

CHAPTER 3: SPECIAL REQUIREMENTS

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Section 3.1 Purpose

Currituck County finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility among uses so that they may be located in proximity to one another without adverse affects to either. This chapter specifies those requirements that must be met by all the uses listed in the Permitted Uses Table in Chapter 2 with an entry in Special Requirements column.

Each use shall be permitted in compliance with all conditions listed for the use in this chapter. Certain uses are also classified as **Conditional Uses** which require Board of Adjustment approval or **Special Uses** which require Board of Commissioners approval. The approval processes for these uses are detailed in Chapter 11.

Section 3.2 Residential Uses

3.2.1 Accessory Structures

- A. A vehicle, trailer, or manufactured home shall not be used as an accessory structure.
- B. Mailboxes, newspaper boxes, walls, birdhouses, doghouses, flagpoles (less than 35') and pump covers may be placed in any yard, and no zoning permit is needed for these structures.
- C. Fences are permitted provided they do not exceed eight feet in height for residential uses. Fences that are substantially opaque, located along lot boundaries adjacent to public street rights-of-way, and exceed six feet in height are prohibited within the setback area. Barbed wire and electric fences are prohibited in residentially platted subdivisions not intended to accommodate livestock.

3.2.2 Accessory Uses

Whenever an activity is conducted in conjunction with another principal use and constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or is commonly associated with the principal use and integrally related to it, then the activity may be regarded as an accessory use and may be carried on underneath the umbrella of the permit issued for the principal use.

3.2.2.1 Residential Accessory Uses

- A. An accessory use home occupation that is conducted by a person on the same lot where such person resides is permitted provided that:
 - 1. The business activity is clearly incidental and subordinate to the residential use of the property;

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2. There is no substantial visible evidence that a business is being conducted on the premises;
 3. No vehicular or pedestrian traffic is generated in excess of that which is reasonable for a private residence;
 4. Not more than one truck, van, car, or other vehicle which is visibly for commercial use if kept on the property, nor any such vehicle or trailer which is larger than 8' x 32';
 5. No open storage is maintained on the property; and,
 6. No sign or advertisement of any type other than a temporary sign for sale of produce, etc. shall be maintained on the property indicating the presence of a business. Signs giving the family name, address, property name are permitted.
- B. Hobbies or recreational activities of a non-commercial nature are permitted.
- C. Yard sales or garage sales are permitted, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 90 day period.
- D. Receive-only earth stations are permitted, as long as:
1. Any dish antenna is less than 14 feet in diameter;
 2. There are no more than one dish antenna per single-family detached units; and no more than one dish antenna per four dwelling units on other lots;
 3. The station is situated to the rear of the front building facade, shall be allowed to extend up to one foot (measured from the outermost portion of the dish) to the principle structure and must comply with all remaining accessory building setback requirements (ten feet from side and rear property lines), and is screened so that:
 - a. it will be screened from the road right-of-way to the front of the lot with Type B screen; and,
 - b. in the event that the unit is not placed on a roof, it will be screened with a Type B screen from adjacent residential dwelling units except to the extent that screening would interfere with satellite reception within the area.

- E. The sale of agricultural products (either in a "roadside stand" or on a "pick your own" basis) is permitted from property where such products were grown or from land that is all part of the same farm or farming operation as the land where such products were grown shall be regarded as accessory to an agricultural operation.
- F. Storage of up to four boats for personal use is permitted. Storage of more than four boats for personal use is permitted when there is at least one acre of land per each additional boat stored over four and such storage is screened from adjacent residential dwellings. Nothing in this subsection shall be deemed to permit uses that could be classified as junkyards.
- G. The placement of an accessory building on a lot where no residential dwelling is located, but where one is intended to be built, for the storage of equipment related to the upkeep of that lot is permitted.
- H. Horse stables are permitted, provided that when located in an "R" zoning district the following standards shall be met:
 - 1. All horses boarded on that premises shall belong to or be leased by the individual who owns and/or leases the land on which the stable is located (mares under breeding contract are exempt).
 - 2. The land on which the stable is located is at least two acres in size.
 - 3. No stable is within 200 feet of any existing adjoining residential dwelling and 100 feet from any adjoining water source (well) being used for human consumption.
 - 4. A dwelling is not required on the property where the stable is located.
 - 5. Stables must be operated and maintained in a healthy and safe manner. Healthy and safe is defined as, but not limited to: fences kept in good repair; potable water available on demand; protection from wind or rain; a sign posted indicating the name and phone number of the person to be contacted in case of emergency.
- I. Piers located on lots where no residential dwelling is located is permitted when used for the recreational enjoyment of the property owner shall be considered as an accessory use to the lot.

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3.2.2.2 Temporary Keeping of Livestock

Temporary keeping of livestock as an educational project, approved and sponsored by a youth organization in an R (Residential) zoning district subject to the following:

- A. The market livestock project must be approved by a bona fide educational or agricultural association for youths, such as the 4-H Livestock Club and similar organizations. Prior written notice of intent to participate in a livestock project shall be provided to the zoning officer no less than 14 prior to the commencement of the project. The notice shall specify the address at which the project will be conducted, the name of the association sponsoring the project, the type of animal to be kept on the premises and the lot acreage. In addition, the zoning officer may require verification that any livestock project to be conducted in accordance with this section has been approved and is sponsored by a bona fide educational or agricultural association for youths.
- B. A market livestock project shall only be conducted as an accessory use to a principal use of the property for residential purposes. All pens, shelters and animal quarters shall be located behind the residential structure. Pen, shelters and animal quarters shall be located 75 feet from any occupied dwelling and 100 feet from any well and must maintain a distance of 25 feet away from all abutting property lines.
- C. The market livestock project shall be limited to the temporary keeping of young cattle, hogs, sheep and goats. Cattle and hogs shall be permitted in the A (Agricultural) and RA (Residential/Agricultural) zoning districts only, with a minimum land area of one acre or more. Sheep and goats may be kept on any residential lot or parcel of land with a lot area of 20,000 square feet or more.
- D. No market livestock project may commence on residential zoned property prior to December 1st and must be completed by April 30th. All livestock must be removed from residential zoned property by April 30th.
- E. All pens, stalls and grazing areas shall be maintained in a sanitary manner free from noxious odors.

3.2.3 Home Occupations (non-accessory use)

3.2.3.1 Use

- A. The use does not disturb or intrude on the residential character of the subject property or the surrounding neighborhood.

- B. On-premises retail sales of goods not produced on-site are prohibited except when the home occupation is located on a lot with direct access to US Highway 158, NC Highway 168, NC Highway 34, NC Highway 136, or NC Highway 615.
- C. The use shall not create objectionable noise, fumes, odor, dust or electrical interference.

3.2.3.2 Dimensional and Location Requirements

A home occupation shall comprise less than 25 percent of the total gross floor area of residential buildings plus other buildings housing the home occupation, or less than 1,000 square feet of gross floor area (whichever is less).

3.2.3.3 Additional Requirements

- A. Open storage which must be fenced with opaque fencing.
- B. No more than two non-resident persons may be employed in connection with the home occupation.
- C. No more than one motor vehicle shall be used in connection with the home occupation.
- D. One on-premise advertising sign shall be allowed but shall not exceed six square feet in area or four feet in height. Additionally, one off-premise advertising sign shall be allowed subject to the requirements of Chapter 7 of this ordinance.
- E. An accessory building or addition built for the purpose of a home occupation must conform in appearance to existing primary or accessory structures and may not have a commercial appearance.

3.2.4 Family Care Homes

In accordance with NC General Statute Chapters 122C, 131D, and 168, this section applies to family care homes for the handicapped. These uses are deemed residential uses and are permitted in all residential districts subject to the following conditions:

- A. No more than six residents other than the homeowner and the homeowner's immediate family are permitted to live in a Family Care Home.
- B. A Family Care Home must be licensed with the NC Department of Health and Human Services Division of Facility Services before operating.
- C. No Family Care Home may be located within a one-half mile radius of any other residential care home.

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- D. No lockdown, violent, or dangerous residents are permitted.
- E. Only incidental and occasional medical care may be provided.

3.2.5 Mobile Homes

3.2.5.1 Use

- A. Mobile homes may not be used as storage or accessory structures.
- B. No mobile home may be parked for storage on any lot, tract or parcel except in business or manufacturing districts or in an approved mobile home park storage site. When mobile homes are stored in a GB, LBH, LM, or HM district, such storage site shall be completely surrounded by a wall or fence which a person cannot see through (visually opaque) at least eight feet in height and no mobile home may be stored in any district for more than six months. Mobile home sales lots which have employees actively engaged in mobile home sales on the site daily shall be exempt from the six month limitation.
- C. Two or more mobile homes shall not be joined or connected together as one dwelling nor may a mobile home be attached to any accessory building.

3.2.5.2 Class "A" Mobile Homes

Class "A" mobile homes are permitted in all approved mobile home parks and mobile home park subdivisions with a zoning permit provided underpinning of all-weather base material is placed around the mobile home when located in a mobile home park subdivision. Further, with a zoning permit, Class "A" mobile homes shall be permitted in accordance with the Permitted Uses Table on individual lots subject to the following:

- A. The home has a length not exceeding three times its width;
- B. The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- C. The exterior siding consists of wood, hardboard, or aluminum (or covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- D. A continuous, permanent masonry curtain wall, unpierced except for required ventilation and access, is installed under the home after placement on the lot and before final occupancy; and,

- E. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before final occupancy.

3.2.5.3 Class "B" Mobile Homes

- A. Class "B" mobile homes may be located in all approved mobile home parks and mobile home park subdivisions with a zoning permit provided underpinning of all-weather base material is placed around the mobile home when located in a mobile home park subdivision. Further, Class "B" mobile homes may be located in accordance with the Permitted Uses Table.
- B. When land on which a Class "B" residential mobile home is located is acquired by a governmental agency for a public purpose and the remaining land is insufficient to support the mobile home, then the property owner may relocate the residential mobile home to any other area in the county zoned A or RA with a conditional use permit (the government entity acquiring the property is responsible for the conditional use permit fee).
- C. In the event that a building inspector has found a site built home as being unfit for human habitation, such dwelling unit may be replaced with a class B mobile home subject to the following:
 - 1. A conditional use permit must be obtained from the Board of Adjustment. If granted, the conditional use permit shall be in the applicants name and shall not run with the land. The right to maintain a class B mobile home under these provisions shall not be transferred to another owner or occupant;
 - 2. The conditional use permit shall be valid for one year and may be renewed annually by the Zoning Administrator provided the replacement home has not been completed. The administrator may renew the permit up to a maximum of four times after which the mobile home must be removed from the property;
 - 3. The class B mobile home shall be removed within 30 days after the replacement home is occupied; and,
 - 4. The class B mobile home shall meet the following appearance criteria:
 - a. Roofing material: the roofing material must be compatible with residential construction within the area in which it is to be located;
 - b. Exterior finish: the exterior materials shall be of a color, material and scale comparable with those existing in residential construction and in no case shall the degree of reflectively of exterior finishes

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exceed that of gloss white paint. Siding, trim and features should be compatible with residential construction;

- c. The wheels shall not be removed;
- d. Transportation lights shall be removed; and,
- e. The mobile home shall be underpinned with removable materials to allow easy removal of the mobile home from the lot.

3.2.5.4 Additional Requirements

- A. Any mobile home which is located in the county for any purpose whatsoever except for approved temporary storage of the unit must be anchored and tied down or otherwise secured according to the manufacturer's standards of the North Carolina Department of Insurance.
- B. Mobile homes, attached, and detached structures shall be tied down onto block piers with anchors according to the manufacturer's standards or the standards of the North Carolina Department of Insurance, and in no case shall be placed upon a permanent foundation in any mobile home park or other location where the location of individual mobile home units is not made with reference to individual lot lines which are shown on a plat approved by the county.
- C. Before any mobile home is located on any lot, tract or parcel, the following permits must be obtained:
 - 1. Improvements permit from County Sanitarian;
 - 2. Zoning permit from the administrator; and,
 - 3. Mobile home location permit from the Planning Department.

3.2.6 Multi-Family (townhomes, condos, apartments, duplexes, conversions)

3.2.6.1 Use (PB 09-29, 10/19/09)

- A. Multi-family and two-family residences are permissible in accordance with the Permitted Uses Table.
- B. Multi-family and two-family residences may be located only on lots fronting on a state maintained road or a street constructed to meet state standards and offered for dedication to the state.

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- C. In the LBH zoning district, multi-family uses must be allowed within a mixed-use development that would include commercial uses permissible in accordance with the Permitted Uses Table, LBH zoning district. Such commercial uses may include offices, hotels, retail, recreation, and entertainment. The multi-family component of a mixed use development shall not exceed 30% of the total project gross floor area.

3.2.6.2 Dimensional Requirements

Lots in multi-family residential developments as allowed in the Permitted Uses Table shall meet the following minimum dimensional requirements:

Number of Dwelling Units	Minimum Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Lot Width (overall)	Min. Lot Width (units)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
2	80,000 sf	125 feet	16 feet	20	15	25	35
3-7	106,000 sf +5,000 for each additional unit up to 7 units	125 feet	16 feet	20 (exterior) 40 (building separation)	20 (exterior) 20 (building separation)	25 (exterior) 40 (building separation)	35
8+	133,000 sf plus 17,000 for each unit over 8 units	125 feet	16 feet	20 (exterior) 40 (building separation)	20 (exterior) 20 (building separation)	25 (exterior) 40 (building separation)	35

- A. In determining the number of dwelling units permissible on a tract of land fractions shall be dropped.
- B. No accessory structure shall be less than ten feet from another structure.
- C. No two units or structures shall be considered attached unless such units or structures share at least five feet of common wall.
- D. No improved recreation area shall be located within required exterior setbacks or within 20 feet of any dwelling unit.
- E. No building shall exceed a length of 160 feet.
- F. 30 percent of the area shall be reserved as common open space.
- G. A building that, (i) was in existence prior to April 1, 1985 and, (ii) contained at least 2,000 square feet of heated floor area may be converted into a multi-family or two-family dwelling in accordance with the Permitted Uses Table without regard to the minimum lot size requirements of this Section, but subject to the following:
1. The off-street parking requirements of Chapter 8 must be satisfied;

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2. If the lot does not contain the minimum number of square feet required, the building may not be enlarged in the conversion process to an extent greater than ten percent of the heated floor area of the original building;
3. The building may not contain more than nine bedrooms and no more than six dwelling units.

3.2.7 Temporary Emergency, Construction or Repair Residences

- A. Temporary residences used on construction sites of nonresidential premises shall be removed immediately upon the completion of the project.
- B. Permits for temporary residences to be occupied by persons intending to live in such permanent residence pending the construction, repair, or renovation of the permanent residential building on a site shall expire within six months after the date of issuance, except that the administrator may renew such permit for one additional period not to exceed three months if he determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation or restoration work necessary to make such building habitable.
- C. Temporary emergency, construction, or repair residences shall consist of campers, travel trailers, recreational vehicles and Class "B" mobile homes.

3.2.8 Temporary Class B Mobile Homes (Conditional Use Permit Only)

A Class B mobile home as a temporary use shall be used for the principal residence of an immediate family member of the applicant (grandparent, parent, child, or grandchild) or health care provider when a certified physician deems such services are necessary or in the event that a building inspector has found a site built home as being unfit for human habitation, such dwelling unit may be replaced with a Class B mobile home subject to the following:

- A. The lot on which the mobile home is to be placed must be owned by the applicant, must be the same lot on which the applicant's principle residence is located and must contain a minimum of three acres or may be located on an abutting lot provided both lots are owned by the applicant, one of the two lots contain the applicant's principle residence and both lots meet the minimum dimensional requirements of the district in which they are located.
- B. A conditional use permit may be granted by the Board of Adjustment and shall expire one year from the date of its issuance and may be renewed by the administrator provided an application for renewal is filed prior to expiration of the conditional use permit and the conditions under which the conditional use permit was originally issued have not changed. The administrator may renew the permit up to a maximum of four times after which the mobile home must be removed from the property. However, when the mobile home is located on the property due to

health care related purposes as deemed necessary by a certified physician, then the mobile home may remain on the lot so long as the medical condition exists and the administrator shall renew the permit every two years to ensure compliance with this provision.

- C. The wheels shall not be removed.
- D. The temporary Class B mobile home shall meet the following appearance criteria:
 - 1. The roofing material must be compatible with residential construction within the area in which it is to be located;
 - 2. The exterior materials shall be of a color, material and scale comparable with those existing in residential construction and in no case shall the degree of reflectivity of exterior finishes exceed that of gloss white paint. Siding, trim and features should be compatible with residential construction;
 - 3. Transportation lights shall be removed; and,
 - 4. The mobile home shall be underpinned with removable materials to allow easy removal of the mobile home from the lot.

Section 3.3 Civic and Government Uses

3.3.1 Security Training Operations and Services Facilities (Special Use Permit only) (PB 08-54, 12/15/08)

A minimum lot size for this use shall be 3,500 contiguous acres. All areas within the proposed Security Training Operations and Services Facility, including but not limited to firing area(s), backstops, downrange safety zones, parking and accessory areas, parachute landing zone, driver training area, etc. shall be under uniform control or ownership. The Security Training Operations and Services Facility shall also be subject to the following requirements:

- A. Firearms and Explosive Training
 - 1. The design criteria for all firearms ranges cited in the Military Handbook – Range Facilities and Miscellaneous Training Facilities other Than Buildings (MIL-HDBK-1027/3B), as amended or superseded shall be met.
 - 2. The proposed firearms ranges shall be reviewed by and comments received from the Currituck County Sheriff’s Department.
 - 3. No firing or explosive training activities shall occur prior to 7 a.m. or after 10 p.m. EST daily Monday through Saturday and on Sundays prior to 9 a.m. or

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after 10 p.m. EST. No firing or explosive training activities shall occur on Christmas Day.

4. The immediately adjacent areas to the proposed training areas and ranges shall be predominately undeveloped and shall be at least 5,280 feet (one mile) from any property line located in Currituck County regardless of the direction of fire and operated in compliance with the Currituck County Noise Ordinance.
5. The maximum downrange safety area for each range and shooting area shall be essentially fan-shaped, with its vertex being 100 meters each side of the end firing point and extending to the maximum range of the type of firearm being used as shown on Table 4 of the MIL-HDBK-1027/3B, 10 degrees from the firing line, plus an additional 100 meters running parallel to the 10 degree line, as shown in Figure 2.2-1 of MIL-HDBK-1027/3B. The safety area shall not encompass any public right-of-way or other property not owned by range operator or owner.
6. Weapon types will be restricted to pistol, rifle and shotgun, or similar. No automatic assault type weapon shall be used by the general public but will be allowed by any law enforcement, military or federal agency group duly authorized to use these style weapons. Limits on caliber size shall be in accordance with the MIL-HDBK-1027/3B subject to the physical constraints of the property.
7. Concussion type explosives will be permitted for use by law enforcement, military or federal agency group duly authorized to use these types of explosives.
8. Military, para-military or militia type activities or maneuvers, including but not limited to hand-to-hand combat training, maritime training, swamp, or guerilla warfare techniques, incendiary type firings, infiltration course type training, etc. permitted for use by law enforcement, military or federal agency groups only.
9. All actual firing activities will be directed toward either moving or stationary targets only.
10. Any overnight or temporary storage of weapons, ammunition and explosives shall meet the Department of Defense storage and stand-off safety standards.
11. In no case shall any explosive material be stored, either inside or outside a "magazine," closer than 1,250 feet to a property line or dwelling unit and 300 feet to any roadway.

12. The maximum amount of explosives on-site at any one time shall not exceed 100 pounds stored and 10 pounds utilized during any one evolution.
13. A listing of the type, amount, and physical location of all explosive material shall be provided by the applicant to the county annually at the special use renewal hearing.
14. The County Fire Marshal shall be authorized by the applicant to inspect the site and shall not be required to give advance notice of his inspection date for the purpose of determining compliance with all required permits and regulations including but not limited to: Alcohol, Tobacco and Firearms (ATandF) permits, National Fire Protection Association standards, Volume 5 of the NC State Building code (Fire Prevention Code), and local ordinances. The facility shall be inspected annually for the first three years and thereafter a minimum of once every five years. Additionally, upon receipt of a formal complaint regarding the use of the firearms ranges, the administrator shall be authorized by the applicant to request range logs or records for review, which must be provided in a timely manner.
15. The facility and all individuals working with explosives within the facility shall be certified and permitted by Alcohol, Tobacco and Firearms (ATandF) to conduct such operations in compliance with its permits.

B. Driver Training and Vehicle Maintenance

1. The immediately adjacent areas to the driver training area shall be predominately undeveloped and shall be at least 5,280 feet (one mile) from any property line located in Currituck County and operated in compliance with the Currituck County Noise Ordinance.
2. Burning of non-vegetative matter and disposal of toxic/hazardous matter is prohibited.
3. Stockpiling of tires and vehicles is prohibited.
4. No driver training is permitted on any public road and all driver training may only be conducted in clearly marked designated driving areas.

C. Rotary and Fixed-Wing Aircraft Operations and Parachute Operations

1. Any training or operations involving rotary or fixed wing aircraft shall comply with FAA Part 91 and any and all other applicable FAA regulations or any other applicable state or local ordinance that governs the use and operation of rotary and fixed wing aircraft.

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2. Any and all parachute operations shall comply with FAA Part 105 and any and all other applicable FAA regulations or any other applicable State or local ordinance that governs parachute operations, including any and all federal, state or local rules and regulations related to a parachute landing zone.
- D. Dining Facility and Lodging
1. Construction of dormitory type structures to house not more than 120 persons at any one time shall be permitted to provide overnight accommodations to those people training at the Security Training Operations and Services Facility; provided that all state, county and relevant agency permits, approvals and licenses are obtained in connection with the construction and operation of such structure.
 2. All state, county and relevant agency permits, approvals and licenses must be obtained in connection with the operation of a dining facility.
 3. Sleeping and dining accommodations to persons not utilizing or otherwise associated with the Security Training Operations and Services Facility shall not be permitted.
- E. Miscellaneous
1. The site or area used as a Security Training Operations and Services Facility shall be enclosed by a six foot fence or otherwise restricted by natural physical features (i.e. swamps, bodies of water, canals, and large expanses of densely vegetated areas, etc.) so that access to the site is controlled to insure the safety of patrons, spectators and the public at large. Warning signs shall be posted along access points.
 2. The special use permit is non-transferable and will be reviewed annually for the first three years after approval and then every five years thereafter.
 3. The special use permit does not waive any requirement for compliance with any applicable federal, state and local rules, regulations, permits, and other required licenses and permits to conduct any of the aforementioned operations or to construct any building or improvement.
 4. The operators of a Security Training Operations and Services Facility must provide proof of coverage by adequate accident and liability insurance companies. A minimum coverage of \$2,000,000 shall be established.
 5. That any activity not specifically mentioned within the foregoing shall be prohibited.

Section 3.4 Institutional Uses

3.4.1 Cemeteries, Family and Church

Cemeteries that are not subject to the North Carolina Cemetery Act, including family cemeteries and church cemeteries, are permitted in all zoning districts in accordance with the following requirements:

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- A. Lots proposed to be used for a family or church cemetery shall be a minimum of two acres in size. The cemetery site located within the lot has no minimum area requirement.
- B. The following dimensional requirements shall be met:

Dimension	Requirement
Min. Road Frontage	125 feet
Burial Plot Setback from Local Roads	20 feet
Burial Plot Setback from Arterials (US158, NC168, NC34, NC136, NC615, and NC12)	50 feet
Burial Plot Setback from Sides	15 feet
Burial Plot Setback from Rear	25 feet
Burial Plot Setback from Potable Water Supply	50 feet
Burial Plot Setback from CAMA Water Body	75 feet

- C. The property owner shall provide a road or path for the purpose of access to and from the cemetery.
- D. The cemetery shall not be owned or operated as a business for profit.
- E. The cemetery shall be maintained in conformance with the Code of Ordinances, section 9-7 *Certain Conditions Declared Nuisance*.
- F. The applicant requesting to establish or enlarge a family cemetery shall submit the following minimum information on the site plan:
 1. lot dimensions;
 2. all property line setback requirements;
 3. all existing physical features (structures, buildings, streets, roads, grave sites, etc.);
 4. location and dimension of cemetery boundaries; including number of grave sites or burial plots;
 5. location and dimension of the road or path used to access the family cemetery;
 6. location of all potable water supplies within 50 feet of the family cemetery; and,
 7. location of all water bodies and major drainage ways (sounds, creeks, river, canals, etc.) within 75 feet of the family cemetery.

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- G. The site plan as approved by the Planning Department showing the location of and access to the cemetery shall be recorded with the Register of Deeds as an addendum to the deed for the subject property.

Section 3.5 Office and Service Uses

3.5.1 Animal Services (no outdoor kennels)

- A. The operation shall observe the Currituck County Noise Ordinance (Chapter 9, Article II- Noise Control Ordinance).
- B. The minimum lot size for this use shall be two acres.
- C. All fenced runs or training areas maintain a 25 foot setback from the property line and 50 foot setback adjacent to any existing single family dwellings.
- D. Runs and training areas must have at least six foot high fences completely surrounding them.
- E. All gates and entrances to the runs, kennel, and training area must be kept locked when not in use and maintained in escape-proof condition.
- F. The maximum number of dogs on site shall not exceed 20 dogs at any time.

3.5.2 Animal Services (with explosives training) (Special Use Permit only)

- A. The minimum lot size for this use shall be 20 acres.
- B. In no case shall any explosive material be stored, either inside or outside a "magazine," closer than 400 feet to a property line or dwelling unit and 300 feet to any roadway.
- C. The maximum amount of explosives for K-9 training at any time shall not exceed 100 pounds.
- D. A listing of the type, amount, and physical location of all explosive material shall be provided by the applicant to the county annually at the special use renewal hearing.
- E. The County Fire Marshal shall be authorized by the applicant to inspect the site and shall not be required to give advance notice of his inspection date for the purpose of determining compliance with all required permits and regulations including but not limited to: Alcohol, Tobacco and Firearms (ATandF) permits, National Fire Protection Association standards, Volume 5 of the NC State Building

Code (Fire Prevention Code), and local ordinances. The facility shall be inspected annually for the first three years and thereafter a minimum of once every five years.

- F. The facility and all individuals working with explosives within the facility shall be certified and permitted by ATandF to conduct such operations in compliance with its permits.
- G. The maximum number of dogs on the site shall not exceed 40 at any time.
- H. The special use permit, which may or may not be granted by the Board of Commissioners, is non-transferable. The permit will be reviewed annually for the first three years and then every five years thereafter.

3.5.3 Automobile Services and Repair

- A. All wrecked vehicles and parts shall be visually screened from exterior property lines and right of ways.

3.5.4 Bed and Breakfast Inns in Residential Districts (Conditional Use Permit only) (PB 10-29, 1/3/11)

- A. A bed and breakfast inn shall take place within a building that, was designed and used as a single-family detached dwelling and consist of a single dwelling unit together with the rental of one or more dwelling rooms on a daily or weekly basis to tourists, vacationers, or similar transients, where the provision of meals, if provided at all, is limited to the breakfast meal.
- B. A bed and breakfast inn shall be operated primarily by persons who reside within the dwelling unit, with the assistance of not more than the equivalent of one, full-time employee.
- C. The building that houses the dwelling unit may not be expanded by more than ten percent of its original floor area, nor may rooms for rent be added onto or created within accessory buildings.
- D. Not more than one sign advertising the existence of a bed and breakfast operation may be erected on the lot where such a use is located. No side of this sign may exceed six square feet in surface area nor be located within a street right-of-way. The sign may not be internally illuminated.

3.5.5 Hotels/Motels

- A. In no case may the number of lodging units exceed the number per acre indicated as follows:

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1. In the GB zoning district there shall be a maximum of 40 lodging units per acre; and,
2. In the C and LBH zoning districts there shall be a maximum of 20 lodging units per acre.

3.5.6 Marinas (Conditional Use Permit only)

- A. Marinas shall be planned in such a manner as to minimize the risk of water pollution.
- B. Marinas shall be located in areas where there is a high rate of water "turnover" (the time required for tidal action or water flow to replace water of a boat basin with new water from another source). Ideally, marinas should have a water turnover rate of two to four days.
- C. Marinas in upland areas shall be encouraged.
- D. Marina access channels shall be designed to maximize circulation and avoid dead-end spots.
- E. Marina designs must incorporate facilities for the proper handling of sewage, waste, and refuse.
- F. Marinas shall minimize alteration of existing shoreline configurations and disturbance of vital habitat areas.
- G. Dredging operations shall not occur during critical periods of fish migration and breeding.
- H. The method of dredging shall be chosen that will have the least environmental impact, and all dredged materials shall be placed in a manner so as not to pollute surrounding areas.
- I. Proposals for marina development shall be accompanied by a modeling study indicating expected flushing where applicable.

3.5.7 Professional Offices in Residential Districts (Conditional Use Permit only)

- A. The proposed use must front on a paved public street except in the RO2 district.
- B. The size, scale, and nature of the proposed use do not make it incompatible with surrounding residential uses. In making this determination, it shall be recognized that the primary intent of this section is to allow the kinds of small scale, professional offices that have traditionally been permitted in residential districts

along major thoroughfares in Currituck County, such as the individual offices of doctors, attorneys, and real estate brokers. This section is not intended to authorize in residential districts general office buildings rented to multiple tenants.

3.5.8 Tattoo and Body Piercing Studios

A. Definitions:

1. Body piercing studio: any establishment or business wherein body piercing is practiced. Specifically excluded from this definition are retail jewelry businesses offering ear piercing as a complimentary service.
2. Tattoo studio: any establishment or business engaged in the business or practice of dyeing, staining, or producing scars in, on, or under the living human skin.

B. Tattoo and Body Piercing Studios shall be subject to the following restrictions:

1. Tattoo and body piercing studios may be located only in a GB, C, LM, or HM zoning district provided a conditional use permit is obtained.
2. No Tattoo or body piercing studio shall be permitted in any building:
 - a. Located within 500 feet in any direction from a building in which a sexually oriented business is located.
 - b. Located within 500 feet in any direction from a building used as a church, synagogue, or other house of worship.
 - c. Located within 500 feet in any direction from a building used as a public school or as a state licensed day care center.
 - d. Located within 500 feet in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
3. Except for signs as permitted in Chapter 7, promotional displays and presentations shall not be visible to the public from sidewalks, walkways, or streets.
4. Determination of parking requirements shall be the responsibility of the zoning administrator who shall use the table found in Chapter 8 as a guide.

C. Any tattoo and/or body piercing studio lawfully operating on the effective date of this ordinance, that is in violation of this ordinance shall be deemed a nonconforming use. Any use, which is determined to be nonconforming by application of the provisions of this section, shall be permitted to continue for a

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period not to exceed two years. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of 180 or more it shall not be reestablished. If two or more tattoo and/or body piercing studios are within 500 feet of one another and otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and later-established business(es) shall be considered nonconforming. A tattoo and/or body piercing studio lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a church, house of worship, day care center, school, playground, public swimming pool, or public park within 500 feet of the body piercing studio and/or tattoo studio.

3.5.9 Taxi Service (PB 08-55, 5/18/09)

A. The following special requirements shall apply in the GB, C, and LBH Districts:

1. The taxi shall display no form of advertising other than that of the taxi company itself.
2. When not in service, vehicles shall be stored in a secure compound, fully enclosed with a fence and gate. The compound surface area shall be paved or graveled to not less than three inches deep and compacted and graded for proper drainage.
3. The taxi service compound shall be fully screened from adjacent rights-of-way and residentially zoned properties using a combination of opaque fencing and/or evergreen plant materials.

B. The following special requirements shall apply in the A District:

1. The use shall not disturb or intrude on the residential character of the surrounding neighborhood.
2. No more than two motor vehicles associated with the taxi service shall be permitted on the subject property.

Section 3.6 Retail Uses

3.6.1 Automotive/Boat/Heavy Equipment/Manufactured and Modular Home Sales and Service (PB 08-49, 10/20/08)

A. The following minimum dimensional requirements shall apply:

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Dimension	Requirement
Min. Lot Area	40,000 square feet
Min. Road Frontage	125 feet
Front Display Area Setback	20 feet
Side Display Area Setback	10 feet
Rear Display Area Setback	25 feet

- B. No vehicle or boat shall be stored or displayed within the right-of-way of any public street.
- C. All outdoor vehicle and boat display areas shall be graded and paved with concrete or asphalt.
- D. All major repairs shall be within enclosed buildings. For the purposes of this section “major repairs” shall be defined as any disassembling of the engine or drive-train or the changing of petroleum based fluids or the removal or assembly of sheet metal or fiberglass.
- E. A minimum of 20 percent of the vehicle or boat display areas shall be allocated for the landscaping of the site. This provision shall exempt the requirements of Chapter 5 when a landscaping plan demonstrating compliance with this section has been approved by the permit issuing authority.
- F. Once authorized, the conditional use permit can be transferred.

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- G. Wrecked, damaged or inoperable vehicle, boat, heavy equipment, or manufactured home storage areas shall be located behind the principal structure and shall not be visible from any public right-of-way.
- H. Designated parking areas for customers and employees shall be provided in accordance with Chapter 8.
- I. Permanent restroom facilities shall be provided in accordance with NC Building Code.
- J. No accessory buildings or storage shall be located between the public right-of-way and principle building on the site.
- K. There shall be no above ground or below ground storage facilities intended for hazardous vehicular fluids greater than 550 gallons on the site.
- L. When adjacent to a residential use an exterior lighting plan shall be submitted and approved prior to issuance of any required permit. The lighting of the parking areas and buildings shall meet the requirements of Chapter 9, Lighting Requirements for Nonresidential structures greater than 20,000 square feet.

3.6.2 Flea Markets (Conditional Use Permit only)

- A. Flea markets are open at least 3 days within a 90 day period.
- B. Off street parking shall be provided with a minimum of three spaces per stand or rented space.
- C. Sanitary facilities shall be provided with facilities for both the male and female gender.
- D. There shall be provisions for garbage or trash removal for each day such flea market is open to the public.
- E. Hours of operation shall be determined by the Board of Adjustment.
- F. All rental spaces and buildings shall maintain a 50 foot setback from all residentially used property lines and meet the setbacks for principle uses along all other property lines.

3.6.3 Shopping Centers (Special Use Permit only)

3.6.3.1 Use

All uses permitted in the zoning district in which the shopping center is located are also permitted in a shopping center.

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3.6.3.2 Dimension and Location Requirements

- A. The minimum tract size shall be four acres.
- B. The maximum lot coverage shall be 65 percent of the tract inclusive of any lot located within the development.
- C. The side and rear lot boundary setbacks for buildings and all other uses of property (i.e. parking, storage, mechanical equipment, etc.) shall be 20 feet except where provisions of this code require greater setbacks. Setbacks do not apply to side and rear lot lines located within the interior of the tract provided all fire codes are met and all lots are provided with adequate utility easements.
- D. Driveways shall be provided as follows. These provisions apply to the boundaries of the original tract and are inclusive of any out parcels created. Further, depending upon the traffic impact analysis, deceleration lanes may be required. All accesses shall be located in such a way as to prevent traffic hazards, congestion or other negative impacts.

Length of Street Frontage	Max. Number of Driveways per Street Frontage
Less than 600 feet	1
600-800 feet	2
More than 800 feet	3 (original tract not a corner lot)

- E. Driveways shall meet the following dimensional criteria:

Criteria	Dimension
Max. Width	36 feet
Distance from Street Intersections	150 feet
Setback from Property Line	50 feet
Distance between Access Driveways to Site	400 feet (may be reduced to 150 feet when driveways are aligned with existing streets or driveways)

3.6.3.3 Additional Requirements

- A. The tract shall be separated from adjoining streets by a curb, otherwise known as an access barrier.
- B. These provisions apply to the boundaries of the original tract and are inclusive of any out parcels created. Further, depending upon the traffic impact analysis, deceleration lanes may be required. All accesses shall be

located in such a way as to prevent traffic hazards, congestion or other negative impacts.

- C. All parking areas and access ways shall be floodlighted at night during business hours. All outside lighting shall be arranged and shielded to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind on adjoining streets or residential properties.
- D. Traffic Impact Analysis: a traffic impact analysis shall be submitted containing the following information:
 - 1. General site and land use description;
 - 2. The number of trips to be generated; the volume of existing/background traffic on roads adjacent to and within one-half mile of the tract; the heaviest hourly volume of traffic expected to be generated by the site; and the volume ratio of inbound and outbound trips to the site;
 - 3. Directional distribution of the vehicle trips;
 - 4. Assignment of vehicle trip volumes to the roadway network; and,
 - 5. Capacity analysis to include among other things a discussion on traffic volumes, driveway locations, spacing between intersection signals, thoroughfare plans, internal traffic flow and parking layout, pedestrian access, steps taken to alleviate traffic circulation problems and any other information as deemed necessary by the administrator.
- E. A market analysis shall be submitted containing the following information:
 - 1. Trade area of the proposed shopping center;
 - 2. Population of the trade area, present and projected;
 - 3. Effective buying power in the trade area; and,
 - 4. Net potential customer buying power for stores in the proposed shopping center and on the basis of such buying power, the recommended store types and store floor area.

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Section 3.7 Recreation and Entertainment Uses

3.7.1 Adult Establishments (Special Use Permit only) (PB 09-02, 3/2/09)

- A. The provisions of these regulations are adopted by the Currituck County Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, in Chapter 153A, (45-50) and further Article VI of Chapter 153A, Section 135 of the General Statutes. From and after the effective date of September 19, 1994, these regulations shall apply to every building, lot, tract, or parcel of land within Currituck County. For the purpose of promoting the health, safety, morals and general welfare of the citizenry of Currituck County, these regulations are adopted by the Board of Commissioners to regulate adult establishments and sexually oriented businesses, as hereby defined, located in Currituck County. Further, these regulations have been made with reasonable consideration among other things, as to the character of the county and its areas and their peculiar suitability for these businesses.
- B. These regulations shall not repeal, impair, abrogate, or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions, regulations previously adopted pursuant to law in any established zoning district in Currituck County. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.
- C. For the purpose of these regulations Adult Establishments and Sexually Oriented Businesses as defined in Chapter 17: Definitions shall apply.
- D. Adult establishments and sexually oriented businesses shall be subject to the following restrictions:
1. Adult establishments may be located only in an HM (Heavy Manufacturing) zoning district provided a special use permit is obtained.
 2. No adult establishment shall be permitted in any building:
 - a. Located within 1500 feet in any direction from a building used as a residential dwelling and any R and RA zoning district.
 - b. Located within 1500 feet in any direction from a building in which an adult establishment or a sexually oriented business is located.
 - c. Located within 1500 feet in any direction from a building used as a church, synagogue, or other house of worship.
 - d. Located within 1500 feet in any direction from a building used as a public school or as a state licensed day care center.

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- e. Located within 1500 feet in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
 3. Except for signs as permitted in Chapter 7, promotional displays and presentations shall not be visible to the public from sidewalks, walkways or streets.
 4. Determination of parking requirements shall be the responsibility of the zoning administrator who shall use the table found in Chapter 8 as a guide (i.e. adult motion picture theaters shall provide parking as is required for other motion picture theaters; adult businesses shall provide parking as is required for dance halls, bars and nightclubs, etc.).
- E. Any adult establishment or sexually oriented business lawfully operating on September 19, 1994, which is in violation of this ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two years. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of 180 days or more it shall not be reestablished.

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- F. If two or more adult establishments or sexually oriented businesses are within 1500 feet of one another and otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later-established business(es) shall be considered nonconforming.

- G. An adult establishment or sexually oriented business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a church, house of worship, day care center, school, playground, public swimming pool, or public park within 1500 feet of the adult business and sexually oriented business.

3.7.2 Campgrounds, Recreation (Special Use Permit only)

3.7.2.1 Use

The following uses are permitted in Campgrounds, Recreational:

- A. Use of transportable recreational housing not intended for long term occupancy or dwelling units.

- B. One accessory building (not to exceed 100 square feet) may be erected per camper lot provided district setbacks are met.

- C. Establishments for the sale of rental of supplies or for provisions of services, for satisfaction of daily or frequent needs of campers, within the district may be permitted. Such establishments include those providing groceries, ice, sundries, bait, fishing equipment, self-serving laundry equipment and the like, but not sale of designed to serve only the needs of campers within the campground, but shall not, including their parking areas, occupy more than two percent of the area of the campground and shall not be so located as to attract patronage from outside the grounds, nor to have adverse effects on surrounding land uses.

- D. The following uses will be allowed on platted camper lots within the county provided all lots are serviced by either a private or county operated central water and sewer system:
 - 1. One camper lot - uses allowed include one camper (sited in the center of the lot); a raised walkway (maximum width not to exceed five feet) will be allowed provided proper county setback minimums can be maintained; one accessory building (not to exceed 100 square feet) may be erected provided proper county setback minimums can be maintained; canvas awnings shall be allowed; no permanent additions shall be allowed, temporary additions such as roll-up canvas awnings shall be allowed provided proper county minimum setbacks can be maintained; proper CAMA permits must be obtained, if necessary; accessory buildings shall

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be located to the rear of the primary structure or camper; open air decks, those without roofs or walls, will be allowed up to a maximum of 100 square feet provided all county setbacks are maintained;

2. Two camper lots - uses allowed will be the same as for one camper lot, if lots are used separately. If lots are used jointly, as one lot, uses permitted shall include one camper, site built homes, modular homes, class "A" and class "B" mobile homes (up to two bedroom limit), accessory buildings (of any size), screened or unscreened porches, walkways and decks provided all county minimum setbacks are met, lot coverage shall not exceed 35 percent and proper CAMA permits shall be obtained, if necessary; additions to site built homes, modular homes and mobile homes such as rooms or accessory buildings will be permitted provided they do not increase the number of bedrooms or bathrooms; accessory buildings shall be located to the rear of the primary structure or camper;
3. Three camper lots - uses allowed will be the same as for two camper lots with the following exception: site built modular or class "A" or "B" mobile homes will be allowed with a three bedroom maximum; and,
4. All building permit requests for a principal structure, or room additions to a principal structure, must be accompanied by a certificate of use issued by the applicable sanitation district or organization managing the sewage treatment, stating there is adequate sewage treatment available for this structure.
5. All permanent structures located on a camper lot prior to November 7, 1989, may continue and be maintained in good condition. Any damage equaling 25 percent or more of the total structure's replacement cost may be replaced only in compliance with the requirements of this section and shall not be subject to the replacement provisions of Chapter 16.

3.7.2.2 Dimensional Requirements

- A. The minimum area for creation of a recreational campground shall be ten acres under single ownership or control. At the opening of any recreational campground for occupancy by units, all required facilities and improvements shall have been completed.
- B. The minimum number of spaces available and ready for occupancy shall be 20. The minimum size for a single camper space shall be 3,000 square feet.
- C. Lot coverage shall not exceed 35 percent and proper CAMA permits shall be obtained.

- D. Not less than eight percent of the area of the recreational campground shall be devoted to recreational area. Such recreation area may include space for common walkways and related landscaping in block interiors provided that such common open space is at least 20 feet in width, as passive recreation space, but shall include at least half of the total required recreational area in facilities for active recreation such as swimming pools or beaches, ball fields, shuffleboard courts, play lots for small children and the like, of a nature so designed to serve the type of campers anticipated and so located as to be readily available from all spaces and free from traffic hazards.
- E. No camper larger than 8' x 40' including the tongue will be located on a designated camper lot.
- F. All camper sites will be permitted to have up to a maximum 100 square foot platform 12 inches or less in height from the existing grade except for handicap accessibility.

3.7.2.3 Additional Requirements

- A. Campers may be parked or stored on any lot, tract or parcel with an established dwelling in any zoning district, or in an approved campground, or approved camper storage lot, provided such equipment shall not be used for overnight occupancy or as a dwelling unit.
- B. Additions to campers are not permitted, nor may campers be used as an addition to any structure.
- C. Campers may not have wheels removed and be blocked so as to make it a permanent structure, nor will underpinning be allowed.
- D. An approved sewage disposal system shall be provided in all campgrounds that are designed for campers or that allow use by campers.
- E. Camping is a permitted use of land only in camper subdivisions and recreational campgrounds.

3.7.3 Outdoor Tour Operators (Special Use Permit only) (PB 09-25, 9/21/09)

The requirements of this section shall apply to the base operation and extended business operations of outdoor tour operators.

- A. When not in use, tour vehicles shall be parked in a properly marked space toward the rear of the principle structure to improve traffic flow and preserve roadside aesthetics.

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- B. Tour vehicles shall be labeled with decals or paint markings that clearly display the company name. Label font size shall be a minimum of four inches.
- C. As part of the special use permit approval process, the Board of Commissioners may establish a maximum number of vehicles, hours of operation, and permit duration.
- D. All vehicular outdoor tour operators with a base operation within the jurisdiction of Currituck County shall apply for a special use permit within four months from the date of passage of this ordinance (effective September 21, 2009).

3.7.4 Recreation Grounds (Special Use Permit only)

Recreation grounds (not including Campgrounds, Recreation) may be permitted provided that the following conditions are met:

- A. The recreation ground must be operated by a non-profit organization.
- B. Minimum area for creation of a recreation ground shall be 20 acres under single ownership or control.
- C. Cottages, cabins or dormitory buildings must be constructed of such a nature that they will not be feasibly adaptable for year round occupancy.
- D. The minimum size of cottage, cabin or dormitory building shall be not less than 640 square feet.
- E. There shall be a buffer of not less than 100 feet between all building and the nearest property line.
- F. The facilities shall not accommodate more than ten persons per acre for overnight occupancy.

Section 3.8 Industrial, Manufacturing, Warehousing, Wholesale, Distribution, and Solid Waste Uses

3.8.1 Junkyards and Salvage Yards (Special Use Permit only)

- A. A junkyard may not be placed within 1000 feet of a primary highway right-of-way.
- B. Junkyards shall be screened so as not to be visible from (i) any state maintained road using a minimum six foot privacy fence; (ii) screening from adjacent residential or non-residential properties is also required.

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- C. Burning of non-vegetative matter shall not be permitted.
- D. Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.
- E. Disposal of toxic/hazardous matter is prohibited anywhere in the county without a state permit, and a conditional use permit from the county, in an approved site.
- F. Stock piling of tires and batteries is prohibited.
- G. Drainage of junkyards shall be adequate to assure that no standing water shall exist.
- H. Weeds and vegetation shall be kept at a height not to exceed 12 inches.
- I. Storage of vehicles shall be so arranged as to permit easy access to all such junk for fire fighting purpose.
- J. A Soil Erosion and Sedimentation Control Plan shall be submitted according to the North Carolina Erosion and Sedimentation Control Act and a copy must be kept on file in the administrator's office.

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3.8.2 Manufacturing, Light

- A. For all light manufacturing uses located within a commercial zoning district, the following shall apply:
1. Light manufacturing use must include retail sales on the premises.
 2. Where the use abuts a residential use or a residential zone an opaque (Type A) screen shall be installed to shield neighboring property from the view of any building. If a fence is used to accomplish the opaque screen, evergreen vegetation shall be planted outside of the screen such that within six years the fence will not be visible from a distance of at least ten feet. A semi-opaque (Type B) screen shall be required along all street right-of-ways. Existing vegetation shall be preserved to the maximum extent possible.
 3. Buffer and setback areas in the side and rear may not be used for parking.
 4. No open storage shall be permitted. All materials, supplies or products shall be stored under roof or shall be screened from view with opaque fencing. This shall not apply to finished products presented in the open for display and sale.
 5. The use shall not generate more noise, smoke, odor, fumes, vibrations or other disturbance than is characteristic of permitted business uses located within 1,000 feet in any direction when observed, measured, or monitored from the closest property line. In cases where such monitoring, measuring or observation is required, it shall be the responsibility of the applicant to provide adequate information to the Board of Adjustment.
- B. For all light manufacturing uses located within the A and RA Districts, the following shall apply:
1. No retail sales of products shall be permitted.
 2. Structures shall be setback a minimum of 75 feet from any street right-of-way and 25 feet from all other property lines.
 3. Within 500 feet of any building there are no residences that are occupied or held ready for occupancy or under construction on the day the permit is issued.
 4. An opaque (Type A) screen shall be installed to shield neighboring property from the view of any building. If a fence is used to accomplish the opaque screen, evergreen vegetation shall be planted outside of the screen such that within six years the fence will not be visible from a distance of at least ten feet. A semi-opaque (Type B) screen shall be required along all street right-

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- of-ways. Existing vegetation shall be preserved to the maximum extent possible.
5. The proposed use will not require and will not allow truck pick-up or delivery traffic before 7:00 a.m. or after 7:00 p.m. All parking and loading areas shall be located on the side or rear of the structure. All parking and loading areas shall be setback a minimum of 15 feet from any side or rear property line. Only one driveway shall be permitted per site unless public safety would be better served with a second driveway.
 6. The total gross floor area of any buildings may not exceed 2,000 square feet. However, cabinet shops in the A zoning district may exceed 2,000 square feet.
 7. The proposed use will not substantially injure the value of adjoining or neighboring properties, and the burden of proof on this issue lies with the applicant. However, if the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application pursuant to Chapter 11, and stating that such property owners believe their property values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the Board of Adjustment may make the required finding.
 8. All structures shall be constructed in a manner so as to blend in with the character of the area taking into consideration height, size, exterior materials, windows, doors, and other related exterior features. All applications must be accompanied by building elevations of proposed structures and a lighting plan.
 9. All refuse containers shall be located at the rear of the structure.
 10. The maximum square footage of sign surface area advertising the proposed use shall be 16 square feet for a wall mounted sign and 10 square feet for a freestanding sign. Not more than one sign may be erected on the site. The maximum height for a freestanding sign shall be five feet.

3.8.3 Mining (Special Use Permit only)

The special use permit may be issued only if the applicant receives the State of North Carolina mining permit and complies with the general standards and following specific standards:

- A. Any mine activity affecting more than one acre (including excavation, area where overburden is placed, area used processing or treatment and settling ponds, access roads, etc.) shall be subject to these regulations and require a special use permit. In the event that one acre or less is disturbed, excluding haul roads, such use shall be permitted by right with a zoning permit in all zoning districts subject to a minimum 100 foot excavation area setback from all property lines, a maximum

3:1 slope above the water, a maximum 2:1 slope in the water, an a average minimum depth of four feet, and a \$1,000 bond posted with the Planning Department to ensure proper reclamation of the mine.

- B. If at any time a state agency suspends or revokes any permits it has issued for the mining operation, the revocation or suspension shall cause the special use permit to become void until such permit is reinstated by the state.
- C. No more than 30 percent of the total site shall be excavated at any given time during the mining operation and after completion. With approval of the Board of Commissioners, additional area within the site can be mined provided previously mined areas are reclaimed with non-contaminated soils to the original ground elevation in accordance with state standards. Setbacks established by these regulations shall be met at all times. All reclaimed land shall be identified on a map recorded in the register of deeds.
- D. All state permits and applications for state permits associated with the mining activity, including permit modifications, shall be filed within ten working days of issuance or submittal in the Planning Department by the applicant.
- E. The special use permit shall be valid for a period of ten years from the date it is granted or for a shorter duration as deemed appropriate by the Board of Commissioners. In the event the property owner desires to continue the mining operation thereafter, he shall again petition the Board of Commissioners for a new permit.
- F. The hours of operation of all mining related facilities and activities on the mining site shall be established by the Board of Commissioners to minimize: (a) traffic delays and interruptions on public roads; (b) noise levels and sound disturbances to adjoining property owners and the community at large. In no case shall the hours of operation be beyond dawn to dusk nor shall mining activity occur on Sundays.
- G. Appropriate buffers and screens for mining activities shall be determined by the Board of Commissioners in order to minimize the negative impacts on adjoining properties and street right-of-ways. The use of earth berms and vegetation for visual screening shall be encouraged where appropriate. In order to establish a visual screen, mined materials shall not be stored in excess of 25 feet in height.
- H. No activities associated with the mine, including but not limited to excavation activities, vehicular access (except for driveways providing access to the site) and detention ponds shall be located within 100 feet of any property line and 300 feet of any residence, school, church, hospital, commercial or industrial building, public road or cemetery.

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- I. Setbacks may be reduced by 50 percent when there is a complete visual screen at least six feet in height and an intermittent visual screen to a height of at least 20 feet between the mining activity and the adjoining use. Further, the Board of Commissioners may reduce non-modified setbacks by 50 percent when the mining activity adjoins a vacant parcel or farmland. Where mining activities remove four feet or less of soil and maintain at least one foot above the seasonal high water table, the mining activity setback shall not be less than 25 feet from any property line or use.
- J. At least 200 feet of continuous pavement shall be required onsite starting at the point the access road intersects with a public street or highway unless such public street is not paved. Acceleration and deceleration lanes shall be required by the county when it determines, subject to input from the North Carolina Department of Transportation, that such lanes will enhance public safety. All access roads should intersect with public streets at right angles, but in no case be less than 60 degrees. All streets and roads utilized to access the mining site shall be maintained free of dust and sediment and shall be properly graded and drained.
- K. Where two or more accesses to the mining operation exist, traffic shall be routed to the access having the least negative impact on adjoining properties.
- L. All trucks hauling mined materials (i.e. sand, clay, topsoil) shall be covered with a tarpaulin.
- M. Overburden to be used for future reclamation shall be placed where it will not be disturbed by normal mining activities and shall be stabilized to reduce wind and water erosion. Use of overburden for earth berms is encouraged to reduce the impact of the mining operation on adjoining properties.
- N. No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on site.
- O. Discharging of water from the mine site shall be permitted subject to obtaining a state permit. The county may take random samples and have the results tested for settleable solids, turbidity, and pH at the operators' expense. Such testing shall not exceed six tests per year. Discharging without proper state permits will result in initiating procedures to revoke the special use permit.
- P. No trespassing signs shall be posted around the site being mined at a minimum distance of 250 feet apart indicating that a mining operation is being conducted on the property.
- Q. Reclamation shall be conducted simultaneously with mining operations. Annual reclamation reports shall be submitted to the Planning Department within ten days of being filed with the state.

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- R. Drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation.
- S. All provisions of state and local permits issued for the operation shall be met.
- T. No mining activities shall adversely affect surrounding in use wells. A hydrological report as provided below shall be required and the board may consider that report in adjusting setbacks or imposing other conditions on the applicant. Such conditions shall be designed to avoid adverse impacts on in use well owners, including but not limited to requiring monitoring wells, additional hydrological studies, or surety to protect in use well owners from loss. Any person owning or operating a mining site in a manner that adversely affects an in use well through contamination or diminution of groundwater shall provide the well owner with a replacement water supply of equal quantity and quality. A rebuttal is permitted that contamination or diminution of water has been caused by the mining activity.
- U. A plan shall be submitted for review with the following information:
 - 1. Name of mine;
 - 2. Mine manager, address and phone number;
 - 3. Mining methods;
 - 4. Steps taken to maintain haul roads when appropriate;
 - 5. Description of day to day operations;
 - 6. Statement of timing of reclamation;
 - 7. Description of project stages at beginning, half way through and reclamation (size, timing, status of site);
 - 8. Description of sedimentation control measures and drainage patterns;
 - 9. All state permits issued and all materials turned in to obtain such permits;
 - 10. Proposed use after mining along with site plans and a description of how sewage will be handled;
 - 11. Boundaries of pit(s);
 - 12. Location of haul roads;
 - 13. Buffers, existing vegetation on site and berms;

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14. Width of streets and bridge weight limits within 0.75 mile radius of mining excavation;
15. Location of constructed and natural drainage ways and streams within .75 mile radius of the excavation;
16. Hydrological study prepared by a qualified and licensed engineer showing impact of mining on existing private in use wells located within a 2,000 foot radius of the excavation area, addressing impact on quality and quantity of in use wells. The study shall include findings as to any adverse impact the excavation will have on these in use wells in addition to recommended mitigation action;
17. Estimated noise levels at exterior property lines;
18. Future use plan including proposed site layout; dates when restoration will commence and finish; cross sections showing final depth and grade slopes after restoration activities; description of use and ownership of site after completion; assumption of legal responsibility for any environmental pollution that occurs on-site after excavation activities are complete. Further, a reserve fund shall be established, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon present costs and an assumed inflationary rate of five percent per year and timetable showing the expected life of the mining site. The estimates shall be reviewed for reasonableness by the county. At minimum, the estimated capital expense shall be in amount equal to \$1,000 times the number of acres in the total site. The owner shall place funds in the reserve annually in amounts equal to the capital cost estimates provided above divided by the number of years the mining site will be open. The first payment shall be made prior to commencement of excavation activities and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the administrator. Such evidence shall be submitted annually, along with the total balance of reserve funds, to the administrator on or before the anniversary of the initial notarized statement. In the event the mining operation permanently discontinues before the expected timetable submitted, the owner shall pay all remaining amounts to the reserve fund as evidenced by a notarized statement to the administrator. Any funds held by the State of North Carolina pursuant to G.S. 74-54 will be credited towards the amount required under the section. Funds shall be forfeited unless the development cannot proceed due to county governmental restriction, in which case the funds shall be returned. In the event the funds are forfeited and the state held bond for reclaiming the land to state standards is insufficient to cover reclamation costs, those forfeited funds may be used for reclamation. Acceptance of the future use plan and subsequent funds shall not be deemed an approval of the future use plan. That plan shall be

reviewed and considered under the regulations in effect at the time of official submittal.

Section 3.9 Agriculture and Livestock Uses

3.9.1 Agribusinesses

- A. No building or structure that houses any part of the agribusiness use may be located within 500 feet of any pre-existing residence (other than a residence owned by the applicant) that is occupied, held ready for occupancy, or under construction on the date the permit is issued.
- B. For the A and RA districts in which a conditional use permit is required, the proposed use will not substantially injure the value of adjoining or neighboring properties, and the burden of proof on this issue lies with the applicant. However, if the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application pursuant to Chapter 11, and stating that such property owners believe their property values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the Board of Adjustment may make the required finding.
- C. The maximum square footage of sign surface area advertising the proposed use shall be 32 square feet, and not more than one freestanding sign may be erected.

3.9.2 Land Application of Commercial Sludge and Septage (Conditional Use Permit only)

- A. A permit must be obtained by the applicant from the appropriate county or state agency which has authority to issue required permits prior to land application of sludge or septage. All conditions stated in the appropriate county or state permit shall be strictly adhered to.
- B. The conditional use permit requirement shall not be intended to place restrictions on livestock and poultry practices.
- C. The site shall be inspected by Albemarle Regional Health Services every two months. Further, septage operations shall have soil tested annually. Soil shall be tested semi-annually if lime is used for stabilization.
- D. The applicant must notify Albemarle Regional Health Services at least ten days prior to beginning land application of sludge and at least ten days prior to beginning further sludge operations if operations are conducted on an intermittent basis and have ceased for more than 30 days.

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- E. The applicant shall submit to Albemarle Regional Health Services copies of all reports submitted to the appropriate state permitting agency concerning land application operations.
- F. Soil erosion and runoff for the site shall be in accordance with 10 NCAC 10G.0908, Septage Management Rules of North Carolina.
- G. "No Trespassing" signs shall be posted at access roads or paths crossing or leading to the disposal area and a legible sign of at least two foot by two foot (2' x 2') stating, "Septage" or "Sludge Disposal Area" shall be posted at the entrance to the disposal area.
- H. Land application of sludge shall occur only during daylight hours. Septage shall be applied so as to have no standing surface collection of liquid within 24 hours after application.
- I. Upon issuance of the conditional use permit, the property owner shall record the conditional use permit in the Currituck County Register of Deeds and have it indexed under the record owner's name as grantor.
- J. The conditional use permit, if issued, shall be non-transferable.
- K. Failure to properly abide by the aforementioned conditions will result in the immediate revocation of the conditional use permit.
- L. For Commercial Sludge setbacks shall be:
 - 1. Within 1000 - 1500 feet of an existing residential or commercial structure there shall be a 1000 foot setback with appropriate vegetated/woodland buffer as deemed suitable by the Board of Commissioners.
 - 2. Within 1500 - 2000 feet of an existing residential or commercial structure a vegetated/woodland buffer may be required by the Board of Commissioners.
 - 3. Greater than 2000 feet to an existing residential or commercial structure no buffer shall be required.
 - 4. The setback shall be 1,000 feet from private or public water well.
 - 5. The setback shall be 100 feet from any property line.
- M. For Commercial Septage setbacks and other standards shall be:
 - 1. 500 feet from an existing residential or commercial structure; however, if excessive complaints from neighbors arise, then setback of 1000 feet or lime stabilization may be required.

2. 100 feet from any property line under separate ownership or control and any public right-of-way.
3. 500 feet from potable water (well or spring).
4. 200 feet from wells other than monitoring.
5. 50 feet from abandoned wells.
6. In accordance with 10 NCAC 10G.0907, Septage Management Rules of North Carolina;
7. 100 feet from ground water lowering ditches and devices.
8. Septage disposal sites shall not be located on a slope greater than 12 percent.
9. Soil texture, soil wetness and depth to rock standards shall be in accordance with 10 NCAC 10G.0907, Septage Management Rules of North Carolina.
10. No hazardous wastes shall be disposed of on-site; industrial or solid wastes shall not be disposed of on-site without prior approval by the state.
11. Soil pH shall be maintained at 6.5 or greater at all times.

Section 3.10 Other Uses

3.10.1 Adaptive Reuse of Historic Properties (Conditional Use Permit only)

- A. The tract for which the conditional use permit is sought contains property that is listed on the National Register of Historic Places.
- B. Any property proposed to be covered in the conditional use permit that is not part of the tract listed on the Register is integrally related to such property such that its coverage under the conditional use permit is warranted for aesthetic, planning, or economic reasons.
- C. Uses otherwise permissible in the district where the property is located do not seem to provide a practical opportunity or offer sufficient incentive to renovate and reuse the historic property.
- D. The property can be developed for the use proposed without creating any substantially adverse impact on surrounding properties, or any adverse impact is outweighed by the benefits of preserving the historic character of the property.

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3.10.2 Crabshedding

The requirements set forth in this section shall apply only to crabshedding operations conducted in residential zoning districts and shall not apply to other districts where this use is allowed.

- A. All phases of the operation must be conducted not less than 10 feet from the property line and not less than 50 feet from any neighboring residence;
- B. No odor, fumes or excessive noise or traffic shall be allowed;
- C. On-premise freezing, packing and preparation for shipping shall be allowed;
- D. No storage, sale or purchase of hard crabs or bait shall be allowed; and,
- E. No more than one truck, van, car or other vehicle, or part of a vehicle, which is visible for commercial use may be kept on the property, nor any such vehicle or trailer which is larger than 8' x 32'.
- F. In the A, RA, and RR Districts:
 - 1. A sign not exceeding six square feet is permitted;
 - 2. On-premise sale of soft crabs or peeler crabs allowed; and,
 - 3. Open storage must be fenced with opaque fencing.
- G. In the R District:
 - 1. No sign or advertisement of any type shall be maintained on the property;
 - 2. No on-premise purchase or sale of soft crabs or peeler crabs shall be allowed; and,
 - 3. No open storage shall be allowed.

3.10.3 Outdoor Display and Outdoor Storage (PB 09-06, 8/17/09)

A. Outdoor Display

- 1. Outdoor display is permissible in association with any retail use following technical review committee evaluation of a site plan illustrating the extent of the proposed area for outdoor display.

2. Outdoor display areas shall be located immediately adjacent to the storefront and are prohibited in parking lots, fire lanes, drive aisles, loading zones, CAMA setbacks, zoning setbacks, and buffer yards. Display areas are only permissible adjacent to the building or structure in which the business is located.
3. The area lawfully allowed to be utilized for outdoor display may be defined by an approved container or rack provided the container or rack can be moved inside or anchored for 120 mph winds in the event of inclement weather.
4. No merchandise shall be attached to a building's wall surface, column, roof, light post, flagpole, etc., and shall be confined to the designated display area.
5. At minimum, a clear path equal to the width of the door shall be maintained in order to allow safe passage to the parking lot and adjacent businesses.
6. A minimum of 36 inches along the parking lot side of the display area shall be maintained free of obstruction to allow for pedestrian movement, such that pedestrians are not forced to enter the parking lot, loading zone or drive aisle to walk around the display area.
7. No additional signage, except with an approved sign permit, shall be permitted in association with outdoor display areas.
8. Outdoor display areas shall cover no more than one half of the total linear feet of store frontage.
9. Seafood stands, vegetable stands, and farmer's markets are exempt from outdoor display regulations.

B. Outdoor Storage

1. Outdoor storage is permissible in association with any retail, service, or industrial use following technical review committee evaluation of a site plan illustrating the extent of the proposed area for outdoor storage.
2. Outdoor storage is prohibited in fire lanes, drive aisles, loading zones, CAMA setbacks, zoning setbacks, required parking spaces, site triangles, and buffer yards.

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3. In the General Business (GB), Commercial (C), and Limited Business-Hotels Allowed (LBH) districts the following requirements shall apply to outdoor storage areas that exceed ten percent of the gross floor area of the principal structure:
 - a. In addition to applicable buffer yard requirements of Chapter 5: Landscaping, Bufferyards & Shading, outdoor storage areas shall be screened a minimum of six feet in height from ground level view from adjacent residential properties and public rights-of-way by a wall, semi-opaque fence, berm, landscaping, or combination thereof.
 - b. Outdoor storage areas are prohibited between the front plane of the principle building or structure and any rights-of-way. Storage areas shall be located to the sides or rear of the principle building.
 - c. The requirements of subsection (3) shall not apply to the storage of landscape nursery products, motor vehicles, and pre-fabricated structures (e.g., storage buildings) offered for individual sale.
4. In the Light Manufacturing (LM) and Heavy Manufacturing (HM) districts the following requirement shall apply:
 - a. In addition to applicable buffer yard requirements of Chapter 5: Landscaping, Bufferyards & Shading, outdoor storage areas shall be screened a minimum of six feet in height from ground level view from NC 168, US 158, and NC 12 by a wall, semi-opaque fence, berm, landscaping, or combination thereof.
5. Seafood stands, vegetable stands, and farmer's markets are exempt from outdoor storage regulations.

3.10.4 Special Events (Special Use Permit only)

- A. The hours of operation allowed shall be compatible with the uses adjacent to the activity.
- B. The amount of noise generated shall not disrupt the activities of adjacent land uses.

- C. The applicants shall guarantee that all litter generated by the special event be removed at no expense to the county.
- D. Parking generated by the event shall be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.
- E. In cases where it is deemed necessary, the board may require the applicant to post a bond to ensure compliance with the conditions of the special use permit.
- F. If the permit applicant requests the county to provide extraordinary services or equipment or if the county otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the county a fee sufficient to reimburse the county for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

3.10.5 Temporary Construction and Sales Offices

3.10.5.1 Use

- A. Within any district, a temporary building may be located on any lot or tract that is being developed so long as such building:
 - 1. Is used as a construction or field office related to the development of the tract where the office is located or as a place of storage for materials used in the development of such tract; or,
 - 2. Is used as a sales office solely in connection with the development where such temporary building is located; and,
 - 3. Is removed within 30 days after completion of construction work on the tract where the building is located or within 30 days after 95 percent of the lots or units have been sold.
- B. Within any real estate development offering lots or units for sale, a temporary sales office may be established in a model or display unit that is or will be for sale and within any permanent building (such as a clubhouse or recreation facility) that will remain as part of the development after sales were completed so long as such temporary sales office is used solely in connection with marketing development where such building is located.

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3.10.5.2 Dimensional and Location Requirements

Temporary buildings under this section shall observe the setback requirements applicable to permanent buildings within the district where such temporary buildings are located.

3.10.5.3 Additional Requirements

Permits must be secured from the building inspector and administrator prior to the location of any temporary buildings. Permits shall remain valid for 12 months and may be renewed for additional 12 month period upon a showing that the building is being used in conformity with this section and reasonable progress is being made toward completion of the project.

3.10.6 Temporary Tents (08-31, 9-15-08)

3.10.6.1 General

- A. Temporary tents shall only be utilized for temporary purposes and shall not be used as a permanent principal structure or permanent accessory structure.
- B. Temporary tents shall be constructed of fire retardant materials. All tents shall display a fire retardant certificate and be inspected by the fire marshal, building inspector, or his designee prior to occupancy.
- C. Temporary tents shall be setback not less than ten feet from any property line. Tents shall not be located in any easement, existing or future right-of-way, vehicular access area, required vehicular parking space, sight-distance area, septic area or other similar area.
- D. Temporary tents shall be adequately braced and anchored to prevent weather related collapse and shall not contain a permanent foundation.
- E. Temporary tents shall be maintained in good condition. Damaged tents shall be repaired, replaced, or removed.
- F. When applicable, all tents shall meet North Carolina Fire Code and North Carolina Building Code.
- G. The following temporary tents shall be exempt from the provisions of this subsection:
 - 1. Temporary funeral tents at grave sites;
 - 2. Temporary private event tents as an accessory activity to a residential dwelling;

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3. Temporary recreational camp tents as an accessory activity to a residential dwelling or within an approved campground;
4. Temporary tents for church/non-profit related functions;
5. Tents erected in conjunction with a special event which has been granted a special use permit by the Board of Commissioners.

3.10.6.2 Temporary Tents For Recreation Uses

- A. This subsection shall apply to temporary tents utilized for indoor recreation uses as allowed in the Permitted Uses Table.
- B. Temporary tents must be placed on property that contains a permanent principle structure with a minimum enclosed area of 10,000 square feet.
- C. Any such tent must be a minimum of 6,000 sq. ft. in size.
- D. A special use permit will be required for such tents erected on a property for a period of time that exceeds 30 days. The special use permit issued for the temporary structure shall expire in five years and may not be renewed.
- E. All such tents shall maintain a minimum setback of 20 feet from any street right-of-way and meet all other accessory structure setbacks for the property.
- F. The maximum building coverage including principle structures, accessory structures, and the temporary tent shall not exceed 10 percent of the property. The tent shall not exceed the total square footage of the existing principle structure.
- G. Tents located within 50 feet of a public street shall provide a semi-opaque landscape buffer between the right-of-way and the tent. The screen or barrier shall meet the following minimum requirements:

Minimum Plant Materials			
Minimum Width	Plant Material Required Per 100 Linear Feet of Street Frontage	Minimum Planting Height or Caliper	Maximum Spacing
10 Feet	3 Large Shade Trees 30 Evergreen Shrubs	Large Shade Trees: 2 Inch Caliper Evergreen Shrubs: 24 Inch Height	Trees: 50 Feet Shrubs: 6 Feet

3.10.6.3 Temporary Tent Sales

- A. Temporary tent sales must be commonly associated with the commercial use established on the property and shall be considered as an accessory to the principal use. Any temporary tent sale not commonly associated with the established commercial use on the same lot shall not be permitted under this section.

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- B. No temporary tent sales shall be used for a period of time which exceeds 30 days in any 12 month period.
- C. There shall not be more than two tents erected for purposes of a temporary sale on any parcel. In no case shall the tent(s) exceed 1,000 square feet of total area or the maximum permitted by the lot coverage requirement.
- D. A building and zoning permit shall be required for each separate occurrence. The zoning permit shall specifically limit the number of days the sale will occur and the tent(s) will be erected. The tent(s) shall be removed from the property at such time the zoning permit becomes invalid. For purposes of this section, an occurrence shall be defined as any single incident of erecting a tent.

3.10.7 Telecommunication Towers

3.10.7.1 Intent

The county recognizes that Currituck County desires to encourage the orderly development of wireless communication technologies for the benefit of the county and its citizens. The county also recognizes the character of the communities of the county. As a matter of public policy the county aims to encourage the delivery of new wireless technologies throughout the county while controlling the proliferation of communication towers. Such development activities will promote and protect the health, safety, prosperity and general welfare of persons living in Currituck County. Specifically, the Wireless Communication Facility Development Standards are designed to achieve the following:

- A. Provide a range of locations for wireless communication facilities throughout the county;
- B. Encourage the location of wireless communication facilities onto existing structures to reduce the number of new communication towers needed within Currituck County;
- C. Encourage co-location and site sharing of new and existing wireless communication facilities;
- D. Establish adequate development and design criteria to enhance the ability of providers of telecommunications services to provide service to the community quickly, effectively, and efficiently;
- E. Protect residential, historic preservation areas, and scenic corridors from the uncontrolled development of wireless communications facilities by requiring reasonable siting conditions;

- F. Promote the use of suitable lands for the location of wireless antennae, towers, and/or wireless communication facilities;
- G. Insure the harmonious, orderly and efficient growth and development of wireless communication facilities within the county;
- H. Provide development standards for the development of wireless communication facilities which are consistent with the requirements of the Federal Telecommunications Act of 1996 and in the best interest of the future of Currituck County; and,
- I. Provide clear performance standards addressing the siting of wireless communication facilities.

3.10.7.2 Use and Location

- A. Non-commercial amateur radio towers and antenna up to a maximum height of 100 feet shall be allowed subject to meeting only required setback and landscaping (if required) standards and by filing the prevailing conditional use permit fee and application.
- B. Antenna attachments onto existing support structure(s), including but not limited to water tanks, utility poles/structures, buildings, etc. or onto an attached wireless communication facility shall be permitted by administrative approval subject to the development criteria of this ordinance.
- C. Wireless communication facilities with support structures shall only be permitted on all other lands by means of approval of a conditional use permit. Prior to applying for a conditional use permit, the applicant shall provide the county with adequate information to establish that lands included in Subsection B above can not be made suitable for wireless communication facility locations.
- D. A proposal for a new wireless communication facility shall not be approved unless the Board of Adjustment finds that the equipment planned for the proposed tower cannot be accommodated on existing or approved towers, buildings or alternative structures within a one mile search radius of the proposed wireless communications facility due to one or more of the following reasons:
 - 1. The planned equipment would exceed the structural capacity of the existing or approved tower, building or structures, as documented by a qualified and licensed North Carolina professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at the reasonable cost.

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2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower, building or other structure as documented by a qualified and licensed North Carolina engineer and the interference cannot be prevented at a reasonable cost.
 3. Existing or approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed North Carolina professional engineer.
 4. Other unforeseen reasons that make it infeasible to locate the planned telecommunication equipment upon an existing or approved tower, building or other structure.
- E. Development standards for wireless communication facilities, in addition to the general standards as noted within this ordinance, will include the following development standards:
1. Wireless communication facilities shall be spaced a minimum of one-half mile apart unless an existing tower is full and another tower is erected on the same property.
 2. Towers or antennas proposed for local business internal communication purposes only shall be exempt from the one mile search radius required.
- F. Antennas placed on existing structures, excluding existing towers, shall be considered accessory uses that are permitted by right subject to a zoning permit provided they are no higher than 20' above the structure to which they are attached and a qualified and licensed professional engineer certifies the existing structure can suitably accept the antenna. No additional setbacks shall be required for antennas placed on existing structures excluding existing towers.

3.10.7.3 Dimensional Requirements (09-05, 5-4-09)

- A. Towers and antennas shall be required to maintain a one foot setback from front, side, and rear property lines for every one foot of tower height. Guy wires, when applicable, shall conform to district setback provisions. There shall be no setback requirements from structures located on the subject property.
- B. Tower height on existing towers may increase up to ten percent of the tower height for the collocation of antennae with no increase in setbacks provided that reasonable evidence is submitted showing that the need for an additional tower is eliminated. A North Carolina licensed engineer must certify that the extension's fall zone will not encroach on adjoining property and FAA

approval must be granted for the extension. The one foot setback for every one foot in height shall be maintained from existing dwellings on adjoining properties but does not include the subject property. Continuous proof of at least \$1 million in liability insurance must be maintained and filed with the Planning Department on an annual basis.

- C. Attached wireless communication facilities shall not add more than 20 feet to the height of the existing building or structure to which it is attached (Attachment Structure). However, antenna attachments to existing communication towers shall not increase the height of tower above the maximum original permitted height of that tower.

3.10.7.4 Design and Appearance

- A. All utility buildings and accessory structures to towers and antennas shall be architecturally designed to blend in with the surrounding environment.
- B. Every tower affixed to the ground and guy wires shall be protected to discourage climbing by unauthorized persons. The base of the tower along with any individual guy wires shall be enclosed by a commercial grade chain link fence (or some other fence of equal or greater quality) a minimum of eight feet in height, and in addition to, shall include a minimum of two strands of barbed-wire and/or razor wire affixed to the top of the fence.
- C. Antenna array attachments shall be designed so as to be compatible with the tower and antenna facility to which it is to be affixed; including but not limited to, matching the proposed array with existing structural design, facade colors, and camouflage technology.
- D. New towers and antenna shall be designed to be compatible with existing structures and surroundings to the extent feasible. The proposed tower or antenna should be consistent with the tower and antenna type and height standards for similar properties in similar locations; including but not limited to, considerations of scale and space of the immediate vicinity of the new facility, placement in a location which is consistent with proper functioning of the tower or antenna facility, and the use of compatible or neutral colors, and camouflage technology.
- E. All new tower and antenna facilities (other than those proposed for local business utilization) shall be engineered, designed and constructed to be capable of sharing the facility with other applicants, to co-locate with other existing tower and antenna facilities and to accommodate the future co-location of other tower and antenna facilities. A Tower Antenna Use Application (TAA) shall not be issued until the applicant proposing a new tower and antenna facility shall demonstrate that it has made a reasonable good faith attempt to locate its tower and antenna facility onto an existing

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structure. Competitive conflict and financial burden alone are not deemed to be adequate reasons against co-location.

- F. All towers and antenna facilities (other than those proposed for local business utilization) with a support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least three antenna array. All towers and antenna facilities with support structures up to a height of 150 feet or greater shall be engineered and constructed to accommodate at least four antenna array.
- G. Towers and antenna with support structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antennas Towers and Antenna Support Structures" (or equivalent), as it may be updated and amended. Each support structure shall be capable of supporting multiple antenna arrays.
- H. The following lighting requirements shall apply to all towers and antenna installations. Towers and antenna shall not be artificially illuminated, directly or indirectly, except for:
 - 1. Security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site;
 - 2. Such illumination of the towers and antenna as may be required by the FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences; and,
 - 3. Unless otherwise required by the FAA or other applicable authority, the required light shall be red and a type of lens used to reduce ground lighting when the site is within 100 feet of a residential dwelling.
- I. Towers and antenna shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, state or federal regulations governing tower and antenna facilities.
- J. Landscaping requirements are as follows:
 - 1. When deemed appropriate to minimize the potential impact on surrounding properties, the Board of Adjustment may require landscaping around the tower, antenna, guy wires, and associated buildings.

2. Existing mature tree growth and natural land form on the site shall be preserved to the extent feasible; provided however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed or removed;
3. Existing vegetation on a tower or antenna site may be used in lieu of required landscaping when approved by the administrator; and,
4. Grading for the new tower or antenna shall be minimized and limited only to the area necessary for the new facility.

3.10.7.5 Additional Requirements

- A. No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.
- B. Abandoned or unused towers and antennas shall be removed within 180 days of cessation of operations. If the tower or antenna is not removed within 60 days of receipt of notice from Currituck County informing the owner of such abandonment, the county may remove the tower and/or antenna and place a lien upon the property for the costs of removal.
- C. No new or existing tower and antenna service shall interfere with public safety telecommunications. Further, where it can be shown that telecommunication service interferes with reception received by surrounding properties, the permit holder shall be responsible for taking reasonable steps to eliminate that interference in accordance with FCC regulations.
- D. Prior to obtaining a building permit, the applicant shall submit proof of compliance with FAA and FCC regulations and any other documentation to demonstrate compliance with state building code regulations.
- E. Electromagnetic radiation levels shall maintain compliance with requirements of the FCC, regarding emission of electromagnetic radiation. Within 30 days of completion of the tower or antenna, and within 30 days of installation of any additional equipment in the future, the tower or antenna owner shall provide documentation of emission levels in relation to FCC standards.
- F. The Federal Telecommunications Act of 1996 gives the FCC jurisdiction of the regulation of Radio Frequency (RF) emissions, and towers and antenna that do not exceed the FCC standards shall not be conditioned or denied on the basis of RF impact.
- G. In order to provide information to its citizens, copies of ongoing FCC information concerning towers and antenna facilities and RF emissions

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- standards may be requested from time to time. Applicants for towers and antenna facilities shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.
- H. All applicants for towers and antenna facilities (other than those proposed for local business utilization) are required to submit a statement with the application agreeing to allow and reasonably market co-location opportunities to other tower and antenna facility users. The statement shall include the applicant's policy regarding co-location of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers. The Co-location Agreement shall be considered a condition of issuance of a Tower Antenna Use Application (TAA). A TAA shall not be issued unless the applicant complies with the collocation policy.
 - I. In the course of its consideration of an application, the county may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of tower and antenna facilities to assist the county in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the county not to exceed \$1,500 for the technical review and recommendation shall be reimbursed by the applicant prior to the final county hearing on the TAA.
 - J. No person, firm or corporation shall install or construct any towers and antenna facility unless and until a Tower Antenna Use Application (TAA) has been issued pursuant to the requirements of this ordinance.
 - K. Any towers and antenna facility located or proposed to be located in airport areas governed by the Federal Aviation Administration shall also comply with the provisions of all applicable local, state and federal airport regulations.
 - L. Maintenance or Structural Integrity Certification shall be submitted to the county on all tower and antenna facilities (other than those proposed for local business utilization) every five years or when a storm event occurs generating winds which exceed 75 miles per hour, whichever occurs first.

3.10.8 Utility Facilities

- A. Utility Facilities owned by a public utility as defined in Chapter 62 of the General Statutes are permissible in all zoning districts with a zoning permit.
- B. Storage of vehicles or equipment outside the storage building shall be permitted only within the area that is screened as provided in this section.

- C. The utility facility shall be fully screened on all sides by opaque fencing from the ground to a height of at least eight feet. The opaque screening may consist of a wall, fence, retained vegetation, or planted vegetation. If planted vegetation is used, it must satisfy the standard set forth herein within three years after planting. Continued maintenance of the screening (including replanting, if necessary) shall be a continuing condition of the permit. Screening shall not be required if there is no outside storage of vehicles or equipment and if the building is designed and constructed (including types of exterior materials) so that it is compatible with other residences in the subdivision.
- D. Utility Facilities that are 4' x 4' x 4' or smaller will be allowed to setback five feet from all side and rear property lines; all utility facilities 100 square feet or less may be located ten feet from all side and rear property lines; all others will comply with the setbacks as contained within this ordinance.
- E. Driveways and parking areas shall be provided as required in this ordinance, including the installation of concrete or asphalt aprons where driveways abut public streets.

3.10.9 Wind Energy Facilities (PB 07-68, 1-22-08) (PB 08-35, 9-15-08)

- A. An anemometer(s) may be installed with the issuance of a zoning permit and must be setback from all property lines a distance equal to one linear foot for every foot of height. The zoning permit is valid for a period of one year and is renewable.
- B. Zoning Permit Application
 - 1. The application shall demonstrate that the proposed wind energy facility will comply with this ordinance and shall contain at a minimum the following:
 - a. A narrative describing the proposed wind energy facility, including an overview of the project;
 - b. The approximate generating capacity of the wind energy facility;
 - c. The specific number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities;
 - d. Identification and location of the properties on which the proposed wind energy facility will be located;
 - e. A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment,

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- buildings, and structures, including permanent meteorological towers, associated transmission lines, and location of all structures and properties within the geographical boundaries of any applicable setback;
- f. Evidence of compliance with applicable Federal Aviation Administration regulations;
 - g. Signed and approved copies of any negotiated power purchase agreement and the utility company's approved schematics;
 - h. An Environmental Impact Study (EIS) for utility scale wind energy facilities, which shall include review and comments from applicable state and federal agencies, including, but not limited to, NC Department of Environment and Natural Resources, US Army Corps of Engineers, US Fish and Wildlife Service, and the NC Wildlife Resources Commission;
 - i. Other relevant studies, reports, certifications and approvals as may be reasonably requested by Currituck County to ensure compliance with this ordinance;
 - j. Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the wind power project will be decommissioned and the site restored; and,
 - k. Signature of the property owner(s) and the facility owner/operator of the wind energy facility.
2. Throughout the permit process, the applicant shall promptly notify Currituck County of any changes to the information contained in the permit application.
 3. Changes to the pending application that do not materially alter the initial site plan may be adopted administratively.

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C. Setbacks

1. The following dimensional requirements shall apply to the installation of wind turbines and/or wind energy facilities:

Wind Energy Facility Type	Minimum Lot Size	Minimum Setback Requirements ¹					Maximum Height from grade
		Occupied Buildings (Subject Property) ²	Occupied Buildings (Adjacent Property) ^{2 3}	Property Lines ²	Public/Private Right-of-Way ²	HWY 158, HWY 168, and NC 12 ²	
Small System	20,000 sq. ft.	0.0	1.5	1.0	1.5	2.5	120 ft.
Large System	5 Acres	1.0	2.0	1.0	1.5	2.5	250 ft.
Utility Scale	25 Acres	1.5	2.5	1.5	1.5	2.5	500 ft.

1. Measured from the center of the wind turbine base to the property line, right-of-way, or nearest point on the foundation of an occupied building.
 2. Calculated by multiplying the required setback number by the wind turbine height.
 3. This setback proposes to reduce noise and shadow flicker impacts to any previously existing occupied buildings on adjacent properties.
2. As part of the Special Use Permit or Zoning Permit approval process, setback provisions may be waived if the following conditions are met:
 - a. Property owners may waive the occupied building setback requirements on both the subject property and/or adjacent properties, and the property line setback requirements for Small System wind turbines with a tower height of 60 feet or less, by executing a signed waiver that sets forth the applicable setback provisions and proposed changes.
 - b. The written waiver shall notify applicable property owners of the setback required by this ordinance, describe how the proposed wind turbine and/or wind energy facility is not in compliance, and state that consent is granted for the wind turbine and/or wind energy facility to not be setback as required by this ordinance.
 - c. Any such waiver shall be signed by all affected property owners and be recorded in the Currituck County Registrar of Deeds Office. The waiver shall describe the properties benefited and/or burdened, and advise all subsequent purchasers of any burdened property that waiver of setback shall run with the land and may forever burden the subject property.

D. Installation and Design

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1. The installation and design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute.
2. All electrical and mechanical components of the wind energy facility shall conform to relevant and applicable local, state and national codes.
3. Any on-site transmission or power lines shall, to the maximum extent possible, be placed underground.
4. The visual appearance of wind energy facilities shall at a minimum:
 - a. Maintain a galvanized finish and be a non-obtrusive color such as white, off-white or gray;
 - b. Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and,
 - c. Not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

E. Decommissioning or Abandonment

1. The wind energy facility owner, and/or operator and/or property owner shall have 3 months to complete decommissioning of the facility if no electricity is generated for a continuous period of 12 months.
2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities.
3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.