8
Min. Lot Width, Corner Lot (ft)	135	2	Min. Driveway/Parking Setback (ft)	10	9
Max. Lot Depth (ft)	[2]		Min. Fill Setback from all Lot Lines (ft)	10	
Max. Lot Coverage (%)	65		Min. Wetland/Riparian Buffer (ft) [5]	30	11
Min. Front Setback (ft)	20	3	Max. Building Height (ft) [6]	35	12
Min. Corner Side Setback (ft) [3]	20	4	Min. Spacing Between Principal Buildings (ft)	10	13

[1] All lots shall maintain a minimum street frontage of 35 feet
[2] Lot depth shall not exceed four times the lot width
[3] Driveways shall provide access from street with less traffic
[4] Metal siding is prohibited on building facades facing major arterial streets
[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater
[6] Some site features are exempted from height limits

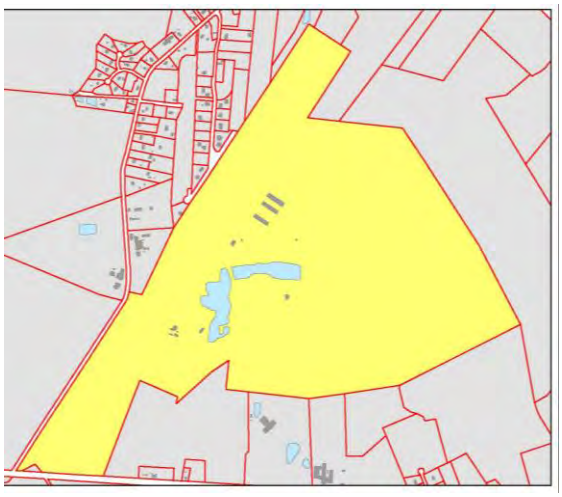
3.5.9. Heavy Industrial (HI) District

HI
HEAVY INDUSTRIAL

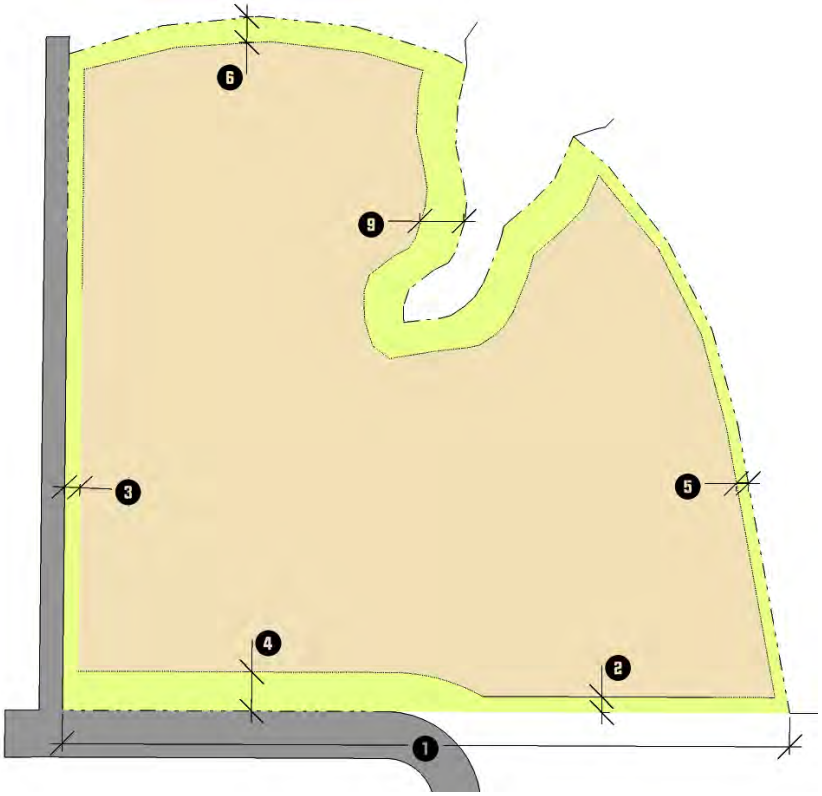
A. District Purpose

The Heavy Industrial (HI) district is established to accommodate intense or heavy manufacturing and industrial uses engaged in assembly, fabrication, processing, distribution, storage, and research and development activities within portions of the county removed from residential and environmentally sensitive areas. The district is intended for large-scale development that includes extensive exterior vehicular movements, outdoor storage of raw materials and finished products, stockpiling of wastes, and the potential for noise, odor, glare, dust, vibration, or negative visual impacts on adjacent uses. In addition to industrial uses, the district allows supporting office and warehousing functions. Residential uses are not permitted in the district, but some institutional, commercial, and office uses are permitted, provided they will not negatively impact the range of allowed uses in the district. Development in the district is subject to development standards that seek to minimize nuisances and address the visual quality of development, as seen from adjacent residential development and public streets.

B. Lot Patterns

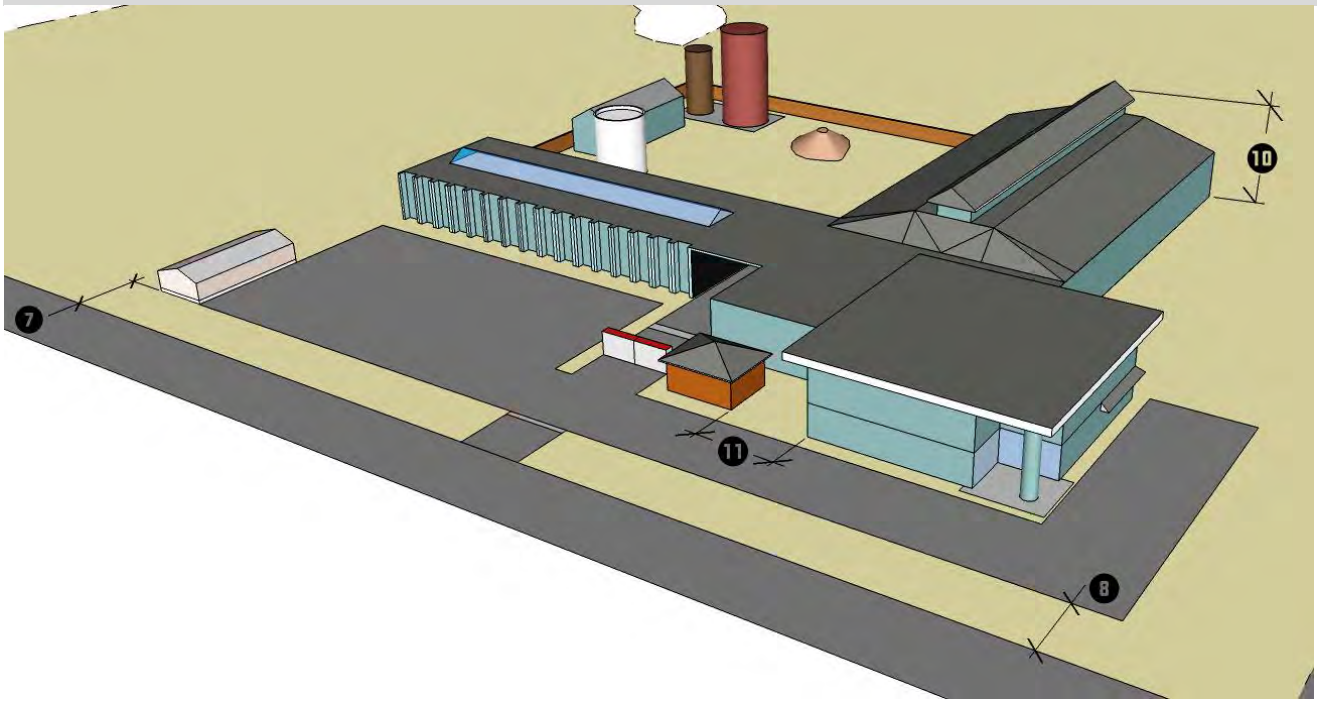


C. Lot Configuration



D. Typical Building Forms

E. Building Configuration



F. Dimensional Standards

Max Gross Density (du/ac)	N/A		Min. Major Arterial Street Setback (ft) [4]	50	4
Max. FAR (%)	0.40		Min. Side Setback (ft)	15	5
Min. Lot Area (sf ft)	80,000		Min. Rear Setback (ft)	25	6
Max. Lot Area (acres)	N/A		Min. Agricultural Setback (ft) [5]	50	
Min. Lot Width, Interior Lot (ft)	125 [1]		Min. Accessory Use Setback (ft)	20	7
Min. Lot Width, Corner Lot (ft)	135	1	Min. Driveway/Parking Setback (ft)	10	8
Max. Lot Depth (ft)	[2]		Min Fill Setback from all Lot Lines (ft)	10	
Max. Lot Coverage (%)	65		Min. Wetland/Riparian Buffer (ft) [5]	30	9
Min. Front Setback (ft)	20	2	Max. Building Height (ft) [6]	35	10
Min. Corner Side Setback (ft) [3]	20	3	Min. Spacing Between Buildings (ft)	10	11

[1] All lots shall maintain a minimum street frontage of 35 feet
[2] Lot depth shall not exceed four times the lot width
[3] Driveways shall provide access from street with less traffic

[4] Metal siding is prohibited on building facades facing major arterial streets
[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater
[6] Some site features are exempted from height limits

3.6. CONDITIONAL BASE ZONING DISTRICTS

3.6.1. Establishment of Conditional Zoning Districts

Table 3.6.1, Conditional Zoning Districts Established, sets out the conditional zoning districts established by this Ordinance. There is a conditional zoning district paralleling each base zoning district set forth in Table 3.6.1, Base Zoning Districts Established.

TABLE 3.6.1: CONDITIONAL ZONING DISTRICTS ESTABLISHED

District Name	Abbreviation
Residential Districts	
Conditional Single-Family Residential – Mainland	C-SFM
Conditional Single-Family Residential – Outer Banks	C-SFO
Conditional Single-Family Residential – Outer Banks, Remote	C-SFR
Conditional Single-Family Residential – Isolated	C-SFI
Conditional Mixed Residential	C-MXR
Business and Mixed-Use Districts	
Conditional General Business	C-GB
Conditional Limited Business	C-LB
Conditional Community Center	C-CC
Conditional Village Center	C-VC
Conditional Light Industrial	C-LI
Conditional Heavy Industrial	C-HI

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:

A. A written description of the proposed use, types of improvements, buildings, activities, and hours of operation;

B. A list of the proposed conditions requested by the applicant;

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. Proposed building footprints, and the general location of parking, loading, and service areas;

F. General locations of new streets, driveways, and vehicular and pedestrian circulation features;

G. Proposed common areas, open space set-asides, anticipated landscape buffering, and fences or walls (if proposed); and

H. Elevations 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.

3.6.7. Applied to Entire Lot

No application for conditional rezoning (see Section 2.4.4) may split an existing site or lot of record into a conditional zoning district and a base zoning district. Nothing in this subsection shall limit a conditional rezoning that splits a lot or site into two or more different conditional zoning district designations.

3.7. PLANNED DEVELOPMENT BASE ZONING DISTRICTS

3.7.1. General

A. General Planned Development District Purposes

The Planned Development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other county goals and objectives by:

(1) Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;

(2) Allowing greater freedom in selecting the means of providing access, open space, and design amenities;

(3) Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;

(4) Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and

(5) Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, estuaries, shorelines, dunes, maritime forest, special flood hazard area, and historic features.

B. Classification of Planned Development Zoning Districts

Land shall be classified into a planned development zoning district only in accordance with the procedures and requirements set forth in Section 2.4.5, Planned Development, and this section.

C. Relationship to PUD or RET Overlay Districts

Lands designated as Planned Unit Development (PUD) Overlay or Planned Adult Retirement (RET) Overlay on January 1, 2013 are subject to the standards and conditions included within the previously-adopted sketch plans and other requirements related to their approval. These developments may proceed subject to their original approvals in accordance with Section 1.8, Transitional Provisions. In the event the approval associated with a PUD or RET expires, or a modification is proposed, an applicant may seek to establish a PD district in accordance with this section and Section 2.4.5, Planned Development.

D. Organization of Planned Development Zoning District Regulations

Section 3.7.2, General Standards for All Planned Development Districts, sets out general standards applicable to all types of Planned Development districts. Sections 3.7.3 to 3.7.5 set out the purpose statements and standards for each of the three specific types of Planned Development districts. These subsections have a common structure consisting of a purpose statement and applicable development standards. Some PD districts also include additional district-specific standards. Chapter 4: Use Standards, includes a summary use table specifying the allowable uses for each of the

PD districts (see Table 4.1.1, Summary Use Table) subject to an approved master plan. Uses that do not include an "MP" under a particular PD district column in Table 4.1.1 are prohibited within that PD district.

3.7.2. General Standards for All Planned Development Districts

Before approving a PD zoning district classification, the Board of Commissioners shall find that the application for the PD zoning district classification, as well as the master plan and the terms and conditions document included as part of the application, comply with the following standards:

A. Planned Development Master Plan

The master plan shall:

(1) Include a statement of planning objectives for the district;

(2) Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;

(3) Depict the general configuration and relationship of the principal elements of the proposed development, including general building types;

(4) Identify for the entire PD district and each development area the acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;

(5) Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;

(6) Identify the location of environmentally sensitive lands, wildlife habitat, and resource protection lands;

(7) Identify the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, pedestrian and vehicular circulation features, and how they will connect with existing and planned county systems;

(8) Identify the general location of on-site potable water and wastewater facilities, and how they will connect to county systems;

(9) Identify the general location of on-site stormwater management facilities, and how they will connect to county systems; and

(10) Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, and solid waste management.

B. Densities/Intensities

(1) The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the master plan, and shall be consistent with county plans and the purpose of the particular type of PD district.

(2) Development located within a Full Service area designated by the Land Use Plan may maintain a maximum density of up to three units per acre.

(3) Development located within a Limited Service Area designated by the Land Use Plan may maintain a maximum density of up to one-and-one-half units per acre.

(4) Dwelling units within a PD may be concentrated or evenly distributed throughout the development, provided the maximum allowable density for the development as a whole is not exceeded.

C. Dimensional Standards

The dimensional standards applicable in each development area of a PD district shall be as established in the master plan, and shall be consistent with the purpose of the particular type of PD district. The master plan shall include at least the following types of dimensional standards:

(1) Minimum lot area;

(2) Minimum lot width;

(3) Minimum and maximum setbacks;

(4) Maximum lot coverage;

(5) Maximum building height;

(6) Maximum individual building size;

(7) Floor area ratio; and

(8) Minimum setbacks from adjoining residential development or residential zoning districts.

D. Development Standards

All development in a PD district shall comply with the development standards of Chapter 5: Development Standards, the subdivision and infrastructure design standards of Chapter 6: Subdivision and Infrastructure Standards, and the environmental protection standards in Chapter 7: Environmental Protection, unless modified in accordance with this section.

E. Consistency with County Plans

The PD zoning district designation, the master plan, and the terms and conditions document shall be consistent with the 2006 Land Use Plan, and any applicable functional plans and small area plans adopted by the county.

F. Compatibility with Surrounding Areas

Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the master plan shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, siting of service areas, or other aspects identified by the Board of Commissioners.

G. Development Phasing Plan

If development in the PD district is proposed to be phased, the master plan shall include a development phasing plan that identifies the general sequence or phases in

which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the county's capital improvements program.

H. Conversion Schedule

The master plan may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use or one type of nonresidential use may be converted to another type of nonresidential use (i.e., residential to residential, or nonresidential to nonresidential). These conversions may occur within development areas and between development areas, as long as they occur within the same development phase, as identified by the approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

I. On-Site Public Facilities

(1) Design and Construction

The master plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable county, State, and Federal regulations.

(2) Dedication

The master plan shall establish the responsibility of the developer/landowner to dedicate to the public the right-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable county, State, and Federal regulations.

(3) Modifications to Street Standards

In approving a master plan, the Board of Commissioners may approve modifications or reductions of street design standards—including those for right-of-way widths, pavement widths, required materials, and turning radii, with NCDOT approval, on finding that:

(a) The master plan provides for adequate separation/integration of vehicular, pedestrian, and bicycle traffic;
(b) Access for emergency service vehicles is not substantially impaired;
(c) Adequate parking is provided for the uses proposed; and
(d) Adequate space for public utilities is provided within the street right-of-way.

J. Planned Development Terms and Conditions

The terms and conditions document shall incorporate by reference or include, but not be limited to:

(1) Conditions related to approval of the application for the PD zoning district classification;

(2) The master plan, including any density/intensity standards, dimensional standards, and development standards established in the master plan;

(3) Conditions related to the approval of the master plan, including any conditions related to the form and design of development shown in the master plan;

(4) Provisions addressing how transportation, potable water, wastewater, stormwater management, and other infrastructure will be provided to accommodate the proposed development;

(5) Provisions related to environmental protection and monitoring; and

(6) Any other provisions the Board of Commissioners determines are relevant and necessary to the development of the PD in accordance with applicable standards and regulations.

K. Uses

The uses allowed in a PD district are identified in Table 4.1.1, Summary Use Table, as allowed subject to a planned development master plan. Allowed uses shall be established in the master plan and are subject to any use regulations applicable to the PD district. Allowed uses shall be consistent with county plans, the purpose of the particular type of PD district, and subject to any additional limitations or requirements set forth in Sections 3.7.3 – 3.7.5 for the particular type of PD district.

L. Amendments to Approved Master Plan

Amendments or modifications to a master plan shall be considered in accordance with the standards in Section 2.4.5.I, Amendments.

3.7.3. Planned Development – Residential (PD-R) District

PD-R
PLANNED DEVELOPMENT - RESIDENTIAL

A. District Purpose

The Planned Development – Residential (PD-R) District is established and intended to encourage the use of innovative and creative design to provide a mix of different residential uses in close proximity to one another on mainland Currituck County, while at the same time providing an efficient use of open space. Limited, small-scale commercial uses may be allowed in the PD-R district, primarily to serve the needs of residents in the development.

B. Dimensional Standards

District area, minimum (acres)	50
Gross residential density, maximum (dwelling units/acre) [1]	To be established in the master plan
Lot area, minimum (sq ft)	
Lot width, minimum (ft)	
Nonresidential land area, maximum (% of district total)	40
Single housing type, maximum (% of units)	85
Lot coverage, maximum (% of lot area)	To be established in the master plan
Nonresidential FAR, maximum (%)	
Individual building size, maximum (sq ft)	
Building height, maximum (ft)	
Setbacks, minimum or maximum (ft)	
Setback from abutting residential zoning district or existing residential use (ft)	
Setback from agriculture (ft)	
Setback from major arterial streets (ft)	
Min. Wetland/Riparian Buffer (ft)	30

NOTES:
[1] May not exceed three units per acre in Full Service areas or one-and-one-half units per acre in Limited Service areas
[2] Uses internal to the development shall not be required to provide perimeter buffers
[3] The required percentage of open space set-aside shall be calculated based on the total district

C. Development Standards

The standards in Chapter 5: Development Standards, shall apply to all development in PD-R districts, but some of those standards may be modified as part of the master plan if consistent with the general purposes of the PD-R district and the procedures noted below.

Development Standard	Means of Modifying
Off-street parking & loading	Specify in Alternative Parking Plan (see Section 5.1.6)
Landscaping [2]	Specify in Alternative Landscaping Plan (see Section 5.2.9)
Tree protection	
Open space set-aside [3]	30%
Fences and walls	Specify in Security Plan (see Sections5.3.5. and 5.4.4)
Exterior lighting	
Community form	Specify in master plan
Nonresidential design	
Multi-family design	
Community compatibility [4]	Modifications prohibited
Signage	Modifications prohibited
Adequate public facilities	Modifications prohibited

D. Environmental Protection Standards

The environmental protection standards in Chapter 7 of the UDO may not be modified by a planned development

[4] Community compatibility standards shall not apply to uses internal to the development

3.7.4. Planned Development – Mixed (PD-M) District

PD-M
PLANNED DEVELOPMENT - MIXED

A. District Purpose

The Planned Development – Mixed (PD-M) District is established and intended to encourage the development of a mix of employment generating uses (office, research, light industrial, and limited commercial), and may allow low-to-medium density residential uses at appropriate locations on the Currituck County mainland in a planned and aesthetically pleasing way. This is done by allowing design flexibility as well as a mix of uses.

B. Dimensional Standards

District area, minimum (acres)	50
Gross residential density, maximum (dwelling units/acre) [1]	To be established in the master plan
Lot area, minimum (sq ft)	
Lot width, minimum (ft)	
Residential land area, maximum (% of district total)	35
Lot coverage, maximum (% of lot area)	To be established in the master plan
Nonresidential FAR, maximum (%)	
Individual building size, maximum (sq ft)	
Building height, maximum (ft)	
Setbacks, minimum or maximum (ft)	
Setback from abutting residential zoning district or existing residential use (ft)	
Setback from agriculture (ft)	
Setback from major arterial streets (ft)	
Min. Wetland/Riparian Buffer (ft)	30

NOTES:
[1] May not exceed three units per acre in Full Service areas or one-and-one-half units per acre in Limited Service areas
[2] Uses internal to the development shall not be required to provide perimeter buffers
[3] The required percentage of open space set-aside shall be calculated based on the total district area

C. Development Standards

The standards in Chapter 5: Development Standards, shall apply to all development in PD-M districts, but some of those standards may be modified as part of the master plan if consistent with the general purposes of the PD-M district and the procedures noted below.

Development Standard	Means of Modifying
Off-street parking & loading	Specify in Alternative Parking Plan (see Section 5.1.6)
Landscaping [2]	Specify in Alternative Landscaping Plan (see Section 5.2.9)
Tree protection	
Open space set-aside [3]	20%
Fences and walls	Specify in Security Plan (see Sections 5.3.5 and 5.4.9 and)
Exterior lighting	
Community form	Specify in master plan
Nonresidential design	
Multi-family design Shopping center design	
Community compatibility [4]	Modifications prohibited
Signage	Modifications prohibited
Adequate public facilities	Modifications prohibited

D. Environmental Protection Standards

The environmental protection standards in Chapter 7 of the UDO may not be modified by a planned development

[4] Neighborhood compatibility standards shall not apply to uses internal to the development

3.7.5. Planned Development – Outer Banks (PD-O) District

PD-O
PLANNED DEVELOPMENT – OUTER BANKS

A. District Purpose

The Planned Development – Outer Banks (PD-O) District is established and intended to provide landowner/developers with a flexible framework within which to develop a compact, mixed-use, pedestrian-oriented neighborhood development as an alternative to conventional residential development served primarily by vehicles. The PD-O district option is available for use within the portion of the outer banks served by a state-maintained highway. The district is intended to promote and maintain a beach village atmosphere that is primarily residential in character but that contains centralized nonresidential development that allows residents to meet some of their employment, shopping, and recreation needs without use of an automobile. New development shall maintain a small-scale, low-rise character with diverse housing types organized around common open space, natural resources, and facilities providing for alternative forms of transportation.

B. Dimensional Standards

District area, minimum (acres)	25
Gross residential density, maximum (dwelling units/acre) [1]	To be established in the master plan
Lot area, minimum (sq ft)	
Lot width, minimum (sq ft)	
Nonresidential land area, maximum (% of district total)	10
Single housing type, maximum (% of units)	75 [2]
Lot coverage, maximum (% of lot area)	To be established in the Master Plan
Nonresidential FAR, maximum (%)	
Individual building size, maximum (sq ft)	
Building height, maximum (ft)	
Setbacks, minimum and maximum (ft)	
Setback from abutting residential zoning district or existing residential use (ft)	
Setback from major arterial streets, minimum (ft)	
Min. Wetland/Riparian Buffer (ft)	30

NOTES:
[1] May not exceed three units per acre in Full Service areas
[2] May be exceeded only on demonstration that a less diverse mix of housing types is appropriate
[3] Internal uses shall not be required to provide perimeter buffers
[4] The required percentage of open space set-aside shall be calculated based on the total district area

C. District-Specific Standards

The standards in Section 3.7.5.A, Additional District-Specific Standards for the PD-O District, shall apply to all development within the PD-O District.

D. Development Standards

The standards in Chapter 5: Development Standards, shall apply to all development in PD-O districts, but some of those standards may be modified as part of the master plan if consistent with the general purposes the district and the procedures noted below.

Development Standard	Means of Modifying
Off-street parking & loading	Specify in Alternative Parking Plan (see Section 5.1.6)
Landscaping [3]	Specify in Alternative Landscaping
Tree protection	Modifications prohibited
Open space set-aside [4]	30%
Fences and walls	Specify in Security Plan (see Section 5.3.5)
Exterior lighting	Modifications prohibited
Community form	Specify in master plan
Nonresidential design	
Multi-family design Shopping Center Design	
Community compatibility	Modifications prohibited
Signage	Modifications prohibited
Adequate public facilities	Modifications prohibited

E. Environmental Protection Standards

The environmental protection standards in Chapter 7 of the UDO may not be modified by a planned development

A. Additional District-Specific Standards for the PD-O District

(1) Development Center

(a) A PD-O District shall be designed with a development center intended to serve as a public gathering area for residents and visitors. A development center shall include and be served by open space resources that allow residents and visitors to walk to and through the development center.

(b) The development center shall include central off-street parking resources that allow residents to park their vehicles and walk to destinations within the PD-O District.

(2) Use Mixing

(a) A PD-O District shall be structured to provide a mix of uses, like residential, retail, employment, civic, and recreational uses. The integration of residential and nonresidential uses allows residents to meet more of their daily needs within the development.

(b) Civic uses such as churches, post offices, and community centers are encouraged, but not required, as part of the district's nonresidential uses.

(c) Mixing of residential and nonresidential uses within a single project or structure is strongly encouraged, particularly within vertical mixed-use projects, in which different use types are located on different floors of a single structure.

(3) Housing

(a) A PD-O District shall include a variety of housing options, including accessory dwelling units and short-term employee housing, to allow greater diversity of residents within the neighborhood.

(b) Residential development within a PD-O District shall incorporate a variety of different housing types and different lot sizes in close proximity to one another.

(c) Where possible, new nonresidential development shall incorporate upper-story residential uses to help address affordable housing needs in the outer banks.

(4) Open Space Design

(a) Open space resources in a PD-O District shall emphasize the role of the beach and Currituck Sound as the primary open space resources in the community by providing direct access to these resources or to other open space resources serving them.

(b) Open spaces shall include pedestrian and bicycle features that allow residents and visitors to move through and around commercial and mixed-use portions of the PD-O District.

(c) Open space resources shall connect new developments with existing developments in a manner that allows residents and visitors to move across the island without use of an automobile.

(5) Building Configuration

(a) Location and Relationship between Buildings

In a PD-O district, buildings shall be used to define the street edge and the distinction between the public domain of the street and the private space of individual lots. To this end, buildings shall have a fairly consistent, narrow setback alignment along the street frontage.

(b) Relationship between Building Types

Buildings in a PD-O district should be built on a human scale and designed with a common, harmonious architectural vocabulary and landscaping to lend an intimate and personal feel to the streetscape. The intent should not be to create a uniform appearance, but rather a distinct sense of place.

3.8. OVERLAY ZONING DISTRICTS

3.8.1. Purpose

Overlay zoning districts are superimposed over portions of one or more underlying base zoning districts, conditional zoning districts, or planned development districts with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

3.8.2. Establishment of Overlay Zoning Districts

Table 3.8.2, Overlay Zoning Districts Established, sets out the overlay zoning districts established by this Ordinance. Except where specifically provided in this Ordinance, variances from the overlay zoning district standards shall not be granted.

TABLE 3.8.2: OVERLAY ZONING DISTRICTS ESTABLISHED

District Name	Abbreviation
Airport Overlay	AO
Corolla Village Overlay [placeholder only]	CVO

3.8.3. Classification of Overlay Zoning Districts

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in Section 2.4.3, Zoning Map Amendment.

3.8.4. Relationship to Base Zoning Districts

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying base zoning district, conditional zoning district, or planned development district. If the standards governing an overlay zoning district expressly conflict with those governing a base zoning district, conditional zoning district, or planned development district, the standards governing the overlay district shall control. Where land is classified into multiple overlay zoning districts and the standards governing one

overlay zoning district expressly conflict with those governing another overlay district, the more restrictive standard shall apply.

3.8.5. Airport Overlay (AO) District

A. Purpose

The purpose of the Airport Overlay District is to protect and preserve the Currituck County Regional Airport and surrounding land from incompatible land uses and to:

(1) Protect and promote the general health, safety, welfare, and economy of the airport area;

(2) Promote and encourage aviation related industries and compatible nonresidential uses to locate in close proximity to the airport;

(3) Protect the character and stability of existing land uses in the vicinity of the airport;

(4) Promote interconnectivity among parcels that encourages the use of multimodal transportation and creates an integrated transportation network;

(5) Preserve natural resources that may be affected by harmful land uses or airport operations;

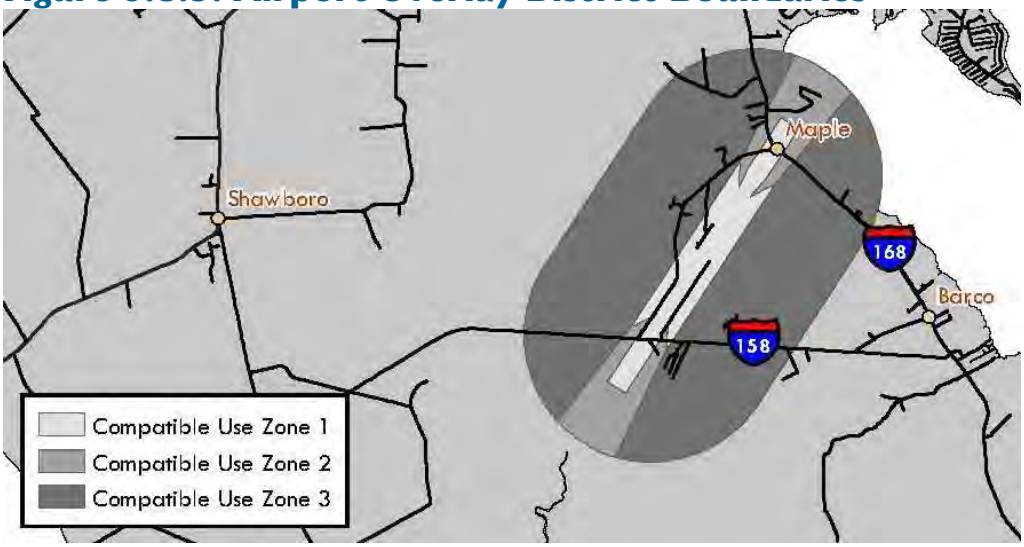
(6) Promote sustainable development patterns that are consistent with the Maple-Barco Small Area Plan and Airport Layout Plan Update.

B. Establishment and Applicability

(1) Development and use of lands within the Airport Overlay District shall be subject to the standards of this district. In the case of conflict between the standards of the Airport Overlay District and other standards of this Ordinance, the overlay standards shall control.

(2) Figure 3.8.5 identifies the approximate location of the Airport Overlay District and compatible use zone boundaries. In the case of conflict between the map in this subsection and the Official Zoning Map, the Official Zoning Map shall control.

Figure 3.8.5: Airport Overlay District Boundaries



C. Airport Compatible Use Zone Requirements

In order to promote and encourage aviation related industries and compatible nonresidential uses to locate in close proximity to the airport, the Airport Overlay District is further divided into compatible use zones as recommended by the Federal Aviation Administration and depicted on the Official Zoning Map, and subject to special requirements. The zones and special requirements are established as follows:

(1) Compatible Use Zone 1

(a) Major subdivisions shall have a maximum gross density of 0.25 dwelling units per acre. The maximum gross density may be increased to 0.5 dwelling units per acre provided residential construction techniques are designed and certified by an acoustical professional to achieve a minimum outside to inside noise reduction level of 25 decibels (dB). This performance measure shall be achieved by any suitable combination of building design, materials, or construction standards and shall be recorded with the final plat and as a restrictive covenant.

(b) Allowable uses shall be limited to single-family detached dwellings, agricultural, agriculture support and service uses, airport operations, aviation related uses, nonresidential uses that do not exceed an occupancy of ten people per acre, or conservation.

(2) Compatible Use Zone 2

(a) Major subdivisions shall have a maximum gross density of 0.33 dwelling units per acre. The maximum gross density may be increased to 0.66 dwelling units per acre provided residential construction techniques are designed and certified by an acoustical professional to achieve a minimum outside to inside noise reduction level of 25 decibels (dB). This performance measure shall be achieved by any suitable combination of building design, materials, or construction standards and shall be recorded with the final plat and as a restrictive covenant.

(b) Allowable uses shall be limited to single-family detached dwellings, agricultural, agriculture support and service uses, airport operations, aviation related uses, nonresidential uses that do not exceed an occupancy of 40 people per acre, or conservation..

(3) Compatible Use Zone 3

(a) The subdivision of land for residential purposes shall be subject to the maximum gross density requirements of the base zoning district.

(b) Allowable uses shall be limited to those permitted in the base zoning district.

D. General Standards

The following general standards shall apply to all development in the Airport Overlay District:

(1) Lighting

(a) Floodlights, spotlights, recreational lighting, or other lighting devices that are not shielded or angled to prevent illumination in an upward direction are prohibited. Exterior luminaries installed or utilized for nonresidential uses shall be full cut-off fixtures.

(b) Lighting that makes it difficult for pilots to identify airport lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers or interferes with the landing, takeoff, or maneuvering of aircraft intending to use the airport is prohibited.

(c) The provisions of this subsection shall not apply to airport lighting used for navigational purposes in accordance with Federal Aviation Administration requirements.

(2) Interference

(a) Electronic impulses or signals that interfere with radio communications between aircraft and the airport or that interfere with established navigation aids are prohibited.

(b) Any operation or use that emits smoke, dust, visible fumes or vapors into the atmosphere that would interfere with the safe navigation of aircraft using the airport is prohibited.

(3) Disclosures

(a) Final subdivision plats, master plans, site plans, or any other document filed as part of any approval process with Currituck County shall contain the following disclosure statement: "All or a portion of this property lies within the Airport Overlay District. Persons on the premises may be exposed to noise and other effects as may be inherent in airport operations. Currituck County has placed certain restrictions on development and use of property within this overlay."

(b) Real estate transactions involving lands either wholly or partially located within the Airport Overlay District shall give full written disclosure of the restrictions on development and use of property within this overlay to the prospective purchaser in accordance with the N.C. Residential Property Disclosure Act (NCGS 47E). An Airport Overlay Disclosure Form is available in the Administrative Manual.

(4) Multimodal Transportation

Prior to the issuance of any permit for development, parcels abutting US 158 shall reserve a 20 foot public access easement along the property line adjoining the roadway.

(5) Natural Resources

(a) In no case shall hazardous materials or other harmful substances be stored, handled, treated, used, produced, recycled, or disposed of in a way that would pose a significant hazard to any surface or groundwater resource.

(b) The development and use of land shall meet the requirements of the Currituck County Wellhead Protection Plan. Any use or activity determined by the Planning Director to pose a significant groundwater hazard to the county's mainland public water supply shall be prohibited.

(c) Stormwater management facilities shall be designed, engineered, constructed, and maintained to detract waterfowl. This may include

but is not limited to the use of riparian buffers, vegetative benches, wire gridding, or other techniques approved by the County.

(6) Height Restrictions

In order to carry out the height requirements of this subsection there are established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the airport. The location and boundaries of the height restriction zones established by this Ordinance are shown on a geographic coverage layer "Airport Height Restriction Zones" that is maintained as part of the County's geographic information system (GIS) under the direction of the Planning Director, and incorporated here by reference. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones and height limitations are set out in Table 3.8.5, Airport Overlay Height Zones:

TABLE 3.8.5: AIRPORT OVERLAY HEIGHT ZONES

Zone	Description	Height Restriction
Run-way Approach Zone	The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.	Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
Transitional Zone	The transitional zones are the areas beneath the transitional surfaces.	Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 18 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
Horizontal Zone	The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transition zones.	One hundred fifty feet above the established airport elevation.
Conical Zone	The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.	Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

E. Nonconformities

Any Residential Airpark Development having been given preliminary plat approval prior to October 17, 2011 shall be deemed legally nonconforming and subject to the following requirements:

(1) Minimum lot size is 40,000 square feet.

(2) Accessory structures (aircraft hangers) shall not be occupied until the principle structure has received a certificate of occupancy.

(3) Right-of-ways shall be a minimum of 45 feet in width, accommodate both aircraft and vehicles, and must be properly maintained by the developers of the residential airpark or their assigns.

(4) Any associated improvements onto airport property shall be paved and maintenance shall be the responsibility of the developers of the residential airpark or their assigns.

3.8.6. Corolla Village Overlay (CVO) District

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4 USE STANDARDS

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CHAPTER 4. USE STANDARDS

4.1. USE TABLE

4.1.1. Explanation of Use Table Structure

A. General

(1) Table 4.1.1, Summary Use Table, lists use types and indicates whether they are allowed by right, allowed with a use permit, allowed in a conditional zoning district, allowed in a planned development zoning district, or prohibited in a zoning district. The use table also includes references to any additional requirements or regulations applicable to the specific use type.

(2) The status of a use in a conditional zoning district shall be the same as in the parallel base zoning district unless such status is modified by conditions imposed as part of the conditional rezoning designating the conditional zoning district.

B. Organization of Uses

The use table organizes allowable uses by use classifications, use categories, and use types. The use table and Section 10.4, Use Classifications, Categories, and Use Types, together provide a systematic basis for identifying and consolidating or distinguishing unidentified land uses to determine whether a particular land use is allowable in a particular zoning district and in addressing future land uses.

(1) Use Classifications

The use classifications identify broad general classifications of uses and include residential uses, institutional uses, agricultural uses, commercial uses, and industrial uses. Use classifications are further broken down into a series of general "use categories" and specific "use types."

(2) Use Categories

The use categories describe the major sub-groups of the respective use classifications and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Use Classification is divided into the Household Living and Group Living use categories. Use categories are further broken down into a series of individual use types.

(3) Use Types

The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, duplex dwellings, live/work dwellings, manufactured homes, single-family detached dwellings, and townhouse dwellings are use types in the Household Living Use Category.

C. Uses Requiring a Zoning Compliance Permit

A "Z" in a cell of the use table indicates that the corresponding use category or use type is permitted in the corresponding base zoning district or parallel conditional

zoning district, subject to compliance with the use-specific standards referenced in the final column of the use table (conditions imposed as part of a conditional rezoning, if applicable) and issuance of a zoning compliance permit by the county. Uses requiring a zoning compliance permit are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection.

D. Uses Requiring a Use Permit

A "U" in a cell of the use table indicates that the corresponding use category or use type is allowed in the corresponding base zoning district or parallel conditional zoning district, only upon approval of a use permit in accordance with Section 2.4.6, Use Permit, any use-specific standards referenced in the final column of the use table, and any conditions imposed as part of a conditional rezoning (if applicable). Uses subject to a use permit are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection.

E. Uses Allowed Subject to a Conditional Zoning District Classification

A "CZ" in a cell of the use table indicates that the corresponding use category or use type is only allowed within a parallel conditional zoning district of the corresponding base zoning district, subject to compliance with use-specific regulations set forth in the final column of the table, and any conditions imposed as part of the conditional rezoning. Uses subject to a conditional zoning district are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 3: Zoning Districts, Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection.

F. Uses Allowed Subject to a Planned Development District Classification

An "MP" in a cell of the use table indicates that the corresponding use category or use type is allowed in the corresponding planned development district, subject to compliance with the use-specific regulations set forth in the final column of the table and provided the use is included in the required list of possible use types in the planned development master plan. Allowed uses are subject to other applicable regulations in this Ordinance, including those set forth in Section 3.7, Planned Development Base Zoning Districts.

G. Prohibited Uses

(1) A blank cell in the use table indicates that the corresponding use category or use type is prohibited in the corresponding zoning district. Use types with a blank cell are not allowable in a corresponding planned development district, and shall not be included in the planned development master plan.

(2) The following activities or use types are not identified in Table 4.1.1, but are prohibited in all zoning districts in the county.

(a) Use of a parked motor vehicle to buy, sell, or store goods or services, except as allowed in Section 4.3 Accessory Use Standards or Section 4.4, Temporary Use Standards:

(b) Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily docked while in transit on navigable waters);

(c) Use of a travel trailer as a permanent residence or use of a travel trailer as a temporary residence;

(d) Operation of a principal (non-accessory) commercial use located solely on the beach strand (uses simply transporting customers to the beach from an approved off-beach location are exempted); and

(e) Manufactured home parks or private campgrounds as a principal use.

H. Use-Specific Standards

When a particular use category or use type is permitted in a zoning district, there may be additional regulations that are applicable to the use category or use type. The existence of these use-specific standards is noted through a section reference in the last column of the use table titled Additional Requirements ("Additional Req."). References refer to provisions found in Section 4.2, Use-Specific Standards. These standards apply to the corresponding use regardless of the base zoning district where it is proposed, unless otherwise specified.

I. Use Restricted or Prohibited by Overlay Zoning District

Regardless of whether the use table identifies a particular use type as requiring a zoning compliance permit, use permit, or allowed subject to a conditional zoning district classification or planned development district classification, the use type may be restricted or prohibited, or subject to more restrictive additional requirements, in accordance with applicable sub-district or overlay district provisions in Chapter 3: Zoning Districts.

J. Unlisted Uses

(1) The Planning Director shall determine whether or not an unlisted use is part of an existing use category or use type defined in Section 10.4, Use Classifications, Use Categories, and Use Types, or is substantially similar to an already defined use type, using the standards in Section 10.4.1.D, Interpretation of Unlisted Uses.

(2) Uses which are found to be unlisted and dissimilar to an already defined use type are prohibited.

4.1.2. Use Table

TABLE 4.1.1: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

Use Category	Use Type	Zoning District (Current District in Parenthesis) [Note: Overlay or Sub-District Requirements May Further Limit Uses]																Additional Req. (4.2.__)
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
Agricultural Use Classification																		
Agriculture / Horticul-ture	All	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	MP	MP	MP	
Animal Husbandry	All		Z				Z						Z	Z		MP		1.A
Agriculture Support and Services (Directly Related)	Agri-education	Z	Z				Z		Z	Z	Z					MP		1.B.2
	Agri-entertainment	Z	Z				Z		Z	Z	Z					MP		1.B.2
	Agricultural processing		Z					U					Z	Z		MP		1.B
	Agribusiness		Z				Z		Z	Z	Z			Z		MP		1.B
	Equestrian facility		Z	Z			Z		Z		Z	Z	Z		MP	MP	MP	1.B.3
	Farmers market		Z				Z		Z	Z	Z	Z	Z		MP	MP	MP	1.B
	Nursery, production		Z				Z		Z	Z			Z	Z	MP	MP		1.B.4
	Roadside market		Z						Z									1.B.5
Agriculture Support and Services (Not Directly Related)	Agricultural research facility		Z						Z	Z	Z		Z	Z		MP		1.C
	Distribution hub for agricultural products		Z						Z	Z			Z	Z		MP		1.C
	Farm machinery sales, rental, and service		Z						Z	Z	Z		Z	Z		MP		1.C
	Stockyard / Slaughterhouse		U											U				1.C
Silviculture	All	Z	Z	Z			Z	Z	Z	Z			Z	Z	MP	MP		1.C
Residential Use Classification																		
Household Living	Dwelling, duplex			Z/U				Z			Z	Z			MP	MP	MP	2.A.1
	Dwelling, live/work							Z	Z	Z	Z	Z			MP	MP	MP	2.A.2
	Dwelling, mansion apartment							CZ			Z	Z			MP	MP	MP	2.A.3
	Dwelling, manufactured home (class A)		Z	Z			Z	Z	Z									2.A.4
	Dwelling, manufactured home (class B)		Z	Z			Z	Z	Z									2.A.4
	Dwelling, multi-family							CZ			Z	Z			MP	MP	MP	2.A.5
	Dwelling, single-family detached		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			MP	MP	MP	
	Dwelling, townhouse							CZ			Z	Z			MP	MP	MP	2.A.5
	Dwelling, upper story							Z	Z	Z	Z	Z			MP	MP	MP	2.A.6
Group Living	Dormitory							Z	Z	U	Z	Z				MP		2.B.1
	Family care home			Z	Z	Z	Z	Z	Z	Z	Z	Z			MP	MP	MP	2.B.2
	Rooming or boarding house							Z	Z		Z	Z			MP	MP	MP	2.B.3

TABLE 4.1.1: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan;
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Use Category	Use Type	Zoning District (Current District in Parenthesis) [Note: Overlay or Sub-District Requirements May Further Limit Uses]																Additional Req. (4.2.__)
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
Institutional Use Classification																		
Community Services	Community center			Z	Z	U	Z	Z	Z	Z	Z	Z			MP	MP	MP	
	Cultural facility	U		Z	Z			Z	Z	Z	Z	Z			MP	MP	MP	
	Library			Z	Z		Z	Z	Z	Z	Z	Z			MP	MP	MP	
	Museum			Z				Z	Z	Z	Z	Z			MP	MP	MP	
	Senior center							Z	Z	Z	Z	Z			MP	MP	MP	
	Youth club facility							Z	Z	Z	Z	Z			MP	MP	MP	
Day Care	Adult day care center							Z	Z	Z	Z	Z			MP	MP	MP	
	Child care center			Z	Z		Z	Z	Z	Z	Z	Z			MP	MP	MP	3.A
Educational Facilities	College or university								Z	Z	Z	Z			MP	MP	MP	
	School, elementary		U	Z	Z		U	Z	Z	Z	Z	Z			MP	MP	MP	
	School, middle		U	Z	Z		U	Z	Z	Z	Z	Z			MP	MP	MP	
	School, high							Z	Z	Z	Z	Z			MP	MP	MP	
	Vocational or trade school								Z	Z	Z	Z	Z	Z		MP	MP	3.B
Govern-ment Facilities	Government maintenance, storage, or distribution facility								Z	Z	Z	Z	Z	Z	MP	MP	MP	
	Government office		Z	Z	Z		Z	Z	Z	Z	Z	Z	Z		MP	MP	MP	
Health Care Facilities	Blood/tissue collection facility								Z		U	U	Z					
	Drug or alcohol treatment facility								Z	U	U	U	Z					3.C.1
	Hospital								Z	Z	Z	Z	Z			MP	MP	3.C.2
	Medical treatment facility								Z	Z	Z	Z			MP	MP	MP	
Institutions	Assisted living facility							Z	Z	Z	Z	Z			MP	MP	MP	
	Auditorium, conference, and convention center								Z	Z	Z	Z				MP	MP	3.D.1
	Club or lodge			U				U	Z	Z	Z	Z	Z		MP	MP	MP	
	Halfway house							U	U				U					3.D.2
	Nursing home							Z	Z	Z	Z	Z			MP	MP	MP	
	Psychiatric treatment facility							U					U					
	Religious institution		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		MP	MP	MP	3.D.3
Parks and Open Areas	Arboretum or botanical garden	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z			MP	MP	MP	
	Cemetery, columbaria, mausoleum							Z					Z	Z		MP		3.E
	Community garden	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			MP	MP	MP	
	Park, public or private	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		MP	MP	MP	
Public Safety	Correctional facility												U	U				
	Police, fire, or EMS facility		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	MP	MP	MP	
	Security training facility		U															3.F

TABLE 4.1.1: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan;
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		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
Trans-portation	Airport		U						U		U		U	U		MP	MP	
	Helicopter landing facility								U		U		U	U		MP		3.G
	Passenger terminal, surface transportation			U	U				Z		Z	Z			MP	MP	MP	
Utilities	Solar array		CZ															3.H.1
	Telecommunications antenna collocation on tower or building		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	MP	MP	MP	3.H.2
	Telecommunications tower, freestanding		U						U	U			U	U				3.H.2
	Utility, major	U	U	U	U	U	U	U	U	U	U	U	U	U	MP	MP	MP	3.I
	Utility, minor	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	MP	MP	MP	3.J
	Wind energy facility, large		U			U			U	U			U	U		MP	MP	3.K
Commercial Use Classification																		
Adult Entertain-ment	All													U				4.A
Animal Care	Animal grooming								Z	Z	Z	Z	Z		MP	MP	MP	4.B
	Animal shelter								Z					Z		MP		4.B
	Kennel		U						Z	Z		Z	Z	Z		MP	MP	4.B
	Veterinary clinic		U						Z	Z	Z	Z	Z		MP	MP	MP	4.B
Eating Establish-ments	Dinner theater								Z	Z	Z	Z			MP	MP	MP	
	Restaurant, with indoor or outdoor seating							U	Z	Z	Z	Z	Z		MP	MP	MP	4.C
	Specialty eating establishment							Z	Z	Z	Z	Z	Z		MP	MP	MP	
Offices	Business and sales							Z	Z	Z	Z	Z	Z		MP	MP	MP	4.D
	Professional services							Z	Z	Z	Z	Z			MP	MP	MP	4.D
Parking, Com-mercial	Parking lot								Z	Z	Z	Z	Z	Z	MP	MP	MP	4.E.1
	Parking structure										Z	Z			MP	MP	MP	4.E.2
Recreation/ Entertain-ment, Indoor	Fitness center							Z	Z	Z	Z	Z	Z		MP	MP	MP	
	Recreation, indoor							Z	Z	Z	Z	Z	Z		MP	MP	MP	
	Theater							Z	Z	Z	Z	Z			MP	MP	MP	
Recreation / Entertainment, Outdoor	Automotive Racing													U				
	Arena, amphitheater, or stadium								U		U	U			MP	MP	MP	4.F.1
	Athletic facility			Z	Z		Z	Z	Z	Z	Z	Z			MP	MP	MP	4.F.2
	Golf course			U	U			U							MP	MP	MP	
	Golf driving range							Z	Z	Z					MP	MP		
	Marinas							U	Z		Z	Z	Z		MP	MP	MP	4.F.3
	Outdoor shooting range		U											U				4.F.5
	Outdoor tour operator								U	U	Z	Z				MP	MP	4.F.6

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		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
	Recreation, outdoor							U	Z	Z	Z	Z			MP	MP	MP	4.F.4
Retail Sales & Services	Auction House												Z			MP		
	Bar, nightclub, or cocktail lounge								Z		Z	Z			MP	MP	MP	4.G.1
	Convenience store							Z	Z	Z	Z	Z	Z		MP	MP	MP	
	Crematory													U				
	Drug store or pharmacy							Z	Z	Z	Z	Z			MP	MP	MP	
	Entertainment establishment							Z	Z	Z	Z	Z			MP	MP	MP	
	Financial institution							Z	Z	Z	Z	Z			MP	MP	MP	
	Flea market												Z	Z	MP	MP		4.G.2
	Funeral home								Z	Z	Z	Z				MP	MP	
	Grocery store								Z		Z	Z			MP	MP	MP	
	Laundromat							Z	Z	Z	Z	Z	Z		MP	MP	MP	
	Pawn shop								U				U					
	Personal services establishment							Z	Z	Z	Z	Z	Z		MP	MP	MP	
	Repair establishment								Z	Z	Z	Z	Z	Z		MP	MP	4.G.3
	Retail sales establishments								Z	Z	Z	Z			MP	MP	MP	
	Shopping center								U		Z	Z				MP	MP	4.G.4
	Tattoo parlor/body piercing establishment												Z	Z				4.G.5
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance												Z	Z				
	Automotive painting/body shop												Z	Z				4.H.1
	Automotive wrecker service												Z	Z			MP	4.H.2
	Boat and marine rental, sales, and service								Z				Z	Z				4.H.3
Vehicle Sales and Services, Light	Automotive parts and installation								Z		Z	Z	Z			MP	MP	4.I.1
	Automobile repair and servicing (without painting/bodywork)								Z		Z	Z	Z			MP	MP	4.I.2
	Automobile sales or rentals								U		Z	Z	Z			MP	MP	4.I.3
	Car wash or auto detailing								Z		Z	Z	Z		MP	MP	MP	4.I.4
	Taxicab service								Z	Z	Z	Z			MP	MP	MP	4.I.5
Visitor Accommodations	Bed and breakfast inn			Z	Z		Z	Z	Z	Z	Z	Z			MP	MP	MP	4.J.1
	Hotel or motel								Z		Z	Z			MP	MP	MP	4.J.2
	Hunting lodge		U					Z	Z	Z					MP	MP	MP	
Industrial Use Classification																		
Extractive Industry	All uses		U										U	U				5.A
Industrial Services	Contractor service								Z		Z	Z	Z	Z		MP	MP	
	Crabshedding		Z					Z					Z	Z	MP	MP		5.B.1

TABLE 4.1.1: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

Use Category	Use Type	Zoning District (current district in parenthesis) [Note: overlay or sub-district requirements may further limit uses]																Additional Req. (4.2.__)
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
	Fuel oil/bottled gas distributor												Z	Z		MP		
	General industrial service and repair												Z	Z		MP		5.B.2
	Heavy equipment sales, rental, and service												Z	Z		MP		5.B.3
	Laundry, dry cleaning, and carpet cleaning plants												Z	Z		MP		5.B.4
	Manufactured home and prefabricated building sales												Z	Z				5.B.5
	Research and development								Z	Z	Z	Z	Z	Z	MP	MP	MP	
Manufacturing and Production	Manufacturing, heavy													Z				5.C.1
	Manufacturing, light												Z	Z		MP		5.C.2
Warehouse and Freight Movement	Cold storage plant												Z	Z				
	Outdoor storage (as a principal use)												Z	Z				5.D.1
	Self-service storage												Z	Z		MP		5.D.2
	Truck or freight terminal												Z	Z		MP		5.D.3
	Warehouse (distribution)												Z	Z		MP		5.D.3
	Warehouse (storage)												Z	Z	MP	MP	MP	5.D.3
Waste-Related Services	Incinerator													U				5.E.1
	Landfill, land clearing and inert debris or construction debris												U	U				5.E.2
	Public convenience center/transfer station		U	U	U	U	U	U	U	U			U	U				5.E.3
	Recycling center, processing													U				5.E.4
	Recycling center, transfer												U	U				5.E.5
	Salvage and junkyard													U				5.E.6
	Waste composting		U										U	U				
Wholesale Sales	All uses												Z	Z		MP	MP	

4.2. USE-SPECIFIC STANDARDS

Use-specific standards are the requirements applied to individual use types regardless of the zoning district in which they are located or the review procedure by which they are approved. This section is intended to identify the use-specific standards for all principal uses identified in Table 4.1.1, Summary Use Table, as subject to "Additional Req." These standards may be modified by other applicable requirements in this Ordinance.

4.2.1. Agricultural Uses

A. Animal Husbandry

Animal husbandry uses shall comply with the following standards:

(1) Minimum Site Size

(a) Any use engaged in animal husbandry shall have a minimum lot area of at least 20,000 square feet in size.

(b) Uses maintaining non-hoofed animals shall maintain 1,500 square feet per animal kept on site.

(c) Uses maintaining hoofed animals shall maintain 9,000 square feet per animal kept on site.

(2) Minimum Setbacks

All barns, pens, and enclosures shall be located at least 100 linear feet from lot lines and drinking water sources (except those intended for livestock).

(3) Fencing or Pens Required

Animals (excluding waterfowl) shall be maintained within pens, fenced areas, or other suitable enclosures.

(4) Maintenance Required

(a) Pens, stalls, and grazing areas shall be maintained in a sanitary manner free from noxious odors.

(b) Manure stockpiles shall not exceed six feet in height and shall not be permitted during the period from May 1 until August 31.

(5) Temporary Keeping of Livestock

Temporary keeping of livestock shall be exempted from these standards, but shall comply with the standards in Section 4.4.6.F, Temporary Keeping of Livestock.

B. Agricultural Support and Services (Directly Related)

(1) General

All directly-related agricultural support services shall comply with the following standards:

(a) Be allowed only in direct association with an on-going agriculture, horticulture, animal husbandry, or silvicultural use;

(b) Be on a lot of at least one acre in size; and

(c) Be operated or maintained by the owner or occupant of the land upon which the primary agricultural activity is being conducted.

(2) Agri-education and Agri-entertainment

Agri-education and agri-entertainment uses shall comply with the following standards:

(a) Minimum Size

Be at least two acres in area;

(b) Obtain Building Permits

Obtain building permits and comply with the State Building Code for all structures intended for occupancy by members of the public;

(c) Special Event Permit

Obtain a special event permit for all activities drawing more than 100 people to the site per day;

(d) Provide Adequate Facilities

Provide public restrooms, adequate parking, and pedestrian circulation features; and

(e) Comply with Minimum Requirements

Ensure permanent buildings within 500 feet of a public right-of-way comply with the landscaping standards in this Ordinance.

(3) Equestrian Facilities

Equestrian facilities shall comply with the following standards:

(a) The land on which the facility is located shall be at least two acres in size.

(b) No stalls or stables shall be within 200 feet of any existing adjoining residential dwelling and 100 feet from any adjoining well being used for human consumption.

(c) Stables must be operated and maintained in a healthy and safe manner. Healthy and safe is defined as, but not limited to: fences kept in good repair; potable water available on demand; protection from wind or rain; a sign posted indicating the name and phone number of the person to be contacted in case of emergency.

(4) Nursery, Production

(a) No heated greenhouse shall be operated within 20 feet of any lot line.

(b) Any outside storage of equipment, vehicles, or supplies shall be fully screened from off-site views by buildings, fencing, or landscaping.

(5) Roadside Market

(a) Retail sales within a roadside market shall be limited to the agricultural and aquaculture products produced by the owners or vendors in the establishment.

(b) At least 75 percent of the floor area shall be devoted to the direct retail sales of agricultural, seafood, or related agricultural products to the general public.

(c) Temporary signage associated with a roadside market shall not be erected more than 30 days prior to the seasonal opening of the market, and shall be removed within 30 days of the closing of the season.

C. Agricultural Support and Services (Not Directly Related)

(1) General

All agricultural support and services (not directly related) uses shall have direct access onto a major arterial or collector street.

(2) Stockyard/Slaughterhouse

(a) Slaughter of animals shall take place inside a closed building in a confined area to prevent the transmission of sound to the outside.

(b) Vehicular access to the facility shall not be obtained through residential areas.

(c) Animals shall be enclosed in gated enclosures with a minimum height of six feet.

(d) Waste shall be stored in airtight containers and shall be confined in fully enclosed structures.

(e) All loading and unloading areas shall be screened from view from adjacent lands and public streets.

4.2.2. Residential Uses

A. Household Living

(1) Dwellings, Duplex

Duplex dwellings shall comply with the following standards:

(a) Duplex dwellings in the SFM district on lots less than 20,000 square feet are subject to an approved use permit (see Section 2.4.6).

(b) Except for circular driveways, no duplex dwelling shall be served by more than one driveway on the same block face.

(c) Duplex dwellings in the SFM and MXR districts shall be served by a single entrance on any individual building façade.

(d) Ground based, roof-based, and wall-mounted electrical equipment, HVAC equipment, and other utility connection devices shall be ganged and screened, or located outside the view from any adjacent public street.

(2) Dwellings, Live/Work

Live/work dwellings shall comply with the following standards:

(a) The residential portion of the building shall occupy over 50 percent of the gross floor area.

(b) The nonresidential portion of the building shall comply with all applicable nonresidential building code requirements.

(c) Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.

(d) Drive-through facilities are prohibited.

(e) Any nonresidential off-street parking shall be located as far as practicable from existing adjacent single-family dwellings.

(3) Dwelling, Mansion Apartment

Mansion apartments shall comply with the following requirements.

(a) Individual mansion apartment buildings shall not exceed six individual dwelling units.

(b) The maximum length of any structure using the mansion apartment building form, regardless of the quantity of dwellings, shall be 200 feet.

(c) All sides of a mansion apartment building visible from lands occupied by or designated for single-family detached residential uses or an existing public street right-of-way shall display a similar level of quality and architectural detailing.

(d) Ground based, roof-based, and wall-mounted electrical equipment, HVAC equipment, and other utility connection devices shall be ganged and screened, or located outside the view from any adjacent public street.

(e) Except on corner lots, mansion apartments shall be served by a single driveway and off-street parking area. Buildings on corner lots may have up to two individual driveways provided each driveway is accessed by a different street.

(4) Dwelling, Manufactured Home

(a) General

(i) Manufactured homes may not be used as storage or accessory structures.

(ii) Two or more manufactured homes shall not be joined or connected together as one dwelling, nor may any accessory building be attached to a dwelling.

(iii) In no instance shall a Class "C" manufactured home be located within the county.

(iv) Replacement of a nonconforming Class "B" or "C" manufactured home on an individual lot with another manufactured home shall be limited to Class "A" manufactured homes.

(v) Replacement of a nonconforming manufactured home within a manufactured home park or manufactured home subdivision with another manufactured home shall be limited to Class "A" or Class "B" manufactured homes.

(b) Class "A" Manufactured Homes

In addition to the general standards in (a) above, all Class "A" manufactured homes shall comply with the following standards:

(i) The home's length may not exceed three times its width;

(ii) The pitch of the home's roof shall maintain a minimum vertical rise of one foot for each five feet of horizontal run, and be finished with a type of shingle commonly used in standard residential construction;

(iii) The exterior siding shall consist of wood, hardboard, or vinyl;

(iv) A continuous, permanent masonry curtain wall, unpierced except for required ventilation and access, shall be installed under the home prior to occupancy; and

(v) The tongue, axles, transporting lights, and removable towing apparatus shall be removed prior to occupancy.

(c) Class "B" Manufactured Homes

In addition to the general standards in (a) above, Class "B" manufactured homes shall be located in approved manufactured home parks or manufactured home subdivisions and comply with the following standards:

(i) The roofing material shall be compatible with residential construction within the area where it will be located;

(ii) The exterior materials shall be of a color, material, reflectivity, and scale comparable with those of nearby residential construction; and

(iii) The siding, trim and features shall be compatible with residential construction within the area where it is located.

(5) Dwellings, Multi-Family and Townhouse

Multi-family and townhouse dwellings shall comply with the multi-family design standards in Section 5.7, the community compatibility standards in Section 5.10 (as appropriate), and the following standards:

(a) No accessory structure shall be less than ten feet from another structure.

(b) No improved recreation area shall be located within required exterior setbacks or within 20 feet of any dwelling unit.

(c) No individual building shall exceed a length of 250 feet.

(d) A townhouse building shall contain at least three but no more than six side-by-side dwelling units.

(6) Dwelling, Upper Story Residential

Upper story residential dwelling units shall occupy the second or higher floor of a building with a nonresidential use on the ground floor.

B. Group Living

(1) Dormitories

All dormitories shall be accessory to an educational facility located on the same site or campus, and house only persons who are students at the educational facility.

(2) Family Care Homes

Family care homes are residential uses and shall comply with the following standards:

(a) No more than six residents other than the homeowner and the homeowner's immediate family may occupy a family care home.

(b) A family care home shall be licensed with the NC Department of Health and Human Services Division of Facility Services before operating.

(c) No family care home may be located within a one-half mile radius of any other family care home.

(d) Only incidental and occasional medical care may be provided in a family care home.

(3) Rooming or Boarding House

A rooming or boarding house shall comply with the following standards:

(a) Rooms may be rented to a maximum of five unrelated persons at any one time;

(b) The owner shall maintain the house as a primary residence;

(c) Sleeping rooms in a rooming house shall:

(i) Not include individual kitchen facilities; and

(ii) Be accessed by a common room or hallway, and shall not have individual access to the outside (except for emergency exits).

4.2.3. Institutional Uses

A. Day Care

(1) Child Care Centers (non-residential)

Child care centers, including pre-schools, shall be licensed as a child care center by the State, and shall comply with all State regulations for child care centers and the following standards:

(a) Minimum Lot Size

A child care center shall be located upon a lot of 20,000 square feet in area or more.

(b) Location

(i) If not located in a stand-alone building, a child care center shall be segregated (including the restrooms) from the remaining portion of the building in which it is located.

(ii) New child care centers shall be located on a major arterial or collector street.

(c) Separation

(i) Child care centers shall be at least 1,000 feet from any other child care center (excluding child care centers operated by community centers, religious institutions, or educational facilities).

(d) Outdoor Play Areas

(i) Outdoor play areas shall be provided, and shall:

(A) Be located to the side or rear of buildings;

(B) Be completely enclosed by a fence that is at least four feet in height;

(C) Be safely segregated from parking, loading, or service areas; and

(D) Not be operated for outdoor play activities after 8:00 P.M.

(ii) Outdoor play areas adjacent to a residential zone shall be screened by a six-foot solid fence or wall along with a ten-foot-wide landscaping buffer with evergreen shrubs capable of reaching six feet in height at maturity, planted six feet on-center.

(e) Parking Area, Vehicular Circulation, and Drop-Off and Pick-Up

The parking areas and vehicular circulation for the child care center shall be designed to:

(i) Enhance the safety of children as they arrive at and leave the facility; and

(ii) Provide a designated pickup and delivery area that includes at least one parking space per 20 children and is located adjacent

to the child care center in such a way that children do not have to cross vehicular travel ways to enter or exit the center.

(f) Accessory Uses

When proposed as an accessory use to a Retail Sales and Service or Office use, the heated floor area of a child care center shall not exceed 20 percent of the heated floor area of the principal use.

(g) Capacity Information

Applications for a child care center shall indicate the maximum number of children, proposed hours of operation, and size of the outdoor play area.

B. Educational Facilities

(1) Vocational or Trade Schools

All facilities within a vocational or trade school which typically generate significant noise or fumes, such as auto body or engine repair, industrial/auto body painting, manufacturing processes, or campus-wide energy/utility systems, and that are adjacent to a residential or mixed-use district shall comply with the following standards:

(a) Be at least 100 feet from any building line in an adjacent residential, district;
(b) Provide a Type D buffer at least 25 feet in depth; and
(c) Include information on site plans indicating any other mitigation steps appropriate to the impacts of the use(s) (such as additional sound-containment features.)

C. Health Care Facilities

(1) Drug or Alcohol Treatment Facility

A drug or alcohol treatment facility shall comply with the following standards:

(a) Be at least 500 feet from any other such facility; and
(b) Be at least 500 feet from any single-family residential district, school, child care center, and religious institution that has a child care center or school.

(2) Hospitals

A hospital shall comply with the following standards:

(a) Be located on a site or parcel with an area of at least five acres;
(b) Be located on a parcel that fronts or has direct access to a major arterial or collector street;
(c) Locate the emergency vehicle entrance on a major arterial or collector street;
(d) Not locate an emergency vehicle entrance in an area across the street from a residential zoning district;
(e) Be served by a public water and wastewater system; and
(f) Ensure that principal structures are located at least 100 feet from any lot line.

D. Institutions

(1) Auditoriums, Conference, and Convention Centers

Auditoriums, conference, and convention centers shall comply with the following standards:

(a) The parcel or site shall have an area of at least five acres.

(b) The building shall be located at least 500 feet from any single-family residential zoning district.

(c) Dining and banquet facilities may be provided for employees, trainees, and conferees, provided the gross floor area devoted to such facilities does not exceed 50 percent of the total floor area of the principal building.

(d) On-site recreational facilities may be provided for use by employees, trainees, or conferees.

(e) No products shall be sold on-site except those that are clearly incidental and integral to training programs and seminars conducted in the center (e.g., food items, shirts, glasses and mugs, pens and pencils, and similar items bearing the logo of conference or seminar sponsors or participants).

(2) Halfway House

Halfway houses shall be separated from any family care home or other halfway house by a minimum of one-half mile.

(3) Religious Institutions

Religious institutions shall comply with the following standards:

(a) Religious institutions in the SFM, SFO, and SFI districts that include a school or sanctuary with a capacity of 800 persons or more shall obtain a use permit in accordance with Section 2.4.6, Use Permit.

(b) The Planning Director may grant modifications of the above standards on finding the modification is necessary to eliminate a substantial burden on religious exercise, as guaranteed by the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. Sec. 2000), as amended. In doing so, the Planning Director may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent properties.

E. Parks and Open Areas

(1) Cemeteries (as a Principal Use)

Except as otherwise required in this UDO, new cemeteries and the expansion of existing cemeteries (as a principal use) shall comply with the following standards:

(a) New cemeteries shall be located on a site or parcel with an area of at least 2.5 acres. (This standard shall not apply to existing cemeteries or the expansion of existing cemeteries.)

(b) New cemeteries shall be located on a site or parcel that fronts a major arterial or collector street. (This standard shall not apply to existing cemeteries or the expansion of existing cemeteries.)

(c) Cemeteries shall include adequate space for the parking and maneuvering of funeral processions.

(d) Interments shall take place at least 50 feet from any lot line and comply with all requirements of the North Carolina General Statutes.

F. Public Safety

(1) Security Training Facilities

A minimum lot size for a security training facility shall be 3,500 contiguous acres. All areas within the proposed Security Training Facility, including but not limited to firing area(s), backstops, downrange safety zones, parking and accessory areas, parachute landing zone(s), driver training area(s), etc. shall be under uniform control or ownership. The security training facility shall also comply with the following standards:

(a) Firearms and Explosive Training

Firearms and explosive training facilities shall comply with the following standards:

(i) The design criteria for all firearms ranges cited in the Military Handbook – Range Facilities and Miscellaneous Training Facilities other Than Buildings (MIL-HDBK-1027/3B), as amended.

(ii) No firing or explosive training activities shall occur prior to 7 a.m. or after 10 p.m. EST, daily, Monday through Saturday, and on Sundays prior to 9 a.m. or after 10 p.m. EST. No firing or explosive training activities shall occur on Christmas Day.

(iii) The immediately adjacent areas to the proposed training areas and ranges shall be predominately undeveloped and shall be at least 5,280 feet (one mile) from any property line located in Currituck County regardless of the direction of fire.

(iv) The maximum downrange safety area for each range and shooting area shall meet the requirements MIL-HDBK-1027/3B. The safety area shall not encompass any public right-of-way or other property not owned by range operator or owner.

(v) Weapon types are restricted to pistol, rifle, shotgun, or similar firearms. No automatic assault type weapon shall be used by the general public but is allowed by any law enforcement, military or federal agency group duly authorized to use these style weapons. Limits on caliber size shall be in accordance with the MIL-HDBK-1027/3B, subject to the physical constraints of the property.

(vi) Concussion type explosives will be permitted for use by law enforcement, military or federal agency group duly authorized to use these types of explosives.

(vii) Military, para-military or militia type activities or maneuvers, including but not limited to hand-to-hand combat training, maritime training, swamp, or guerilla warfare techniques, incendiary type firings, infiltration course type training, etc. is permitted for use by law enforcement, military or federal agency groups only.

(viii) All actual firing activities shall be directed toward either moving or stationary targets only.

(ix) Any overnight or temporary storage of weapons, ammunition, and explosives shall meet the Department of Defense storage and stand-off safety standards.

(x) In no case shall any explosive material be stored, either inside or outside a "magazine," closer than 1,250 feet to a property line or dwelling unit and 300 feet to any roadway.

(xi) The maximum amount of explosives on-site at any one time shall not exceed 100 pounds stored and 10 pounds utilized during any one evolution.

(xii) A listing of the type, amount, and physical location of all explosive material shall be provided by the applicant to the county upon request.

(xiii) The facility and all individuals working with explosives within the facility shall be certified and permitted by Alcohol, Tobacco and Firearms (AT and F) to conduct such operations in compliance with its permits.

(b) Driver Training and Vehicle Maintenance

(i) The immediately adjacent areas to the driver training area shall be predominately undeveloped and shall be at least 5,280 feet (one mile) from any property line located in Currituck County.

(ii) Burning of non-vegetative matter and disposal of toxic/hazardous matter is prohibited.

(iii) Stockpiling of tires and vehicles is prohibited.

(iv) No driver training is permitted on any public road and all driver training shall only be conducted in clearly marked designated driving areas.

(c) Rotary and Fixed-Wing Aircraft Operations and Parachute Operations

(i) Any training or operations involving rotary or fixed wing aircraft shall comply with FAA Part 91 and any and all other applicable FAA regulations.

(ii) Any and all parachute operations shall comply with FAA Part 105 and any and all other applicable FAA regulations.

(d) Dining Facility and Lodging

(i) Construction of dormitory type structures to house not more than 120 persons at any one time shall be permitted to provide overnight accommodations to those people training at

the security training facility; provided that all state, county and relevant agency permits, approvals and licenses are obtained in connection with the construction and operation of such structure.

(ii) Sleeping and dining accommodations to persons not utilizing or otherwise associated with the security training facility shall not be permitted.

(e) Miscellaneous Standards

(i) The site or area used as a security training facility shall be enclosed by a six foot fence or otherwise restricted by natural physical features (i.e. swamps, bodies of water, canals, and large expanses of densely vegetated areas, etc.) so that access to the site is controlled to insure the safety of patrons, spectators and the public at large. Warning signs shall be posted along access points.

(ii) The operators of a security training facility shall provide proof of coverage by adequate accident and liability insurance companies. A minimum coverage of $2,000,000 shall be established.

(iii) Any activity not specifically mentioned within the foregoing shall be prohibited.

G. Transportation Facilities

(1) Helicopter Landing Facilities

A helicopter landing facility shall comply with the following standards:

(a) The helicopter landing facility shall provide adequate land area for safe take-offs and landings in accordance with standards of the Federal Aviation Administration (FAA).

(b) Where located within 500 feet of a single-family residential zoning district, or existing single-family residential use, a helicopter landing facility shall provide a Type D buffer along the property line to ensure the facility does not adversely impact surrounding uses.

H. Utilities

(1) Solar Array

(a) Solar arrays shall be configured to avoid glare and heat transference to adjacent lands.

(b) Appropriate ground cover/grass is required and shall be maintained as not to create a fire hazard.

(c) The solar panels, equipment, and associated security fencing shall be located at least 300 feet from any perimeter property line abutting a residential dwelling, residential zoning district, religious institution, public school, state licensed day care center, public playground, public swimming pool, or public park. The solar panels, equipment, and associated security fence shall be screened from those uses or zoning districts by a Type D buffer. The buffer may be reduced to a Type C

when abutting a right-of-way, use, or zoning district not listed above and the setback may be reduced to 100 feet in these instances.

(d) The total height of the solar energy system, including any mounts, shall not exceed 15 feet above the ground when orientated at maximum tilt.

(e) The solar energy system owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period.

(f) Operations, maintenance, and decommissioning plans are required.

(g) Ground water monitoring wells shall be installed prior to construction of the solar energy system and testing data shall be submitted annually to the Planning and Community Development Department until decommissioning occurs. Monitoring wells shall be located near the center of the site and along each exterior property line at approximately the lowest ground elevation point of each property line. Testing data shall be provided to the county indicating compliance with EPA National Primary Drinking Water Standards prior to construction and annually until decommissioning occurs.

(i) Should the initial ground water testing indicate that the site is not in compliance with the EPA National Primary Drinking Water Standards subsequent annual reports shall indicate no increase in noncompliance with those standards.

(h) Prior to the issuance of a building permit, the developer shall post a performance guarantee in the form of cash deposit with the county to ensure decommissioning funds are available in the amount equal to 115 percent of the estimated decommissioning costs minus salvageable value. Estimates for decommissioning the site and salvageable value shall be prepared and certified by a registered engineer or North Carolina licensed general contractor and submitted prior to building permit approval and verified by a registered engineer or North Carolina licensed general contractor and resubmitted every two years thereafter until decommissioning occurs.

(2) Telecommunication Towers

(a) Purpose

This section is intended to establish general standards for the siting of telecommunications towers and antennas that will:

(i) Protect residential areas and land uses from potential adverse impacts of towers and antennas;

(ii) Encourage the location of towers in nonresidential areas;

(iii) Minimize the total number of new towers throughout the county;

(iv) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

(v) Encourage the location of towers and antennas in areas where the adverse impact on the community is minimal;

(vi) Encourage towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact;

(vii) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

(viii) Consider the public health and safety concerns of communication towers and antennas; and

(ix) Encourage the use of engineering and careful siting of tower structures to avoid potential damage to adjacent properties from tower failure.

(b) Applicability

All new telecommunications facilities, whether a principal or accessory use, shall comply with these standards unless specifically exempted in Section 4.2.3.H.2.c, Exemptions.

(c) Exemptions

The following shall be exempt from the standards of this section (but shall be required to comply with other relevant standards in this Ordinance, such as accessory use or design standards):

(i) Satellite dish antennas.

(ii) Receive-only television or radio antennas for noncommercial use.

(iii) Antennas legally operated by FCC-licensed amateur radio operators.

(iv) Emergency communication towers owned by the county or other public agency that are used wholly or in part for public safety or emergency communication purposes.

(v) Emergency communication towers owned by a volunteer fire department that are used wholly or in part for public safety or emergency communication purposes.

(d) Freestanding Towers

Freestanding telecommunications towers, whether as a principal or accessory use, shall comply with the following standards:

(i) Safety

(A) Before obtaining a building permit, the applicant shall submit to the County Engineer engineering drawings for the tower, sealed by a registered engineer, that include a statement that the tower will meet all applicable local, State, and Federal building codes and structural standards.

(B) Every two years after construction of a tower, the owner shall submit to the Planning Director a statement on the tower's structural soundness that is signed and sealed by an engineer. Every sixth year,

the statement shall be signed and sealed by an independent, registered, and licensed engineer.

(ii) Height

The height of a telecommunications tower, including any building or structure atop which the tower is located, shall not exceed 450 feet.

(iii) Aesthetics

(A) Towers shall either maintain a galvanized steel finish or be painted.

(B) Towers shall be camouflaged with the surrounding area, through paint, incorporation into architectural design/structure, or other means, to the maximum extent practicable.

(C) The exterior appearance of ground-based accessory structures located within a residential zoning district shall be designed to look like a residential structure typical of the district (e.g., with a pitched roof and frame or brick siding).

(iv) Lighting

If lighting is required by the Federal Aviation Administration (FAA), it shall comply with FAA standards. Unless required by the FAA, strobe lights shall not be used for nighttime lighting and lighting shall be oriented so as not to project directly onto any surrounding residentially-zoned property. Documentation from the FAA that the lighting is the minimum lighting it requires shall be submitted to the Planning Director before issuance of any building permit for the tower.

(v) Setbacks

(A) Towers and antennas shall be required to maintain a one foot setback from front, side, and rear property lines for every one foot of tower height. Guy wires, when applicable, shall conform to district setback provisions.

(B) There shall be no setback requirements between the tower and other structures located on the subject property.

(C) Buildings associated with a telecommunications facility shall meet the minimum setback requirements for the zoning district where located.

(vi) Separation from Other Towers

New telecommunication towers shall not be located within one-half-mile of an existing telecommunications tower (unless the towers are placed on the same lot). This standard shall not apply to a telecommunications tower placed out of view in a building or other structure.

(vii) Collocation

(A) No freestanding telecommunications tower shall be allowed unless it is demonstrated that no suitable existing tower, building, or other structure within the coverage area is available for the collocation of antennas.

(B) New freestanding telecommunications towers shall be designed to accommodate the present and future needs of the owner and at least two comparable users. Unused space on an existing telecommunications tower shall be made available to other users at a fair market rental value unless mechanical, structural, or regulatory factors prevent collocation. In determining fair market rental value, the rent paid by a current collocator under a swapping agreement need not be considered.

(viii) Buffer and Screening

A Type D buffer (see Section 5.2.6, Perimeter Landscape Buffers) shall be provided around the perimeter of a freestanding telecommunications tower facility (including equipment structures and guy anchor supports).

(ix) Security Fencing

Towers, guy anchor supports, and ground-based equipment buildings shall be enclosed by security fencing not less than ten feet in height.

(x) Interference

No telecommunications tower, antenna, or supporting equipment shall disturb or diminish radio or television or similar reception on adjoining residentially-zoned land.

(xi) Compliance with State or Federal Laws and Regulations

Towers and antennas shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the State or Federal government that regulates telecommunications towers and antennas.

(xii) Replacement of Existing Towers

Existing freestanding towers may be replaced with a new tower that increases the number of collocation opportunities, subject to the following standards:

(A) The height of the replacement tower shall not exceed 110 percent of the height of the replaced tower.

(B) The replacement tower shall be located within 100 feet of the replaced tower, unless the Planning Director determines that a farther distance furthers the purpose and intent of this Ordinance.

(C) The replacement tower shall comply with all the standards of this section (including setbacks).

(xiii) Nonconforming Telecommunications Towers

Nonconforming telecommunications towers shall be allowed to remain and be maintained in accordance with the standards in Chapter 8: Nonconformities. Additional equipment may be added to the tower provided that such additions do not increase the degree of nonconformity.

(xiv) Discontinued Use

If a telecommunications tower is not used for a period of six consecutive months, the Planning Director may send the tower owner notice indicating that the tower must be removed within 90 days from the date of notice.

(e) Collocation of Antennas on Existing Towers

Antennas may be collocated on existing towers if they comply with the following standards:

(i) It is demonstrated the tower can accept the additional structural loading created by the collocation.

(ii) Any modification of an existing tower to accommodate the collocation of additional antenna shall comply with the height limit established for freestanding telecommunications towers in Section 4.2.3.H.2.d.ii, Height.

(iii) Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this subsection.

(f) Placement of Antennas on an Existing Buildings

An antenna may be attached to any business or multi-family residential building in accordance with the following standards:

(i) Height

The antenna shall not extend above a height 20 percent higher than the highest point of the building or structure.

(ii) Other Standards

Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this sub-section.

(iii) Screening

(A) Antennas visible from the street shall be omni-directional, be screened, or be camouflaged, to the maximum extent practicable, to minimize their appearance.

(B) All other equipment shall be located within the building or screened in some other fashion to prevent off-site views.

I. Utility, Major

An electrical power facility, substation, or transmission station shall be set back at least 100 feet from all lot lines.

J. Utility, Minor

(1) Minor utility facilities owned by a public utility as defined in Chapter 62 of the North Carolina General Statutes are permissible in all zoning districts with a zoning compliance permit.

(2) The utility facility, storage of vehicles or equipment shall be fully screened on all sides by an opaque wall, fence, retained vegetation, or planted vegetation to a height of eight feet. If planted vegetation is used, it must satisfy the standard within three years after planting.

(3) Continued maintenance of the screening (including replanting, if necessary) shall be a continuing condition of the permit.

(4) Utility facilities of 16 square feet or less may be setback five feet from all side and rear lot lines. Utility facilities of between 16 and 100 square feet may be located as close as ten feet from all side and rear lot lines. All others utility buildings shall meet the minimum setback requirements for the district where they are located.

(5) Driveways and parking areas shall be provided as required in this Ordinance, including the installation of concrete aprons where driveways abut public streets.

K. Wind Energy Facility, Large

A large wind energy facility shall comply with the following standards:

(1) Location

(a) No turbine tower associated with a large wind energy facility shall be located within 1,000 feet of land in the RC district or a public park.

(b) All ground-based equipment buildings shall be located under the blade sweep area, to the maximum extent practicable.

(2) Setbacks

(a) All towers associated with a large wind energy facility shall be set back a distance equal to .25 miles from any residential dwelling unit and 1.1 times the overall height of the tower and associated wind turbine blade from a public right-of-way and the property line of any non-participating landowner.

(b) All associated facilities other than towers and associated wind turbines shall be subject to the setback standards for the district where located.

(3) Tower Structure

Large wind energy facilities shall utilize monopole or self-supporting towers

(4) Common Configuration

All towers and turbines within a single large wind energy facility shall maintain uniform design in terms of the following features:

(a) Tower type;

(b) Tower, turbine, and blade colors;

(c) The number of blades per turbine; and

(d) The direction of blade rotation.

(5) Height

The maximum height of a large wind energy system (including the tower and extended blades) shall be 500 feet.

(6) Blade Clearance

The blade tip or vane of any large wind energy facility shall have a minimum ground clearance of 75 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public rights-of-way.

(7) Unauthorized Access

All large wind energy facilities shall incorporate anti-climbing features to prevent unauthorized climbing.

(8) Utilities

Except for transmission lines, all utilities associated with a large wind energy facility shall be located underground to the maximum extent practicable.

(9) Appearance

The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).

(10) Lighting

No illumination of the turbine or tower shall be allowed, unless required by the (FAA). In the event obstruction lighting is required by the FAA, it shall be of the lowest intensity allowed, and strobes or blinking lights shall be avoided, to the maximum extent practicable.

(11) Signage Prohibited

Signage visible from any public street or off-site area shall be limited to the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

(12) Sound

The noise produced by the large wind energy facility during operation shall not exceed 55 dBA as measured at any occupied building on the property of a non-participating landowner. This standard shall not apply during power outages, windstorms, or other conditions beyond the owner's control.

(13) Shadow Flicker

Shadows cast by the rotating blade of a large wind energy facility shall not exceed 30 hours per year on any occupied building on the property of a non-participating landowner.

(14) Interference

The owner shall take all reasonable steps to prevent or eliminate interference with transmission of communications signals (e.g., radio, television, telephone, etc.) resulting from a large wind energy facility.

(15) Environmental Review Required

An application for a large wind energy facility shall require review by NCDENR, USACOE, the US Fish and Wildlife Service, and the NC Wildlife Resources Commission. All comments from these agencies shall be included with the application.

(16) Abandonment

(a) On determining that a large wind energy facility has been inoperable for 365 days or more, the Planning Director may issue a Notice of Abandonment to the facility owner.

(b) The facility owner shall restore operation of the large wind energy facility within 30 days of receipt of the Notice of Abandonment, or file a Notice of Termination with the Planning Director.

(c) The large wind energy facility shall be removed from the site within 12 months of the filing of a Notice of Termination.

(d) Removal of a large wind energy facility shall include removal of all of the following features:

(i) Towers;

(ii) Turbines;

(iii) Above-ground equipment;

(iv) Outdoor storage;

(v) Foundations to a depth of three feet below grade; and

(vi) Any hazardous material associated with the facility.

4.2.4. Commercial Uses

Unless exempted, all commercial uses shall comply with the nonresidential design standards in Section 5.8, Nonresidential Design Standards, and the community compatibility standards in Section 5.10, as applicable.

A. Adult Entertainment

(1) The provisions of these regulations are adopted by the Currituck County Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, in Chapter 153A, (45-50) and further Article VI of Chapter 153A, Section 135 of the General Statutes. From and after the effective date of September 19, 1994, these regulations shall apply to every building, lot, tract, or parcel of land within Currituck County. For the purpose of promoting the health, safety, morals and general welfare of the citizenry of Currituck County, these regulations are adopted by the Board of Commissioners to regulate adult establishments and sexually oriented businesses, as hereby defined, located in Currituck County. Further, these regulations have been made with reasonable consideration among other things, as to the character of the county and its areas and their peculiar suitability for these businesses.

(2) These regulations shall not repeal, impair, abrogate, or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules,

definitions, regulations previously adopted pursuant to law in any established zoning district in Currituck County. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

(3) For the purpose of these regulations Adult Establishments and Sexually Oriented Businesses as defined in Chapter 10: Definitions and Measurement, shall apply.

(4) Adult establishments and sexually oriented businesses shall be subject to the following restrictions:

(a) Adult establishments may be located only in a Heavy Industrial (HI) zoning district, provided a use permit is obtained.

(b) No adult establishment shall be permitted in any building:

(i) Located within 1,500 feet in any direction from a building used as a residential dwelling and any residential zoning district.

(ii) Located within 1,500 feet in any direction from a building in which an adult establishment or a sexually oriented business is located.

(iii) Located within 1,500 feet in any direction from a building used as a religious institution.

(iv) Located within 1,500 feet in any direction from a building used as a public school or as a state licensed day care center.

(v) Located within 1,500 feet in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.

(c) Except for signs as permitted in Section 5.12, promotional displays and presentations shall not be visible to the public from sidewalks, walkways or streets.

(5) Any adult establishment or sexually oriented business lawfully operating on September 19, 1994, which is in violation of this Ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two years. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of 180 days or more it shall not be reestablished.

(6) If two or more adult establishments or sexually oriented businesses are within 1,500 feet of one another and otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later-established business(es) shall be considered nonconforming.

(7) An adult establishment or sexually oriented business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a church, religious institution, day care center, school, playground, public swimming pool, or public park within 1,500 feet of the adult business and sexually oriented business.

B. Animal Care Uses

Animal shelters, grooming, kennels (indoor and outdoor), and veterinary clinics shall comply with the following standards:

(1) The minimum lot area shall be at least two acres.

(2) All fenced runs or training areas shall maintain a 25-foot setback from lot lines and be at least 50 feet from any adjacent single-family dwellings.

(3) Runs and training areas shall be enclosed with fencing at least six feet in height.

(4) All gates and entrances to the runs, kennels, and training areas shall remain locked when not in use.

C. Eating Establishments

(1) Restaurants with Outdoor Seating

Restaurants having outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:

(a) The outdoor seating area shall be located no closer than 100 feet from any single-family residential zoning district.

(b) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

D. Offices

Offices in a MXR district shall comply with the following standards:

(1) The proposed use shall front on a paved public street.

(2) Professional services office uses shall not exceed 2,500 square feet per use.

E. Parking, Commercial

(1) Parking Lots

A commercial parking lot shall comply with the following standards:

(a) Parking shall be the principal use of the parking lot. Parking spaces may be rented for parking, or otherwise used in accordance with an approved temporary use permit or other permit, but no other business of any kind shall be conducted on the lot, including repair service, washing, display, or storage of vehicles or other goods.

(b) Commercial parking lots shall not be located contiguous to a single-family residential zoning district.

(c) In the business and mixed-use zoning districts, commercial parking lots that are the principal use of the lot shall have no more than 100 feet of street frontage. Screening devices may be placed between the parking lot and street to assist in compliance with this requirement.

(2) Parking Structures

A commercial parking structure shall comply with the following standards:

(a) Parking shall be the principal use of the parking structure. Parking spaces may be rented for parking, and retail sales and service and office establishments may be located on the ground floor of the

structure. No other business of any kind shall be conducted in the structure, including repair service, washing, display, or storage of vehicles or other goods.

(b) A commercial parking structure shall not be located contiguous to a single-family residential zoning district.

F. Recreation/Entertainment, Outdoor

(1) Arenas, Amphitheaters, and Stadiums

Arenas, amphitheaters, and stadiums shall comply with the following standards:

(a) Be located at least 500 feet from existing child care centers and residential zoning districts;

(b) Be located on a site or parcel with an area of at least five acres;

(c) Be located on a site or parcel that, at the primary point of access, has at least 200 feet of frontage on a collector or major collector street

(d) Locate access points to minimize traffic to and through local streets in residential neighborhoods;

(e) Provide safety fences, up to eight feet high, as necessary to protect the general health, safety, and welfare.

(2) Athletic Facilities

(a) Swimming Pools

Swimming pools that are a principal use of a lot shall comply with the following standards:

(i) Location

(A) Swimming pools shall be located on a site or parcel with an area of at least one acre and a width of at least 200 feet.

(B) A swimming pool shall be set back from any lot line at least three feet plus one foot for each foot of pool depth.

(C) Any pump and filtering equipment and any appurtenant structures shall be located at least 10 feet from any lot line.

(ii) Additional Standards

Lighting of the pool area shall comply with the exterior lighting standards in Section 5.4, Exterior Lighting.

(iii) Commercial Sales Prohibited

There shall be no commercial sales that are not an integral part of the pool use, nor shall any commercial displays be visible from the street or other property.

(b) Tennis Courts

Tennis courts shall comply with the following standards:

(i) Location

All lighted tennis courts shall be located at least 50 feet from any adjacent residential use on a different lot.

(ii) Screening

Lighted tennis courts open to the public shall be screened from any existing or proposed residential land with a Type C buffer in accordance with Section 5.2.6, Perimeter Landscape Buffers.

(3) Marinas

Marinas shall be certified as a "clean marina" as part of the North Carolina Clean Marina Program, and shall comply with the following standards:

(a) Location

(i) Marinas shall be located in areas where there is a high rate of water "turnover" (the time required for tidal action or water flow to replace water of a boat basin with new water from another source).

(ii) Marinas in upland areas shall be encouraged.

(iii) Marina access channels shall be designed to maximize circulation and avoid dead-end spots.

(iv) Proposals for marina development shall be accompanied by a modeling study indicating expected flushing, where applicable.

(b) Design

(i) Marinas shall be planned in such a manner as to minimize the risk of water pollution.

(ii) Marina designs must incorporate facilities for the proper handling of sewage, waste, and refuse.

(iii) Marinas shall minimize alteration of existing shoreline configurations and disturbance of vital habitat areas.

(c) Dredging

(i) Dredging operations shall not occur during critical periods of fish migration and breeding.

(ii) The method of dredging shall be chosen that will have the least environmental impact, and all dredged materials shall be placed in a manner so as not to pollute surrounding areas.

(4) Recreation, Outdoor

Outdoor recreation uses shall comply with the following standards:

(a) Outdoor recreation uses shall be screened from abutting major arterial streets with a Type D buffer.

(b) Grading shall be limited to a maximum of five feet above or below the grade existing prior to development.

(c) No associated outdoor features shall be located between the front façade of the building and the street fronting the lot.

(d) Structures associated with outdoor recreation uses may be increased to a maximum height of 60 feet. Structures associated with waterparks may be increased to a maximum height of 110 feet.

Structures that exceed 35 feet in height shall be required to maintain a one foot setback from front, side, and rear property linesfor every one foot of structure height. Guy wires, when applicable, shall conform to district setback provisions.

(5) Outdoor Shooting Range

Outdoor shooting ranges shall comply with all applicable standards in the county Code of Ordinances and the following standards:

(a) Required mailed notice of any public hearing shall be provided to the owners of land within one-half mile of the property lines of land subject to the use permit application and shall comply with subsection 2.3.6.B Public Notification.

(b) Outdoor shooting ranges shall be located on a site or parcel with an area of at least ten acres.

(c) No part of a shooting range shall be located within 200 feet of any property line and less than one-half mile from an existing residential dwelling, school, waterfowl impoundment (flooded area), or Currituck Game Commission sanctioned waterfowl rest area.

(d) Shooting range facilities shall be designed, constructed and maintained as specified by the most current edition of the National Rifle Association of America (NRA) Range Source Book, including but not limited to the following protective barriers:

(i) Backstops with a minimum height of 20 feet;

(ii) Side berms or walls with a minimum height of eight feet; and

(iii) Firing line covers or overhead safety baffles.

(e) Shooting range facilities shall be designed to contain all bullets, shot, or other debris on the range facility and must implement best management practices for lead management as specified by the Environmental Protection Agency's (EPA's) most current edition of Best Management Practices for Lead at Outdoor Shooting Ranges.

(f) Weapon types are restricted to pistol, rifle, or shotgun. The use of explosives or any target that detonates is prohibited.

(g) Hours of operation shall be from no earlier than 9:00 a.m. to no later than one-half hour prior to sunset, Monday through Saturday. The discharge of weapons or shooting activities shall not occur on Sunday.

(h) The operators of an outdoor shooting range shall provide proof of accident and liability insurance coverage. A minimum coverage of $500,000 shall be established and maintained.

(i) A registered engineer shall certify that the design, specifications, and plans for range construction are in compliance with the standards in this subsection.

(j) An approved use permit for an outdoor shooting range shall be evaluated annually. If the county receives an excessive number of valid complaints in the judgment of the Planning Director, the range shall

integrate sound abatement strategies or discontinue operation, as determined by the Board of Commissioners.

(6) Outdoor Tour Operators

The base operation and extended business operations of outdoor tour operators shall comply with all applicable standards in the county Code of Ordinances and the following standards:

(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.

G. Retail Sales and Services

(1) Bars, Nightclubs, and Similar Establishments

Bars, nightclubs, and similar establishments shall be located at least 500 feet from any child care center, religious institution, or educational facility.

(2) Flea Market

Flea markets shall comply with the following standards:

(a) Hours of Operation

(i) Flea markets shall be open at least three days within any 90-day period.

(ii) Hours of operation shall be limited to 7:00 AM to 7:00 PM.

(b) Building Features

(i) Sanitary facilities shall be provided for both men and women.

(ii) Provisions shall be made for garbage or trash removal for each day the flea market is open to the public.

(c) Location

All rental spaces and buildings shall maintain a 50-foot setback from all residential development or residentially-zoned land.

(3) Repair Establishments

Repair establishments shall conduct all repair and storage activities within an enclosed building.

(4) Shopping Center

Shopping centers shall comply with the shopping center design standards in Section 5.9, Shopping Center Design Standards.

(5) Tattoo Parlor/Body Piercing Establishments

Tattoo and body piercing studios shall comply with the following standards:

(a) Separation

No tattoo or body piercing studio shall be permitted within 500 feet of any of the following uses:

(i) An adult entertainment use;

(ii) A religious institution;

(iii) A public school;

(iv) A state licensed day care center;

(v) A residential use;

(vi) Another tattoo or body piercing studio; or

(vii) A lot or parcel containing a public playground, public swimming pool, or public park is located.

(b) Signage

Except for signs as permitted in Section 5.12.4, Signs Exempted from Sign Permit Requirements, promotional displays and presentations shall not be visible to the public from sidewalks, walkways, or streets.

H. Vehicle Sales and Services, Heavy

(1) Automotive Painting/Body Shop

Automobile painting/body shop uses shall comply with the following standards:

(a) The use shall be located at least 250 feet from any residential district, school (except vocational schools), or child care center.

(b) Vehicles shall not be parked or stored as a source of parts or for the purpose of sale or lease/rent.

(c) Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened in accordance with Section 4.3.3.P, Outdoor Storage.

(d) Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 30 day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

(2) Automotive Wrecker Service

Automotive wrecker service uses shall comply with the following standards:

(a) The use shall be located at least 250 feet from any residential district, school, or child care center.

(b) Vehicles shall not be stored on-site for more than 90 days.

(c) Vehicles shall be stored to the rear of the principal structure and screened in accordance with Section 4.3.3.P, Outdoor Storage.

(3) Boat and Marine Rental, Sales, and Service

Boat and marine rental, sales, and service establishments shall comply with the following standards:

(a) Temporary outdoor storage may be allowed in an outdoor storage area that is no larger than 40 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened in accordance with Section 4.3.3.P, Outdoor Storage.

(b) Display areas shall be located outside all setbacks and shall be screened from adjacent streets with a Type A perimeter landscaping buffer.

(c) Display areas shall be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone.

I. Vehicle Sales and Services, Light

(1) Automotive Parts Sales and Installation

Repair of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened with an opaque wooden fence or masonry wall in accordance with Section 5.3, Fences and Walls.

(2) Automotive Repair and Service (Without Painting/Bodywork)

Automotive repair and service uses not involving painting or bodywork service shall comply with the following standards:

(a) The repair facility shall be located at least 125 feet from any residential district, school (except vocational school), or child care center.

(b) Repair of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened in accordance with Section 4.3.3.P, Outdoor Storage.

(c) If gasoline is sold on-site, the use shall also comply with the standards for a gasoline sales use in Section 4.3.3.I.

(d) Vehicles shall not be parked or stored as a source of parts or the purpose of sale or lease/rent.

(e) Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 30 day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

(3) Automotive Sales or Rentals

Uses primarily involving the sales or rental of automobiles, trucks, recreational vehicles, or travel trailers, shall comply with the following standards:

(a) The use shall be located on a lot of at least 40,000 square feet in area and a minimum lot width of 125 feet;

(b) The use shall not have more than one vehicle display pad for every 100 feet of street frontage. The vehicle display pad may be elevated up to two feet above adjacent displays or grade level;

(c) Vehicle displays may not take place within required setbacks and shall include a Type A perimeter landscaping buffer between the display area and the street;

(d) Vehicle display areas shall be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone;

(e) No vehicles or other similar items shall be displayed on the top of a building;

(f) All lights and lighting shall be designed and arranged so no source of light is directly visible from any adjacent property; and

(g) Light repair and service functions are permitted as an accessory use provided all repair-related activities take place within an enclosed building.

(4) Car Wash or Auto Detailing

Car wash and auto detailing uses shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements. If an automatic car wash is an accessory use to a gasoline sales use, it shall be governed by the use and dimensional standards applicable to the gasoline sales use.

(5) Taxicab Service

Taxicab service uses shall comply with the following standards:

(a) Compound Configuration

(i) When not in service, vehicles shall be stored in a secure compound, fully enclosed with a fence and gate.

(ii) The compound surface area shall be paved or graveled to not less than three inches deep and compacted and graded for proper drainage.

(iii) The taxi service compound shall be fully screened from land in a residential zoning district using a combination of opaque fencing and/or evergreen plant materials.

(b) Advertising

The taxi shall display no form of advertising other than that of the taxi company itself.

J. Visitor Accommodations

(1) Bed and Breakfast Inns

Bed and breakfast inn uses shall comply with the following standards:

(a) A bed and breakfast inn shall take place within a building that was designed and used as a single-family detached dwelling.

(b) A bed and breakfast inn shall be operated primarily by persons who reside within the dwelling unit, with the assistance of not more than the equivalent of one, full-time employee.

(c) The building that houses the dwelling unit may not be expanded by more than ten percent of its original floor area, nor may rooms for rent be added onto or created within accessory buildings.

(d) There shall be at least one parking space per sleeping room.

(e) There shall only be one kitchen and all meals served on the premises shall be for overnight quests.

(f) Not more than one sign may be erected on the lot where such a use is located. The sign may not exceed six square feet in surface area nor be internally illuminated.

(2) Hotels and Motels

Hotel and motel uses shall comply with the following standards:

(a) Maximum Density

In no case may the number of lodging units exceed 40 lodging units per acre.

(b) Ownership

All hotel units associated with a single development shall be under common ownership, and in no instance shall individual units be held under individual ownership.

(c) Area Devoted to Non-living Quarters

Up to 20 percent of the gross floor area of a hotel or motel may be for non-living-quarter incidental uses (accessory uses), including management/employee offices, conference space, meeting rooms, banquet halls, retail services, such as newsstands and gift shops, and similar uses, provided any incidental business is conducted primarily to service guests.

(d) Eating Establishments

In addition to the accessory uses allowed in Section 4.3, Accessory Use Standards, up to an additional 20 percent of the gross floor area of a hotel or motel may be devoted to eating establishments as an accessory use. The eating establishments(s) may have an entrance from outside the principal building.

4.2.5. Industrial Uses

A. Extractive Industry

Extractive industry uses shall receive and maintain a State of North Carolina mining permit and comply with the following standards:

(1) General

(a) Any mine activity affecting more than one acre (including excavation, area where overburden is placed, area used processing or treatment and settling ponds, access roads, etc.) shall be subject to these regulations and require a use permit.

(b) All State permits and applications for State permits associated with the mining activity, including permit modifications, shall be filed with the Planning and Community Development Department by the applicant.

(2) Size

No more than 30 percent of the total site shall be excavated at any given time during the mining operation and after completion except as otherwise provided in this section.

(3) Setbacks

(a) No activities associated with the mine, including but not limited to excavation activities, vehicular access (except for driveways providing access to the site) and detention ponds shall be located within 100 feet of any property line and 300 feet of any residence, school, religious institution, hospital, commercial or industrial building, vehicular right-of-way or easement, or cemetery.

(b) Setbacks may be reduced by 50 percent when there is a complete visual screen at least six feet in height and an intermittent visual screen to a height of at least 20 feet between the mining activity and the adjoining use. Further, the Board of Commissioners may reduce non-modified setbacks by 50 percent when the mining activity adjoins a vacant parcel or farmland.

(4) Height

Mined materials shall not be stored in excess of 25 feet in height.

(5) Access

(a) For operations that generate more than five trips per peak hour, at least 200 feet of continuous pavement shall be required onsite starting at the point the access road intersects with a public street or highway unless such public street is not paved. Acceleration and deceleration lanes shall be required by the county when it determines, subject to input from the North Carolina Department of Transportation, that such lanes will enhance public safety. All access roads should intersect with public streets at right angles, but in no case be less than 60 degrees. All streets and roads utilized to access the mining site shall be maintained free of dust and sediment and shall be properly graded and drained.

(b) Where two or more accesses to the mining operation exist, traffic shall be routed to the access having the least negative impact on adjoining properties.

(6) Vehicles

All trucks hauling mined materials (i.e. sand, clay, topsoil) shall be covered with a tarpaulin.

(7) Hours of Operation

In no case shall the hours of operation be beyond sunrise to sunset. Mining activities shall not occur on Saturdays from Memorial Day through Labor Day or Sundays.

(8) Refuse

No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on site.

(9) Mine Discharge Water

(a) Discharging of water from the mine site shall be permitted subject to obtaining a state permit. The county may require periodic testing of the mine discharge water for settable solids, total suspended solids, chlorides, turbidity, and pH at the operators' expense. Such testing shall not exceed six tests per year. Discharging without proper state permits will result in initiating procedures to revoke the use permit.

(b) Mine discharge water, including but not limited to discharge stormwater, mine dewatering, and process wastewater, shall not adversely affect downstream properties. Drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation. The county may require decreased discharge rates until the downstream impacts are resolved.

(10) Signage

'No trespassing' signs indicating that a mining operation is being conducted on the site shall be spaced a minimum of 250 feet apart.

(11) Reclamation

Reclamation shall be conducted simultaneously with mining operations. Annual reclamation reports shall be submitted to the Planning and Community Development Department within ten days of being filed with the State.

(12) Overburden

Overburden to be used for future reclamation shall be placed where it will not be disturbed by normal mining activities and shall be stabilized to reduce wind and water erosion. Use of overburden for earth berms is encouraged to reduce the impact of the mining operation on adjoining properties.

(13) Groundwater Level Impacts

No mining activities shall adversely affect surrounding in use wells, ponds or increase chlorides in downstream water bodies. If a mine that requires off-site dewatering is located within a 1,500 foot radius of an in use well, pond, or a source of salt water intrusion, hydrogeological reports or performance guarantees with monitoring wells shall be required and the Board of Commissioners may consider adjusting setbacks or imposing other conditions on the applicant. Any person owning or operating a mining site in a manner that adversely affects an in use well through contamination or diminution of groundwater shall provide the well owner with a replacement water supply of equal quantity and quality. Any person owning or operating a mining site in a manner which creates lowering of pond levels below moderate drought levels or increases chloride levels downstream of dewatering operations shall decrease pumping rates until normal levels are reached. A rebuttal is permitted that contamination or diminution of water has been caused by the mining activity. Proposals for mining activities shall be accompanied by a

hydrogeological report or performance guarantees with montoring wells as provided in this section.

(a) Hydrogeological Report

A hydrogeological report may be required for mining activities with dewatering operations when an existing in use well is located within a 1,500 foot radius of the excavation area. The requirement to provide a hydrogeological report shall be determined by the County Engineer and shall be based on proximity, number and depth of existing in use wells. The report shall be prepared by a registered engineer, geologist, or other professional approved by the County Engineer. The report shall include the following:

(i) Location and description of all in use wells located within a 1,500 foot radius of the excavation area.

(ii) Description of existing and proposed drainage patterns located within a 1,500 foot radius of the excavation area.

(iii) Proposed mine construction and operation plan.

(iv) Description of dewatering activities.

(v) Field analysis to include aquifer tests using test well pumping to monitor water levels for a 24 hour period and appropriately located piezometers in a pattern to reflect the water table aquifer and drainage influences. Water level measurements shall be made in each piezometer to build and calibrate a model to analyze the hydrologic relationship between proposed mine operations and the surrounding environment.

(vi) Hydrogeological model simulation demonstrating the effects of mine dewatering on the groundwater drawdown in a 1,500 foot radius of the excavation area.

(vii) Description of the impacts on the quality and quantity of in use wells, lowering of ponds, and any potential salt water contamination sources and recommended mitigation action of any adverse impacts.

(b) Performance Guarantees and Monitoring Wells

The mine operator may offer a performance guarantee and monitoring wells, in lieu of hydrogeological reports, to replace any in use wells located within a 1,500 foot radius of the excavation area that have diminished in quantity or quality from the mines dewatering operation.

(i) Performance Guarantees

(A) The mine operator shall guarantee replacement of water supply to that of equal quantity and quality of owners in use well.

(B) A performance guarantee, in the form of a cash deposit, shall be established in the amount of $3,000 per in use well to assure the operator has funds available should the need arise to replace any of the in use wells.

(ii) Monitoring Wells

Monitoring wells may be required for mining activities with dewatering operations when an existing in use well, pond, or a source of salt water intrusion is within a 1,500 foot radius of the excavation area. A plan shall be provided outlining groundwater monitoring strategies which demonstrates the effects of pumping. Monitoring well requirements shall include the following:

(A) Monitoring wells to assess hydrogeological conditions shall be constructed to comply with the provisions of NCDENR rule 15A NCAC 02C – Well Construction Standards.

(B) Install to a depth equal to the maximum depth of the mine dewatering operation.

(C) Monitoring wells shall be located between the excavation area and the in use wells or pond and located as close as possible to the mine property line. In no instance shall the monitoring well be located closer than one-third the distance from the in use well to the mine. In some instances, it may be necessary to install the well on adjacent properties, in which case a well construction permit will be required through NCDENR.

(D) Monitoring wells shall be installed prior to dewatering operations and maintained throughout the duration of the mine permit period.

(E) Water levels shall be collected monthly and submitted quarterly to the Planning and Community Development Department.

(F) In the event an in use well or pond within a 1,500 foot radius of the excavation area has an issue with quality or quantity of water levels, the monitoring well(s) water level data will be used to assess changes in the water table levels over the period of time the mine was dewatering. Decreased water table levels below in use well depths or pond depths shall constitute the requirement to replace an in use well so as not to be affected by the mine dewatering operations or to modify dewatering rates so as to not lower water levels in adjacent ponds below their moderate drought levels.

(14) Plan Requirements

In addition to the site plan requirements in the Administrative Manual, plans for mining operations shall include the following items:

(a) Name of mine;

(b) Name and address of property owner and mine operator;

(c) Existing and proposed mine boundaries, including acreages;

(d) Location of existing and proposed vehicular access and haul road(s);

(e) Location and dimension of existing and proposed buffer(s) and berms;

(f) Location, acreage, and height of stockpile and overburden disposal areas;

(g) Location of 100-year floodplain and wetland boundaries;

(h) Phasing of mining operations including reclamation;

(i) Estimated noise levels at exterior property lines;

(j) Location of existing and proposed drainage features within a 1,500 foot radius of the excavation area;

(k) Location of existing in use wells and ponds within a 1,500 foot radius of the excavation area if the mine will use dewatering operations; and

(l) Hydrogeological report, monitoring well plan, or performance guarantee as determined by the County Engineer addressing potential impacts to in use wells, ponds, or salt water intrusion sources within a 1,500 foot radius of the excavation area.

(15) Expansion

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

(a) Procedure

(i) With the approval of the Planning Director, additional area within the site can be mined provided previously mined areas are reclaimed with non-contaminated soils to the original ground elevation in accordance with state standards. All reclaimed land shall be identified on a map recorded in the register of deeds.

(ii) With the approval of the Planning Director, an expansion of an existing mine operation not to exceed 40 percent of the total site area can be mined.

(iii) 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 use permit and State permit.

(ii) The existing mine has been in operation for a period of no less than five years.

(iii) The existing mine has maintained compliance with all applicable state and local permit regulations for the past five years 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 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.

(16) Expiration

The use permit shall be valid for the same permit period as the State of North Carolina mining permit not to exceed ten years from the date of issuance or for a shorter duration as deemed appropriate by the Board of Commissioners. In the event the property owner desires to continue the mining operation thereafter, he shall again petition the Board of Commissioners for a new permit.

(17) Extension of Expiration Time Period

The Planning Director may, upon receiving a written request for extension, grant an extension not to exceed ten years provided the existing mine has maintained compliance with all applicable state and local regulations.

B. Industrial Services

(1) Crabshedding

Crabshedding uses located within a residential zoning district shall comply with the following standards:

(a) General Standards

(i) All phases of the operation must be conducted not less than 10 feet from the property line and not less than 50 feet from any adjacent dwelling;

(ii) No odor, fumes, excessive noise, or traffic shall be allowed;

(iii) On-premise freezing, packing and preparation for shipping is allowed;

(iv) No more than one truck, van, car, or other vehicle, or part of a vehicle, which is visible from adjacent public streets may be kept on the site; and

(v) No vehicle or trailer which is larger than 8 feet by 32 feet shall be maintained on-site.

(b) Additional Standards in the AG and MXR Districts

(i) A sign not exceeding six square feet is allowed;

(ii) On-premise sale of soft crabs or peeler crabs is allowed; and

(iii) Open storage must be fenced with opaque fencing a minimum of six feet in height.

(2) General Industrial Services and Repair

Repair of all machines shall occur within an enclosed building. Temporary outdoor storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened in accordance with Section 4.3.3.P, Outdoor Storage.

(3) Heavy Equipment, Sales, Rental, and Service

Uses primarily involving the sales, rental, service, or storage of heavy equipment shall comply with the following standards:

(a) The use shall be located at least 250 feet from any residential district, school, or child care center.

(b) No heavy equipment or building displays shall be located within a required setback or perimeter buffer.

(c) The use shall not have more than one heavy equipment display pad, located between the principal building and the street for every 100 feet of street frontage.

(d) No heavy equipment shall be displayed on the top of a building.

(e) All lights and lighting shall be designed and arranged so no source of light is directly visible from any residential district or existing residential use.

(4) Laundry, Dry Cleaning, and Carpet Cleaning Facilities

Laundry, dry cleaning, and carpet cleaning facilities shall be within an enclosed building and shall use nonflammable liquids in the cleaning processes that emit no odor, fumes, or steam detectable to normal senses from off the premises.

(5) Manufactured Home and Prefabricated Building Sales

Manufactured home and prefabricated building sales establishments shall comply with the following requirements:

(a) Any lot engaged in the sale of manufactured homes or prefabricated buildings shall be at least 40,000 square feet in area and maintain a minimum lot width of at least 125 feet.

(b) In no instance shall the number of homes or buildings result in an impervious coverage beyond the applicable maximum lot coverage.

(c) Model manufactured homes and prefabricated buildings shall be positioned in a uniform, organized fashion, and haphazard placement of buildings at varying angles shall be prohibited.

(d) No display areas shall be located within required setbacks or required landscaping buffers.

(e) Storage of materials related to the construction, transport, or installation of homes or prefabricated buildings shall only take place within areas enclosed by an opaque fence or wall with a minimum height of six feet.

(f) No signage, flags, or other attention-getting devices shall be mounted to a manufactured home or prefabricated building.

C. Manufacturing and Production

(1) Manufacturing, Heavy

Heavy manufacturing uses shall comply with the following standards:

(a) Heavy manufacturing uses shall be located at least 1,000 feet from any residential district.

(b) A Type D perimeter buffer of at least 25 feet in depth shall be provided along any boundary with another property not zoned for heavy industry.

(2) Manufacturing, Light

All light manufacturing uses shall comply with the following standards:

(a) Buffer and setback areas in the side and rear may not be used for parking.

(b) Finished products for display and sale shall not occupy more than 40 percent of the land area between the principal building and all adjacent streets.

(c) The use shall not generate more noise, smoke, odor, fumes, vibrations or other disturbance than is characteristic of permitted business uses located within 1,000 feet in any direction when observed, measured, or monitored from the closest lot line. In cases where such monitoring, measuring or observation is required, it shall be the responsibility of the applicant to provide adequate information to the Planning Director.

D. Warehouse and Freight Movement

(1) Outdoor Storage (as a Principal Use)

Outdoor storage uses shall comply with the following requirements:

(a) No storage shall take place within required setbacks;

(b) Outdoor storage shall be screened from all public streets and residential zoning districts by an opaque fence or wall with a minimum height of six feet, and a maximum height of ten feet;

(c) Stacked or stockpiled material located within 50 feet of a screening fence or wall shall not exceed the height of the screening fence or wall;

(d) Outdoor storage is not required to be screened from views on adjacent lots located within industrial districts; and

(e) Outdoor storage areas shall be configured to allow vehicular circulation through and around the storage area.

(2) Self-Service Storage

Self-service storage uses shall comply with the following standards:

(a) Site Layout

(i) The minimum lot area shall be three acres.

(ii) If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.

(b) Operation

(i) The only commercial uses permitted on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.

(ii) Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.

(iii) No more than one security or caretaker quarters may be developed on the site, and shall be integrated into the building's design.

(iv) Except as otherwise authorized in this subsection, all property stored on the site shall be enclosed entirely within enclosed buildings.

(v) Hours of public access to a self-storage use abutting a residential zoning district or existing residential use shall be restricted to the hours between 6:00 A.M. and 10:00 P.M.

(c) Parking and Circulation

(i) Interior parking shall be provided in the form of aisleways adjacent to the storage bays. Aisleways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of aisleways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.

(ii) The one- or two-way traffic flow patterns in aisleways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.

(iii) Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aisleways.

(iv) All access ways shall be paved with asphalt, concrete, or comparable paving materials.

(d) Building Appearance

(i) Garage doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.

(ii) With the exception of a structure used as a security guard or caretaker quarters, or the redevelopment of an existing structure, the maximum height of a self-service storage facility shall be 20 feet.

(iii) The exterior facades of all structures facing a major arterial street shall be masonry (brick or split-faced CMU).

(iv) Windows may not exceed 20 percent of any street-facing façade and shall not be reflective.

(v) A maximum of two colors (excluding roof colors) shall be used on wall facades visible from off-site areas. Colors shall be neutral and shall not be used to call attention to the use.

(vi) Perimeter or exterior walls visible from a major arterial street or residential use shall not include metal as a primary material.

(e) Open Storage

Open storage of recreational vehicles, travel trailers, and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self-service storage facility use, provided that the following standards are met:

(i) The storage shall occur only within a designated area, which shall be clearly delineated;

(ii) The size of the storage area shall not exceed 25 percent of the buildable area of the site;

(iii) Outdoor storage areas shall be located to the rear of the principal structure;

(iv) Storage shall not occur within the areas set aside for minimum building setbacks; and

(v) No dry stacking of boats shall be permitted on-site.

(3) Truck or Freight Terminal, Warehouse (Distribution or Storage)

Truck or freight terminals or warehouses (distribution or storage) shall comply with the following standards:

(a) The use shall be located at least 500 feet from any residential district, school, or child care center.

(b) The use shall not locate storage areas within a required setback or perimeter buffer.

(c) The use shall have direct access onto an major arterial or collector street.

E. Waste-Related Services

(1) Incinerator

Incinerators shall comply with the following standards:

(a) The use shall be located at least 1,000 feet from any existing residential use, school, or child care use.

(b) The use shall be surrounded by a solid fence that is at least eight feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from any adjacent property.

(2) Landfills (LCID and CD)

Land clearing and inert debris (LCID) landfills and construction debris (CD) landfills shall comply with the following standards:

(a) LCID and CD landfills shall be set back at least 300 feet from any existing residential use, school, or child care use, and shall provide a Type D landscape buffer around its perimeter (see Section 5.2.6, Perimeter Landscape Buffers).

(b) Access to a landfill shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.

(c) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

(d) No filling associated with a landfill shall take place within in any flood hazard area, drainage ways, or utility easements.

(3) Public Convenience Center/Transfer Station

Public convenience center/transfer stations shall be owned and operated by the county or an agent of the county.

(4) Recycling Center, Processing

A recycling center, processing shall comply with the following standards:

(a) The center shall be on a parcel with an area of at least five acres.

(b) The center shall be located at least 250 feet from any residential district, lot with a school, lot with a child care center, or major arterial street right-of-way.

(c) Except for a freestanding office, no part of the center shall be located within 50 feet of any property line.

(d) All processing of recyclable materials shall occur within a fully enclosed building.

(e) Recyclable materials stored outside shall be contained within a leak-proof bin or trailer, and not stored on the ground.

(f) There shall be no collection or storage of hazardous or biodegradable wastes on the site.

(5) Recycling Center, Transfer

A recycling center, transfer shall comply with the following standards:

(a) The center shall be on a parcel with an area of at least five acres.

(b) The center shall be located at least 250 feet from any residential district, lot with a school, lot with a child care center, or major arterial street right-of-way.

(c) Except for a freestanding office, no part of the center shall be located within 50 feet of any property line.

(d) All recyclable and recoverable materials shall be collected, sorted, and prepared for transfer within, at minimum, a 3-sided building. Processing of the materials by briquetting, compacting, flattening, grinding, crushing, shredding, cleaning, or altering the materials is prohibited.

(e) The open side of the 3-sided building shall not face any residential district, lot with a school, lot with a child care center, or major arterial street right-of-way, when located within 1,000 feet of said districts, lots, or rights-of-ways. The open side of the building, regardless of orientation, shall be screened with a Type D buffer.

(f) Recyclable or recoverable materials stored outside shall be contained within a leak-proof bin or trailer, and not stored on the ground.

(g) There shall be no collection or storage of hazardous or biodegradable wastes on the site.

(6) Salvage and Junk yard

A salvage or junk yard shall:

(a) Not be placed within 1,000 feet of a residential zoning district, lot with a school, lot with a day care center, or a major arterial street right-of-way.

(b) Be screened in accordance with Section 4.3.3.P, Outdoor Storage (other than boats or vehicles).

(c) Not burn non-vegetative matter.

(d) Not engage in open dumping, disposal of toxic or hazardous matter, or stock piling of tires or batteries.

(e) Ensure that disposal of garbage unrelated to motor vehicles is in an approved container that is regularly maintained.

(f) Ensure drainage is adequate in order to prevent standing water.

(g) Not allow weeds or other vegetation to exceed a height of 12 inches.

(h) Ensure junk vehicles are arranged to permit easy access firefighting purpose.

(i) Any lot with vehicles stored without current registration plates or having an amount of trash, either burnable or non-burnable, considered as excessive in the judgment of the administrator, shall be classified as a salvage and junk yard and will require the appropriate zoning and permits.

4.3. ACCESSORY USE STANDARDS

4.3.1. Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use, and so long as they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

4.3.2. General Standards and Limitations

A. Compliance with Ordinance Requirements

All accessory uses and accessory structures shall conform to the applicable requirements of this Ordinance, including the district standards in Chapter 3: Zoning Districts, the use regulations in Chapter 4: Use Standards, the development standards in Chapter 5: Development Standards, and the environmental protection standards in Chapter 7: Environmental Protection. The provisions of this section establish additional standards and restrictions for particular accessory uses and structures.

B. General Standards

All accessory uses and accessory structures shall meet the following standards:

(1) Directly serve the principal use or structure;

(2) Be customarily accessory and clearly incidental and subordinate to the principal use and structure;

(3) Be subordinate in area, extent, and purpose to the principal use or structure;

(4) Not exceed 25 percent of the heated floor or buildable area of the principal use, except structures typically associated with single family dwellings (garages, storage buildings), or where otherwise allowed by this Ordinance;

(5) Be owned or operated by the same person as the principal use or structure (except that vending machines, automated teller machines, and similar features are exempted from this requirement);

(6) Be located on the same lot as the principal use or structure;

(7) Together with the principal use or structure, not violate the bulk, density, parking, landscaping, or open space standards of this Ordinance; and

(8) Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use).

C. Approval of Accessory Uses and Structures

(1) Except for piers, docks, boat houses, boat lifts, dune decks or beach access ways, a single storage shed (for the upkeep of a lot), ponds or borrow pits, and community agriculture, no accessory use shall be located on a lot prior to development of an associated principal use.

(2) An accessory use or structure may be approved in conjunction with or subsequent to approval of the principal use or structure.

(3) Incidental accessory uses, such as mailboxes, newspaper boxes, birdhouses, dog houses, flagpoles less than 35 feet high, pump or well covers, and similar non-habitable structures may be established without a zoning compliance permit.

D. Table of Common Accessory Uses

(1) Table as Guide

Table 4.3.2.E, Table of Common Accessory Uses, is established as a guide to identify the appropriateness of the more common accessory uses in each zoning district.

(2) Listed Accessory Uses

Table 4.3.2.E, Table of Common Accessory Uses, lists what types of accessory uses, structures, and activities are allowed in each of the zoning districts.

(a) If a specific accessory use is allowed by-right without a zoning compliance permit, the cell underneath the zoning district is marked with a "P".

(b) If a specific accessory use is allowed as a permitted use subject to a zoning compliance permit, the cell underneath the zoning district is marked with a "Z".

(c) If a specific accessory use is allowed subject to a use permit, the cell underneath the zoning district is marked with a "U".

(d) If the accessory use or structure is not allowed in a zoning district, the cell is blank.

(e) In the case of planned development districts, if an accessory use is allowable, it is marked with an "MP", and the accessory use must be set out in the approved master plan.

If there is a reference contained in the column entitled "Additional Requirements," refer to the cited section(s) for additional standards that apply to the specific accessory use.

(3) Interpretation of Unidentified Accessory Uses

The Planning Director shall evaluate potential accessory uses that are not identified in Table 4.3.2.E, Table of Common Accessory Uses, on a case-by-

case basis, as an Interpretation (Section 2.4.16). In making the interpretation, the Planning Director shall apply the following standards.

(a) The definition of "accessory use" (see Chapter 10: Definitions.), and the general accessory use standards established in Section 4.3.2, General Standards and Limitations.

(b) The additional regulations for specific accessory uses established in Section 4.3.3, Specific Standards for Certain Accessory Uses.

(c) The purpose and intent of the zoning district in which the accessory use is located (see Chapter 3: Zoning Districts).

(d) Any potential adverse impacts the accessory use may have on other lands in the area, compared with other accessory uses permitted in the zoning district.

(e) The compatibility of the accessory use, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district.

E. Table of Common Accessory Uses

Table 4.3.2.E, Table of Common Accessory Uses, specifies common types of accessory use and the zoning district where each type may be permitted.

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES

P = Permitted by-right Z= Zoning Compliance Permit U = Use Permit MP = Allowed with master plan blank cell = Prohibited

Accessory Use Type	Zoning District																Additional Req. (4.3.___)
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
Accessory Dwelling Unit		Z	Z	Z	Z	Z	Z	Z	Z	P	P			MP	MP	MP	3.A
Amateur Ham Radio		P	P			P	P			P	P			MP	MP		3.B
Automated Teller Machine							Z	Z	Z	Z	Z	Z		MP	MP	MP	
Campground, Public	U	Z					Z	Z						MP			3.C
Cemetery (family or religious institution)		Z	Z			Z	Z	Z	Z					MP	MP		3.D
Child Care, Incidental		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			MP	MP	MP	3.E
Community Agriculture	P	P	P			P	P							MP			3.F
Dock, Pier, Boat House, or Boatlift	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
Drive-Through								Z	Z	Z	Z	Z		MP	MP	MP	3.G
Electronic Gaming Operation								Z									3.H
Excavation		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	MP	MP	MP	3.I
Gasoline Sales								Z		Z	Z	Z		MP	MP	MP	3.J
Home Occupation		P	P	P	P	P	P	P	P	P	P			MP	MP	MP	3.K
Housing for Poultry		P	P			P	P							MP	MP		3.L

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES

P = Permitted by-right Z= Zoning Compliance Permit U = Use Permit MP = Allowed with master plan blank cell = Prohibited

Accessory Use Type	Zoning District																Additional Req. (4.3.___)
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
Ice House								Z	Z	Z	Z	Z			MP	MP	3.M
Inoperable Vehicle		P	P	P	P	P	P	P									3.N
Land Application of Sludge or Septage		U				U							U				3.O
Outdoor Display/Sales								Z	Z	Z	Z	Z			MP	MP	3.P
Outdoor Storage		Z						Z	Z	Z	Z	Z	Z		MP	MP	3.Q
Parking of Boats or Watercraft		P	P	P	P	P	P	P	P					MP	MP	MP	3.R
Parking of Heavy Trucks, or Trailers		P						P				P	P		MP		3.S
Parking of Major Recreational Equipment		P	P	P		P	P	P						MP	MP	MP	3.S
Produce Stand		P						P	P	P	P			MP	MP	MP	3.T
Retail Sales from a Vehicle		P					P	P	P	P	P	P		MP	MP	MP	3.U
Solar Energy Equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	3.V
Stable (horses)		P	P			P		P						MP			3.W
Underground Storage Tank		P						P	P	P	P	P	P		MP		3.X
Wind Energy Facility, Small		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	MP	MP	MP	3.Y

F. Location of Accessory Uses or Structures

(1) The following accessory uses shall not be located between the principal use and adjacent street rights-of-way:

(a) Amateur ham radio equipment;

(b) Drive-through;

(c) Housing for poultry;

(d) Outdoor storage;

(e) Small wind energy facilities; or

(f) Stable.

(2) Except for fences, walls, and functionally-dependent facilities, all accessory structures shall comply with the minimum setback and spacing standards applicable to accessory structures in the zoning district where the structure is located (see Chapter 3: Zoning Districts).

(3) No accessory structure shall be located within any platted or recorded easement or over any known utility unless written authorization is provided from the easement holder or the county, as appropriate.

G. Maximum Height

All accessory structures shall comply with the maximum height standards in the zoning district where the structure is located (see Chapter 3: Zoning Districts).

H. Lot Coverage

Accessory structures shall be counted towards applicable maximum lot coverage standards in the zoning district where the structure(s) is located (see Chapter 3: Zoning Districts).

4.3.3. Specific Standards for Certain Accessory Uses

A. Accessory Dwelling Units

Accessory dwelling units shall comply with the following standards:

(1) Where Permitted

(a) Accessory dwelling units may be located within a principal structure (e.g., a downstairs apartment) or as a freestanding building or above a detached outbuilding.

(b) The use of manufactured homes, travel trailers, campers, tractor trailers, or similar vehicles as an accessory dwelling unit is prohibited.

(2) Additional Standards

(a) Not more than one accessory dwelling unit per lot is permitted.

(b) An accessory dwelling unit shall have a floor area of at least 300 square feet, but shall not exceed 1,000 square feet in size.

(c) At least one, but no more than two, off-street parking spaces shall be provided for an accessory dwelling unit (in addition to the required off-street parking serving the principal use).

(d) Accessory dwelling units shall not be sold apart from the principal structure.

(e) Accessory dwelling units may be used for home occupation uses but in no instance shall more than one home occupation use be conducted on a single lot.

B. Amateur Ham Radio

(1) Towers associated with a ham radio operator or private television antenna shall not exceed 100 feet above grade.

(2) Towers or antennas attached to a principal structure shall be located on a side or rear elevation.

(3) Freestanding towers or antennas shall be located behind the principal structure.

C. Campground, Public

Public Campgrounds permitted as an accessory use shall comply with the following standards:

(1) Campgrounds shall be publically-owned and operated;

(2) Campgrounds shall not include permanent residences, except as necessary for caretakers;

(3) Individual campsites shall maintain a minimum size of 1,200 square feet in area and at least 25 feet in width;

(4) Campgrounds shall provide a common recreational area consisting of 100 square feet per campsite;

(5) Campgrounds shall provide sufficient groundcover to prevent erosion; and

(6) Individual campsites shall be set back at least 100 feet from the front lot line and at least 50 feet from the side and rear lot lines.

D. Cemetery, Family or Religious Institution

Cemeteries that are not subject to the North Carolina Cemetery Act, including family cemeteries and church cemeteries, are permitted in accordance with the following standards:

(1) Lots including a cemetery shall be a minimum of two acres in size, but the cemetery site itself has no minimum area requirement.

(2) Table 4.3.3.D, Cemetery Dimensional Requirements, sets out the dimensional requirements for cemeteries.

TABLE 4.3.3.D: CEMETERY DIMENSIONAL REQUIREMENTS

Requirement	Standard (feet)
Min. Street Frontage	125 feet
Burial Plot Setback from Local Streets	20 feet
Burial Plot Setback from Major Arterial Streets	50 feet
Burial Plot Setback from Side Lot Line	15 feet
Burial Plot Setback from Rear Lot Line	25 feet
Burial Plot Setback from Potable Water Supply	50 feet
Burial Plot Setback from CAMA Wetland/Water Body	75 feet

(3) The property owner shall provide a road or path for the purpose of access to and from the cemetery.

(4) The cemetery shall not be owned or operated as a business for profit.

(5) The applicant requesting to establish or enlarge a cemetery shall submit the following minimum information on the site plan:

(a) Lot dimensions;
(b) All property line setback requirements;
(c) All existing physical features (structures, buildings, streets, roads, grave sites, etc.);
(d) Location and dimension of cemetery boundaries; including number of grave sites or burial plots;
(e) Location and dimension of the road or path used to access the family cemetery;
(f) Location of all potable water supplies within 50 feet of the family cemetery; and,

(g) Location of all water bodies and major drainage ways (sounds, creeks, river, canals, etc.) within 75 feet of the family cemetery.

(6) The site plan as approved by the Planning and Community Development Department showing the location of and access to the cemetery shall be recorded with the Register of Deeds as an addendum to the deed for the subject property.

E. Child Care, Incidental

Child care is permitted as an accessory use to a single-family dwelling in accordance with the following standards:

(1) Such uses shall be licensed by the State as a Family Child Care Home and shall comply with all minimum State requirements;

(2) The child care portion shall be limited to areas required and/or approved by the State; and

(3) The use shall be operated by a person residing within the principal use and shall be limited to a maximum of one additional employee not residing in the principal use;

F. Community Agriculture

Community agriculture uses shall comply with the following standards:

(1) Minimum Lot Size

(a) Community agriculture uses may only be located on lots of two acres or larger within residential districts, and one acre or larger within business or mixed-use districts.

(b) Community agriculture uses may be conducted on a lot that does not contain a principal use.

(2) Buildings and Storage

(a) Community agriculture uses may include up to 1,500 total square feet of floor area within greenhouses, storage buildings, or other related structures.

(b) Equipment or materials shall be stored within an enclosed structure or within a fully-screened enclosure.

(3) Retail Sales

(a) Retail sales of produce grown on-site may take place provided the sales/display area is not located within a habitable structure, and provided the sales/display area is located at least 300 feet from any residential use.

(b) Nothing shall prohibit the erection of a temporary shade structure, provided the shade structure does not remain in place overnight.

(4) Additional Standards

(a) Exterior lighting is prohibited;

(b) Signage shall be limited to a single, non-illuminated, flat sign of four square feet;

(c) No more than four off-street parking spaces shall be provided in addition to those required for the principal use; and

(d) Plantings shall not obstruct roadway visibility or impede the flow of traffic.

G. Drive-Through

(1) Drive-through facilities shall be located at least 100 feet from any detached single-family dwelling or single-family residential zoning district.

(2) Outdoor speakers associated with a drive-through shall be at least 50 feet from any lot line.

(3) Drive-through facilities shall not be located on the front façade of the building they serve.

(4) Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.

(5) Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure

H. Electronic Gaming Operation

Electronic gaming operations are permitted only as an accessory use and shall comply with the following standards:

(1) General Requirements

(a) Each electronic gaming operation shall be limited to a maximum of 5 gaming terminals per location, regardless of size.

(b) No electronic gaming operation shall be located within 500 feet of a school, child care center, religious institution, or other electronic gaming operation. The measurement of distance shall be a straight line from the closest point of the buildings at which the uses are located, not the closest point of the unit or space within the buildings at which the electronic gaming operation is located.

(c) Electronic gaming operations are prohibited in the Outer Banks.

(d) On premise signs advertising the electronic gaming operation are prohibited.

(2) Operation Requirements

(a) Operating hours shall be the same as the principal retail sales establishment.

(b) There shall be no alcohol sold, provided, or consumed in the gaming area.

(c) The establishment shall be restricted to patrons and employees at least 18 years of age.

(d) No firearms are allowed inside any gaming area, except by sworn law enforcement officials or security employees.

(3) Amortization

Any electronic gaming operation that lawfully existed prior to May 6, 2013 will be granted 6 months from May 6, 2013 in which to bring the electronic gaming operation into compliance with the standards of this Ordinance.

I. Excavation

Minor excavations for the purpose of establishing a pond or acquiring fill may be permitted as an accessory use, provided:

(1) One acre or less is affected (including haul roads);

(2) Excavation is setback at least 100 feet from all lot lines;

(3) Slopes are maintained at no greater than 3:1 above the water, 2:1 below the water, and an average depth of four feet is maintained; and

(4) A performance guarantee of at least $1,000 is posted with the Planning and Community Development Department to ensure adequate reclamation following excavation.

J. Gasoline Sales

Gasoline sales may be permitted as an accessory use in accordance with the following standards:

(1) Location

(a) Gasoline pumps, canopies, and associated service areas are prohibited in any established front yard in the CC and VC districts.

(b) If the gasoline sales use is located on a corner lot, the lot shall have an area of at least 30,000 square feet and a frontage of at least 200 feet on each street side. In all other cases, the lot shall have an area of at least 15,000 square feet and a lot width of at least 150 feet.

(2) Circulation

The gasoline sales use shall have no more than two vehicular access points. Access points shall be located at least 150 feet from each other and from any intersecting street right-of-ways, and at least 15 feet from any other lot line.

K. Home Occupations

A home occupation shall be permitted as accessory to any principal dwelling unit, provided that the accessory use will not change the character of the residential neighborhood in terms of appearance, noise, odors, traffic, or other impacts. Home occupations shall be subject to the following standards:

(1) The business or service is located within the dwelling or an associated accessory building, and does not exceed 25 percent of the heated floor area of the principal structure or 1,000 square feet, whichever is less.

(2) The principal person or persons providing the business or service resides in the dwelling on the premises.

(3) The home occupation employs no more than one person on the premises who do not reside on the premises.

(4) The home occupation causes no change in the external appearance of the existing dwelling and structures on the property.

(5) Retail sales of products produced on site shall be limited to lots with street frontage on a major arterial street.

(6) All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet

nature and visual quality of the neighborhood, and there are no more than one vehicle per home occupation. In no instance shall any vehicle larger than eight feet by 32 feet be parked, stored, or otherwise maintained at the site of a home occupation.

(7) Home occupations shall not result in regular and on-going vehicular traffic to the home where located.

(8) There is sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself.

(9) Up to one advertising sign shall be allowed, provided the sign does not exceed six square feet in area per side, or more than four feet in height. No signage shall be illuminated or moving.

(10) The property contains no outdoor display or storage of goods, equipment, or services that are associated with the home occupation.

(11) The home occupation does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

L. Housing for Poultry

Except within the AG district, the housing of poultry shall comply with the following standards:

(1) No more than eight birds may be housed per lot;

(2) Roosters are prohibited;

(3) On-site slaughter of birds is prohibited;

(4) All birds shall be housed within a covered enclosure or coup;

(5) No enclosure shall be located closer than 25 feet to any residential structure or lot line; and

(6) Birds shall be kept within a fenced enclosure at all times.

M. Ice House

Ice houses of 50 square feet in size or larger shall comply with the following requirements:

(1) Ice houses shall be located at least 100 feet from any public street right-of-way.

(2) The ice house shall be surrounded with plantings (excluding any areas necessary for dispensing or servicing) on any side facing a public street or residentially-zoned land. Plantings shall be at least 36 inches in height at the time of planting.

(3) Ice houses shall be served by a semi-circular parking and vehicular access area that removes the need for backing. In cases where the ice house is located within an established surface parking area, accessways shall be painted or otherwise designated.

(4) Any signage shall have a maximum copy area of 16 square feet.

(5) All roof-top mechanical equipment shall be screened.

(6) A litter receptacle shall be provided, and shall be maintained in a sanitary condition.

(7) Ice houses shall not be allowed as a primary use and shall be designed with an exterior closure that is similar to the primary structure on the site.

N. Inoperable Vehicles

Up to one inoperable or junked vehicle is allowed per residential dwelling unit.

O. Land Application of Sludge or Septage

Land application of commercial sludge or septage shall comply with the following requirements:

(1) Setbacks

Table 4.3.3.N, Land Application Setbacks, establishes the setback requirements for land application of commercial sludge and septage.

TABLE 4.3.3.N: LAND APPLICATION SETBACKS

Use or Feature	Min. Setback for Commercial Sludge Application (feet)	Min. Setback for Septage Application (feet)
Existing residential or commercial structure	1,000 [1]	500 [2]
Private or public potable water well	1,000	500
Wells, other than monitoring	N/A	200
Abandoned wells	N/A	50
Ground water lowering ditches or devices	N/A	100
All lot lines	100	100

NOTES:
[1] Vegetated buffers shall also be required for applications within 2,000 feet of an existing residential or commercial structure
[2] Setback may be increased to 1,000 feet, or lime stabilization may be required upon receipt of complaints from adjacent land owners

(2) General Requirements

(a) A permit must be obtained by the applicant from the appropriate county, regional, or State agency which has authority to issue required permits prior to land application of sludge or septage. All conditions stated in the appropriate county, regional, or State permit shall be strictly adhered to.

(b) "No Trespassing" signs shall be posted at access roads or paths crossing or leading to the disposal area and a legible sign of at least four square feet in area stating, "'Septage" or "Sludge Disposal Area"' shall be posted at the entrance to the disposal area.

(c) Land application of sludge shall occur only during daylight hours. Septage shall be applied so as to have no standing surface collection of liquid within 24 hours after application.

(i) Upon issuance of the use permit, the property owner shall record the use permit in the Currituck County Register of Deeds and have it indexed under the record owner's name as grantor.

P. Outdoor Display and Sales

Outdoor display or sales may be allowed as an accessory use for all retail sales and service uses and wholesale sales uses. It is the intent of this Ordinance to allow the display of merchandise for sale, but not where the display of such items is unsightly, impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. The outdoor display/sales of goods shall comply with the following standards:

(1) Outdoor display/sales areas shall be depicted upon a site plan (see Section 2.4.7, Site Plan).

(2) All outdoor display of goods shall be located immediately adjacent to the storefront, or building sides, and not in drive aisles, loading zones, fire lanes, or parking lots.

(3) Containers or racks used for display shall be anchored in manner capable of withstanding 120 mph winds, or shall be capable of being moved indoors.

(4) Outdoor display areas shall be limited to no more than one-half of the length of the store front or building side.

(5) In the case of a shopping center, the "storefront" shall include the entire frontage of the shopping center facade, meaning that the total amount of display for all the in-line tenants combined shall not exceed 50 percent of the aggregate store front length of the shopping center.

(6) The area of outdoor display or sales shall not encompass the width of the entrance doors to the establishment as projected straight out from the facility. (For example, if the width of the entrance doors is ten feet, there shall be at least a ten-foot clearance from the doors as projected straight out and away from the facility.)

(7) No goods shall be attached to a building's wall surface.

(8) The height of the outdoor display shall not exceed nine feet, except in the case of live or recently cut trees or similar vegetation.

(9) The outdoor display area shall take place on an improved surface such as the sidewalk or pavement.

(10) At least three feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.

(11) Outdoor sales shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides, and similar items.

(12) No additional signage shall be permitted in association with outdoor display areas.

(13) Outdoor display of large items (e.g., heavy equipment, vehicles, manufactured homes, prefabricated structures, etc.) shall comply with the standards applied to these activities when they occur as principal uses (see Section 4.2, Use-Specific Standards).

Q. Outdoor Storage (Other than Boats or Vehicles)

Outdoor storage may be allowed as an accessory use in accordance with the following standards:

(1) Each outdoor storage area shall be incorporated into the overall design of the principal structure on the site and shall be shown on a site plan, if one is required.

(2) Outdoor storage areas shall be located to the side or rear of the principal structure.

(3) Outdoor storage areas shall not be located within fire lanes, parking lot drive aisles, loading zones, required setbacks, required off-street parking spaces, or sight triangles.

(4) Goods stored in an outdoor storage area intended for sale or resale shall be limited to those sold on the premises as part of an associated, additional principal use.

(5) Each outdoor storage area shall be screened from off-site views in accordance with Table 4.3.3.P, Outdoor Storage Screening:

TABLE 4.3.3.P: OUTDOOR STORAGE SCREENING

Adjacent Feature or Zoning District to be Screened	Minimum Opaque Screening Fence or Wall Height (feet)	Stored Object/Material Maximum Height Within 50 feet of Fence or Wall (feet) [2]
Public street right-of-way	6	5
Park, recreation, or civic area	8	7
Single-family residential zone [1]	8	8
Multi-family residential zone [1]	6	6
Commercial or mixed-use zone [1]	6	6
Industrial zone	None	N/A

NOTES:
[1] Or use type if in a planned development district
[2] Stored object/material heights located more than 50 feet from a screening fence or wall shall not exceed 35 feet in height.

(6) If the outdoor storage area is covered, then the covering shall include at least one of the predominant exposed roofing colors on the primary structure.

(7) No materials may be stored in areas intended for vehicular or pedestrian circulation.

R. Parking of Boats or Watercraft

(1) Up to four boats licensed by the NC Division of Marine Fisheries, and associated trailers, may be stored for personal use outside of required setbacks and sight triangles. Storage of five or more boats requires an additional acre of lot area for each boat beyond four.

(2) Lots with more than four boats shall screen all boats from adjacent residential strictures on different lots.

S. Parking of Heavy Trucks, Trailers, or Major Recreational Equipment in Residential Districts

(1) Intent

It is the intent of this subsection to prohibit the customary or continual parking of commercial or other vehicles engaged in activity exceeding personal transport on streets and within yards adjacent to streets in residential neighborhoods since the presence of such vehicles runs contrary to the intended residential character of such neighborhoods. It is not the intent of these standards to prevent the occasional or temporary parking of such vehicles or equipment as necessary for the purposes of loading, unloading, or cleaning; however, the continual or customary overnight parking of such vehicles or equipment for a portion of the day followed by removal the following day is prohibited.

(2) Applicability

The standards in this subsection apply to trucks with more than two axles or that exceed 13,000 pounds or two-and-one-half tons of gross vehicle weight rating, trailers with more than one axle, or major recreational equipment, including, but not limited to, boats, campers, recreational vehicles, motor homes, and travel trailers.

(3) Standards

(a) Heavy trucks and trailers with a rated capacity exceeding two-and-one-half tons, or major recreational equipment, shall not be parked or stored on public right-of-way in a residential zoning district except for the purposes of active loading or unloading.

(b) No heavy truck, trailer, or other major recreational equipment shall be parked or stored in any front yard, corner side yard, or in any location where it is closer to a street right-of-way than the principal structure within a residential or mixed-use zoning district.

(c) Major recreational equipment may be stored in the rear yard within a residential district, provided the equipment is at least ten feet from all lot lines.

(d) Major recreational equipment may be exempted from the standards in this subsection following approval of a temporary use permit for a maximum period of ten days during a calendar year.

T. Produce Stands

The sale of fresh vegetables and produce, as defined in the North Carolina General Statutes, from curbside stands or in a similar fashion shall:

(1) Be located on the same lot as a principal use;

(2) Be limited to retail sale of agricultural or horticultural products;

(3) Be located outside sight triangles or other areas that may result in visual obstructions to drivers;

(4) Not exceed 1,000 square feet in area; and

(5) Provide adequate ingress/egress and off-street parking.

U. Retail Sales from a Vehicle

Retail sales of food or other products from a vehicle is permitted as an accessory use, provided:

(1) The vehicle is located outside of the right-of-way;

(2) The vehicle and any other appurtenances are removed each day after the completion of sales;

(3) No permanent features are included as part of the use;

(4) No signage or exterior lighting is used;

(5) The location has sufficient space to accommodate vehicular parking and safe pedestrian movement; and

(6) Any retail sales of food is subject to Albemarle Regional Health Services certification.

V. Solar Energy Equipment

Solar energy equipment shall comply with the following standards:

(1) The system may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground, subject to the dimensional standards in the district where located (see Chapter 3: Zoning Districts).

(2) The system shall comply with the maximum height standards for the zoning district in which it is located, provided that a roof-mounted system shall not extend more than 15 feet above the roofline of the structure on which it is mounted.

(3) Where an existing structure exceeds the applicable height limit, a solar energy collection system may be located on its roof irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface.

(4) The area of the system shall not exceed one-half the footprint of the principal structure or 600 square feet, whichever is greater.

(5) The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection system.

W. Stable

Stables shall comply with the standards for equestrian facilities in Section 4.2.1.B.3 of this Ordinance.

X. Underground Storage Tanks

(1) Except for water and L.P. gas tanks, use or placement of a metallic underground storage tank is prohibited.

(2) State- or Federal-approved fiberglass tanks may be installed underground.

(3) Upon the installation of any underground tank, a building permit shall be acquired, the Fire Marshal shall be notified, and a survey prepared by a North Carolina registered land surveyor showing the exact location of the tank.

(4) Prior to final inspection, the survey shall be recorded in the office of the Currituck County Register of Deeds.

Y. Wind Energy Facility, Small

A small wind energy facility shall comply with the following standards:

(1) Amount

Towers and turbines associated with a small wind energy facility shall be limited to a maximum of one per principal use.

(2) Location and Setback

(a) Small wind energy facilities shall not be located between a principal building and any streets fronting the lot.

(b) A small wind energy facility shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus ten feet from all lot lines and overhead utilities. Guy wires and other support devices shall be set back at least ten feet from all lot lines.

(3) Height

The maximum height of a small wind energy system (including the tower and extended blades) shall be 120 feet.

(4) Sound

Sound produced by the wind turbine under normal operating conditions, as measured at a lot line, shall not exceed 55 dBA. The 55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.

(5) Appearance

The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).

(6) Blade Clearance

The blade tip or vane of any small wind energy facility shall have a minimum ground clearance of 15 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public right of ways, parking, or driveway areas.

(7) Lighting

No illumination of the turbine or tower shall be allowed, unless required by the (FAA).

(8) Access to Tower

Any climbing rungs shall be removed to a height of 12 feet above grade.

(9) Signage Prohibited

Signage visible from any public street shall be limited to the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

(10) Abandonment

On determining that a small wind energy facility has been inoperable for 180 days or more, the Planning Director shall send the property owner notice requiring restoration of the system to operating order within 180 days after receiving the notice. If the owner fails to restore the system to operating condition within the authorized time frame, the owner shall be required, at the owner's expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the county may pursue legal action to have the wind turbine removed at the owner's expense.

4.4. TEMPORARY USE STANDARDS

4.4.1. Purpose

This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses do not negatively affect adjacent land, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

4.4.2. Table of Permitted Temporary Uses and Structures

Table 4.4.2, Permitted Temporary Uses and Structures, summarizes the temporary uses and structures that are allowed within the county and any general or specific standards that apply. Temporary uses or structures not listed in Table 4.4.2, Permitted Temporary Uses and Structures, are not allowed by this Ordinance.

TABLE 4.4.2: PERMITTED TEMPORARY USES AND STRUCTURES

Temporary Use or Structure	Maximum Allowable Time Frame [1]	Specific Regulations
Construction-Related Activities for New Construction	(A)	4.4.6.A
Expansion or Replacement of Existing Facilities (including temporary offices or temporary residences)	(B)	4.4.6.B
Garage and/or Yard Sales	(C)	
Outdoor Seasonal Sales	(D)	4.4.6.C
Real Estate Sales Office/Model Sales Home	(B)	4.4.6.D
Temporary Campground	(E)	4.4.6.E
Temporary Keeping of Livestock	(F)	4.4.6.F
Temporary Storage in a Portable Shipping Container	(G)	4.4.6.G
Temporary Tent	(G)	4.4.6.H
Special Events	(H)	4.4.6.I

TIME FRAMES:
(A) Such structures may be in place for no more than 30 days following issuance of a certificate of occupancy
(B) Such structures may remain in place for one year
(C) Such sales are limited to a maximum of three occurrences per parcel per year
(D) Such sales are limited to a maximum of 30 days per calendar year and no more than three occurrences per parcel, per year
(E) Such events are permitted once a year for a maximum duration of two weeks
(F) Such activities shall be limited to the period from December 1 until April 30 of the following year
(G) Such structures may be in place for no more than 30 days per calendar year, and no more than three occurrences per parcel, per year
(H) Such events are limited to a maximum of four occurrences per parcel, per year. Events held on county or State owned property are exempted from maximum allowable time frames.

NOTES:
[1] Regardless of the maximum allowable timeframe, temporary uses or structures located within a special flood hazard area shall not remain on site for more than three months.

4.4.3. Prohibited Temporary Uses

Without limiting the standards of this Ordinance, the following activities are prohibited in all districts:

A. Retail sales or display of goods, products, or services within the public right-of-way, except as part of an authorized not-for-profit, special, or county-recognized event.

B. Retail sales or display of goods from vehicles, except as part of a permitted seasonal sale or accessory use.

4.4.4. Temporary Use Permits

Unless exempted in these provisions, all temporary uses and structures are required to obtain a temporary use permit (see Section 2.4.11). A temporary use permit shall be reviewed, approved, or revoked only in accordance with the standards of this section.

4.4.5. General Standards for Temporary Uses and Structures

All temporary uses, structures, or special events shall comply with the following general standards, unless otherwise specified in this Ordinance:

A. Obtain the appropriate permit from the county (if required);

B. Not be detrimental to land or improvements in the surrounding area or to the public health, safety, or general welfare;

C. Be compatible with the principal uses taking place on the site;

D. Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;

E. Not include permanent alterations to the site;

F. Meet all the setbacks of the underlying base and overlay zoning districts;

G. Comply with the signage requirements in Section 5.12, Signage;

H. Remove temporary signs associated with the use or structure after the activity ends;

I. Not violate the applicable conditions of approval that apply to a site or use on the site;

J. Not interfere with the normal operations of any permanent use located on the property; and

K. Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

4.4.6. Specific Regulations for Certain Temporary Uses and Structures

A. Construction-Related Activities for New Construction

(1) General

Temporary construction-related activities for new construction, including construction offices, storage buildings, outdoor storage, and employee parking areas, may occur on the same site as the construction activity without obtaining a temporary use permit. Such uses shall be removed within 30 days after issuance of a Certificate of Occupancy.

(2) Adjacent Site

Because of site constraints, construction-related activities may need to occur on a site that is adjacent to or nearby the construction site. In such cases, a temporary use permit is required (see Section 2.4.11). Such uses shall be removed within 30 days after occupancy, and the site restored to its previous condition.

B. Expansion or Replacement of Existing Facilities

(1) Purpose and Scope

Factory-fabricated, transportable buildings that are designed to arrive at the site ready for occupancy (except for minor unpacking and connection to utilities), and designed for relocation to other sites, may be placed on land to serve as the following:

(a) Temporary Expansion Space for Religious Institutions, Heath Care Facilities, and Government Offices

Expansion space for existing religious institutions, health care facilities, and government offices, provided plans for the permanent expansion of the existing facilities have been submitted to and been approved by the county. These facilities are exempted from temporary time limits.

(b) Temporary Classroom Space

Temporary classroom space to augment an existing public educational facility. These facilities are exempted from temporary time limits.

(c) Temporary Residence

Temporary residences during the construction or reconstruction of a dwelling unit for which the county has issued a building permit.

(d) Temporary Office

One temporary office per site to include but not be limited to, the following uses: hiring, membership solicitation, multi-family development office/leasing, and other general office uses. The number of modular buildings housing such uses shall be limited to one, in addition to those already allowed by this section. Such modular buildings shall not be placed on the property prior to the issuance of a building permit.

(2) Standards

In addition to meeting the general standards of Section 4.4.5, General Standards for Temporary Uses and Structures, all temporary structures approved in accordance with this section shall meet the following standards:

(a) The structure may be located anywhere on the site except within the following areas:

(i) Existing required landscaping or perimeter buffer areas;
(ii) Areas designated as future required landscaping areas, whether or not vegetation currently exists; and
(iii) Other areas designated on the site for open space, vehicular use, or ingress/egress.

(b) The temporary structure shall be factory-fabricated and transportable. Allowable structures include campers, travel trailers, recreational vehicles, FEMA trailers, or similar structures, but shall not consist of a class "B" or class "C" manufactured home;

(c) The temporary residence may only be occupied by persons intending to reside in the permanent dwelling as a primary residence.

(d) In addition to any other off-street parking required on the site in accordance with Section 5.1, Off-Street Parking and Loading, adequate off-street parking shall be provided for the temporary use;

(e) All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained prior to installation of the temporary structure; and

(f) The temporary structure shall be compatible with the existing buildings on the site in terms of exterior color, design, and placement, to the maximum extent practicable.

C. Outdoor Seasonal Sales

(1) Applicability

(a) The outdoor display and/or sale of goods consistent with the provisions of Section 4.3.3.O, Outdoor Display/Sales, is considered an accessory use and does not require a temporary use permit.

(b) All other sales/displays of goods (other than agricultural products) require a temporary use permit in accordance with Section 2.4.11, Temporary Use Permit, and this subsection.

(2) Standards

A temporary use for the temporary display and/or sale of products shall comply with the following standards:

(a) The land contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking-space availability.

(b) The display or sale of goods, products, and/or services shall not occur in the public right-of-way or within 200 feet of an existing residential use.

(c) The display or sale of products, goods and/or services shall be limited in scope to similar or complementary products, goods, and/or services to those offered by the existing principal use located on the same site. The temporary sale of non-agricultural products, goods, and/or services that differ from the normal range of those offered by an existing principal use shall be prohibited.

(d) No more than two tents or other temporary structures shall be erected.

(e) Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property.

(f) Tents and other temporary structures shall be located on an improved surface such as asphalt, gravel, or other improved surface, and shall not exceed a combined area of 1,000 square feet.

(g) Off-street parking shall be adequate to accommodate the proposed sale of products.

(h) The temporary display or sale of products shall not cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided.

(i) The hours of operation of the temporary sale of products shall be from no earlier than 7:00 A.M. to no later than 11:00 P.M., or the same as the hours of operation of the principal use.

D. Real Estate Sales Office and Model Sales Home

(1) General Standards

One temporary real estate sales office or model sales home may be allowed as incidental to a new residential or nonresidential development, provided that:

(a) The use is located on a lot approved by the county as part of a development.

(b) Signage complies with the standards of Section 5.12, Signage.

(c) The temporary use is aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscaping.

(d) The temporary use complies with the minimum yard and setback standards of the zoning district in which it is located.

(e) Off-street parking provided for the temporary use complies with the standards of Section 5.1, Off-Street Parking and Loading.

(f) Upon termination of the temporary real estate sales office or model sales home, the structure shall be converted into, or removed and replaced with, a permanent use.

(g) In approving or renewing approval of a real estate sales office, the Planning Director may impose other conditions as is deemed necessary to avoid adverse impacts that the use as a sales office may have on adjacent lands or the community as a whole.

(h) All temporary sales offices shall be removed from the site prior to the issuance of the last Certificate of Occupancy for the site.

E. Temporary Campground

Temporary campgrounds may be established on lots or tracts under private ownership in accordance with the following standards:

(1) The temporary campground shall be limited to a maximum of 100 campsites;

(2) The temporary campground may be established on a lot or tract in the AG, GB, or LB zoning districts; and

(3) Temporary campgrounds shall comply with the standards in Section 4.3.3.C, Campgrounds, Public.

F. Temporary Keeping of Livestock

Temporary keeping of livestock as an educational project, and sponsored by a youth organization in a residential district, shall comply with the following standards:

(1) Prior Notification to Planning Director Required

(a) The market livestock project shall be approved by a bona fide educational or agricultural association for youths, such as the 4-H Livestock Club and similar organizations.

(b) Prior written notice of intent to participate in a livestock project shall be provided to the Planning Director no less than 14 prior to the commencement of the project. The notice shall specify the address at which the project will be conducted, the name of the association sponsoring the project, the type of animal to be kept on the premises, and the lot acreage.

(c) The Planning Director may require verification that a livestock keeping project has been approved and is sponsored by a bona fide educational or agricultural association for youths.

(2) Configuration

(a) A temporary livestock keeping project shall only be conducted as an accessory use to a principal residential use.

(b) All pens, shelters, and animal quarters shall be located behind the principal residential structure.

(c) Pens, shelters, and animal quarters shall be located 75 feet from any occupied dwelling, 100 feet from any well, and 25 feet from all abutting lot lines.

(d) All pens, stalls, and grazing areas shall be maintained in a sanitary manner that does not result in noxious odors.

(3) Livestock Types

(a) The temporary keeping of cattle and hogs shall be permitted only in the AG and MXR zoning districts on lots with a minimum area of one acre or more. The temporary keeping of sheep and goats may be kept on any residential lot with a lot area of 20,000 square feet or more.

G. Temporary Storage in Portable Shipping Containers

Temporary storage in a portable shipping container shall be permitted for the purposes of temporary storage subject to the following standards:

(1) Size

Storage containers may not exceed 160 square feet in size or be taller than eight feet.

(2) Location

(a) Containers shall be located within a driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front façade of a building, the container shall be placed behind the front façade.

(b) In cases where improved driveways, parking, or loading areas are not present, containers shall be located so as to minimize their visibility from streets or adjacent residential areas.

(c) Nothing in these standards shall limit the placement of more than one container on a lot or site, however, the maximum allowable duration period shall be measured from the placement of the first container, and shall apply to all subsequently placed containers regardless of when they were placed on the site.

(3) Additional Requirements

(a) Storage containers shall not be replaced on a nonresidential site for a minimum period of six months following removal.

(b) A storage container placed on a construction site shall be removed upon expiration of the building permit.

(c) Each container shall bear a copy of the temporary use permit issued for its placement in a prominent visible location on the outside of the container, and the county shall maintain the right to inspect the permit during regular business hours for the purposes of determining compliance with these standards.

H. Temporary Tents

Temporary tents shall comply with the following standards.

(1) Applicability

Except for the tents listed in 4.4.6.H.2, Exemptions, the standards in this section shall apply to all tents.

(2) Exemptions

The following temporary tents shall be exempt from the provisions of this subsection:

(a) Temporary funeral tents at grave sites;

(b) Temporary private event tents as an accessory activity to a residential dwelling;

(c) Temporary recreational camp tents as an accessory activity to a residential dwelling or within an approved campground;

(d) Temporary tents for religious institution/non-profit related functions; and

(e) Tents erected in conjunction with a special event approved by the Board of Commissioners.

(3) Standards

(a) Temporary tents shall only be utilized for temporary purposes and shall not be used as a permanent principal structure or permanent accessory structure.

(b) Temporary tents shall be constructed of fire retardant materials. All tents shall display a fire retardant certificate and be inspected by the fire marshal, building inspector, or a designee, prior to occupancy.

(c) Temporary tents may only be placed on lot that contains a permanent principle structure and a minimum lot area of at least 10,000 square feet.

(d) The tent shall not exceed the total square footage of the existing principle structure.

(e) The maximum building coverage, including principle structures, accessory structures, and the temporary tent shall not exceed the maximum lot coverage allowed in the zoning district by more than 10 percent.

(f) Temporary tents shall be setback not less than ten feet from any lot line and 20 feet from any adjacent street right-of-way.

(g) Tents shall not be located in any easement, existing or future right-of-way, vehicular access area, required vehicular parking space, required landscaping area, sight triangle, septic area, or other similar area.

(h) Temporary tents shall be maintained in good condition, and adequately braced and anchored to prevent weather related collapse.

I. Special Events

(1) Applicability

(a) General

The procedures and standards of this subsection shall apply to all special events (including but not limited to sporting events, cultural events, musical events, charitable events, celebrations, festivals, fairs, carnivals, circuses, and communal camping) held on private property within the county, unless exempted in accordance with Section 4.4.6.I.1.C, Exemptions.

(b) Temporary Use Permit for Special Event Required

(i) All special events subject to this subsection shall have a temporary use permit for a special event reviewed and approved or approved with conditions by the Planning Director in accordance with Section 2.4.11, Temporary Use Permit, before conducting the special event.

(ii) The Planning Director may require review and approval from other county officials, such as the sheriff or fire marshal, as appropriate.

(c) Exemptions

The following events or activities are exempt from the standards of this subsection (i.e., may occur without a temporary use permit for a special event). Such activities are subject to all other applicable procedures and standards of this Ordinance.

(i) **On Grounds of Private Residence**

Special events or activities occurring within, or on the grounds of, a private residence or on the common areas of a townhouse or multi-family residential development.

(ii) Event Sponsored by County or State

Any event sponsored in whole or in part by the county or State.

(iii) Event or Activity at Site Intended for Such Event or Activity

Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; wedding services conducted at reception halls, or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services, and funeral services conducted at religious institutions.

(2) Standards

In addition to the standards in Section 4.4.6, General Standards for Temporary Uses and Structures, an application for a temporary use permit for a special event shall comply with the following standards:

(a) False or Material Misleading Information

The application shall not contain intentionally false or materially misleading information.

(b) Unreasonable Risk

There is a finding that the special event would not create an unreasonable risk of significant:

(i) Damage to public or private property, beyond normal wear and tear;

(ii) Injury to persons;

(iii) Public or private disturbances or nuisances;

(iv) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;

(v) Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; and

(vi) Other adverse effects upon the public health, safety, or welfare.

(c) Location Cannot be Accommodated

The special event shall not be of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.

(d) Time Permitted or Reserved for Other Activities

The special event shall not be at a time and location that has already been permitted or reserved for other activities.

(e) No Permanent Structures

The special event shall not include the construction of any permanent structures.

(3) Conditions

In approving the temporary use permit for the special event, the Planning Director is authorized to impose such conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other land in the area, as long as the condition relates to a situation created or aggravated by the proposed special event. The Planning Director is authorized, where appropriate, to require:

(a) Provision of temporary parking facilities, including vehicular access and egress.

(b) Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.

(c) Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.

(d) Provision of sanitary and medical facilities.

(e) Provision of solid waste collection and disposal.

(f) Provision of security and safety measures.

(g) Use of an alternative location or date for the proposed special event.

(h) Modification or elimination of certain proposed activities.

(i) Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this subsection.

(j) Submission of a performance guarantee to ensure that any temporary facilities or structures used for such proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

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CHAPTER 5. DEVELOPMENT STANDARDS

5.1. OFF-STREET PARKING AND LOADING

5.1.1. Purpose and Intent

The purpose of this section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demand of the different uses allowed by this Ordinance. The standards in this section are intended to provide for adequate off-street parking while allowing the flexibility needed to accommodate alternative solutions. The standards encourage pedestrian-oriented development in village and community centers, while avoiding excessive paved surface areas, promoting low impact development, where appropriate, and safeguarding historic resources.

5.1.2. Applicability

A. General

These off-street parking and loading standards shall apply to all development in the county.

B. Time of Review

Review of proposed development to ensure compliance with the standards of this section shall occur at time of site plan (Section 2.4.7), planned development master plan (Section 2.4.5) zoning compliance permit (Section 2.4.9), or temporary use permit (see Section 2.4.11), whichever occurs first.

C. Existing Development

(1) Change in Use

Any change in use of an existing development shall provide the additional off-street parking and loading facilities required to comply with this section.

(2) Expansion and Enlargement

Any expansion or enlargement of an existing structure that will increase the number of units upon which the applicable parking standard is based (e.g., square feet, employees, dwelling units, seats) shall provide additional off-street parking, loading, and circulation facilities as required by application of these minimum off-street parking, loading, and circulation standards, unless exempted.

(3) Nonconforming Parking or Loading Facilities

Expansion or enlargement of an existing development on a site that does not comply with the standards of this section shall comply with the standards of Section 8.6, Nonconforming Sites.

D. Exemptions

The following activities are exempt from the requirements of this section:

(1) Re-striping an existing parking lot which does not create a deficient number of parking spaces or nonconforming situation;

(2) Expansion of a single-family or duplex dwelling that does not increase the number of bedrooms; and

(3) Rehabilitation or re-use of an historic structure.

5.1.3. Off-Street Parking Standards

A. Parking Plan Required

The parking plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the development the facilities are designed to serve.

B. Minimum Number of Spaces Required

Unless otherwise expressly stated in this section or approved through an alternative parking plan, the minimum number of off-street parking spaces shall be provided in accordance with Table 5.1.3.C, Minimum Off-Street Parking Standards.

C. Maximum Number of Spaces Permitted

(1) Provision up to 175 Percent of Minimum

(a) Commercial and Industrial uses of 5,000 square feet in area or larger listed in Table 5.1.3.C, Minimum Off-Street Parking Standards, shall not exceed 125 percent of the minimum number of parking spaces required in the table.

(b) Through approval of an alternative parking plan in accordance with Section 5.1.6.A, Provision Over the Maximum Allowed, commercial and industrial uses may provide up to a maximum of 175 percent of the minimum number of parking spaces required in the table.

(c) Provision of more than 175 percent of the minimum number of parking spaces for uses subject to the standards of this section shall require approval of a use permit in accordance with Section 2.4.6, Use Permit.

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS

Use Category	Use Type	Minimum Number of Parking Spaces
Agricultural Use Classification		
Agriculture / Horticulture	All	1 per every 1,500 sf
Animal Husbandry	All	
Agriculture Support and Services (Directly Related)	Agri-education	1 per every 1,000 sf
	Agri-entertainment	
	Agricultural processing	1 per every 1,500 sf
	Agribusiness	3
	Equestrian facility	1 per stall + 2
	Farmers market	1 per every 300 sf

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS

Use Category	Use Type	Minimum Number of Parking Spaces
	Nursery, production	1 per every 300 sf (excluding greenhouses)
	Roadside market	1 per every 300 sf
Agriculture Support and Services (Not Directly Related)	Agricultural research facility	1 per every 800 sf
	Distribution hub for agricultural products	1 per every 6,000 sf
	Farm machinery sales, rental, and service	1 per every 300 sf
	Stockyard / Slaughterhouse	1 per every 200 sf
Silviculture	All	None
Residential Use Classification		
Household Living	Dwelling, duplex	1.5 per DU
	Dwelling, live/work	1 per DU
	Dwelling, mansion apartment	1 per DU
	Dwelling, manufactured home (class A)	2 per DU
	Dwelling, manufactured home (class B)	2 per DU
	Dwelling, multi-family	1.8 per DU
	Dwelling, single-family detached	0.5 per bedroom for 1-4 bedrooms
		1.0 per bedroom for 5-10 bedrooms
		0.5 per bedroom for 11+ bedrooms
	Example: an 8 bedroom single family detached dwelling requires 6 parking spaces (2 for the first 4 bedrooms; 4 for bedrooms 5-8). A 15 bedroom single family detached dwelling requires 10 parking spaces (2 for the first 4 bedrooms; 6 for bedrooms 5-10; and 2 for bedrooms 11-15).	
	Dwelling, townhouse	1.8 per DU
	Dwelling, upper story	0.5 per DU
Group Living	Dormitory	1 per every 2 resident beds
	Family care home	1 per every 3 resident beds
	Rooming or boarding house	1 + 1 per guest bedroom
Institutional Use Classification		
Community Services	Community center	1 per every 300 sf
	Cultural facility	1 per every 300 sf
	Library	1 per every 300 sf
	Museum	1 per every 500 sf
	Senior center	1 per every 300 sf
	Youth club facility	1 per every 300 sf
Day Care	Adult day care center	1 per every300 sf
	Child care center	1 per every 325 sf
Educational Facilities	College or university	1 per every 900 sf
	School, elementary	1 per classroom + 10
	School, middle	1 per classroom + 10
	School, high	1 per every 300 sf
	Vocational or trade school	1 per every 300 sf
Government Facilities	Government maintenance, storage, or distribution facility	1 per every 600 sf
	Government office	1 per every 300 sf
Health Care Facilities	Blood/tissue collection facility	1 per every 300 sf
	Drug or alcohol treatment facility	1 per every 300 sf
	Hospital	1 per every 3 inpatient beds
	Medical treatment facility	1 per every 300 sf

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS

Use Category	Use Type	Minimum Number of Parking Spaces
Institutions	Assisted living facility	1 per every 3 patient beds
	Auditorium, conference, and convention center	1 per every 400 sf
	Club or lodge	1 per every 300 sf
	Halfway house	1 per bedroom + 2
	Nursing home	1 per every 3 patient beds
	Psychiatric treatment facility	1 per every 3 beds
	Religious institution	1 per every 6 seats in worship area
Parks and Open Areas	Arboretum or botanical garden	See Section 5.1.3.E
	Cemetery, columbaria, mausoleum	See Section 5.1.3.E
	Community garden	See Section 5.1.3.E
	Park, public or private	See Section 5.1.3.E
Public Safety	Correctional facility	See Section 5.1.3.E
	Police, fire or EMS facility	See Section 5.1.3.E
	Security training facility	See Section 5.1.3.E
Transportation	Airport	See Section 5.1.3.E
	Helicopter landing facility	See Section 5.1.3.E
	Passenger terminal, surface transportation	See Section 5.1.3.E
Utilities	Solar array	None
	Telecommunications antenna collocation on tower or building	None
	Telecommunications tower, freestanding	None
	Utility, major	1 per every 1,500 sf
	Utility, minor	None
	Wind energy facility, large	1 per every 1,500 sf
Commercial Use Classification		
Adult Entertainment	All	1 per every 200 sf
Animal Care	Animal grooming	1 per every 300 sf
	Animal shelter	1 per every 300 sf
	Kennel	1 per every 400 sf
	Veterinary clinic	1 per every 300 sf
Eating Establishments	Dinner theater	1 per every 4 seats
	Restaurant, with indoor or outdoor seating	1 per every 150 sf (including outdoor waiting/ seating/ dining areas)
	Specialty eating establishment	1 per every 200 sf
Offices	Business and sales	1 per every 300 sf
	Professional services	1 per every 300 sf
Parking, Commercial	Parking lot	None
	Parking structure	None
Recreation / Entertainment, Indoor	Fitness center	1 per every 300 sf
	Recreation, indoor	1 per every 300 sf
	Theater	1 per every 4 seats
Recreation / Entertainment, Outdoor	Arena, amphitheater, or stadium	1 per every 4 seats
	Athletic facility	See Section 5.1.3.E
	Automotive racing	1 per every 3 seats
	Golf course	4 per hole
	Golf driving range	1 per tee + 1 per every 15 sf of hitting area
	Marinas	1 per slip or mooring
	Outdoor shooting range	1.5 per firing station

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS

Use Category	Use Type	Minimum Number of Parking Spaces
	Outdoor tour operator	1 per every 2 employees + 1 per every 5 persons of total tour vehicle capacity
	Recreation, outdoor	See Section 5.1.3.E
Retail Sales & Services	Auction House	1 per every 300 sf
	Bar, nightclub, or cocktail lounge	1 per every 100 sf
	Convenience store	1 per every 250 sf
	Crematory	1 per 4 seats in main assembly room
	Drug store or pharmacy	1 per every 300 sf
	Entertainment establishment	1 per every 250 sf
	Financial institution	1 per every 300 sf
	Flea market	1 per every 200 sf of building area + 3 peroutdoor stand or rented space
	Funeral home	1 per 4 seats in main assembly room
	Grocery store	1 per every 300 sf
	Laundromat	1 per every 300 sf
	Retail sales establishments	1 per every 300 sf
	Pawn shop	1 per every 200 sf
	Personal services establishment	1 per every 300 sf
	Repair establishment	1 per every 300 sf
	Shopping center	1 per 200 for first 30,000sf
		1 per 300 sf for next 30,000 sf (30,001-60,000)
		1per 400 sf for next 40,000 sf (60,001-100,000)
		1 per 450 sf for >100,000 sf
	Example: a 70,000 sf shopping center requires 275 parking spaces (150 for the first 30,000 sf; 100 for the next 30,000 sf; and 25 for final 10,000 sf).	
	Tattoo parlor/body piercing establishment	1 per every 300 sf
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance	1 per every 300 sf
	Automotive painting/body shop	1 per every 300 sf
	Automotive wrecker service	1 per every 500 sf
	Boat and marine rental, sales, and service	1 per every 400 sf of building area + 1 per every 5,000 sf of outdoor display area
Vehicle Sales and Services, Light	Automotive parts and installation	1 per every 300 sf
	Automobile repair and servicing (without painting/bodywork)	1 per every 300 sf
	Automobile sales or rentals	1 per every 300 sf of building area + 1 per every 5,000 sf of outdoor display area
	Car wash or auto detailing	1 per every 500 sf
	Taxicab service	1 per every 400 sf
Visitor Accommodations	Bed and breakfast inn	2 spaces + 1 per guest bedroom
	Hotel or motel	1 per every guest room + 75% of spaces required for on-site accessory uses

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS

Use Category	Use Type	Minimum Number of Parking Spaces
	Hunting Lodge	1 per bedroom + 2
Industrial Use Classification		
Extractive Industry	All uses	1 per every 1,000 sf of building area
Industrial Services	Contractor service	See Section 5.1.3.E
	Crabshedding	1 per every 500 sf
	Fuel oil/bottled gas distributor	1 per every 400 sf
	General industrial service and repair	1 per 1,500 sf
	Heavy equipment sales, rental, and service	1 per 400 sf
	Laundry, dry cleaning, and carpet cleaning plants	1 per every 500 sf
	Manufactured home and prefabricated building sales	1 per 400 sf
	Research and development	1 per every 800 sf
Manufacturing and Production	Manufacturing, heavy	1 per every 1,000 sf
	Manufacturing, light	1 per every 1,000 sf
Warehouse and Freight Movement	Cold storage plant	1 per every 2,000 sf
	Outdoor storage (as a principal use)	See Section 5.1.3.E
	Self-service storage	1 per every 100 units
	Truck or freight terminal	1 per every 2,000 sf
	Warehouse (distribution)	1 per every 2,500 sf
	Warehouse (storage)	1 per every 2,500 sf
Waste-Related Services	Incinerator	See Section 5.1.3.E
	Landfill, land clearing and inert debris or construction debris	See Section 5.1.3.E
	Public convenience center/transfer station	See Section 5.1.3.E
	Recycling center, processing	1 per every 2,500 sf
	Recycling center, transfer	1 per every 2,500 sf
	Salvage and junkyard	1 per every 10,000 sf of outdoor area
	Waste composting	See Section 5.1.3.E
Wholesale Sales	All uses	1 per every 1,000 sf

D. Stacking Spaces

In addition to meeting the off-street parking standards in Table 5.1.3.C, Minimum Off-Street Parking Standards, uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service shall provide the minimum number of stacking/standing spaces established in Table 5.1.3.D, Required Stacking Spaces, and Figure 5.1.3.D, Stacking Spaces.

Figure 5.1.3.D, Stacking Spaces

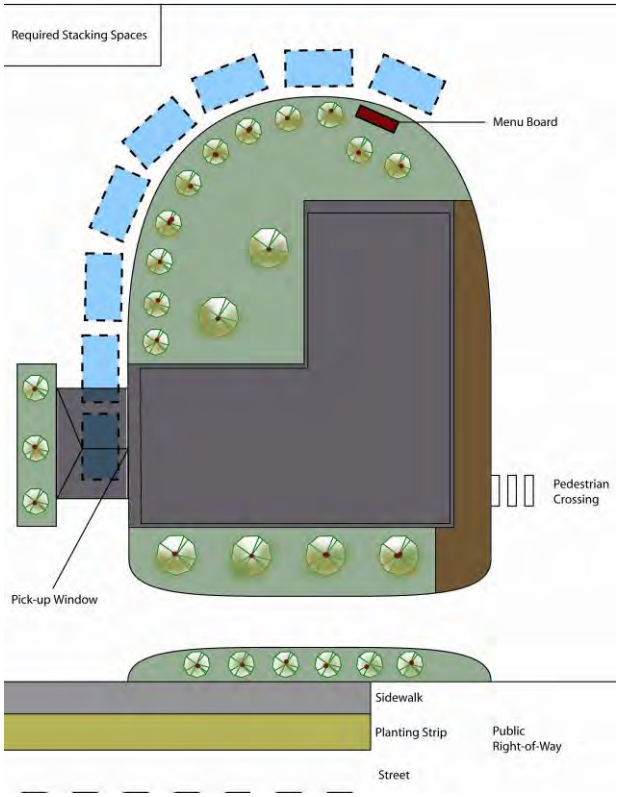


TABLE 5.1.3.D: REQUIRED STACKING SPACES

Use or Activity	Minimum Number of Stacking Spaces	Measured From
Automated teller machine (drive-up)	2	Teller window
Automobile repair and service	2 per bay	Bay entrance
Car wash	1 per bay	Bay entrance
Day care center, elementary, and middle school	2	Main building entrance
Financial institution or drug store with drive-through service	3 per lane	Agent window
Gasoline sales	1	Each end of the outermost gas pump island
Nursing home or assisted living facility	3	Building entrance
Personal services with drive-through (e.g., laundry/dry-cleaning establishment)	3 per lane	Agent window
Restaurant, with drive-through service	3 per window + 3 per order board	

E. Uses with Variable Parking Demand Characteristics

Uses that reference this subsection in Table 5.1.3.C, Minimum Off-Street Parking Standards, have widely varying parking and loading demand characteristics, making it difficult to establish a single off-street parking or loading standard. Upon receiving a development application for a use subject to this subsection, the Planning Director is authorized to apply the off-street parking standard in the table that is deemed most similar to the use, or establish the off-street parking requirements by reference to standard parking resources published by the National Parking Association or the American Planning Association. Alternatively, the Planning Director may require the applicant to submit a parking demand study that justifies estimates of parking demand based on the recommendations of the Institute of Traffic Engineers (ITE), and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

5.1.4. Configuration of Vehicular Use Areas

A. General Standards for Off-Street Parking, Stacking, and Loading Areas

(1) Use of Parking Area, Stacking Area, or Loading Space

All vehicular parking areas, stacking areas, internal aisles, and loading spaces required by this section may be referred to as "vehicular use area" and shall be used only for their intended purposes. Any other use, including, but not limited to, vehicular storage, vehicle sales, vehicular repair work, vehicle service, or display of any kind, shall constitute a separate business use of the space.

(2) Identified as to Purpose and Location

Except for single-family detached and two-to-four family dwellings, off-street parking areas of three or more spaces and off-street loading spaces shall include painted lines, wheel stops, or other methods of identifying individual parking and loading spaces and loading areas and distinguishing such spaces from aisles or other vehicular use areas.

(3) Location

Off-street surface parking shall be located in accordance with any applicable design standards in Section 5.7, Multi-Family Design Standards, Section 5.8, Nonresidential Design Standards, Section 5.9, Shopping Center Design Standards, or Section 5.10, Community Compatibility Standards, as appropriate.

(4) Surfacing

(a) Except for development within the SFR district, single-family dwellings on lots of three acres in area or larger, and as provided for in Section 5.1.6.F, Alternative Materials, all off-street parking, loading, and circulation areas shall be surfaced with asphalt, concrete, brick, crushed stone, pavers, aligned concrete strips, or an equivalent material. These materials shall be maintained in a smooth, well-graded condition.

(b) Religious institutions, overflow parking, and parking for special events may take place on grass surfaces.

(5) Arrangement

(a) **Convenient Access**

(i) All off-street parking, loading, and circulation areas shall be arranged for the access and safety of pedestrians and vehicles.

(ii) Except for single-family detached and two-to-four family dwellings, off-street parking areas with three or more spaces shall be arranged so that no parking or maneuvering incidental to parking shall occur on a public street or sidewalk, and so that an automobile may be parked and un-parked without moving another automobile (except as provided in Section 5.1.6.E, Valet and Tandem Parking).

(b) Backing onto Streets Prohibited

Except for parking areas serving single-family detached dwellings, all off-street parking, loading, and circulation areas shall be arranged so that no vehicle is required to back from such areas directly onto a public street. Vehicular access ways and vehicular use areas on private lands are not considered public streets.

(c) Easements

No off-street parking, loading, or circulation area shall be located within an easement without the written consent of the person or agency that holds the easement, unless already provided for by an existing easement agreement.

(6) Access and Curb Cuts

Any construction of or modification to an access drive or curb cut shall require prior approval of the Planning Director. This provision shall not apply to private access streets that are consistent with Section 6.2.1.l, which requires that private streets be built to the same standard as public streets.

(7) Parking Lot Cross-Access

(a) General

All development, except townhouse, single-family detached, and two- to four-family dwellings shall be designed to allow for parking lot cross-access to adjacent compatible development in accordance with the following standards:

(i) Limited to Two Parcels

Cross-access ways shall be designed and located based on the standards of this section, but in no case shall a development be required to provide cross-access to more than two adjacent parcels.

(ii) Future Stubs Required

A connection for future parking lot cross-access shall be provided to all adjoining undeveloped or partially undeveloped lands deemed appropriate for future development in the Land Use Plan or adjoining lands that are developed and include opportunities for such connection. The adjoining lands shall:

(A) Be zoned MXR, GB, LB, CC, VC, or located within a Planned Development zoning district; or be zoned LI or HI and have frontage on a major arterial street; and

(B) Consist of an adequate amount of undeveloped area to support new development.

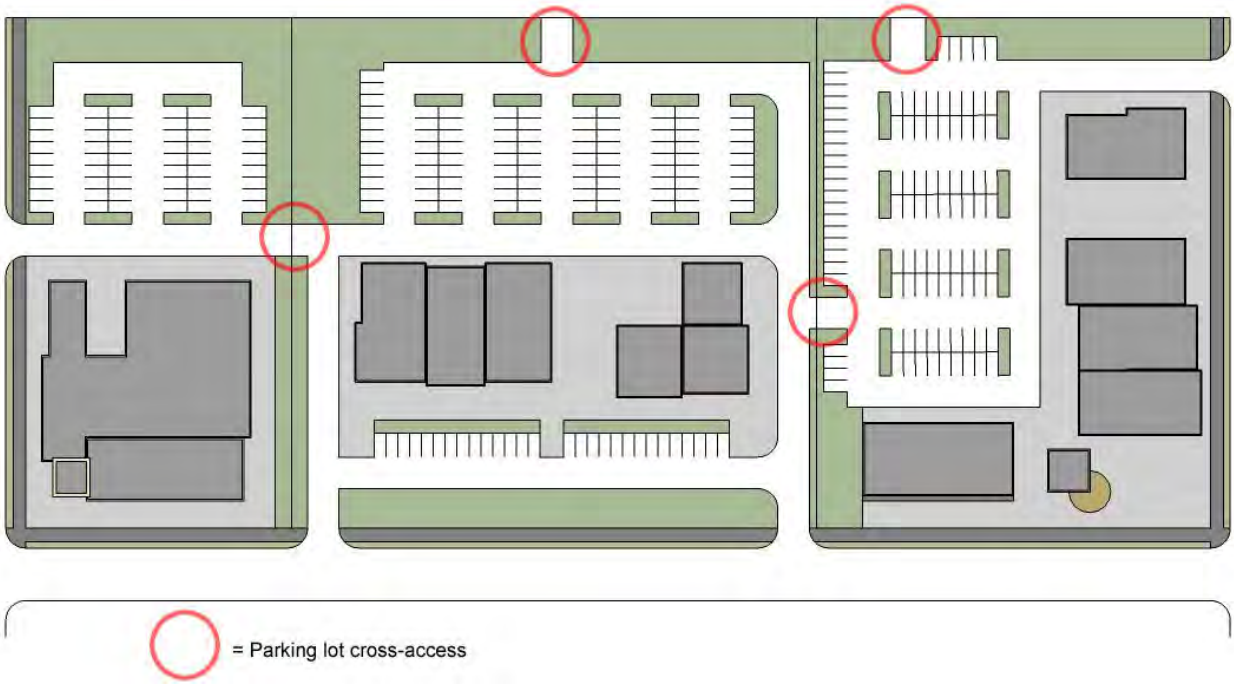
Development subject to these standards shall be designed to provide future cross-access in at least one location while remaining in compliance with all landscaping and stormwater standards.

(iii) Minimum Width

Cross-access ways shall allow for two-way traffic between parcels through the use of a single drive aisle with a minimum

width of 20 feet, or through two one-way aisles, each with a minimum width of 10 feet.

Figure 5.1.4.7, Parking Lot Cross Access



(b) Waiver

(i) The cross-access standard may be waived by the Planning Director if the applicant demonstrates it is impractical to provide cross-access due to:

(A) Topography or natural features; or
(B) Vehicular safety factors.

(ii) When cross-access is waived in accordance with this section, bicycle and pedestrian connections shall be provided between adjacent developments or uses, unless the provision is deemed unreasonable or impracticable.

(c) Recording Required

Where provided, a cross-access easement shall be recorded in the Currituck County Register of deeds by the owner/developer.

(8) Drainage

All off-street parking, loading, and circulation areas shall be properly drained in accordance with the stormwater management standards in this Ordinance, so as not to cause any nuisance on adjacent land.

(9) Exterior Lighting

When lighted, off-street parking, loading, and circulation areas shall be lighted so as to prevent glare or illumination exceeding maximum allowable levels on

adjacent land (see Table 5.4.6, Maximum Illumination Levels), and unless exempted, shall comply with the standards of Section 5.4, Exterior Lighting.

(10) Landscaping

Except for parking areas serving single-family detached and two-to-four family dwellings, or other exempted uses, all off-street parking, loading, and circulation areas shall be landscaped to soften their visual impact on adjacent areas in accordance with Section 5.2.5, Vehicular Use Area Landscaping.

(11) Curbs and Motor Vehicle Stops

All off-street parking, loading, and circulation areas shall be designed to prevent vehicles from overhanging a sidewalk or walkway less than six feet wide, or adjacent property. Nothing shall prevent planting islands from serving as stormwater management devices (see Figure 5.1.4.11, Parking Lot Stormwater Devices).

Figure 5.1.4.11, Parking Lot Stormwater Devices

(12) Maintained in Good Repair

(a) Maintained at All Times

All off-street parking, loading, and circulation areas shall be maintained in good repair and in safe condition at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land.

(b) Periodically Restored

All off-street parking, loading, and circulation areas shall be periodically painted or otherwise restored to maintain a clear identification of separate parking stalls or loading spaces.

(13) Construction of Off-street Parking and Loading Areas

All off-street parking and loading areas shall be completed prior to occupancy of the use or uses they serve. In the case of phased development, surface off-

street parking, loading, and circulation areas should only be provided for the portions of the development for which a site plan has been approved.

B. Accessible Parking Spaces for Physically Disabled Persons

Development required to provide off-street parking spaces shall ensure that a portion of the total number of required off-street parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the Federal American with Disabilities Act.

5.1.5. Dimensional Requirements

A. General

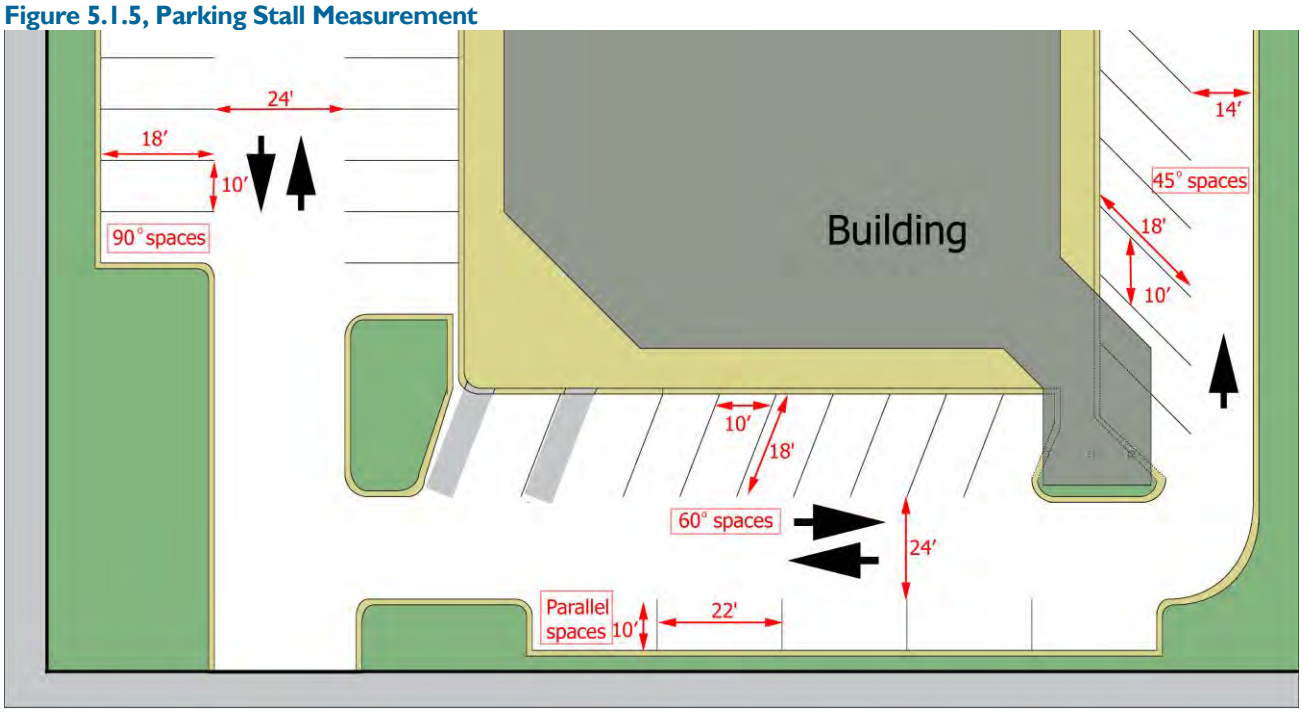
Standard car parking spaces and parking lot aisles shall comply with the minimum dimensional standards established in Table 5.1.5, Dimensional Standards for Parking Spaces and Aisles, and Figure 5.1.5, Parking Stall Measurement.

TABLE 5.1.5: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

Parking Space Type	Minimum Width (feet)	Minimum Depth (feet)	Minimum Aisle Width (feet) [1]	
			One-Way	Two-Way
Parallel (0°)	10	22	12	20
Angled (45°)		18	14	20
Angled (60°)			16	24
Perpendicular (90°)			24	24

[1] Parking lot aisles not adjoining parking spaces shall have a minimum width of 10 feet for one-way traffic and 20 feet for two-way traffic

Figure 5.1.5, Parking Stall Measurement



5.1.6. Alternative Parking Plans

The Planning Director is authorized to approve an alternative parking plan for development that proposes alternatives to providing the number of off-street parking spaces required by Table 5.1.3.C, Minimum Off-Street Parking Standards, in accordance with the standards of this subsection. Nothing in this subsection shall limit the utilization of one or more of the following off-street parking alternatives by a single use. When required, a parking demand study shall be performed by a registered engineer.

A. Provision over the Maximum Allowed

Requests to exceed more than the maximum number of off-street parking spaces required by Section 5.1.3.C, Maximum Number of Spaces Permitted, shall comply with the following:

(1) Parking Demand Study

Requests to exceed the maximum number of required off-street parking spaces shall be accompanied by a parking demand study demonstrating how the maximum number of parking spaces established in Section 5.1.3.C, Maximum Number of Spaces Permitted, is insufficient for the proposed development.

(2) Minimum Amount Required

The maximum number of off-street spaces allowed shall be limited to the minimum number of additional spaces demonstrated as needed by the required parking demand study, or other relevant and appropriate data.

B. Shared Parking

Requests for shared parking shall comply with the following standards:

(1) Location

(a) Except for shared parking located within a parking structure or served by a parking shuttle, shared parking spaces shall be located within 1,000 feet of the primary entrance of all uses served.

(b) Shared parking located within a parking structure or served by a shuttle shall be located within 2,000 feet of the primary entrance of all uses served.

(c) Shared parking spaces shall not be separated from the use they serve by a major arterial or collector street, unless the shared parking area or parking structure is served by an improved pedestrian crossing.

(2) Pedestrian Access

Adequate and safe pedestrian access shall be provided from and to the shared parking areas.

(3) Timing

Two or more uses sharing parking spaces shall have staggered peak usage times.

(4) Maximum Shared Spaces

The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be 50 percent. The percentage may be increased

to 60 percent when the uses share parking spaces located within a parking structure.

(5) Directional Signage

When determined necessary by the Planning Director due to distance, indirect locations, or visual barriers, directional signage that complies with the standards of this Ordinance shall be provided to direct the public to the shared parking spaces.

(6) Shared Parking Plan

(a) Justification

Those requesting to use shared parking as a means of satisfying the off-street parking standards must submit a parking demand study as part of an Alternative Parking Plan that justifies the feasibility of shared parking. Justification shall include information on the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

(b) Recorded Agreement

The parking demand study portion of an Alternative Parking Plan shall be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be recorded with the Currituck County Register of Deeds. Recordation of the agreement shall take place prior to occupancy for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces is provided in accordance with the requirements of Table 5.1.3.C, Minimum Off-Street Parking Standards.

(c) Duration

A shared parking agreement shall remain in effect until one or more of the uses subject to the agreement changes.

C. Off-Site Parking for Nonresidential Uses

Generally, all off-street parking areas for any nonresidential use shall be provided on the same parcel of land as the use it serves. Off-street parking for nonresidential uses may be located on another parcel of land, if there are practical difficulties in locating the parking area on-site or the public safety or public convenience is better served by off-site parking. Off-site parking for nonresidential uses shall comply with the following standards:

(1) Maximum Distance

Off-site parking shall be located no more than 2,000 feet from the use it is intended to serve.

(2) Pedestrian Way Required

A pedestrian way that complies with all applicable ADA requirements, and is not more than 2,000 feet in length, shall be provided from the off-site parking area to the use it serves.

(3) No Undue Hazard

The off-site parking area shall be convenient to the use it serves without causing unreasonable:

(a) Hazard to pedestrians;

(b) Hazard to vehicular traffic;

(c) Traffic congestion;

(d) Interference with commercial activity or convenient access to other parking areas in the vicinity;

(e) Detriment to the appropriate use of business lands in the vicinity; or

(f) Detriment to any abutting residential neighborhood.

(4) Recorded Agreement

An off-site parking portion of an Alternative Parking Plan shall be enforced through written agreement among the owner of land where parking is located and the applicant seeking off-site parking. An attested copy of the agreement must be recorded with the Currituck County Register of Deeds. Recordation of the agreement shall take place prior to occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces is provided in accordance with the requirements of Table 5.1.3.C, Minimum Off-Street Parking Standards.

D. Deferred Parking

An applicant may submit a request to defer the construction of up to 30 percent of the number of parking spaces required in Table 5.1.3.C, Minimum Off-Street Parking Standards, if the request complies with the following standards:

(1) Fewer Spaces Needed

The applicant shall demonstrate that because of the location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required by Table 5.1.3.C, Minimum Off-Street Parking Standards.

(2) Reserve Parking Plan

The request shall be accompanied by a Reserve Parking Plan identifying: (a) the amount of off-street parking being deferred, and (b) the location of the area to be reserved for future parking, if future parking is needed.

(3) Parking Demand Study

The applicant shall provide assurance that a parking demand study, prepared by a registered engineer, evaluating the adequacy of the existing parking spaces in meeting the parking demand generated by the development will be submitted to the Planning Director within 24 months after occupancy of the development. If the study indicates that the existing parking is adequate, then construction of the remaining number of parking spaces shall not be required. If the study indicates a need for additional parking, it shall be provided consistent with the Reserve Parking Plan and the standards of this section.

(4) Limitations on Reserve Areas

Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes requiring buildings or permanent structures.

(5) Landscaping Required

Areas reserved for future parking shall be landscaped with an appropriate ground cover, and shall comply with all relevant landscaping standards of this Ordinance.

E. Valet and Tandem Parking

An off-street parking program utilizing limited valet and tandem parking may be allowed for uses listed under the commercial use classification in Table 5.1.3.C, Minimum Off-Street Parking Standards, in accordance with the following standards:

(1) The development served shall provide 75 or more parking spaces;

(2) No more than 30 percent of the total number of spaces shall be designated as tandem; and

(3) A valet parking attendant must be on duty during hours of operation.

F. Alternative Materials

The use of pervious or semi-pervious parking area surfacing materials—including, but not limited to, "grass-crete," "turfstone," porous concrete, seashells, or recycled materials such as glass, rubber, used asphalt, brick, block, and concrete—may be approved by the County Engineer for the required vehicular surface area on a site, provided such areas are properly maintained. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices or tree protection measures (see Figure 5.1.6, Alternative Materials).

Figure 5.1.6, Alternative Materials

5.1.7. Bicycle Parking

Lots located within a Full Service area (as depicted in the Land Use Plan), used for residential development with 30 or more dwelling units and nonresidential development with 5,000 or more square feet of gross floor area shall provide individual or shared bicycle parking facilities in accordance with the following standards. Nonresidential uses of up to 30,000 square feet in size may share bicycle parking facilities in accordance with this section.

A. General Standards

(1) Bicycle parking facilities shall be conveniently located, but in no case shall such facilities be located more than 150 feet from the primary building entrance.

(2) Bicycle parking spaces shall be provided at the rate of one bicycle parking space for every 30 residential dwelling units and/or every 5,000 square feet of nonresidential floor area.

(3) Bicycle facilities shall include a rack or other device to enable bicycles to be secured.

B. Shared Bicycle Parking

Nonresidential uses of 30,000 square feet in size or less may share bicycle parking spaces provided:

(1) Each use provides or is served by improved pedestrian access from the bicycle parking facility to the primary building entrance; and

(2) The shared bicycle parking facility and improved pedestrian access is depicted on a site plan (see Section 2.4.7).

5.1.8. Loading Spaces

A. Number of Required Off-street Loading Berths

The following uses shall provide on-site loading areas or berths in accordance with the standards in Table 5.1.8, Required Off-Street Loading Berths.

TABLE 5.1.8: REQUIRED OFF-STREET LOADING BERTHS [1]

Use Or Activity	Gross Floor Area (GFA)	Minimum Number of Loading Berths
Offices and personal service establishments in multi-story buildings [2]	7,500 sf or more	1
All other commercial or industrial use types [1]	7,500 sf – 30,000 sf	1
	30,001 sf or more	2 + 1 per every additional 20,000 sf of GFA

NOTES:
[1] Residential floor area within a mixed–use development is not included within the GFA.
[2] Single-story buildings may utilize temporary loading spaces.

B. Standards

(1) Minimum Dimensions

Each loading space required by this subsection shall be at least 12 feet wide by 30 feet long (or deep), with at least 15 feet of overhead clearance. Each off-street loading space shall have adequate, unobstructed means for the ingress and egress of vehicles.

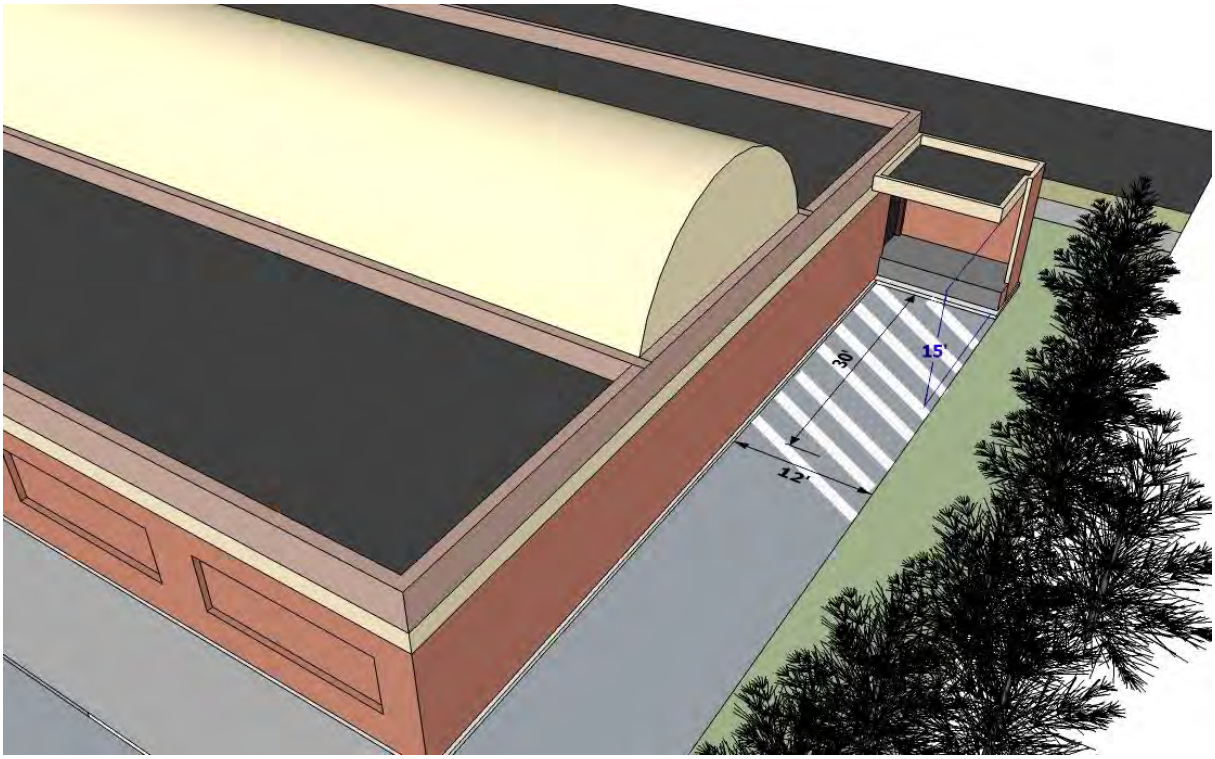
(2) Location

Where possible, loading areas shall be located to the rear of the use they serve. In addition, the loading area shall be located adjacent to the buildings loading doors, in an area that promotes their practical use.

(3) Delineation of Loading Spaces

All loading spaces shall be delineated by signage and striping and labeling of the pavement.

Figure 5.1.8, Loading Space Configuration



(4) Access to a Street

Every loading area shall be provided with safe and convenient access to a street, but in no case shall the loading space extend into the required aisle of the parking lot. Off-street loading spaces shall be configured to avoid the need for vehicles to back up within the street right-of-way, to the maximum extent practicable.

(5) Single-Story Buildings

Single-story office and personal services uses in buildings of 7,500 square feet or more are not required to provide dedicated loading zones, and may be served by temporary loading spaces.

(6) Paving

The ground surface of loading areas shall be paved with a durable, dust free, and hard material, such as surface and seal treatment, bituminous hot mix, Portland cement, concrete, or some comparable material. Such paving shall be maintained for safe and convenient use at all times.

(7) Landscaping

Loading areas shall be landscaped in accordance with Section5.2.5, Vehicular Use Area Landscaping.

(8) Exterior Lighting

Exterior lighting for loading areas shall comply with the standards in Section 5.4, Exterior Lighting.

5.2. LANDSCAPING STANDARDS

5.2.1. Purpose and Intent

The purpose of this section is to promote and protect the public health, safety, and general welfare by providing for the planting, maintenance, and preservation of trees, shrubs, and other plants within the county. The intent of this section is to promote this purpose by:

A. Ensuring and encouraging the planting, maintenance, restoration and survival of trees, shrubs, and other plants;

B. Contributing to the protection of community residents and visitors from personal injury and property damage, and the protection of the county from property damage, caused or threatened by the improper planting, maintenance or removal of trees, shrubs or other plants;

C. Mitigating against erosion and sedimentation;

D. Reducing stormwater runoff and the costs associated therewith;

E. Encouraging low impact development techniques like bio-retention and other best management practices for dealing with stormwater, in appropriate locations;

F. Preserving and protecting the water table and surface waters;

G. Restoring soils and land denuded as a result of construction and/or grading;

H. Increasing the tree canopy to provide shade and moderate the effect of urban heat islands;

I. Providing incentives for greater use of sustainable development practices like green roofs, use of native plant materials, and techniques to reduce the need for irrigation;

J. Protecting and enhancing property values and aesthetic qualities;

K. Providing additional improvements to air quality through the carbon dioxide uptake process provided by trees and landscaping; and

L. Providing visual screening, where appropriate.

5.2.2. Applicability

A. General

Except where expressly exempted, these standards shall apply to all development in the county.

B. Time of Review

Review for compliance with the standards of this section shall occur during review of an application for a site plan (Section 2.4.7), subdivision plan (Section 2.4.8), planned development master plan (Section 2.4.5), zoning compliance permit (Section 2.4.9), or temporary use permit (Section 2.4.11), as appropriate.

C. Existing Development

Changes in use or other minor alterations to existing development proposed after January 1, 2013 shall comply with the standards in Section 8.6, Nonconforming Sites.

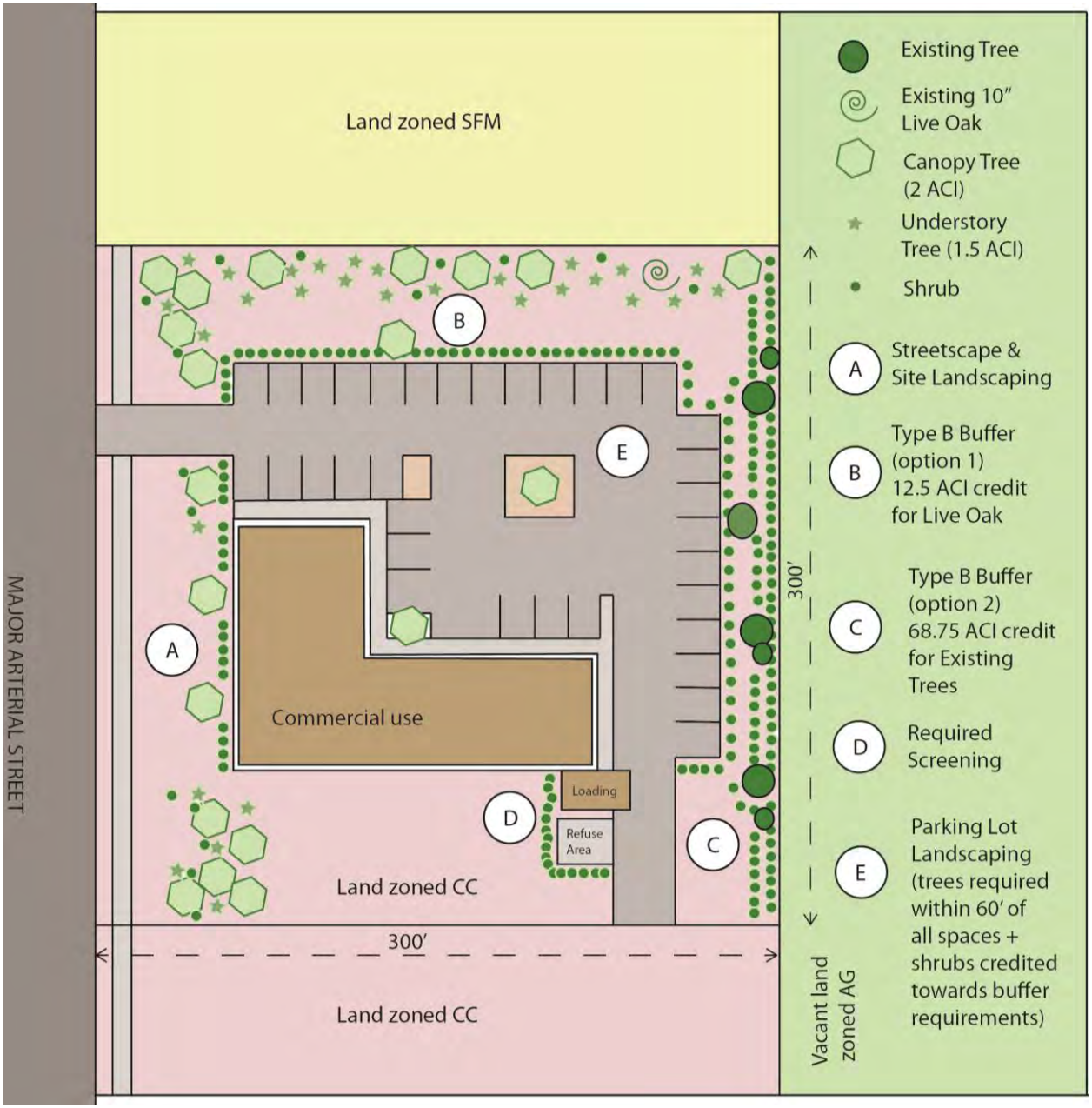
5.2.3. General Requirements

A. Landscape Plan

(1) To ensure compliance with the standards of this section, a landscape plan demonstrating how landscaping will be planted on a development site shall be included as a part of any application for site plan, subdivision plan, zoning compliance permit, or temporary use permit, as appropriate.

(2) In the event of phased development, a landscape plan shall be required for each distinct phase of the development, and shall depict landscaping associated with the particular phase of development.

Figure 5.2.3.A, Landscaping Requirements



B. Coordination with Stormwater Requirements

Stormwater management facilities required by this Ordinance may be incorporated into landscaping, resulting in credit towards landscaping or open space set-aside requirements.

C. Planting Standards

(1) Plantings shall comply with the planting standards in the Administrative Manual.

(2) Existing healthy vegetation meeting the minimum size criteria for new plantings that is retained during and after construction shall be credited towards these landscaping standards in accordance with Section 5.2.3.D, Credit for Existing Vegetation.

D. Credit for Existing Vegetation

(1) Existing healthy, well-formed canopy and understory trees as well as healthy upright shrubs shall be credited toward the minimum landscaping requirements in this section, provided:

(a) The vegetation to be credited shall meet the minimum size standards in the Administrative Manual;

(b) The vegetation to be credited conforms with all species requirements and does not include noxious weeds or other nuisance vegetation;

(c) The vegetation to be credited is protected before and during development by tree protection fencing or other methods approved by the Planning Director prior to the start of any land-disturbing activities; and

(d) The location of the existing vegetation contributes to the screening or buffering functions of the landscaping.

(2) As an incentive for retention of existing trees, existing trees meeting the standards in (1) above that are retained during and after development shall be credited towards the minimum landscaping requirements in this Ordinance at a rate of 1.25 times the tree's actual caliper or diameter at breast height.

E. Planting Islands in Vehicular Use Areas

(1) When provided, each planting island shall contain sufficient area to accommodate the root growth of the plant material used. The size of plant material at maturity and its placement shall allow for a two-and-one-half foot bumper overhang from the face of the curb.

(2) Planting islands shall have a minimum size of 180 square feet for single loaded parking bays, and a minimum size of 360 square feet for double loaded bays.

(3) Soil utilized in planting islands, driveway medians, and other areas internal to a vehicular use area shall be free of debris and appropriate for planting prior to deposition in planting areas.

(4) All plantings in a planting island shall be protected from vehicle damage by the installation of curbing, wheel stops, or other comparable methods. This standard shall not prohibit the use of planting areas as stormwater management devices.

F. Time for Installation of Required Landscaping

(1) Time Limit

All required landscaping (including mulching and seeding) shall be installed in accordance with the required planting standards set forth in this section prior to occupancy unless the Planning Director grants an extension to this time limit in accordance with Section 5.2.3.F.2, Extensions.

(2) Extensions

(a) The Planning Director may, for good cause shown, grant an extension of up to 120 days to install required landscaping. Circumstances that may warrant an extension include, but are not limited to, the following:

(i) Unusual environmental conditions, such as drought, ice, or over-saturated soil (deep mud);

(ii) It is not yet the appropriate planting season for the approved plant species;

(iii) Credible evidence that the approved plant species or required plant sizes are not commercially available and cannot be substituted within a reasonable time despite an applicant's diligent effort to secure the required materials; or

(iv) Completion of utility work occurring in a proposed landscaped area is incomplete or delayed.

(b) No extension shall be granted unless a performance guarantee in accordance with the requirements in Section 6.3, Performance Guarantees, is in place to ensure that all required landscaping installation will be completed at a predetermined later date.

(3) Multi-Phase Development

Multi-phase development shall only be required to provide the landscaping directly associated with development in the active phase(s).

5.2.4. Site Landscaping

A. General

Site landscaping, for the purpose of this section, is landscaping that is not:

(1) Required vehicular use area landscaping;

(2) Located within a required perimeter buffer; or

(3) Required screening.

B. Purpose and Intent

Site landscaping material is intended to soften the visual impact of the building base and provide for the even dispersal of trees and other plantings across a development site.

C. Site Landscaping Standards

Except for single-family detached dwellings, site landscaping shall be required for all development, and shall be supplied in the amounts identified in Table 5.2.4, Required Site Landscaping Plantings, and Figure 5.2.4, Site Landscaping Placement. Site

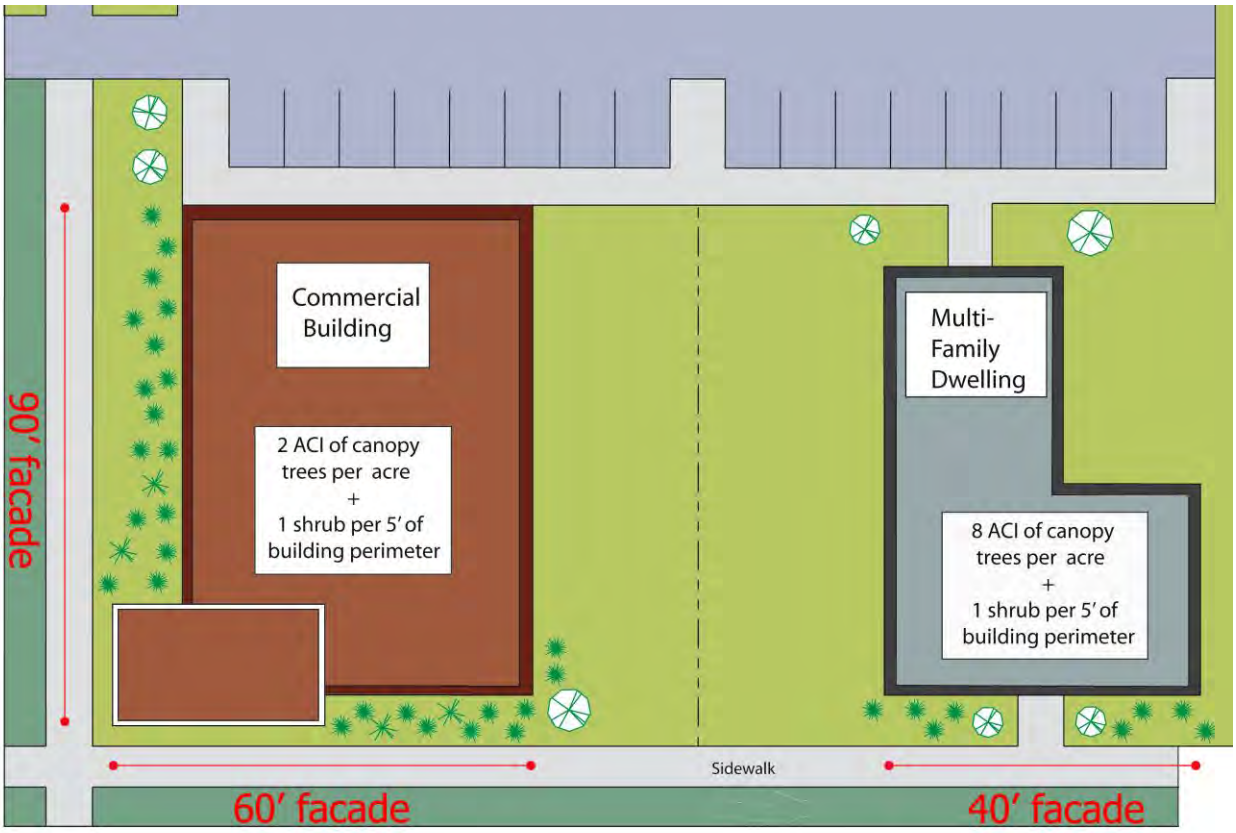
landscaping shall meet the minimum size standards for new planting specified in the Administrative Manual.

TABLE 5.2.4 REQUIRED SITE LANDSCAPING PLANTINGS

Type of Use	Required Plantings Per Site [1]
Multi-family and townhouse dwellings, nursing homes, and assisted living facilities	8 caliper inches of canopy trees per acre + at least 1 shrub per each 5 feet of building façade facing a street (excluding alleys)
Public and Institutional Uses	4 caliper inches of canopy trees per acre + at least 1 shrub per each 5 feet of building façade facing a street (excluding alleys)
Commercial and Industrial Uses	2 caliper inches of canopy trees per acre + at least 1 shrub per each 5 feet of building façade facing a street (excluding alleys)

NOTE:
[1] At least one-half of the required shrubs shall be evergreen.

Figure 5.2.4, Site Landscaping



D. Location

Required shrubs shall be planted along building facades facing streets. Required shrubs may be planted up to 15 feet from the building provided there is a sidewalk located between the planting area and the building wall.

5.2.5. Vehicular Use Area Landscaping

All vehicular use areas shall include landscaping, both within the interior of the vehicular use area and around its perimeter (see Figure 5.2.5, Vehicular Use Area Landscaping), as a means of mitigating the parking area's microclimate and visual impacts.

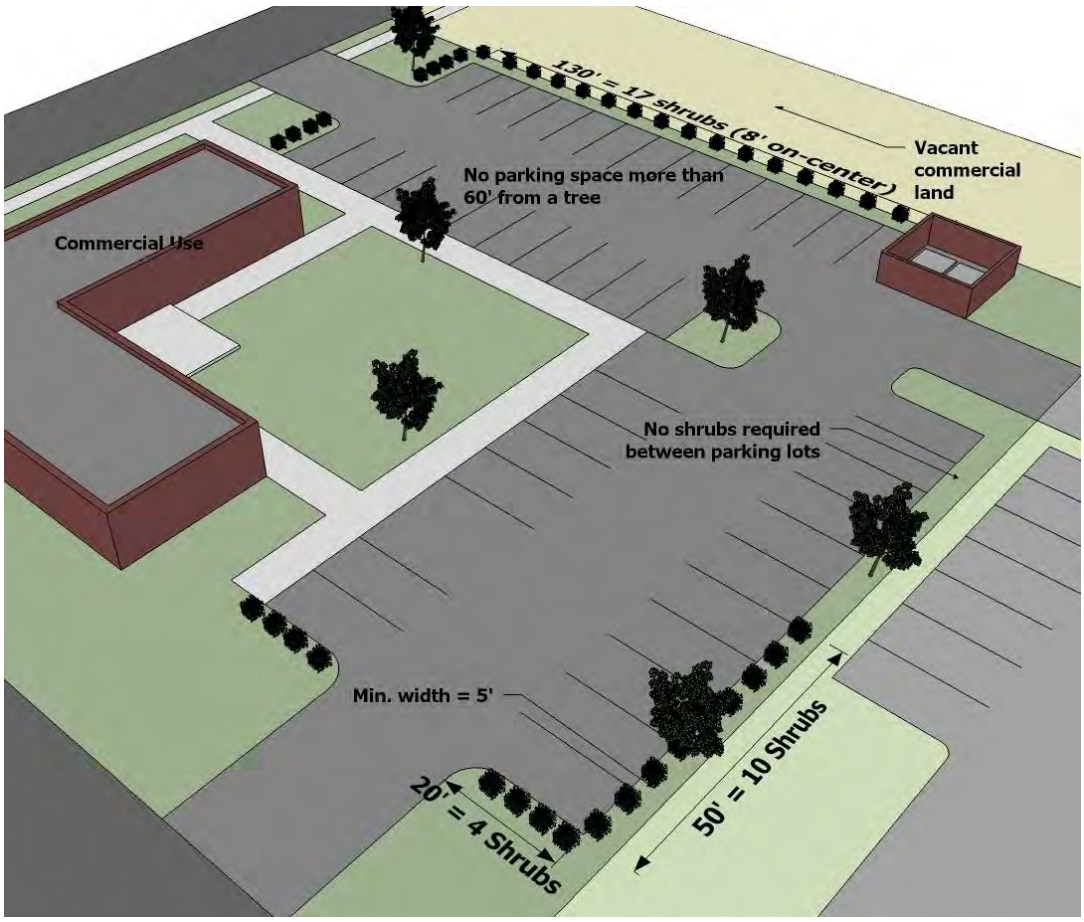
A. Purpose and Intent

The purpose for these standards is to screen vehicular use areas from view from streets and adjacent land.

B. Applicability

The vehicular use area landscaping standards in this section shall apply to all new development, except single-family detached and two-to-four family dwellings.

Figure 5.2.5, Vehicular Use Area Landscaping



C. Perimeter Landscaping Strips

Where a vehicular use area abuts a street right-of-way, vacant land, or any other development (except another parking lot), perimeter landscaping strips shall be provided and maintained between the vehicle use area and the abutting right-of-way or property line in accordance with the following standards.

(1) Visual Screen

Perimeter landscaping for vehicular use areas shall form a visual screen with a minimum height of 36 inches above grade (within three years of planting), excluding required sight clearances at driveways and near intersections.

(2) Protection of Landscaping Strip

The perimeter landscaping strip shall be protected from vehicular damage by the installation of curbing, wheel stops, extra width in the landscaping strip, or other method approved by the Planning Director. Nothing shall prohibit the use of a perimeter landscaping strip as a stormwater management device.

(3) Location

Perimeter landscaping strips shall be located on the property, and shall be placed to screen vehicular use areas from off-site views while assuring visibility and safety of pedestrians on the public street, as well as those within the vehicular use area.

(4) Minimum Width

The minimum width of a perimeter landscaping strip serving a vehicular use area shall be five feet.

(5) Required Materials

(a) Evergreen shrubs, beach grass, or a combination of the two shall be used to form the visual screen in the perimeter landscaping strip.

(b) Shrubs or grasses shall be planted with a maximum on-center spacing of five feet. On-center spacing may be increased to eight feet when the vehicular use area abuts vacant land. The on-center spacing requirement may be varied through approval of an Alternative Landscape Plan (see Section 5.2.9).

(c) Portions of a perimeter landscaping strip not occupied by shrubs or grasses shall include appropriate ground cover.

D. Shading Requirements

No parking space shall be separated from the trunk of a canopy tree by more than 60 feet. Perimeter vehicular use area landscaping, other required landscaping, or existing vegetation may be used to meet this requirement.

E. Additional Standards

Where two or more off-street surface parking lots are located adjacent to one another, but upon different lots, no vehicular use area perimeter landscaping strip shall be required between the two parking lots. Nothing in this section shall be construed to waive the requirement for perimeter landscape buffers in Section 5.2.6.

5.2.6. Perimeter Landscape Buffers

A. Purpose and Intent

Perimeter landscape buffers are intended to mitigate potential negative effects of contiguous uses in different zoning districts.

B. Applicability

All development shall provide a perimeter landscape buffer to separate it from adjacent lands with a different zoning district designation, in accordance with Table 5.2.6.A, Buffer Types, and Table 5.2.6.B, Buffer Type Application.

C. Types of Buffers

Table 5.2.6.A, Buffer Types, describes three different buffering options in terms of their function, opacity, width, and planting requirements. Where a particular buffer type is required in Table 5.2.6.B, Buffer Type Applications, the requirement may be met using either Option 1 or Option 2. Option 3 is available for use within the CC and VC districts only. Where an option utilizing a fence is selected, the fence shall comply with the standards of Section 5.3, Fences and Walls, as appropriate.

TABLE 5.2.6.A: BUFFER TYPES
ACI = Aggregate Caliper Inches

Buffer Type	Description	Minimum Screening Requirement [1] [2]		
		Option 1: Min. Width: 25 feet	Option 2: Min. Width: 10 feet	VC/CC District Min. Width: 5 feet
Type A: Basic Buffer				
	This perimeter buffer functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of ten feet.	6 ACI of canopy trees + 6 ACI of understory trees per 100 linear feet	2 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	One 5-foot-high solid fence + 20 shrubs per 100 linear feet
Type B: Aesthetic Buffer				
	This perimeter buffer functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates the impression of spatial separation without eliminating visual contact between uses.	8 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	2 ACI of canopy trees +14 ACI understory trees + 20 shrubs per 100 linear feet	One 5-foot-high high solid fence + 2 ACI of canopy trees + 16 ACI of understory trees per 100 linear feet

TABLE 5.2.6.A: BUFFER TYPES
ACI = Aggregate Caliper Inches

Buffer Type	Description	Minimum Screening Requirement [1] [2]		
		Option 1: Min. Width: 25 feet	Option 2: Min. Width: 10 feet	VC/CC District Min. Width: 5 feet
Type C: Semi-Opaque Buffer				
	This perimeter buffer functions as a semi-opaque screen from the ground to at least a height of six feet.	12 ACI of canopy trees + 14 ACI of understory trees + 20 shrubs per 100 linear feet	One 4-foot-high berm or one 4-foot-high solid fence + 2 ACI of canopy trees + 16 ACI understory trees per 100 linear feet	N/A
Type D: Opaque				
	This perimeter buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation.	18 ACI of canopy trees + 20 ACI of understory trees + 35 shrubs per 100 linear feet	One 6-foot-high solid fence + 12 ACI of canopy trees per 100 linear feet	N/A

NOTES:
[1] Any required perimeter buffer width can be reduced to five feet with the provision of a solid masonry wall at least six feet in height, along with ten shrubs per every 100 linear feet located outside the wall.
[2] Perimeter buffer widths (but not vegetation amounts) may be reduced in accordance with Section 5.2.9, Alternative Landscape Plan.

D. Buffer Type Application

Table 5.2.6.B, Buffer Type Application, specifies the type of perimeter landscape buffer that new development shall provide between it and adjacent property, based on the zoning district of the development site and that of the adjacent property. The buffer type is indicated by a letter corresponding to one of the three buffer types depicted in Table 5.2.6.A, Buffer Types.

TABLE 5.2.6.B: BUFFER TYPE APPLICATION [1]
A= Type A Buffer B = Type B Buffer C = Type C Buffer D = Type D Buffer
N/A = No Buffer Required

Zoning Classification of Proposed Site [2]	Zoning Classification of Adjacent Development					
	RC & AG	SFM, SFO, SFR, SFI, & single-family development	MXR, GB, & LB	VC & CC	LI	HI
RC, AG	N/A	N/A	N/A	N/A	N/A	N/A
SFM, SFO, SFR, SFI	N/A	N/A	N/A	N/A	N/A	N/A
MXR, GB, LB	A	B	N/A	N/A	N/A	N/A
VC, CC	B	B	N/A	N/A	N/A	N/A
LI	C	C	C	N/A	N/A	N/A
HI	D	D	D	D	C	N/A

NOTES:
[1] Letters correspond to the buffer types in Table 5.2.6.A.
[2] Development in PD districts is subject to perimeter buffer requirements in the PD master plan. In cases where development is proposed next to an existing PD district having no perimeter buffer, the proposed development shall provide a perimeter buffer that is consistent with the type of buffer required if the adjacent use was in a differing base district appropriate for the type of use.

E. Responsibility for Buffer Installation

(1) Vacant Parcels

Where a developing parcel is adjacent to a vacant parcel and a perimeter buffer is required in accordance with this section, the developing parcel shall provide a minimum of one-half of the perimeter buffer required adjacent to the vacant land.

(2) Existing Land Uses

(a) Where a developing parcel is adjacent to an existing use and a perimeter buffer is required in accordance with this section, the developing parcel shall provide the full perimeter buffer required adjacent to the existing use in accordance with Table 5.2.6.A, Buffer Types, and Table 5.2.6.B, Buffer Type Application, unless a portion or all of a perimeter buffer that complies with the standards of this section already exists between the lots. Where part of a perimeter buffer exists, but the buffer does not fully comply with the standards of this section, the developing parcel shall be responsible for providing

only the additional planting material on site necessary to meet the standards of this section.

(b) The landscape plan shall include photographs and a description of existing vegetation on adjacent lands that are to be counted towards meeting the perimeter buffer requirements in this section.

F. Location of Buffers

(1) Perimeter buffers required by this section shall be located along the outer perimeter of the parcel and shall extend to the parcel boundary line.

(2) In cases where the parcel boundary line is within a drainage swale, the perimeter buffer shall extend to the edge of the swale instead of the property line.

(3) In the case of parcel boundary lines along a public right-of-way, solid fencing in excess of 48 inches, if provided, shall not encroach beyond the building setback line unless part of an approved Alternative Landscape Plan.

(4) A perimeter buffer may be located along shared access easements between parcels in nonresidential developments.

G. Development within Required Buffers

(1) Unless permitted in this section, the required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this section or that require removal of existing vegetation.

(2) Sidewalks, trails, and associated pedestrian features may be placed in perimeter buffers if all required landscaping is provided and damage to existing vegetation is minimized, to the maximum extent practicable.

(3) Overhead and underground utilities may cross a perimeter buffer, but shall not be configured to run parallel with and inside a perimeter buffer unless the landscaping located within the buffer remains undisturbed, or is replaced, if damaged.

(4) Stormwater management devices that incorporate vegetation (e.g., bioretention basin, rain gardens, constructed wetlands, etc.) may be placed within a perimeter buffer provided the screening function of the buffer is maintained.

(5) If required landscaping material is damaged or removed due to utility activity within a required buffer, the landowner shall be responsible for replanting all damaged or removed vegetation necessary to ensure the buffer meets the standards in this Ordinance, unless otherwise provided for by the subject easement agreement.

5.2.7. Screening

A. Purpose and Intent

These screening standards are required as a means of screening objectionable site features like refuse collection areas, service and loading facilities, ground-based utility equipment, or similar site features from view of adjacent land and streets.

B. General Requirements

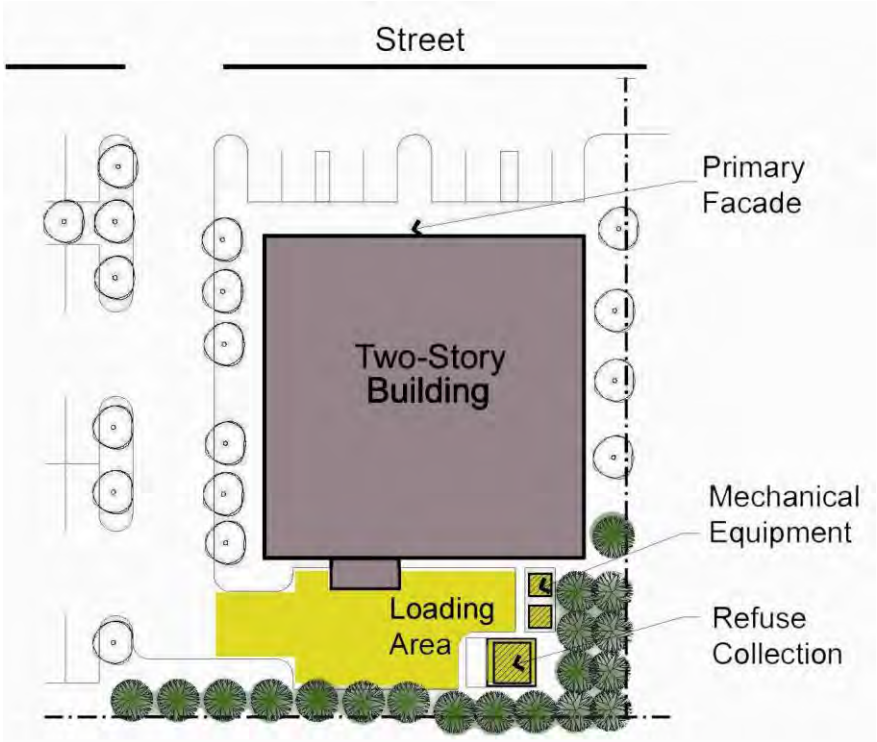
In addition to the site landscaping, vehicular use area landscaping, and perimeter buffer standards in this section, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from both on-site and off-site views (see Figure 5.2.7, Screening Methods). Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

C. Items to Be Screened

The following areas shall be screened from off-site views in accordance with this section:

(1) Large waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers);

Figure 5.2.7, Screening Methods



(2) Loading docks or bays;

(3) Outdoor storage areas, in accordance with Section 4.3.3.Q;

(4) To the extent feasible given access requirements, ground-based utility equipment in excess of 12 cubic feet; and

(5) Ground level mechanical units, from public streets only.

D. Screening Methods

The following items are permitted for use as screening materials. Alternative screening materials that are not listed may be used if the Planning Director determines they are comparable to these screening materials.

(1) Vegetative materials that meet the minimum vegetative screening requirements for a Type D buffer (see Table 5.2.6.A, Buffer Types) and the size standards in the Administrative Manual;

(2) An earthen berm that is at least two feet in height, covered with grass, and planted with other landscaping materials consistent with the function of and requirements for a Type D buffer (see Table 5.2.6.A, Buffer Types)—provided, however, that a berm shall not be used if it will replace existing trees of six inches in caliper or more;

(3) An opaque fence constructed of treated or rot-resistant wood (such as cypress or redwood), or a plastic or vinyl fence designed to look like an opaque wooden fence, of a minimum height necessary to fully-screen the object being screened; or

(4) A masonry wall that is the minimum height necessary to fully-screen the object being screened, and that is constructed of brick, textured concrete masonry units, or stuccoed block.

(5) Use of chain link fencing with wooden or plastic slats shall be limited to access gates only.

5.2.8. Streetscape

A. Purpose and Intent

These streetscape landscaping provisions are proposed to help maintain the character of the Caratoke Highway and other major arterial streets by requiring new development that is adjacent to or visible from a major arterial right-of-way be screened from the view of passing motorists.

B. Applicability

These streetscape landscaping standards are applied to all new development on lots that front a major arterial right-of-way, or are within 1,000 feet of the major arterial right-of-way.

C. Exemptions

The following forms of development are exempted from these standards:

(1) Agricultural uses;

(2) Single-lot single-family homes;

(3) Single-lot two-to-four family dwellings; and

(4) Development within 1,000 feet of a major arterial street, but not visible from the right-of-way.

D. Streetscape Standards

(1) **Sites Accessed from a Major Arterial**

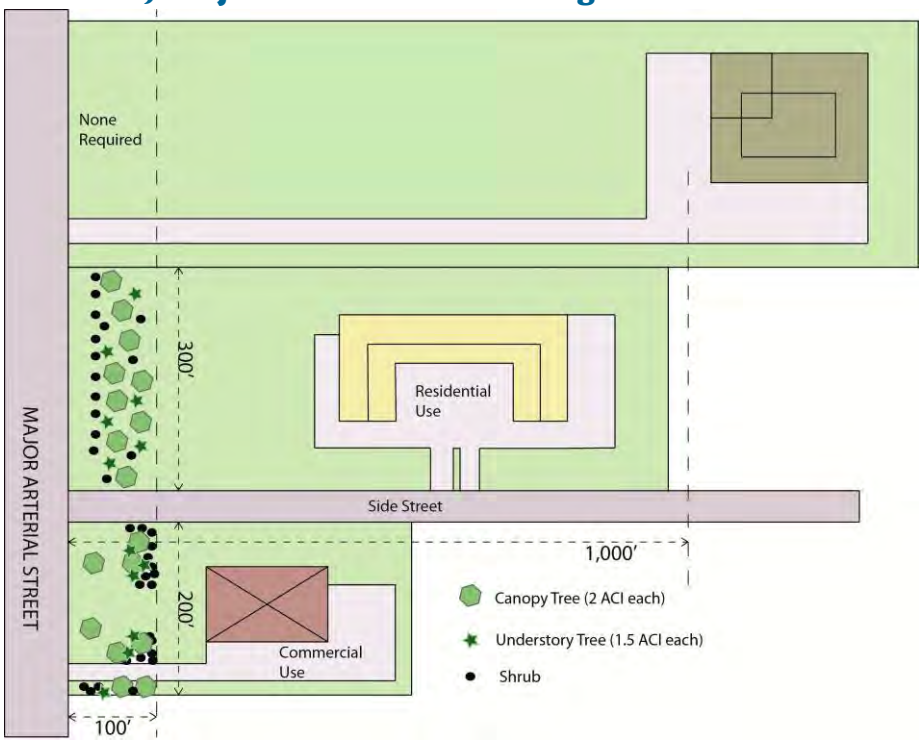
Development on lots adjacent to and accessed from a major arterial shall comply with the streetscape standards in Table 5.2.8, Major Arterial Streetscape Landscaping.

TABLE 5.2.8: MAJOR ARTERIAL STREETSCAPE LANDSCAPING

Required Landscaping Material [1]	Residential Uses	Institutional, Commercial, and Mixed-Uses	Industrial Uses
Aggregate caliper inches of canopy trees per 100 linear feet	6	8	10
Aggregate caliper inches of understory trees per 100 linear feet	3	4.5	6
Number of shrubs per 100 linear feet	5	10	15

NOTES:
[1] There is no minimum width for streetscape landscaping, but required landscaping material shall be located within 100 feet of the highway right-of-way.

Figure 5.2.8, Major Arterial Screening



(2) Sites Visible from, but not Accessed from Major Arterial

Development on lots within 1,000 feet of and visible from a major arterial right-of-way shall be configured to screen the development from view from the highway with eight aggregate caliper inches of canopy trees per 100 linear feet (see Figure 5.2.8, Major Arterial Screening).

5.2.9. Alternative Landscape Plan

A. General

Alternative landscape plans, materials, or methods may be justified due to natural conditions, such as streams, estuarine or wetland areas, topography, and physical conditions related to the site. Lot configuration and utility uses and easements may justify an alternative landscape plan, as well as impractical situations that would result from application of Section 5.2, Landscaping Standards.

B. Allowable Deviations

The Planning Director or if noted, the permit issuing authority, shall approve an Alternative Landscape Plan if it meets the purpose and intent of the landscaping standards in this section. Allowable deviations from the standards of this section include, but are not limited to the following:

(1) Reduced Planting Rates due to Public Facilities

An adjustment to planting locations or reduction of up to 20 percent in the type or total number of required caliper inches may be allowed when underground connections to public facilities or public utilities, or public easements or right-of-way, are located upon or in close proximity to the parcel.

(2) Reduction in Standards due to Nature of Parcel

A reduction in the count, spacing, or planting type standards by up to 20 percent may be allowed where the reduction is desirable in terms of protection of existing natural resources, better consistency with the goals of the Land Use Plan, or a site design that exceeds the quality of what would otherwise result under a strict application of the standards in this Ordinance.

(3) Existing Natural Features

A reduction in the count, spacing, or planting type standards by up to 20 percent may be allowed where the reduction will help preserve or protect existing natural features such as wildlife habitat or unique ecosystem features.

(4) Redevelopment of Nonconforming Sites

The installation of required landscaping during redevelopment of existing nonconforming sites shall occur in accordance with Section 8.6, Nonconforming Sites.

(5) Location of Street Trees

Deviations in the placement, spacing, or tree type (understory vs. canopy) are allowable from the standards in Section 6.2.1.K, Street Trees, when the deviation is consistent with existing street trees placement along the same or adjacent block faces.

(6) Utility Uses

A reduction in the required landscaping standards may be allowed for utility uses in accordance with the following standards:

(a) An adjustment to planting locations or reduction in the type or total number of required caliper inches may be allowed by the permit issuing authority provided the utility provider demonstrates the

required landscaping will interfere with the utility equipment or service.

(b) Utility equipment and associated security fencing shall be screened from rights-of-ways and existing developed land by a Type C buffer. The buffer may be reduced in accordance with Subsection (a) above.

5.2.10. Maintenance

A. General

The owner shall be responsible for the maintenance of all landscape areas not in the public right-of-way. Such areas shall be maintained in accordance with the approved Landscape Plan or Alternative Landscape Plan and shall present a healthy and orderly appearance free from refuse and debris. All plant life shown on an approved Landscape Plan or Alternative Landscape Plan shall be replaced if it dies, is seriously damaged, or removed. This section is not intended to prevent normal, routine maintenance.

(1) Damage Due to Natural Occurrence

In the event that any vegetation or physical element functioning to meet the standards of this section is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer shall be required to replant if the landscaping standards are not being met. The owner shall have one growing season to replace or replant. The Planning Director shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural re-vegetation in making a determination on the extent of replanting requirements.

(2) Protection During Operations

The owner or developer shall take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations. Plants shall be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails.

(3) Maintain Shape

All required trees (whether canopy or understory) shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared, topped, or shaped as shrubs. Trees (including, but not limited to Crape Myrtles) that have been severely pruned, sheared, topped, shaped as shrubs, such that they no longer serve the intended buffering or screening function, shall be considered as damaged vegetation in need of replacement within one growing season.

B. Natural Death

The natural death of existing vegetation within any required landscape area does not necessarily constitute a violation and does not require re-vegetation to replace the plant material unless the required landscape area no longer complies with the required standards of this section. In no instance shall this provision be construed to prevent re-planting if, in the opinion of the Planning Director, the required performance standard of the landscaping is not being met.

5.3. FENCES AND WALLS

5.3.1. Purpose and Intent

The purpose and intent of this section is to regulate the location, height, and appearance of fences and walls to maintain visual harmony within neighborhoods and throughout the county, protect adjacent properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

5.3.2. Applicability

A. The provisions of this section shall apply to all construction, substantial reconstruction, or replacement of fences or walls not required for support of a principal or accessory structure, and to any other linear barrier intended to delineate different portions of a lot.

B. Temporary fences for construction sites, sand fencing in beachfront areas, or tree protection fencing are exempted from these standards, but shall comply with the requirements of the State Building Code adopted by the county, and the standards of Section 4.4, Temporary Use Standards.

C. In the event of any inconsistency between the provisions of this section and any screening standard in Section 5.2.7, Screening, the standards in Section 5.2.7 shall control.

5.3.3. Locational Requirements

A. General

(1) Fences or walls shall be located outside of the public right-of-way, and may not exceed 24 inches in height if located within a required sight triangle.

(2) Fences and walls are permitted on the property line between two or more parcels of land held in private ownership.

(3) Fences and walls may be located within any required yard.

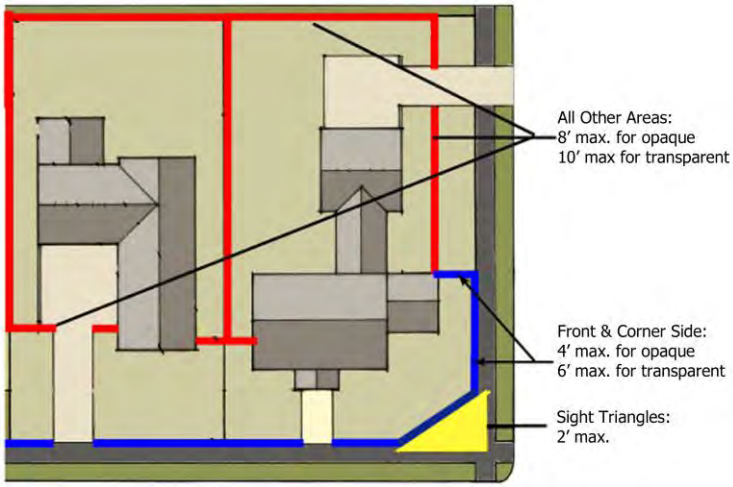
B. In Easements or Around Fire Protection Facilities

Fences located within utility easements or around fire protection facilities shall receive written authorization from the easement holder or the county (as appropriate). The county shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements or facilities.

C. Blocking Natural Drainage Flow

No fence or wall shall be installed so as to block or divert a natural drainage flow on to or off of any other land unless subject to an approved stormwater management plan. Nothing in this section shall be construed to prevent the installation of temporary fencing to protect existing trees, limit sedimentation, or control erosion.

Figure 5.3.4, Fence and Wall Height



D. Within Buffers

Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material, to the maximum extent practicable. The perimeter fencing or wall for a single development shall be of a uniform style that complies with the standards of this section.

5.3.4. Height Standards

All fences and walls shall conform to the standards in Table 5.3.4, Fence and Wall Height. In all cases, heights are measured from finished grade on the highest side of the fence or wall (see Figure 5.3.4, Fence and Wall Height).

TABLE 5.3.4: FENCE AND WALL HEIGHT

Location on a Lot	Max. Height for Opaque Fence or Wall (ft)	Max. Height for Transparent Fence or Wall [1] (ft)	
		Residential District	Non-residential District
Within Sight Triangle	2	2	2
Within Front Setback	4	6	6
Within Corner Side Setback	4	6	6
All Other Areas	8	8	10

NOTES:

[1] Transparent fences or walls are constructed so that 50 percent or more of the fence or wall is visually permeable

5.3.5. Exemption for Security Plan

A landowner or tenant or a representative of a public agency responsible for a government facility, public safety use, utility, or other use in need of heightened security may submit to the Planning Director a site security plan proposing a fence or wall taller than those permitted by

this section or proposing the use of barbed, concertina, or electric wire atop a fence or wall for security reasons. The Planning Director shall approve, or approve with conditions, the site security plan and its proposed exemption of fences or walls from the standards of this section, upon finding:

A. Need for Safety or Security Reasons

The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represents a significant hazard to public safety without:

(1) A taller fence or wall;

(2) An electric fence; or

(3) Use of barbed or concertina wire atop a fence or wall.

B. No Adverse Effect

The proposed fence or wall configuration will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent properties or the surrounding area as a whole.

5.3.6. Abutting Major Arterials

A. A fence or wall located within 25 feet of a major arterial right-of-way shall:

(1) Include breaks, offsets, decorative columns, or other design details in opaque wall planes at least every 100 feet as illustrated in Figure 5.3.6.A, Design Features for Opaque Fences and Walls; and

(2) Not be constructed of chain link, wire mesh, or similar materials.

Figure 5.3.6.A, Design Features for Opaque Fences and Walls

B. Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (e.g., one side has visible support framing and the other does not), then the more "finished" side of the fence shall face the major arterial right-of-way rather than the interior of the lot.

C. All fencing or wall segments located along a single lot side shall be composed of a uniform style and colors compatible with other parts of the fence.

Figure 5.3.6.B, Finished Side to the Outside

5.3.7. Prohibited Fences

A. Barbed Wire, Concertina Wire, and Aboveground Electrified Fences

(1) In all zoning districts, fences using barbed or concertina wire and aboveground electrified fences shall be prohibited unless:

(a) Used for the restraint of livestock; or

(b) Allowed through an approved security plan (see Section 5.3.5, Exemption for Security Plan).

(2) Underground electric fences designed for control of domestic animals are allowed.

B. Debris, Junk, Rolled Plastic, Sheet Metal, Plywood, or Other Waste Materials

Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zoning districts unless such materials have been recycled and reprocessed, for marketing to the general public, as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).

5.3.8. Maintenance

All fences and walls and associated landscaping shall be maintained in good repair and in a safe and attractive condition, including but not limited to, the replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged, or decayed fence materials shall be repaired and any fence or wall post or section that leans more than ten degrees from vertical shall be repaired within 30 days to correct that condition.

5.4. EXTERIOR LIGHTING

5.4.1. Purpose and Intent

The purpose of this section is to regulate light spillage and glare to ensure the safety of motorists and pedestrians, and to ensure lighting does not adversely affect land uses on adjacent lands. More specifically, this section is intended to:

A. Regulate lighting to assure that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists;

B. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on site;

C. Avoid negative impacts from exterior lighting on coastal wildlife habitat; and

D. Provide security for persons and land.

5.4.2. Applicability

A. General

The provisions of this section shall apply to all development in the county unless exempted in accordance with Section 5.4.2.D, Exemptions.

B. Time of Review

Review for compliance with the standards of this section shall occur as part of the review of an application for a site plan (Section 2.4.7), planned development master plan (Section 2.4.5), or zoning compliance permit (Section 2.4.9), as appropriate.

C. Existing Development

Compliance with these standards, to the maximum extent practicable, shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity equivalent to or beyond 50 percent.

D. Exemptions

The following is exempted from the exterior lighting standards of this section:

(1) FAA-mandated lighting associated with a utility tower or airport;

(2) Lighting associated with navigational beacons, the United States flag, North Carolina flag, or Currituck County flag;

(3) Holiday lighting during the months of November, December, and January, provided the lighting does not create unsafe glare on street rights-of-way;

(4) battery-powered emergency lighting; and

(5) Architectural lighting of 450 lumens or less.

5.4.3. Lighting Plan

To ensure compliance with the standards of this section, a lighting plan demonstrating how exterior lighting will comply with the standards of this section shall be included as part of any application for site plan, planned development master plan, subdivision, zoning compliance permit, or temporary use permit, as appropriate.

5.4.4. Prohibited Lighting

The following lighting is prohibited:

A. Light fixtures that imitate an official highway or traffic control light or sign;

B. Light fixtures in the direct line of vision with any traffic control light or sign;

C. Light fixtures that have a flashing or intermittent pattern of illumination, except for time and temperature displays;

D. Privately-owned light fixtures located in the public right-of-way; or

E. Searchlights, except when used by Federal, State or local authorities.

5.4.5. Street Lighting

A. Private streets, public streets dedicated to the North Carolina Department of Transportation, sidewalks, and other common areas or facilities in developments may be illuminated to ensure the security of land and the safety of persons using such roads, sidewalks, and other common areas or facilities. When provided, illumination shall be in accordance with a plan designed by the utility company.

B. All street lights shall be located inside full cut-off fixtures mounted on non-corrosive poles served by underground wiring.

C. The light structure and light color of street lights shall be consistent throughout the subdivision.

D. Illumination standards must be met prior to final plat approval (see Section 2.4.8) or prior to occupancy, when final plat approval is not required.

5.4.6. General Standards for On-Site Exterior Lighting

A. Hours of Illumination

Institutional uses, commercial uses, and industrial uses that are adjacent to existing residential development shall extinguish all exterior lighting—except lighting necessary for security or emergency purposes—by 10:00 P.M. or within one hour of closing, whichever occurs first. For the purposes of this subsection, lighting "necessary for security or emergency purposes" shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas. Lighting activated by motion sensor devices is strongly encouraged.

B. Shielding

Except for single-family detached and two-to-four family dwellings, all exterior luminaries, including security lighting, shall be full cut-off fixtures and directed downward, consistent with Figure 5.4.6.B, Full Cut-Off Fixtures. In no case shall lighting be directed above a horizontal plane through the lighting fixture.

C. Maximum Height

Except for athletic fields or performance areas, the height of outdoor lighting, whether mounted on poles, walls, or by other means, shall be no greater than 25 feet above grade.

D. Maximum Illumination Value

(1) All outdoor lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in footcandles at ground level at a lot line shall not exceed the standards in Table 5.4.6, Maximum Illumination Levels, and Figure 5.4.6.D, Maximum Illumination Value.

Figure 5.4.6.B, Full Cut-Off Fixtures

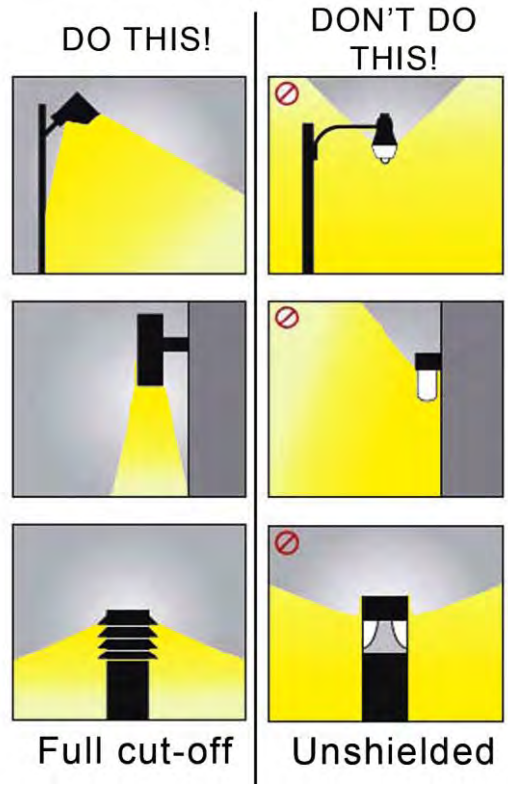


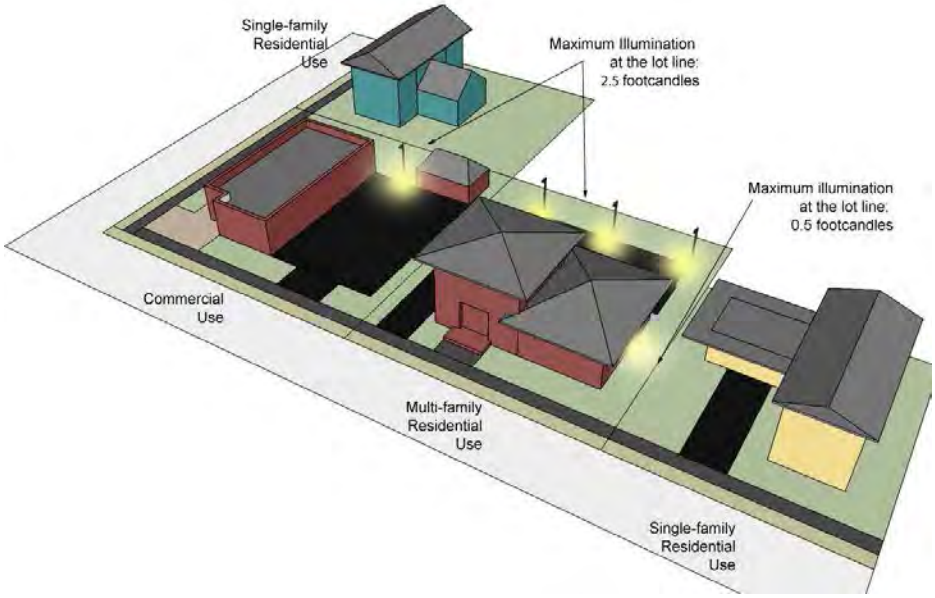
TABLE 5.4.6: MAXIMUM ILLUMINATION LEVELS

Type of Use Abutting a Lot Line [1]	Maximum Illumination Level at Lot Line (Footcandles)
Residential use or vacant land zoned for residential development	0.5
Institutional use	1.0
Commercial use or vacant land [2]	2.0
Industrial use	3.0
Parking lot	2.5

NOTES:
[1] See Table 4.1.1, Summary Use Table
[2] Includes mixed-use development

(2) In no instance shall illumination levels within a site or development exceed 30 footcandles.

Figure 5.4.6.D, Maximum Illumination Value



E. Signage

Lighting for signage shall be governed by the standards in Section 5.12, Signage.

5.4.7. Design Standards for Specific Uses and Site Features

A. Awnings

Awnings or canopies used for building accents over doors, windows, etc., shall not be internally illuminated (i.e., from underneath or behind the awning) unless the awning material is entirely opaque.

B. Beachfront Lots

For purposes of protecting wildlife habitat, the following standards shall apply to all development on lots adjacent to the beachfront:

(1) The source of illumination (i.e., the bulb, or element) shall not be directly visible from the beach.

(2) Lights may be mounted on poles with a maximum overall height of 12 feet. All lighting fixtures atop poles shall be fully shielded fixtures that are configured to minimize glare on off-site areas.

C. Sports and Performance Venues

Lighting of outdoor sports areas, athletic fields, and performance areas shall comply with the following standards:

(1) Glare Control Package

All lighting fixtures shall be equipped with an existing glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

(2) Hours of Operation

The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.

D. Wall Pack Lights

(1) Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and be of low lumens (1,600 lumens or lower).

(2) Wall pack light sources visible from any location off the site are prohibited.

E. Canopies

Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods include one or both of the following:

(1) A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cutoff or fully-shielded light distribution.

(2) A surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.

5.4.8. Measurement

A. Light level measurements shall be made at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land.

B. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent.

C. Measurements shall be taken with a light meter that has been calibrated within two years.

5.4.9. Exemptions for a Security Plan

Government facilities, parks and open areas, public safety, and other development where sensitive or dangerous materials are stored may submit a security plan to the Planning Director proposing exterior lighting that deviates from the standards in this subsection. The Planning Director shall approve, or approve with conditions, the security plan and its proposed deviation from the standards of this subsection, upon finding that:

A. The proposed deviation from the standards is necessary for the adequate protection of the public;

B. The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding land without the additional lighting; and

C. The proposed deviation from the standards is the minimum required, and will not have a significant adverse effect on neighboring lands.

5.5. REFUSE COLLECTION FACILITIES

5.5.1. Purpose and Intent

The purpose and intent of this section is to establish standards for refuse collection facilities as a means of limiting negative impacts (e.g., visual and otherwise) on adjacent lands.

5.5.2. Applicability

All nonresidential and multi-family development shall provide appropriate refuse collection facilities in accordance with these standards.

5.5.3. Standards

A. Location

Refuse collection facilities shall:

(1) Be located so as to facilitate collection and minimize any negative impact on on-site operations, neighboring lands, or public rights-of-way (see Figure 5.5.3, Refuse Location);

(2) Not be located between a principal structure and any adjacent streets; and

(3) Be located at least twenty feet from any lot line shared with a lot containing a single-family detached dwelling.

Figure 5.5.3, Refuse Location

B. Configuration

Refuse collection facilities shall be:

(1) A minimum size necessary to accommodate both solid waste containers and recycling containers.

(2) Located atop a concrete pad with a minimum depth of six inches.

(3) Screened in accordance with Section 5.2.7, Screening;

(4) Contained within an enclosure when visible from a street; and

(5) Constructed according to specifications established by the solid waste services provider to allow for collection without damage to the collection vehicle.

5.6. COMMUNITY FORM STANDARDS

5.6.1. Purpose and Intent

The purpose and intent of this section is to establish community form standards for development in the county. More specifically, this section is intended to:

A. Support street development as an integral component of community design;

B. Provide safe, efficient, and convenient vehicular, bicycle, and pedestrian access and circulation patterns within and between developments;

C. Maintain the carrying capacity of the county's major arterial streets;

D. Foster a pedestrian-friendly distribution of land uses and street network;

E. Assure safe access to and from streets by emergency vehicles; and

F. Reduce interference with through traffic by other vehicles, bicycles, or pedestrians entering, leaving, and crossing streets.

5.6.2. Applicability

A. General

Unless exempted in accordance with Section 5.6.2.E, Exemptions, or except where otherwise expressly stated, the standards in this section apply to all new development in the county, as well as to all street rights-of-way.

B. Time of Review

Review for compliance with the standards in this section shall take place as part of the review of an application for a site plan (Section 2.4.7), subdivision (section 2.4.8), planned development master plan (Section 2.4.5), or zoning compliance permit (Section 2.4.9), as appropriate.

C. Existing Development

Compliance with these standards, to the maximum extent practicable, shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity in an amount equivalent to or beyond 50 percent.

D. Conflict

In the event of conflict or overlap with the standards in this section and the standards in Chapter 6: Subdivisions and Infrastructure, the standards in Chapter 6 shall control.

E. Exemptions

(1) Lots in the RC and SFR districts are exempted from the standards in this section.

(2) Subdivisions of five or fewer lots shall be exempted from the following standards in this section:

(a) Section 5.6.4, Internal Street Connectivity;
(b) Section 5.6.5, External Street Connectivity; and
(c) Section 5.6.6, Development Entry Points.

(3) Conservation subdivisions shall be exempt from the following standards in this section:

(a) Section 5.6.4, Internal Street Connectivity; and

(b) Section 5.6.6, Development Entry Points.

(4) In addition to exemptions listed in (2) above, subdivisions of five or fewer lots shall be exempted from Section 5.6.10, Sidewalks and Pedestrian Circulation.

5.6.3. Street Standards

All streets shall be developed in accordance with the standards in this section and the standards in Section 6.2.1, Street Standards.

5.6.4. Internal Street Connectivity

A. Minimum Connectivity Index Score Required

All development shall achieve an internal street connectivity score in accordance with Table 5.6.4, Minimum Street Connectivity Index:

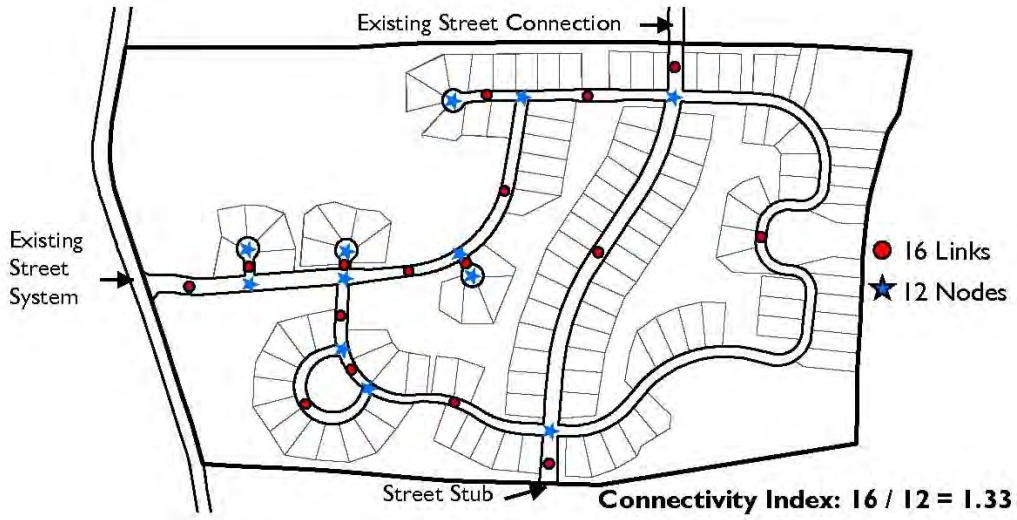
TABLE 5.6.4: MINIMUM STREET CONNECTIVITY INDEX

Zoning District Where Development is Proposed	Minimum Connectivity Index Score
AG, SFM, SFO, SFI, HI	1.20
MXR, GB, LB, LI, PD-M	1.40
CC, VC, PD-R, PD-O	1.60

B. Connectivity Index Score Calculation

The connectivity index for a development is calculated by dividing its links by its nodes. Figure 5.6.4.A, Street Connectivity Index, provides an example of how to calculate the connectivity index. Nodes (stars) exist at street intersections and cul-de-sac heads within the development. Links (circles) are stretches of road that connect nodes. Street stub-outs are considered as links, but temporary dead-end streets internal to a development or alleys are not counted as links. One link beyond every node that exists in the development and provides access to the street system outside the development shall be included in the index calculation. In the diagram, there are 36 links (circles) and 21 nodes (stars); therefore the connectivity index is 1.71 (36/21 = 1.71).

Figure 5.6.4.A, Street Connectivity Index



C. Reduction in Minimum Index Score

The minimum connectivity index score may be reduced if the owner/developer demonstrates it is not possible to achieve due to topographic conditions, natural features, existing road configurations, or adjacent existing development patterns. In these instances, internal street design shall achieve as high a connectivity index score as reasonably practical.

D. Pedestrian Connections Required

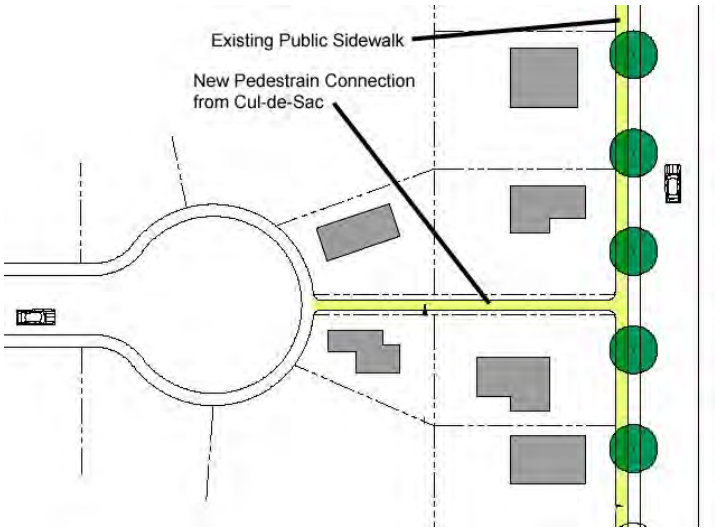
(1) A right-of-way eight-feet-wide for pedestrian/bicycle access between a cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian pathway (as shown in Figure 5.6.4.B, Pedestrian Connections) shall be required whenever the Planning Director determines a proposed cul-de-sac or street turnaround:

(a) Is in close proximity with significant pedestrian generators or destinations such as schools, parks, trails, employment centers, or similar features; or

(b) Creates an unreasonable impediment to pedestrian circulation.

(2) This pedestrian connection shall count as a link for the purpose of calculating the connectivity index.

Figure 5.6.4.B, Pedestrian Connections



5.6.5. External Street Connectivity

A. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands. Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development which abuts lands that are undeveloped or partially undeveloped and deemed appropriate for future development in the Land Use Plan or in which the adjoining lands are developed and include opportunities for such connections.

B. In cases where the property boundary is within a drainage swale or ditch, the roadway connection or street stub shall terminate no more than five feet from the edge of the swale, ditch, or drainage easement and the developer shall post a performance guarantee with the county (see Section 6.3, Performance Guarantees) to ensure funds are available to complete the street connection. In addition to right-of-way dedication, an easement shall be established that will grant current and future owners of the abutting properties the right to construct road connections as either public or private roads. The easement shall include sidewalk and utility infrastructure improvements.

C. In cases where a roadway connection or street stub exists or is guaranteed on an abutting property, new development shall connect to the street stub to form a through street. In cases where the existing street stub is not maintained by NCDOT, the construction entrance and primary means of access for the new development shall not be from the street stub unless written permission is granted from the entity responsible for street maintenance in the existing development. New development secondary roadway connections shall not require written permission from the entity responsible for street maintenance in the existing development.

D. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" to inform property owners.

E. The final plat (see Section 2.4.8) shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped or underdeveloped lands.

F. Stub streets that exceed 150 feet in length shall include a turn-around in accordance with Section 6.2.1.E, Cul-de-Sacs and Dead-End Streets.

5.6.6. Development Entry Points

A. Unless exempted in accordance with subsection (D) below, all subdivisions shall provide access from the development to the street system outside the development in accordance with Table 5.6.6, Required Subdivision Access:

TABLE 5.6.6: REQUIRED SUBDIVISION ACCESS

Development Type	Minimum Number of Access Points
Residential Uses	
50 or fewer units	1
51 to 100 units	2
101 or more units	3
All Other Uses	
Less than 5 acres	1
5 to 20 acres	2
More than 20 acres	2+ 1 every additional 20 acres

B. Nothing in this section shall limit the total number of streets providing access to the street system outside a development, or exempt a development from meeting all applicable external street connectivity standards.

C. Street stubs shall be credited as an access point when all ingress or egress to a development is only available from a single major arterial street.

D. Development shall be exempted from these standards if it is demonstrated the following conditions apply:

(1) No other street access points can be located due to existing lot configurations, absence of connecting streets, environmental, or topographic constraints;

(2) NCDOT will not authorize the required number of entrances; or

(3) Alternative access can be provided in a manner acceptable to the county that is supported by a transportation impact analysis.

5.6.7. Driveway and Access Standards

A. General Standards

(1) All driveways shall meet minimum NCDOT driveway standards.

(2) All driveways shall be constructed so that:

(a) Vehicles can enter and exit from a lot without posing any substantial danger to themselves, pedestrians, or vehicles traveling on abutting streets; and

(b) Interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized.

(3) Except for single-family detached development, all driveways that abut a paved street shall be surfaced with asphalt or six inches of concrete for a distance of 15 feet from the edge of pavement.

(4) Single-family detached development obtaining ingress or egress from a major arterial streets shall incorporate a driveway surfaced with asphalt or six inches of concrete for a distance of 15 feet from the edge of pavement. When asphalt is used, it shall be at least three-and-one-half inches thick atop an eight-inch-thick crushed stone base.

(5) Whenever individual parcels are assembled for a single development, consolidation of existing direct access shall be required, and in no instance shall the number of access points exceed the limits of this section.

(6) Except when unreasonable due to parcel size or shape, major subdivisions shall ensure all lots have sufficient frontage to obtain access from a street other than a major arterial or collector street.

(7) Driveways on corner lots shall provide access from the street with less traffic, to the maximum extent practicable.

B. Design Standards

(1) Except for driveways serving two or more lots, lots on a cul-de-sac, or a camper lot, all driveways shall be setback from side and rear lot lines at least ten feet.

(2) Driveways for single-family and two-to-four family dwellings shall extend ten feet into the lot before establishing drive aisles or parking spaces (see Figure 5.6.7, Driveway Design Standards).

Figure 5.6.7, Driveway Design Standards

(3) Driveways serving nonresidential and multi-family uses shall extend 20 feet into the lot or site before establishing drive aisles or parking spaces.

(4) Driveway radii shall be designed in accordance with the type of intended vehicle to be served, and shall not extend beyond side lot lines.

C. Driveway Widths

Driveway widths shall be in accordance with Table 5.6.7.C, Driveway Width:

TABLE 5.6.7.C: DRIVEWAY WIDTH

Use Type	Residential Uses		Nonresidential Uses	
	Minimum Width (ft)	Maximum Width (ft)[1]	Minimum Width (ft) [2]	Maximum Width (ft) [1] [3]
Single-Family Detached & Two-to-Four Family	10	24	N/A	N/A
All Other Uses: One Way Driveway	10	24	10	36
All Other Uses: Two Way Driveway	20		20 [4]	

NOTES:
[1] Maximum driveway width shall be measured at the lot line abutting the street right-of-way
[2] Nonresidential driveways shall meet emergency vehicle access requirements as determined by the Fire Marshal.
[3] Not applied to fire stations.
[4] Minimum width may be reduced to 10 feet if the driveway is shorter than 75 feet in length, it provides access to less than six spaces, and is configured to allow vehicles to turn around without backing onto the street. It may also be reduced to ten feet if the use generates less than five vehicle trips per day.

D. Driveway Spacing and Alignment Standards

Except for a single-family dwelling, two-to-four family dwelling, and lot fronting a restricted access street, a new driveway shall comply with the following minimum spacing standards:

(1) A new driveway shall be located at least 100 feet from the centerline of an existing driveway or street on the same lot or an adjacent lot along the same block face.

(2) A new driveway shall be directly aligned with a driveway on opposing lots, or shall be located at least 100 feet from the centerline of a driveway on an opposing lot, to the maximum extent practicable.

E. Restricted Access Streets

When sufficient frontage on a separate street is not available or access from a separate street is not practicable, the following standards shall apply to driveways on a major arterial street.

(1) Where Applied

The following restricted access street standards shall apply to lots fronting the following streets:

(a) US 158;
(b) NC 168;
(c) NC 12;
(d) NC 34;
(e) NC 136;
(f) NC 615;
(g) SR 1222 (Tulls Creek Road); and
(h) SR 1131 (Poplar Branch Road).

(2) Maximum Number of Driveways

The maximum number of driveways for each lot fronting a restricted access street shall comply with Table 5.6.7.E.2, Maximum Driveways per Lot:

TABLE 5.6.7.E.2: MAXIMUM DRIVEWAYS PER LOT

Frontage Distance (feet)	Maximum Number of Driveways (#)
< 500 feet	1
500 feet to 1,000 feet	2
> 1,000 feet	3

(3) Minimum Separation

(a) A lot fronting a restricted access street shall maintain minimum separation distances between driveways in accordance with Table 5.6.7.E.3, Minimum Separation:

TABLE 5.6.7.E.3: MINIMUM SEPARATION

Highway Design Speed (mph)	Minimum Driveway/Street Centerline Separation (ft)
Up to 35	125
Over 35	200

(b) The Planning Director, upon advice of NCDOT, may authorize a reduction in minimum separation distance due to lot width, presence of existing streets or curb cuts, or other physical features that make compliance with these standards impractical.

F. Deviations

Deviations from the standards Section 5.6.7, Driveway and Access Standards, may be approved by the NCDOT upon a finding the development can achieve a satisfactory level of access control consistent with the objectives of this Ordinance.

5.6.8. Primary Drive Aisles

Primary drive aisles within an off-street surface parking lot with 200 or more spaces shall be designed to appear as an extension of the public street network extending from the public right-of-way along the full length of the primary facades of structures being served by the drive (see Figure 5.6.8, Primary Drive Aisles), and shall comply with the following standards:

A. Primary drive aisles shall have a maximum cross section of 38 feet to serve two travel lanes and accommodate parallel parking spaces along both sides of the drive aisle in areas not needed for turning movements;

B. Primary drive aisles shall be striped to designate parallel parking spaces, where appropriate, but in no case shall parallel parking spaces be designated within 60 feet of the primary building entrance(s);

C. Sidewalks meeting or exceeding the county standards shall be provided adjacent to the building's front facade; and

D. Street trees shall be provided along both sides of the primary drive aisle in accordance with Section 6.2.1.K, Street Trees, although understory trees may be used adjacent to the building façade within 40 feet of building entrances.

Figure 5.6.8, Primary Drive Aisles

5.6.9. Pedestrian Pathways

Off-street surface parking lots with 200 or more spaces shall provide fully-separated, improved pedestrian pathways that:

A. Are located within planted landscaped islands located a minimum of every six parking bays;

B. Include, to the maximum extent practicable, a pathway aligned with and perpendicular to the primary entrance into the building served by the parking lot (see Figure 5.6.9, Pedestrian Pathways);

C. Are paved with asphalt, concrete, or other comparable material;

D. Are of contrasting color or materials than the drive aisle when crossing drive aisles;

E. Are in compliance with applicable State and Federal requirements while at a minimum, are four feet wide when located within landscaped islands, and ten feet wide when crossing drive aisles;

F. Terminate at drive aisle edges;

G. Connect to all existing or planned adjacent transit facilities;

H. Meet all applicable ADA requirements;

I. Are positively drained; and

J. Provide safe and efficient pedestrian access to the use they serve.

Figure 5.6.9, Pedestrian Pathways

5.6.10. Sidewalks and Pedestrian Circulation

A. Location

Sidewalks shall be required on both sides of all streets, except:

(1) In the SFR and SFI districts, and in subdivisions of five or fewer lots (where no sidewalks are required);

(2) Along alleys (where no sidewalks are required);

(3) In residential subdivisions where the average lot area is greater than one acre in size, or there are fewer than 20 lots (in these instances, pedestrian pathways or trails are required that provide an equivalent level of pedestrian circulation);

(4) On cul-de-sacs less than 500 feet in length (where sidewalks are required only on one side of the street);

(5) Where an existing or proposed sidewalk or pedestrian pathway paved with asphalt, concrete, or other hard-surface material located outside a street right-of-way trail can provide an equivalent level of pedestrian circulation to all lots in the subdivision; and

(6) In cases where environmental or topographic conditions make such provision prohibitive and no practicable alternative design is available.

B. Configuration

(1) Sidewalks shall be ADA-accessible, at least five feet wide, and may be required to match the width of a connecting sidewalk that exceeds five feet in width. Pedestrian pathways and trails shall be ADA-accessible and at least eight feet wide;

(2) Sidewalks shall be constructed of asphalt, concrete, or other hard-surface materials, consistent with an approved site plan, or with the established sidewalk patterns in the general area of the development;

(3) Pedestrian street crossings shall be raised above the adjacent street level, be a different material, or be striped as a traffic-calming measure;

(4) Sidewalks and pedestrian pathways shall connect with existing or planned sidewalks at property boundaries. In cases where the property boundary is within a drainage swale or ditch, the sidewalk connection shall terminate at the edge of the swale, ditch, or drainage easement. An easement shall be established that will grant current and future owners of the abutting properties the right to construct sidewalk connections. The new development shall connect to the sidewalk stub to form pedestrian circulation; and

(5) New nonresidential, mixed-use, and multi-family development shall provide at least one on-site improved connection between the development and the adjacent public sidewalk system (planned or existing).

C. Credit for Trails

Hard-surfaced, ADA-accessible trails within open space set-asides may be credited towards these sidewalk requirements when trails connect developments or connect open space set-asides to schools, shopping areas, or other recreation areas.

5.7. MULTI-FAMILY DESIGN STANDARDS

5.7.1. Purpose and Intent

These purpose for these multi-family design is to:

A. Promote greater compatibility between multi-family development and other allowable uses in the county; and

B. Establish a minimum level of quality for multi-family development.

5.7.2. Applicability

A. General

These standards apply to all new multi-family and townhouse development in the county.

B. Time of Review

Review for compliance with the standards of this section shall occur during review of a site plan (Section 2.4.7), planned development master plan (Section 2.4.5), or zoning compliance permit (Section 2.4.9), as appropriate.

C. Existing Development or Redevelopment

Redevelopment of an existing multi-family or townhouse development that exceeds 33 percent of the building's assessed value shall require the newly redeveloped portions to comply with the standards of this section, to the maximum extent practicable.

D. Community Compatibility Standards

Multi-family development located adjacent to single-family detached development shall also be subject to the community compatibility standards in Section 5.10.

5.7.3. Multi-Family Design Standards

New multi-family and townhouse development shall comply with the following standards:

A. Access and Circulation

(1) Street Network

(a) On sites including new streets, an interconnected network of streets shall be provided, to the maximum extent practicable.

(b) The internal network of streets shall meet NCDOT standards and shall connect to adjacent existing streets to better integrate the development with its context.

(2) Pedestrian Circulation

(a) A clearly defined, visible, and identifiable pedestrian network (combination of pathways, low shrub or ground cover plantings, and trees) shall be provided between parking lots, public street sidewalks, open spaces, recreational facilities, and individual buildings.

(b) Pedestrian pathways shall be at least five feet in width.

(c) The owner or an owners association shall maintain pedestrian walkways outside public rights-of-way.

(d) Where possible, pedestrian walkways shall be connected within parks, open spaces or common areas internal and external to the site.

(e) Both vehicular and pedestrian access must be visible from the street or alley serving the development.

(f) Pedestrian entrances to the site shall be accentuated through the use of landscaping, special paving, gateways, or smaller features.

(3) Parking Area Design and Location

(a) No more than 50 percent of the required parking shall be provided between the front of the principal building(s) and the street it fronts unless the principal building and the parking is screened from view by other development and landscaping.

(b) Vehicular access to the development shall be provided from a secondary street or an alley, when present.

(c) All parking and vehicular access ways shall be surfaced with concrete, asphalt, or pervious pavement, subject to an approved alternative parking plan (see Section 5.1.6, Alternative Parking Plans).

B. Building Placement

(1) Building Orientation and Entryways

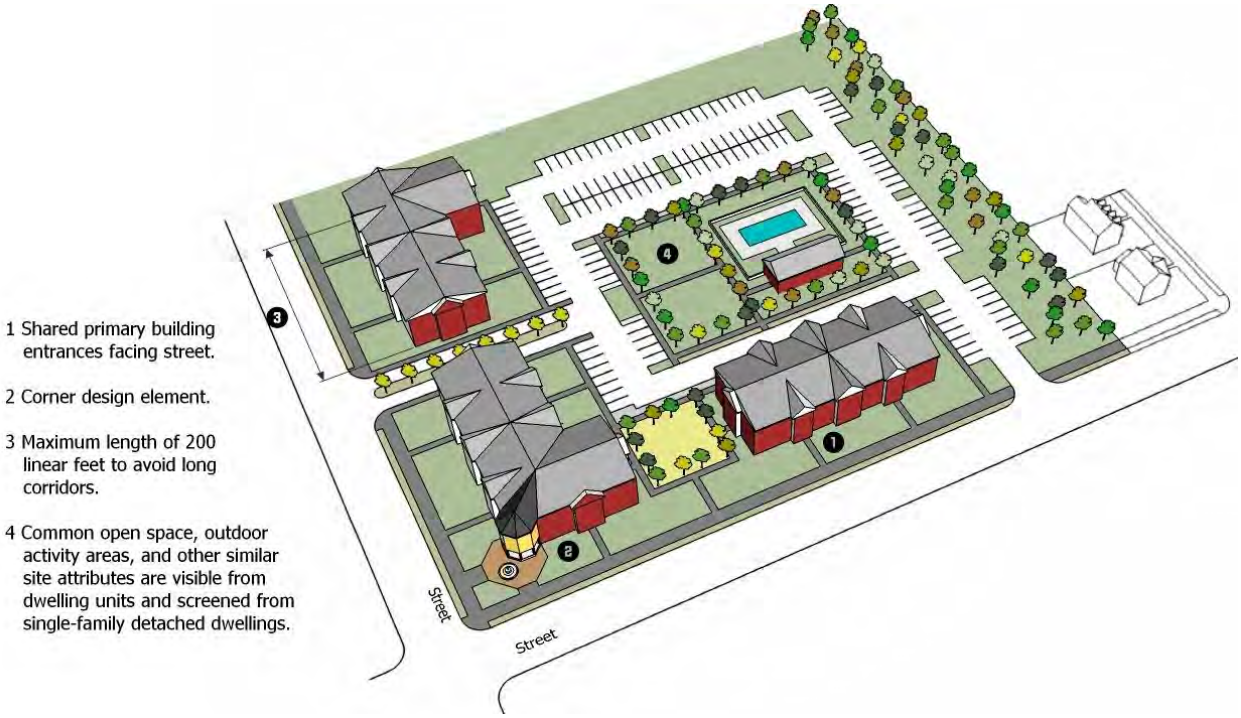
(a) All buildings with shared entrances shall be oriented so that primary entrances face the street. In case of corner lots, the primary entrance(s) shall face the street from which the building derives its street address (see Figure 5.7.3.B.1, Multi-family Development Orientation).

(b) Long corridors and hidden entrance(s) to buildings shall be avoided.

(c) Buildings that do not have a direct and visible pedestrian entrance from a public street shall, at a minimum, have windows or patios facing the street.

(d) Common open spaces and children's play areas shall be clearly visible from the dwelling units on the site.

Figure 5.7.3.B.1, Multi-Family Building Orientation



(2) Building Features

(a) Developments abutting public street corners shall provide one or more of the following elements on the building facades closest to the intersection (see Figure 5.7.3.B.2, Corner Buildings):

(i) Placement of primary pedestrian entry;

(ii) Distinctive roof form; or

(iii) Other architectural features (e.g. porches, canopies).

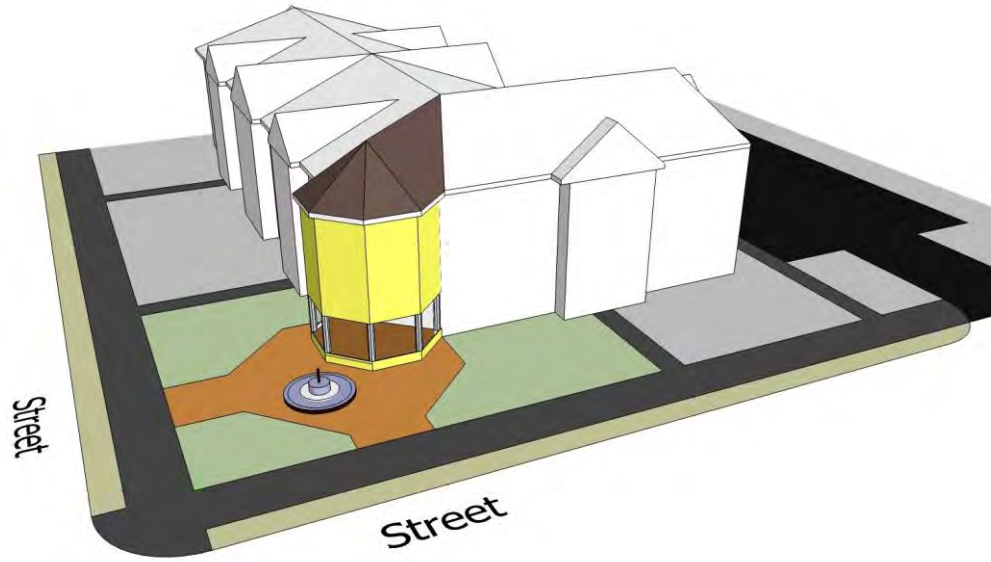
(b) Building details, including roof forms, siding materials, windows, doors, and trim shall reflect a similar level of quality and architectural detailing on all sides facing:

(i) A street;

(ii) Abutting existing single-family development; and

(iii) Vacant land designated as a single-family district on the official zoning map.

Figure 5.7.3.B.2, Corner Buildings



C. Building Design

(1) Maximum Height

Buildings subject to the standards of this section shall have a maximum height of two stories within 100 feet of a lot with an existing single-family detached residential dwelling, without an intervening public street. This standard shall apply regardless of any incentives, administrative adjustments, or master plans.

(2) Facade Articulation

(a) Street-facing building facades shall be articulated with wall offsets at least two feet deep for every 30 feet of facade frontage.

(b) In addition to wall offsets, front facades facing streets shall provide a minimum of three of the following articulation elements (see Figure 5.7.3.C, Front Facades):

(i) A covered porch;

(ii) One or more dormer windows or cupolas;

(iii) Pillars, posts or pilasters;

(iv) One or more bay windows with a minimum twelve-inch projection from the facade plane;

(v) Multiple windows with a minimum of four-inch-wide trim;

(vi) Raised corniced parapets over the door;

(vii) Eaves with a minimum of four-inch-wide trim; or

(viii) Integral planters that incorporate landscaped areas and/or places for sitting.

(c) Side facades shall maintain at least ten percent of the facade area as windows.

Figure 5.7.3.C, Front Facades

(3) Roof Form

(a) Development shall incorporate sloped roofs greater than or equal to one foot of vertical rise for four feet of horizontal run (3:12), and less than or equal to one foot of vertical rise for every one foot of horizontal run (12:12), or shall incorporate a three-foot parapet with a dimensional cornice around a flat roof. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.

(b) All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or otherwise be configured to the degree practicable, to have a minimal visual impact as seen from the street.

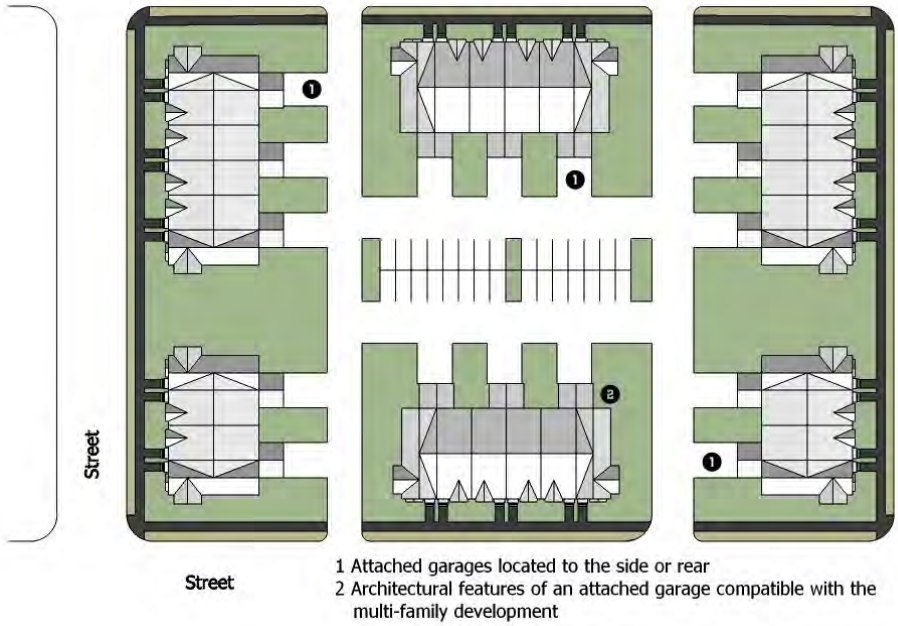
D. Site Features

(1) Accessory Structures

(a) Street-facing detached garages on corner lots shall be located to the side or rear of buildings (see Figure 5.7.3.D, Garage Placement).

(b) Access to accessory structures (such as garages, carports, storages, trash receptacles) shall be provided from alleys or secondary streets, to the maximum extent practicable.

Figure 5.7.3.D, Garage Placement



(c) Accessory buildings shall include exterior materials, colors, and roof form designed to be consistent with the principal structure.

(d) Accessory structures shall not physically obstruct pedestrian entrances.

(e) Centralized trash receptacles, if provided, shall be located in an enclosed area located to the rear of principal buildings.

5.8. NONRESIDENTIAL DESIGN STANDARDS

5.8.1. Purpose and Intent

These design standards are intended to identify the county's goals and expectations for commercial, office, and mixed-use development quality as a means of establishing higher quality development that is more compatible with residential development in the county. More specifically, the purposes of this section are to:

A. Encourage establishment of a strong sense of place with vibrant commercial, office, and mixed-use development in key areas of the county;

B. Encourage a more pedestrian-friendly environment through attention to human-scale design and site features;

C. Foster greater compatibility between adjacent residential and nonresidential development;

D. Limit the impacts of automobile–oriented development in commercial, office, and mixed-use areas; and

E. Enhance the appearance of development along major arterial streets.

5.8.2. Applicability

A. General

(1) Unless exempted in accordance with Section 5.8.2.D, Exemptions, the standards in this section shall apply to all new development located within the GB, LB, CC, VC, and MXR zoning districts.

(2) Large retail development shall comply with the Nonresidential Design Standards in Section 5.8.3 as well as the Large Retail Design Standards in Section 5.8.4. In the event of conflict, the standards in Section 5.8.4, Large Retail Design Standards, shall control.

B. Timing of Review

Review of proposed development to ensure compliance with the standards of this section shall occur at time of site plan (Section 2.4.7), planned development master plan (Section 2.4.5), or zoning compliance permit (Section 2.4.9), as appropriate.

C. Existing Development and Redevelopment

Development existing prior to January 1, 2013 as well as redevelopment of buildings established before January 1, 2013 are encouraged to, but not required to, comply with these standards.

D. Exemptions

Residential, institutional, and agricultural development, development subject to the standards in Section 5.7, Multi-Family Design Standards, and development subject to the standards in Section 5.9, Shopping Center Design Standards, shall be exempted from the standards of this section.

E. Community Compatibility Standards

Commercial, industrial, mixed-use, and multi-family development located adjacent to single-family detached development shall also be subject to the community compatibility standards in Section 5.10.

5.8.3. Nonresidential Design Standards

All development subject to this section shall comply with the following standards:

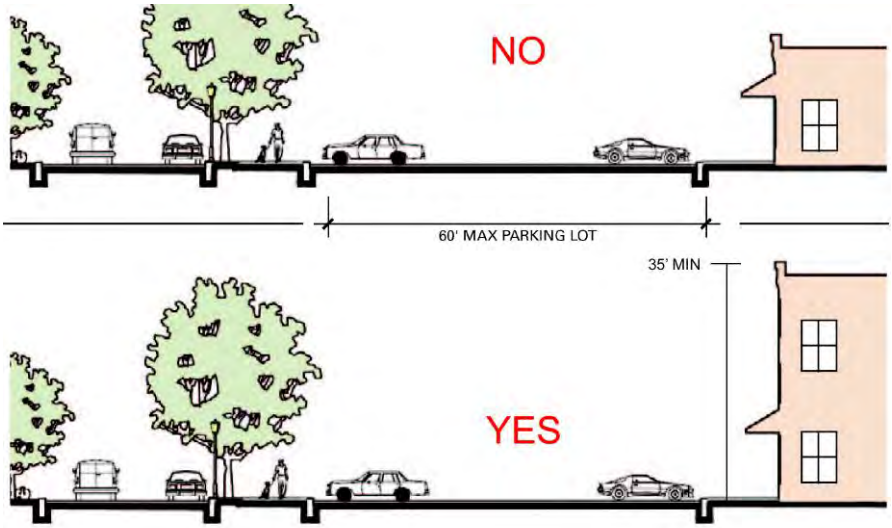
A. Access and Circulation

(1) Off-Street Parking Location

(a) CC and VC Districts

Single-story commercial, office, and mixed-use development in the CC and VC districts shall be configured to locate all required surface off-street parking to the side or rear of the building. Buildings of two or more stories may locate up to two rows of off-street parking between the primary entrance and the street it faces. In no instance shall more than two rows of off-street parking be located between the building and the street it faces (see Figure 5.8.3.A, Parking Location).

Figure 5.8.3.A, Parking Location



(b) All Other Zoning Districts

No more than 50 percent of the required off-street parking shall be located between the building's primary façade and the street it fronts.

B. Building Placement

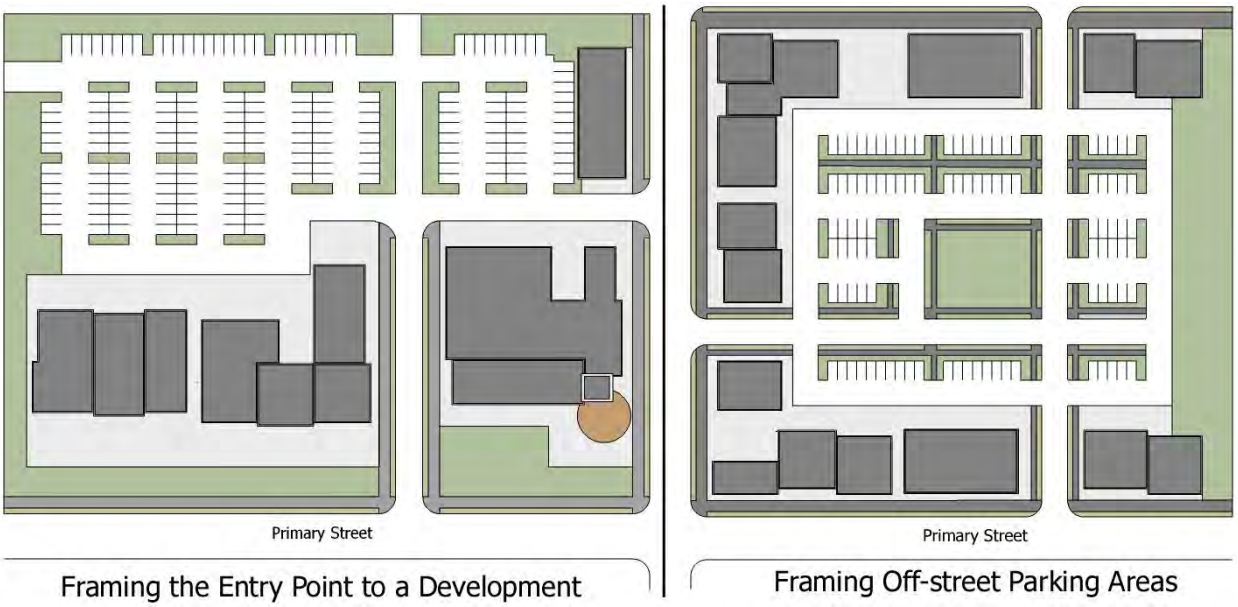
(1) Fronting Streets

(a) Service facilities and operations shall be oriented away from public view or screened to the extent practicable.

(2) Multi-Building Development

(a) Development comprised of multiple buildings shall be configured with two or more of the following design elements (see Figure 5.8.3.B.2, Multi-Building Development):

Figure 5.8.3.B.2, Multi-Building Development



(i) Site configuration as a series of smaller "blocks" defined by buildings fronting on-site streets and internal vehicle access ways, utilizing pedestrian oriented design such as walkways, or other circulation routes and multi-modal transportation access/waiting areas when appropriate;

(ii) Corner buildings designed to front both sides of an adjacent street intersection or entry point to the development in an "L" configuration;

(iii) Buildings facing each other across a relatively narrow vehicular access area with pedestrian amenities in a "main street" character;

(iv) Buildings framing and enclosing at least three sides of parking areas, public spaces, or other site amenities; or

(v) Buildings framing and enclosing outdoor dining or gathering spaces for pedestrians between buildings.

(b) The primary entrances of buildings shall be oriented towards a street along the perimeter of a development, towards streets interior to the development, or towards open space areas.

C. Building Design

(1) Design Features

Front building facades and facades facing streets shall provide a minimum of three of the following six design features (see Figure 5.8.3.C.1, Required Building Design Features):

Figure 5.8.3.C.1, Required Building Design Features

(a) Facades of 60 feet in width or wider shall incorporate wall offsets of at least one-foot in depth a minimum of every 40 feet. Each offset shall have a minimum width of ten feet;

(b) Façade color changes following the same dimensional standards as the offset standards in (a) above;

(c) A series of four or more pilasters having a minimum depth of eight inches, a minimum width of eight inches, and a minimum height of 80 percent of the façade's height;

(d) Roofline changes, coupled with correspondingly aligned wall offset facade material changes, including changes in the roof planes or changes in the height of a parapet wall (such as extending the top of pilasters above the top of the parapet wall);

(e) A covered front porch occupying at least 25 percent of the front façade (counted as two features); or

(f) Glazing of at least 30 percent of the width of street level frontage with visibly permeable windows or doorways.

(2) Outbuildings

Outbuildings located in front of other buildings within the same development shall include a consistent level of architectural detail on all four sides of the building as well as exterior materials and colors that are compatible with the primary building in the development.

Figure 5.8.3.C.2, Roof Form

(3) Roofs

(a) Structures with a flat roof shall include parapet walls with a decorative three-dimensional cornice (see Figure 5.8.3.C.2, Roof Form).

(b) All rooftop equipment shall be screened from view from all streets.

(c) Buildings in the Outer Banks shall use a pitched roof.

(4) Prohibited Materials

Metal siding shall not be used on front building facades and facades facing streets.

D. Site Features

(1) Loading, Storage, and Service Areas

(a) Loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas, to the maximum extent practicable.

(b) Loading, service, and equipment areas that are associated with an outparcel building shall be screened through the use of structural elements and similar materials attached to and integrated with the building.

5.8.4. Large Retail Design Standards

In addition to the Nonresidential Design Standards in Section 5.8.3, all new single tenant buildings of 30,000 gross square feet in area or more with 60 percent or more of the total floor area occupied by retail sales activities, shall comply with the following standards.

A. Building Entrances

Large retail buildings shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

(1) Canopies or porticos;

(2) Overhangs;

(3) Recesses/projections;

(4) Arcades;

(5) Raised corniced parapets over the door;

(6) Peaked roof forms;

(7) Arches;

(8) Outdoor patios;

(9) Display windows;

(10) Architectural detail such as tile work and moldings integrated into the building structure and design; or

(11) Integral planters that incorporate landscaped areas and places for sitting.

B. Building Massing

(1) The front facade of a large retail building shall be articulated to reduce its mass, scale, and uniform appearance (see Figure 5.8.4.A, Large Retail Façade Massing). Large retail buildings shall incorporate two or more of the following design elements on each facade visible from a street:

(a) Changes in wall plane, such as projections or recesses, having a wall offset of at least one foot depth, and located a minimum of every 40 feet. Each required offset shall have a minimum width of ten feet;

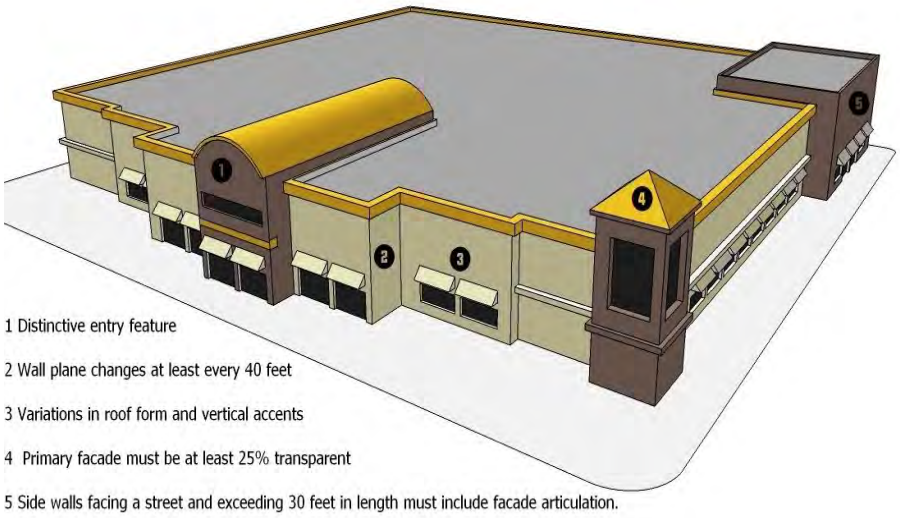
(b) Distinct changes in texture and color of wall surfaces;

(c) Variations in roof form and parapet heights;

(d) Vertical accents or focal points.

(2) Side walls exceeding 30 feet length shall have facade articulating elements such as columns and/or changes in plane, texture, or masonry pattern.

Figure 5.8.4.A, Large Retail Façade Massing



C. Off-Street Parking Location Standards

(1) Up to 60 percent of the total parking provided is permitted to be located between the front façade of a building and the street it faces.

(2) Off-street parking lots of 250 or more spaces serving a large retail building shall be organized into a series of parking bays surrounded by buildings, landscaping, or streets (see Figure 5.8.4.B, Large Retail Parking Areas).

Figure 5.8.4.B, Large Retail Parking Areas

D. Glazing

(1) Facades of large retail buildings facing a street shall include glazing in an amount equal to 25 percent of the ground floor facade area.

(2) Glazing on side facades may consist of clear, frosted, or spandrel glass, and shall be organized into a display window configuration.

5.9. SHOPPING CENTER DESIGN STANDARDS

5.9.1. Purpose and Intent

The purpose for these standards is to establish minimum standards to promote higher quality shopping center development while also allowing greater flexibility for development configured as a shopping center.

5.9.2. Applicability

A. General

These standards shall apply to any commercial development in one or more buildings of 5,000 square feet in area or larger that are configured to include four or more individual tenant spaces.

B. Time of Review

Review of proposed development to ensure compliance with the standards of this section shall occur at time of site plan (Section 2.4.7), planned development master plan (Section 2.4.5), or zoning compliance permit (Section 2.4.9), as appropriate.

C. Existing Development and Redevelopment

Development or redevelopment of an existing building or site that results in a shopping center larger than 5,000 square feet or with four or more tenant spaces shall be subject to the requirements of this section, to the maximum extent practicable.

D. Community Compatibility Standards

Shopping centers located adjacent to single-family detached development shall also be subject to the community compatibility standards in Section 5.10.

5.9.3. Shopping Center Design Standards

A. Access and Circulation

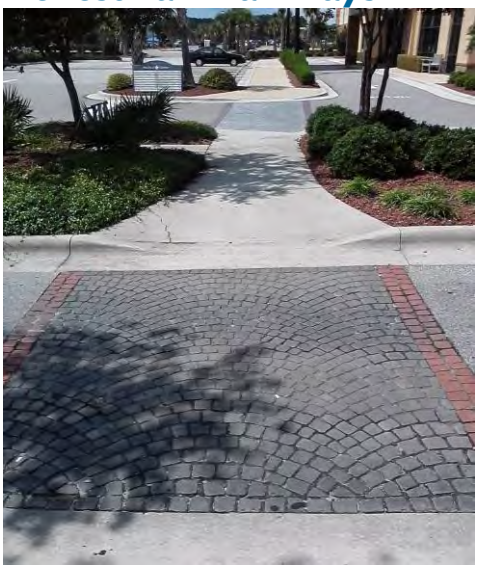
(1) Off-Street Parking

No more than 50 percent of the required off-street parking shall be located between the building's primary façade and the street it fronts.

(2) Internal Pedestrian Walkways

All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways (see Figure 5.9.3.A.2, Pedestrian Walkways).

Figure 5.9.3.A.2, Pedestrian Walkways



(3) Outparcel Development

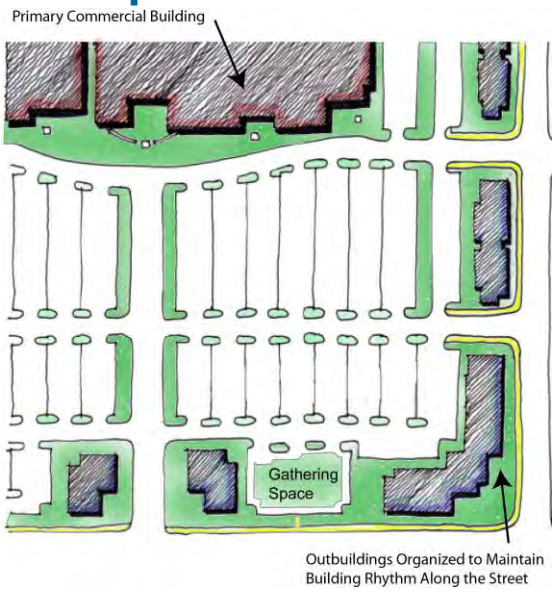
(a) To the maximum extent practicable, outparcels and their buildings shall be clustered in order to define street edges, entry points, and spaces for gathering or seating between buildings.

(b) The even dispersal of outparcel sites consisting of widely-spaced, single, functionally unrelated buildings on lots of similar street frontage widths is prohibited (see Figure 5.9.3.A.3, Outparcel Development).

(c) Spaces between buildings on outparcels shall be configured with small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, and gathering spaces.

(d) Auto-oriented businesses with drive-through facilities should be located on the edge of a given cluster of multiple buildings.

Figure 5.9.3.A.3, Outparcel Development



B. Building Placement

(1) Maximum Lot Coverage

Development subject to these standards shall maintain a maximum lot coverage of 65 percent or less. Outparcels in the development may have higher lot coverage amounts provided the development as a whole maintains a maximum lot coverage of 65 percent or less.

(2) Setbacks

Side and rear setbacks shall not apply to interior lot lines of outparcels within the development.

C. Building Design

(1) Customer Entrances

(a) Required Entrances

(i) Each side of a building facing a public street shall include at least one customer entrance, except that buildings shall not be required to provide common entrances on more than two sides of the structure which face public streets.

(ii) Nothing in these standards shall require entrances facing side streets to be operable.

(b) Entrance Design

Buildings shall have clearly-defined, highly visible customer entrances that include no less than three of the following design features (see Figure 5.9.3.C.1, Building Entrances):

(i) Canopies/porticos above the entrance;

(ii) Roof overhangs above the entrance;

(iii) Entry recesses/projections;

(iv) Arcades that are physically integrated with the entrance;

(v) Raised corniced parapets above the entrance;

(vi) Gabled roof forms or arches above the entrance;

(vii) Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;

(viii) Display windows that are directly adjacent to the entrance;

(ix) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance;

(x) Front porches with a minimum depth of six feet and a minimum length of 25 percent of the front façade (counts as two features); or

(xi) Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.

Figure 5.9.3.C.1, Building Entrances

(2) **Glazing**

(a) At least 35 percent of the ground floor façade facing a street or single-family development shall incorporate glazing (windows or doors).

(b) For the purposes of calculating the portion of the ground floor façade glazing, the façade area shall be calculated by measuring the applicable building wall between the finished grade and the underside of the roof.

(c) Reflective or heavily tinted glass that obstructs views into the building shall not be used.

(3) Façade Massing

(a) Offset Required

Front façades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet.

(b) Offset Alternatives

The following alternatives can be used in place of the required front façade offsets (see Figure 5.9.3.C.3, Façade Massing):

Figure 5.9.3.C.3, Façade Massing

(i) Façade color changes following the same dimensional standards as the offset requirements;

(ii) A series of four or more pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80 percent of the façade's height; and/or

(iii) Roofline changes when coupled with correspondingly aligned façade material changes.

(4) Roof Line Changes

(a) Roof line changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.

(b) When roof line changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes.

(5) Roof Planes

(a) Pitched roofs shall be used on development located on the Outer Banks.

(b) Except for mansard roofs, cupolas, and steeples, sloped roofs shall include two or more sloping roof planes with greater than or equal to one foot of vertical rise for every three feet of horizontal run (4:12), and less than or equal to one foot of vertical rise for every one foot of horizontal run (12:12) (see Figure 5.9.3.C.5, Roof Form).

Figure 5.9.3.C.5, Roof Form

(c) When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane.

(6) Roof Penetrations and Equipment

(a) All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), shall be screened with a parapet wall having a three-dimensional cornice treatment so as to have a minimal visual impact.

(b) In the case of pitched roofs, roof-based equipment shall be located on the elevation least likely to be seen from public streets, and shall be painted or otherwise camouflaged to minimize visual impact.

(7) Prohibited Materials

The following materials shall be prohibited on building facades facing public street or residentially-zoned land:

(a) Metal siding and exposed smooth-finished concrete block;

(b) Synthetic stucco (EIFS) within two feet of the grade level and within two feet of any exterior door jamb; and

(c) Vinyl siding shall be prohibited on the primary façade, and be limited to 60 percent of any other façades.

D. Traffic Impact Analysis Required

Development consisting of 30,000 square feet of floor area or more shall include a traffic impact analysis prepared by a registered engineer that contains the following information:

(1) General site and land use description;

(2) The number of trips to be generated; the volume of existing/background traffic on roads adjacent to and within one-half mile of the tract;

(3) The heaviest hourly volume of traffic expected to be generated by the site;

(4) The volume ratio of inbound and outbound trips to the site;

(5) Directional distribution of the vehicle trips;

(6) Assignment of vehicle trip volumes to the roadway network; and,

(7) A capacity analysis to include:

(a) Traffic volumes;

(b) Driveway locations;

(c) Spacing between intersection signals;

(d) Relationship with existing collector plans;

(e) Internal traffic flow and parking layout;

(f) Pedestrian access;

(g) Proposed actions necessary to alleviate traffic circulation problems; and

(h) Any additional information as deemed necessary by the Planning Director.

5.10. COMMUNITY COMPATIBILITY STANDARDS

5.10.1. Purpose and Intent

The purpose of these community compatibility standards is to provide a proper transition and ensure compatibility between single-family detached development and other more intense development. More specifically, it is the intent of these standards to:

A. Provide effective transitions between single-family detached and more intense uses;

B. Protect the character of existing single-family detached development from negative impacts resulting from more intense and incompatible adjacent forms of development;

C. Limit interruptions in vehicular and pedestrian connections created by efforts to segregate uses; and

D. Establish or maintain vibrant pedestrian-oriented areas where differing uses can operate in close proximity to one another.

5.10.2. Applicability

A. General

Unless exempted in accordance with Section 5.10.2.E, Exemptions, these neighborhood compatibility standards shall apply to commercial, industrial, mixed-use,

and multi-family development located on land adjacent to or across a local street or alley from existing single-family detached development.

B. Existing Development

Commercial, industrial, mixed-use, and multi-family development existing on January 1, 2013 located on land adjacent to or across a local street or alley from existing single-family detached development shall be subject to these standards if any expansion or alteration exceeds 50 percent of the building's assessed value at the time of expansion or alteration.

C. Timing of Review

Review for compliance with these standards shall occur at the time of site plan (see Section 2.4.7), planned development master plan (see Section 2.4.5), or zoning compliance permit (see Section 2.4.9), as appropriate.

D. Conflict

In the case of conflict between these standards and other standards in this Ordinance, the community compatibility standards in this section shall control.

E. Exemptions

Commercial, industrial, mixed-use, and multi-family development located on land adjacent to or across a local street from a single-family detached dwelling on property zoned LB, GB, LI, or HI, or on a ten acre lot or larger is exempt from these standards.

5.10.3. Design Standards

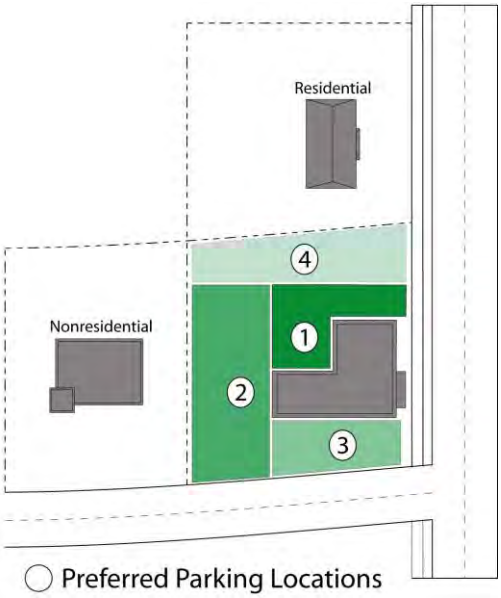
A. Access and Circulation

(1) Off-Street Parking Areas

(a) The total amount of off-street parking shall not exceed the required minimum specified in Table 5.1.3.C, Minimum Off-Street Parking, and may be reduced through an Alternative Parking Plan (see Section 5.1.6) that demonstrates such reduction will not have an adverse impact on the adjacent residential development.

(b) When required, off-street parking shall be established in one of the following locations, listed in priority order (see Figure 5.10.3.A, Parking in Transitional Areas):

Figure 5.10.3.A, Parking in Transitional Areas



(i) Adjacent to off-street parking lots serving nonresidential uses on abutting lots;

(ii) Adjacent to lot lines abutting nonresidential development;

(iii) Adjacent to lot lines abutting mixed-use development;

(iv) On a lot's corner side;

(v) Behind the building;

(vi) In front of the building; or

(vii) Adjacent to lot lines abutting single-family detached dwellings.

(c) Parking structure facades adjacent to single-family detached development shall be configured to appear as solid building walls, to soften their visual impact.

(d) Off-street surface parking areas located adjacent to single-family detached residential development shall be screened by a Type D perimeter buffer (see Section 5.2.6, Perimeter Landscape Buffers).

B. Building Placement

Multi-building development shall be configured to establish a continuum of use intensity where uses of moderate intensity are sited between high-intensity uses and low-intensity uses (e.g., office uses between retail and detached residential), as they relate to adjacent residential development.

C. Building Design

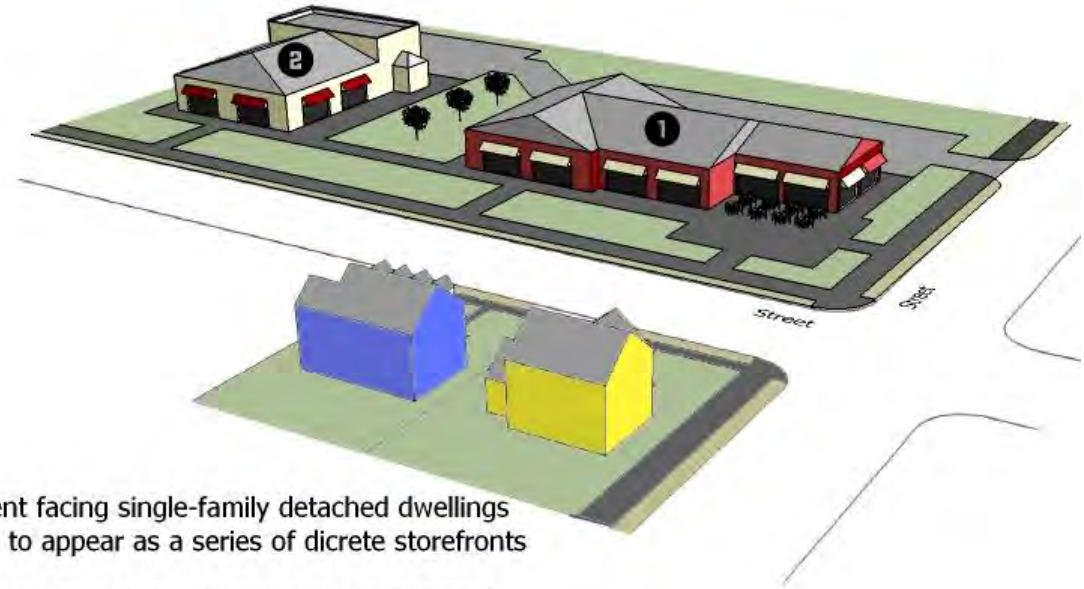
(1) General

Buildings subject to these standards shall:

(a) Use a similar roof type to adjacent residential development in terms of slope and arrangement to prevent abrupt changes in roof form;

(b) Facades greater than 80 feet in length facing residential development, shall be configured to appear as a series of discrete storefronts with no single storefront occupying more than 50 percent of the total façade width (see Figure 5.10.3.C.1, Building Facades in Transitional Areas);

Figure 5.10.3.C.1, Building Facades in Transitional Areas



1 Development facing single-family detached dwellings configured to appear as a series of dicrete storefronts

2 Use of architectural features similar to the adjacent single-family detached dwellings

(c) Use exterior colors that are compatible with nearby residential development;

(d) Use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations found on adjacent residential development; and

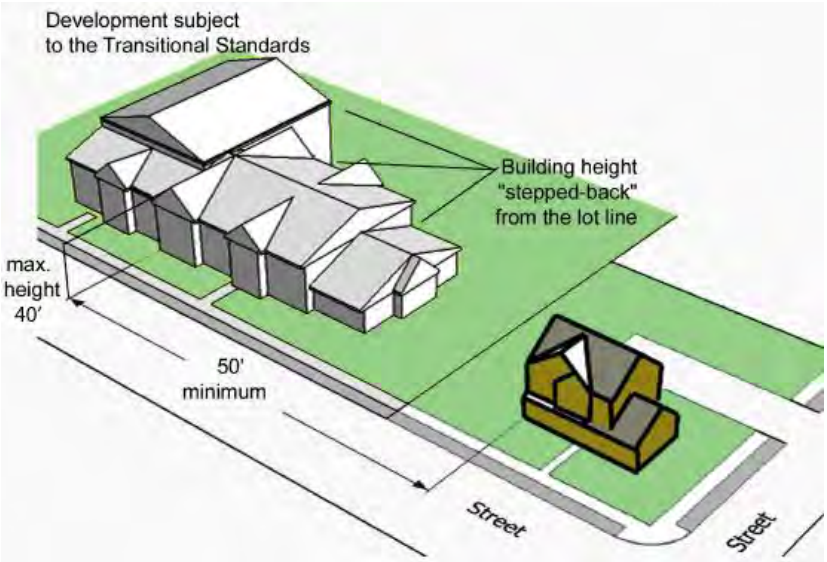
(e) Orient porches, balconies, outdoor space, and other exterior site features such as vending machines away from adjacent single-family detached dwellings.

(2) Building Height

(a) Buildings shall maintain a maximum height of 35 feet within 100 feet of a lot line shared with existing single-family detached dwellings (see Figure 5.10.3.C.2, Building Height).

(b) Buildings over three stories in height shall be broken up into modules or wings with the smaller and shorter portions of the structure located adjacent to residential development.

Figure 5.10.3.C.2, Building Height



D. Site Features

(1) Loading and Refuse Areas

Loading, service, and refuse areas shall be:

(a) Screened from view of single-family detached dwellings using materials that are the same as, or of equal quality to, the materials used for the principal building; or

(b) Incorporated into the overall design of the building and landscape so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.

(2) Exterior Lighting

Exterior lighting shall:

(a) Have a maximum height of 15 feet; and

(b) Be configured so that the source of illumination is not visible from public street right-of-way or adjacent single-family residential property.

(3) Signage Standards

(a) Within 50 feet of residential lot lines, the maximum sign copy area for freestanding, ground, and wall signs shall be reduced by 25 percent on lots subject to these standards.

(b) Signage within 20 feet of a lot line shared with a single-family detached dwelling shall be limited to directional or incidental signage.

(4) Open Space Set-Aside Configuration

Required open space set-asides shall be located between a proposed development and adjacent single-family detached dwelling, to the maximum extent practicable.

5.11. FARMLAND COMPATIBILITY STANDARDS

5.11.1. Purpose and Intent

The purpose and intent of these farmland compatibility standards is to promote development that is compatible with existing farms and agricultural uses in Currituck County. More specifically, these standards are intended to:

A. Ensure new development does not negatively impact existing adjacent agricultural uses;

B. Maintain and promote rural character in agricultural areas;

C. Allow farming families to capture the monetary value of their land through limited development while continuing to farm; and

D. Ensure greater compatibility between existing farms and new non-farm uses.

5.11.2. Applicability

Except where exempted by Section 5.11.3, Exemptions, the standards in this section shall apply to all major subdivisions (see Section 2.4.8), planned developments (see Section 2.4.5), or site plans (see Section 2.4.7) on lots or tracts of ten acres in area or greater proposed adjacent to a bona fide farm or agricultural use associated with a bona fide farm.

5.11.3. Exemptions

The standards in this section shall not apply to the following:

A. Utility uses in accordance with Section 5.2.9: Alternative Landscape Plan; and

B. Portions of a conservation subdivision adjacent to an agricultural use or activity taking place within the conservation subdivision's open space set-aside.

5.11.4. Time of Review

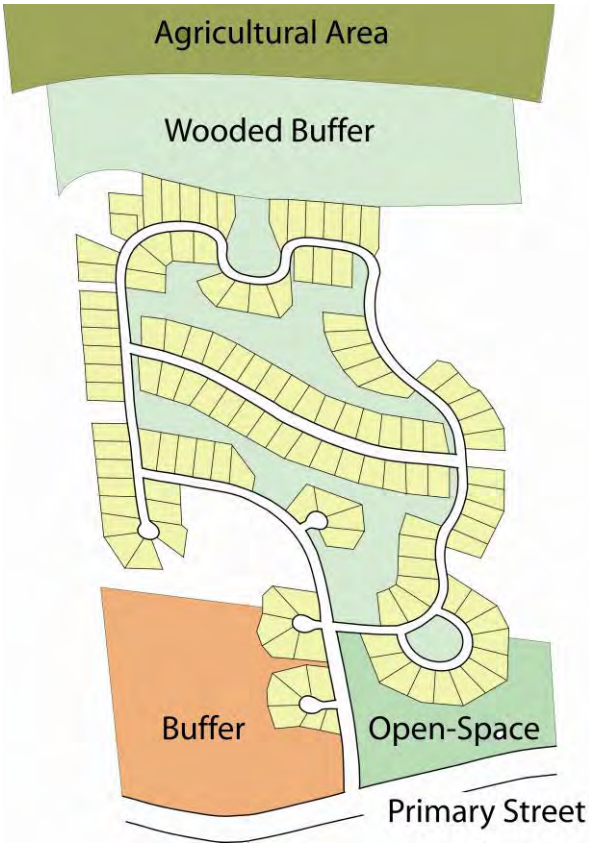
Review for compliance with these standards shall take place during review of a preliminary or final plat (see Section 2.4.8), as appropriate.

5.11.5. Farmland Compatibility Standards

A. Vegetated Buffer

Development subject to these standards shall provide a fifty-foot-wide vegetated buffer between building lots in the development and an existing agricultural use. The buffer shall (see Figure 5.11.5, Farmland Compatibility Features):

Figure 5.11.5, Farmland Compatibility Features



(1) Remain undisturbed for a minimum distance of 25 feet from the edge of the agricultural use or boundary of the agricultural activity. Planted vegetation shall not be located in the 25' undisturbed portion of the buffer;

(2) Include at least 14 trees, equally distributed, for every 100 linear feet of buffer length to create an opaque buffer. Planted trees shall consist of mixed hardwoods and may contain up to 50% evergreen species, excluding pine trees. Existing vegetation can be used to meet the minimum buffer requirements of this section;

(3) Incorporate existing or planted vegetation, configured in a staggered fashion, so as to create two or more rows of trees within the buffer; and

(4) Planted vegetation required by this section shall not be subject to the minimum size standards for new planting specified in the Administrative Manual;

(5) Incorporate a fence, berm, drainage ditch, or any combination of these features to physically separate the agricultural use from the new development. Nothing in this section shall limit the use of wire fencing for this purpose.

B. Location of Open Space Set-Aside

In cases where new development includes an open space set-aside, it shall be located between the agricultural use and the buildings in the new development, to the maximum extent practicable.

C. Lot Location

Development subject to these standards shall be configured to ensure farms or agricultural uses retain direct access to adjacent streets.

D. Notification on Plat

Preliminary and final plats subject to these standards shall bear a notation in 14 point type indicating the development is adjacent to an existing agricultural or farm use that is anticipated to generate noise, light, dust, odor, or vibration as part of its normal operations.

5.12. SIGNAGE

5.12.1. Purpose and Intent

The purpose of this section is to support and compliment the various land uses allowed in Currituck County by the adoption of regulations concerning the placement, number, location, size, appearance, illumination, and animation of signs. The erection of signs is controlled and regulated in order to promote the health, safety, welfare, convenience, and enjoyment of travel on streets, as well as protect the public investment in such streets. The provisions of this section are also intended to:

A. Promote the reasonable, orderly, and effective display of signs, displays, and devices;

B. Protect the public welfare as well as land values by preserving the aesthetic qualities of the unique natural environment;

C. Preserve the county's environment from excessive and obtrusive signs;

D. Promote the safety of persons and land by providing that signs do not create traffic hazards or hazards due to collapse, fire, collision, decay, or abandonment;

E. Promote the efficient transfer of general public and commercial identification or information and maintain a viable business community throughout the year by improving the legibility and effectiveness of signs;

F. Preserve the environment from excessive and obtrusive signs in support of the county's resort and tourism industry; and

G. Enhance the image, appearance, and economic vitality of the community.

5.12.2. Prohibited Signs

The following signs are prohibited:

A. Off-premise advertising signs (billboards), including digital billboards, except as otherwise provided by this Ordinance;

B. Signs located within the sight distance triangle or public right-of-way;

C. Signs attached to the structure of a lawfully permitted sign, without a permit, except as otherwise provided by this Ordinance;

D. Signs attached to any traffic sign, utility pole, or tree, except as otherwise provided by this Ordinance;

E. A sign that by its location, color, illumination, size, shape, nature, or message would obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies;

F. Signs that emit a sound, odor, or visible matter such as smoke or vapor;

G. Signs that exhibit statements, suggestive words, or pictures of an obscene or pornographic nature;

H. Banners, inflatable signs or balloons, flags (except those exempted by this Ordinance), pennants, streamers, propellers, whirligigs, umbrellas with logos or commercial messages, and animated display boards;

I. Signs or portions of signs designed to move by any means or give the appearance of movement in any manner except for suspended signs intended for pedestrians and flags as described in this Ordinance;

J. Roof signs;

K. Vehicle signs on vehicles or trailers that are not currently licensed and registered by the Department of Motor Vehicles;

L. Internally-illuminated signs (other than window signs) on lots located on the Outer Banks; and

M. Portable signs and mobile marquee signs on lots in the Outer Banks.

5.12.3. Signs Exempt from Signage Regulations

The following signs are exempt from the signage standards in this section:

A. Signs and legal notices erected by or on behalf of, or pursuant to, the authorization of a governmental body, including but not limited to, traffic, directional, or regulatory signs;

B. Informational signs that identify public property, convey public information, or display other identification not having a commercial message;

C. Signs designed to direct and guide vehicular and pedestrian traffic on private property, but bearing no advertising matter;

D. Religious or civic symbols for noncommercial purposes, including lights and decorations temporarily displayed on holidays;

E. Official signs of a non-commercial nature erected by public utilities;

F. Residential flags or flags, pennants, and insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device;

G. Trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps;

H. Vendor signs located at convenience stores, provided such signs are not attached to public utility poles or traffic signs; and

I. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

5.12.4. Signs Exempted from Sign Permit Requirements

The signs in Table 5.12.4, Signs Exempted from Sign Permits, are exempt from the requirements to obtain sign permit approval, but are subject to the standards in Section 5.12.8, Maintenance Standards, and the standards in this sub-section.

TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS

Sign Type	Example	Applicable Standards	Maximum Sign Area (sq. ft)	Maximum Height (feet)
Contractor Sign		Limited to one sign per lot. Must be removed prior to completion of construction or occupancy of the building or site. May not be installed prior to issuance of a building permit or commencement of work.	Mainland: 32 Outer Banks: 8	Mainland: 10 Outer Banks: 4
Cottage or House Name		Limited to one sign displaying the name of a cottage or house.	12	20
Development Entrance Sign		Limited to a maximum of two signs per entrance on the mainland and one sign per entrance on the Outer Banks.	Mainland: 60 Outer Banks: 48	Mainland: 15 Outer Banks: 6
Directional Sign, Institutional or Historic Property		Up to one off-premise directional sign (arrow type) may be placed at an intersection pointing toward the institutional or historic site. These signs may not be internally illuminated.	8	8
Flag, Commercial		Flags shall be anchored to the wall, deck support post, or railing (if a support post is not available).	Mainland: 5 per lot; 20 Outer Banks: 1 per business; 15	20
Flag, Subdivision		Up to four per major subdivision entrance. Up to one additional model home flag and one 30-square-foot banner is allowed at a model home location.	24	20

TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS

Sign Type	Example	Applicable Standards	Maximum Sign Area (sq. ft)	Maximum Height (feet)
Home Occupation		Limited to one sign per home occupation, and may only include business name, location, telephone number. Sign shall not be illuminated.	6	4
Incidental Sign		Limited to property numbers, post office box numbers, names of occupants of premises, or directions guiding traffic and parking on private property.	4	5
For Rent, Cottage		Limited to one on-premise "For Rent" sign.	2	20
Political Sign		May not be on site more than ten days following the election or conclusion of the campaign.	32	10
Real Estate, Subdivision		Must be located within the boundaries of the subdivision and be spaced at least 500 feet from another prospective development sign. No more than one sign shall be placed within a subdivision on the Outer Banks.	Mainland: 75 Outer Banks: 32	Mainland: 10 Outer Banks: 6
Real Estate, Commercial		Up to one on-premise, free-standing "For Sale" sign per lot.	32	8

TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS

Sign Type	Example	Applicable Standards	Maximum Sign Area (sq. ft)	Maximum Height (feet)
Real Estate, Residential lot		Up to one on-premise, free-standing "For Sale" sign per lot.	8	4
Roadside Market Sign		May be erected up to 30 days before the seasonal opening of the establishment, and shall be removed within 30 days of the seasonal closing.	32	10
Sandwich/Tent Sign		Allowed only in the Outer Banks. Each business unit may have one temporary double-sided on-premise sign, provided: 1. The sign shall be located on an existing sidewalk or deck, and immediately adjacent to the entrance of the business installing the sign and comply with the outdoor display requirements of Section 4.3.3.P where applicable; 2. The sign may be located adjacent to NC 12 from October 1 to May 15 provided it is located on the same parcel as the business or on shopping center property (including common area). 3. The sign shall be removed if the business is closed on 3 or more consecutive days.	8	4
Temporary Sign (On Premise)		Limited to a maximum of two per lot on the mainland; prohibited on the Outer Banks. Must be 10 feet from side or rear lot lines and outside sight triangles.	Up to 40 total	10
Window Signs		Shall not exceed 25 percent of the total window pane area that contains the sign, except that trademark and merchandise displayed for sale shall not be included in the total window sign area.		

5.12.5. Determining Sign Number, Area, and Height

A. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized information. When displayed in a random manner without an organized relationship of elements, each element shall be considered as a single sign.

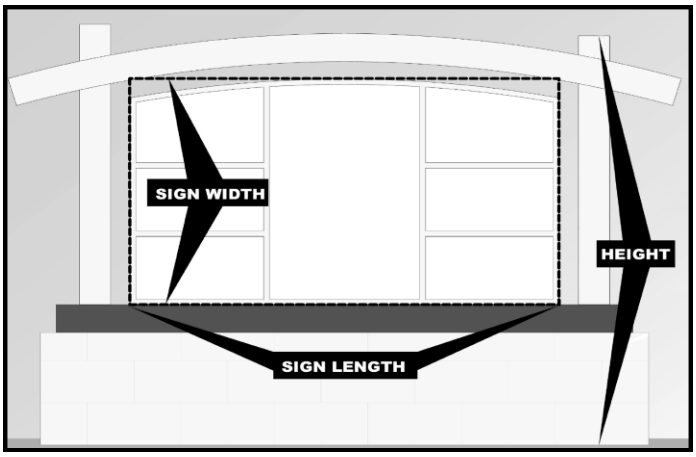
B. A two-sided or multi-sided sign shall be regarded as one sign so long as:

(1) With respect to V-type signs, the angle between the faces does not exceed 45 degrees.

(2) With respect to double faced (back to back) signs, the distance between the backs of each face of the sign does not exceed three feet.

C. Sign area shall be determined by drawing the smallest geometric form to encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Sign area shall not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the UDO regulations and is clearly incidental to the display itself (see Figure 5.12.5, Sign Area).

Figure 5.12.5, Sign Area



D. Sign height shall be measured from the top of the highest component of the sign to the higher of: the natural grade or the street grade of the street to which the sign is oriented.

5.12.6. Specific Sign Standards

A. Freestanding Signs

Freestanding signs for nonresidential uses shall comply with the standards in Table 5.12.6.A, Freestanding Signs:

TABLE 5.12.6.A: FREESTANDING SIGNS [1]

STANDARD	ON MAINLAND [2]	ON OUTER BANKS
Maximum Number	1 per frontage of 500 feet or less; Up to 2 for frontages over 500feet	1 per lot
Minimum Spacing	100 feet between signs serving same development or approved access points	
Maximum Area [3]	128 square feet for frontages of 160 square feet or less; 160 square feet for frontages over 160 feet	48 square feet
Minimum Setback (from ROW)	10 feet for signs taller than 10 feet	
Maximum Height	20 feet	8 feet

NOTES:
[1] Freestanding signs shall be landscaped in accordance with Section 5.12.7
[2] Includes Knotts Island and Gibbs Woods
[3] Per individual sign

B. Institutional Signs

Schools, religious institutions, and other public uses may include one free standing on-premise sign not exceeding 48 square feet in area or 8 feet above natural grade.

C. Message Board Signs

Message board signs shall comply with the following standards:

(1) Electronically-controlled signs are prohibited in the Outer Banks.

(2) No more than 50 percent of a sign's maximum area can be occupied by a message board, reader board, or electronically controlled message sign.

(3) Except for time and temperature signs, the message shall remain stationary for at least five seconds.

D. Off-Premise Directional Signs

(1) Applicability

The standards in this section shall apply to businesses existing prior to January 1, 2013 located in a Business and Mixed-Use Zoning District adjoining the Currituck Sound or Atlantic Intracoastal Waterway that contain a use listed in Section 4.1.2 Use Table, Commercial Use Classification.

(2) Prohibited

Except as provided in Section 5.12.3 Signs Exempt from Signage Regulations, and 5.12.4 Signs Exempted from Sign Permit Requirements, off-premise directional signs are prohibited for the following:

(a) Commercial uses and properties located on the Outer Banks.
(b) Commercial uses adjoining a major arterial street.

(3) General

(a) Off-premise directional signs must be located on property within two miles of the intersection of a major arterial street and the collector street accessing the commercial use.
(b) Off-premise directional signs must be located on property under the same ownership as the business to be identified on the sign.
(c) Off-premise directional signs must be located in a Business and Mixed-Use Zoning District adjoining a major arterial street.
(d) A maximum of one off-premise directional sign is permitted per business. A lot shall have a maximum of one off-premise directional sign.
(e) Off-premise directional signs shall not exceed 64 square feet in area and 15 feet in height.
(f) Off-premise directional signs shall not be located within the sight triangle.
(g) Off-premise directional signs shall not contain an electronic message board.

E. Pennant and Streamer Signs

(1) A sign permit (see Section 2.4.10) for the pennants/streamers is required, at no cost, in order to establish the start/finish date of the display.

(2) Pennant and streamer signs are prohibited on the Outer Banks.

(3) Pennants and streamers shall not be attached to a street sign or telephone pole and shall not encroach into the street right-of-way.

(4) Pennants and streamers are only permitted for maximum of 30 days for each of the following events:

(a) Grand openings;
(b) Seasonal openings (for those businesses who are closed during one or more seasons); or
(c) Going out of business.

F. Shopping Center Signs

Signs associated with a shopping center shall comply with the requirements in Table 5.12.6.F, Shopping Center Signs:

TABLE 5.12.6.F: SHOPPING CENTER SIGNS [1]

STANDARD	ON MAINLAND [2]		OUTER BANKS
	Freestanding Signs	Freestanding Signs- Outparcels	Freestanding Signs
Maximum Number	1 per street frontage; up to 2 for frontages over 500 feet		
Minimum Spacing	100 feet between signs serving same development or approved access points		
Maximum Area [3]	3 to 10 establishments: 200 square feet; More than 10 establishments: 300 square feet	64 square feet	80 square feet; 24 square feet for secondary road frontages; 32 square feet for outparcels
Minimum Setback (from ROW)	10 feet for signs taller than 10 feet		
Maximum Height	25 feet	10 feet	12 feet Outparcel: 6 feet

NOTES:
[1] Shopping center signs shall be landscaped in accordance with Section 5.12.7
[2] Includes Knotts Island and Gibbs Woods
[3] Per individual sign

G. Special Event Signs

A special event sign is for identifying a special event or other noncommercial event, on or off premise, and may be approved as part of a temporary use permit (see Section 2.4.11), subject to the following standards:

(1) The following shall be allowed on the mainland:

(a) Up to 40 signs, each with a maximum area of 6 square feet and up to 10 signs, each with a maximum area of 32 square feet; or
(b) Up to 60 signs, each with a maximum area of 6 square feet;

(2) Up to three signs, each with a maximum area of 32 square feet and a maximum height of six feet shall be allowed on the Outer Banks;

(3) On the mainland, such signs may be erected up to 17 days before the event, and shall be removed within 8 days after the event;

(4) On the Outer Banks, such signs may be erected up to three days before the event and shall be removed within two days after the event.

H. Wall Signs

Wall signs shall comply with the following standards:

(1) Wall signs shall be anchored directly to the wall, to the maximum extent practicable, and shall not be painted on a wall's surface.

(2) Wall signs shall not project or be offset more than 12 inches from the wall it is mounted to.

(3) Walls signs shall not extend above the roof line.

(4) Wall signs shall be placed on a wall that is oriented toward a public street, public vehicular access, or public drive aisle leading to public parking or an entrance. In no instance shall a wall sign directly face adjacent a single-family dwelling located within a residential zoning district.

(5) Maximum wall sign area shall be in accordance with Table 5.12.6.C, Wall Sign Area:

TABLE 5.12.6.C: WALL SIGN AREA

Location	Maximum Sign Area Size	
	Shopping Centers	All other Nonresidential Uses
Mainland Currituck County, including Knotts Island and Gibbs Woods	20 percent of the wall area, not to exceed 400 square feet	
Outer Banks	32 square feet per business; 54 square feet for businesses over 5,000 square feet in area	

5.12.7. Landscaping Standards

All freestanding and shopping center signs shall include landscaping that encompasses the entire base of the sign at a minimum rate of two square feet of landscape area per one square foot of sign area. Required landscaping shall contain an appropriate combination of shrubs and ground cover.

5.12.8. Maintenance Standards

A. Sign Permit Required

(1) Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, illuminate, or replace any sign, without first having obtained a sign permit in accordance with Section 2.4.10.

(2) No use shall arbitrarily attach a sign to the structure of a lawfully permitted sign without prior approval of a sign permit in accordance with Section 2.4.10.

B. Indemnification

All persons involved in the maintenance, installation, alteration, or relocation of any sign shall agree to hold harmless and indemnify Currituck County, its officers, agents, and employees against any and all claims of negligence resulting from such work.

C. Properly Secured

(1) All signs shall be adequately secured to meet all applicable building code standards and shall be maintained in good structural condition.

(2) All signs shall be adequately secured and stabilized to minimize the danger that either the sign or the supporting structure may be moved by the wind or other forces of nature and cause injury to persons or property.

(3) Flags shall be attached to a singular pole or building and shall have no other means of support (i.e., be free-flying).

D. illumination

(1) Illuminated signs shall be designed, installed, and maintained in a manner that avoids glare or reflection on adjoining properties and does not interfere with traffic safety.

(2) A sign shall not be erected that contains, employs, or utilizes lights or lighting which rotates, flashes, moves, or alternates.

(3) Sign lighting shall not exceed 15 footcandles at any location on the property and shall not exceed 1.5 footcandles measured at ground level.

E. Durable Materials

(1) All signs shall present a professional appearance by being designed and constructed using material, lettering, and graphic standards commonly used in the sign industry. Hand crafted and lettered signs are not prohibited in their entirety, but are subject to removal if, in the opinion of the Planning Director, the sign does not meet the spirit of this Ordinance.

(2) Except for awnings, signs constructed with fabric, cardboard, or paper are prohibited.

(3) Peeling or flaking paint, broken panels, missing letters, defective illumination, torn fabric, and other damage to a sign or sign structure shall be replaced or repaired. All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair.

(4) Flags that are shredded, torn, tattered, or frayed must be replaced or removed upon written notification from the Planning Director.

F. Clearing of Vegetation

No person shall, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

(1) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the NCDOT;

(2) On land that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; or

(3) In any area where trees or shrubs are required to be preserved, subject to the standards in this Ordinance or a prior development approval.

(4) The area within ten feet in all directions of any part of a sign shall be kept clear of all debris.

G. Discontinuance

(1) A sign that includes a reference to a closed establishment shall remove the reference to the closed establishment within 30 days. The sign shall be altered in such a way as to not detract from the overall appearance of the sign. Exposed lighting, such as occurs with the removal of a transparent panel, is not acceptable under any circumstance.

(2) If the message portion of a conforming sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign.

(3) Signs unlawfully placed in any street right-of-way or on any public land, including signs affixed to street and traffic signs or public utility poles, may be removed by the Planning Director without notice in accordance with Section9..6.1.H, Removal of Signs from Street Right-of-Way.

5.13. INCENTIVES FOR SUSTAINABLE DEVELOPMENT PRACTICES

5.13.1. Purpose and Intent

In an effort to encourage sustainable development practices as a means of the protection of natural resources, and ensuring a high quality of life for future county residents, the UDO provides the following sustainable development practice incentives are provided.

5.13.2. Type of Incentives

A. Development integrating sustainable development practices in accordance with the provisions of this section shall be eligible for the following incentives:

(1) A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zoning district, based on the land's designation in the Land Use Plan;

(2) An increase in the maximum allowable height by up to one story or ten feet beyond the maximum allowed in the base zoning district, with approval of the Fire Marshal;

(3) A modification to the off-street parking requirements resulting in a reduction from the minimum requirements by 15 percent, or an increase to the maximum allowable number of spaces provided by 15 percent (without an alternative parking plan);

(4) An increase in the maximum allowable sign area or maximum height for wall or freestanding signs by 10 percent; or

(5) A reduction in the amount of required open space set-aside by 10 percent.

B. Development may include a sufficient number of sustainable development practices to take advantage of more than one type of incentive, but in no instance shall the amount of an incentive be increased or decreased (as appropriate) beyond the maximum listed in this sub-section.

5.13.3. Applicability

The incentives included in this section are available to new development in the MXR, business and mixed-use districts, and planned development districts, except that incentives related to residential density or building height, shall be limited to uses only in the MXR, CC, and VC districts.

5.13.4. Conflict with Community Compatibility Standards

In cases where bonuses in this section conflict with the community compatibility standards in Section 5.11, the community compatibility standards shall control.

5.13.5. Procedure

A. Development seeking to use incentives shall include a written request with the development application that demonstrates how compliance with the standards will be achieved.

B. Review for compliance with this section, and granting of requests in accordance with this section shall occur during review of a site plan (Section 2.4.7), planned development master plan (Section 2.4.5), use permit (Section 2.4.6), or zoning compliance permit (Section 2.4.9), as appropriate. The decision-making body responsible for review of the development application shall also be responsible for the review of sustainable development incentive request.

C. The incentive shall be based on the number of sustainable development practices provided, in accordance with Table 5.13.A, Sustainable Development Practice Incentives, and Section 5.13.G, Menu of Sustainable Development Practices. To obtain the right to a particular incentive, development shall provide the minimum number associated of sustainable development practices from both schedule A and schedule B in the table.

TABLE 5.13.A: SUSTAINABLE DEVELOPMENT PRACTICE INCENTIVES

Type of Incentive	Minimum Number of Sustainable Development Practices Provided	
	From Schedule A	From Schedule B
A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zoning district	2	4
An increase in the maximum allowable height by up to one story or ten feet beyond the maximum allowed in the base zoning district	2	3

TABLE 5.13.A: SUSTAINABLE DEVELOPMENT PRACTICE INCENTIVES

Type of Incentive	Minimum Number of Sustainable Development Practices Provided	
	From Schedule A	From Schedule B
A reduction from the minimum parking space requirements by 15 percent, or an increase to the maximum allowable number of parking spaces provided by 15 percent	2	2
An increase in the maximum allowable sign area or maximum height for wall or freestanding signs by 10 percent	1	3
A reduction in the amount of required open space set-aside by 10 percent	1	2

5.13.6. Menu of Sustainable Development Practices

One or more of the sustainable development practices in Table 5.13.B, Sustainable Development Practices, may be offered by an applicant for proposed development in accordance with Table 5.13.A, Sustainable Development Practice Incentives.

TABLE 5.13.B: SUSTAINABLE DEVELOPMENT PRACTICES

Schedule	Type of Practice	Documentation of Compliance
Energy Conservation		
A	Inclusion of solar photovoltaic panels or small wind energy facilities	Indication on site plan
A	Use of central air conditioners that are Energy Star qualified	Provision of manufacturer's certification statement
A	Use of only solar or tankless water heating systems throughout the structure	Inclusion on construction drawings
A	Use of a white roof or roofing materials with minimum reflectivity rating of 60 percent or more	Provision of materials sample and manufacturer's certification statement (statement not required for white roofs)
B	Provision of skylights in an amount necessary to ensure natural lighting is provided to at least 15 percent of the habitable rooms in the structure	Indication on site plans
B	Roof eaves or overhangs of three feet or more on southern or western elevations	Indication on site plans
B	Structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)	Inclusion on construction drawings
B	Inclusion of shade features (e.g., awnings, louvers, shutters, etc.) to shade all windows and doors on the southern building facade	Indication on site plan
B	Configuration of new buildings with one axis at least 1.5 times longer than the other, and the long axis oriented in an east-west configuration for solar access	Indication on site plan
LEED Certification		
AAA [2]	Construction of the principal structure to meet or exceed LEED Platinum certification standards	Provision of Green Building Certification Institute's verification of project compliance (may be provided within one year following occupancy)
AA [2]	Construction of the principal structure to meet or exceed LEED Gold certification standards	
BBB	Construction of the principal structure to meet or exceed LEED Silver certification standards	

TABLE 5.13.B: SUSTAINABLE DEVELOPMENT PRACTICES

Schedule	Type of Practice	Documentation of Compliance
BB	Construction of the principal structure to meet or exceed LEED Bronze certification standards	
Water Conservation and Quality Protection		
AA [1]	Configuration of the principal structure's roof so that at least 50 percent of the roof is a "green" roof intended to capture and hold rain water	Indication on site plan
A	Inclusion of rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons	Inclusion on construction drawings
A	Provision of rain gardens or other appropriate stormwater infiltration system(s) of at least 500 square feet in area	Indication on site plan
A	Provision of open space set-asides at a rate 200 percent or more beyond the minimum required	
B	Provision of rain gardens or other appropriate stormwater infiltration BMP systems of at least 100 square feet in area	
B	Removal of all lawn or turf in favor of living ground cover or mulch	
B	Use of xeriscape landscaping techniques without irrigation	
B	Provision of 150-foot undisturbed buffers adjacent to/surrounding all wetlands or surface waters	
B	Use of permeable surfacing on 50 percent or more of the vehicular use area	
Building Configuration		
A	Construction of principle structure in accordance with Barrier Free Design Standards (ANSI A1171.1)	Inclusion on construction drawings
A	Construction of the principal structure to a design wind speed standard of 150 mph	Signed attestation from a qualified NC licensed engineer
A	Inclusion of underground parking or parking structures sufficient to accommodate 51 percent or more of the off-street parking requirements	Indication on site plan
B	Provision of on-site transit facilities (e.g., designated park-and-ride parking spaces, bus shelters, or similar features)	
B	Inclusion of showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation	Inclusion on construction drawings
B	Provision of at least one enclosed recycling station per building suitable for storage and collection of recyclable generated on-site	Indication on site plan

NOTES:
[1] Credited as provision of three schedule "A" features
[2] Credited as provision of two schedule "A" features

5.13.7. Failure to Install or Maintain Sustainable Development Practices

The failure to install or maintain approved sustainable development practices is a violation of this Ordinance, shall render the subject development nonconforming, and may result in revocation of the authorization for use of sustainable development practice incentives.

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6 SUDIVISION & INFRASTRUCTURE STANDARDS

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CHAPTER 6. SUBDIVISION AND INFRASTRUCTURE STANDARDS

6.1. SUBDIVISION STANDARDS

6.1.1. Purpose and Intent

The purpose of this section is to establish procedures and standards for the subdivision of land within the county. More specifically, this section is intended to:

A. Provide for the orderly growth and development of the county;

B. Foster the distribution of population and traffic in a manner that will avoid congestion and overcrowding;

C. Maintain conditions essential to the public's health, safety, and general welfare;

D. Facilitate adequate provision of public services; and

E. Facilitate the further re-subdivision of larger tracts into smaller parcels of land.

6.1.2. Applicability

A. General

The standards in this section are the minimum standards applied to all subdivisions of land in the county.

B. Abrogation

These standards shall not repeal, impair, abrogate, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued in accordance with the law.

C. Installation of Required Public Improvements

Unless subject to a performance guarantee (see Section 6.3, Performance Guarantees), all required public improvements shall be installed prior to the approval of a final plat (see Section 2.4.8.E.4, Final Plat), in accordance with the standards in this Ordinance.

6.1.3. Subdivision Standards

Subdivisions of land subject to the procedures in Section 2.4.8, Subdivision, and the following standards and other requirements:

A. Timing

The Board of Commissioners, may in its sole discretion, allocate the total number of lots that may be included on a final plat, based upon adequate public facilities in accordance with Section 6.6, Adequate Public Facility Standards.

B. Local, State, or Federal Agency Permits Required

(1) Applicants proposing a subdivision that will connect to existing public water or sewer systems shall obtain all necessary county, State, and Federal agency permits prior to the approval of the subdivision.

(2) Land-disturbing activities associated with a subdivision shall not take place until all permits required from state agencies are obtained, including but not limited to those required by the Division of Water Quality (sewer and stormwater), Division of Land Resources (soil erosion and sedimentation control), Division of Environmental Health (potable water), NCDOT (encroachment agreement), U.S. Army Corps of Engineers (wetlands), and Division of Coastal Management (CAMA).

C. School Site Reservation

(1) If a proposed subdivision includes a school site that is designated in the Land Use Plan (in accordance with Section 153A-331 of the North Carolina General Statutes) or some other long range document adopted by the Board of Commissioners, the county shall immediately notify the Currituck County Board of Education.

(2) If the Board of Education determines the school site does not need to be reserved, it shall not be required as part of the subdivision.

(3) If the Board of Education determines the school site needs to be reserved to accommodate a new school, the subdivision shall not be approved without reservation of the school site. If the school site is reserved, the Board of Education must acquire the site within 18 months after the date the site is reserved, or the subdivider may treat the reservation as null and void as authorized by Section 153A-331 of the North Carolina General Statutes.

D. Water Access

(1) A subdivider shall not usurp, abolish, or restrict public access to the waters of the Currituck Sound or other local bays, sounds, creeks, rivers, or canals which public access has been historically provided.

(2) Subdivisions of 20 or more lots or dwelling units abutting public trust or estuarine waters shall provide an area at least 20,000 square feet in area and at least 100 feet in width that provides visual and physical access to the water for landowners in the subdivision. If required water access area occupies more than 50 percent of the subdivision's linear water frontage length, then it may be reduced to at least 10,000 square feet in area and at least 50 feet in width.

E. Recreational Equipment Storage

(1) Subdivisions of 20 or more lots with an average lot size less than 20,000 square feet shall provide a central location for the shared outdoor storage or temporary parking of boats, boat trailers, or similar recreational equipment (see Figure 6.1.3.E, Recreational Equipment Storage). Such locations shall be large enough to accommodate two 20-foot by 40-foot spaces for every 20 lots or dwelling units.

Figure 6.1.3.E, Recreational Equipment Storage

(2) Recreational equipment storage spaces shall be paved with gravel or other hard surface, and shall provide for safe and efficient vehicular ingress and egress. In no instance shall designated recreational equipment storage areas consist of grass or compacted earth.

F. Protection of Cultural and Historic Resources

(1) The subdivider shall not destroy buildings, structures, archeological, or cultural features listed (or eligible to be listed) on national, state, or county registers or inventories of cultural or historic significance without preparation and acceptance by the county of an inventory or survey.

(2) Plans shall be reviewed by the appropriate agency within the Department of Cultural Resources as part of the subdivision review process, and the county may apply conditions of approval that require protection of significant cultural or historic resources.

6.1.4. Homeowners or Property Owners Association Requirements

A. Purpose

The purpose of this section is to set out the requirements for establishment of a homeowners or property owners association (hereinafter "association") that shall be responsible for the long-term maintenance of common areas, common features, and private infrastructure in a subdivision. This section also sets out the requirements associated with transfer of subdivision control and maintenance responsibility from the subdivider to the association.

B. Applicability

The standards in this section shall apply to major subdivisions.

C. Establishment of Association

(1) Documents for the creation of the association shall be submitted to the county for review and approval prior to approval of the final plat (see Section 2.4.8, Subdivision). Documentation shall include, but not be limited to the information in Section 6.1.4.D, Documentation Requirements.

(2) The association shall be established by the subdivider prior to the sale of the first lot in the subdivision.

(3) The structure and operating provisions of the association shall be in accordance with the county-approved documentation (see Section 6.1.4.C) recorded prior to approval of the final plat.

(4) The association documents shall establish that the subdivider shall maintain the common area, common facilities, and infrastructure until 75 percent of the lots are sold; and

(5) Responsibility for maintaining the subdivision's common areas, common facilities, and private infrastructure shall be transferred in accordance with the standards in Section 6.1.4.F, Transfer of Maintenance Responsibility.

D. Documentation Requirements

The association documents submitted to the county for review and approval shall include, but not be limited to, the following:

(1) A declaration of all restrictive covenants;

(2) A declaration of all deed restrictions;

(3) A declaration that the association is responsible for liability insurance and all applicable taxes;

(4) A declaration of common ownership and maintenance responsibilities of all on-site improvements not dedicated to a local or state agency, including but not limited to streets, drainage systems, wastewater systems, open space areas, recreational facilities, and private infrastructure;

(5) A description of the structural organization and operating procedures of the association;

(6) Association by-laws;

(7) A legal description of all open space set-asides and other lands owned in common;

(8) Provisions establishing the legal authority of the association to maintain control over all common areas, common features, and private infrastructure in the subdivision, following transfer of control by the subdivider;

(9) Provisions authorizing the association to compel contributions from owners in the development to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure;

(10) Provisions authorizing the association to increase the amount of mandatory fees or assessments, when necessary, for the continued maintenance of common areas, common features, or private infrastructure;

(11) Provisions authorizing the association to convert any member's unpaid assessments into a lien on the real property; and

(12) Evidence related to the establishment of a reserve fund to support the continued maintenance and upkeep of common areas, common features, and private infrastructure.

Following approval of the required documentation by the County Attorney, the subdivider shall record all required documentation with the Currituck County Register of Deeds.

E. Membership Requirements

(1) Following establishment of the association by the subdivider, membership in the association shall be automatic and mandatory for all purchasers of land within the subdivision and their successors in title.

(2) All members of an association shall be responsible for contributions to the association's reserve fund to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure.

F. Transfer of Maintenance Responsibility

(1) The subdivider shall be responsible for maintenance of all common areas, common features, and private infrastructure until maintenance responsibility is transferred to the association in accordance with the standards in this subsection.

(2) The subdivider shall cede maintenance responsibility for common areas, common features, regulatory permits (e.g., stormwater permits), and private infrastructure to the association upon sale of 75 percent of the lots in a subdivision.

(3) Maintenance responsibility is not transferred from the subdivider to the association until all of the following occur:

(a) At least 75 percent of the total number of lots in the subdivision are sold; and

(b) The subdivider commissions a report prepared by a registered engineer indicating that all common areas, common features, and infrastructure elements comply with the minimum standards in this Ordinance and the County Code of Ordinances. The report shall also include verification of the reserve fund balance in accordance with the standards in this section; and

(c) County staff reviews and approves the report prepared by a registered engineer; and

(d) A reserve fund dedicated to the continued maintenance and upkeep of common areas, common features, and private infrastructure is established with a banking institution acceptable to the county in the name of the association that contains a minimum balance that includes the following:

(i) Ten percent of the road construction costs for streets not maintained by NCDOT at the time of transfer (gravel base and asphalt only);

(ii) Except for sidewalks and street trees, ten percent of the construction costs of common features and private infrastructure;

(iii) Liability insurance and taxes for two years; and,

(iv) Facilities, stormwater, and landscaping maintenance costs for two years.

In the event the association has not collected sufficient assessment funds from the lot owners in the subdivision to meet the minimum balance requirements of the reserve fund, the subdivider shall be responsible for the difference needed to meet the minimum balance requirements.

(4) Applications to turn over maintenance responsibility to the association for common areas, common features, or private infrastructure prior to conveyance of 75 percent of the lots in the subdivision may be reviewed by the Board of Commissioners. The Board of Commissioners, at the request of the subdivider, shall waive the requirement upon a finding that the association has sufficient financial capacity to assume maintenance responsibility for common areas, common facilities, and private infrastructure.

G. Failure to Maintain is a Violation

Failure to maintain common areas, common features, or infrastructure is a violation of this Ordinance and is subject to the penalties and remedies in Chapter 9: Enforcement.

6.2. REQUIRED INFRASTRUCTURE

Unless exempted, all development in the county shall comply with the standards in this section.

6.2.1. Street Standards

A. Applicability

Unless exempted in accordance with Section 6.2.1.B, Exemptions, the street standards shall apply to all streets serving three or more lots.

B. Exemptions

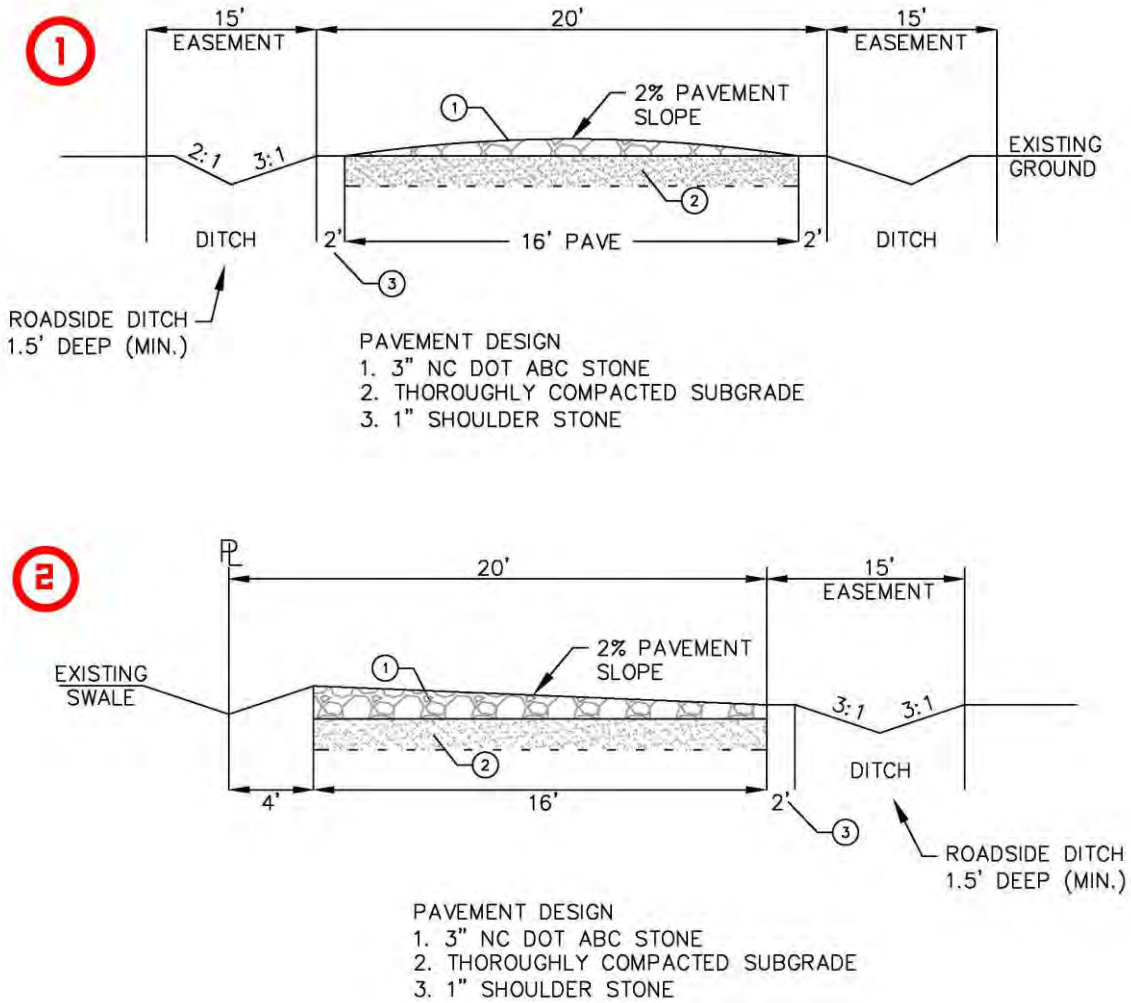
(1) Private Access Streets

(a) Streets within a family subdivision or serving a subdivision of two or fewer lots are exempted from the standards in this section, provided they are configured in accordance with Figure 6.2.1.B, Private Access Street Standards, and Section 6.2.1.C.4, Connection with State Streets.

(b) All subdivision plats served by private access streets shall bear the following notation:

"Private access streets do not meet the NCDOT's minimum standards for the assumption of maintenance. Currituck County does not construct or maintain streets. Further subdivision of any lot shown on this plat may be prohibited by the Currituck County UDO unless the private access street is improved consistent with minimum NCDOT standards."

Figure 6.2.1.B: Private Access Street Standards



(2) Streets Serving Planned Unit and Planned Developments

Streets within planned unit and planned developments shall comply with NCDOT street construction standards but shall be exempt from NCDOT street design standards in regards to allowable road curvature, right-of-way and pavement widths, and drainage requirements.

(3) Streets within a Conservation Subdivision

Streets within a conservation subdivision shall comply with NCDOT street construction standards but shall be exempt from NCDOT street design standards in regards to allowable road curvature, right-of-way and pavement widths, and drainage requirements.

(4) Streets in the SFR District

Streets within the SFR district are exempted from the standards in this section, provided they comply with the standards in Section 6.2.1.I, Streets in the SFR District.

C. Street Design Standards

Streets in development subject to these standards shall comply with the following:

(1) Conformance with Existing Maps or Plans

(a) The street layout shall conform to the arrangement, width, and location indicated on any official adopted plans or maps for Currituck County. In areas where plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, natural features such as streams and tree growth, to public convenience and safety, and to the proposed land use to be served by such streets;

(b) In cases where a proposed subdivision fronts an existing street that does not comply with the minimum standards of this Ordinance, the subdivider shall be responsible for upgrading the portion of the existing street abutting the subdivision, in accordance with the standards of this Ordinance.

(2) Conformance with NCDOT Standards

The current edition of *Subdivision Roads Minimum Construction Standards*, established for the particular type of street in question, by the NCDOT Division of Highways, unless this Ordinance establishes a stricter standard.

(3) Conformance with Community Form Standards

The applicable street standards in Section 5.6, Community Form Standards.

(4) Connection with State Streets

Provide direct access to an improved street that meets NCDOT design and construction standards or one that has been accepted for maintenance by NCDOT, to the maximum extent practicable.

(5) Street Intersections

(a) Design

(i) Streets shall intersect as nearly as possible at right angles and not intersect any other street at an angle less than 70 degrees (see Figure 6.2.1.C, Street Intersections).

(ii) No more than two streets shall intersect at any one point unless the NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety.

(b) Minimum Separation

(i) New streets shall maintain minimum separation distances between intersections in accordance with Table 6.2.1.C, Minimum Intersection Separation.

TABLE 6.2.1.C: MINIMUM INTERSECTION SEPARATION (FT[1])

Type of Street	Street Design Speed (MPH)		
	Up To 35	36-54	55+
Local	125	125	200
Collector	125	200	200
Major Arterial	230	800	1,000

[1] Measurements shall be taken from the centerline of each intersecting street.

(ii) The Planning Director, upon advice of NCDOT, may authorize a reduction in minimum separation distance due to lot width, presence of existing streets or curb cuts, or other physical features that make compliance with these standards impractical.

(6) Street Lengths

(a) Streets shall be longer than 150 feet in length.

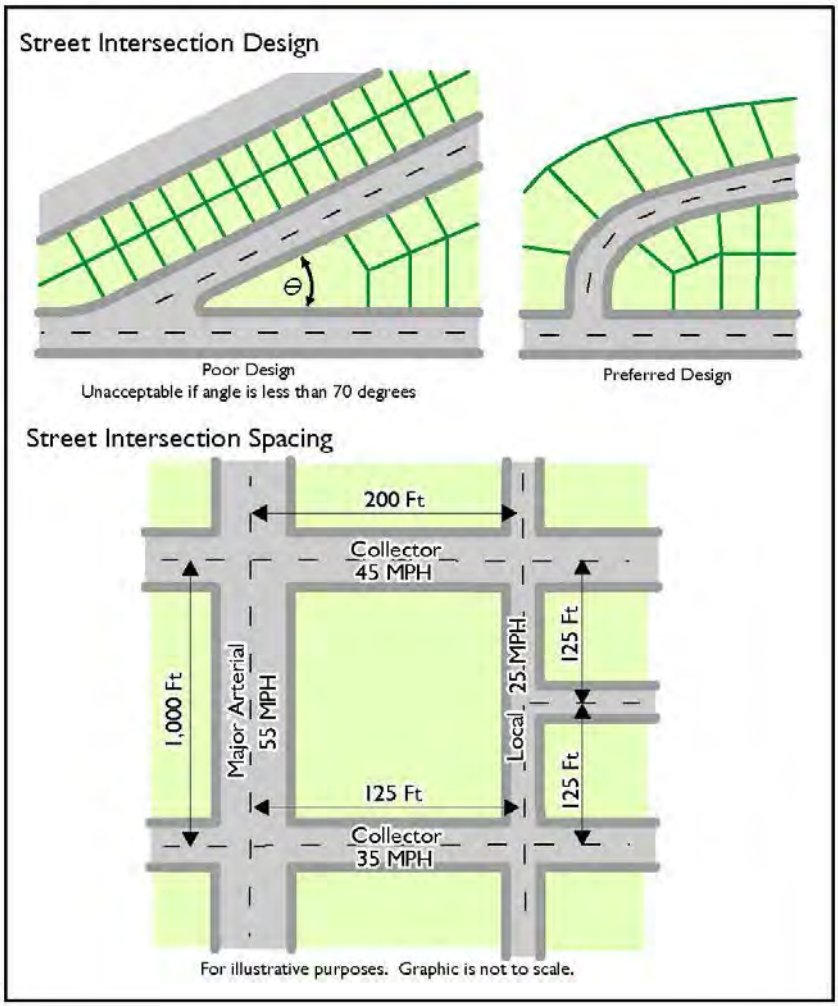
(b) Streets longer than 2,000 feet shall contain an intersection unless the subdivider demonstrates the standards cannot be met because:

(i) Environmental or topographic constraints;

(ii) The site has an irregular shape; or,

(iii) The number of railroad grade or major stream crossings can be reduced;

Figure 6.2.1.C, Street Intersections



(7) Double Frontage

Streets shall be arranged to avoid double frontage lots except where no other alternative is reasonably practicable or when it is necessary to avoid direct access of lots onto major arterial streets.

(8) New Street Grades

(a) New street grades shall conform as closely as practicable to the original topography of the land, subject to all applicable NCDOT requirements.

(b) New street grades shall comply with the drainage and stormwater runoff standards in Section 7.3, Stormwater Management.

(9) Deceleration Lanes

Developments with new streets shall:

(a) Install a deceleration lane in accordance with NCDOT standards if the subdivision is for nonresidential development or includes 40 or more

residential lots and includes access onto major arterial streets (US 158, NC 168, NC 34, NC 136, NC 615, and NC 12).

(b) Install left turn and deceleration lanes in accordance with NCDOT standards if the subdivision includes 40 or more residential lots and includes access onto Tulls Creek Road (SR 1222) or Poplar Branch Road (SR 1131).

(c) Provide at least one deceleration lane per street front in accordance with NCDOT standards if located along a major arterial and the use is capable of generating more than 60 trips per peak hour, as estimated in the ITE *Trip Generation Manual*.

(10) Dedication and Maintenance

Be designated for dedication to NCDOT or for maintenance by an established homeowners or property owners association.

D. Minimum Street Width

All streets in a subdivision subject to these standards shall comply with the minimum street width standards in Table 6.2.1.D, Minimum Street Width Standards.

TABLE 6.2.1.D: MINIMUM STREET WIDTH STANDARDS

Subdivision Type	Minimum Right of Way Width (feet)	Local Street		Collector Street		NCDOT Design Standards Applicable?	NCDOT Construction Standards Applicable?
		Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)	Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)		
Family Subdivision	20	16	2	N/A	N/A	No	No
Residential Subdivision	See NCDOT *Subdivision Roads Minimum Construction Standards* Manual					Yes	Yes
Nonresidential Subdivision						Yes	Yes
Conservation Subdivision	30	20 [1]	N/A	N/A	N/A	No	Yes
Planned Unit and Planned Development	30	20 [1]	N/A	N/A	N/A	No	Yes

NOTES:
[1] See Section 6.2.1.G for one-way street pavement width requirements

E. Cul-de-Sacs and Dead End Streets

All cul-de-sacs and dead end streets shall comply with the following standards:

(1) A cul-de-sac shall not be less than 150 feet in length, as measured from the closest street intersection centerline.

(2) The entrance into a cul-de-sac shall be flared by sufficient width to ensure proper turning radius for emergency vehicles entering and exiting the cul-de-sac.

(3) Cul-de-sacs shall not be used to avoid required street connections.

(4) All permanent dead-end streets shall terminate with one of the following:

(a) A "hammer-head" turnaround with a width of 120 feet;

(b) A "Y" turnaround with a minimum depth of 60 feet; or
(c) A cul-de-sac head with a minimum diameter of 96 feet.

F. One Way Streets

(1) One-way streets shall only be developed in situations where the applicant can demonstrate public safety will not be jeopardized.

(2) The travel way for a one-way street shall not be less than 14 feet, excluding parallel parking spaces.

G. Alleys

(1) Alleys shall not be dead-end streets, and shall only intersect with streets.

(2) Alleys shall not include pavement widths of less than 14 feet or more than 16 feet.

(3) Alleys with a pavement width exceeding 14 feet shall:

(a) Include a curb cut, driveway apron, and sidewalk crossing at the intersection with a street and be configured to appear as a driveway; or

(b) Be screened by primary or accessory structures or trees located to minimize views down the alley corridor from adjacent streets.

H. Private Streets

Private streets shall be constructed in accordance with minimum NCDOT design and construction requirements.

I. Streets in the SFR District

(1) Streets in the SFR district are exempt from NCDOT design and construction standards, but shall be graded, drained, and stabilized in accordance with the provisions of this section.

(2) If access to the beach requires crossing a dune line, the subdivider shall obtain all required CAMA permits prior to final plat approval and if legally possible, establish a graded beach access.

(3) The subdivider shall stabilize and maintain the rights-of-way adjoining and along the street through establishment of vegetation, or other means, to the extent reasonably possible.

(4) Tracts or parcels which are proposed for subdivision and are within the alignment of Ocean Pearl Road shall:

(a) Establish a 100-foot-wide right-of-way that connects to and follows the alignment of the street(s) identified above; and

(b) Orient or design all streets to connect with existing or proposed streets shown on previously recorded plats in order to provide a continuous right-of-way to adjoining lots;

No subdivider shall be required to maintain more than one major access street with a 100-foot-wide right-of-way to connect with adjoining lots. Streets that are not necessary for continuous access through the subdivision may be abandoned or deleted.

(5) When a private street is created in the SFR district, the subdivider shall establish a homeowners association in accordance with Section 6.1.4, Homeowners or Property Owners Association Requirements, to maintain such streets.

(6) Prior to final plat approval (see Section 2.4.8) the subdivider shall demonstrate that all private streets proposed in the subdivision will be properly maintained by submitting a plan that explains who will maintain the streets, how they will be stabilized and maintained, and how maintenance of the streets will be financed.

(7) The amount of a performance guarantee (see Section 6.3) for streets shall be determined on a case-by-case basis by the Planning Director, in consideration of all of the surrounding conditions and circumstances.

(8) A final plat that shows lots served by streets authorized in this section shall not be recorded unless the final plat contains the following notation:

> "Further subdivision of any lot shown on this plat as served by a road or street may be prohibited by the Currituck County Unified Development Ordinance unless the roads or streets shown on this plat are improved to state standards. These roads do not meet state standards for the assumption of maintenance due to inadequate right-of-way and/or construction or lack of public dedication. It is not the function of county government in the State of North Carolina to construct or maintain roads. There may be areas of standing water on the street(s) after ocean overwash or periods of heavy rains that may impede access to the individual homesites. It is the sole responsibility of the owners to provide an improved access to their properties."

(9) A subdivider shall furnish any initial purchaser of a lot in the SFR district a disclosure statement outlining the maintenance responsibilities for the street(s) as provided in Section 136-102.6(f) of the North Carolina General Statutes. The disclosure statement shall fully and completely disclose the status (whether public or private) of the street(s) upon which the house or lot fronts. If the street is designated by the subdivider as a private street, the subdivider shall include in the disclosure statement an explanation of the consequences and responsibility as to maintenance of a private street, and shall fully and accurately disclose the party or parties upon whom responsibility for construction and maintenance of such street(s) shall rest, and shall further disclose that the street(s) will not be constructed to minimum standards, sufficient to allow their inclusion on the State highway system for maintenance.

(10) In order to minimize the flooding of streets and to assure proper drainage within the SFR district, all major and minor subdivision plats, shall have a drainage plan approved by the county prior to final plat approval.

(11) All proposed street rights-of-way used to cross the primary frontal sand dunes within the SFR district shall be at least 30-feet-wide.

J. Other Street Standards

(1) Curb and Gutter

(a) Curb and gutter is not required, but if installed, shall be in accordance with NCDOT standards.

(b) As provided in Section 136-44.14 of the North Carolina General Statutes, whenever curb and gutter construction is provided on public streets, wheelchair ramps and depressed curbs for the disabled shall be provided in accordance with NCDOT standards.

(2) Vehicular Gates

(a) For the purposes of preserving access to public and private lands by citizens, utility companies, and emergency service providers, vehicular gates, barriers, or other devices intended to obstruct vehicular traffic along a public street right-of-way are prohibited.

(b) Vehicular gates are allowed on private streets platted after January 1, 2013, provided the gate is equipped with county-approved devices that allow emergency services to gain access to the street and it meets all requirements set forth in the currently adopted version of the North Carolina Fire Code.

(3) Traffic Control Devices

(a) If NCDOT determines traffic control signs and signals are necessary, they shall be erected and maintained by the subdivider at each street intersection within the subdivision.

(b) Traffic control signs shall also be installed where subdivision streets intersect with an improved or state maintained street.

(c) Traffic control signs shall comply with county and NCDOT standards related to size, shape, color, location, and information contained thereon.

(d) At least two or more traffic control signs shall be placed at each four-way street intersection and at least one traffic control sign shall be placed at each "T" intersection.

(e) Traffic control signs shall be installed free of visual obstruction.

(4) Bridges

Bridges shall be constructed in accordance with the standards and specifications of the NCDOT, except that bridges on roads not intended for public dedication may be approved by the county even if they do not comply with NCDOT standards, if designed by a North Carolina licensed architect or engineer and certified to be safe for travel.

(5) Street Names

(a) Street names shall be assigned by the subdivider subject to the approval of the Planning Director. Proposed streets that are in alignment with existing streets shall bear the same street name.

(b) Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the county, regardless of the use of different suffixes.

(c) Street names shall include one of the following suffixes:

(i) Street or road - public streets not designated by another suffix;

(ii) Circle - a short street that returns to itself;

(iii) Court or place - a cul-de-sac or dead-end street;

(iv) Loop - a street that begins at the intersection with one street and circles back to end at another intersection with the same street; or

(v) Other common suffix used by NCDOT (e.g., way, close, boulevard, avenue, drive, lane, parkway, etc.).

(d) Appropriate street name signs that comply with NCDOT and county specifications shall be placed at all intersections by and at the expense of the developer or subdivider.

(e) Building numbers shall be assigned by the county, where appropriate.

K. Street Trees

Street trees shall be required to serve all development in the county in accordance with the following standards:

(1) Where Required

Except along alleys, street trees shall be required along both sides of all streets constructed after January 1, 2013.

(2) Location

Street trees shall be located within 50 feet of the centerline of the street they serve, and may be located within front and corner side setbacks when there is insufficient space within the right-of-way.

(3) Timing

Installation of required street trees on individual building lots may be delayed until after issuance of the building permit. In no instance shall a development subject to these standards be occupied before street trees are installed or a performance guarantee (see Section 6.3) for street trees has been posted with the county.

(4) Configuration

(a) Street trees shall be canopy trees except beneath overhead utilities or other projections into the public right-of-way, where understory trees shall be used instead.

(b) All trees planted along a NCDOT right-of-way shall conform to NCDOT guidelines.

(5) Maximum On-Center Spacing

(a) Understory trees shall be spaced between 20 and 30 feet on center.

(b) Canopy trees shall be spaced 50 feet on center.

(c) Spacing may be reduced to avoid driveways or sight distance triangles.

(d) Alternative spacing or placement (e.g., as major arterial screening, within open space set-asides, or as a development entry feature) may be considered through the Alternative Landscape Plan procedure in Section 5.2.9.

6.2.2. Reserved

6.2.3. Utility Standards

All utilities shall be installed in accordance with the following standards:

A. General Standards

(1) All utilities (including, but not limited to: electric power, telephone, gas distribution, cable television, potable water, sewer, etc.) located outside an existing street right-of-way and intended to serve new development shall be underground.

(2) The requirement for underground electricity, telephone, or cable television utilities shall not be applied to lateral service lines intended to serve an individual single-family dwelling that must extend over 200 feet from an overhead source.

(3) Unless attached to a bridge, no utilities may be installed over the waters of the Currituck Sound or over areas of environmental concern, and no utility poles shall be erected within the waters of Currituck Sound or areas of environmental concern.

(4) All utility providers installing service lines for their respective utilities in the public right-of-way are required to separate utility lines in trenches specific to that utility.

(5) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

B. Utility Easements

(1) Each subdivision shall provide utility easements in accordance with the following standards:

(a) Ten-foot-wide easements shall be provided along all rear and side lot lines.

(b) Fifteen-foot-wide easements shall be provided along all front lot lines.

(c) Alternative easement locations may be considered by the Planning Director as part of a planned development, conservation subdivision, or zero lot line development.

(2) Whenever a subdivision includes water, sewer, electrical power, telephone, or cable television utilities intended for operation by a public utility or entity other than the subdivider, the subdivider shall transfer all necessary ownership or easement rights to enable the public utility or other entity to operate and maintain the utilities.

C. As-built Drawings Required

(1) Whenever a subdivider installs or causes to be installed any utility line in any public right-of-way, the subdivider shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the county with a copy of a drawing that shows the exact location of such utility lines (prior to approval of a final plat).

(2) As-built drawings shall be verified as accurate by the utility service provider's professional engineer. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing the development.

(3) As-built drawings are required for all water and /or sewer treatment plants as well as after any changes made to such systems in the future.

D. Water Supply Standards

(1) Water Supply System Required

(a) Every principal use and every buildable lot in a subdivision shall be serviced by a means of water supply that is adequate to accommodate the reasonable needs of such use or lot and that complies with all applicable health regulations.

(b) All buildable lots within a planned unit development, planned development, or multi-family development shall be connected and serviced by the county water supply system.

(c) Except for family subdivisions, lots in the Fruitville and Moyock-Gibbs Woods Townships, and lots located in the Agricultural (AG) zoning district, all new subdivisions and nonresidential development shall be connected and serviced by the county water supply

(d) All new subdivisions located in the AG zoning district shall be connected and serviced by the county water system if the distance between the closest existing county water main and the proposed development is within the following formula distance: 100 feet for each of the first ten units plus 20 feet for each additional unit. In determining the number of units proposed in a phased development, the number of units for water services relates to the total number of proposed units for the entire tract rather than a single phase of the proposed development.

Example: a proposed subdivision with 30 single-family dwelling units located 1,400 feet or less from an existing water main shall connect (10 units x 100) + (20 units x 20).

Where the distance to the closest existing county water main exceeds the formula above, the developer shall meet the minimum dimensional standards in Chapter 3 for lots not served by the county water supply system located in the AG zoning district.

(e) Water lines owned by the Ocean Sands Water and Sewer District shall be considered part of the county's water supply system for the purposes of this section.

(2) Connection to Public Water Supply System

(a) The developer shall install the water mains and accessories necessary so that all lots and uses to be developed are able to connect to the county water supply system.

(b) The minimum water main size shall be adequate to service the potable water and fire suppression demand of the proposed development at full build out. Fire suppression demand shall be based upon guidance from the Insurance Services Office and existing fire-fighting capacity.

In no instance shall a water main serving a fire hydrant be less than eight inches in diameter.

(c) Water mains shall be installed within street right-of-ways or dedicated utility easements.

(d) The developer shall be responsible for modeling and sizing water mains to service the proposed development. Modeling inputs shall include the proposed development at full build-out and the anticipated development density of adjacent undeveloped tracts of land as specified in county-adopted plans.

(e) If the county determines that oversized facilities are in the interest of future development, the county or a developer may elect to pay for that portion of water main improvement that exceeds the diameter required to service the proposed development at full build-out.

(f) Installation of water mains and accessories shall meet the most recent version of the Standard Specifications and Details for the Currituck County Water Department and the Southern Outer Banks Water System, as appropriate.

(g) The developer shall be required to submit detail drawings with the construction drawings associated with a proposed development, prepared and certified by a registered engineer, showing the installation of the required water mains.

(h) The developer may apply for a Water Main Reimbursement Contract for partial repayment of the cost of the extension of a water main necessary to service a proposed development. The general provisions for partial repayment are specified in the Water Main Reimbursement Contract and an attested and executed copy of the agreement between the developer and county must be filed with the Currituck County Public Utilities Department.

(3) Connection Fees

(a) All connection fees shall be paid for each lot or use that is required to be connected to the county water supply system at the time of issuance of the building permit authorizing construction to begin.

E. Sewage Disposal Standards

(1) Sewage System Required

(a) Every principal use and every buildable lot in a subdivision shall be served by a wastewater system that complies with all Albemarle Regional Health Services and State standards.

(b) All principal uses and buildable lots within a multi-family development, planned unit development, or planned development shall be connected and serviced by a centralized wastewater system. The County Engineer may approve a decentralized wastewater system upon finding that the proposed development:

(i) Is not located within the service area of an existing centralized wastewater system;

(ii) Is subject to a wastewater operation and maintenance plan prepared by a registered engineer that establishes siting standards, performance and monitoring requirements, and a routine maintenance program; and

(iii) Provides tertiary treatment of sewage if cumulative wastewater flows exceed 3,000 gallons per day.

(2) Sewage System Requirements

(a) No wastewater system shall discharge into surface waters.

(b) No centralized wastewater system shall be located within an Area of Environmental Concern (AEC).

(c) When lots in a major subdivision are to be served by on-site or clustered wastewater systems, no preliminary plat shall be approved until Albemarle Regional Health Services has certified that each lot on the preliminary plat has been inspected and found provisionally suitable or suitable for a wastewater system capable of dispersing at least 360 gallons per day per lot.

(d) Development permits issued for a development using a wastewater system not subject to the regulatory jurisdiction of Albemarle Regional Health Services shall be contingent upon:

(i) The ability to obtain all necessary approvals for the wastewater system from the appropriate regulatory agencies;

(ii) Proper installation of the system;

(iii) Operation of the system to the satisfaction of the County Engineer; and

(iv) Tertiary treatment of sewage.

(e) Except for conservation subdivisions or other developments employing a clustered or centralized wastewater system, all required on-site wastewater system improvements and requirements including, but not limited to the septic tank, drain lines, repair area, and pumps shall be located on the individual lot they are designed to serve.

(3) Reserve Area Required

(a) Subdivisions of 20 or more lots or dwelling units served by on-site wastewater systems shall reserve an area, suitable in terms of size,

location, soil type, topography, and other relevant factors to accommodate a clustered or centralized wastewater system if one becomes necessary in the future due to septic tank failure or other health or safety reasons.

(b) This area is referred to as reserve utility open space, and shall be encumbered by a reserve area easement.

(c) Lots classified by Albemarle Regional Health Services as suitable for an on-site wastewater system are not required to be included in the reserve area calculation.

(d) The developer shall provide plans and specifications, prepared by a qualified professional, including a soil analysis and an analysis of loading rate, depending on the disposal method for an adequate reserve utility open space to the satisfaction of the County Engineer and Board of Commissioners.

(4) Sewage Treatment System

(a) Proposed development seeking to utilize an existing centralized wastewater system shall furnish a letter from the utility owner and the Division of Water Quality indicating the plant has sufficient capacity to serve the development at the time of preliminary plat or site plan, as appropriate.

(b) When a development proposes a new centralized wastewater system, the following information shall be provided:

(i) State approval of the proposed wastewater system; and

(ii) A wastewater operation and maintenance plan prepared by a registered engineer that establishes performance and monitoring requirements, a routine maintenance program, and a detailed explanation of who shall be responsible for the perpetual maintenance and upkeep of the facility;

(iii) The expected life of the wastewater system and the establishment of a reserve fund to support the continued maintenance, upkeep and replacement of the system.

F. Water/Sewer Districts Required

Whenever a private water and/or wastewater system is utilized to service a development, a water and/or sewer district shall be established in accordance with state law encompassing the boundaries of the development. The district shall be established prior to the first final plat approval and shall be structured in a manner that will ensure the long term viability of the water and /or wastewater system.

G. Backwash or Discharge into Water Bodies

Except discharges performed by a governmental agency or approved under a state stormwater permit or in emergency situations, no discharge of water, chemicals, treated water, backwash from reverse osmosis systems, or other wastewater discharge shall be deposited directly or indirectly into the waters of Currituck Sound, Albemarle Sound, or their adjoining tributaries, rivers, streams, creeks, canals or other connecting water ways.

6.2.4. Fire Protection Standards

A. General Provisions

(1) Fire Lanes

Where streets or rights-of-way provide insufficient access for firefighting, unobstructed fire lanes with a minimum width complying with the current adopted version of the North Carolina State Fire Code shall be provided. In no instance shall this standard waive the requirement for primary drive aisles constructed in accordance with Section 5.6.8, Primary Drive Aisles, when required by this Ordinance.

(2) Fire Hydrants Required

All development serviced by the county water supply system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within the development. Fire hydrants shall be located in a manner that ensures hydrants are spaced a maximum of 1,000 linear feet apart and every portion of lot frontage is within 500 linear feet of a hydrant. The Fire Marshal may authorize or require a deviation from this standard if, in the opinion of the Fire Marshal, another arrangement more satisfactorily complies with the intent or standards in this Ordinance.

(3) Fire Hydrant Location

Unless an alternative placement is specified by the State Building Code or the Planning Director, in consultation with the Fire Marshal, fire hydrants shall be placed six feet behind the curb or within ten feet of the pavement edge of a street without curbing.

(4) Required Hose Connections

Unless otherwise specified, all fire hydrants shall have the following hose connections:

(a) Two two-and-one-half-inch hose connections at least 21½ inches above ground level; and

(b) One four-and-one-half-inch connection.

All hose connections shall be sized in accordance with national standards.

(5) Water Service Main Size

Water mains serving fire hydrants shall be at least eight inches in diameter.

(6) Water Supply Source Location

Water supply sources shall be clearly marked for location purposes with a marker of suitable size and reflective characteristics for daylight, nighttime, and inclement weather operations.

B. Water Supply for Fire Protection when not Serviced by County Water Supply System

Development not serviced by the county water system shall provide a supply of water for fire-fighting purposes in accordance with the following standards:

(1) Allowable Sources

The developer may provide the required water supply from fire ponds, canals, wells, cisterns, above ground storage tanks, water lines (where a community water supply system is installed), or any combination of these features.

(2) Location

(a) Water supply facilities shall be within 2,500 linear feet of every anticipated building in a development.

(b) Water supply facilities may be located on or off-site, however the developer shall demonstrate a sufficient legal interest in off-site facilities to ensure they will remain available to serve the development.

(c) Water supply sources shall be so located so that fire-fighting vehicles have ready access to such sources at all times.

(3) Capacity

(a) A sufficient volume of water shall be available at all times to supply the needed fire flow for the proposed structures based upon guidance from the Insurance Services Office and existing fire-fighting capacity.

(b) Water mains serving a community water supply system shall be sized to allow the future installation of fire hydrants should the development be connected to the county water supply system.

(4) Configuration

(a) Water supply sources shall be provided with the necessary equipment and connections (e.g., dry hydrants in ponds) to ensure that fire-fighting equipment can draw water in a safe and efficient manner, as determined by the Fire Marshal.

(b) Except within the SFR district, a hard-surfaced roadway shall be provided to the water source as well as a hard-surfaced turnaround area of sufficient dimensions to facilitate access by fire-fighting vehicles.

(5) Maintenance Required

The developer, or any successor in interest, shall be responsible for ensuring that all water supply sources, access roadways, and other facilities or equipment required by these standards, are maintained.

6.2.5. Payments-In-Lieu of Construction

A. General

In the event subdivision infrastructure construction (transportation and utilities) does not extend to the property boundary due to a drainage swale, ditch, topography, or other natural condition, a payment-in-lieu shall be provided instead of infrastructure improvements in accordance with the provisions of this subsection.

B. Amount of Payment

The payment-in-lieu shall be in an amount equal to 115 percent of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management. The estimated costs for completing the infrastructure shall be itemized by improvement type and certified by the owner's or developer's registered engineer.

C. Use of Funds

Payments-in-lieu received in accordance with this subsection shall be used for transportation construction consistent with the requirements of the North Carolina General Statutes Section 153A-331.

6.3. PERFORMANCE GUARANTEES

6.3.1. Performance Guarantees

A. General

A performance guarantee, in accordance with the standards in this section, shall be required in the following circumstances:

(1) To ensure the completion of public infrastructure improvements that are required as part of an approved subdivision (e.g., streets, sidewalks, street lights, drainage infrastructure associated with a street, etc.), but are not approved by the Planning Director or County Engineer as complete before application for approval of a final plat (see Section 2.4.8);

(2) To ensure completion of public infrastructure improvements that are required as part of a site plan (e.g., streets, sidewalks, street lights, etc.), but are not installed before occupancy of the development; and

(3) To ensure completion of private site improvements that are required as part of a site plan (e.g., landscaping, tree protection measures, parking, screening, etc.), but are not installed before occupancy (see Section 2.4.7), provided the Planning Director determines that the property may be safely occupied and used in spite of the delayed installation of the improvements.

B. Term of Performance Guarantees

The term of a performance guarantee shall reflect any time limit for completing installation of required improvements that is included in approval of the final plat, building permit, or zoning compliance permit, as appropriate, but in any case, the term shall not exceed two years. The Planning Director may, for good cause shown and with approval of the provider of the guarantee, grant up to one extension of the term, for a time period not exceeding one year.

C. Form of Performance Guarantee

(1) Where required, the owner or developer shall furnish a performance guarantee in any of the following acceptable forms:

(a) Cash deposit with the county;

(b) Certified check from a North Carolina lender based upon a cash deposit, in a form acceptable to the County Attorney; or

(c) Irrevocable letter of credit, valid for at least three years, from a North Carolina banking institution in a form acceptable to the County Attorney.

The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the performance guarantee. Performance guarantees shall provide that in case of the owner's or developer's failure to complete the

guaranteed improvements, the county shall be able to immediately obtain the funds necessary to complete installation of the improvements.

D. Amount of Performance Guarantee

(1) Performance guarantees for required improvements shall be in an amount equal to 115 percent of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.

(2) Estimated costs for completing installation of required public infrastructure improvements shall be itemized by improvement type and certified by the owner's or developer's registered engineer, and are subject to approval by the Planning Director. Estimated costs for completing installation of required landscaping or other private site improvements shall be itemized and certified by the owner's or developer's contractor, and are subject to approval by the Planning Director.

(3) If the guarantee is renewed, the Planning Director may require the amount of the performance guarantee be updated to reflect cost increases over time.

E. Release or Reduction of Performance Guarantees

(1) Requirements for Release or Reduction

The Planning Director shall release or reduce a performance guarantee only after:

(a) The owner or developer has submitted to the Planning Director a written request for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or contractor, whichever is appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications;

(b) County staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications;

(c) The owner or developer has reimbursed the county for all costs associated with conducting any inspection that finds the guaranteed improvements have not been installed in accordance with approved plans and specifications; and

(d) No release or reduction in performance guarantee amounts will be considered until more than 25 percent of the work is in place and approved.

(2) Limits on Reductions

No performance guarantee for public infrastructure improvements (including street trees planted within a public ROW) shall be reduced to less than 50 percent of the full amount of the performance guarantee until all guaranteed public infrastructure improvements have been completed by the owner or developer. No performance guarantee for required landscaping or private site improvements shall be reduced to less than 75 percent of the full amount of the performance guarantee until all guaranteed private site improvements have been completed by the owner or developer.

(3) Acceptance Shall be Documented

The county shall provide written notice of the county's final acceptance of the improvements subject to a performance guarantee.

F. Default and Forfeiture of Performance Guarantee

(1) Notice of Failure to Install or Complete Improvements

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the performance guarantee (as may be extended), the Planning Director shall give the owner or developer 30 days written notice of the default by certified mail.

(2) County Completion of Improvements

After the 30-day notice period expires, the county may draw on the guarantee and use the funds to perform work necessary to complete installation of the guaranteed improvements. After completing such work, the county shall provide a complete accounting of the expenditures to the owner or developer and, as applicable, refund all unused funds, without interest.

6.4. CONSERVATION SUBDIVISION

6.4.1. Purpose and Intent

The purpose and intent of this section is to provide landowners in the AG and SFM zoning districts a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects the agricultural activities or natural and historic features on the site. This is done in order to:

A. Conserve Open Land

Conserve open land, including those areas containing productive agricultural soils, unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, area with mature hardwood trees or maritime forests, and watersheds;

B. Retain and Protect Natural Resources

Retain and protect existing environmental, natural, and cultural resources;

C. Link Open Spaces

Create a linked network of open lands;

D. Promote Rural Character

Promote existing rural character within the agricultural portions of the county; and

E. Provide Reasonable Use of Property

Provide reasonable economic use of the property.

6.4.2. Applicability

This conservation subdivision option shall be used for single-family detached subdivisions of six or more lots in the Agricultural (AG) zoning district, and may be used for single-family detached subdivisions in the Single-Family Mainland (SFM) zoning district.

6.4.3. Procedure

Development utilizing the conservation subdivision option shall be approved as a major subdivision in accordance with the procedures and standards in Section 2.4.8.E, Major Subdivision, after approval of a conservation and development plan in accordance with this section.

A. Conservation and Development Plan

Prior to review of an application for preliminary plat approval for a conservation subdivision, an applicant shall have a conservation and development plan for the land reviewed and approved, or approved with conditions by the Planning Director in accordance with this section and the standards of Section 6.4.4, Conservation Subdivision Standards, and Section 6.4.5, Delineation of Conservation Areas and Development Areas.

B. Conservation and Development Plan Requirements

(1) Step 1—Site Analysis Map

The applicant shall prepare a site analysis map that provides information about existing site conditions and context, and that comprehensively analyzes existing conditions both on the land proposed for the development site and on land within 500 feet of the site, and submit the site analysis map to the Planning Director. It is the intent of this section that the information required to be presented in the site analysis map be produced primarily from existing sources, maps, and data.

(2) Step 2—Site Inspection

After receipt of the site analysis map, the Planning Director shall schedule a site inspection of the land with the applicant. The applicant or the applicant's representative shall attend the site inspection with a county staff member. The purpose of this site visit is to:

(a) Familiarize the county staff with the existing site conditions and natural and historic features of the site;

(b) Identify potential site development issues; and

(c) Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the Planning Director or other county staff during the site inspection shall be interpreted as being only suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

(3) Step 3—Conservation and Development Areas Map

Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development areas map that depicts proposed primary conservation areas, secondary conservation areas, and development areas, in accordance with Section 6.4.5, Delineation of Conservation Areas and Development Areas.

(4) Step 4—Conservation and Development Plan

Based on the site analysis map, the information obtained during the site inspection, and the conservation and development areas map, the applicant

shall prepare and submit to the Planning Director a conservation and development plan. The conservation and development plan shall include the following:

(a) A site analysis map;
(b) A conservation and development areas map and theme; and
(c) A preliminary site improvements plan, showing proposed site development, including utilities, streets, other development features, buffers (if applicable), and lot lines located in the proposed development area(s).

C. Review of Conservation and Development Plan

The Planning Director shall review and make a decision on the conservation and development plan in accordance with the procedures and requirements of Section 2.3.5 Staff Review and Action, the standards of Section 6.4.4, Conservation Subdivision Standards, and Section 6.4.5, Delineation of Conservation Areas and Development Areas.

D. Review and Approval of Conservation Subdivision

Following review and approval or approval with conditions of the conservation and development plan by the Planning Director, the application for a preliminary plat of the conservation subdivision shall be submitted and approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.4.8.E, Preliminary Plat.

6.4.4. Conservation Subdivision Standards

A conservation subdivision shall comply with the following standards:

A. Location

Conservation subdivisions shall be limited to the Agricultural (AG) or Single-Family Residential Mainland (SFM) districts.

B. Minimum Project Size

Conservations subdivisions shall be at least ten acres in area;

C. Required Conservation Area

(1) Agricultural District

The amount of the conservation area may vary in the Agricultural district in accordance with the dimensional standards in Section 3.3.3.F, but in no instance shall the area occupy less than 50 percent of the total acreage of the conservation subdivision site.

(2) Single-Family Residential-Mainland District

The conservation area shall occupy a minimum of 40 percent of the total acreage of the conservation subdivision site.

D. Maximum Residential Density

(1) Agricultural District

Conservations subdivisions shall be limited to the maximum density that corresponds with the following open space set-aside amounts:

(a) Fifty percent open space set-aside: 0.33 dwelling units per acre; and,
(b) Sixty percent open space set-aside: 0.4 dwelling units per acre.

(2) Single-Family Residential-Mainland District

Conservation subdivisions shall be limited to the following maximum densities, based upon the following locations:

(a) Full Service Areas: 1.0 dwelling units per acre;
(b) Limited Service Areas: 0.75 dwelling units per acre; or
(c) Rural/Conservation Areas: 0.33 dwelling units per acre.

E. Lots

Lots in a conservation subdivision shall:

(1) Meet the minimum dimensional standards in Chapter 3: Zoning Districts; and,

(2) Access internal streets. Lots along existing external streets shall be avoided to the maximum extent practicable.

F. Setbacks

Lots in a conservation subdivision shall not be subject to minimum yard setback standards, except as required from major arterial streets, agricultural uses, needed fire flow, or wetlands/surface waters.

G. Maximum Lot Coverage

Conservation subdivisions shall ensure that development on a lot does not exceed a maximum lot coverage of 30 percent.

H. Low Impact Development

Conservation subdivisions shall incorporate low impact development features, to the maximum extent practicable.

I. Depiction on Final Plat

To assist in the issuance of building permits, lot configurations shall be indicated on the final plat, including, but not limited to:

(1) Lot area;

(2) Lot width;

(3) Setbacks; and

(4) Lot coverage.

J. Maintain Compatibility

Conservation subdivisions shall comply with the standards in Section 5.11, Farmland Compatibility Standards, in cases when the residential lots abut land used for agricultural purposes that is not included within the conservation subdivision.

K. Screening from Major Arterials and Collector Streets

Conservation subdivisions shall incorporate a twenty-five foot vegetated buffer comprised of new or existing trees and shrubs in a manner that provides an opaque screen of the development to a height of ten feet or more as seen from major arterial streets within 1,000 feet of the development. Conservation subdivisions located along collector streets shall incorporate a twenty-five foot vegetated buffer between the

collector street right-of-way and the boundary of the individual platted lots comprised of 6 ACI canopy trees, 3 ACI understory trees, and 5 shrubs per 100 linear feet.

6.4.5. Delineation of Conservation Areas and Development Areas

Cnservation subdivisions shall identify a conservation theme to be preserved. The theme should be based on elements or features of the property that are unique, irreplaceable, environmentally valuable, historic, or scenic. The conservation areas and development areas on the conservation and development areas map and within the conservation subdivision shall comply with the following standards:

A. Primary Conservation Areas

(1) Features to be Preserved

The following features shall be located and delineated on the conservation and development areas map, and shall be preserved in the following priority order as primary conservation areas:

(a) CAMA wetlands;

(b) U.S. Army Corps of Engineers designated 404 wetlands;

(c) Riparian buffers and other lands within 30 feet of estuarine or other surface waters;

(d) Areas of maritime forest;

(e) Areas within the root zone of all significant trees; and

(f) Habitat utilized by endangered or threatened species or designated Natural Heritage Areas.

(2) Amount to be Preserved

All areas occupied by features comprising a primary conservation area shall be set aside and reserved for conservation purposes in accordance with the following standards:

(a) **Primary Conservation Area is Less than Minimum Required**

In cases where the geographic area occupied by all features comprising the primary conservation area is less than the minimum required conservation area, then all lands comprising the primary conservation area shall be set aside.

(b) **Primary Conservation Area Exceeds the Minimum Required**

(i) In the event the geographic area of all features identified and prioritized as the primary conservation area results in a primary conservation area exceeding the conservation area requirement (for example, conservation of the first type of prioritized features constitute 47 percent of a site, and the next prioritized feature consists of five percent and the minimum required conservation area is 50 percent of the site area, the applicant may identify which portions of the features exceeding the 50 percent conservation area requirement will be designated for conversion to development area) (see Figure 6.4.5, Conservation and Development Areas). To the maximum extent practicable, priority for retention shall be

given to the highest quality portion of the features to be conserved.

(ii) Development on lands made available for conversion to development area shall be in accordance with the standards in this Ordinance.

(3) Allowable Uses

Uses located within a primary conservation area shall be limited to:

(a) Unpaved pedestrian trails, walkways, and boardwalks;
(b) Docks and other water-dependent features, as allowed in this Ordinance;
(c) Above ground and below ground public utilities and associated easements, provided no feasible alternative exists;
(d) Street or driveway crossings, provided such crossings do not violate this Ordinance, or other State or Federal laws; and,
(e) Minor vegetative drainage conveyance connections to existing drainage outlets where no feasible alternative exists.

B. Secondary Conservation Areas

(1) Features to be Preserved

In addition to primary conservation areas, the conservation and development areas map shall also identify secondary conservation areas, which shall be preserved in the following priority order:

(a) Historic, archeological, and cultural resources;
(b) Prime agricultural lands, including existing pastures (whether in use or otherwise);
(c) Existing and mature woodland forests, natural fields, and meadows (especially those greater than five acres);
(d) Scenic corridors and views; and
(e) Areas that could serve to extend existing greenways, trails, parks, or recreation areas.
(f) Special flood hazard areas designated on the Flood Insurance Rate Maps (FIRM).

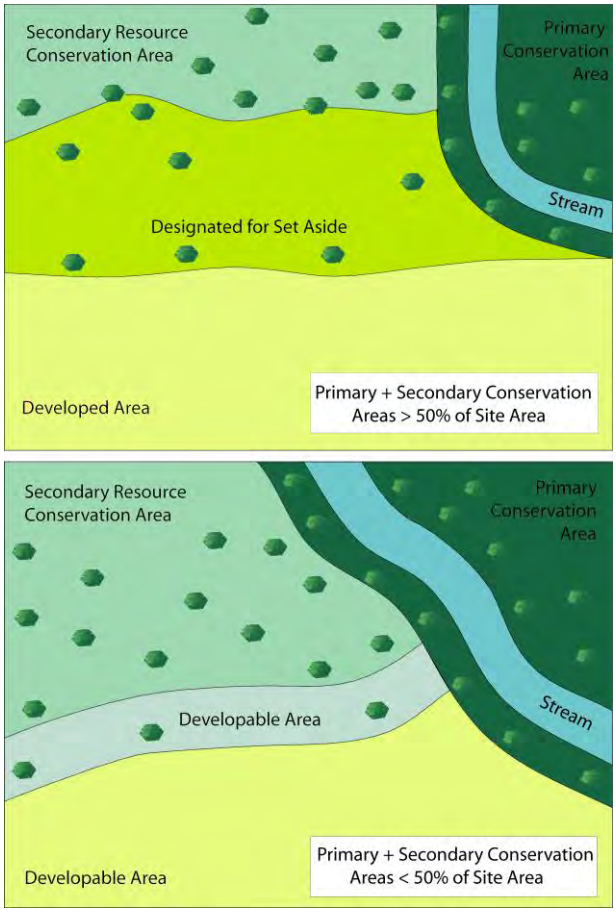
(2) Amount to be Preserved

All areas occupied by features comprising a secondary conservation area shall be set aside and reserved as a part of the conservation area in accordance with the following standards (see Figure 6.4.5, Conservation and Development Areas):

(a) Primary Conservation Area Occupies More than that Required

In the event that the geographic area set aside as the primary conservation area is more of the required conservation area, no additional lands occupied by secondary conservation features shall be required to be included in the conservation area.

Figure 6.4.5 Conservation and Development Areas



(b) Primary Conservation Area Occupies Less than that Required

In the event the geographic area set aside as the primary conservation area is less than the required conservation area, then lands containing secondary conservation features shall also be set aside as part of the conservation area in priority order based upon the following:

(i) Connect Primary Resource Areas

To the maximum extent practicable, the geographic area containing secondary conservation features shall be set aside so as to connect and surround the primary resource areas.

(ii) Primary and Secondary Conservation Areas Do Not Equal 50 Percent of Site Area

In the event the combined area occupied by the primary conservation area and geographic area occupied by all secondary resource conservation features does not equal the minimum requirements, then additional lands necessary to meet the requirements for the conservation area shall be designated for set-aside. Such lands may be selected by the applicant and shall be designated for inclusion within the conservation area.

(iii) Primary and Secondary Conservation Areas Exceed Required Area

In the event the area occupied by the primary conservation area and the geographic area of all features identified and prioritized as the secondary conservation area results in a combined conservation area exceeding the conservation area requirements, the applicant may identify which portions of the secondary conservation feature(s) will be designated for conversion to development area. To the maximum extent practicable, priority for retention shall be given to the highest quality portion of the feature(s) to be conserved. In no instance shall any portion of the primary conservation area be designated for conversion to development area.

(3) Allowable Uses

Uses located within a secondary conservation area shall be limited to:

(a) All uses allowed in a primary conservation area;

(b) All uses allowed in open space set-asides (see Section 7.1.3.D, Allowable Uses in Open Space Set-Asides);

(c) Uses allowed in the Agricultural Use Classification in Table 4.1.1, Summary Use Table;

(d) Individual or community water supply and septic systems (see Section 6.2.3.E.2, Sewage System Requirements);

(e) Stormwater management systems;

(f) Required drainage or other utility easements;

(g) Mitigation of development activities, including restoration of disturbed or degraded areas to enhance habitat and scenic value.

C. Ownership

The conservation area shall be considered as an open space set-aside, and it shall comply with the ownership requirements in Section 7.1.3.E, Ownership of Open Space Set-Asides.

D. Development Areas

After identifying the primary and secondary conservation areas, the development area shall be identified. It is the area within which development may occur, and shall include the area within the site where:

(1) Any clearing or grading activities will take place;

(2) Ingress and egress will be located;

(3) Individual or community wells and septic systems may be located (if not located within the secondary conservation area);

(4) Streets, utilities, and other similar structures will be located; and

(5) All allowable uses may be located.

6.5. RECREATION AND PARK AREA DEDICATION

Except for minor subdivisions, subdivisions of land for residential or mixed-use development of six or more residential dwelling units shall be required to dedicate a portion of land, or pay a fee-in-lieu thereof, for recreation and park areas, in accordance with the standards of this section.

6.5.1. Recreation and Park Area Dedication

New residential development of six or more units shall dedicate land to the county for use in the development of recreation and park areas to serve the recreational needs of the residents of the subdivision and development within the immediate area. Table 6.5.1, Recreation and Park Area Dedication Requirements, sets out the minimum parkland dedication requirements per new dwelling unit.

TABLE 6.5.1: RECREATION AND PARK AREA DEDICATION REQUIREMENTS

Type of Area to Be Dedicated [1]	Minimum Dedication Amount per Dwelling (acres)
Upland	0.0255
Water feature (e.g., public access, pond, riparian area) [2]	0.0275

NOTES:
[1] No credit towards parkland dedication is given for CAMA wetlands, 404 wetlands, lands forward of the first frontal line of vegetation on sand dunes, or other lands mandated for preservation by Federal or State requirements
[2] No more than 50 percent of the total dedication requirement may be met through dedication of water areas

Example: A 100-lot subdivision within the SFM zoning district occupies 120 acres of land and includes a two-acre pond. The owner is required to dedicate a minimum of 2.55 acres of land to the county for recreation and park area (100 units x 0.0255 acres per unit = 2.55 acres). Since the subdivision includes a pond, the owner may request to dedicate it as recreation and park area, but credit for the pond is limited to a maximum of 50 percent of the total dedication area (2.55 acres to be dedicated x 0.5 = 1.275 acres).

6.5.2. Procedure for Dedication of Recreation and Park Area

A. Designation of Land to be Dedicated

The developer, concurrent with submission of a subdivision application (see Section 2.4.8) shall identify land proposed for dedication in accordance with Section 6.5.3, Nature of Recreation and Park Area to be Dedicated, or propose payment of an in-lieu fee if the conditions in Section 6.5.4, Payments-in-lieu of Dedication, apply.

B. Review of Land to be Dedicated

The Technical Review Committee, as appropriate, shall review the proposed application and determine if it complies with the standards in Section 6.5.3, Nature of Recreation and Park Area to be Dedicated, and Section 6.5.4, Payment-in-lieu of Dedication, as appropriate, and whether to accept the land for dedication or payment-in-lieu of dedication.

C. Appeal

The Technical Review Committee's decision on the application may be appealed by an applicant to the Board of Commissioners, in accordance with Section 2.4.17, Appeal.

D. Timing

(1) Land shall be dedicated prior to recording the first final plat for the subdivision.

(2) The payment-in-lieu shall be paid prior to recording the first final plat for the subdivision for which the payment-in-lieu is paid.

6.5.3. Nature of Recreation and Park Area to be Dedicated

All lands proposed for dedication as recreation and park areas shall meet the following standards:

A. Unity

The dedicated land shall be a single parcel of land, whether the subdivision is developed in phases or sections, except where it is determined by the Technical Review Committee that multiple parcels would better serve the residents of the subdivision and the residents of the county.

B. Usability

A maximum of one-half of the dedicated recreation and park area may be a water feature. When one-half of the dedicated area is a water feature, the remaining land must be flat, well-drained, usable land for a recreation and park area. The usability of a dedicated recreation and park area shall be determined by the Technical Review Committee. Public access to all portions of a water feature shall be provided and maintained, regardless of the amount of water feature area credited towards recreation and park dedication requirements.

C. Shape

The dedicated land shall be of a size and configuration that can be used for recreation facilities, including, but not limited to, trail systems, tennis courts, swimming pools, clubhouses, athletic fields, basketball courts, swings, slides, play apparatus, open play areas, and picnicking.

D. Location

(1) The dedicated land shall be located so it can reasonably serve the recreation and park needs of the residents of the subdivision and immediate area.

(2) Public access to public waterways and surface waters shall be a priority for park and recreation areas.

(3) The Technical Review Committee, may require that the land dedicated be located on the periphery of the development in order to allow enlargement by combining the recreation and park area with adjacent development or park facilities, existing or planned.

E. Access

(1) All dwelling units in the subdivision and residents in the immediate area shall have access to and from the dedicated land provided by means of streets and public walkways or trails.

(2) Rights-of-way for this access shall be shown on the preliminary and final plats.

(3) All dedicated lands shall have access by way of a street. Such access can be provided when the dedicated land is adjacent to existing or proposed public parkland with street access.

6.5.4. Payments-In–Lieu of Dedication

A. General

If any of the following conditions apply to the proposed subdivision, a payment-in-lieu shall be provided instead of land dedication, in accordance with the provisions of this section:

(1) The topography or other natural conditions of the site do not provide adequate opportunities for on-site recreation and park areas;

(2) The amount of recreation and park area to be dedicated is too small to provide adequate recreation and park opportunities or to be efficiently maintained;

(3) The intended location of the recreation and park area is too far from existing recreation and park areas to be efficiently maintained;

(4) Adequate access is not available to the proposed land to be dedicated; or

(5) The recreation and park needs of the subdivision can be better met by acquisition or development of recreation and park sites outside the subdivision but within the immediate area of the subdivision.

B. Amount of Payment

The payment-in-lieu shall be calculated based upon the acreage of land required for dedication, consistent with the requirements of Table 6.5.1, Recreation and Park Area Dedication Requirements. The land's assessed value (as determined by the Currituck County Property Appraiser) shall be used to arrive at the required payment-in-lieu amount.

C. Use of Funds

Payments-in-lieu received in accordance with this subsection shall be used only for the acquisition or development of recreation and park areas, and open space sites that serve residents living in the immediate area of the development making the payment-in-lieu, consistent with the requirements of North Carolina General Statutes Section 153A-331.

6.6. ADEQUATE PUBLIC FACILITIES STANDARDS

No development authorized by a use permit (see Section 2.4.6) shall exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. All required public facilities shall be in place or programmed to be in place within two years after the initial approval of the use permit.

7 ENVIRONMENTAL PROTECTION STANDARDS

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CHAPTER 7. ENVIRONMENTAL PROTECTION

7.1. OPEN SPACE SET-ASIDES

7.1.1. Purpose and Intent

The purpose of this section is to:

A. Establish the standards under which residential and mixed-use development shall set aside a portion of the development area as open space;

B. Distinguish between the characteristics, requirements, and appropriate locations for open space set-asides; and

C. Establish minimum ownership and maintenance standards for homeowner and property owner associations related to open space set-asides.

7.1.2. Applicability

A. General

Unless exempted by Section 7.1.2.E, Exemptions, the provisions of this section shall apply to all residential and residential portions of mixed-use development in the county.

B. Time of Review

Review for compliance with these standards shall occur during review of a site plan (see Section 2.4.7), subdivision (see Section 2.4.8), or planned development master plan (see Section 2.4.5), as appropriate.

C. Existing Development

Unless redeveloped, the standards in this section shall not apply to development existing prior to January 1, 2013. Redevelopment conducted after January 1, 2013 shall comply with the standards in this section, to the maximum extent practicable, and shall provide its pro rata share of open space set-aside.

D. Conservation Subdivisions

Open space set-asides associated with a conservation subdivision shall be subject to the standards in Section 6.4, Conservation Subdivision.

E. Exemptions

The following forms of development shall be exempted from the standards in this section:

(1) Development of a single-family detached or two- to four-family dwelling on a platted lot in existence on January 1, 2013; and

(2) Subdivisions with fewer than 6 lots.

7.1.3. Open Space Set-Aside Standards

A. Amount of Open Space Set-Asides Required

(1) In the MXR District

Development in the MXR district shall provide open space set-asides in accordance with Section 3.4.6.D, Dimensional Standards.

(2) In all Other Districts

(a) Residential development subject to the standards of this section shall set aside 30 percent of the total development area as open space set-asides.

(b) Mixed-use development that includes residential dwelling units subject to the standards of this section shall set aside 20 percent of the total development area as open space set-asides.

B. Calculation of Open Space Set-Asides

(1) Features Counted as Open Space Set-Asides

The following site features shall be credited towards the open space set-aside requirement:

(a) **Environmentally-Sensitive Lands**

CAMA wetlands, U.S. Army Corps of Engineers designated 404 wetlands, water features (drainage canals, lakes, natural ponds, streams, rivers, etc.), maritime forest, and habitat utilized by endangered or threatened species or designated Natural Heritage Areas.

(b) **Beach Systems**

Significant sand dunes and lands shoreward of the first line of significant vegetation.

(c) **Required Landscaping and Tree Protection Zones**

Areas occupied by required landscaping or tree protection zones.

(d) **Required Setbacks**

Required agricultural and riparian buffers setbacks.

(e) **Farming and Forestry Lands**

Lands in active agricultural production taking place within the boundary of the development subject to these open space set-aside standards.

(f) **Recreation and Park Areas and Payment-in-Lieu**

Lands dedicated to the county as recreation and park areas and acreage amounts used to derive payment-in-lieu amounts for recreation and park area dedication.

(g) **Private Active Recreational Areas**

Land occupied by active recreational uses such as pools, playgrounds, tennis courts, jogging trails, and clubhouses.

(h) Private Passive Recreational Areas

Passive recreation areas such as trails, walkways, and open fields or meadows.

(i) Functionally-Dependent Features

Docks, swimming platforms, boat launches, and boardwalks providing access to estuarine and surface waters.

(j) Urban Features

Plazas, fountains, roof gardens, atriums, and pedestrian seating/activity areas in the SFO, CC, and VC districts.

(k) Stormwater Management Site Amenities

Land area occupied by stormwater management devices, including retention ponds, fully vegetated detention basins, and other bio-retention devices treated as a site amenity that includes access, gentle slopes of three-to-one (3:1) or less, and pedestrian elements such as paths, benches, and similar aspects.

(2) Not Counted as Open Space Set-Asides

The following areas shall not be counted as open space set-asides:

(a) Private yards not subject to an open space or conservation easement;

(b) Public street rights-of-way or private street easements;

(c) Open parking areas and driveways for dwellings;

(d) Land covered by structures not designated for active recreational uses; and

(e) Designated outdoor storage areas.

(3) Insufficient Natural Features

(a) In cases where the land to be set aside as open space is outside of an Full Service Area and lacks environmental features like wetlands or tree cover (such as a former farm field), the open space set-aside area shall be reforested with mixed hardwoods at a rate of 40 trees per acre.

(b) The amount of land area to be reforested shall be the minimum necessary to ensure at least half the open space set-aside is occupied by trees or other environmental features.

C. Design Standards for Open Space Set-Asides

Land used as an open space set-aside shall meet the following design standards:

(1) Location

Open space shall be located so as to be readily accessible and useable by residents and users of the development. Where possible, a portion of the open space set-aside should provide focal points for the development.

(2) Adjacent to Existing or Planned Open Space

Where the development site is adjacent to existing or planned trails, parks, or other public open area land, the open space set-aside shall, to the maximum

extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other open area land (see Figure 7.1.3.C, Open Space Location).

Figure 7.1.3, Open Space Location

(3) Configuration

(a) Lands set aside as open space shall be compact and contiguous unless the land is used as a continuation of an existing trail, or specific natural or topographic features require a different configuration.

(b) Open space set-asides within the PD-O district shall also comply with the standards in Section 3.7.5.A.4, Open Space Design.

(4) Active Recreation Features

Open space set-asides in multi-family and mixed-use development not subject to the standards in Section 6.5, Recreation and Park Area Dedication, shall provide active recreation features that occupy at least 35 percent of the open space set-aside area.

(5) Prioritization of Open Space Set-Aside

To the maximum extent practicable, the open space set-aside should be located and organized to include, protect, or enhance as many of the following open areas and features as possible:

(a) Environmentally-sensitive lands and natural features such as riparian buffers, riparian areas, significant sand dunes, lands shoreward of the first stable line of vegetation, wildlife corridors, and mature trees (four-inch caliper or greater);

(b) Lands that may extend or enhance existing park or open space features;

(c) Water features such as canals, lakes, natural ponds, and retention and detention ponds configured as amenities;

(d) Landscaped buffers or visual transitions between different types or intensities of uses;

(e) Habitat for endangered species; and

(f) Areas that accommodate multiple compatible open space uses rather than a single use.

(6) Provision in Multi-Phase Developments

(a) Multi-phase development shall preserve open space set-asides in phases, so that the first phase of development does not contain 100 percent of the open space allotted for the entire development, but does contain, at a minimum, its pro rata share of the total amount of required open space set aside.

(b) Open space set-asides shall be apportioned among phases such that the total amount of open space set aside in a phase and any previously approved phases meets the open space set-aside standard as applied to the total area of the phase and previously approved phases.

D. Allowable Uses in Open Space Set-Asides

Open space set-aside areas shall not be disturbed, developed, or improved with any structures except for the following limited purposes:

(1) Active Recreation Uses

Structures for active recreation purposes—including pedestrian-scaled lighting; gazebos or other decorative structures; fountains or other water features; swimming pools; club houses; play structures for children; gardens or seasonal planting areas; or ball fields used primarily for recreational purposes (equipment or structures shall be indicated on site plans, subdivision plats, or planned development master plans.

(2) Passive Recreational Uses

Facilities for passive recreational, environmental education, wildlife habitat protection, and natural area preservation purposes—including, but not limited to: undisturbed land; walking, jogging, and biking paths or trails; benches or other seating areas; tables, shelters, grills, and other picnicking facilities; open and unimproved fields or lawn areas; docks and other facilities for fishing; and environmental guides and exhibits.

(3) Public Facilities

Public features such as libraries, community centers, museums, historic sites, and similar features.

(4) Conservation Lands

Areas of undisturbed land and vegetation.

(5) Farming and Forestry Lands

Active agricultural operations, including farming and forestry.

E. Ownership of Open Space Set-Asides

(1) Homeowners or Property Owners Association

All open space set-aside areas may be owned jointly or in common by the owners of the development through a recognized homeowners or property owners association, which shall be established in accordance with Section 6.1.4, Homeowners or Property Owners Association Requirements.

(2) Individual Private Ownership

Up to 85 percent of open space set-aside areas may be owned by a private individual such as a farmer, developer or other private entity provided it is used in accordance with Section 7.1.3.D Allowable Uses in Open Space Set-Asides.

(3) Nonprofit Organization

The landowners may decide to convey an open space set-aside to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the county is provided adequate assurance the set-aside will be properly managed and maintained.

(4) Dedicated to County or Other Public Agency

In some cases, certain lands designated as open space set-asides, such as wildlife habitat, may be dedicated to the county or other public agency during the development review process. The Board of Commissioners shall determine which lands and under what conditions open space set-asides may be dedicated to the county or other public agency.

F. Maintenance of Open Space Set-Asides

The owner of the land shall be responsible for maintenance of all open space set-aside areas. Failure to maintain open space set-aside areas is a violation of this Ordinance subject to the remedies and penalties in Chapter 9: Enforcement.

7.2. TREE PROTECTION

7.2.1. Purpose and Intent

The purpose and intent of this section is to:

A. Preserve the visual and aesthetic qualities of the county;

B. Encourage site design techniques that preserve the natural environment and enhance the developed environment;

C. Provide for a separation of uses and establish a sense of privacy;

D. Minimize the impact of incompatible land uses;

E. Reduce glare, dust, heat, and noise;

F. Preserve and enhance air and water quality;

G. Increase slope stability, and control erosion and sediment run-off into streams and waterways;

H. Conserve energy by reducing heating and cooling costs; and

I. Maintain and enhance the quality of life in the county.

7.2.2. Applicability

A. General

Unless exempted in accordance with Section 7.2.2.C, Exemptions, the standards in this section shall apply to all lands and development in the county.

B. Time of Review

No removal of existing heritage trees on a parcel of land or a development site shall occur prior to approval of a clear-cutting permit (Section 2.4.13), site plan (Section 2.4.7), planned development master plan (Section 2.4.5), subdivision (Section 2.4.8), or zoning compliance permit (Section 2.4.9), as appropriate.

C. Exemptions

The following tree removal activities are exempt from the standards of this section:

(1) The removal of dead or naturally fallen trees;

(2) The removal of diseased trees posing a threat to adjacent trees;

(3) The selective and limited removal of trees or vegetation necessary to obtain clear visibility within sight distance triangles;

(4) Removal of trees on developed single-family residential lots or lots within a single-family residential subdivision platted prior to **January 1, 2013**;

(5) Land-disturbing activities and tree removal in accordance with a site plan, preliminary plat, or building permit approved after **January 1, 2013**;

(6) Removal of trees as necessary to maintain safe operations at the Currituck County Airport;

(7) Land-disturbing activities and tree removal on unbuildable lands;

(8) The removal of vegetation by public or private agencies within the lines of any right-of-way, easement, or other county-owned lands as may be necessary to ensure public safety; and

(9) Land disturbing activities undertaken on land under agricultural, horticultural, or forest production and taxed at present-use value in accordance with Sections 105-277.2 through 277.7 of the North Carolina General Statutes.

7.2.3. Protection of Heritage Trees

A. Heritage Trees Defined

(1) For the purposes of this section, "heritage trees" shall include all existing Live Oak (Quercus Virginiana) with a diameter at breast height (DBH) of 12 inches or greater, as well as all other existing trees with a DBH of 24 inches or greater.

(2) Some trees, regardless of their size, shall not be considered as heritage trees. These trees include:

(a) Southern yellow pine;

(b) Bradford pear;

(c) Mulberry;

(d) Sweet gum; and

(e) Silver maple.

B. Procedure for the Establishment of a Tree Protection Zone

(1) Tree Inventory Required

Prior to any tree clearing, development work, or land disturbing activity, the owner of land subject to this section shall prepare and submit an inventory of heritage trees on the development site, subject to the following requirements:

(a) General

The inventory shall identify all existing, healthy heritage trees on the development site. Known dead or diseased heritage trees shall be identified, where practical. Groups of heritage trees in close proximity (i.e., those within five feet of each other) may be designated as a clump of trees, with the predominant species, estimated number, and average diameter indicated.

(b) Inclusion of Other Trees

The tree inventory shall also depict the location, species, and diameter of existing trees (other than heritage trees) to be retained and credited towards the landscaping requirements in Section 5.2, Landscaping Standards.

(c) Professionally Prepared

Tree inventories for lots larger than one acre in size shall be prepared by a licensed landscape architect, surveyor, arborist, registered forester, or professional engineer and shall have an accuracy of plus or minus three feet.

(2) Establishment of Tree Protection Zone

Concurrent with, or following the preparation of a tree inventory, the owner of land subject to this section shall prepare and submit a tree protection zone diagram, subject to the following requirements:

(a) Location

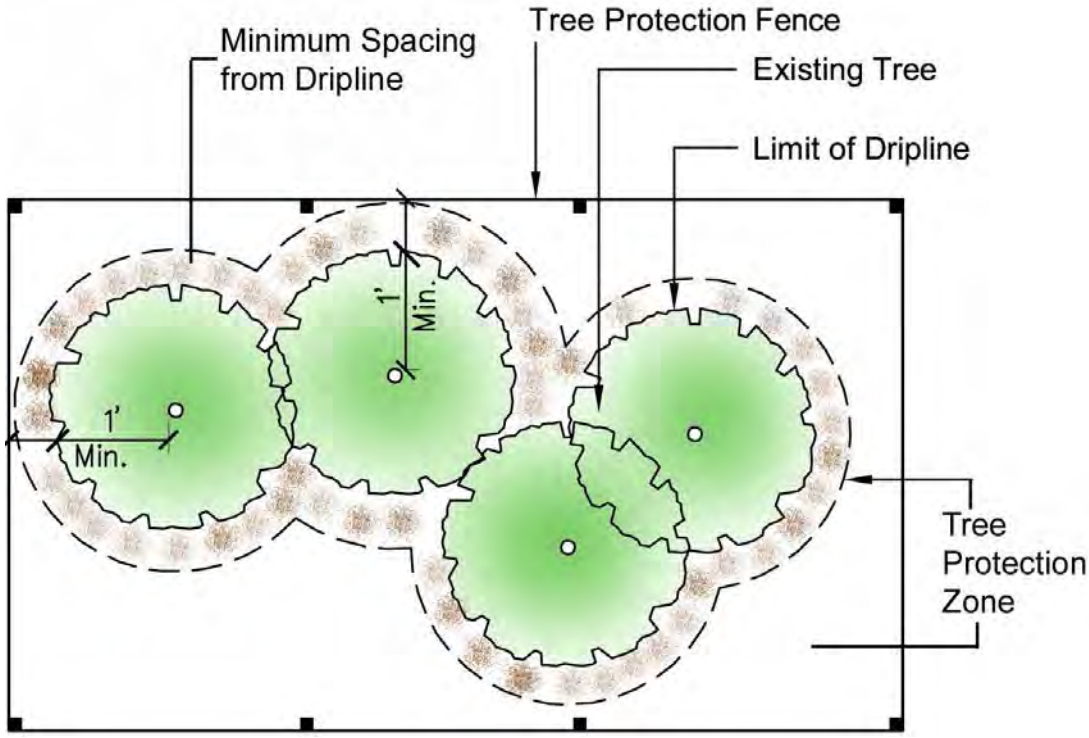
(i) A designated tree protection zone shall be demarcated on a site plan, planned development master plan, grading plan, preliminary plat, or final plat (as appropriate).

(ii) Tree protection zones associated with a subdivision shall be located within an open space set-aside and outside of all buildable lots.

(b) Area Within Tree Protection Zone

The tree protection zone shall incorporate the root zones and driplines of all heritage trees and other trees to be retained in accordance with this section and Section 7.2.6, Tree Protection Incentives (see Figure 7.2.3, Tree Protection Zones).

Figure 7.2.3, Tree Protection Zones



C. Standards for Protection

A heritage tree shall not be removed, except in accordance with Section 7.2.3.D, Removal of a Heritage Tree. In addition, heritage trees shall have the following protections, whether located on public or private land:

(1) Cutting, Removal, or Harm Prohibited

Heritage trees shall not be cut, removed, pushed over, killed, or otherwise harmed.

(2) Soil Compaction Prohibited

The area within the dripline of any heritage tree shall not be subject to soil compaction greater than 25 percent of the total area within the dripline, or within 12 feet of the tree trunk.

(3) Encroachment

(a) Buildings or other structures shall not encroach within a designated tree protection zone.

(b) Impervious surfaces may encroach into a dripline in the following amounts:

(i) A maximum of 25 percent of the dripline associated with a heritage tree, but no closer than 12 feet from the trunk of a heritage tree; and

(ii) A maximum of 50 percent of the dripline associated with an existing tree (other than a heritage tree) designated for retention, but no closer than six feet from a tree's trunk.

Authorized encroachments into a dripline shall not be included within a tree protection zone.

(4) Established Prior to Land Disturbance

The tree protection zone shall be established on the development site in accordance with Section 7.2.7, Tree Protection During Construction, prior to any development or land disturbance.

(5) Protection During Construction

Trees in a tree protection zone shall be protected during construction in accordance with the standards in Section 7.2.7, Tree Protection During Construction.

D. Removal of Heritage Trees

Heritage trees may only be removed if the landowner demonstrates to the Planning Director one of the following two conditions:

(1) Removal of a Healthy Heritage Tree

(a) The landowner is otherwise in compliance with this section;

(b) The heritage tree prevents development of a lot platted prior to January 1, 2013 in a way that limits building area to less than otherwise allowed;

(c) The heritage tree hinders compliance with the standards in Chapter 3: Zoning Districts, Chapter 5: Development Standards, or Chapter 6: Subdivision and Infrastructure Standards; and

(d) Mitigation is provided in accordance with Section 7.2.3.E, Replacement/Mitigation of Heritage Trees.

(2) Removal of a Severely Diseased, High Risk, or Dying Heritage Tree

A heritage tree certified by an arborist or other qualified professional as severely diseased, high risk, or dying may be removed without replacement or mitigation in accordance with Section 7.2.3.E, Replacement/Mitigation of Heritage Trees.

E. Replacement/Mitigation of Heritage Trees

Those causing the destruction or removal of a healthy heritage tree, unless exempted, shall be responsible for the following mitigation:

(1) Replacement Trees Required

Each healthy heritage tree removed or destroyed shall be replaced by replacement trees with a cumulative caliper measurement that equals or exceeds one-half the diameter of the heritage tree(s) removed. Each replacement tree shall be at least two inches in caliper at the time of planting, and be replanted within 12 months of the removal or destruction of the heritage tree(s). At least one-half of the cumulative caliper inches of the replacement trees shall be of the same species as the heritage tree removed.

(2) Location of Replacement Trees

Replacement trees shall be either planted on the parcel of land from which the heritage tree(s) was removed, if sufficient space is available, or placed on nearby lands in accordance with Section 5.2.9, Alternative Landscape Plan.

(3) Establishment Period

Replacement trees shall be maintained through an establishment period of at least three years. The applicant shall guarantee the survival and health of all replacement trees during the establishment period and guarantee any associated replacement costs (see Section 6.3, Performance Guarantees). If the replacement trees do not survive the establishment period, the applicant shall purchase and install new replacement trees.

7.2.4. Responsibility for Compliance

Failure to comply with the standards of this section is a violation of this Ordinance subject to the remedies and penalties in this section and Chapter 9: Enforcement.

7.2.5. Tree Protection During Construction

A. Owner's Responsibility

During development, the owner or developer shall be responsible for the erection of any and all barriers necessary to protect any heritage trees or existing vegetation to be credited towards landscaping requirements from damage during construction.

B. Tree Protection Fencing

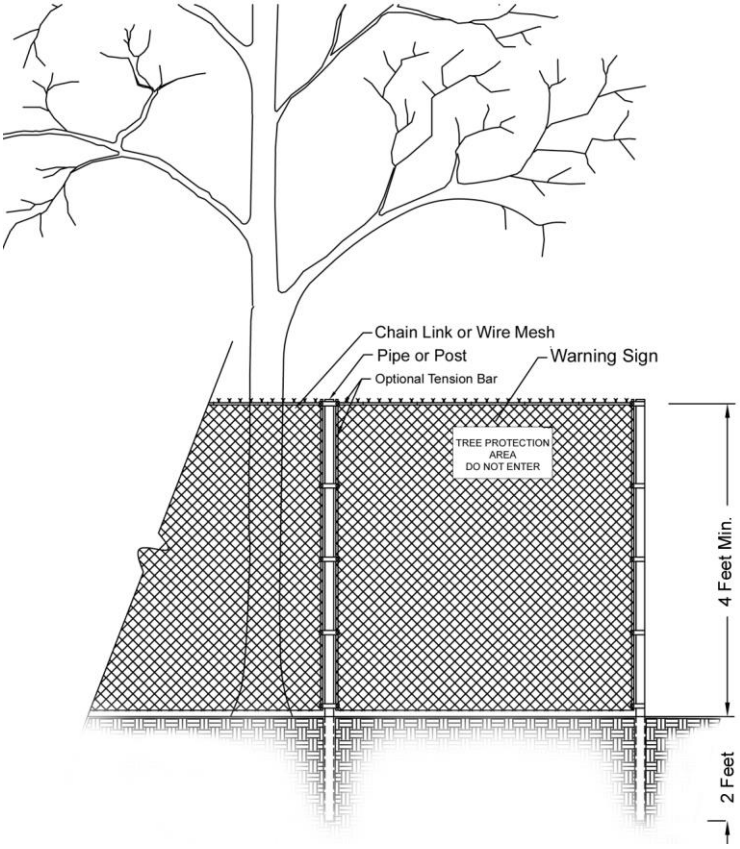
(1) Where Required

Heritage trees and existing trees being used for credit towards landscaping requirements retained in a tree protection zone shall be fenced with a sturdy and visible fence before grading or other development activity begins. The Planning Director shall consider the existing site conditions and the location of allowable encroachments in determining the exact location of tree protection fencing. Areas located inside of tree protection fencing are considered as "tree save areas."

(2) Type of Fencing

All fencing required by this section shall be a minimum four feet high and of durable construction (i.e., chain link or wooden post with 2x4 wire mesh). Posts shall be located no more than ten feet on-center (see Figure 7.2.5, Tree Protection Fencing). Passive forms of tree protection may be utilized to delineate tree protection zones that are remote from areas of land disturbance. These must be surrounded by fencing, continuous rope, or durable taping (minimum four inches wide).

Figure 7.2.5, Tree Protection Fencing



(3) Signage

Signs shall be installed on the tree protection fence visible on all sides of the fenced-in area at a rate of at least one for every 150 linear feet. The size of each sign must be a minimum of two feet by two feet and shall contain the following language: "TREE PROTECTION ZONE: KEEP OUT."

(4) Trenching Prior to Clearing

The removal of trees adjacent to tree protection zones can cause inadvertent damage to the protected trees. Prior to clearing activities, trenches with a minimum width of one-and-one-half inches and a minimum depth of 12 inches shall be cut along the limits of land disturbance, so as to cut, rather than tear tree roots.

(5) Inspection

All tree protection measures shall be inspected and approved by the Planning Director prior to start of any land disturbing activities. Failure to have tree protection measures prior to the commencement of construction is a violation of this Ordinance.

C. Encroachments into Tree Protection Zones

Encroachments into tree protection zones may occur only when no other alternative exists. If such an encroachment is anticipated, the following preventive measures shall be employed:

(1) Soil Compaction

Where compaction might occur due to construction traffic or materials delivery through a tree protection zone, the area must first be mulched with a minimum four inch layer of wood chips. Equipment or materials storage shall not be allowed within a tree protection zone.

(2) Fill

No fill shall be placed within a tree protection zone without adequate venting to allow air and water to reach the roots.

(3) Chemical Contamination

Trees located within a tree protection zone shall be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.

7.2.6. Tree Preservation Incentives

A. Tree Preservation Credits

In order to encourage the preservation of as many trees as practical on a development site, credit towards the minimum landscaping requirements shall be applied to all existing trees retained on a site. Credits shall be granted in accordance with Section 5.2.3.D, Credit for Existing Vegetation.

B. Reduction in the Minimum Number of Required Parking Spaces

Up to a five percent reduction in the number of off-street parking spaces required on a development site shall be allowed if the reduction in the amount of required pavement will preserve the root zones of existing healthy trees with a DBH of six inches or greater. The amount of reduction can be determined only after taking into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be agreed upon by both the applicant and the Planning Director.

7.3. STORMWATER MANAGEMENT

7.3.1. Purpose and Intent

A. The purpose of this section is to establish the standards for stormwater management in the county that are required in conjunction with development to prevent nuisance flooding and promote water quality protection of Currituck Sound, Albemarle Sound, the North River, and their tributaries.

B. More specifically, it is the intent of this section to:

(1) Distinguish between hydrologic, soil, and topographic conditions by establishing stormwater management zones;

(2) Establish county-wide performance standards for controlling stormwater runoff from development sites and promoting water quality;

(3) Better control how fill material may be placed on a lot to avoid negative flooding impacts on adjacent lots; and

(4) Establish maintenance standards for landowners, homeowners or property owners associations related to stormwater management devices.

7.3.2. Applicability

A. General

Unless exempted in accordance with Section 7.3.2.E, Exemptions, all development in the county shall comply with the stormwater management standards in this section.

B. Time of Review

Review for compliance with these standards shall occur as part of review of a site plan (see Section 2.4.7), subdivision (see Section 2.4.8), or zoning compliance permit (see Section 2.4.9), as appropriate.

C. Existing Development or Redevelopment

Development or redevelopment of an existing site subject to the standards of this section shall manage stormwater from all previously developed portions of the lot, to the maximum extent practicable.

D. Stormwater Management Zones

In order to distinguish between hydrologic, soil, and topographic conditions the county is divided into the following stormwater management zones depicted in the Currituck County Stormwater Manual:

(1) Mainland Stormwater Management Zone

Areas of the county not directly connected to the Outer Banks characterized by expansive areas of wetlands and land areas under cultivation, with narrow ridges exhibiting topographic relief and soils more conducive to drainage.

(2) Outer Banks Management Zone

The barrier island portion of the county characterized by predominantly sandy, porous soils with high connectivity between surface waters and groundwater table.

E. Exemptions

The standards in Section 7.3.4.B shall not apply to the following:

(1) Mainland Stormwater Management Zone

(a) Minor site plans;
(b) Minor subdivisions;
(c) The division of five or fewer additional lots with an average lot size greater than three acres located within a single-family residential subdivision platted prior to January 1, 2013;
(d) Development or expansion on a nonresidential, multi-family, or mixed-use lot by less than 5,000 square feet of impervious surface or resulting in less than 10 percent total lot coverage. This exemption does not include multiple, incremental expansions that result in a reduction of stormwater management standards; or
(e) Major site plans on lots in subdivisions that have a state permitted and functional stormwater management system that specifies allowable lot coverage.

(2) Outer Banks Stormwater Management Zone

(a) Minor site plans, excluding single-family detached dwellings on lots resulting in more than 10,000 square feet of total impervious surface; or

(b) Development or expansion on a nonresidential, multi-family, or mixed-use lot by less than 5,000 square feet of impervious surface or resulting in less than 10 percent total lot coverage. This exemption does not include multiple, incremental expansions that result in a reduction of stormwater management standards.

7.3.3. Stormwater Plan

To ensure compliance with the standards of this section, a stormwater plan demonstrating how stormwater will be managed on a development site shall be included with any application for site plan, subdivision, or zoning compliance permit, as appropriate. The Currituck County Stormwater Manual includes additional information and plan requirements for persons submitting applications for development review under the standards of this section.

7.3.4. Stormwater Management Standards

A. Drainage Requirements

(1) To the maximum extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.

(2) To the maximum extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

(3) No surface water may be channeled or directed into a sanitary sewer.

(4) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

(5) All developments shall be constructed and maintained so that adjacent lands are not unreasonably burdened with surface waters as a result of such developments. More specifically:

(a) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and,

(b) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

(6) Existing ditches located totally or partially within a development and utilized for drainage or stormwater management shall be cleaned to remove drainage impediments.

(7) All subdivisions shall provide side lot line swales with a minimum average depth of 12 inches and side slopes not to exceed 3:1 (three feet horizontal run for every one foot vertical rise), unless the County Engineer approves an equivalent drainage alternative.

(8) Major subdivisions and major site plans shall provide minimum building pad elevations required to prevent flooding from the 24-hour storm event with a 10-year recurrence interval. The finished floor elevation for all principal structures shall be 18 inches above the 24-hour storm event with a 10-year recurrence interval and shall be depicted on construction drawings and final plats.

(9) Finished floor elevations shall be at least six inches above septic system fill.

(10) Development subject to these standards shall provide maintenance access drainage easements in accordance with Section 6.2.3.B, Utility Easements and the following standards:

(a) Easements shall be provided along at least one side of waterway conveyance systems that drain more than five acres. The easement shall include the conveyance and an additional twenty-five feet measured from the top of embankment.

(b) Easements shall be provided along both sides of the following waterway conveyance systems:

(i) Hog Bridge Ditch;

(ii) Guinea Mill;

(iii) Upper Guinea Mill;

(iv) Lateral "A";

(v) Lateral "B";

(vi) Lateral "C";

(vii) Haywood Ditch;

(viii) Rowland Creek Canal;

(ix) Eagle Creek Canal (also known as Western Canal); and

(x) Shingle Landing Creek Canal.

The easement shall include the conveyance and an additional fifty feet measured from the top of each embankment.

B. Stormwater Detention Requirements

(1) In the Outer Banks Stormwater Management Zone, minor subdivisions or single-family detached dwellings on lots resulting in more than 10,000 square feet of total impervious surface shall implement adequate stormwater practices to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event.

(2) Major subdivisions subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 10-year recurrence interval down to the pre-

development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site.

(3) All other development subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 5-year recurrence interval down to the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site.

C. Fill and Other Land Disturbance Requirements

(1) Unless stated otherwise in this Ordinance, the provisions of this section shall apply to any land disturbance activity regardless of the size of the disturbed area, or when filling or grading above any adjacent grade is proposed.

(2) Fill and land disturbing activities, excluding clearing, grubbing and landscaping, shall not be permitted within ten feet from any lot line with the exception of drainage and stormwater improvements as approved by the County Engineer, underground utilities, and exemptions or encroachments as allowed in Section 10.3.4, Required Setbacks. Improvements permitted within this area are allowed as long as they do not impede the flow of stormwater.

(3) A lot shall not be filled or graded higher than the average adjacent grade of the first 30 feet of adjoining property. Through approval of an alternative stormwater plan in accordance with Section 7.3.5.B.3, Additional Fill or Land Disturbance Activities, the following exceptions are permitted:

(a) When Albemarle Regional Health Services (ARHS) determines that fill is necessary for a septic system to function properly. The maximum fill area shall be limited to the septic system and drainfield areas and shall not exceed 24 inches. An additional 12 inches of fill above the septic system and drainfield may be allowed for the house pad to ensure adequate flow from the building to the septic system.

(b) In the Mainland Stormwater Management Zone when fill is required to raise the lot elevation to the regulatory flood protection elevation.

(c) In the Outer Banks Stormwater Management Zone when fill is required to raise the lot elevation to the regulatory flood protection elevation, not to exceed a maximum of three feet.

(d) When fill is essential to meet the required building pad elevation as shown on approved construction drawings or stormwater plans.

(e) When fill is located at least 100 feet from all lot lines (an alternative stormwater plan shall not be required).

(4) All fill shall be established at a slope not to exceed 3:1 (three feet horizontal run for every one foot vertical rise). The toe of the slope shall meet the ten-foot setback requirement from all lot lines. A permanent ground cover, sufficient to prevent erosion, must be established on all fill slopes as follows:

(a) Prior to issuance of the certificate of occupancy for construction projects; or

(b) For projects where land disturbance activity has ceased for more than six months, whichever occurs first.

(5) Bulkheads or retaining walls shall not be allowed as a method to stabilize or contain fill, except for the purposes of shoreline protection, septic repair, and

as otherwise permitted by the County Engineer. This shall not include retaining walls used to stabilize or contain existing natural grade when a driveway or walkway is cut into a lot at an elevation lower than existing natural grade.

(6) Any lot subject to filling shall install erosion and sediment control measures to prevent sediment from leaving the site. The erosion and sediment control measures shall be implemented on the site prior to the commencement of land disturbing activities and shall be continuously maintained during the land disturbance phase of development.

(7) A fill permit issued by the North Carolina Division of Water Quality shall be required to fill any 401 wetlands.

(8) A fill permit issued by the U.S. Army Corp of Engineers shall be required to fill any 404 wetlands.

D. Maintenance Requirements

(1) The subdivider or developer shall be responsible for the maintenance of stormwater management devices until maintenance responsibility is transferred to a landowner, homeowners or property owners association.

(2) Stormwater management devices shall be maintained in accordance with the standards of this section, the Currituck County Stormwater Manual, and approved stormwater plans.

(3) The landowner, homeowners or property owners association shall perform routine maintenance inspections of stormwater management devices using the Inspection Checklist included in the Currituck County Stormwater Manual.

(a) Stormwater management devices that receive runoff from less than five acres shall be inspected at least once every three years.

(b) Stormwater management devices that receive runoff from more than five acres shall be inspected annually by a registered engineer, licensed surveyor or landscape architect.

(4) The Planning Director may request copies of inspection checklists or conduct inspections of stormwater management devices in accordance with Section 9.5.3, Inspections. Failure to maintain stormwater management devices is a violation of this Ordinance subject to the remedies and penalties in Chapter 9: Enforcement.

7.3.5. Alternative Stormwater Plans

A. General

The County Engineer is authorized to approve an alternative stormwater plan for development that proposes to deviate from the standards of this section. The alternative plan shall certify that the proposed development provides equal or better performance as required by these standards and will not create flooding or nuisance conditions on adjacent lots. The Currituck County Stormwater Manual includes additional information and plan requirements for persons submitting alternative stormwater plans for review under the standards of this section.

B. Allowable Deviations

(1) Increased Lot Coverage

A maximum 15 percent increase in lot coverage may be allowed for single-family detached and duplex dwellings on lots in subdivisions that have a state permitted and functional stormwater management system that specifies allowable lot coverage, or for a single-family detached or duplex dwelling on an individual lot that implements adequate stormwater practices to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event.

(2) Reduced Stormwater Detention Requirements

Development subject to the standards in Section 7.3.4.B may reduce the design capacity of required stormwater management devices provided:

(a) An Alternative Stormwater Runoff Storage Analysis demonstrates the on-site soils have adequate storage capacity to capture and infiltrate stormwater runoff from all impervious surfaces; or

(b) An Alternative Downstream Drainage Capacity Analysis demonstrates the downstream drainage capacity exceeds the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site.

(3) Additional Fill or Land Disturbance Activities

A lot may be filled or graded higher than the average adjacent grade of the first 30 feet of adjoining property or to improve drainage for performance of stormwater management devices, provided adequate stormwater practices are implemented to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event.

(4) Low Impact Development

The use of low impact development techniques, including but not limited to pervious pavements, cisterns, green roofs, and bio-retention islands may be used to reduce stormwater detention requirements or lower impervious surface percentages.

7.4. FLOOD DAMAGE PREVENTION

7.4.1. Purpose and Intent

The purpose and intent of the flood damage prevention standards is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights, or velocities;

B. Require that uses vulnerable to floods be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

D. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

E. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

7.4.2. Applicability

The standards in this section shall apply to all lands within the special flood hazard area, as depicted in the Flood Insurance Rate Maps (FIRM) for Currituck County and incorporated by reference into this Ordinance.

7.4.3. Floodplain Development Permit Required

A. Development subject to the standards in this section shall obtain a floodplain development permit (see Section 2.4.12) prior to the commencement of construction or any land-disturbing activities.

B. Development subject to these standards shall not be established, extended, converted, altered, or occupied in any way without full compliance with the requirements of this section.

7.4.4. Special Flood Hazard Area Zones

All lands within the Currituck County special flood hazard area are located within one of four different special flood hazard area zones, as depicted on the county's FIRM maps. Each flood zone is a geographic area in the county subject to a unique type and severity of flood. Each flood zone has unique standards, elevation certificate requirements, or both. Applicants for development within the special flood hazard area should consult the FIRM to determine the applicable flood zone where their land is located. The different flood zones are described below.

A. VE Zone

Lands within a VE zone are areas generally adjacent to a body of water that may experience flooding as well as wave action. Lands in a VE zone are subject to the coastal high hazard zone standards in addition to the general flood damage prevention standards in Section 7.4.6, Standards.

B. AE Zone

Lands within AE zone are areas that may experience flooding, but no wave action. The FIRM maps indicate a base flood elevation in this zone below which habitable residential space is prohibited.

C. A Zone (No Base Flood Elevation)

Lands within A zones are areas that may be subject to flooding, but not subject to wave action during a storm event. Lands in an A Zone are subject to the standards for floodplains without established base flood elevations in addition to general flood damage prevention standards in Section 7.4.6, Standards.

D. AEFW Zone (Floodway)

Lands within the AEFW zone are areas adjacent to a river or stream that are located within a floodway or other non-encroachment area. Areas within the AEFW may or may not have an established base flood elevation depicted on the FIRM map, and are subject to the standards in Section 7.4.6.C, or 7.4.6.D, (as appropriate) as well as the general flood damage prevention standards in Section 7.4.6.A, General Standards.

7.4.5. Flood Certificates / Certifications

All development within a special flood hazard area shall obtain all required flood certificates or certifications in accordance with this section and Table 7.4.5, Flood Certificates.

TABLE 7.4.5: FLOOD CERTIFICATES

Certificate Type	Type of Development Subject to Requirement	Flood Zone Where Required	Timing
Elevation Certificate	All residential and nonresidential development [1]	A, AE, VE, AEFW [3]	Under construction- required prior to scheduling rough in inspection; As-built – required prior to occupancy
Floodproofing Certificate	All nonresidential development with floor area below base flood elevation [1] [2]		Prior to start of construction
Foundation Certification	Manufactured home with chassis 36 inches or more above grade [4]	A, AE	Prior to issuance of building permit
Watercourse Alteration Certification	Development seeking to alter or relocate a watercourse	A, AE, AEFW, VE	Prior to floodplain development permit
V-Zone Certificate	All residential and nonresidential development	VE	Required as part of Building Permit

NOTES:
[1] Recreation vehicles, temporary structures, and accessory structures less than 150 square feet in area in the A and AE flood zones must comply with the standards of this section, but are exempted from elevation and flood-proofing certificate requirements
[2] Development subject to a floodproofing certificate is not required to obtain an elevation certificate
[3] Floodproofing is not permitted within the VE zone
[4] Manufactured homes are not permitted in the VE zone

A. Elevation Certificate (FEMA Form 81-31)

(1) Building Under Construction

(a) Prior to scheduling rough in inspection, the applicant shall submit a certification of the elevation of the reference level, in relation to mean sea level to the Planning Director.

(b) The Planning Director shall review the certificate and note any errors. Errors shall be corrected prior to further work proceeding. Any work done within the seven day period or prior to submission of the reference level certification shall be at the applicant's risk.

(c) Failure to submit the certification or make required corrections shall result in issuance of a stop-work order for the development.

(2) Finished Construction

(a) Prior to scheduling final inspection, the applicant shall submit a final as-built certification of the elevation of the reference level and all associated utilities to the Planning Director. The Planning Director shall review the certificate and note any errors.

(b) Errors shall be corrected by the permit holder prior to occupancy of the building. In some instances, an additional certification may be required to certify the corrected as-built construction.

(c) Failure to submit the certification or make required corrections shall delay occupancy of the building.

B. Flood-Proofing Certificate (FEMA Form 81-65)

(1) Applicants for new nonresidential development employing floodproofing to meet regulatory flood protection elevation requirements within a special flood hazard area shall submit a certification of the floodproofed design elevation, in relation to mean sea level, with supporting data, an operational plan, and an inspection and maintenance plan, to the Planning Director prior to issuance of a Floodplain Development Permit.

(2) The certification of the floodproofed design elevation of the reference level and all attendant utilities in relation to mean sea level shall be prepared by a professional engineer or architect.

(3) The Planning Director shall review the certificate, operational plan, and inspection and maintenance plan and note any errors.

(4) Errors shall be corrected by the applicant prior to issuance of a Floodplain Development Permit.

(5) Failure to submit the certification or make required corrections shall result in denial of a floodplain development permit application.

(6) Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of occupancy.

C. Foundation Certification

If a manufactured home is placed within A or AE flood zones, and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation

certification shall be required prior to issuance of a building permit in accordance with the standards of Section 7.4.6.4, Manufactured Homes.

D. Watercourse Alteration Certification (No-Rise)

Relocation or alteration of a watercourse shall require submittal of a map showing the location of the proposed watercourse alteration or relocation, description of the extent, and a certified report from a professional engineer on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream.

E. V-Zone Certificate

(1) Applicants for new development within coastal high hazard area (VE zone) shall submit a V-Zone certificate, prepared by a professional engineer or architect, with accompanying design plans and specifications, demonstrating the standards of this subsection are met prior to issuance of a floodplain development permit.

(2) Development within coastal high hazard areas shall also be required to provide an elevation certificate in accordance with subsection (A) above, where applicable.

7.4.6. Standards

A. General Standards

(1) Standards Applied to All Development

(a) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

(b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the current Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.

(c) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to regulatory flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

(e) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

(g) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(h) Nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on January 1, 2013 and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.

(i) All developments shall be consistent with the need to minimize flood damage.

(j) All developments shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(k) All developments shall have adequate drainage provided to reduce exposure to flood hazards.

(l) All developments shall have received all necessary permits required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(m) When a new structure is partially located in the special flood hazard area, the entire structure shall meet the requirements in this section.

(n) When a structure is located in multiple flood zones or in a flood zone with multiple base flood elevations, the provisions for the more restrictive flood zone and the highest base flood elevation shall apply.

(o) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the standards of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

(p) New solid waste facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 2.4.14.F, Variance from Flood Protection Standards. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the standards of this ordinance.

(2) Residential Development

In addition to the general standards applied to all development in (1) above, new construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

(3) Nonresidential Development

(a) In addition to the general standards applied to all development in (1) above, new construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

(b) Structures located in A or AE flood zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation, provided that all areas of the structure, together with attendant utility and sanitary facilities, below the base flood elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

(c) A professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied in accordance with Section 7.5.4.B, Flood-Proofing Certificate.

(4) Manufactured Homes

In addition to the general standards applied to all development in (1) above, new and replacement manufactured homes in a special flood hazard area shall:

(a) Be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation.

(b) Be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15.

(c) Be supported by reinforced piers or an engineered foundation when the chassis is elevated 36 inches or less above grade.

(d) Be subject to a foundation certification (see Section 7.4.5) when the chassis is elevated more than 36 inches above grade.

(e) Ensure all enclosures or skirting below the lowest floor meet the requirements of Section 7.4.6.A.8, Elevated Buildings.

(f) Be subject to an evacuation plan approved by the Planning Director and the county's Emergency Management Coordinator if located within a new, substantially improved, or substantially damaged manufactured home park or subdivision.

(5) Accessory Structures

In addition to the general standards applied to all development in (1) above, accessory structures (sheds, detached garages, etc.) in the special flood hazard area shall comply with the following standards:

(a) Portions of an accessory structure below the base flood elevation shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

(b) Portions of an accessory structure below the base flood elevation shall not be temperature-controlled;

(c) Accessory structures shall be designed to have low flood damage potential;

(d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(e) Accessory structures shall be firmly anchored to prevent floatation, collapse, and lateral movement;

(f) All service facilities, such as electrical service, shall be installed to prevent water from entering or accumulating within the components; and

(g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below the regulatory flood protection elevation (see Section 7.4.6.A.8, Elevated Buildings).

(6) Temporary Nonresidential Structures

Prior to the issuance of a floodplain development permit for a temporary nonresidential structure in the special flood hazard area, the applicant shall submit a plan for the removal of the structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification that includes the following:

(a) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(b) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(c) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(d) The location outside the special flood hazard area where the temporary structure will be moved.

(e) A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year.

(7) Recreational Vehicles

Recreational vehicles shall:

(a) Be on site for fewer than 90 consecutive days, be fully licensed, and ready for highway use (i.e., be on its wheels or jacking system, be attached to the site only by quick disconnect type utilities, and have no permanently attached additions); or

(b) Meet the requirements in this section for new residential construction.

(8) Elevated Buildings

Any fully enclosed area of new construction or substantially improved structure which is below the lowest floor shall:

(a) Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises;

(b) Be served by access that is the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);

(c) Not be finished or partitioned into separate rooms, except to enclose storage areas;

(d) Be constructed entirely of flood resistant materials, in accordance with Technical Bulletin 2: Flood Damage Resistant Materials Requirements, at least to the regulatory flood protection elevation;

(e) Include flood openings, when located in the A and AE flood zones, that automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this standard, the openings must either be certified by a professional engineer or architect to meet or exceed the following minimum design criteria:

(i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(ii) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;

(iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(iv) The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;

(v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions;

(vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above; and

(f) Be either free of obstruction or constructed with breakaway walls, open wood latticework, or insect screening, when located in a VE zone. To meet this standard, breakaway walls shall not be part of the structural support of the building and be designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building, in accordance with the following:

(i) Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or

(ii) Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that

which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.

(9) Additions or Improvements to Existing Buildings

Repairs, additions, or alterations to an existing building in the special flood hazard area shall be subject to the following standards:

(a) Substantial Additions or Improvements

When a portion of a building within the special flood hazard area is subject to substantial additions or improvements, the entire building shall be made to conform with all applicable standards in Section 7.4.6, Standards, including but not limited to compliance with the base flood elevation standards.

(b) Non-Substantial Additions or Improvements

(i) Pre-FIRM Buildings

Additions or improvements to a portion of a pre-FIRM building that are not substantial are not required to comply with the standards in Section 7.4.6, Standards, but must be designed to minimize flood damage and shall not worsen any existing nonconformities with respect to the building's compliance with the flood damage prevention standards.

(ii) Post-FIRM Building Additions

(A) All additions to post-FIRM buildings shall comply with the standards for new construction.

(B) Additions to post-FIRM buildings with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(iii) Post-FIRM Building Improvements

Improvements qualifying as substantial improvements or alterations that worsen an existing nonconformity must comply with the standards for new construction.

(c) Timing of Post-FIRM Structures

Development having a start of construction date of November 1, 1984 shall be considered as a post-FIRM structure for the purposes of these standards.

B. Standards for Coastal High Hazard Areas (VE Zones)

VE flood zones have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new construction and substantial improvements or alterations shall comply with the standards in Section 7.4.6.A, General Standards, and the following requirements:

(1) CAMA Setbacks

Development shall comply with all applicable CAMA setback requirements, including a location landward of the mean high tideline and the first line of stable natural vegetation;

(2) Base Flood Elevation

Development shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation (floodproofing shall not be utilized on any structures in the VE zone);

(3) Free of Obstruction

Development shall ensure the space below the lowest floor remains free of obstruction so as not to impede the flow of flood waters, with the following exceptions:

(a) Open wood latticework or insect screening below the lowest floor for aesthetic purposes only provided it is designed to wash away in the event of abnormal wave action;

(b) Breakaway walls, provided they comply with the standards in Section 7.4.6.A.8, Elevated Buildings; or

(c) Development constructed at grade when the grade elevation exceeds the applicable regulatory flood protection elevation, provided it utilizes grade-beam or pile-supported slab construction.

(4) Foundations

(a) Development shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

(b) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the standards in this section.

(c) In determining the load calculations:

(i) Water loading values used shall be those associated with the base flood.

(ii) Wind loading values used shall be those required by the current edition of the North Carolina State Building Code.

(5) Use of Fill

Fill shall not be used for structural support. Limited non-compacted and non-stabilized fill may be used outside the perimeter of a building, provided it is demonstrated through coastal engineering analysis that the proposed fill would

not result in any increase in the base flood elevation and not cause any adverse impacts by wave ramping or deflection to the subject structure or adjacent properties.

(6) Alteration of Dunes

There shall be no alteration of sand dunes which would increase potential flood damage.

(7) Allowed Uses

(a) No manufactured homes shall be permitted in the coastal high hazard flood zone.

(b) Recreational vehicles are permitted in the coastal high hazard flood zone, subject to the standards in Section 7.4.6.A.7, Recreational Vehicles.

C. Standards for Floodplains without Established Base Flood Elevations

The following standards shall apply to all development within A Flood zones where no base flood elevation data has been provided by FEMA:

(1) The standards in Section 7.4.6.A.1, Standards Applied to All Development.

(2) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within an area located 20 feet from top of a stream bank or five times the width of the stream, whichever is greater, unless a professional engineer certifies the encroachment shall not increase flood levels during the occurrence of the base flood discharge.

(3) The base flood elevation used in determining the minimum regulatory flood protection elevation shall be determined based on the following:

(a) When base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or floodproofed in accordance with standards in Section 7.4.6.A, General Standards.

(b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements in Sections 7.4.6.A.2-9, and 7.4.6.D, Standards for Floodways and Non-encroachment Areas.

(c) All development of more than five acres, 50 lots, or 50 dwelling units shall provide base flood elevation data that will be used in implementing these standards.

D. Standards for Floodways and Non-encroachment Areas

Areas designated as floodways or non-encroachment can be extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. Development within these areas shall comply with the following standards:

(1) The standards in Section 7.4, Flood Damage Prevention, all other applicable standards in this ordinance, and the Currituck County Administrative Manual;

(2) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

(a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented prior to issuance of floodplain development permit; or

(b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

E. Standards for Riverine Floodplains without Established Floodways or Non-encroachment Areas

All development along rivers and streams where base flood elevation data is available but floodway and non-encroachment areas are not identified on the FIRM or in the FIS report, shall comply with the following standards:

(1) The standards in Section 7.4.6.A, General Standards;

(2) No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted until:

(a) A regulatory floodway or non-encroachment area is designated; or

(b) Certification is provided by a registered professional engineer that the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

7.5. SEDIMENTATION AND EROSION CONTROL

7.5.1. Approval by the NC Sedimentation Control Commission

A. No zoning compliance permit, use permit, or final plat approval shall be given to development that requires approval of an erosion and sedimentation control plan by the NC Sedimentation Control Commission unless the commission certifies that:

(1) An erosion and sedimentation control plan has been submitted to and approved by the Commission; or

(2) The Commission has examined the preliminary plans for the development and believes that an erosion and sedimentation control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, building permits shall not be issued and construction shall not commence until the Commission approves the erosion and sedimentation control plan.

7.5.2. Definition of Terms

A. For purposes of this section, "land disturbing activity" means any residential, commercial, industrial, or institutional use of land, or highway and road construction or maintenance that results in a change in the natural grade or that may cause or contribute to sedimentation, except activities that are exempt under Section 113A-52(6) of the North Carolina General Statutes.

B. For the purposes of this section "sedimentation" means transportation of solid particulate matter, mineral or organic, by water, air, gravity, or ice from the site of its origin.

7.6. RIPARIAN BUFFERS

7.6.1. Purpose and Intent

The purpose for these standards is to establish a riparian buffer around the county's surface waters, estuarine systems, and wetlands to ensure surface water runoff does not degrade or contaminate water quality in these resources. More specifically, these standards are intended to:

A. Establish a riparian buffer zone around key water resources;

B. Protect private on-site drinking water supplies;

C. Trap sediment and other pollutants in surface runoff;

D. Promote shoreline stabilization;

E. Protect wildlife habitat and critical aquatic nurseries; and

F. Minimize the impacts of floods by helping maintain flood water storage volume.

7.6.2. Applicability

These standards shall be applied to all new major subdivisions, planned developments, and site plans on lots ten acres or greater in area.

7.6.3. Establishment of Buffer

Excluding man-made ponds and man-made ditches, all surface waters (e.g., sounds, creeks, bays, rivers, streams, etc.), estuarine waters, wetlands, and canals shall maintain a thirty-foot-wide riparian buffer directly adjacent to the shoreline, average annual water edge, or impoundment edge, or wetland boundary.

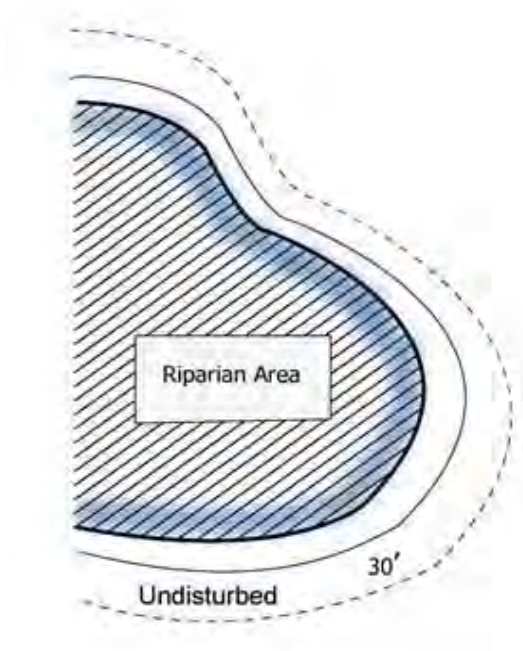
7.6.4. Delineation of Buffer Zones

Riparian buffers shall be measured horizontally from the edge of the shoreline, impoundment edge, average annual water edge, or wetland boundary (see Figure 7.6.4, Riparian Buffer Zones).

A. Zone 1

Zone 1 is located within the first 30 feet of the bank, impoundment, water edge, or boundary and shall prohibit all development and land-disturbing activity except as allowed in Section 7.6.5, Development within Buffer.

Figure 7.6.4, Riparian Buffer Zones



7.6.5. Development Within Buffer

The following forms of development shall be authorized within zone 1 of a riparian buffer:

A. Functionally-dependent facilities;

B. Open space set-asides;

C. Walkways and boardwalks;

D. Recreational facilities, including gazebos and seating areas;

E. Utilities, when no practical alternative exists;

F. Street crossings; and

G. Minor vegetative drainage conveyance connections to existing drainage outlets where no feasible alternative exists.

7.6.6. Depiction of Buffer

Riparian buffers shall be depicted on site plans, preliminary plats, final plats, planned development master plans, and conservation and development plans associated with a conservation subdivision. The above plans shall note the restrictions on the allowable development and land-disturbing activities within the buffer in accordance with this ordinance.

7.6.7. Location of Buffer

A. Lots subject to these standards that are proposed adjacent to surface waters (sounds, creeks, bays, streams, etc.) shall contain a riparian buffer that may be located within the boundaries of individual platted lots.

B. Lots subject to these standards that are proposed adjacent to wetlands shall contain a riparian buffer that shall not be included within the boundaries of individual platted lots.

C. Riparian buffers not located within individual platted lots shall be credited towards open space set-aside requirements in Section 7.1, Open Space Set-Asides.

7.7. PROTECTION OF SIGNIFICANT DUNES

7.7.1. Purpose and Intent

These standards are proposed to limit the impacts of development on the formation and migration of significant sand dunes.

7.7.2. Applicability

These standards are applied to significant sand dunes that are 25 feet or higher above mean sea level.

7.7.3. Standards

The following standards shall apply to development located on a lot or tract containing a significant sand dune.

A. Removal of Sand or Vegetation

No person shall remove sand or existing vegetation from a significant dune, whether in connection with a development or use of the land upon which the significant dune is located.

B. Subdivision

Subdivisions of land containing a significant dune shall be configured so that the significant dune is not located within platted building lot or street right of way. Significant dunes shall be credited towards the open space set-aside standards in Section 7.1, Open Space Set-Asides.

C. Minimum Setbacks

No development shall be located within 50 feet of the toe of the sand dune slope, to the maximum extent practicable.

7.7.4. Development Near Significant Dunes

A. Geologic Analysis Required

No development or use of land containing a significant dune(s) shall occur until the applicant submits a geological analysis from a licensed geologist demonstrating that:

(1) No public or private street located near a significant dune is likely to be damaged by erosion or become hazardous due to infiltration of sand; and

(2) No development shall impair or be impaired by the natural migration of sand from the significant dune.

B. Undue Restriction

If, after the analysis required in Section (A) above has been submitted, the Planning Director concludes that application of the standards in Section 7.7.3, Standards, unduly restricts the landowner's reasonable use of the land, less restrictive means of preserving the significant dune(s) may be authorized, subject to one or more of the following mitigation:

(1) Stabilization of the portions of the dune impacted by development through re-vegetation with native vegetation;

(2) Use of sand fencing with a minimum height of four feet to inhibit sand migration due to disturbance;

(3) Mechanical excavation of replacement sand, where appropriate;

(4) Use of piles and elevation of crossovers or other development at least two feet above the sand dune;

(5) Avoidance of storage of equipment, materials, vehicles, or other debris on dune faces; and

(6) Any other mitigation technique considered appropriate by the Planning Director.

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CHAPTER 8. NONCONFORMITIES

8.1. GENERAL APPLICABILITY

8.1.1. Purpose and Intent

In the provisions established by this Ordinance, there exist uses of land, structures, lots of record, signs, and site features (e.g., off-street parking, landscaping, etc.) that were lawfully established before this Ordinance was adopted or amended, that now do not conform to its terms and requirements. The purpose and intent of this chapter is to regulate and limit the continued existence of those uses, structures, lots of record, signs, and site features that do not conform to the provisions of this Ordinance, or any subsequent amendments.

8.1.2. Authority to Continue

Nonconformities are allowed to continue, and are encouraged to receive routine maintenance in accordance with the requirements of this chapter as a means of preserving safety and appearance.

8.1.3. Determination of Nonconformity Status

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the alleged nonconformity is located.

8.1.4. Change of Tenancy or Ownership

No change of title or possession or right to possession of property involved shall be construed to prevent the continuance of such nonconformities.

8.1.5. Increase in Nonconformity

Except as authorized by this chapter, no person shall engage in activity that increases a nonconformity.

8.1.6. Minor Repairs and Maintenance

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, site features, and signs in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming aspect. For the purposes of this section, "minor repair or normal maintenance" shall mean:

A. Maintenance of Safe Condition

Repairs that are necessary to maintain a nonconforming use, structure, lot of record, site feature, or sign in a safe condition; and

B. Maintenance of Land for Safety

Maintenance of land areas and site aspects to protect against health hazards and promote the safety of surrounding uses.

8.1.7. Restoration or Reconstruction Following Casualty Damage

A. Outside Special Flood Hazard Area

Restoration or reconstruction of a nonconformity outside the special flood hazard area following casualty damage shall be subject to the following standards.

(1) Destruction or Damage of 50 Percent of Value

(a) Except for single-family detached dwellings, in the event a structure housing a nonconformity is damaged or destroyed, to an extent that constitutes 50 percent or more of its assessed value (exclusive of foundations) at the time of damage or destruction, the use shall only be restored in a manner that conforms with the provisions of this Ordinance.

(b) New construction (including the establishment of off-street parking, landscaping, signage, and other site features) shall be in accordance with the requirements of this Ordinance.

(c) Nonconforming single-family detached dwellings damaged in excess of 50 percent of assessed value (exclusive of foundations) at the time of damage or destruction may be re-built subject to the standards in Section 8.1.7.A.2, Damage of Less Than 50 Percent of Value.

(2) Damage of Less Than 50 Percent of Value

(a) In the event a structure housing a nonconformity is damaged or destroyed, to an extent that constitutes less than 50 percent of its assessed value (exclusive of foundations) at the time of damage or destruction, it may be re-built to its previous form if a building permit for such repair or restoration is obtained within one year of the casualty damage, and repair or restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.

(b) Wherever practical, redevelopment of a nonconforming use following casualty damage shall demonstrate greater compliance with this Ordinance than existed prior to the casualty.

(c) In no event shall repair or restoration increase, expand, or enlarge the degree of nonconformity.

B. Within Special Flood Hazard Area

Restoration or reconstruction of a nonconformity within the special flood hazard area following casualty damage shall be subject to the standards in Section 7.4.6.A.9, Repairs or Alterations to Existing Buildings.

8.2. NONCONFORMING USES

8.2.1. General

Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this subsection.

8.2.2. Change of Use

A nonconforming use shall not be changed to any other nonconforming use. Once a nonconforming use has ceased to operate or been discontinued for a period of 180 days or longer, it shall only be replaced with a conforming use.

8.2.3. Expansion and Enlargement

A. Except in accordance with this subsection, a nonconforming use shall not be enlarged, expanded in area, or intensified.

B. An existing nonconforming use may be enlarged into any portion of the structure where it is located provided the area proposed for expansion was designed and intended for such use prior to the date the use became a nonconformity. In no instance shall a nonconforming use be extended to additional structures or to land outside the original structure.

C. Open air uses that are nonconformities, including but not limited to outdoor sales areas, parking lots, or storage yards, shall not be extended to occupy more land area than that in use when the open air use became nonconforming.

8.2.4. Replacement of a Nonconforming Manufactured Home

Class B or C manufactured homes that are nonconforming uses may be replaced by a Class A manufactured home or another Class B manufactured home, provided:

A. Replacement of a nonconforming Class "B" or "C" manufactured home on an individual lot with another manufactured home shall be limited to Class "A" manufactured homes.

B. Replacement of a nonconforming manufactured home within a manufactured home park or manufactured home subdivision with another manufactured home shall be limited to Class "A" or Class "B" manufactured homes.

C. The replacement manufactured home is as large or larger than then manufactured home being replaced;

D. The replacement manufactured home is located on the lot within 180 days of removal of the original manufactured home;

E. All required permits related to sewage treatment are issued by the Albemarle Regional Health Services Department;

F. A masonry curtain wall is placed around a Class A manufactured home;

G. An all-weather base underpinning material is placed around a Class B manufactured home; and

H. The manufactured home complies with the setback requirements in this Ordinance, to the maximum extent practicable.

8.2.5. Nonconforming Manufactured Home Parks

A. Nonconforming manufactured home parks may continue in operation, and manufactured homes may be replaced, provided:

(1) The park is not expanded in size; and

(2) The number of manufactured homes is not increased beyond the number that existed on April 1, 2002.

B. Improvements to a water or sewage treatment system serving a nonconforming manufactured home park for the purpose of improving public health shall be permitted, provided the improvements do not result in an increase in the number of manufactured homes in the park.

C. Accessory structures not exceeding 100 square feet may be permitted within a nonconforming manufactured home park provided they comply with the applicable standards of this Ordinance.

8.2.6. Nonconforming Campgrounds

Private campgrounds are not allowed as a principle use in Currituck County. All existing campgrounds and campground subdivisions are nonconforming uses subject to the following standards:

A. General Standards

(1) Camping is an allowed use of land only in existing campgrounds and campground subdivisions.

(2) Campers may not be modified in any manner that would render the unit non-transportable.

(3) No tent or camper may be located on a campsite or campground subdivision for more than 90 days.

(4) Additions to campers are not permitted.

(5) Modifications to existing campgrounds are permitted provided the changes do not increase the nonconformity with respect to number of campsites that existed on January 1, 2013.

B. Existing Campgrounds

(1) Existing campgrounds may not be expanded to cover additional land area or exceed the total number of campsites that existed on January 1, 2013.

(2) Campers may not be placed on a permanent foundation.

(3) Campsites may have a wooden platform not to exceed 100 square feet. Platforms must be 12 inches or less in height from existing grade. Handicap ramps are not subject to the maximum height requirement and square footage provided the ramp does not exceed five feet in width.

(4) Campgrounds shall not include permanent residences, excluding one dwelling unit to be occupied by the park caretaker or manager.

C. Existing Camper Subdivisions

(1) Camper lots shall be served by a centralized sewage system.

(2) Single-family detached dwellings, Class A and Class B manufactured homes, and campers are permitted uses within camper subdivisions existing on January 1, 2013, provided they meet the following dimensional standards:

(a) Minimum front setback: ten feet;

(b) Minimum side setback: five feet;

(c) Minimum rear setback 25 feet;

(d) Maximum lot coverage 35 percent;

(e) For lands abutting an estuarine shoreline, the required CAMA setback or exemption shall control; and

(f) Campers that cannot reasonably comply with the required dimensional standards shall be located within the center of the lot.

(3) One accessory structure, not to exceed 100 square feet, may be permitted on a camper lot provided it complies with the dimensional standards of this section.

8.2.7. Nonconforming Warehouse Uses

Nonconforming warehouse uses located within the General Business zoning district are not subject to the standards of Section 8.2.8 Discontinuance or Abandonment, and may be expanded by no more than 50% of the floor area as it existed on January 1, 2013, provided all new expansions, including outdoor storage, comply with the provisions of this Ordinance.

8.2.8. Discontinuance or Abandonment

A. Unless otherwise expressly stated in this Ordinance, a nonconforming use shall not be re-established after discontinuance for a period of 180 consecutive calendar days or more.

B. Efforts to renovate or repair the nonconforming use are not considered a vacancy, abandonment, or discontinuance, provided all appropriate permits or development approvals are obtained, and provided the renovation or repair is completed within 180 days from commencement of repair or renovation, and the use is re-established within 30 days from the time the renovation or repairs are completed. (Failure to complete the repairs or renovation within 180 days or re-establish the use within 30 days following repairs or renovation shall constitute discontinuance, and a nonconforming use shall not be re-established.)

C. In cases where the building or structure housing a nonconforming use is discontinued or abandoned, all associated open-air activities (e.g., storage) shall also cease.

8.2.9. Accessory Uses

Once a nonconforming principal use is discontinued, all associated accessory uses shall cease operations within 30 days.

8.3. NONCONFORMING STRUCTURES

8.3.1. Relationship with Nonconforming Uses

A. A nonconforming principal structure containing a conforming use may only continue in accordance with the provisions of this sub-section.

B. A nonconforming principal structure containing a nonconforming use may only continue in accordance with the standards in Section 8.2, Nonconforming Uses.

8.3.2. Continuation

Normal repair and maintenance may be performed to allow the continued use of nonconforming principal and accessory structures.

8.3.3. Setbacks

Structures that do not meet the minimum setback distances for the district where located may be redeveloped or reconstructed within the same footprint provided all the appropriate permits or development approvals are obtained in conjunction with, or prior to, any demolition of the existing structure; or with reduced minimum setbacks provided:

A. The land cannot reasonably be developed for the proposed use without a reduction in the minimum setbacks;

B. The reduction in minimum setbacks are necessitated by the lot's shape or size;

C. The land may be developed without a significantly-adverse impact on adjacent lands or the health and safety of the public;

D. Financial hardship to the land owner is not the sole reason for the need to reduce minimum setback requirements; and

E. In cases where minimum setbacks must be reduced, the reduction is the absolute minimum necessary to accommodate the proposed development.

8.3.4. Alteration or Expansion

Expansion of the structure in a way that complies with applicable dimensional standards or that decreases the degree of nonconformity is allowed.

8.3.5. Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless upon relocation it conforms to the requirements of this Ordinance.

8.4. NONCONFORMING LOTS OF RECORD

No use or structure shall be located on a nonconforming lot of record established after August 2, 1965, except in accordance with the standards in this section.

8.4.1. Nonconforming Lot Area, Width, or Lot Coverage

A. A legally established lot established after August 2, 1965 that does not conform to the minimum lot area, minimum lot width, or maximum lot coverage requirements for the zoning district where located shall be treated as a conforming lot in cases where the lot can comply with all other applicable dimensional or lot configuration standards applicable in the zoning district where located (see Chapter 3: Zoning Districts).

B. Uses subject to a minimum site size requirement are prohibited on a nonconforming lot smaller than the required minimum site size.

8.4.2. Status of Structure on Nonconforming Lots

A. Conforming structures legally established on a nonconforming lot prior to the effective date of this Ordinance (or any amendment thereto) may be continued, enlarged, extended, reconstructed, or structurally altered in any way that is in conformance with the standards of this Ordinance.

B. Nonconforming structures legally established on a nonconforming lot prior to the effective date of this Ordinance (or any amendment thereto) may be continued, enlarged, or redeveloped only in accordance with the standards in Section 8.3, Nonconforming Structures.

8.4.3. Development on Vacant Nonconforming Lots

Development on a vacant nonconforming lot shall meet the minimum dimensional requirements (including setbacks) for the zoning district where located, to the maximum extent practicable, as determined by the Planning Director.

8.4.4. Governmental Acquisition of Land

Conforming lots subject to governmental acquisition of a portion of the lot for a public purpose that results in the lot becoming nonconforming because it no longer complies with lot area or width standards of the district shall be deemed conforming upon receipt of a zoning compliance permit (see Section 2.4.9), and compliance with the following standards:

A. The development proposed complies with Table 4.1.1, Summary Use Table.

B. The development proposed complies with the dimensional standards of this Ordinance, to the maximum extent practicable;

C. The development proposed is designed to comply with the off-street parking and landscaping standards of this Ordinance, to the maximum extent practicable;

D. The development proposed complies with all other standards and requirements of this Ordinance; and

E. The proposed development is designed and located in a way that is compatible with surrounding development.

8.4.5. Change of Nonconforming Lot

The boundaries, shape, or size of a nonconforming lot may be modified through a lot line adjustment, provided the lot line adjustment results in the lot becoming more conforming.

8.5. NONCONFORMING SIGNS

8.5.1. In General

Nonconforming signs may be continued, subject to the standards in this section.

A. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign.

B. No nonconforming sign may be enlarged or altered in such a manner as to increase the nonconformity, including, but not limited to, increasing the display surface area, height, or decreasing the required minimum separation between signs.

C. When all or a portion of a nonconforming sign is removed as part of a state road widening project, the nonconforming sign may be relocated or replaced in a manner not to exceed the specifications of the original sign (i.e., height, size, lighting, etc.), subject to the following:

(1) The relocation or replacement sign shall be parallel to the original sign location away from the right-of-way.

(2) Application for a permit to replace a nonconforming sign in the right-of-way is made within 180 days after the existing nonconforming sign is removed.

(3) The message of a nonconforming sign may be changed, provided no new nonconformities are created.

D. If an on-premise nonconforming sign is damaged by 25 percent or more of the sign's total replacement cost, the sign may not be reestablished or relocated except in accordance with the standards in this Ordinance.

8.5.2. Nonconforming Off-Premise Signs

A. Replacement in Same Location

A nonconforming off-premise sign may be replaced at the same location, if it complies with the following:

(1) The new sign does not exceed the specifications of the nonconforming sign being replaced in terms of height, display surface area, number of sides, setback, and illumination.

(2) The application for a sign permit to erect the new sign is made within 180 days of removal of the existing nonconforming sign.

(3) The new sign is located within the footprint boundaries of the replaced nonconforming off-premise sign.

B. Replacement on Same Lot

A nonconforming off-premise sign may be relocated on the same lot, provided it complies with the following:

(1) Not exceed 300 square feet in surface area.

(2) Not be less than 300 feet from a pre-existing off-premise sign on the same side of the road.

(3) Not be located closer than 15 feet to a street right-of-way or within a sight triangle.

(4) Not exceed a height of 20 feet measured from ground level. In cases where the adjacent grade has an elevation below the road bed, the sign may maintain a height that is the lesser of 20 feet above the road bed or 25 feet from ground level.

C. Maintenance

(1) All off-premises signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. With respect to off-premises freestanding signs, components (supporting structures, back, etc.) not bearing a message shall be constructed of materials that blend

with the natural environment or shall be painted a neutral color to blend with the natural environment.

(2) If an off-premises sign other than a billboard advertises a business, service, commodity, accommodation attraction or other enterprises or activity that is no longer operating or being offered or conducted, the sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over the sign.

(3) If the message portion of an off-premises sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over the sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign.

(4) The area within ten feet in all directions of any part of an off-premises freestanding sign shall be kept clear of all debris and all undergrowth more than 12 inches in height.

D. Exterior Lighting

Off-premise signs shall comply with the following exterior lighting standards:

(1) No off-premises sign within 250 feet of an existing residential use not owned by the owner of the sign may be illuminated between the hours of 12:00 midnight and 6:00 a.m., unless the impact of the lighting beyond the boundaries of the lot where the sign is located is less than 1.5 footcandles at the lot line.

(2) Lighting directed toward an off-premises sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential development.

(3) No off-premises sign may be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date, weather conditions, or similar information.

E. Protection of Existing Off-site Vegetation

In no instance shall the owner of an off-premise sign damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

(1) Within the right-of-way of any public street or road, unless the work is done in accordance with the express written authorization of the NCDOT;

(2) On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done in accordance with the express authorization of the person owning the property where such trees or shrubs are located; and,

(3) In any area where the trees or shrubs are required to remain under a permit issued in accordance with this Ordinance.

F. Abandonment

If a nonconforming off-premise sign remains blank for a continuous period of 12 months, it shall be deemed abandoned and shall, within 30 days of abandonment, be altered to comply with Section 5.12, Signage, or be removed by the sign owner, owner of the property where the sign is located, or other person having control over the sign. For purposes of this section, a sign is "blank" if:

(1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted.

(2) The advertising message it displays becomes illegal in whole or substantial part.

(3) The advertising copy, other than the rental of the sign, is removed.

8.6. NONCONFORMING SITES

8.6.1. Purpose

The purpose of this section is to provide a means whereby the county may require certain nonconforming site features to be brought into compliance with the standards of this Ordinance as part of remodeling or expansion of a structure.

8.6.2. Applicability

A. For purposes of this section, the term "nonconforming site features" includes the following:

(1) Nonconforming off-street parking;

(2) Nonconforming landscaping;

(3) Nonconforming perimeter buffers; and

(4) Nonconforming screening walls or fences.

B. If an application is filed for a building permit for the remodeling or expansion of a structure and the development site contains one or more nonconforming site features identified in Subsection (A) above, the applicant shall be required to address the nonconforming site feature as provided in this section.

C. County staff may develop administrative guidelines to assist in the implementation of this section, including guidelines for the resolution of conflicts when it may not be possible for one or more types of nonconforming site features to be brought into compliance with the requirements of this Ordinance because of particular site constraints or impacts on adjacent sites.

8.6.3. Determination of Cost and Assessed Value

A. For purposes of determining if upgrading of nonconforming site features is required by this subsection, the cost of the remodeling shall be as shown on the approved building permit application.

B. Assessed value shall be based on the most recently available Currituck County tax rolls.

8.6.4. Remodeling of Buildings or Structures

If a building permit is required for interior or exterior remodeling of the building or structure, the remodeling or redevelopment shall require correction of existing on-site nonconforming off-street parking, landscaping, perimeter buffer, screening, and signage in accordance with this section.

A. Off-Street Parking, Landscaping, Perimeter Buffers, Signage, and Screening

(1) 25 Percent or Less of Structure Value

Remodeling in any continuous five-year period that costs 25 percent or less of the current assessed value of the structure shall not require any correction to nonconforming site aspects.

(2) More Than 25 Percent but Less Than 75 Percent of Structure Value

Remodeling in any continuous five-year period that costs more than 25 percent but less than 75 percent of the current assessed value of the structure shall require that a corresponding percentage of the off-street parking, landscaping, perimeter buffer, and screening standards of this Ordinance be installed or upgraded on the site, until the site achieves 100 percent compliance.

Example: A hypothetical building is required to provide at least 40 off-street parking spaces, but the building site only includes 20 spaces. If the building is remodeled such that the cost of remodeling equals 30 percent of the building's assessed value, the remodeling project must add 12 parking spaces (30% x 40 required spaces). This increases the development's degree of compliance with off-street parking standards from 50 percent (20 of 40 required spaces) to 80 percent (32 of 40 required spaces).

(3) 75 Percent or More of Structure Value

Remodeling projects that cost 75 percent or more of the current assessed value of the structure shall require 100 percent compliance with the off-street parking, landscaping, perimeter buffer, screening, and signage standards of this Ordinance.

(4) Three or Fewer Additional Parking Spaces

When three or fewer additional off-street parking spaces are required under this subsection as a result of a remodeling project, such additional off-street parking is not required to be installed.

8.6.5. Additions and Expansions

Additions and expansions to structures on nonconforming sites shall require correction of existing on-site nonconforming off-street parking, landscaping, perimeter buffer, screening, and signage standards in accordance with this section.

A. Off-Street Parking, Landscaping, Perimeter Buffers, Signage, and Screening

(1) Expansion of 50 Percent or Less of Gross Square Footage Over Five Years

Expansions in any continuous five-year period, which result in a 50 percent or less increase in the gross square footage of the existing structure (measured at the beginning of the five-year period), require that a corresponding percentage

of the off-street parking, landscaping, perimeter buffer, and screening standards of this Ordinance be installed or upgraded on the site, until the site achieves 100 percent compliance.

Example: if the addition is 25 percent of the area of the existing structure and the site contains only 50 percent of the required landscaping, 25 percent of the required landscaping for the entire site must be provided, thereby bringing the landscaping on the site to 75 percent of the total required. Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.

(2) Expansion of Greater Than 50 Percent of Gross Square Footage Over Five Years

Expansions over any continuous five-year period, which result in a greater than 50 percent increase of the gross square footage of the existing structure (measured at the beginning of the five-year period), require the entire property to meet all of the off-street parking, landscaping, perimeter buffer, screening, and signage standards of this Ordinance.

B. Addition of Outdoor Storage Area Only

When only outdoor operations/storage/display areas are being added or increased on a site, the percentage increase in outdoor operations area shall require a corresponding percentage increase in perimeter buffers and screening. Perimeter buffer and screening augmentation shall be located so as to achieve the performance objectives in Section 5.2, Landscaping Standards, with priority given to screening the impacts of outdoor operations.

8.6.6. Physically Constrained Properties- Comply to Maximum Extent Practicable

Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply, to the maximum extent practicable, as determined by the Planning Director.

9 ENFORCEMENT

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CHAPTER 9. ENFORCEMENT

9.1. PURPOSE

This chapter establishes procedures through which the county seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this chapter are intended to encourage the voluntary correction of violations, where possible.

9.2. COMPLIANCE REQUIRED

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the county.

9.3. VIOLATIONS

9.3.1. Violations Generally

A. Failure to Comply with Ordinance or Term or Condition of Approval Constitutes Ordinance Violation

Failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other development approval or authorization granted in accordance with this Ordinance shall constitute a violation of this Ordinance punishable as provided in this chapter.

B. Permits or Permit Approvals only Authorize Development Approved

Permits or development approvals issued by a decision-making body or county staff authorize only the use, arrangement, location, design, density or intensity, and development set forth in such permits or development approvals.

9.3.2. Specific Violations

It shall be a violation of this Ordinance to undertake any activity contrary to the provisions of this Ordinance, including but not limited to any of the following:

A. Develop land or a structure without first obtaining all appropriate permits or development approvals, and complying with their terms and conditions.

B. Occupy or use land or a structure without first obtaining all appropriate permits or development approvals, and complying with their terms and conditions.

C. Subdivide land without first obtaining all appropriate permits or development approvals required to engage in subdivision, and complying with their terms and conditions.

D. Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining all appropriate permits and development approvals, and complying with their terms and conditions.

E. Remove existing Heritage trees from a site or parcel of land without first obtaining appropriate permits and development approvals, and complying with their terms and conditions.

F. Disturb any landscaped area or vegetation required by this Ordinance.

G. Install, create, erect, alter, or maintain any sign without first obtaining the appropriate permits or development approvals, and complying with their terms and conditions.

H. Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has expired.

I. Fail to achieve compliance with the flood damage prevention standards in this Ordinance.

J. Create, expand, replace, or change any nonconformity except in compliance with this Ordinance.

K. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Ordinance.

L. Increase the intensity or density of development, except in accordance with the standards of this Ordinance.

M. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Ordinance.

9.4. RESPONSIBLE PERSONS

The owner, tenant, or occupant of any land or structure, and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance may be held responsible for the violation and subject to the remedies and penalties set forth in this chapter.

9.5. ENFORCEMENT GENERALLY

9.5.1. Responsibility For Enforcement

The Planning Director shall be responsible for enforcing the provisions of this Ordinance in accordance with the North Carolina General Statutes.

9.5.2. Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written (electronic or hardcopy) complaint. The complaint, stating fully the cause and basis therefore shall be filed with the Planning Director, who shall properly record such complaint, investigate, and take appropriate action as provided by this Ordinance.

9.5.3. Inspections

On presenting proper credentials, the Planning Director may enter upon land or inspect any structure to ensure compliance with the provisions of this Ordinance. These inspections shall be carried out during normal business hours unless the Planning Director determines there is an emergency necessitating inspections at another time.

9.5.4. Enforcement Procedure

A. Investigation of Complaint

On receiving a written complaint, the Planning Director shall investigate the complaint and determine whether a violation of this Ordinance exists.

B. Notice of Violations

(1) On finding that a violation of this Ordinance exists, whether from an investigation of a written complaint or otherwise, the Planning Director shall provide written notification of the violation, by personal service or first class mail, to the owner of the property on which the violation exists and the person causing or maintaining the violation. Such notification shall:

(a) Describe the location and nature of the violation;
(b) State the actions necessary to abate the violation; and
(c) Order that the violation be corrected within a specified reasonable time period stated in the notice of violation.
(d) For purposes of floodplain management, order that the violation be corrected within a specified reasonable time period stated in the notice of violation but in no case shall that exceed 180 days.

(2) The notice of violation shall state what course of action is intended if the violation is not corrected with the specified time limit. The notice of violation shall also advise the violators of their rights to appeal the notice of violation to the Board of Adjustment in accordance with Section 2.4.17, Appeal.

(3) On receiving a written request for extension of the time limit for correction specified in the notice of violation, the Planning Director may, for good cause shown, grant a single extension of the time limit.

(4) If the owner of the property cannot be located or determined, the Planning Director shall post a copy of the notice on the building, structure, sign, or site that is the subject of the violation. In such a case, the time limit for correction of the violation shall be deemed to begin five days after the notice is posted.

C. Application of Remedies and Penalties

On determining that the violator has failed to correct the violation by the time limit set forth in the notice of violation, or any granted extension thereof, or has failed to timely appeal the notice of violation in accordance with Section 2.4.17, Appeal, the Planning Director shall take appropriate action, as provided in Section 9.6, Remedies and Penalties, to correct and abate the violation and to ensure compliance with this Ordinance.

D. Emergency Enforcement without Notice

On determining that delay in abating the violation would pose a danger to the public health, safety, or welfare, the Planning Director may seek immediate enforcement without prior written notice by invoking any of the remedies authorized in Section 9.6, Remedies and Penalties.

E. Notice of Appeal

Filing of a notice of appeal regarding an alleged violator of this Ordinance shall stay further action by the county until the appeal has been reviewed and decided by the Board of Adjustment (see Section 2.4.17, Appeal).

F. Repeat Violations

In addressing repeat violations by the same offender over any two-year period, the county may commence the application of remedies or penalties at the stage in the process where the previous violation was resolved.

9.6. REMEDIES AND PENALTIES

The county may use any combination of the following remedies and enforcement powers to administer and enforce this Ordinance.

9.6.1. Remedies

A. Stop Work Order Issuance

Whenever a building or structure is being constructed, demolished, renovated, altered, or repaired in violation of any applicable provision of this Ordinance, the Planning Director may issue a Stop Work Order. The Stop Work Order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work.

B. Injunction

When a violation occurs, the Planning Director may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

C. Order of Abatement

In addition to an injunction, the county may apply for and the court may enter into Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

(1) That buildings or other structures on the property be closed, demolished, or removed;

(2) That fixtures, furniture, or other moveable property be moved or removed entirely;

(3) That improvements, alterations, modifications, or repairs be made; or

(4) That any other action be taken as necessary to bring the property into compliance with this Ordinance.

D. Equitable Remedy

The county may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the county's application for equitable relief.

E. Execution of Court Decisions

The Planning Director may execute the Order of Abatement and will have a lien on the property in the nature of a mechanic's and materialman's lien for the cost of executing the order.

F. Revocation of Permit or Approval

No person may continue to make use of land or buildings in the manner authorized by a zoning permit, special use permit, conditional use permit, floodplain development permit, or sign permit approved prior to January 1, 2013, after such permit has been revoked in accordance with this section, or a use permit, zoning compliance permit, floodplain development permit, or sign permit approved after January 1, 2013. The Planning Director may revoke any such permit or approval in accordance with the following.

(1) Use Permit, Conditional Use Permit, and Special Use Permit

(a) Notice must be provided by the Planning Director to a permit recipient prior to revocation of a use permit, conditional use permit, or special use permit.

(b) The notice shall inform the permit recipient of the alleged grounds for the revocation.

(c) The burden of presenting evidence sufficient to authorize the permit-issuing authority to revoke the permit shall be upon the party advocating that position.

(d) A motion to revoke a permit by the decision-making body shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

(2) Zoning Compliance Permit and Zoning Permit

(a) Notice of the intent to revoke a zoning compliance permit or zoning permit shall be provided by the Planning Director ten days prior to the revocation.

(b) The notice shall inform the recipient of the alleged reasons for the revocation and of the right to obtain an informal hearing on the allegations.

(c) If the permit is revoked, the Planning Director shall provide a written statement of the reasons for revocation.

(3) Sign Permit or Zoning Permit for Signage

(a) The Planning Director may revoke a sign permit or zoning permit issued for signage for any of the following reasons:

(i) Issuance of the permit under a mistake of material fact when, had the correct fact(s) been known, the permit would not have been issued;

(ii) Misrepresentation of a material fact by the applicant for a sign permit; or

(iii) Failure to comply with any of the provisions of this chapter, except that a permit for a nonconforming sign may not be

revoked so long as the nonconforming situation is allowed to continue pursuant to Chapter 9: Nonconformities.

(b) Before revoking a sign permit, the Planning Director shall give the sign owner 20 days' notice by first class mail of the intent to revoke the permit and shall inform such person of the reasons for the proposed revocation and of the sign owner's right to obtain an informal hearing on the allegations. If the permit is revoked, the Planning Director shall provide a written statement of reasons to the owner. The Planning Director shall also inform the owner of the right to appeal the decision to the Board of Adjustment.

(c) No person may continue to operate, maintain, or leave standing any sign or part or component thereof for more than ten days after the permit authorizing the sign has been revoked or expired.

(4) Floodplain Development Permit

(a) The Planning Director may revoke a floodplain development permit by notifying the permit holder in writing for any of the following reasons:

(i) Substantial departure from the approved application, plans, and specifications;

(ii) Refusal or failure to comply with the requirements of State or local laws;

(iii) False statements or misrepresentations made in securing the permit; or

(iv) Floodplain development permit mistakenly issued in violation of an applicable State or local law.

G. Denial or Withholding of Permits

The Planning Director may deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation and associated civil penalty related to such land, use, or development is corrected.

H. Removal of Signs from Street Right-of-Way

(1) Where signs are placed in a public street right-of-way in violation of this Ordinance, the Planning Director may remove such signs without Notice of Violation.

(2) Each sign so removed will be held for 10 days and retrieval of each sign will incur a fee as prescribed in the adopted fee schedule. Removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing the signs.

I. Alter, Vacate, or Demolish Building

Violations of the standards applicable within the county's special flood hazard area may result in an order by the Planning Director to alter, vacate, or demolish a building, or remove deposited fill not in compliance with the requirements of this Ordinance.

9.6.2. Civil Penalties

A. General

In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, the standards in this Ordinance may be enforced through the issuance of civil penalties.

B. Citation

Violation of this Ordinance subjects the violator to a penalty. To impose a civil penalty, the Planning Director shall first provide the violator a written citation, either by mail or personal service. The citation shall describe the violation, specify the amount of the civil penalty being imposed, and direct the violator to correct the violation and pay the civil penalty to the county within a stated time period. Unless otherwise specified, each day's continuing violation of any provision of this Ordinance shall be separate and distinct offense.

C. Amount of Civil Penalty

The amount of civil penalties for violations of this Ordinance shall not exceed a maximum amount of $500 per day for each day the violation continues.

D. Recovery of Civil Penalty

(1) If the violator fails to pay the civil penalty within ten days of the citation, the county may recover the penalties in a civil action in the nature of debt.

(2) A civil penalty may not be appealed to the Board of Adjustment if the appeal is not filed within the time period specified in the citation.

9.6.3. Cumulative Remedies and Penalties

The remedies and penalties provided for violations of this Ordinance shall be cumulative and in addition to any other remedy or penalty provided by law, and may be exercised in any order.

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10 DEFINITIONS AND MEASUREMENT

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CHAPTER 10. DEFINITIONS AND MEASUREMENT

10.1. GENERAL RULES FOR INTERPRETATION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

10.1.1. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.3, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this Chapter 10: Definitions and Measurement, the specific section's meaning and application of the term shall control.

10.1.2. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

10.1.3. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

10.1.4. Computation of Time

A. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the county, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the county. References to days are calendar days unless otherwise stated.

B. Whenever a person has the right or is required to do some act within a prescribed period of time following the service of a notice or other document via mailed delivery, three days shall be added to the prescribed period.

10.1.5. References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

10.1.6. Delegation of Authority

Any act authorized by this Ordinance to be carried out by a specific official of the county may be carried out by a professional-level designee of such official.

10.1.7. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

10.1.8. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the County of Currituck, unless otherwise indicated.

10.1.9. Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

10.1.10. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

A. "And" indicates that all connected items, conditions, provisions or events apply; and

B. "Or" indicates that one or more of the connected items, conditions, provisions or events apply.

10.1.11. Tenses and Plurals

Words used in the present tense include the future tense. Words in the future tense include the past tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

10.1.12. Term not Defined

If a term used in this Ordinance is not defined in this Chapter, the Planning Director shall have the authority to provide a definition through the Interpretation procedure (see Section 2.4.16, Interpretation) based upon the definitions used in accepted sources, including but not limited to A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association.

10.2. TABLE OF ABBREVIATIONS

Table 10.2, Abbreviations, includes the abbreviations and their corresponding terms as used in this Ordinance.

TABLE 10.2: ABBREVIATIONS	
ABBREVIATION	**ASSOCIATED TERM**
AEC	Area of Environmental Concern
ATF	Department of Alcohol, Tobacco, & Firearms
BFE	Base Flood Elevation
BOA	Board of Adjustment
BOC	Board of Commissioners
CAMA	Coastal Area Management Act
CoBRA	Coastal Barrier Resources Act
CBRS	Coastal Barrier Resources System
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FTA	Federal Telecommunications Act of 1996
HOA	Homeowners Association
HUD	Federal Department of Housing and Urban Development
kW	Kilowatt
LEED	Leadership in Energy and Environmental Design
LOMR	Letter of [FIRM] Map Revision
MW	Megawatt
NC	North Carolina
NCDENR or DENR	North Carolina Department of Environment and Natural Resources
NCDOT or DOT	North Carolina Department of Transportation
NCGS	North Carolina General Statute
NFIP	National Flood Insurance Program
OPA	Otherwise Protected Area
PAS	Private Access Subdivision
PD	Planned Development
PUD	Planned Unit Development
ROW	Right-of-way
SR	Secondary Road in the North Carolina Secondary Road System
TRC	Technical Review Committee
UDO	Unified Development Ordinance
UP	Use Permit
US	United States of America

10.3. RULES OF MEASUREMENT

10.3.1. Purpose

The purpose of this section is to clarify the rules of measurement and exemptions that apply to all principal and accessory uses allowed in this Ordinance. These standards may be modified by other applicable sections of this Ordinance.

10.3.2. Measurements, Generally

A. Distance Measurements, Generally

Unless otherwise expressly stated, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining those points.

B. Fractions

When application of ordinance requirements results in a fractional unit, the fractional amount shall be disregarded.

C. Irregular Shapes

The Planning Director shall determine the applicable dimensional standards and setbacks for irregularly-shaped lots.

10.3.3. Lots

A. Definitions/Measurement

(1) Building Pad

The building pad is the lowest established grade adjoining the building. For pile or crawl space construction the building pad shall include the area beneath the building.

(2) Lot Area, Maximum

The maximum amount of land area, measured horizontally, that may be included within the lines of a lot. Areas and features not included within the definition of minimum lot area are not counted towards maximum lot area.

(3) Lot Area, Minimum

The minimum amount of required land area, measured horizontally, that must be included within the lines of a lot (see Figure 10.3.3.A.1, Lot Dimensions). Lands located within any private easements shall be included within the lot area. The following features shall not be included in calculating minimum lot area:

(a) Public rights-of-way;

(b) Areas below the mean high-water mark;

(c) CAMA-designated wetlands;

(d) The "pole" or "pan handle" portion of a flag lot; and

(e) The land area occupied by U.S. Army Corps of Engineers-designated 404 wetlands.

(4) Lot Coverage

Lot coverage is a measure of intensity of a use of land that represents the portion of a site that is covered by impervious surface. For the purposes of determining maximum lot coverage, the following features shall be considered as impervious surface:

(a) The area covered by building rooftops, including eaves, awnings, and canopies, of all principal and accessory buildings;

(b) The area covered by porches, patios, decks, balconies, and boardwalks that prevent infiltration of rainwater; and

(c) Walkways, sidewalks, and vehicular use areas.

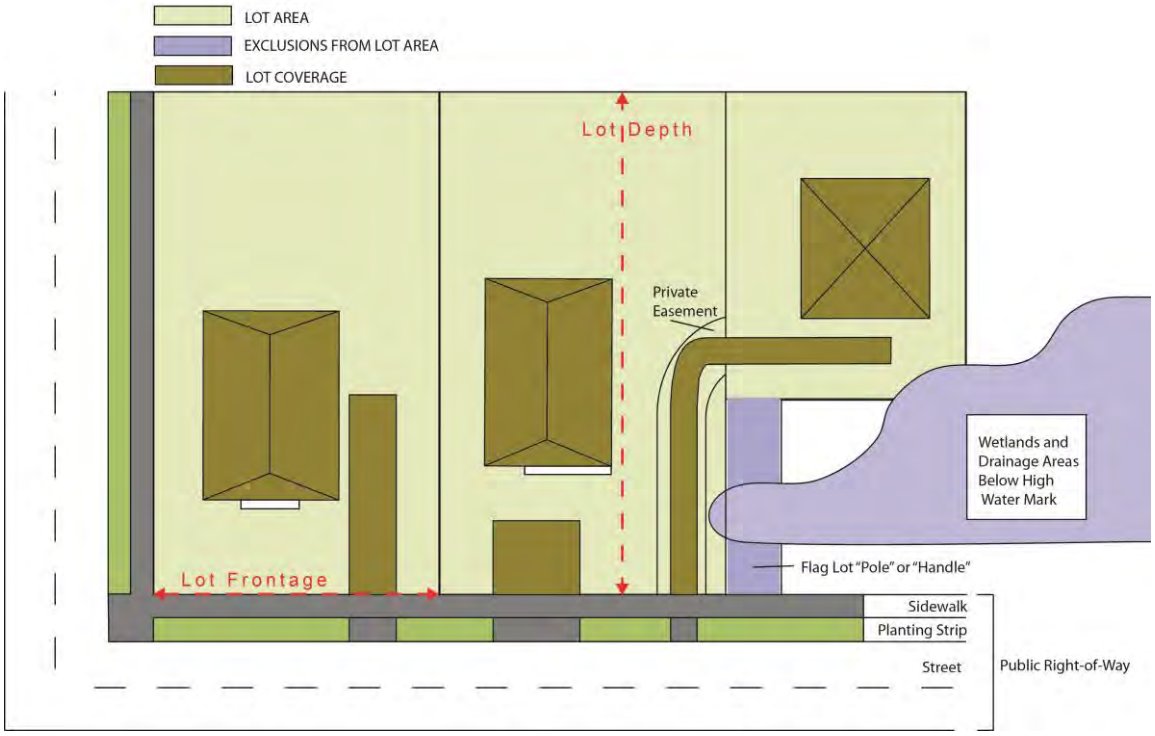
(5) Lot Depth

The horizontal distance between the front lot line and the rear lot line.

(6) Lot (or Street) Frontage

In the case of a building lot abutting upon only one street, the frontage line is the line parallel to and common with the right-of-way. In the case of a corner lot, that part of the building lot having the narrowest frontage on any street shall be considered the lot frontage line. For the purpose of determining setback requirements on corner lots and double frontage lots, all sides of a lot adjacent to streets shall be considered frontage, and setbacks shall be provided as required in this Ordinance.

Figure 10.3.3.A.1, Lot Dimensions



(7) Lot Line

(a) Corner Side Lot Line

The corner side lot line is a side lot line that abuts a street or other right-of-way.

(b) Front Lot Line

The front lot line is the line connecting the two side lot lines along the edge of the street that provides a lot's street address or that opposes the primary entrance of a building.

(c) Rear Lot Line

The rear lot line is the line connecting the two side lot lines along the edge of the lot opposite from the front line.

(d) Side Lot Line

The side lot line is the lot line connecting the front and rear lot lines regardless of whether it abuts a right-of-way or another lot line.

(8) Lot Types (see Figure 10.3.3.A.7, Lot Types)

(a) Conservation Subdivision Lot

A building lot located within a conservation subdivision.

(b) Corner Lot

A lot located at the intersection of two or more streets (other than alleys), regardless of whether or not such streets intersect at right angles.

(c) Cul-de-Sac Lot

A lot located on the head or turnaround of a cul-de-sac with side lot lines on a tangent to the arc of the right-of-way.

(d) Double Frontage Lot

A lot other than a corner lot with frontage on more than one street other than an alley.

(e) Family Subdivision Lot

A lot created through the family subdivision process (see Section 2.4.8).

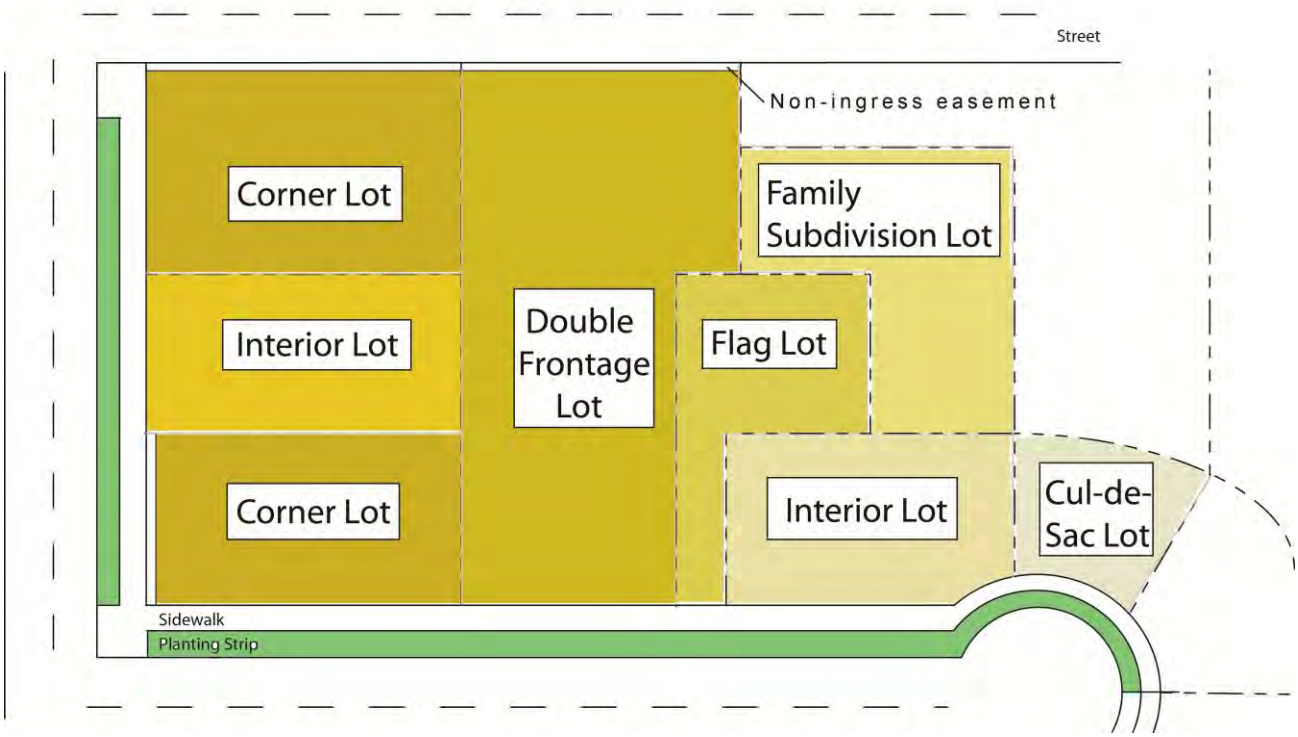
(f) Flag Lot

A lot that does not abut or front a street where access is obtained by a narrow private right-of-way.

(g) Interior Lot

A lot other than a corner lot with only one frontage on a street other than an alley.

Figure 10.3.3.A.7, Lot Types



(9) Lot Width

The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the inside edge of the front setback. On cul-de-sacs, lot width is measured at a point of tangency to the curve of the street.

B. General Lot Requirements

(1) Conservation Subdivision Lots

Lots within a conservation subdivision shall meet the minimum dimensional requirements for the zoning district where located, and the conservation subdivision, as a whole, shall comply with the requirements in Section 6.4, Conservation Subdivision.

(2) Corner and Double Frontage Lots

Corner lots in residential districts and all double frontage lots located shall include a five-foot-wide non-ingress/egress easement along the lot line bordering the more heavily-travelled street. The purpose for this easement is to ensure that the driveway serving the development obtains access from the less-travelled street.

(3) Cul-de-Sac Lots

Cul-de-sac lots shall:

(a) Maintain a minimum lot frontage width of 35 feet; and

(b) Maintain at least 80 percent of the required lot width for the district where located within80 feet of the cul-de-sac pavement edge.

(4) Family Subdivision Lots

(a) Family subdivision lots shall maintain a minimum lot area of 40,000 square feet, regardless of the minimum requirements for the zoning district (except in the SFR district, where district requirements apply).

(b) Family subdivision lots are not required to front onto a public or private street.

(5) Flag Lots

(a) Flag lots are prohibited in cases where they would result in an increased number of lots accessing collector or arterial streets.

(b) In no instance shall more than five percent of the lots in a new subdivision be configured as flag lots.

(6) Lot Access

(a) No lot shall be established which does not abut a public or private right-of-way as permitted in these regulations unless the parent parcel has been planned for development in which the resulting lots are provided direct access to a public or private right-of-way across common property perpetually maintained for such purposes. Examples include townhome, condominium, or multi-family developments, and office park and shopping center developments.

(b) Every lot shall be configured so as to maintain at least 20 feet for ingress/egress of emergency service vehicles.

(7) Lot Boundaries

(a) Lot boundaries shall be formed to coincide with natural or man-made drainage ways, to the maximum extent practicable, to avoid disruption of established drainage patterns.

(b) Lot lines shall be at, or near, right angles or radial to streets.

(c) Whenever a single lot is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

(8) Lot Coverage in Estuarine Shoreline Areas of Environmental Concern

Lot coverage within estuarine shoreline areas of environmental concern (lands within 75 feet of the normal or mean high water level of an estuary) shall be limited to a maximum of 30 percent, regardless of the type of building or paving.

10.3.4. Required Setbacks

A. Definitions/Measurement

(1) Accessory Use Setback

The minimum required distance between a side or rear lot line and the closest portion of an accessory structure or accessory use area (see Figure10.3.4.A, Required Setbacks).

(2) Agriculture Setback

The minimum distance, measured horizontally, between a lot line containing or designated for residential or nonresidential development and the general location of active agricultural activity associated with an adjacent farm use. For the purposes of this Ordinance, "active agricultural activity" shall include the growing of crops, pasture areas used by livestock, or woodlands subject to an active forestry management plan.

Figure 10.3.4.A, Required Setbacks

(3) Corner Side Setback

The area of a lot where no building may be permitted that extends from the required front setback line to the rear setback line and inward into the lot from the ultimate street right-of-way edge.

(4) Driveway/Parking Setback

The area of a residential lot where no driveways, parking areas, or other vehicular use area may be permitted that extended from a lot line inward into the lot. The portion of the driveway necessary to obtain direct vehicular access to a street is exempted from the driveway/parking setback requirement.

(5) Fill Setback

The area of a lot where no accumulation or deposition of fill (dirt, stone, or other material intended to raise the established grade of land) may be permitted that extends from a lot line inward into the lot.

(6) Front Setback

The area of a lot where no building may be permitted that extends from one side lot line to the other side lot line and projects inward into the lot from the ultimate street right-of-way edge.

(7) Major Arterial Street Setback

The area of a lot where no building may be permitted that extends from the ultimate street right-of-way edge of a major arterial street inward into the lot. For the purposes of this Ordinance, major arterial streets include:

(a) US 158;
(b) NC168;
(c) NC 34;
(d) NC 136;
(e) NC 625; and
(f) NC 12.

(8) Rear Setback

The area of a lot where no building may be permitted that extends from one side lot line to the other side lot line and projects inward into the lot from the rear lot line.

(9) Side Setback

The area of a lot where no building may be permitted that extends from the edge of the front setback line to the edge of the rear setback line and projects inward into the lot from an interior lot line.

(10) Small Structure Setback

The area of a beachfront lot where no building may be permitted that projects inward into the lot a specified distance from the first line of stable natural vegetation, as determined by NC Division of Coastal Management.

(11) Spacing Between Buildings

The minimum distance, measured horizontally, from the closest point of one building to the closest point of an adjacent building on the same lot. The closest point shall include projections such as eaves, bump-outs, bay windows, or similar projections.

(12) Riparian Buffer

The minimum distance, measured horizontally, around a wetland, stream, riparian area, or other surface water where buildings or other forms of development are prohibited. These setbacks are not applied to water dependent or functionally dependent features such as docks, piers, boat lifts, slips, moorings, or boat houses.

B. General Setback Requirements

(1) Setback Exemptions

(a) Fill and land disturbance setbacks shall not apply to fill necessary for installation of driveways, subject to approval by the County Engineer.

(b) Lots served by a shared driveway are exempted from the side setbacks in the proximity of the driveway. In no instance shall this provision exempt structures from compliance with applicable Fire Code requirements.

(c) Handicap ramps, fences, walls, water-dependent features, landscaping features (arbors, trellises, ornamental pools, etc.), public utility lines, pump or well covers, residential HVAC equipment, flagpoles, mailboxes, or other non-habitable structures of 25 square feet in size or less may encroach into a required setback, but shall not impede the flow of stormwater.

(2) Setbacks Following Government Acquisition of Land

Where land acquisition for a public purpose reduces the distance between an existing legally-established structure and an adjacent lot line to an amount less than the minimum required, the resulting distance shall be deemed the minimum setback for the lot.

(3) Sight Triangles

Regardless of the setbacks applied in a district, no structures shall be permitted within a required sight triangle.

C. Allowable Setback Encroachments

(1) Building and Site Features

(a) Eaves, gutters, canopies, chimneys, bay windows, and similar building features that do not impede the flow of stormwater may encroach into a required setback up to three feet.

(b) Porches, decks, patios, steps, sidewalks, and similar site features may encroach into a required setback provided they are uncovered, do not extend above the first habitable floor of the building, and do not impede the flow of stormwater. These site features may encroach into a required setback by up to:

(i) Three feet for impervious site features; or

(ii) Five feet for pervious site features.

(2) Public Facilities

(a) Public walkways, boardwalks, sidewalks, and gazebos may be located within a required setback, but shall not be located within a required sight triangle.

(b) Guard gates may be placed within a right-of-way with permission of the owner of the right-of-way, provided it does not constitute a hazard to the public.

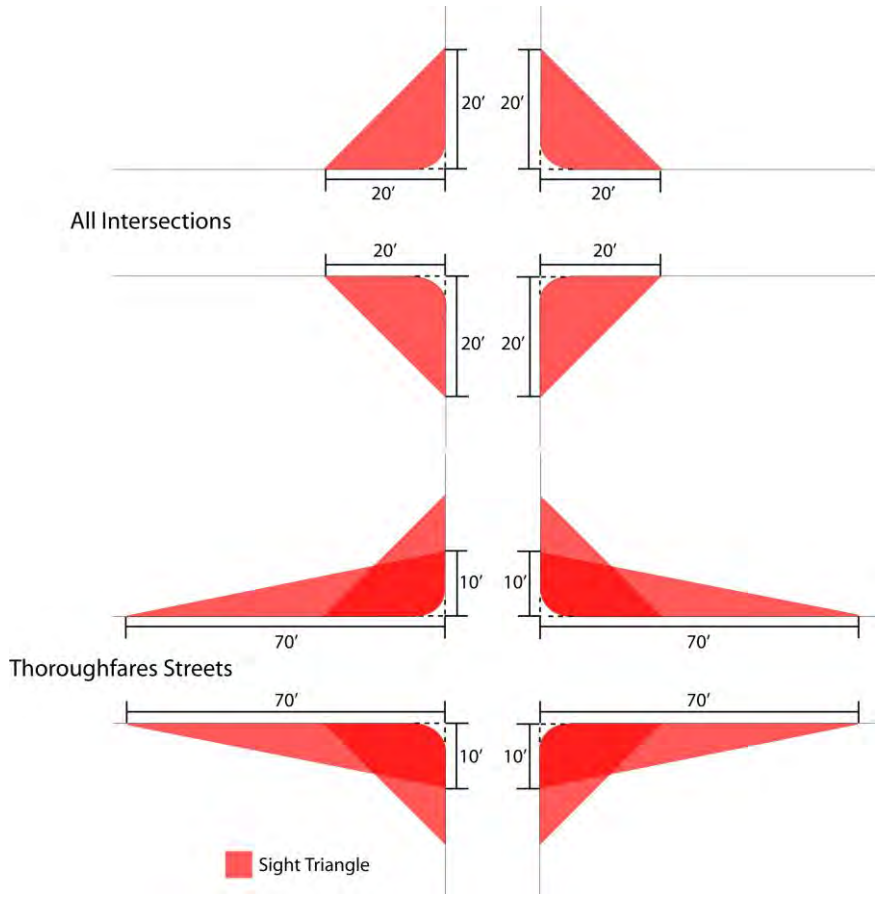
D. Sight Triangles

(1) General Requirements

(a) Minimum sight triangles for stopping conditions when connecting new local, collector, or major arterial streets to existing streets is 70 feet along the existing right-of-way and ten feet along the new right of way (see Figure 10.3.4.D, Sight Triangles).

(b) Minimum sight triangles for stopping conditions when connecting alleys or driveways to existing streets is 20 feet along streets, driveways, or alleys.

Figure 10.3.4.D, Sight Triangles



(2) Exemptions

Columns, sign posts, and utility poles, owned by the county, State, or public utility corporations and tree trunks which do not exceed one foot square or three feet in circumference, and natural topography shall not be considered obstructions to vision within the meaning of this sub-section.

E. Separation

When the standards in this Ordinance call for separation between two different use types or development features, separation shall be measured from the closet edge of one lot to the closest edge of the other lot.

10.3.5. Bulk

A. Definitions/Measurement

(1) Building Size

Building size is the total floor area located inside exterior walls and covered by a roof.

(2) Density, Residential

The maximum number of residential dwelling units permitted per acre of land area. Density is determined by dividing the number of dwelling units by the total amount of land area within a particular lot or tract. For the purpose of determining maximum gross density, CAMA-designated wetlands shall not be included in calculating the total amount of land area.

(3) District Size

The minimum size, in acres, of a base or overlay zoning district, including streets, rights-of-way, and open space areas, but excluding unbuildable lands.

(4) Floor Area

The sum of the gross horizontal areas of the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

(5) Floor Area Ratio

The total floor area of all buildings or structures on a lot divided by the lot area.

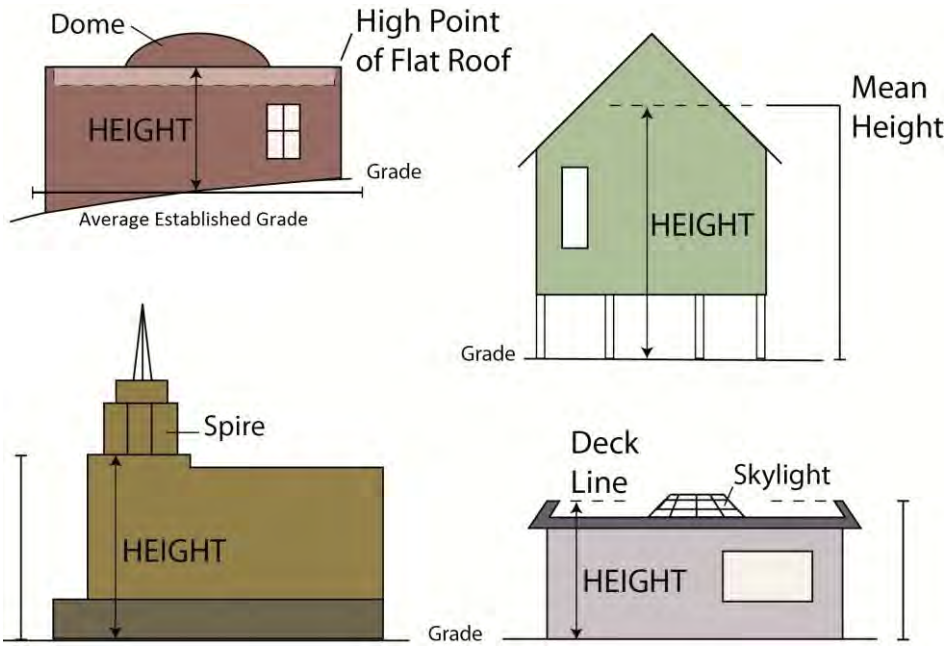
10.3.6. Height

A. Definitions/Measurement

(1) Building Height

The vertical distance measured from the average established grade adjoining the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard or Bermuda roof, to the mean height level between eaves and ridge of gable, hip, cone, gambrel and shed roofs (see Figure 10.3.6, Height Measurement).

Figure 10.3.6, Height Measurement



(2) Building Story

The space between the surface of any floor and the surface of the next floor above it; or if there is no floor above it, the space between the floor surface and the top of the ceiling joists or roof rafters above it. Building stories shall comply will all the applicable standards from the North Carolina State Building Code.

(3) Established Grade

Established grade is the finished grade following grading, excavation, or other land-disturbing activity.

(4) Grade

Grade means the level of the ground elevation prior to the commencement of development or land-disturbing activity.

B. Height Requirements

(1) Multi-story buildings within a mixed-use district or intended for mixed uses and all parking structures shall maintain a first floor ceiling height of at least 15 feet to accommodate commercial first-floor uses.

(2) Buildings within the APO may be subject to height requirements not applied to areas outside the APO.

C. Exceptions

(1) General

Height limits shall not apply to bulk storage silos, grain elevators, barns, chimneys, elevator shafts, church spires, belfries, cupolas, domes, flag poles, monuments, water towers, rooftop dish antennas, solar equipment, skylights,

fire escapes or roof access stairways, outdoor recreation uses subject to Section 4.2.4.F., mechanical equipment required to operate and maintain the building, or similar appurtenances, provided:

(a) The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;

(b) The appurtenance does not exceed a maximum height of 200 feet above grade;

(c) The appurtenance is not constructed for the purpose of providing additional floor area in the building; and

(d) The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in this Ordinance.

(2) Special Flood Hazard Areas

When structures are required to be elevated in order to meet the design flood elevation (DFE), the maximum building height may be exceeded provided:

(a) The resulting mean roof height does not exceed 38 feet; and

(b) The maximum building height is not exceeded by a distance greater than the difference between established grand and the DFE.

10.3.7. Parking Space Computation

A. Fractions

When computation of the number of required parking spaces results in a fraction, the fraction shall be dropped.

B. Multiple and Mixed Uses

Unless otherwise approved, development containing more than one use shall provide off-street parking in an amount equal to the total requirements of all individual uses, unless the Planning Director determines that a lower standard proposed as part of an alternative parking plan would be adequate because of differences in peak operating hours.

C. Seat Based Standards

Where the minimum number of off-street parking spaces is based on the number of seats, all computations shall be based on the design capacity of the areas used for seating.

D. Floor-Area Based Standards

Where the minimum number of off-street parking spaces is based on square feet of floor area, all computations shall be based on total indoor floor area, minus any mechanical rooms, bathrooms, stairwells, or elevators. The square footage shall not include outdoor display or use area.

E. On-Street Parking

Except in planned developments, the Community Center district, Village Center district, or as allowed in Section 5.1.6, Alternative Parking Plans, on-street parking on public or private streets, driveways, or drives shall not be used to satisfy the off-street parking standards of this section.

F. Driveways Used to Satisfy Requirements

For single-family detached, attached, townhouses, and two- to four-family dwellings, driveways may be used to satisfy minimum off-street parking standards, provided sufficient space is available to satisfy the standards of this section and this Ordinance.

10.4. USE CLASSIFICATIONS, USE CATEGORIES, AND USE TYPES

10.4.1. General

A. Purpose

This section is intended to provide a systematic framework for identifying, describing, categorizing, and consolidating or distinguishing land uses in a way that makes it easier to determine how a particular land use activity, or combination of activities, is to be considered in applying the use table and other provisions in this Ordinance. This section is also intended to provide support in identifying instances where a new or unanticipated land use not identified in the use table is of such a nature, function, or duration that the impact of allowing it in a particular zoning district is so similar to that of a use type already identified in the use table as allowed in the zoning district that allowing the new or unanticipated land use should be interpreted as being consistent with the intent of the zoning district and the use regulations.

B. Structure of this Section

(1) General

This section identifies each of the five use classifications in Table 4.1.1, Summary Use Table, and includes a section under each use classification identifying each use category. There are "characteristics" and "examples" subsections under each use category (individual use types are defined in Chapter 10: Definitions).

(2) Principal Use Characteristics and Accessory Uses

The "characteristics" subsection describes common characteristics of each use category. Principal uses are assigned to the use category that most closely describes the nature of the principal use. Also listed are examples of common accessory uses that, unless otherwise stated in this Ordinance, are allowed in conjunction with a principal use.

(3) Examples

The "examples" subsection lists common examples of use types included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "wholesale sales," but sells mostly to consumers, is included in the Retail Sales and Service Use Category rather than the Wholesale Sales Use Category. This is because the activity on the site matches the characteristics of the Retail Sales and Service Use Category.

C. Developments with Multiple Principal Uses

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore, and bakery, for example, would be classified in the Retail Sales and

Service Use Category because all of the development's principal uses are in that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable use category and each use is subject to applicable regulations for that use category. Developments with multiple principal uses, such as shopping centers, shall incorporate only those use types allowed in the applicable zoning district.

D. Interpretation of Unlisted Uses

(1) Procedure for Interpreting Unlisted Uses as Permitted

The Planning Director may interpret a particular land use not expressly listed in the use table as allowed in a particular zoning district, in accordance with the procedure in Section 2.4.16, Interpretation, and based on the standards in Section 10.4.1.D.2, Standards for Interpreting Unlisted Uses as Permitted.

(2) Standards for Interpreting Unlisted Uses as Permitted

The Planning Director shall interpret an unlisted land use as permitted in a particular zoning district only after determining that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use type or use category allowable in the zoning district that the unlisted land use should be deemed allowable in the same manner as the similar use type or use category. In making such determination, the Planning Director shall consider the purpose and intent statements in this Ordinance concerning the zoning district, the character of use types allowable in the district, and all relevant characteristics of the unlisted use, including but not limited to the following:

(a) The volume and type of sales, retail, wholesale, etc.;

(b) The size and type of items sold and nature of inventory on the premises;

(c) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;

(d) Any dangerous, hazardous, toxic, or explosive materials used in the processing;

(e) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);

(f) The type, size, and nature of buildings and structures;

(g) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;

(h) Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site;

(i) Trip purposes and whether trip purposes can be shared by other use types on the site;

(j) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity;

(k) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;

(l) Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and

(m) The impact on adjacent lands created by the proposed use type, which should not be greater than that of other use types allowed in the zoning district.

(3) Unlisted Use Not Permitted

If, after applying the criteria in Section 10.4.1.D.2 above, the Planning Director determines that a proposed unlisted use is not similar to a listed use, the proposed use shall be prohibited.

(4) Effect of Approval of Unlisted Use

(a) After interpreting an unlisted use type as permitted in a particular zoning district, the Planning Director shall determine whether the unlisted use is likely to be common or to recur frequently, or whether its omission from the use table is likely to lead to uncertainty and confusion. On determining that the unlisted use is likely to be common or would lead to confusion if unlisted, the Planning Director shall initiate an application for a text amendment to list the use type in the use table. Until final action is taken on the text amendment application, the Planning Director interpretation shall be binding.

(b) If after interpreting an unlisted land use as permitted in a particular zoning district, the Planning Director determines that the unlisted use is of an unusual or transitory nature, and unlikely to recur frequently, the interpretation shall be binding in accordance with Section 2.4.16.E, Effect of Interpretation, without further action or amendment of this Ordinance.

(c) The Planning Director's interpretation may be appealed in accordance with Section 2.4.17, Appeal.

10.4.2. Agricultural Use Classification

A. Agriculture/Horticulture

(1) Characteristics

The Agriculture/Horticulture Use Category is characterized by general agricultural activities, including the cultivation and production of orchard, garden, or nursery crops on a small or large scale, the production of field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses. The use category also includes agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), fisheries, honey production, and similar uses. Accessory uses may include offices, storage areas and repair facilities related to agriculture uses.

(2) Examples

Examples of Agriculture/Horticulture Use Types include agronomy, aquaculture, biotechnical, crop farming, fisheries, apiculture, and similar uses.

B. Animal Husbandry

(1) Characteristics

The Animal Husbandry Use Category is characterized by the commercial and non-commercial propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals.

(2) Examples

Examples of Animal Husbandry Use Types include the raising and production of cattle (beef and dairy), pigs, mules, ducks, horses, goats, poultry, sheep, and similar livestock or domesticated animals.

(3) Exceptions

Breeding and rearing of animals typically thought of as household pets (e.g., dogs, cats, small rodents, etc.) is not animal husbandry.

C. Agriculture Support and Services (Directly Related)

(1) Characteristics

The Agriculture Support (Directly Related) Use Category includes use types that provide support and services to agricultural, horticultural and animal husbandry activities, which are limited to and that operate in conjunction with and on the site of on-going agricultural, horticultural or animal husbandry uses.

(2) Examples

Examples of Agriculture Support (Directly Related) Use Types includes agricultural processing for on-site uses, agri-education, agri-entertainment, direct-market businesses, for the sale of produce grown on-site, equestrian facilities, farm-based tourism, farm co-ops, farmers markets, produce sales, and nurseries (production).

D. Agriculture Support and Services (Not Directly-Related)

(1) Characteristics

The Agriculture Support (Not Directly Related) Use Category includes use types that provide support and services to agricultural, horticultural and animal husbandry activities, off-site, and that are not directly related to on-going agricultural, horticultural or animal husbandry uses.

(2) Examples

Examples of Agriculture Support (Not Directly Related) Use Types include agricultural research facilities, farm machinery sales and rental, and stockyards/slaughterhouses.

E. Silviculture

(1) Characteristics

The Silviculture Use Category includes uses related to growing and harvesting of trees, timber, or woody-stemmed plants for commercial use, typically conducted in accordance with a forestry or resource management plan.

(2) Examples

Examples of Silviculture Use Types include forestry, or timbering on vacant land, subject to a forestry management plan.

10.4.3. Residential Use Classification

A. Household Living

(1) Characteristics

The Household Living Use Category includes use types that provide for the residential occupancy of a dwelling unit by a household. Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations are accessory uses that are subject to additional regulations (see Section 4.3.3.J, Home Occupations).

(2) Examples

Example use types include detached residential dwellings like single-family dwellings or manufactured homes, attached residential structures like duplexes, mansion apartments, or townhouses, multi-family uses, and residential uses in the same building as nonresidential uses like live/work units or upper story dwellings.

B. Group Living

(1) Characteristics

The Group Living Use Category includes use types that provide for the residential occupancy of a structure by a group of people who do not meet the definition of "household." The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment. Common accessory uses include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.

(2) Examples

Example use types include dormitories, family care homes, group homes, rooming, or boarding houses.

10.4.4. Institutional Use Classification

A. Community Services

(1) Characteristics

The Community Services Use Category includes use types of a public, nonprofit, or charitable nature that provide a local service to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. Community centers or facilities that have membership provisions that are open to the general public (for instance, any senior citizen could join a senior center) are included in the Community Services Use Category. The use type may provide special counseling, education, or training of a public, nonprofit, or charitable nature.

Accessory uses may include offices, meeting, food preparation, parking, health, and therapy areas; and athletic facilities.

(2) Examples

Example use types include community centers, cultural facilities, libraries, museums, senior centers, and youth club facilities.

(3) Exceptions

Parks are classified as Parks and Open Space.

B. Day Care

(1) Characteristics

The Day Care Use Category is characterized by use types that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence, and typically for less than 24 hours per day. Care can be provided during daytime or nighttime hours. Accessory uses include offices, food preparation, recreation areas, and parking.

(2) Examples

Example use types include adult day care centers and child care centers.

(3) Exceptions

The Day Care Use Category does not include incidental child care within a primary residence, drop-in or short-term day care provided in connection with employment or shopping center, recreational facility, religious institution, hotel, or other principal use, where children are temporarily cared for while parents or guardians are employed part-time or temporarily occupied on the premises or in the immediate vicinity.

C. Educational Facilities

(1) Characteristics

The Educational Facilities Use Category includes use types such as public and private schools at the elementary, middle, or high school level that provide state-mandated basic education or a comparable equivalent. This use category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at schools include offices, play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities include offices, dormitories, food service, laboratories, health and sports facilities, theaters, meeting areas, athletic fields, parking, maintenance facilities, and supporting commercial.

(2) Examples

Example use types include public and private kindergarten schools, elementary schools, middle or junior high schools, and senior high schools that provide state-mandated basic education, as well as colleges or universities, and vocational or trade schools.

D. Government Facilities

(1) Characteristics

The Government Facilities Use Category includes use types that provide for the general operations and functions of local, state, or federal governments. Accessory uses include maintenance, storage (indoor and outdoor), fueling facilities, satellite offices, and parking areas.

(2) Examples

Example use types include post offices, government offices, and government maintenance, storage, and distribution facilities.

(3) Exceptions

(a) Fire, police, and EMS facilities are classified as Public Safety.

(b) Passenger terminals for airports and surface transportation are classified as Transportation.

(c) City, County, and State parks are classified as Parks and Open Space.

(d) Water, wastewater, gas, electric, and other infrastructure services, whether public or private, are classified as Utilities.

E. Health Care Facilities

(1) Characteristics

The Health Care Facilities Use Category includes use types that provide medical or surgical care and treatment to patients as well as laboratory services. Hospitals and medical treatment facilities offer overnight care, as well as outpatient care. Accessory uses include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.

(2) Examples

Example use types include hospitals, medical treatment facilities, drug and alcohol treatment facilities, and blood/tissue collection facilities.

(3) Exceptions

(a) Uses that involve provision of residential care for the elderly or disabled are classified as Institutions.

(b) Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents and participants in a program, are considered Institutions.

F. Institutions

(1) Characteristics

The Institutions Use Category includes use types that provide a variety of facilities, including buildings that provide meeting areas for religious activities, civic or fraternal club activities, housing and care for the elderly or disabled, and housing related to treatment programs. Accessory uses include school facilities, limited medical treatment facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, parking, and staff residences.

(2) Examples

Example use types include religious institutions (with cemeteries, columbaria, and mausoleums as accessory uses), private clubs or lodges, nursing homes, assisted living facilities, halfway houses, and psychiatric treatment facilities.

(3) Exceptions

Adult care homes where individual units meet the definition of dwelling unit in Chapter 10: Definitions and Measurement, family care homes, and group homes are classified as Group Living.

G. Parks and Open Areas

(1) Characteristics

The Parks and Open Areas Use Category includes use types that focus on open space areas largely devoted to vegetative landscaping or outdoor recreation and that tend to have few structures. Accessory uses may include club houses, recreational structures, statuary, fountains, maintenance facilities, concessions, parking, and columbaria and mausoleums (as accessory to cemeteries).

(2) Examples

Example use types include arboretums or botanical gardens, parks, community gardens, public golf courses, and cemeteries.

(3) Exceptions

Private golf courses are classified as Recreation, Outdoor.

H. Public Safety

(1) Characteristics

The Public Safety Use Category is characterized by use types that provide public safety services to the general public.

(2) Examples

Example use types include civil defense facilities, fire and EMS facilities, police stations, substations for fire and police, and fire training facilities, police firing ranges, and correctional facilities. Accessory uses include offices, teaching facilities, meeting areas, lunch rooms and cafeterias, sleeping quarters, storage, parking, and maintenance facilities.

I. Transportation

(1) Characteristics

The Transportation Use Category includes use types that provide for the landing and takeoff of airplanes and helicopters, including loading and unloading areas. This use category also includes passenger terminals for surface transportation. Accessory uses include freight handling areas, concessions, offices, parking, maintenance, and fueling facilities.

(2) Examples

Example use types include airports, helicopter landing facilities, and passenger terminals for ground transportation (train, bus).

(3) Exceptions

Transit route facilities such as bus stops, bus shelters, and park-and-ride facilities are classified as Utilities.

J. Utilities

(1) Characteristics

The Utilities Use Category includes both major utilities, which are infrastructure services that provide regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Wireless telecommunications towers also are a type of utility. Services may be publicly or privately provided. Accessory uses may include parking and control, offices, monitoring, storage areas, or data transmission equipment.

(2) Examples

(a) Examples of major utilities include wastewater treatment plants, potable water treatment plants, electrical substations, wind energy facilities, and solar arrays.

(b) Examples of minor utilities include water towers, water and sewage pump stations, stormwater retention and detention facilities, telephone exchanges, ground-based electrical/telephone/cable vaults, and transit route facilities such as bus stops, bus shelters, and park-and-ride facilities.

(c) Examples of wireless telecommunications towers (free-standing, collocated, and roof-mounted) include facilities for transmitting wireless phones and pager services, and television and radio broadcasting equipment.

(3) Exceptions

Landfills, recycling and salvage centers, and waste composing uses are considered Waste-Related Services.

10.4.5. Commercial Use Classification

A. Adult Entertainment

(1) Characteristics

The Adult Entertainment Use Category includes use types that sell, distribute, or present material or feature performances or other activities that emphasize the depiction or display of specified sexual activities or specified anatomical areas as defined by the North Carolina General Statutes.

(2) Examples

Example Adult Entertainment Use Types include adult book stores, adult video stores, adult arcades, and adult motion picture theaters (all distinguished by being largely devoted to selling, renting, or presenting media emphasizing sexually explicit content), as well as adult motels/hotels (motels/hotels largely devoted to providing room occupants films or other visual representations emphasizing sexually explicit content), and adult cabarets or night clubs (featuring live performances or services emphasizing the display of specified sexual activities or specified anatomical areas).

B. Animal Care

(1) Characteristics

The Animal Sales, Services, and Care Use Category is characterized by uses related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals and the boarding of animals related to the provision of these services.

(2) Examples

Examples of Animal Sales, Services, and Care Use Types include animal shelters, animal grooming, kennels (outdoor and indoor), animal hospitals, and veterinary clinics.

C. Auditorium, Convention, and Conference Center

(1) Characteristics

The Auditorium, Convention, and Conference Center Use Category is characterized by facilities used for business or professional conferences, seminars, and training programs.

(2) Examples

Example use types include auditoriums, convention centers, conference centers, meeting facilities, and corporate retreat facilities.

D. Eating Establishments

(1) Characteristics

The Eating Establishments Use Category includes use types that prepare and sell food and beverages for immediate or direct on- or off-premise consumption. Accessory uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.

(2) Examples

Examples include restaurants with indoor and outdoor seating, restaurants with drive-through service, specialty eating establishments (ice cream parlors, bakery shops, dessert shops, juice or coffee houses), and dinner theaters.

(3) Exceptions

Bars, night clubs, or cocktail lounges are classified as Retail Sales and Services.

E. Offices

(1) Characteristics

The Office Use Category includes use types that provide for activities that are conducted in an office setting and generally focus on business, professional, or financial services. Accessory uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, supporting commercial, or other amenities primarily for the use of employees in the business or building.

(2) Examples

Example use types include business and sales offices (such as lenders, banks, brokerage houses, tax preparers, and real estate agents), and professional services (such as lawyers, accountants, engineers, or architects).

(3) Exceptions

(a) Offices that are part of and located with a principal use in another use category are considered accessory to the establishment's primary activity. Headquarter offices that are located in conjunction with or adjacent to a principal use in another use category are considered part of the other use category.

(b) Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site.

(c) Government offices are classified as Government Facilities.

(d) Medical and dental clinics, medical or dental labs, and blood collection facilities are classified as Health Care Facilities.

(e) Financial institutions offering drive-through or walk-up service to patrons (branch banks or credit unions) are classified as Retail Sales and Services.

F. Parking, Commercial

(1) Characteristics

The Commercial Parking Use Category includes use types that provide free-standing parking lots and structures that are not accessory to a specific principal use. A fee may or may not be charged. A parking facility that provides both accessory parking for a specific principal use and regular fee parking for people not connected to the principal use is also classified as Commercial Parking. Accessory uses may include small shelters for parking attendants.

(2) Examples

Example use types include surface parking lots and parking structures (parking decks or garages).

(3) Exceptions

(a) Parking facilities that are accessory to a principal use, but charge the public to park for occasional events nearby, are not considered Commercial Parking.

(b) Parking facilities that are accessory to a principal use, even if the principal use leases the facility or those parking in the facility are charged a fee, are not considered Commercial Parking.

(c) Park-and-ride facilities are classified as Utilities.

G. Recreation/Entertainment, Indoor

(1) Characteristics

The Indoor Recreation/Entertainment Use Category includes use types that are privately owned and provide recreation or entertainment activities in an enclosed structure or structures. Accessory uses may include offices, concessions, snack bars, parking, and maintenance facilities.

(2) Examples

Example use types include country clubs, indoor commercial recreation uses (including bowling alleys, game rooms, shooting ranges, dancehalls, and skating rinks), and theaters (including cinemas, screening rooms, and stages).

(3) Exceptions

(a) Banquet halls that are part of hotels (classified as Visitor Accommodation) or restaurants (classified as Eating Establishments) are accessory to those uses.

(b) Private clubs or lodges are classified as Institutions.

(c) Recreational facilities that are reserved for use by residents of particular residential developments and their guests are accessory to those residential use types.

H. Recreation/Entertainment, Outdoor

(1) Characteristics

The Outdoor Recreation/Entertainment Use Category includes use types that are large, generally commercial, and provide continuous recreation or entertainment-oriented activities that primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, parking, and maintenance facilities.

(2) Examples

Example use types include privately-owned arenas, amphitheaters, or stadiums, outdoor commercial recreation uses (including private golf driving ranges and privately-owned miniature golf facilities; go-cart racing, race-track, or dirt-track facilities; drive-in movie theaters; privately-owned outdoor commercial tourist attractions, water parks, and amusement parks; and privately-owned active sports facilities such as ball fields, courts, shooting ranges, and archery ranges), athletic facilities, and private golf courses, and outdoor swimming pools (private).

(3) Exceptions

(a) Publicly owned golf courses, tennis courts, swimming pools, basketball courts, ball fields, and other similar outdoor recreational or entertainment-oriented facilities are classified as Parks and Open Space.

(b) Police firing ranges are classified as Public Safety Facilities.

I. Retail Sales and Services

(1) Characteristics

The Retail Sales and Services Use Category includes use types involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, concessions, ATM machines, outdoor display/sales areas, gasoline sales, and parking. Use types within this use category have been categorized based on their intensity, scale, and function.

(2) Examples

Example Use Types include uses from the following groups:

(a) Bars, Nightclubs, and Similar Establishments

Establishments primarily devoted to the sale of alcoholic beverages for on-site consumption, along with dancing or other forms of entertainment (including live performances), and in which the sale of food is incidental.

(b) Entertainment Establishments

Indoor continuous entertainment activities such as game arcades, pool halls, and indoor firing ranges.

(c) Personal Services Establishments

Establishments meeting frequent or recurrent service needs of a personal nature, including financial institutions like check cashing establishments or payroll lenders, laundromats, laundry and dry-cleaning drop-off establishments, photographic studios, mailing or packaging services, photocopy and blueprint services, hair salons and barber/beauty shops, tanning and nail salons, tattoo parlors and body piercing establishments, massage therapy and day spas, dance or music instruction, martial arts classes, and psychics or mediums.

(d) Repair Establishments

Uses primarily engaged in providing repair services for TVs, bicycles, clocks and watches, shoes, guns, canvas products, appliances, and office equipment, and including tailors, locksmiths, and upholsterers.

(e) Retail Sales Establishments

Stores selling, leasing, or renting consumer, home, and business goods, whether new or used, including art and art supply stores, audio/video stores, bicycle sales, book stores, clothing stores, convenience stores, department stores, dry good sales, electronic equipment stores, fabric shops, furniture stores, florists, garden supply centers, gift shops, grocery stores, hardware stores, home improvement centers, household products, jewelry stores, office supply stores, pet and pet supply stores, pharmacies, plant stores, and stationery shops.

(3) Exceptions

(a) Laundry and dry-cleaning plants are considered Industrial Services.

(b) Building trade contractors with on-site storage that sell primarily to contractors and do not have a retail orientation are classified as Industrial Services.

(c) Repair and service of automobiles, motorcycles, and light and medium trucks is classified as Vehicle Sales and Service, except that light repair and service is an allowable accessory to vehicle sales uses.

(d) Bakeries, dinner theaters, or entertainment establishments primarily engaged in the sale of food for on-site consumption are considered Eating Establishments.

(e) Cinemas, theaters, concert halls, and stages are considered Indoor Recreation/Entertainment.

(f) Uses providing financial, professional, or business services by appointment or with only limited contact with the general public are classified as Offices.

(g) Uses that involve the sales, distribution, or presentation of materials or activities emphasizing sexually explicit content are classified as Adult Entertainment.

J. Vehicle Sales and Services, Heavy

(1) Characteristics

The Vehicle Sales and Services Use, Heavy Category include use types involving the direct sales and servicing of medium trucks, boats, and other consumer motor vehicles intended to transport persons or goods over land or water or through the air, whether for recreation, commerce, or personal transport. Accessory uses include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.

(2) Examples

Example use types include vehicle sales or rentals; significant automotive repair and servicing; automotive painting/bodywork; boat and marine sales or rental; aircraft parts, sales, and maintenance; transmission shops; and automotive wrecker services.

(3) Exceptions

(a) Refueling facilities for vehicles belonging to a specific principal use (fleet vehicles) are considered accessory uses if located on the site of the principal use.

(b) Storage of inoperable vehicles or parts is considered a Waste-Related Service.

(c) Sales of automobiles, oil change service, tire sales and service, and muffler shops are considered Light Vehicles Sales and services.

K. Vehicle Sales and Services, Light

(1) Characteristics

The Vehicle Sales and Services Use, Light Category include use types involving the direct sales and servicing of automobiles, motorcycles, light trucks. Accessory uses include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.

(2) Examples

Example use types include automotive sales or rentals (including the sales and rental of automobiles, motorcycles, and light trucks); light automotive repair and servicing such as oil changes, state vehicle inspections, and muffler shops; automotive parts sales and maintenance; car wash and auto detailing; and tire sales and mounting services.

(3) Exceptions

(a) Refueling facilities for vehicles belonging to a specific principal use (fleet vehicles) are considered accessory uses if located on the site of the principal use.

(b) Storage of inoperable vehicles or parts is considered a Waste-Related Service.

(c) Sales of major recreational equipment, bodywork, painting, transmission work, or substantial engine repair is classified as Vehicle Sales and Service, Heavy.

L. Visitor Accommodations

(1) Characteristics

The Visitor Accommodations Use Category includes use types that provide lodging units or space for short-term stays of less than 30 days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, supporting commercial, meeting facilities, offices, and parking.

(2) Examples

Example use types include hotels or motels, bed and breakfast inns, and hunting lodges.

(3) Exceptions

Rooming houses are classified as Group Living.

10.4.6. Industrial Use Classification

A. Extractive Industry

(1) Characteristics

The Extractive Industry Use Category includes use types involving the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources. Such uses also include quarrying, well operation, mining, or other procedures typically done at an extraction site. Accessory uses include offices, limited wholesale sales, security or caretakers quarters, outdoor storage, and maintenance facilities.

(2) Examples

Example use types include quarries, borrow pits, sand and gravel operations.

B. Industrial Services

(1) Characteristics

The Industrial Services Use Category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage.

(2) Examples

Example use types include machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; heavy equipment sales, rental, or storage; heavy equipment servicing and repair; building, heating, plumbing,

or electrical contractors; fuel oil or bottled gas distributors; research and development facilities; laundry, dry-cleaning, and carpet cleaning plants; and general industrial service uses.

(3) Exceptions

Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site.

C. Manufacturing and Production

(1) Characteristics

The Manufacturing and Production Use Category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. The use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, security and caretaker's quarters.

(a) Heavy Manufacturing

Heavy Manufacturing is the manufacture or compounding process of raw materials. These activities may involve outdoor operations as part of their manufacturing process.

(b) Light Manufacturing

Light Manufacturing is the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration.

(2) Examples

(a) Heavy Manufacturing

Heavy Manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; asphalt/concrete plants; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants.

(b) Light Manufacturing

Example use types of light manufacturing include: production or repair of small machines or electronic parts and equipment; sewing or

assembly of textiles into consumer products; woodworking and cabinet building; publishing and lithography; computer design and development; communications equipment, precision items and other electrical items; research, development, and testing facilities and laboratories; sign making, assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

(3) Exceptions

(a) Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Services if the manufacturing area does not exceed 35 percent of the development's gross floor area.

(b) Manufacturing and production of goods from salvage material is classified as Waste-Related Services.

(c) Manufacturing and production of goods from composting material is classified as Waste-Related Services.

D. Warehouse and Freight Movement

(1) Characteristics

The Warehouse and Freight Movement Use Category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas.

(2) Examples

Example use types include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores); distribution warehouses (used for distribution by trucking companies; cold storage plants; self-service storage; and outdoor storage (as a principal use).

(3) Exceptions

(a) Contractor's offices that do not include storage yards are classified as Offices.

(b) Use types that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related Services.

E. Waste-Related Services

(1) Characteristics

The Waste-Related Services Use Category includes use types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This use category also includes use types that receive wastes from others. Accessory uses may include offices,

outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

(2) Examples

Example use types include recycling and salvage centers, convenience centers, transfer stations, land clearing and construction debris landfills, tire disposal or recycling, waste composting, incinerators, energy recovery plants, salvage yards and junkyards, and recycling drop-off centers.

(3) Exceptions

Wastewater treatment plants and potable water treatment plants are classified as Utilities.

F. Wholesale Sales

(1) Characteristics

The Wholesale Sales Use Category includes use types involving the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or taking of orders and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods.

(2) Examples

Example use types include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, plants and landscaping materials, auto parts, and building hardware.

(3) Exceptions

(a) Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Services.

(b) Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

10.5. DEFINITIONS

ABANDONMENT

A nonconforming, use, structure, or sign which has been physically and objectively discontinued, relinquished, or vacated for a consecutive period of 180 or more days without any intention of transferring rights to the property to another owner or lessee or of resuming the use of the property regardless of intent of the owner, lessee, or previous occupant, or any other affiliated parties and regardless of any condition or circumstance beyond the control of such parties that prevent a continuation of the use or occupancy of the structure or property.

ABUTTING

The condition of two adjoining lots having a common property line or boundary including cases where two or more lots adjoin a corner, but not including cases where adjoining lots are separated by a street or alley.

ACCENT

The use of an alternate material or color to a detail that is emphasized by contrasting with its surroundings.

ACCESSORY DWELLING UNIT

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.

ACCESSORY STRUCTURE

A structure that is subordinate in use and square footage to a principal structure or permitted use. In the case of agricultural uses, accessory uses such as barns may exceed the size of the principal structure.

For the purposes of Section 7.4, Flood Damage Prevention, accessory structure (appurtenant structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

ACCESSORY USE

A use that is customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located on the same lot.

ACCESSWAY

A private drive constructed with a compacted, graded, and drained roadbed with a gravel surface at least three inches deep, for access to lots.

ACT OF GOD

Any event in which the damage to a nonconforming use or structure is outside of the control of a single individual. Damage or destruction by hurricane, flood, earthquake, or lightning are considered acts of God.

ACTIVE RECREATION USES

Uses or structures intended for specific active recreational uses such as play grounds, ball fields, tennis courts and other similar uses typically located in open space set-aside areas or parks.

ADDITION

Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by an independent perimeter load bearing wall is new construction.

For the purposes of Section 7.4, Flood Damage Prevention, addition (to an existing building) means an extension or increase in the floor area or height of a building or structure.

ADJACENT

A lot or parcel of land that shares all or part of a common lot line or boundary with another lot or parcel of land or that is directly across a public street or right-of-way.

ADMINISTRATIVE ADJUSTMENT

A type of flexibility permit approval reviewed and approved or denied by the Planning Director in accordance with Section 2.4.15, Administrative Adjustment.

ADMINISTRATIVE MANUAL

A manual containing details on the mechanics of the development review process, information for potential applicants, and development review application forms.

ADULT DAY CARE CENTER

A program operated in a structure other than a single-family dwelling that provides group care and supervision on a less than 24-hour basis, and in a place other than their usual place of abode, to adults 18 years or older who may be physically or mentally disabled, and which is certified or approved to operate by the State of North Carolina.

ADULT ENTERTAINMENT

A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to, adult arcades, adult bookstores, adult businesses, adult motion picture theaters, adult theaters, escort agencies, and massage businesses. As used in this Ordinance, the following definitions shall apply:

a. Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines are used to show films, motion pictures, video cassettes, digital reproductions, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

b. Adult Bookstore: An establishment that has as substantial portion (over 25 percent of total retail space) of its stock-in-trade and offers for rent or sale, for any consideration, any one or more of the following:

   i. books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, digital reproductions, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or

   ii. instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

c. Adult Business: A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes:

i. persons who appear nude or semi-nude; or

ii. live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

iii. films, motion pictures, videocassettes, digital reproductions, slides, or other photographic reproductions which depict or describe specified sexual activities or specified anatomical areas.

d. Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, digital reproductions, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe specified sexual activities or specified anatomical areas.

e. Adult Theater: A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.

f. Escort Agencies: A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.

g. Massage Business: Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Specifically excluded from this definition are massages under the direct supervision of (i) a licensed physician (ii) a masseuse licensed in the State of North Carolina, or (iii) where massage is an accessory to the principle use (except as an accessory to an adult establishment or sexually oriented business) such as at health clubs and beauty salons.

h. Specified Anatomical Areas: Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

i. Specified Sexual Activities: Specified sexual activities shall include, but are not limited to, the following:

i. human genitals in a state of sexual stimulation, arousal, or tumescence; or

ii. sex acts, normal or perverted, actual or simulated, including human masturbation, sexual intercourse, sodomy, or oral copulation; or

iii. fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts.

AFFECTED PARTY

Owners of land adjoining the land subject to an application and any other person who could suffer an adverse effect to a property interest from a proposed development.

AGGRIEVED PARTY

A person, with a legally recognized interest (i.e., fee simple ownership) and standing to appeal, that is injuriously affected by a decision from any decision-making body of the county, including any officer or agent of the county.

AGRIBUSINESS

A commercial enterprise in which agriculture products produced on a site are marketed and sold directly to consumers without an intermediate wholesaler or distributor, other than a farm co-op organization. Direct market business may include enterprises such as PYO (pick-your-own) operations, and operations in which delivery of products is made directly to

consumers, such as "farm share" arrangements under which periodic delivery of farm products is made for a subscription fee.

AGRICULTURAL PROCESSING

Processing operations for agricultural products raised on the premises or locally only, including meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting and grading, as an accessory use to an agriculture, horticulture, or animal husbandry use.

AGRICULTURAL RESEARCH FACILITY

A facility for the investigation, testing, and demonstration of agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant, and animal sciences.

AGRICULTURE/HORTICULTURE

Uses characterized by general active and on-going agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, apiculture, and similar uses. Agriculture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going agricultural activity within 30 days.

AGRI-EDUCATION

A facility for the investigation, testing, or demonstration of, or for training or educating persons in, products and processes related to agriculture, horticulture, or animal husbandry, including biotechnical agriculture, veterinary, soil, plant, and animal sciences.

AGRI-ENTERTAINMENT

Events and activities such as corn mazes, hay rides and petting zoos that allow for recreation, entertainment and tourism in conjunction with agriculture support (directly-related).

AIRCRAFT PARTS, SALES, AND MAINTENANCE

The use of land for the display and sale of, or general repair, rebuilding, or reconditioning of any contrivance now known or hereafter invented for use in or designed for navigation of or flight in air.

AIRPORT APPROACH ZONE

An area that is longitudinally centered on the runway centerline and extends outward and upward from each end of the primary surface. An approach zone is applied to each end of each runway based on the type of approach available or planned for that runway end.

AIRPORT COMPATIBLE USE ZONE

Defined areas on and off airport property that are zoned to ensure airport compatible land uses. In "Land Use Compatibility and Airports," the Federal Aviation Administration recommends this approach to identify and implement land use controls for low-activity airports without significant aircraft noise exposure contours. The compatible use zones include the airport runway protection zone, the airport approach zone, and the airport traffic pattern zone.

AIRPORT RUNWAY PROTECTION ZONE

An area centered along the extended runway centerline that is used to enhance the safety of aircraft operations. The runway protection zone dimensions are functions of the design aircraft, airport conditions, and future development projections.

AIRPORT TRAFFIC PATTERN ZONE

An area centered on the runway protection zone that is used to enhance the compatibility of uses in close proximity to an airport. The traffic pattern protection zone dimensions are based on total runway length and airport capacity.

ALTERATION

Any change or expansion in the size, configuration, or location of a structure; or any change or expansion in the use of a structure or lot, from a previously approved or legally existing size, configuration, location, or use.

ALTERNATIVE LANDSCAPING PLAN

A plan or other proposal to deviate from the basic landscaping or tree protection standards in Section 5.2, Landscaping Standards, or Section 7.2, Tree Protection, as described in Section 5.2.9 of this Ordinance.

ALTERNATIVE PARKING PLAN

A plan or other proposal to utilize one or more of the alternative parking provisions in Section 5.1.6, Alternative Parking Plans, as a means of providing more off-street parking spaces than typically allowed or fewer spaces than required.

AIRPORT

Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

AMENITIES

Manmade or natural features which enhance or make more attractive a particular site for development.

AMPHITHEATER

See "Arena".

ANIMAL GROOMING

Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged.

ANIMAL HUSBANDRY

The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, poultry, sheep, and similar animal husbandry uses.

ANIMAL SHELTER

A facility used to house and care for stray, homeless, abandoned, or neglected animals and that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization.

ANTENNA

A device used to transmit and/or receive radio or electromagnetic waves between land based or orbiting uses.

APPEAL

An appeal of an administrative decision-maker's interpretation or decision reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.4.17, Appeal.

APPLICANT

The owner of land, or the authorized representative of the landowner, applying for a development approval or permit.

APPLICATION

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate county department, or board as part of the development review processes.

ARBOR

A structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.

ARBORETUM

A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.

ARCADE

A series of arches supported by piers or columns.

ARCH

A curved, semicircular opening in a wall.

ARCHITECTURAL LIGHTING

Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.

AREA OF ENVIRONMENTAL CONCERN (AEC)

An area designated as such by the N.C. Coastal Resources Commission pursuant to GS 113A-113 of the Coastal Area Management Act.

AREA OF SHALLOW FLOODING

A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD

See "Special flood hazard area (SFHA)"

ARENA

A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas.

ASSESSED VALUE

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity assigned by the Currituck County Property Appraiser's office for the purposes of taxation.

ASSISTED LIVING FACILITY

A building, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, health care assistance, and

one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or proprietor. Accessory uses may include dining rooms and infirmary facilities for intermediate or skilled nursing care solely for the use of the occupants residing in the principal facility.

ATHLETIC FIELD

Outdoor site or field designed for formal athletic competition in field sports.

AUCTION HOUSE

A facility in which merchandise receives bids through auctioning process.

AUDITORIUM

A building or structure designed or intended for use for spectator sports, entertainment events, expositions, conferences, seminars, product displays, recreation activities, and other public gatherings, all occurring inside a structure typically limited to a capacity of 500 or fewer seats, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on–premise consumption.

AUTHORIZED AGENT

A person with express written consent to act upon another's behalf.

AUTOMATED TELLER MACHINE (ATM)

An automated mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether inside or outside of a financial institution, or located in a structure unrelated to the financial institution operating it. Such uses may not serve as the principal use of a parcel of land or site.

AUTOMOTIVE PAINTING/BODY SHOP

Repair of automobiles, vehicles, or trailers, including bodywork, framework, welding, and major painting service.

AUTOMOTIVE PARTS AND INSTALLATION

The on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to tires, mufflers, brakes, batteries, audio systems, and lubricants such as engine oil. Such uses do not include the sale of gasoline or other fuels.

AUTOMOTIVE SALES OR RENTALS

Premises on which new or used passenger automobiles, trailers, recreational vehicles, or light trucks in operating condition are displayed for sale, lease, or rental.

AUTOMOTIVE RACING

A recreational facility intended for the competitive racing of automobiles, motorcycles, or other mechanized vehicle.

AUTOMOTIVE REPAIR AND SERVICING

General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, not including bodywork, framework, welding, and major painting service.

AUTOMOTIVE WRECKER SERVICE

An establishment operated for the purpose of temporary storage on-site of no more than nine wrecked or inoperable vehicles for a period no longer than 90 days. If an establishment has ten or more inoperable vehicles located on-site, stores inoperable vehicles for more than 90 days, stacks vehicles, or portions of the vehicles are dismantled or removed for sale, it shall be considered a salvage and junkyard.

AWNING

A plastic, canvas, or metal porch or shade supported by a frame and often foldable that is placed over a storefront, doorway, or window.

BAR OR COCKTAIL LOUNGE

An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities.

BASEMENT

Any area of a building having its floor subgrade (below ground level) on all sides.

BASE FLOOD

The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

BASE FLOOD ELEVATION (BFE)

A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with freeboard, establishes the Regulatory Flood Protection Elevation.

BEACH STRAND

The land between the edge of the sea and the first line of stable vegetation or development.

BED AND BREAKFAST INN

A private residence, generally a single-family residence, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to breakfast for guests only.

BILLBOARD

An off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

BLOCK

A parcel of land entirely surrounded by streets or by any combination of streets, parks or railroad right-of-way.

BLOCK FACE

The lands abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.

BLOOD/TISSUE COLLECTION FACILITY

A facility where blood or related materials are either withdrawn or collected from patients or assembled after being withdrawn or collected elsewhere from patients for subsequent delivery to a clinical laboratory for examination. A collection facility is maintained at a separate physical location not on the grounds or premises of the main licensed laboratory or institution which performs the testing.

BOARD OF ADJUSTMENT

A quasi-judicial board appointed by the Board of Commissioners.

BOARD OF COMMISSIONERS

The Board of Commissioners for Currituck County, North Carolina.

BOAT AND MARINE RENTAL, SALES, AND SERVICE

Premises on which new or used boats and other marine vessels are displayed for sale, lease, or rental. On-site repair and service to boats is also provided.

BOAT RAMP OR SLIP

A location intended to for boaters to place boats into a body of water.

BODY PIERCING

Any method of piercing of the human skin of one person by another person with the intention of inserting any object including but not limited to jewelry. The term body piercing shall also include any process of marking or disfiguring the skin or other tissue of any person by branding or scarification but shall not include the piercing of the ear by an ear-piercing gun designed solely for that purpose; or physician-authorized surgical procedures. This definition of body piercing includes that process commonly referred to as implantation.

BONA FIDE FARM

Any tract or tracts of land used for farm purposes, including the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in Section 106-581.1 of the North Carolina General Statutes. In addition, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under Section 106-743.2 of the North Carolina General Statutes is a bona fide farm purpose. Any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

a. A farm sales tax exemption certificate issued by the Department of Revenue.

b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to Section 105-277.3 of the North Carolina General Statutes.

c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.

d. A forest management plan.

e. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

BOTANICAL GARDEN

A garden having documented collections of living plants for the purposes of scientific research, conservation, display, or education.

BUFFER

An area of natural or planted vegetation adjoining or surrounding a use and unoccupied in its entirety by any building, structure, paving or portion of such use, for the purposes of screening and softening the effects of the use, no part of which buffer is used for recreation or parking.

BUFFER, PERIMETER LANDSCAPE

Vegetative material and structures (i.e., walls, fences) that are used to separate uses from each other as required by this Ordinance, including but not limited to the Type A Basic, Type B

Aesthetic, Type C Semi-opaque, and Type D Opaque described in Section 5.2.6, Perimeter Landscape Buffers.

BUILDING

See "Structure".

BUILDING PAD

The area of a lot, outside of required setbacks, on which principal use improvements are located.

BUILDING WALL

The entire surface area, including windows and floors, of an exterior wall of a building.

CALIPER

A horticultural method of measuring the diameter of a tree trunk for the purpose of determining size. The caliper of the trunk is measured six inches above the ground for trees up to and including four inches in diameter, 12 inches above the ground for trees greater than four inches and up to ten inches in diameter, and at breast height (4½ feet) for trees ten inches or greater in diameter. Trees with multiple trunks should be treated as multiple trees and the caliper for each trunk added to aggregate diameter measurement.

CAMA

North Carolina's Coastal Area Management Act. This act, along with the Dredge and Fill Law and the federal Coastal Zone Management Act, is managed through North Carolina Department of Environment and Natural Resources' (NCDENR's) Division of Coastal Management (DCM).

CAMPER

A portable dwelling (as a special equipped trailer or automobile vehicle) for use during casual travel and camping.

CAMPGROUND

Any area, place, parcel or tract of land on which two or more campsites are occupied or intended for occupancy or facilities established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of campsites and facilities is granted gratuitously, or by rental fee, lease or conditional sale, or by covenants, restrictions and easements. Campground includes but not limited to, a travel camp, recreational camp, family campground, camping resort, recreational vehicles park and camping community. Campground does not include a summer camp, migrant labor camp or park for manufactured homes, or a construction camp, or storage area for unoccupied camping units.

CANOPY

A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

CANOPY TREE

A tree that has an expected height at maturity of 30 feet or more.

CARETAKER'S QUARTERS

An accessory dwelling unit located on the premises of another principal use for the occupancy of a caretaker, security guard, or other person charged with oversight and/or protection of the principal use.

CAR WASH OR AUTO DETAILING

An establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Automatic car wash establishments are further defined under the two following categories:

1. Full service: An establishment featuring a conveyor system to move vehicles through the wash cycle. This type of car wash may include sales of gasoline, oil and other vehicle related merchandise. On-site attendants are required. Building size is limited by lot size, parking requirements, building and landscape setbacks or other site characteristics.
2. Self-service: An establishment featuring a car wash system where vehicles are manually driven through a wash cycle, or washed manually using a wand or other hose. Incidental interior cleaning and exterior drying are performed by vehicle operator. This type of car wash does not have an on-site attendant and there is no gasoline, oil or other merchandise for sale.

CASUALTY DAMAGE

Damage to a use, lot, or structure from an event that is sudden, unexpected, and unusual, such as a storm, fire, theft, accident, or similar event that causes loss of or damage to property or improvements.

CEMETERY, COLUMBARIUM, MAUSOLEUM

Uses intended for the burial of the dead and dedicated for cemetery purposes. This use type may include a funeral home or mortuary or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), but does not include a crematory.

CEMETERY, FAMILY AND RELIGIOUS INSTITUTION

Land and facilities used for the burial of the dead not subject to the requirements of the North Carolina Cemetery Act that are an accessory to a home or religious institution.

CENTRALIZED WASTEWATER SYSTEM

A managed system consisting of collection sewers and a single treatment plant used to collect and treat wastewater from an entire service area.

CERTIFICATE OF OCCUPANCY

A type of permit reviewed and approved or denied by the Inspections Director that allows occupancy of a habitable structure.

CHANGE OF USE

The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

CHEMICAL STORAGE FACILITY

For purposes of Flood Damage Prevention, a building, portion or a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

CHILD CARE, INCIDENTAL

A program or arrangement, licensed by the State and located in the provider's residence where, at any one time, twelve or fewer children under the age of 13, receive child care on a regular basis from persons other than their guardians, full-time custodians, or persons related to them by blood, marriage, or adoption. This type of facility of facility is also referred to as an

incidental home occupation and may include the State defined family child care home and child care center in a residence. This definition does not include day care centers, cooperative arrangements among parents (See Section 110-86 of the North Carolina General Statutes.).

CHILD CARE CENTER

A commercial or non-profit use licensed by the State where, at any one time, three or more children under the age of 13 receive child care in a building other than a residence on a regular basis from persons other than their guardians, full-time custodians, or persons related to them by blood, marriage, or adoption. Such uses may also involve the provision of educational services in preparation for elementary school. This definition does not include incidental child care, cooperative arrangements among parents, or drop-in or short-term child care provided while parents work part-time or participate in other activities on the premises (e.g., churches, shopping malls, hotels, health spas).

CITATION

As used in Chapter 9: Enforcement, a formal notice to a person that he or she is charged with a violation of this Ordinance, and that penalty is due.

CLEAR-CUTTING

Harvesting, clearing, or removal of all or the majority of existing trees located on a lot or site.

CLEAR-CUTTING PERMIT

A type of permit related to removal of existing trees reviewed and approved or denied by the Planning Director in accordance with Section 2.4.13, Clear-Cutting Permit.

CLUB OR LODGE

A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

CLUSTERED WASTEWATER SYSTEM

A wastewater collection and treatment system under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on a suitable site near the dwellings or buildings.

COASTAL BARRIER RESOURCES SYSTEM (CBRS)

Undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by federal or state governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

COASTAL HIGH HAZARD AREA

A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as Zone VE.

CODE OF ORDINANCES

The county Code of Ordinances for Currituck County, North Carolina.

COLD STORAGE PLANT

A building, structure, machinery, appurtenances, appliances and apparatus occupied and used in the business of freezing food products or storing frozen food products.

COLLEGE OR UNIVERSITY

A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions.

COMMUNITY AGRICULTURE

The growing of vegetables or fruits by two or more persons on a single lot or tract for the purpose of personal consumption or re-sale, typically undertaken as an accessory use. Community agriculture uses may include equipment sheds, parking areas, irrigation facilities, and bulk outdoor storage.

COMMUNITY CENTER

A public building to be used as a place of meeting, recreation, or social activity and not operated for profit.

COMMUNITY GARDEN

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person.

COMMUNITY MEETING

A meeting conducted by an applicant on a proposed development before an application for the development permit or approval is submitted to the county.

CONCEPTUAL DEVELOPMENT PLAN

A conceptual drawing or plan depicting the proposed development configuration proposed by an applicant as part of a conditional rezoning application.

CONDITIONAL REZONING

A type of zoning map amendment reviewed and approved or denied by the Board of Commissioners in accordance with Section 2.4.4, Conditional Rezoning.

CONDITIONAL ZONING DISTRICT CLASSIFICATION

The classification of land on the Official Zoning Map subject to conditions of approval in accordance with Section 2.4.4, Conditional Rezoning.

CONDOMINIUM

A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).

CONNECTIVITY

The relative degree of connection between streets, sidewalks, or other means of travel.

CONSERVATION SUBDIVISION

The division of a tract of land into two or more lots, building sites, or other divisions along with additional land area set aside as open space for conservation and/or recreation purposes in accordance with Section 6.4, Conservation Subdivision.

CONSTRUCTION DRAWINGS

Technical plans, maps, and engineered drawing depicting public infrastructure, streets, drainage, open space, and lots proposed as part of a major subdivision preliminary plat.

CONTIGUOUS

Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad or public utility right-of-way.

CONTRACTOR SERVICES

Offices for building, heating, plumbing, or electrical contractors, and related storage facilities.

CONVENIENCE STORE

A retail establishment which offers for sale, primarily, the following types of articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, and general hardware articles. Gasoline and/or fast food may also be offered for sale but only as a secondary activity of a convenience store. If vehicular maintenance and service are provided, the establishment is not classified as a convenience store.

CONVENTION CENTER

A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on–premise consumption. Similar structures with a capacity of less than 500 people are auditorium or conference center uses.

CORNICE

Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

CORRECTIONAL FACILITY

Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense. Such uses may include cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, agricultural facilities, and facilities for the production of goods or materials produced for sale.

COTTAGE DEVELOPMENT

A type of residential multi-family development that contains cottage homes in which four or more individual dwelling units are located on individual lots and are not physically attached to any other principle structure.

COUNTRY CLUB

A private recreational facility open to members and their guests. Uses at a country club frequently include golf courses, swimming pools (outdoors), and club-houses. Meal service may be available, but is generally limited to members and their guests. A country club may be developed as a free-standing entity or as part of a residential community or planned development.

COUNTY

Currituck County, North Carolina.

COUNTY ENGINEER

The Director of Engineering for Currituck County, North Carolina, or a designee.

CRABSHEDDING

An operation in the crab harvesting industry that involves the controlled shedding or molting of blue crabs to produce the more commercially valuable soft-shelled form. Soft crab shedding systems are designed to put near-molt crabs in a controlled environment, so they can efficiently be harvested during the period that the shell is soft.

CREMATORY

A facility containing furnaces for the reduction of dead bodies to ashes by fire.

CROSS-ACCESS

Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.

CROSSWALK

A right-of-way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

CUL-DE-SAC

A short street having but one end open to traffic and the other end being permanently terminated by a vehicular turnaround.

CULTURAL FACILITY

Establishments such as zoological gardens, conservatories, planetariums, or other similar uses of an historic, educational, or cultural interest, which are not operated for profit.

CUPOLA

A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.

DECENTRALIZED WASTEWATER SYSTEM

An on-site or cluster system used to collect, treat, and disperse or reclaim wastewater from a small service area.

DECK

A structure, without a roof, directly adjacent to a principal building which has an average elevation of 30 inches or greater from finished grade.

DESIGN FLOOD ELEVATION

See "Regulatory flood protection elevation (RFPE)".

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

DEVELOPMENT

The initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of trees or ground cover, or the division of land into two or more parcels. "Development" shall include, but not be limited to, the following:

- Construction or enlargement of a building or structure;
- Change in the type of use of a building, structure, or land;

- Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;
- Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on a parcel of land;
- Demolition of a structure or the removal of trees from a parcel of land;
- Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other body of water or alteration of any wetland;
- Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil, and
- For the purposes of Section 7.4, Flood Damage Prevention, any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DEVELOPMENT AGREEMENT

An agreement entered into between the county and a landowner in accordance with Section 2.4.18, Development Agreement.

DIAMETER AT BREAST HEIGHT (DBH)

The measurement of the diameter of a tree trunk over ten inches in diameter taken at a height of four-and-one-half feet above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.

DINNER THEATER

An eating establishment offering food to patrons while seated at tables or through a buffet line before, during, or after a performance by one or more actors in a theatrical production.

DISPLAY BOARD

The portion of a sign where the message changes by way of lights or some other mechanical means (e.g., time and temperature displays).

DISPOSAL

As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

DISTRIBUTION HUB FOR AGRICULTURAL PRODUCTS

A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers, but not including a central place operated by a farm co-op where farmers can deliver products for pick-up by consumers.

DISTRICT

An area delineated on the Official Zoning Map which sets forth standards and guidelines for all development within the prescribed district.

DISTRICT, OVERLAY

A zoning district that encompasses one or more underlying zoning district and that imposes additional requirements above that required by the underlying zoning district.

DOCK OR PIER

A structure built over or floating upon the water used as a landing place for boats or other marine transport, fishing, swimming, and other recreational uses. Docks may include boat houses, seating areas, gazebos, boat lifts, and storage facilities.

DORMITORY

A building used principally to provide rooms for sleeping accommodations at an educational, public, or religious institution. Common kitchen, sanitary, and social gathering rooms may also be provided.

DOWNSTREAM BOUNDARY CONDITION

The resulting condition at the downstream end of a hydrologic and hydraulic analysis, usually occurring at point of substantial change in a drainage network (such as the mouth of a stream), or at such point as the impact on the water surface elevation from the upstream changes being examined can be shown to be de minimis.

DRAINAGE

General terms applied to the removal of surface or resurface water from a given area either by gravity via natural means or by systems constructed so as to remove water, and is commonly applied herein to surface water.

DRAINAGE, POSITIVE

An area that has been graded or shaped to prevent pooling of stormwater runoff.

DRIPLINE

A vertical line that extends from the outermost branches of a tree's canopy to the ground around the circumference of the tree.

DRIVEWAY

A private road or vehicular accessway providing access to parking areas, garages, dwellings, drive-up windows, or other similar features on up to two different lots.

DRIVE-THROUGH

A facility designed to enable a person to transact business while remaining in a motor vehicle.

DRUG AND ALCOHOL TREATMENT FACILITY

Inpatient facility which provides care for persons with drug and/or alcohol dependency problems and which may include outpatient follow-up care to the facility's patients.

DRUG STORE OR PHARMACY

A freestanding establishment that is engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

DWELLING, DUPLEX

A single-family dwelling unit attached to one other single-family dwelling unit by a common vertical wall. Each dwelling unit may be located on its own lot, or both may be located on a single lot.

DWELLING, LIVE/WORK

A structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents.

DWELLING, MANSION APARTMENT

Three or more dwelling units located within a single structure designed and constructed to appear as a large single-family detached home. Such structures may have a common entrance or separate entrances to each dwelling unit.

DWELLING, MANUFACTURED HOME - CLASS A

A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

a. the home has a length not exceeding three times its width;

b. the pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

c. the exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;

d. a continuous, permanent masonry curtain wall, unpierced except for required ventilation and access, is installed under the home after placement on the lot and before occupancy; and

e. the tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

DWELLING, MANUFACTURED HOME - CLASS B

A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a class A manufactured home.

DWELLING, MANUFACTURED HOME - CLASS C

Any manufactured home that does not meet the definitional criteria of a class A or class B manufactured home. Class C manufactured homes are manufactured homes constructed prior to July 1, 1976, and are not permitted in Currituck County.

DWELLING, MULTI-FAMILY

A dwelling containing three or more individual dwelling units, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings.

DWELLING, SINGLE-FAMILY DETACHED

A residential building containing not more than one dwelling unit to be occupied by one family, not physically attached to any other principal structure. For regulatory purposes, this term does not include manufactured homes, recreational vehicles, or other forms of temporary or portable housing. Manufactured buildings constructed for use as single-family dwelling units (manufactured home dwellings) are treated similar to single-family detached dwellings.

DWELLING, TOWNHOUSE

A type of multi-family dwelling, in which three or more individual dwelling units are located on individual lots, but attached by one or more common party walls which are shared by one or more units for more than 50 percent of their total linear distance along the lot line. The habitable spaces of different dwelling units are typically arranged on a side-by-side rather than a stacked configuration.

DWELLING, UPPER STORY

A dwelling unit located on the second floor or higher of a building with nonresidential uses located on the first floor.

DWELLING UNIT

One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner or renter occupancy, and containing independent cooking and sleeping facilities, and sanitary facilities.

EASEMENT

A grant by a landowner to another landowner or to the public, for the right to occupy or use designated land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.

EAVE

The projecting lower edges of a roof that overhangs the wall of a building.

EGRESS

An exit from a building or site.

ELECTRONIC GAMING OPERATION

An electronic gaming operation is any business enterprise where persons utilize electronic machines, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet sweepstakes, video sweepstakes, electronic gaming operations or cybercafés, who have a finite pool of winners. This does not include any lottery approved by the State of North Carolina.

ELEVATED BUILDING

A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ELEVATION

The front, side, or rear of a structure.

ENCROACHMENT

For the purposes of Section 7.4, Flood Damage Prevention, the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

ENTERTAINMENT ESTABLISHMENT

Indoor continuous entertainment activities such as game arcades, video and pinball parlors, pool halls, indoor firing ranges, and similar types of uses.

EQUESTRIAN FACILITY

A use associated with the keeping of horses or ponies as domesticated animals or pets. Such uses include stalls, feeding areas, paddocks, haylofts, corrals, and other similar outdoor exercise/instruction/performance areas.

EROSION

The wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

EXISTING DEVELOPMENT

Structures, buildings, site specific plan or other projects that are completely built or that at a minimum have established a vested right as of the effective date of this Ordinance based on at

least one of the following being satisfactorily proven to the Planning and Community Development Department for the specific development in question:

a. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the development, or
b. Having an outstanding valid building permit as authorized by North Carolina General Statutes Section 153A-344.1, or
c. Having an approved site specific or phased development plan as authorized by North Carolina General Statutes Sections 153A-344.1.

EXISTING LOT (LOT OF RECORD)

A lot which is a part of an approved subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Currituck County, or a lot described by metes and bounds, the description of which has been so recorded and which at the time of recordation and the time it was originally subdivided met all applicable subdivision and zoning regulations then in effect. In addition, this definition shall include lots for which a plat and/or deed is recorded in the Office of the Register of Deeds and the lot was created prior to August 2, 1965; a lot upon which an existing structure is located provided a valid building permit was obtained for the construction; or, a lot which at the time of creation met all subdivision and zoning requirements provided a plat is approved by the administrator and recorded with the Register of Deeds containing a certification as to having met the then existing regulations in effect.

EXPANSION

An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements or structures.

EXTRACTIVE INDUSTRY

A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and soil mining. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.

FAÇADE

The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Facades may be on the front, side, or rear elevation of the building.

FAIR MARKET VALUE

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each prudently knowledgeable, and assuming the price is not affected by undue stimulus.

FAMILY

An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than five persons not related by blood, marriage, or adoption living together as a single housekeeping unit, as in a group home.

FAMILY CARE HOME

An establishment with support and supervisory personnel that provides room and board, personal care, and rehabilitation services in a family environment for not more than six residents who are handicapped. Handicapped person means a person with a temporary or

permanent physical, emotional, or mental disability including, but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments but not including mentally ill persons who are dangerous to others. Dangerous to others means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct.

FARM MACHINERY SALES, RENTAL, AND SERVICE

An establishment for the sale, rental, and/or service of equipment normally or routinely used on farms and in gardens, and related parts, tools and accessories, but not non-farm equipment or materials.

FARMERS MARKET

A principal use which includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agriculture products.

FENCE

A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

FILL

Any material placed or graded on a lot where the material has the effect of increasing the elevation of any portion of the lot.

FINANCIAL INSTITUTION

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. Financial institutions may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. Financial institutions may include drive-through facilities.

FITNESS CENTER

A facility where members or nonmembers use equipment or space for the purpose of physical exercise. Retail sales of hand-held fitness equipment, clothing, or health foods may occur as an accessory use.

FLEA MARKET

A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. A farmer's market, where food items predominate, is different than a flea market. This also differs from a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items.

FLOOD (OR FLOODING)

A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters; and/or

b. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP

An official map issued by FEMA on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

FLOOD HAZARD BOUNDARY MAP (FHBM)

An official map issued by FEMA where the boundaries of the special flood hazard areas have been defined as Zone A.

FLOOD INSURANCE

The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOOD ZONE

A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FLOODPLAIN ADMINISTRATOR

The individual appointed to administer and enforce the flood damage prevention regulations.

FLOODPLAIN DEVELOPMENT PERMIT

A type of development permit for development within a special flood hazard area reviewed and approved or denied by the Planning Director in accordance with Section 2.4.12, Floodplain Development Permit prior to the commencement of development activity.

FLOODPLAIN OR FLOOD PRONE AREA

Any land area susceptible to being inundated by water from the base flood. The term refers to that area designated as subject to flooding from the base flood (One Hundred Year Flood) on the "Flood Insurance Rate Map" prepared by the Federal Emergency Management Agency and dated November 4, 1992, and also November 2, 1992, as revised, a copy of which is on file in the administrator's office. This area shall comprise the Floodplain Overlay Zoning District established in this ordinance.

FLOODPLAIN MANAGEMENT

The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS

This Ordinance and other regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local

regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

FLOOD-RESISTANT MATERIAL

Any building product (material, component, or system) capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR

The top surface of an enclosed area in a building (including the basement), such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

FOOD SALES (AS AN ACCESSORY USE)

The sale of prepared or processed food, snacks, baked goods, or other products intended for human consumption either for or not for profit, whether prepared on or off site as an accessory or subordinate activity to the principal use.

FOOTCANDLE

The amount of light that falls onto a surface as emitted by an exterior lighting device.

FREEBOARD

The height added to base flood elevation to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The base flood elevation plus the freeboard establishes the regulatory flood protection elevation (RFPE).

FREESTANDING SIGN

A sign that is attached to, erected on, or supported by some structure, such as pilings, that is not itself an integral part of a building or other structure.

FRONT (OR PRIMARY) FAÇADE

The side or elevation of a structure that contains the structure's architectural front including the primary customer entrance.

FRONTAGE

The width in linear feet occupied by each separate business or other use or the width in linear feet of a lot which fronts on a public street. Each building or lot front shall, for purposes of sign copy area allowed, be separately calculated.

FRONTAGE, BUILDING

The linear length of only that portion of a building used by an individual tenant on a separate lot or by an individual tenant in a multiple tenant development and which faces a public street or alley.

FUEL OIL/BOTTLED GAS DISTRIBUTOR

An establishment that distributes fuel oil or bottled gases such as propone or liquid petroleum for compensation.

FULL CUT-OFF LENS

An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

FULL SERVICE AREA

Portions of the county designated in the 2006 Land Use Plan as areas where the full range public infrastructure can and should be provided. Given the anticipated presence of public infrastructure, these areas are the most appropriate for increased growth and development, as anticipated by the Land Use Plan. The locations of Full Service Areas are shown in the 2006 Land Use Plan.

FUNCTIONALLY DEPENDENT FACILITY

A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

FUNERAL HOME

An establishment that provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home.

GABLE

A triangular area of an exterior wall formed by two sloping roofs.

GARAGE

An outbuilding or accessory structure for the purpose of parking vehicles.

GARAGE OR YARD SALE

A sale conducted by an occupant of a residence alone or in cooperation with neighbors conducted for the purpose of selling surplus household items for profit or for charitable purposes. Such sales are usually conducted from a garage associated with the residence or from the yard of the residence. Garage or yard sales may be distinguished from flea markets by the number of days of sale.

GASOLINE SALES

Buildings and premises where gasoline, oils and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities). Uses permissible at a gas sales establishment do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving

noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations.

GENERAL INDUSTRIAL SERVICE AND REPAIR

Establishments engaged in the repair or servicing of agriculture, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking, and storage.

GLARE

The reflection or harsh, bright light and the physical effect resulting from high luminances or insufficiently shielded light sources to cause annoyance, discomfort, or loss in visual performance and visibility.

GLAZING

The portion of an exterior building surface occupied by glass or windows

GOLF COURSE

A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course, public or private, may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

GOLF DRIVING RANGE

A limited area on which golf players do not walk, but onto which they drive golf balls from a common driving tee. Such uses may include a concessions stand, netting, exterior lighting fixtures, putting greens, as well as maintenance and outdoor storage areas. Such uses do not include golf courses.

GOVERNMENT MAINTENANCE, STORAGE, AND DISTRIBUTION FACILITY

A facility housing government shops, maintenance and repair centers, equipment, and outdoor storage yards.

GOVERNMENT OFFICE

An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.

GREEN ROOF

The roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

GREENHOUSE

A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants.

GREENWAY

A linear greenbelt linking various types of development by such facilities as bicycle paths, footpaths, and bridle paths. Greenways are usually kept in their natural state except for the pathway and area immediately adjacent to the pathway.

GROCERY STORE

An establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public.

GROUND COVER

Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

HALFWAY HOUSE

A licensed home for not more than nine juveniles or adult persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents back into society, enabling them to live independently.

HAZARDOUS WASTE MANAGEMENT FACILITY

For purposes of Flood Damage Prevention, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste, as defined in NCGS 130A, Article 9.

HEAVY EQUIPMENT SALES, RENTAL, AND SERVICE

An establishment engaged in the display, sale, leasing, servicing, or rental of heavy equipment of 12,000 or more pounds gross vehicular weight (GVW). The use may also consist of a vehicle or series of vehicle that service or repair heavy equipment on-site.

HELICOPTER LANDING FACILITY

An area, either on ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and which may include auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.

HIGHEST ADJACENT GRADE

For the purposes of Section 7.4, Flood Damage Prevention, the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HISTORIC STRUCTURE

Any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or

d. Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program".

HOME OCCUPATION

A business, profession, occupation, or trade which is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, and is incidental and

secondary to the residential use of the lot and which does not adversely and/or perceptively affect the character of the lot or surrounding area. Home occupation includes but is not limited to: offices; electronic and offsite retail; personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as: automotive repair and the like; dentists or physician's offices and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business which is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

HOMEOWNERS ASSOCIATION (HOA)

An organization of homeowners or property owners of lots or land in a particular subdivision, condominium, or planned development. The home owners association is responsible for maintaining and enhancing the shared public and private infrastructure (e.g., streets and sidewalks) and common space like recreation features.

HOSPITAL

An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by state law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include in-patient medical or surgical care for the sick or injured and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

HOTEL OR MOTEL

Hotel, motel, resorts, lodges, and similar overnight lodging uses are to be considered synonymous uses. A hotel or motel means a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or a rooming house. Such uses may include microwaves and refrigerators for each guest unit.

HOUSING FOR POULTRY

Enclosures, coups, and fenced areas intended for the care and keeping of small domestic poultry as an accessory use to a single-family dwelling unit.

HUNTING (OR FISHING) LODGE

An enterprise consisting of one or more buildings wherein there are located not more than 15 lodging units designed to provide short term accommodations primarily to persons intending to participate in hunting or fishing activities. A hunting and fishing lodge does not include a restaurant open to the general public in connection with or on the same premises as the lodge (if a restaurant is so operated, the enterprise shall be classified as a hotel or motel).

HYDROLOGIC & HAUDRAULIC ANALYSIS

The analyses of how watersheds respond to the conversion of rainfall to runoff, and how that response is translated into stream flows, water depths and water surface elevations. Such analyses can be performed for natural and manmade drainage systems, which can be open (stream networks), or closed (pipe networks), or combinations of the two. H&H analyses are generally performed with specialized computer software packages such as SWMM, HEC-HMS/HEC-RAS, P-8 Urban Catchment Model, etc.

ICE HOUSE

A manned or unmanned facility selling packaged ice manufactured off-site to members of the public at retail or wholesale.

IMPERVIOUS SURFACE

A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: non-vegetated roofs, structures, swimming pools, streets, parking areas, sidewalks, driveways, and any concrete, asphalt, or compacted gravel surface.

IMPROVEMENT

As used in Section 7.4, Flood Damage Prevention, any repairs, reconstruction, or rehabilitation of a building.

INCINERATOR

A facility that burns refuse at high temperatures to reduce the volume of waste.

INGRESS

Access or entry to a building or site.

INSPECTIONS DIRECTOR

The Director of Inspections for Currituck County, North Carolina, or a designee.

INTERNALLY ILLUMINATED NEON SIGN

A sign where the source of illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (i) are filled with neon or some other gas that glows when an electrical current passes through it and (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to the parts of the sign that contain the message, shall also be considered an internally illuminated sign.

INTERPRETATION

An interpretation of this Ordinance, the Official Zoning Map, or conditions of approval made in writing by the Planning Director or designee in accordance with the standards in Section 2.4.16, Interpretation.

JUNK

Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. Junk does not include materials used for recycling purposes as part of an approved recycling center (processing or transfer).

JUNKYARD

An establishment or place of business which is maintained, operated or used for sorting, keeping, buying or selling junk or recoverable materials.

For the purposes of section 7.4, Flood Damage Prevention, any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

KENNEL

A facility where dogs, cats, or other domestic animals over six months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed. The facility may be indoors, outdoors, or both.

LAND

The earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

LAND APPLICATION OF COMMERCIAL SLUDGE AND SEPTAGE

The soil amendment practice of applying organic waste materials, such as sewage sludge, non-sewage sludge, septage, food processing, and other solid waste, for agricultural purposes.

LAND DISTURBING ACTIVITY

Any movement of earth or substrate, manually or mechanically, including but not limited to any modification of existing grade by dredging, demolition, excavation or fill, grading, scraping, vegetation removal, landscaping, coring, well drilling, pile driving, undergrounding utility lines, trenching, bulldozing, sheeting, shoring and excavation for laying or removing foundations, pilings or other purposes.

LAND USE PLAN, 2006

The land use plan for Currituck County approved by the North Carolina Division Coastal Management and the adopted by the Board of Commissioners.

LANDFILL, CONSTRUCTION DEBRIS

A solid waste disposal facility consisting of an area of land or an excavation used for disposal of solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures.

LANDFILL, LAND CLEARING AND INERT DEBRIS

A solid waste disposal facility consisting of an area of land or an excavation used for disposal of solid waste generated solely from land clearing activities and/or solid waste consisting solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.

LANDOWNER

Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner. The person shown on the records of the register of deeds of the county shall be presumed to be the person in control of the property.

LANDSCAPING

The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and objects designed and arranged to produce an aesthetically pleasing effect.

LANDSCAPE STRIP, PERIMETER

Vegetative material associated with the perimeter landscaping required for a vehicular use area.

LARGE RETAIL DEVELOPMENT

A retail establishment consisting of a single tenant in a single building of 30,000 square feet or more in area with 60 percent or more of the total floor area occupied by retail sales activities.

LAUNDROMAT

A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

LAUNDRY, DRY CLEANING, AND CARPET CLEANING FACILITY

A facility used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in water or volatile solvents.

LIBRARY

A public facility for the use, but not sale, of literary, historical, scientific, musical, artistic, or other reference materials.

LIMITED SERVICE AREAS

Portions of the county designated in the 2006 Land Use Plan as areas where some public infrastructure can be accommodated (though the anticipated level of service provision is reduced from that found in a Full Service Area). Given the anticipated presence of public infrastructure, these areas are appropriate for more growth and development than would anticipated for rural, agricultural, and conservation areas by the Land Use Plan. The locations of Limited Service Areas are shown in the 2006 Land Use Plan.

LIVESTOCK

Animals normally raised on a farm, or as part of commercial agricultural or animal husbandry operations, or normally used for purposes related to agricultural production or commerce, wildlife farms and animal rehabilitation facilities. Livestock, including animal breeds derived from livestock, shall not be deemed to be pets and may not be maintained as an accessory to a residential use unless specifically permitted within the Unified Development Ordinance. Livestock shall be defined into two groups as follows:

a. Large animals: including horses, mules, donkeys, llamas, cattle, swine, goats, sheep, and similar breeds.

b. Small animals: including chickens, turkeys, peacocks, and other fowl and similar breeds.

LOADING SPACE, OFF-STREET

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.

LOT

A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

LOT, EXISTING

See "Existing Lot (Lot of Record)".

LOT, FLAG

An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. The arm portion of the lot is not counted in determining minimum lot area. Further, in cases where a minimum lot width is prescribed, the arm width may be less than the minimum required lot width.

LOWEST ADJACENT GRADE

For the purposes of Section 7.4, Flood Damage Prevention, the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor.

LUMEN

A unit of luminous flux. One foot-candle is one lumen per square foot. Lumen output values shall be the initial lumen output ratings of a lamp.

MACHINE SHOP

An establishment where metal is cut and shaped by machine tools.

MAINLAND

The portion of Currituck County connected to the mainland, but excluding Knotts Island and Gibbs Woods.

MAJOR RECREATIONAL EQUIPMENT

Vehicles and equipment intended primarily for recreational purposes, including, but not limited to: boats, campers, recreational vehicles, motor homes, and travel trailers.

MANSARD ROOF

A sloped roof or roof-like facade architecturally comparable to a building wall.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME/PREFABRICATED BUILDINGSALES

A retail establishment engaged in the sale of manufactured homes or prefabricated buildings that are built or assembled on- or off-site.

MANUFACTURED HOME PARK OR SUBDIVISION

For the purposes of Flood Damage Prevention, means a parcel (or contiguous parcels) or land divided into two or more manufactured home lots for rent or sale.

MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION, EXISTING

For the purposes of Section 7.4, Flood Damage Prevention, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

MANUFACTURING, HEAVY

Manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum refining, and manufacture of chemicals, fertilizers, paint, and turpentine.

MANUFACTURING, LIGHT

The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment;

woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

MAP AMENDMENT

A type of zoning district change reviewed and approved, or denied by the Board of Commissioners in accordance with Section 2.4.3, Map Amendment.

MARINA

Any publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than ten boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haul out facilities and repair service. Excluded from this definition are boat ramp facilities allowing access only, temporary docking and none of the preceding services. Marinas for ten boats or less shall be classified as privately owned outdoor recreation facilities.

MARITIME FOREST

Forested areas along the coast that are subject to salt spray or periodic inundation by salt water.

MARKET VALUE

For the purposes of Section 7.4, Flood Damage Prevention, The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

MAXIMUM EXTENT PRACTICABLE

No feasible or practical alternative exists, as determined by the county, and all possible efforts to comply with the standards or regulation to minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."

MEAN SEA LEVEL

The National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

MEDICAL TREATMENT FACILITY

A small-scale facility which may or may not be located in a converted dwelling or residence where patients are admitted for examination and treatment by one or more physicians, dentists or psychologists. Patients may or may not receive care or lodging overnight. Such facilities may include sleeping rooms for care workers and members of patient's families.

MIXED-USE DEVELOPMENT

A tract of land or structure developed for two or more different uses, such as, but not limited to, residential, office, retail, institutional, public, or entertainment. Such uses are functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access.

MUSEUM

A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products such as prepared food to the public.

NEIGHBORHOOD RECREATION CENTER

A facility providing recreation facilities and/or meeting rooms, that is typically oriented to addressing the recreational needs of the residents of a neighborhood or community area.

NEW CONSTRUCTION

For the purposes of Section 7.4, Flood Damage Prevention, structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

NIGHTCLUB

Any establishment, whether public or a private club, serving a predominantly adult clientele, and whose primary business is the sale of alcoholic beverages, including beer and wine, for consumption on the premises in conjunction with dancing or live performances, and which sets a minimum age requirement for entrance. An establishment is not a nightclub if the establishment: (1) has a Class A restaurant license from the State of North Carolina; (2) maintains a full service restaurant on its premises at all times when it is open to the public for business; and (3) provides facilities for seating not less than 40 persons simultaneously at tables for the service of meals. The establishment is also not a nightclub if the establishment allows entrance at all times to any person regardless of age.

NON-ENCROACHMENT AREA

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

NON-PARTICIPATING LANDOWNER

The owner of a parcel of land not included in the use permit application for a Wind Energy Facility, Large.

NONCONFORMING LOT

A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING SIGN

Any sign lawfully existing on the effective date of this Ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING SITE FEATURE

Any site feature or attribute, including but not limited to off-street parking, landscaping, screening of mechanical equipment, or walls and fences that was lawful at the time of development that does not conform to all the standards and regulations of this Ordinance.

NONCONFORMING STRUCTURE

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING USE

Any actual and active use lawfully being made of any land, building, sign or structure not otherwise abandoned, which exists on the effective date of this Ordinance or on the effective date of any amendment thereto, and renders such existing use illegal within a district, or which does not comply in any fashion with any of the regulations of this Ordinance or any amendments thereto. If the property or structure is vacant or unused on the effective date of this Ordinance or any amendment thereto, it shall be conclusively presumed that the property or structure is subject to the provisions of this Ordinance or any amendments thereto. A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMITY

A nonconforming use, structure, lot of record, sign, or site feature.

NORTH CAROLINA COMMERCIAL BUILDING CODE

A set of standards and regulations established by the North Carolina Building Council that control building design, construction, and materials used in commercial or nonresidential construction.

NORTH CAROLINA GENERAL STATUTES

The laws created by the State of North Carolina legislature and to which Currituck County is required to uphold.

NOTICE OF APPEAL

The document and justification for an appeal of a decision or interpretation made by a county staff member.

NOTICE OF VIOLATION

A notice indicating an infraction of this Ordinance; not associated with a fine.

NURSERY, PRODUCTION

The growing, storage, storage, and sale of garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials for resale, typically occurring as wholesale or retail sales directly to landscaping professionals. Such uses may include limited incidental retail sales to members of the general public. Such uses may include greenhouses; outdoor storage of goods, materials, and equipment; irrigation systems; and caretaker's dwelling.

NURSING HOME

Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more non-related individuals, including facilities known by varying nomenclature or designation such as rest homes, convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities and infirmaries. This does not include the home or residence of any individual who cares for or maintains only persons related to him or her by blood or marriage.

OCCUPIED BUILDING

A permanent habitable structure that is occupied or in use and connected to water, sewer and electric utilities.

OFFICIAL ZONING MAP

See "Zoning Map".

OFFICE, BUSINESS AND SALES

A room, or group of rooms used for conducting the affairs of a general business establishment, including financial services or sales of real estate or other personal property, but not professional services. Examples of business services office uses include offices for retail and wholesale establishments, banking services, investment banking, stock brokerage, investment services, credit card services real estate sales, artwork, artifacts, or other specialized services.

OFFICE, PROFESSIONAL SERVICES

A room or group of rooms used for conducting the affairs of a business, profession, or service industry. Examples of professional services offices include offices for lawyers, accountants, engineers, architects, doctors, dentists, and similar professions.

OFF-PREMISE SIGN

See "Sign, Off-premise".

ON-SITE WASTEWATER SYSTEM

An on-site system relying on natural processes and/or mechanical components to collect, treat, and disperse wastewater from a single dwelling or building.

OPACITY

A measurement indicating the degree of obscuration of light or visibility.

OPEN SPACE

Space suitable for passive recreation, gardens or landscaping which may include areas left in their natural state, trails, ponds, stream banks, recreation areas, areas of excessive slopes, low-lying areas, marshland, environmentally-sensitive areas, required landscaping areas and some governmental facilities. Such space must be free of automobile traffic but parking is allowed, and be readily accessible to all those for whom it is required.

OPEN SPACE, ACTIVE

Space suitable for active forms of recreation, including athletic fields, playgrounds, swimming pools, courts, tracks, and similar uses that are well served by streets, parking facilities, spectator areas, restroom facilities, and exterior lighting where appropriate.

OPEN SPACE, COMMON

An open space area owned privately or in common for use by all members of the public.

OPEN SPACE, PASSIVE

Required open space areas designated for passive recreation uses including walking trails, pathways, gazebos, picnic areas, fountains and pools, plazas, and similar areas. Such areas may also include undisturbed natural vegetation.

OPEN SPACE, PRIVATE

Space on each building lot that is for the private use of inhabitants.

OPEN SPACE SET-ASIDE

Portion of a proposed development required for reservation as permanent open space by Section 7.1 Open Space Set-Asides.

ORDINANCE

A document of regulations enforceable as municipal law.

OUT-PARCEL

A lot or pad site within a commercial area or shopping center that is zoned for commercial use and functions as a separate unit.

OUTDOOR DISPLAY AND SALES

The placement of products or materials (other than vehicles) for sale outside the entrance of a retail or wholesale sales establishment.

OUTDOOR SHOOTING RANGE

The commercial use of land for the discharging of firearms for the purpose of target practice, skeet and trap shooting, shooting competitions, or instructional classes. This does not include private ranges intended for personal non-commercial use or infrequent special events subject to a temporary use permit (see Section 2.4.11).

OUTDOOR STORAGE

An area for the storage of goods that have a large size, mass, or volume and are not easily moved or carried without the use of a mechanical lifting device. This includes but is not limited to items such as lumber, large stacks of outdoor furniture, mulch, fertilizer, equipment, and other similar uses.

OUTDOOR TOUR OPERATOR

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.

OUTER BANKS

The portion of the county located on coastal barrier island.

OVERLAY DISTRICT

A zoning district that includes supplementary or replacement regulations to the requirements of the underlying, base zoning district.

OWNER

The person firm or organization in whom is vested the ownership, dominion or title of property. The person firm or organization who is recognized and held responsible by the law as the owner of property.

PARAPET

A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

PARCEL

Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

PARK, PUBLIC AND PRIVATE

Land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.

PARKING DEMAND STUDY

An analysis of the total number of parking spaces required in order to accommodate the maximum number of vehicles for parking purposes by a particular use or site at any given time, including the parking requirements for all employees, occupants, clients, and visitors.

PARKING BAY

The parking module consisting of one row of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.

PARKING LOT

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

PARKING LOT DRIVE AISLE

A vehicular accessway located within an off-street parking or vehicular use area which serves individual parking stalls and driveways.

PARKING SPACE, ACCESSIBLE

A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.

PARKING SPACE, OFF-STREET

A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

PARKING STRUCTURE

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

PARKING, DEFERRED

A portion of the required off-street parking associated with a use that is not installed at the time of construction, but delayed or deferred until a parking demand study can be completed to determine if the additional required parking is needed.

PARKING, OFF-SITE

An off-street parking area provided on a different parcel than the use it is intended to serve.

PARKING, ON STREET

A location or area within the right-of-way of a public or private street that is reserved for the parking of vehicles. Such areas may or may not be formally designated with signage, striping, or parking meters.

PARKING, SHARED

Off-street parking facilities shared by two or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).

PARKING, TANDEM

A parking space within a group of two or more parking spaces arranged one behind the other.

PARTY WALL

A wall separating and common to two or more buildings on individual lots that consists of noncombustible material as specified by the Virginia Uniform Statewide Building Code.

PASSENGER TERMINAL, SURFACE TRANSPORTATION

A facility that receives and discharges passengers and at which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, railroad, shuttle van, or other similar vehicular services.

PATHWAYS, PEDESTRIAN

Interconnected paved walkways that provide a pedestrian passage through blocks running from street to street, vehicular use areas, or other locations.

PATIO

An area, usually paved, adjoining a building - used as an area for outdoor lounging, dining, or gathering.

PAWN SHOP

An establishment engaged in loaning money upon deposit of personal property. Such uses also store personal property on site and sell goods at retail sale.

PEDESTRIAN

A person traveling on foot under their own locomotion.

PEDESTRIAN CONNECTION

A right-of-way intended for pedestrian movement/activity, including but not limited to, sidewalks, internal walkways, external and internal arcades, and plazas.

PERFORMANCE GUARANTEE

Cash or other guarantee provided by an applicant in-lieu of completion of public infrastructure or installation of required private site features prior to issuance of a building permit or other development approval.

PERSON

For the purposes of enforcing this Ordinance in accordance with Chapter 9: Enforcement, "person" includes any individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established in Chapter 9: Enforcement, for violating this Ordinance shall include: an architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Ordinance; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the land on which the violation occurs.

For all other purposes, "person" means any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

PERSONAL SERVICES ESTABLISHMENT

An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include; laundry and dry-cleaning drop-off establishments; photographic studios; mailing or packing service, photocopy and blueprint services; hair, tanning, and personal care services; psychics and mediums; martial arts schools; dance or music classes.

PERVIOUS SURFACE

Any land surface not effectively covered by impervious surface, in which rainfall and stormwater runoff can naturally infiltrate.

PILASTER

A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.

PLANNED DEVELOPMENT

When used to describe a type of development, a tract of land that is planned and developed as an integral unit in accordance with a master plan and flexible development standards that illustrate and address land uses, circulation, utilities, parking, setbacks, housing densities, land coverage, landscaping and buffers, open space, and similar features of the project.

When used as a process, terms describe type of zoning district change procedure reviewed and approved or denied by the Board of Commissioners in accordance with Section 2.4.5, Planned Development.

PLANNED UNIT DEVELOPMENT

A master-planned development under unified control that allows a variety of different use types and development configurations reviewed and approved by the county under previous versions of the unified development ordinance.

PLANNED UNIT DEVELOPMENT OVERLAY

The overlay zoning district used to designate areas where planned unit development is permitted.

PLANNING BOARD

The Currituck County Planning Board, established by ordinance in accordance with the North Carolina General Statutes.

PLANNING DIRECTOR

The Planning Director of Currituck County, or a designee.

PLANTING SEASON

The dormant time of the year for trees beginning with leaf drop and ending with bud break; generally late fall to early spring.

PLANTING STRIP

Areas intended for the placement of vegetation within the interior of vehicular use areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

PLAYGROUND

Land which is improved with active recreation equipment and areas such as swings, gym bars, and other similar equipment.

PLAZA

An open area which is available to the public for gathering, walking, seating, and eating.

POLICE, FIRE, OR EMS FACILITY

A facility for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles, and equipment and facilities for the housing and feeding of emergency personnel while on duty.

PORCH

A covered projection (can be glazed or screened) from the main wall of a building, with a separate roof, that is not used for livable space.

PORTABLE SHIPPING CONTAINER

A large container, typically intended for transport by large truck, train, or ship, that is used for the temporary storage and or transport of personal property.

PORTICO

A large porch usually with a pediment usually associated with an entrance, supported by columns.

POST-FIRM

Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map

PRE-FIRM

Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map.

PREMISES

A lot or parcel of real property where a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity or use exists or is conducted, manufactured, sold, offered, maintained or takes place.

PRESENT USE VALUE

A designation used by the Currituck County Property Appraiser to identify land which is being used for agricultural purposes.

PRIMARY DRIVE AISLE

The main aisle(s) that extends from the street right-of-way, or from the driveway entrance(s) serving a development along the front of the building it serves.

PRIMARY ENTRANCE

The place of ingress and egress to a building, parcel, or development used most frequently by the public.

PRIMARY FRONTAL DUNE

A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and over-topping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

PRINCIPALLY ABOVE GROUND

At least 51 percent of the actual cash value of the structure is above ground.

PRODUCE STAND OR PRODUCE SALES

A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such uses also include "pick your own" establishments where customers gather their own produce from the fields for purchase and off-site consumption.

PROJECTING BAY

A space projecting outward from the main walls of a building and forming a bay in a room, often incorporating a window.

PROPERTY OWNERS ASSOCIATION

See "Homeowners Association (HOA)".

PSYCHIATRIC TREATMENT FACILITY

Inpatient facility which provides care for persons with psychiatric problems and which may include outpatient follow-up care to the facility's patients.

PUBLIC CONVENIENCE CENTER/TRANSFER STATION

A publically-owned and operated facility for the purposes of collection of trash and waste for relocation to a sorting facility or permanent long term storage location.

PUBLIC HEARING, LEGISLATIVE

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed ordinances, amendments or other official county business which require public participation and input.

PUBLIC HEARING, QUASI-JUDICIAL

A formal public hearing involving the legal rights of specific parties conducted by the Board of Commissioners or the Board of Adjustment based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and typically involve findings of fact made by the decision-making body.

PUBLIC INFRASTRUCTURE

Aspects of the public realm owned and maintained by the county or the state that serve the public at large, including streets, highways, sidewalks, curb and gutter, potable water distribution systems, sanitary sewer systems, stormwater drainage retention and conveyance features, street lights, on-street parking spaces, and similar aspects located within a public right-of-way or public easement.

PUBLIC ROAD

Roads maintained by North Carolina Department of Transportation.

PUBLIC SAFETY AND/OR NUISANCE

For the purposes of Section 7.4, Flood Damage Prevention, anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

QUORUM

The minimum number of board members that must be present in order to conduct official business or take official action.

RAINWATER CISTERN

A catchment device intended to capture rain water from a roof or other surface before it reaches the ground.

RECOVERABLE MATERIALS

Materials which the majority can be feasibly recycled, and has been diverted or removed from solid waste stream for sale, use, or reuse.

RECREATIONAL VEHICLE

A vehicle, which is:

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) designed to be self-propelled or permanently towable by a light duty truck; and

(d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECREATION, INDOOR

A private indoor (entirely within an enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor).

RECREATION, OUTDOOR

A private outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include, but are not limited to, miniature golf facilities, outdoor commercial tourist attractions, and drive-in theatres.

RECYCLABLE MATERIALS

Materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste. Recyclable materials do not include residential or commercial solid waste, hazardous or toxic waste.

RECYCLING CENTER, PROCESSING

A facility used for the collection and processing of recyclable and recoverable materials. Processing means the preparation of materials for efficient shipment, or to an end-user's specifications, by such means as briquetting, compacting, chipping, flattening, grinding, crushing, sorting, shredding, cleaning, and altering. A processing recycling center does not include salvage of junk yards.

RECYCLING CENTER, TRANSFER

A facility which recyclable or recoverable materials are collected, sorted, and prepared for transfer to another facility for processing. A transfer recycling center may not process by briquetting, compacting, chipping, flattening, grinding, crushing, shredding, cleaning, or altering the materials.

REDEVELOPMENT

Any proposed expansion, addition, reduction, or other alteration to an existing building, structure, or other constructed feature on a lot or site. Redevelopment also includes changes in use to existing buildings, as well as modifications to site features such as parking, signage, landscaping, grading, stormwater management devices, or changes to outdoor storage.

REFERENCE LEVEL

The top of the lowest floor for structures within the special flood hazard area in the A and AE flood zones, and the bottom of the lowest horizontal structural member of the lowest floor of structures in the VE flood zone.

REGISTERED ENGINEER

A person who, by reason of special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, has

acquired by engineering education and subsequently licensed as a professional engineer by the Board established in Chapter 89C of the North Carolina General Statutes.

REGULATORY FLOOD PROTECTION EVEVATION (RFPE)

The base flood elevation plus freeboard. In special flood hazard areas where base flood elevations have been determined, this elevation shall be the base flood elevation plus one foot of freeboard. In special flood hazard areas where no base flood elevation has been established, this elevation shall be at least two feet above the highest adjacent grade.

RELIGIOUS INSTITUTION

A structure or place in which worship, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. Religious institutions include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, caretaker's housing, pastor's housing, and group living facilities such as convents.

REMEDY A VIOLATION

For the purposes of Section 7.4, Flood Damage Prevention, to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

REPAIR ESTABLISHMENT

An establishment primarily engaged in the provision of repair services for TV's, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment; including tailor; locksmith; and upholsterer. Repair establishments do not include outdoor storage of goods, materials, or equipment.

RESEARCH AND DEVELOPMENT

A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use.

RESTAURANT, WITH INDOOR AND OUTDOOR SEATING ONLY

An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on the premises. Such a facility may include indoor and outdoor seating, but no drive-through service.

RETAIL SALES ESTABLISHMENT

Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Examples include stores selling, leasing, or renting consumer, home, and business goods such as art, art supplies, bicycles, cameras, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries and food sales, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos.

RIGHT OF WAY

An area of land not on a lot (or part of a minimum lot area) that is dedicated for public or private use to accommodate a transportation system and necessary public or private utility infrastructure (including but not limited to roads, water lines, sewer lines, power lines, and gas lines.) In no case shall a right-of-way be construed to mean an easement. For a subdivision subject to county review, the area of land shall be owned fee-simple and of a sufficient width to meet the requirements of this Ordinance.

RIVERINE

Aspect or element relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

ROADSIDE MARKET

A retail establishment located beside a major arterial or collector street engaged in the retail sale or resale of agricultural products and seafood by one or more vendor.

ROOF, FLAT

A roof with a slope of less than one foot of vertical rise for every four feet of horizontal run (3:12).

ROOFLINE

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof excluding any cupolas, chimneys or other minor projection.

ROOMING HOUSE OR BOARDING HOUSE

Any building or portion thereof for providing lodging, either with meals (boarding house) or without meals (rooming house), to not more than five guests, where rent is paid to the owner or proprietor.

ROOT ZONE

The area inside the dripline of a tree that contains its roots.

SALVAGE YARD

An establishment primarily engaged in the storage, sale, dismantling or other processing of recoverable and recyclable materials which are not intended for reuse in their original forms, such as automotive wrecking yards, metal salvage yards, or paper salvage yards.

For the purposes of section 7.4, Flood Damage Prevention, any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

SAND DUNES

A naturally occurring accumulations of sand in ridges or mounds landward of the beach.

SATELLITE DISH ANTENNA

A round or parabolic antenna and its supporting structure for the purposes of sending and/or receiving radio or electromagnetic signals. Satellite dishes with a diameter up to 39 inches are considered as "small" satellite antenna dishes, while any such use with a diameter of more than 39 inches is considered as a "large" satellite dish antenna.

SCHOOL

A public or private school offering general, technical, or alternative instruction at the elementary, middle, and/or high school levels that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes.

Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

SEASONAL HIGH WATER TABLE

The upper limit at which soil is saturated with water for periods long enough for anaerobic conditions to affect soil chemical properties and color or the highest level that groundwater, at atmospheric pressure, reaches in the soil in most years, but not necessarily the level to which it rises in response to severe storm events.

SEASONAL SALES

The temporary sale of goods or products associated with the season or a cultural event, such as the sale of Christmas trees, pumpkins, or seasonal produce. Such sales typically take place in locations not devoted to such sales for the remainder of the year.

SECURITY TRAINING FACILITY

A facility located on at least 3,500 contiguous acres which provides the following services; explosives training, driver training (including vehicle maintenance facility to support driver training activities), training operations utilizing fixed and rotary wing aircraft (including parachute operations and training, airstrip and supporting aviation structures, and parachute landing zones), towers that are 100' tall or less that are used in connection with security training, dining facilities, commercial retail and lodging areas, and office, clerical, research and services related to security training operations and services.

SELF-SERVICE STORAGE

A building divided into sections for use for storage of items, either temporary or long-term, and not to be used for any other purpose (such as small offices, garages, etc.). Also called "mini-warehouse."

SENIOR CENTER

A facility typically for use by citizens of 62 years of age, or older, dedicated to the provision of services, activities, or facilitation of interaction between older citizens and the community at large. Such centers may be publicly or privately-owned, but are not operated for a profit.

SHEAR WALL

Walls used for structural support but not structurally joined or enclosed at the end (except by breakaway walls). Shear walls are parallel or nearly parallel to the flow of the water.

SHOPPING CENTER

One or more commercial buildings with 5,000 or more square feet of area that is divided into four or more individual tenant spaces that are planned, constructed, and managed as a single entity with common parking, access, loading, stormwater, landscaping, and open space facilities.

SHRUB

A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

SIGHT TRIANGLE

A triangular shaped portion of land established at street and driveway intersections in which nothing is erected or placed in such a manner as to limit or obstruct the line of sight of motorists entering or leaving an intersection or business. The site triangle is 10 feet x 70 feet where public road rights-of-way intersect and, 20 feet x 20 feet where driveways intersect with road rights-of-way.

SIGN

Any device that (i) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision two of this definition, and (ii) is designed to attract the attention of such persons or to communicate information to them.

SIGN AREA

The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

SIGN PERMIT

A type of permit approval related to signage reviewed and approved or denied by the Planning Director in accordance with Section 2.4.10, Sign Permit.

SIGN, AWNING

Any message printed on an awning.

SIGN, COMMUNITY EVENT

A temporary sign announcing a specific occurrence taking place within the overlay district.

SIGN, COMMUNITY IDENTIFICATION

A sign at the entrance of a designated residential area identifying the name of the community.

SIGN, CONTRACTOR

A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, COTTAGE

A sign placed on a dwelling displaying the name of the house or cottage.

SIGN, DIRECTIONAL

An on-premise sign that includes information assisting in the flow of pedestrian or vehicular traffic.

SIGN, FLAG OR FEATHERFLAG

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device for the purpose of advertisement.

SIGN, FREESTANDING

A sign that is attached to, erected on, or supported by some structure, such as pilings, that is not itself an integral part of a building or other structure.

SIGN, GOVERNMENTAL

A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

SIGN, INFLATABLE

Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

SIGN, LANDSCAPING

A sign placed on the lawn of a residential or commercial property advertising the company that landscapes and maintains the property.

SIGN, NONCONFORMING

Any sign that does not meet one or more of the requirements of this Ordinance as of the effective date of this Ordinance.

SIGN, OFF PREMISE

A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided at a location other than on the premises where the sign is located. Several types of off-premises signs may exist or otherwise be subject to the requirements of this article. Billboards are examples of off-premises signs. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the Federal, State, County government or their public agencies.

SIGN, OFF PREMISE DIRECTIONAL

An off-premise sign that displays the name of a business, institution, or other location or activity and the direction in which it is located.

SIGN, ON PREMISE

A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided on the premises or at the same location (site or tract) as that where the sign is located. Several types of on-premises signs may exist or otherwise be subject to the requirements of this article regarding such signs. Ground signs and directional signs are examples of on-premises signs.

SIGN, OPEN HOUSE

A sign placed along the highway pointing toward a model home or a home that is for sale or placed in front of the home for sale and open for public viewing.

SIGN, POLICITCAL

A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

SIGN, PORTABLE

A sign that is not permanent, affixed to a building, structure, or the ground (e.g., sandwich/tent signs).

SIGN, REAL ESTATE

A sign placed on a property for sale, identifying the real estate company or agent and a phone number.

SIGN, RENTAL

A sign placed on a residentially zoned building that is in a rental program offered by a rental company or private owner.

SIGN, ROOF

A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

SIGN, SANDWICH/TENT

A temporary sign regulated by season.

SIGN, SUSPENDED
A sign hanging down from a marquee, awning, or porch that would exist without the sign.

SIGN, SECURITY
A sign placed on the lawn of a residential or commercial property advertising the company that provides security services for the property.

SIGN, TEMPORARY
A sign or advertising display designed or intended to be displayed for a short period of time.

SIGN, WALL
A sign fastened to a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign. Railing and awning signs are also included in this definition.

SIGN, WINDOW
Any sign attached to the window glass of a commercial building.

SILVICULTURE
The farming of trees in accordance with the State of North Carolina Forestry Commission requirements.

SITE LANDSCAPING
Required vegetative material consisting of trees and shrubs that are placed on a development site to soften built edges and provide transitions.(see Section 5.2, Landscaping Standards).

SITE PLAN, MAJOR
A type of site approval reviewed and approved or denied by the Technical Review Committee, in accordance with Section 2.4.7.D, Major Site Plan Review Procedure.

SITE PLAN, MINOR
A type of site approval reviewed and approved or denied by the Planning Director, in accordance with Section 2.4.7.E, Minor Site Plan Review Procedure.

SITE-SPECIFIC SITE PLAN (VESTING PLAN)
A diagram to scale showing the development plans for a project and containing all information required of a commercial site plan, use permit, or preliminary plat.

SOIL PERMEABILITY OR SOIL INFILTRATION RATE
The measure of the rate at which soil is able to absorb rainfall or irrigation, typically measured in inches per hour or millimeters per hour.

SOIL VOIDS
The measure of the proportion of empty spaces available to store water within the soil profile, expressed as a fraction of the volume of voids over the total volume, between 0–1, or as a percentage between 0–100 percent.

SOLAR ARRAY
Two or more solar collectors or photovoltaic panels intended to capture energy from sunlight, convert it to electricity, and save or deliver the electricity for off-site use.

SOLAR ENERGY EQUIPMENT
A system designed to convert solar radiation into usable energy for space, water heating, or other uses.

SOILD WASTE DISPOSAL FACILITY

For the purposes of Flood Damage Prevention, any facility involved in the disposal of solid waste, as defined in NCGS 130A-290 (a)(35).

SOILD WASTE DISPOSAL SITE

For the purposes of Flood Damage Prevention, any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

SPECIALTY EATING ESTABLISHMENT

Establishments selling specialty food items that normally do not constitute a full meal, including but not limited to: ice cream parlors, dessert cafes, snack shops, juice and coffee houses, and bakeries.

SPECIAL EVENT

A planned, temporary activity required subject to review and approval of a temporary use permit by the county.

SPECIAL FLOOD HAZARD AREA

The land in the floodplain (including the floodway and the non-encroachment area) subject to a one percent or greater chance of flooding in any given year.

STABLE

A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of horses and an instructor engaged for the purpose of educating and training students in equitation.

STADIUM

See "Arena".

START OF CONSTRUCTION

For the purposes of Section 7.4, Flood Damage Prevention, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STATE

The state of North Carolina.

STOCKYARD/SLAUGHTERHOUSE

A site where livestock is stored and butchered for food.

STORMWATER MANAGEMENT MANUAL

The Stormwater Management Manual for Currituck County adopted by the Board of Commissioners.

STREET STUB

A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.

STREET TREE

A canopy tree planted or existing within or along either side of a street right-of-way.

STREET, ALLEY

Any strip of land publicly or privately owned, less than 16 feet in width between lot lines, set aside for vehicular right-of-way to adjoining lots.

STREET, ARTERIAL ACCESS

A street that is parallel to and adjacent to a major arterial street and that is designed to provide access to abutting properties as means of protecting the arterial street's traffic carrying capacity.

STREET, COLLECTOR

A street whose principle function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than 100 dwelling units and 800 trips per day.

STREET, CUL-DE-SAC

A local street that terminates in a vehicular turnaround.

STREET, LOCAL

A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and less than 800 trips per day.

STREET, LOOP

A street that has its beginning and points on the same road.

STREET, MAJOR ARTERIAL

A street whose principal function is to carry large volumes of traffic at higher speeds from one part of the county to another. Specifically, the following streets shall be considered arterials: US 158, NC 168, NC 34, NC 136, NC 615 and NC 12 (Ocean Trail).

STREET, PRIVATE

A street other than a public street.

STREET, PRIVATE ACCESS

A street subject to the requirements of Section 6.2.1.B.1, Private Access Streets, that serves a family subdivision or a maximum of two lots.

STREET, PUBLIC

A public right-of-way for vehicular travel which has been designed, constructed and dedicated to and accepted by the North Carolina Department of Transportation (DOT) for public use or which has been otherwise obtained by DOT for such use or which is proposed to be constructed and then dedicated to and accepted by DOT as a public right-of-way for vehicular traffic for public use pursuant to this ordinance.

STRUCTURE

Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

For the purpose of section 7.4, Flood Damage Prevention, a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

SUBDIVIDER

Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein described.

SUBDIVISION, FAMILY

A subdivision where single-family lots may only be conveyed to family members within two degrees of kinship (e.g., child, grandchild).

SUBDIVISION FINAL PLAT

A type of subdivision approval reviewed and approved or denied by the Planning Director in accordance with Section 2.4.8.E.4, Final Plat.

SUBDIVISION, MAJOR

A subdivision that includes public or private streets, creates six or more lots, or both, and is subject to the improvement standards in this Ordinance.

SUBDIVISION, MINOR

The division of land into five or fewer lots that does not constitute a no review subdivision.

SUBDIVISION, NO-REVIEW

A subdivision of land that involves:

a. Creation of lots that are ten acres or more in size each;

b. A single parcel of two acres or smaller in size into three or fewer lots, with no public or private streets;

c. Public acquisition of land for right-of-way; or

d. Shifting or recombination of lot lines where no new lots are created.

SUBDIVISION, PRELIMINARY PLAT, TYPE I

A type of subdivision 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 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, Use Permit.

SUBSTANTIAL DAMAGE

For the purposes of Section 7.4, Flood Damage Prevention, damage of any origin sustained by a structure during any five-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. Substantial improvement shall not include, however any repair or improvement required bringing the structure into compliance with existing state or county health, sanitary, safety, or building Ordinance specifications necessary to ensure safe habitation of the structure.

For the purposes of Section 7.4, Flood Damage Prevention, any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any five-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

SUSTAINABLE DEVELOPMENT

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

SUSTAINABLE DEVELOPMENT PRACTICES

One or more development features voluntarily provided by an applicant or developer as a means of promoting sustainable development and/or taking advantage of available sustainable development practice incentives.

SWALE

A depression in the land that collects stormwater runoff and conveys it to another location.

SWIMMING POOL

An above- or below-ground structure that is filled with water and used for swimming.

TATTOO PARLOR

An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

TAXICAB SERVICE

Transport by vehicle (ex. taxi, limousine) for a single passenger or small group of passengers between locations of their choice.

TECHNICAL REVIEW COMMITTEE

A group of county staff and governmental agencies who review and approve site plans, sketch plans, and construction drawings for subdivisions.

TELECOMMUNICATIONS ANTENNA, COLLOCATION ON EXISTING TOWER OR BUILDING

Collocation is a situation in which two or more different wireless communication service providers place wireless communication antenna(s) and/or other wireless communications equipment on a common antenna-supporting structure (tower, or other stationary device) or building.

TELECOMMUNICATIONS TOWER, FREESTANDING

A structure erected on the ground and used primarily for the support of antennas for wireless telephone, and similar communication purposes and utilized by commercial, governmental, or other public or quasi-public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.

TEMPORARY CONSTRUCTION OR SALES OFFICE

A temporary mobile unit located at a development site for to be used for construction or sales purposes.

TEMPORARY USE PERMIT

A permit authorizing the operation of a temporary use or special event approved, approved with conditions, or denied by the Planning Director in accordance with Section 2.4.11, Temporary Use Permit.

TENNIS COURT

A court, paved or covered by grass, dedicated to the playing of tennis. Such facilities may be indoors out outdoors, and may include tall fences, exterior lighting, or bleachers for spectators.

TENT

Any temporary shelter, canopy or enclosure of canvas, fabric, plastic film or other stretch material supported and sustained by a pole(s) and/or guy line(s).

TERITARY TREATMENT

Advanced cleaning of wastewater that goes beyond the secondary or biological stage, removing nutrients such as phosphorus, nitrogen, and most biochemical oxygen demand and suspended solids.

TEXT AMENDMENT

An amendment to the language of this Ordinance approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.4.2, Text Amendment.

THEATER

A building, or part thereof, which contains an assembly hall with or without stage which may be equipped with curtains and permanent stage scenery or mechanical equipment adaptable to the showing of plays, operas, motion pictures, performances, spectacles, and similar forms of entertainment.

TRACT

A unit of land typically subdivided into a series of smaller lots.

TRAVEL TRAILER

A structure that is:

a. Intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and

b. Is for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a manufactured home.

TREE PROTECTION ZONE

An area that extends around the roots and driplines of Heritage trees and existing trees on a site that are intended for preservation during and after construction.

TREE, HERITAGE

An existing Live Oak tree of eight inches or more in diameter at breast height, and any other existing tree (except those specified in Section 7.2.3, Heritage Trees Defined) with a diameter at breast height of 18 inches or more.

TRUCK OR FREIGHT TERMINAL

A use where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

TURNING RADIUS

The arc of a public or private street where it intersects with another street.

UNIFIED DEVELOPMENT ORDINANCE

This Ordinance, (also known as the Currituck County Unified Development Ordinance) the officially adopted zoning ordinance of the County of Currituck, North Carolina.

UNDERSTORY TREE

A tree that has an expected height at maturity of no greater than 30 feet.

UNIVERSITY

See "College or University".

USE

The purpose for which land or a structure is arranged, designed or intended, or for which either land or a structure is or may be occupied or maintained.

USE PERMIT

A permit for construction reviewed and approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.4.6, Use Permit.

UTILITY, MAJOR

Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, solid waste facilities, and electrical substations.

UTILITY, MINOR

Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of Minor Utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, and surface transportation stops such as bus stops and park-and-ride facilities.

VALET PARKING

The provision of parking for vehicles whereby vehicles are parked and un-parked in a parking area, parking lot or any parking structure by a person other than the owner or operator of the vehicle.

VARIANCE

A development application reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.4.14, Variance.

For the purpose of Flood Damage Prevention, a grant of relief from the requirements of this ordinance.

VEGETATION, NATIVE

Any indigenous tree, shrub, ground cover or other plant adapted to the soil, climatic, and hydrographic conditions occurring on the site.

VEHICULAR USE AREA

Areas used for the parking and circulation of automobiles, trucks, and motorcycles.

VEHICULAR USE AREA LANDSCAPING, PERIMETER

Vegetative material, structures (walls or fences), berms, and associated ground cover located around the perimeter of a parking lot, or other vehicular use area when such areas are adjacent to a street right-of-way or land in a residential district or residentially developed lands, used property for the purposes of screening the vehicular use area from off-site views.

VESTED RIGHT

The right to undertake and complete a development or use of property under the terms and conditions of an approved site-specific development plan currently in effect or as otherwise allowed by law.

VESTIBULE

A passage, hall, or room between the outer door and the interior of a building, also known as a lobby.

VETERINARY CLINIC

A facility for the care and treatment of animals, including household pets and larger domesticated animals. Such facilities may be entirely indoors or may have both indoor and outdoor components.

VIOLATION

For the purposes of Section 7.4, Flood Damage Prevention, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

VOCATIONAL OR TRADE SCHOOL

A specialized instructional school operating for or not for profit that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair.

WALL PACK

An exterior lighting device that is flush-mounted on a vertical wall surface.

WALL, PARAPET

A low protective or decorative wall or railing along the edge of a raised structure such as a roof or balcony.

WAREHOUSE (DISTRIBUTION)

A use engaged in distribution of manufactured products, supplies, and equipment.

WAREHOUSE (STORAGE)

A use engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

WASTE COMPOSTING

Uses where solid wastes are composted using composting technology. Accessory uses may include offices and repackaging and transshipment of by-products.

WATER SURFACE ELEVATION

The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WATERWAY CONVEYANCE SYSTEM

A natural or man-made drainage channel, structure, or feature designed, intended, or used to collect and convey stormwater runoff.

WETLANDS

Those areas that are inundated or saturated by surface or ground water (hydrology) at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation (hydrophytes) typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs, and similar areas. There are three types of wetlands;

a. CAMA Wetlands - Those areas of land, marsh, or swamp which are frequently saturated or covered with water, subject to tidal action, and designated by various state agencies as CAMA Wetlands.

b. 404 Wetlands - Wetlands regulated under Section 404 of the federal Clean Water Act. These wetlands may be filled with Army Corps of Engineers approval.

c. Isolated/non-404 Wetlands – Wetlands regulated under the North Carolina administrative code. These wetlands may be filled with N.C. Division of Water Quality (DWQ) approval.

WHOLESALE SALES ESTABLISHMENT

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials or office or retail sales of business supplies/office equipment.

WIND ENERGY FACILITY, LARGE

A wind energy facility that incorporates a wind turbine tower in excess of 120 feet in height, or more than one wind turbine tower, that generates a total of more than 100 kilowatt hours of electricity per year.

WIND ENERGY FACILITY, SMALL

A wind energy facility, constructed as an accessory uses, that includes a single wind tower turbine with a height of less than 120 feet, that generates less than 100 kilowatt hours of electricity per year.

WING WALL

Shorter walls that extend outwards from the front façade of a building used to divide the structure into different visual compartments, control pedestrian movement along the structure, or retain slopes.

YIELD PLAN

The maximum number of lots that may be created from single or recombined parcels based on the underlying zoning district(s) and after all CAMA Wetlands, Adjacent 404 Wetlands and all streets (ten percent or more of the total tract) have been removed.

YOUTH CLUB FACILITY

A boys' club, a girls' club, or any other non-profit facility that is not a school but which provides entertainment, recreation, crafts, tutorials or other quality of life enhancements for minors.

ZONING COMPLIANCE PERMIT

A permit reviewed and approved, approved with conditions, or denied by the Planning Director in accordance with Section 2.4.9, Zoning Compliance Permit.

ZONING DISTRICT

A geographic area of land designated on the Official Zoning Map and subject to uniform land use regulations related to uses, density, or other similar attributes.

ZONING MAP

The Official Zoning Map upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.

ZONING ORDINANCE

See “Unified Development Ordinance”.