

**PB 17-15
CURRITUCK COUNTY**

Amendment to the Unified Development Ordinance Chapter 10 Definitions and Measurement.

Background:

The current UDO limits structures to a mean roof height of 35 feet above finished grade. Certain structures and appurtenances such as cupolas, belfries, and domes are exempt from the height limit, assuming they comply with the requirements set forth in section 10.3.6 (see below).

The current definition of cupola does not limit the size or height of a cupola and reads as follows:

***Cupola:** A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.*

In order to maximize the interior space and curb appeal of structures, contractors are proposing oversized "cupolas" that do not meet the intent of the exemption. These cupolas are much larger in proportion to the building than typical cupolas. Some do not sit on top of a roof but instead are extensions of the walls of a buildings top floor.

This text amendment is intended to set a standard for cupolas by placing specific conditions on their construction.

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

Item 1: That Chapter 10. Definitions and Measurement is amended by adding the following underlined language and deleting the struck-through language:

10.3.6 Height

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.
- 00 The maximum area and height of cupolas shall be determined as follows:

- 11 The area of the base of appurtenances shall not singularly or collectively exceed 10 percent of the footprint of a structure's roof, or 200 square feet, whichever is less.
 - ◆ The appurtenance shall be situated on top of a roof and shall not extend below the midpoint of a roof's ridge and eave.
 - ID The walls of the appurtenance shall not be directly in line with the any exterior walls of the structure.
 - ◆ The appurtenance does not extend more than 15 feet above the highest roof ridge.

Item 3: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 4: This ordinance amendment shall be in effect from and after the 16th day of January, 2018.


 Board of Commissioners' Chairman
 Attest:


 Leeann Walton
 Clerk to the Board

DATE ADOPTED: 1/16/2018
MOTION TO ADOPT BY COMMISSIONER: White
SECONDED BY COMMISSIONER: Hall
VOTE: 7 AYES 0 NAYS

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PLANNING BOARD DATE: 12/12/17
PLANNING BOARD RECOMMENDATION: Approval
VOTE: 7 AYES 0 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 12/20/17 & 12/27/17
BOARD OF COMMISSIONERS PUBLIC HEARING: 1/2/18
BOARD OF COMMISSIONERS ACTION: Tabled
BOARD OF COMMISSIONERS PUBLIC HEARING: 1/16/18
BOARD OF COMMISSIONERS ACTION: Approved
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: 1/3/18
AMENDMENT NUMBER: 36

