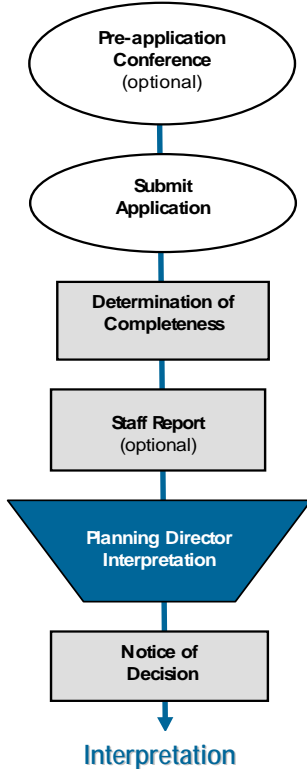




Interpretation Review Process



Contact Information

Currituck County
Planning and Community Development
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Step 1: Application Submittal and Acceptance

An application for a 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. Staff is responsible for making interpretations of all provisions of the Unified Development Ordinance (UDO), including but not limited to:

- Interpretations of the text;
- Interpretations of the zoning district boundaries;
- 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
- Interpretations of compliance with a condition of approval.

The applicant must submit a complete application packet on or before the application submittal date. A complete application packet consists of the following:

- Complete Currituck County Interpretation Application and Fee (\$500)

On receiving an application, staff shall, within ten business days, determine whether the application is complete or incomplete. A complete application contains all the information and materials listed above, and is in sufficient detail to evaluate and determine whether it complies with appropriate review standards. If an application is determined to be incomplete, the applicant may correct the deficiencies and resubmit the application for completeness determination. Failure to resubmit a complete application within 45 calendar days after being determined incomplete will result in the application being considered withdrawn.

Step 2: Staff Review and Action

After accepting the interpretation application, staff shall review the request and make a formal written interpretation. In making the determination, staff shall consider the following standards:

- **Zoning District Map Boundaries**
 - 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.
 - 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.
 - 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.).

- Boundaries shown as approximately following shorelines shall be interpreted to follow the shoreline, even in the event of change.
- Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.
- If the specific location of 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.
- 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 the subsection, staff shall have the authority to interpret the district boundaries.
- Interpretation of the floodplain boundary shall be made by staff in accordance with the standards in Section 7.4, Flood Damage Prevention, of the Unified Development Ordinance (UDO).
- **Unspecified Uses**
 - Staff shall interpret an unlisted use 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 similar use 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 zoning district in the same manner as the similar use type or use category. In making such determination, staff shall consider the purpose and intent statements in the UDO 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:
 - The volume and type of sales, retail, wholesale, etc.;
 - The size and type of items sold and nature of inventory of the premises;
 - Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
 - Any dangerous, hazardous, toxic, or explosive materials used in the processing;
 - 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);
 - The type, size, and nature of buildings and structures;
 - The number and density of employees and customer per unit area of site in relation to business hours and employment shifts;
 - Transportation requirements, including the modal split for people and freight, by volume type and characteristics of traffic generation to and from the site;
 - Trip purposes and whether trip purposes can be shared by other use types on the site;
 - Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity;
 - The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
 - 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
 - The impact on adjacent lands created by the proposed use type, which should not be greater than that of other types allowed in the zoning district.
 - Consistency with the Land Use Plan.
 - If, after applying the criteria above, staff determines that a proposed unlisted use is not similar to a listed use, the proposed use shall be prohibited.
- **Text Provisions**
 - Interpretations of the text and its application shall be based on the standards in Section 10.1, General Rules for Interpretation, of the UDO, and the following considerations.
 - 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;
 - 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;
 - The general purposes served by the UDO, as set forth in Section 1.3, General Purpose and Intent; and
 - Consistency with the Land Use Plan.



Interpretation Application

OFFICIAL USE ONLY:

Case Number: _____
Date Filed: _____
Gate Keeper: _____
Amount Paid: _____

Contact Information

APPLICANT:

Name: _____ Telephone: _____
Address: _____ E-Mail Address: _____

Request

Zoning District Map Boundaries

Property Address or Parcel Identification Number(s): _____

Location of Questioned Boundary: _____

Unspecified Use

Proposed Use: _____

Narrative of Proposed Use (please submit additional information if desired): _____

Text Provision

Unified Development Ordinance Section: _____

Condition of Approval on Zoning or Use Permit: _____

Other: _____

Narrative: _____

Appellant/Applicant Date

Interpretation Submittal Checklist

Staff will use the following checklist to determine the completeness of your application. Only complete applications will be accepted.

Interpretation Submittal Checklist

Date Received: _____

Project Name: _____

Applicant/Property Owner: _____

Interpretation Submittal Checklist		
1	Complete Interpretation application and Fee \$500	
2	2 hard copies of ALL documents	
3	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	

For Staff Only

Pre-application Conference (optional)

Pre-application Conference was held on _____ and the following people were present:

Comments

