



## Currituck County

Development Services Department  
Planning Division  
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To: Board of Commissioners  
From: Planning Staff  
Date: January 12, 2023  
Subject: PB 22-17 Currituck County Text Amendment – Food Trucks

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### Background

The attached food truck text amendment was submitted by the Currituck County Development Services Department, on behalf of the Board of Commissioners (BOC). At the BOC fall retreat on October 11, 2022, the board discussed potential amendments to food truck operations in the county. The proposed language would apply to all food truck operating in the county.

### Request Summary

The proposed text amendment as presented modifies Section 4.3 of the Unified Development Ordinance (UDO) for Accessory Use Standards. Specifically, the amendment is intended to:

1. Allow food trucks to operate and locate on property that is not on the same lot as the principal restaurant.

### Text Amendment Review Standards

The advisability of amending the text of the UDO 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.

**Imagine Currituck 2040 Vision Plan**

The proposed language is consistent with the goals, objectives, policies, and action statements of the Imagine Currituck 2040 Vision Plan including:

**Economic Development Goal 1.** Support the retention and expansion of existing businesses and promote the development of new businesses, especially those that help diversity the local economy and are compatible with the county’s natural amenities and environment.

**Economic Development Policy 3.1.** Support the continued operation of farm stands and farmers markets and encourage the sale of local value-added products.

**Economic Development Goal 4.** Attract new healthcare, service-industry professionals, and businesses.

**Staff Recommendation**

Planning staff recommends approval of the proposed text amendment as submitted because the amendment is consistent with Economic Development Goal 1, Economic Development Policy 3.1, and Economic Goal 4 of the Imagine Currituck 2040 Vision Plan and is not in conflict with any provisions of the Unified Development Ordinance or the County Code of Ordinances.

**Planning Board Recommendation**

On January 10, 2023, the Planning Board recommended approval of the proposed text amendment.

Mr. Doll moved to recommend approval of PB 22-17 Currituck County (Food Trucks) because the request is consistent with Imagine Currituck Land Use Plan Economic Development Goal 1, Economic Development Policy 3.1, and Economic Development Goal 4.

Vice-Chairman Owens seconded the motion and the motion carried unanimously 5-0.

For general references purposes, Retail Sales from a Vehicle (Food Truck) is allowed in the following zoning districts:

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES														
P = Permitted by-right    Z= Zoning Compliance Permit    U = Special 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
Retail Sales from a Vehicle		P					P	P	P	P	P	P		3.W



PB 22-17 CURRITUCK COUNTY  
TEXT AMENDMENT – FOOD TRUCK  
BOARD OF COMMISSIONERS  
FEBRUARY 6, 2023

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, to modify food truck standards.

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 4, Section 4.3.1. is amended by adding the following underlined language:

**Section 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, unless otherwise stated in specific standards, and so long as they comply with standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

**Item 2:** That Chapter 4, Section 4.3.3. is amended by adding the following underlined language:

**W. 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.
- 7) The vehicle does not have to be associated with a store front restaurant or be located on the same lot as an associated restaurant.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Board of Commissioners Chairman  
Attest:

\_\_\_\_\_  
Leeann Walton  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_AYES \_\_\_NAYS  
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PLANNING BOARD DATE: 1/10/2023  
PLANNING BOARD RECOMMENDATION: Approval  
VOTE: 5 AYES 0 NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: 1/18/2023 & 1/25/2023  
BOARD OF COMMISSIONERS PUBLIC HEARING: 2/6/2023  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_