

**PB 17-04
CURRITUCK COUNTY**

Amendment to the Unified Development Ordinance Chapter 2 Administration, Chapter 4 Use Standards, Chapter 5 Development Standards, Chapter 7 Environmental Protection, Chapter 9 Enforcement, and Chapter 10 Definitions and Measurement.

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

Item 1: That Chapter 2. Administration is amended by adding the following underlined language and deleting the struck-through language:

2.2.3. Planning Board

B. Membership, Appointment, and Terms of Office

(1) General

- (a) The Planning Board shall consist of ~~a total of nine~~ seven regular 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 at-large members. ~~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.

Item 2: That Chapter 4. Use Standards and Chapter 10. Definitions and Measurement are amended by adding the following underlined language and deleting the struck-through language:

4.2.3. Institutional Uses

K. Wind Energy Facility, Large

(15) Environmental Review Required

An application for a large wind energy facility shall require review by NCDENR, NCDEQ USACOE, the US Fish and Wildlife Service,

and the NC Wildlife Resources Commission. All comments from these agencies shall be included with the application.

4.2.5. Industrial Uses

A. Extractive Industry

(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 ~~NGDENR~~ **NCDEQ** 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 ~~NGDENR~~ **NCDEQ**.

10.2 TABLE OF ABBREVIATIONS

TABLE 10.2: ABBREVIATIONS	
ABBREVIATION	ASSOCIATED TERM
NGDENR or DENR NCDEQ or DEQ	North Carolina Department of Environment and Natural Resources Environmental Quality

10.5 DEFINITIONS

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) Environmental Quality's Division of Coastal Management (DCM).

Item 3: That Chapter 9. Enforcement is amended by adding the following underlined language and deleting the struck-through language:

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 civil 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:~~

Item 4: That Chapter 5. Development Standards is amended by adding the following underlined language:

5.6.7. Driveway and Access Standards

A. General Standards

- (7) **Driveways on corner and double frontage lots shall provide access from the street with less traffic to the maximum extent practicable.**

Item 5: That Chapter 2. Administration is amended by adding the following underlined language and deleting the struck-through language:

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.

(7) **Additional Meetings**

The applicant shall hold additional meetings to explain revised development proposals and applications that result in significant substantive revisions explained at a previous community meeting.

Item 6: That Chapter 5. Development Standards is amended by adding the following underlined language:

5.12. 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, bedrooms) 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.

Item 7: That Chapter 7. Environmental Protection Standards is amended by adding the following underlined language and deleting the following struck-through language:

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~~

7.4.6. Standards

B. Standards for Coastal High Hazard Areas (VE Zones)

(7) Allowed Uses

- (a) No manufactured homes shall be permitted in the coastal high hazard flood zone, except for replacement manufactured homes located in existing manufactured home parks and subdivisions permitted by this ordinance subject to the standards in Section 7.4.6.A.4.
- (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.

Item 8: That Chapter 4. Use Standards and Chapter 10 Definitions and Measurement is amended by adding the following underlined language and deleting the following struck-through Section and Table references for Gasoline Sales, Home Occupations, Land Application of Sludge or Septage, Outdoor Storage, and Outdoor Display and Sales:

<u>UDO Section</u>	<u>Amendment Request</u>
Section 4.2.4.H (1)(c)	4.3.3.P. <u>Q.</u>
Section 4.2.4.H.(2)(c)	4.3.3.P. <u>Q.</u>
Section 4.2.4.H.(3)(a)	4.3.3.P. <u>Q.</u>
Section 4.2.4.I.(2)(b)	4.3.3.P. <u>Q.</u>
Section 4.2.4.I.(2)(c)	4.3.3. I. <u>J.</u>
Section 4.2.5.B.(2)	4.3.3.P. <u>Q.</u>
Section 4.2.5.E.(6)(b)	4.3.3.P. <u>Q.</u>
Section 4.3.3.O.(1)	4.3.3.N. <u>O.</u>
Section 4.3.3.Q.(5)	4.3.3.P. <u>Q.</u>
Section 4.4.6.C.	4.3.3. O. <u>P.</u>
Section 10.4.3.A.(1)	4.3.3.J. <u>K.</u>

Item 9: 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 10: This ordinance amendment shall be in effect from and after the ___ day of _____, 2017.

Bobby Miller

Board of Commissioners' Chairman

Attest:

Leeann Walton

Leeann Walton
Clerk to the Board

DATE ADOPTED: 7.17.17

MOTION TO ADOPT BY COMMISSIONER: _____

Gilbert Hall

SECONDED BY COMMISSIONER: _____

VOTE: 7 AYES 0 NAYS

PLANNING BOARD DATE: 6/13/2017

PLANNING BOARD RECOMMENDATION: Approval

VOTE: 7 AYES 0 NAYS

ADVERTISEMENT DATE OF PUBLIC HEARING: 7/05/2017 & 7/16/2017

BOARD OF COMMISSIONERS PUBLIC HEARING: 7/17/2017

BOARD OF COMMISSIONERS ACTION: Approved

POSTED IN UNIFIED DEVELOPMENT ORDINANCE: 7/18/2017

AMENDMENT NUMBER: 35

