



**Currituck County**

Development Services Department  
Planning and Zoning Division  
153 Courthouse Road Suite 110  
Currituck NC 27929  
252-232-3055

To: Board of Commissioners

From: Kevin Kemp, *Development Service Director*

Date: January 30, 2023

Subject: PB 22-18- Currituck County, County/County Schools Exemption

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**Background**

The attached Currituck County/County School exemption 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 amending the Unified Development Ordinance (UDO) to exempt development by the county and its agencies or departments, as well as the County Board of Education from being required to meet its requirements.

**Request Summary**

The proposed text amendment as presented amends UDO Sections 1.4.2- Exemptions and 1.4.3.- Application to Government Units. The result of the text amendment would be that projects developed by the county, or the county school system would be exempt from meeting the requirements of the UDO.

1. UDO Section 1.4.2.C. added to the Ordinance exemptions for county and county school system. The language of the added text to read, "*Development by the county or its agencies or departments or by the county Board of Education.*"
2. UDO Section 1.4.3.A. is deleted from the governmental units where the Ordinance is applicable. The language deleted read, "*Development by the county or its agencies or departments;*".

**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.

### **Imaging 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:

**Land Use Goal and Policy 4.** Recognize and encourage protection of the County's architectural, historic, and archeological resources, including adaptive reuse of historic resources.

**Infrastructure and County Services Goal and Policy 1.** Ensure sufficient provision of services to support associated growth and development and continue to enforce the adequate public facilities ordinance.

**Infrastructure and County Services Goal and Policy 2.** Continue to provide satisfactory public safety, law enforcement, and emergency management and response services.

**Infrastructure and County Services Goal and Policy 3.** Continue to provide satisfactory public water and wastewater service in a fiscally responsible manner that coordinates growth in targeted development areas where infrastructure already exists.

**Infrastructure and County Services Goal and Policy 7.** Recognize local schools as valuable community assets that can contribute to Currituck County's desirability, livability, community vibrancy, and economic competitiveness.

**Infrastructure and County Services Goal and Policy 7.1.** Work with developers on offers of land for the siting of new schools in desired locations.

**Infrastructure and County Services Goal and Policy 7.3.** Plan for new public-school locations that serve the greatest number of residents and reinforce growth in targeted growth areas.

**Infrastructure and County Services Goal and Policy 8.** Ensure that all public services remain at a sufficient level to provide superior service to the growing Currituck County population.

**Infrastructure and County Services Goal and Policy 8.1.** Strategically locate new public facilities based on opportunities for collocation with existing facilities in targeted growth areas.

**Parks and Recreation Goal and Policy 1.5.** New development shall provide public access to recreation and natural resource areas.

**Staff Recommendation**

The staff recommends approval of this text amendment. The proposed text amendment is consistent with the UDO and the County Code of Ordinances. The proposed amendment is consistent with the goals, objectives, policies, and action statements of the Imagine Currituck 2040 Vision Plan.

**Planning Board Recommendation**

On January 10, 2023, the Planning Board recommended approval of this text amendment 4-1.

Vice-Chairman Owens moved to recommend approval of PB 22-18 Currituck County Text Amendment- County Exemptions because the request is consistent with Land Use Goal and Policy 4, Infrastructure and County Services Goals and Policies 1, 2, 3, 7, 7.1, 7.3, 8 and 8.1, and Parks and Recreation Goal and Policy 1.5.

The request is reasonable and in the public interest because it: • Consistent with the UDO and County Code of Ordinances. 7 • Consistent with the goals, objectives, policies, and action statements of the Imagine Currituck 2040 Vision Plan.

Ms. Krause seconded the motion, and the motion was approved 4-1, with Mr. Doll opposed.



**PB 22-18 CURRITUCK COUNTY  
TEXT AMENDMENT  
BOARD OF COMMISSIONERS  
FEBRUARY 6, 2023**

Currituck County Development Services Department requests an amendment to the Unified Development Ordinance, Chapter 1 General Provisions, to exempt development by county agencies or departments and County Board of Education from the Unified Development Ordinance.

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 1 is amended by adding the following bold and underlined language and deleting the bold and strike-through language and renumbering accordingly.

**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.
- C. **Development by the county or its agencies or departments and the County Board of Education.**

**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.

**Item 2: Staff suggested Statement of Consistency:**

The requested zoning text amendment is consistent with the Imagine Currituck Plan because:

- Land Use Goal and Policy 4. Recognize and encourage protection of the County's architectural, historic and archeological resources, including adaptive reuse of historic resources.
- Infrastructure and County Services Goal and Policy 1. Ensure sufficient provision of services to support associated growth and development and continue to enforce the adequate public facilities ordinance.
- Infrastructure and County Services Goal and Policy 2. Continue to provide satisfactory public safety, law enforcement, and emergency management and response services.
- Infrastructure and County Services Goal and Policy 3. Continue to provide satisfactory public water and wastewater service in a fiscally responsible manner that coordinates growth in targeted development areas where infrastructure already exists.
- Infrastructure and County Services Goal and Policy 7. Recognize local schools as valuable community assets that can contribute to Currituck County's desirability, livability, community vibrancy, and economic competitiveness.
- Infrastructure and County Services Goal and Policy 7.1. Work with developers on offers of land for the siting of new schools in desired locations.

- Infrastructure and County Services Goal and Policy 7.3. Plan for new public school locations that serve the greatest number of residents and reinforce growth in targeted growth areas.
- Infrastructure and County Services Goal and Policy 8. Ensure that all public services remain at a sufficient level to provide superior service to the growing Currituck County population.
- Infrastructure and County Services Goal and Policy 8.1. Strategically locate new public facilities based on opportunities for collocation with existing facilities in targeted growth areas.
- Parks and Recreation Goal and Policy 1.5. New development shall provide public access to recreation and natural resource areas.

**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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
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: Approved  
VOTE: 4 AYES 1 NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: 1/18/2023 & 1/25/2023  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_

BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_