



## **CURRITUCK COUNTY NORTH CAROLINA**

May 28, 2020

Minutes – Special Meeting of the Planning Board

### **WORK SESSION**

The Currituck County Planning Board held a work session at 5:30 PM in the Historic Courthouse Board Meeting Room with five board members present. Staff members present were: Laurie LoCicero, Planning Director; Jennie Turner, Planner II; and Cheri Elliott, Clerk to the Planning Board.

Jennie Turner opened the work session and reviewed the staff report for PB 20-04 Currituck County Flood Ordinance Text Amendment with the board members. Currituck County adopted a revised Flood Insurance Study (FIS) and revised Flood Insurance Rate map (FIRM) panels effective December 21, 2018. Ms. Turner explained that since Dare County shares FIRM panels with Currituck County and Dare County is still in the process of adopting their revised FIS and FIRM panels, we are required to revise our FIS and FIRM. Also, to remain in good standing and continue participation in the National Flood Insurance Program (NFIP), the county is required to adopt the effective FIS report and Digital Flood Insurance Rate Maps (DFIRM) prior to June 19, 2020.

Ms. Turner reviewed the second item on the agenda, PB 20-07 Currituck County Alternative Water Supply for Fire Flow Text Amendment which would allow use of water shuttling as an alternative means of meeting fire flow water supply requirements for lands not serviced by the county water system and to amend references from "Fire Marshal" to "Fire Code Official". Ms. Turner introduced Bill Newns, Chief Building Inspector and Fire Marshal saying he can answer any questions the board may have. Mr. Newns gave a brief description of the man power and equipment required to shuttle water with is the downside, but done in rural areas when county water and hydrants are not available. He also said water shuttling could be used when the developer does not want to dig an engineered pond. Ms. LoCicero said the water shuttling would give more flexibility. The work session adjourned at 5:58 PM.

### **CALL TO ORDER - 6:00 PM**

The Planning Board met in a special session in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
C. Shay Ballance	Chairman	Present	
Garry Owens	Vice Chairman	Present	
K. Bryan Bass	Board Member	Present	
David Doll	Board Member	Present	
Anamarie Hilgendorf	Board Member	Absent	
Juanita S Krause	Board Member	Present	
J. Timothy Thomas	Board Member	Absent	
Laurie LoCicero	Planning and Community Department Director	Present	

Jennie Turner	Planning and Community Development Planner II	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Ballance called the meeting to order at 6:01 PM.

#### **A. Pledge of Allegiance and Moment of Silence**

Chairman Ballance asked everyone to stand for the Pledge of Allegiance and a moment of silence.

#### **B. Ask for Disqualifications**

Chairman Ballance asked if any board member had a conflict of interest with the item on the agenda tonight. No conflicts were noted.

#### **C. Announce Quorum Being Met**

Chairman Ballance announce a quorum being met with five board members present.

#### **D. Approval of Agenda**

Chairman Ballance asked if there were any changes needed to the agenda tonight. With no changes noted, Mr. Bass motioned to approve the agenda. Mr. Doll seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member
<b>ABSENT:</b>	Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member

#### **APPROVAL OF MINUTES FOR FEBRUARY 11, 2020**

Chairman Ballance asked if there were any changes needed for the meeting minutes for February 11, 2020. With no changes noted, Mr. Doll motioned to approve the minutes and Mr. Bass seconded the motion. The motion passed unanimously.

#### **E. PB Minutes - February 11, 2020**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member
<b>ABSENT:</b>	Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member

#### **OLD BUSINESS**

There was no old business discussed.

#### **NEW BUSINESS**

##### **A. PB 20-04 Currituck County Flood Ordinance Text Amendment:**

Ms. Turner reviewed the staff report and presented a PowerPoint presentation. She reviewed the four flood panels Currituck County shares with Dare County. Ms. Turner handed out a sheet to the board members with a correction to the original text amendment sent in the agenda packet. Section 1.7.2. Incorporated by Reference shows a strike through of the last sentence in section B. "Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within three months". Ms. Turner said the staff recommends approval of the request with the addition of the previous noted change. Ms. Turner stated the text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan and listed several reasons.

Ms. LoCicero apologized for rushing the text amendment, but explained that our time became shortened due to the public health situation and the board not being able to previously meet. The Flood Ordinance Text Amendment must be approved by the Board of Commissioners by June 19, 2020 in order for the county to stay in good standing with the National Flood Insurance Program.

Chairman Ballance opened the public comment. With no one wishing to speak, Chairman Ballance closed the public comment.

Mr. Bass motioned to add extra sheet in and referenced Item 1 with strike through of last sentence.

Ms. Turner asked if he could restate his motion to include all the changes.

Mr. Bass amended his motion to approve as presented with the addition of striking the last sentence in section B. Mr. Owens seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 6/1/2020 6:00 PM</b>
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
<b>ABSENT:</b>	Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

#### **B. PB 20-07 Currituck County Alternative Water Supply for Fire Flow Text Amendment:**

Ms. Turner reviewed the staff report and requested text amendment which would allow use of water shuttling as an alternative means of meeting fire flow water supply requirements for lands not serviced by the county water system and to amend references from "Fire Marshal" to "Fire Code Official". Ms LoCicero gave some background saying the requested text amendment was first discussed at a Board of Commissioner's retreat in February. Mr. Newns, acting Fire Marshal, had not been able to consider shuttling by the fire department. If a fire department is able to meet a certain standard of shuttling then an engineered pond for fire fighting purposes would not be necessary.

Ms. Krause asked about the road requirements for a pond. Mr. Newns gave the requirements and said you also have to have enough turn around space for the fire truck. Ms. Krause asked if someone could put a pond on their property to lower their fire insurance rates. Mr. Newns said the pond has to be certified by an engineer.

Chairman Ballance asked if Family Subdivisions are exempt from the Fire Code. Ms. LoCicero said in order to be exempt it has to be less than three lots. Chairman Ballance asked about the Major Subdivisions using the shuttling and Ms. LoCicero said most Major Subdivisions want to be on county water. Chairman Ballance asked if this effects ten acre plat subdivisions and Ms. LoCicero said they are exempt from the county rules, but they are not exempt from State rules which are Fire Codes.

Mr. Bass asked about the cost to the county for ponds and Mr. Newns said the cost is incurred by the developer.

Discussion was held on the ISO (Insurance Services Office) fire rating for the fire departments and their evaluation process every 5 to 10 years.

Ms. Krause asked how much an engineered pond would cost the developer. Mr. Newns said the engineering itself would be approximately \$2,000 with the total construction price around \$40,000 to \$50,000.

Mr. Newns introduced Fire Chief, Ryland Poyner to answer some of the boards questions. Chief Ryland said a tanker could haul from 1,000 to 3,500 gallons of water. He said they have never ran out of water fighting a residential fire, but they have ran out when fighting a commercial fire.

Ms. Turner finished her presentation by pointing out language 6.2.4.A (2) strike through the word "more". Ms. Turner gave the review standards and the statement of consistency and reasonableness.

Chairman Ballance asked Mr. Newns his opinion and he said he has some concern for the fire departments, but you have to meet the flow. If the fire department can only do 250 and 1,000 is needed, the developer will have to dig a pond for the additional amount.

Chairman Ballance opened the public comment. Chief Ryland Poyner came before the board stating his address as 4174 Caratoke Highway, Barco.

Chief Poyner said shuttling the water could hurt our certifications and explained how the method of operation directly affects credit received. Water shuttle certification could go away and this UDO change is being based on this.

Mr. Bass said this change puts a lot of responsibility on the fire department and the county.

Mr. Bass made a motion to deny the text amendment of allowing water shuttling, but to split the motion to approve item 2 and references in Chapters 4, 5, and 6 from Fire Marshal to Fire Code Official. Chairman Ballance seconded the motion. There was discussion between the staff and board to change the motion. Ms. LoCicero said Mr. Bass would have to withdraw his motion. Mr. Bass withdrew his motion.

Ms. Krause motioned to approve the text amendment with the addition of striking through 6.2.4.B.(1)(b) "Fire Department mobile water supply approved by the Fire Code

Official;" also, including the statement of consistency and reasonableness. Ms. Krause motioned to approve. Mr. Doll seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 6/15/2020 6:00 PM</b>
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
<b>ABSENT:</b>	Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

## ANNOUNCEMENTS

Ms. LoCicero reminded the board to attend the June 1st joint work session concerning Flora Farm Planned Development in the auditorium of the NC Cooperative Extension Center at 4 PM.

Ms. LoCicero said there are seven items scheduled for the next Planning Board meeting on June 9th which will also be held at the NC Cooperative Extension Center.

Board of Commissioners will have their regular meeting on June 15th and will hold a special meeting on June 22nd.

Chairman Ballance said he was glad to be back and he thanked staff for all their hard work by spacing all the furniture out to meet the 6 ft guidelines.

Ms. LoCicero said she appreciates everyone being willing to attend the public meeting.

## ADJOURNMENT

Mr. Owens made a motion to adjourn. Ms. Krause seconded the motion and the meeting adjourned at 7:44 PM.



**CURRITUCK COUNTY  
NORTH CAROLINA**

February 11, 2020

Minutes – Regular Meeting of the Planning Board

**WORK SESSION**

The Currituck County Planning Board held a work session at 5:30 PM in the Historic Courthouse Conference Room with six board members present. Staff members present were: Jason Litteral, Planner II, and Cheri Elliott, Clerk to the Planning Board.

Jason Litteral opened the work session and reviewed the staff report with the board members. He noted an additional standard was added for compliance of the menu boards to include a 60 square ft maximum area and a maximum of 8 ft in height requirements. This addition would need to be included in the motion if the board decides to approve the text amendment. Board members asked about the limit to the number of driveway menu boards and Mr. Litteral said no limit was set.

The work session adjourned at 5:56 PM.

**CALL TO ORDER - 6:00 PM**

The Planning Board met in a regular session in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
C. Shay Ballance	Chairman	Present	
Garry Owens	Vice Chairman	Present	
K. Bryan Bass	Board Member	Present	
David Doll	Board Member	Present	
Anamarie Hilgendorf	Board Member	Present	
Juanita S Krause	Board Member	Present	
J. Timothy Thomas	Board Member	Absent	
Jason Litteral	Planner II	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Ballance called the meeting to order at 6:00 PM.

**A. Pledge of Allegiance & Moment of Silence**

Chairman Ballance asked everyone to stand for the Pledge of Allegiance and a moment of silence.

Communication: PB Minutes - February 11, 2020 (Approval of Minutes for February 11, 2020)

**B. Ask for Disqualifications**

Chairman Ballance asked if any board member had a conflict of interest with the item on the agenda tonight. No conflicts were noted.

**C. Announce Quorum Being Met**

Chairman Ballance announced a quorum was met with six board members present.

**D. Approval of Agenda**

Chairman Ballance asked if there were any changes needed to tonight's agenda. With no changes noted, Mr. Bass motioned to approve. Mr. Owens seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	K. Bryan Bass, Board Member
<b>SECONDER:</b>	Garry Owens, Vice Chairman
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member
<b>ABSENT:</b>	J. Timothy Thomas, Board Member

**APPROVAL OF MINUTES FOR JANUARY 14, 2020**

Chairman Ballance asked if there were any changes needed for the meeting minutes for January 14, 2020. With no changes noted, Ms. Krause motioned to approve. Mr. Doll seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Juanita S Krause, Board Member
<b>SECONDER:</b>	David Doll, Board Member
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member
<b>ABSENT:</b>	J. Timothy Thomas, Board Member

**E. Planning Board Minutes - January 14, 2020****OLD BUSINESS**

No old business was discussed.

**NEW BUSINESS****A. PB 20-01 McDonald's Corporation:**

Mr. Litteral presented the staff report and said the text amendment was required to allow 100 percent of a menu board sign's area to be electronically controlled; the current regulation only allows 50 percent to be electronically controlled. He said this change only affects the drive through menu boards. The changes have included all of the applicant's

requested changes along with staff recommended changes. Mr. Litteral stated the three compliance standards for menu board signs and said an additional 4th standard was added to limit the square ft area and the height for the signs: #4.

Attorney Kenneth Haywood of Raleigh, North Carolina, representing the McDonald's Corporation, came before the board. He said McDonald's is updating their menu boards across the country to add efficiency in getting customers through more quickly since they are easier to read and the employees are able to change the menu items more easily. Mr. Haywood said they had to request this text amendment since the current regulation only allows 50 percent to be electronic. He said Currituck County is the last to pass this change in North Carolina.

Board members had questions on the pre-browser boards and whether it was for advertising purposes for other businesses. Mr. Haywood said the pre-browser board's purpose is for specials or select parts of the menu and not for advertising. He said McDonald's Corporation supports what the staff has written with the addition of #4 for the size limit.

Chairman Ballance opened and closed the public hearing since no citizens were present to make comments.

Chairman Ballance asked for a motion. Ms. Krause motioned to approve PB 20-01 McDonald's Corporation requested text amendment to allow the installation of fully electronic menu board signs associated with drive through lanes because it is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

- POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity based economy of Currituck County.

Also, the request is reasonable and in the public interest because:

- Restaurants with drive through lanes are an allowable use in the General Business district and the addition of digital menu boards is a reasonable request since this technology is typical for new and upgraded restaurants.

Ms. Krause noted the Menu Board Signs shall comply with the following standards:

- (1) Up to 100 percent of a menu board sign's area can be electronically controlled.
- (2) Menu board signs shall be associated with an approved drive through lane.
- (3) Menu board signs shall not be used for additional advertisement to off-site views and shall be for the sole purpose of conveying menu information to patrons in a drive through lane.
- (4) Menu Board Signs shall have a maximum area of 60 square feet and shall not exceed 8 feet in height.

Mr. Doll seconded the motion and the motion carried unanimously.



<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 3/2/2020 6:00 PM</b>
<b>MOVER:</b>	Juanita S Krause, Board Member	
<b>SECONDER:</b>	David Doll, Board Member	
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member	
<b>ABSENT:</b>	J. Timothy Thomas, Board Member	

## ANNOUNCEMENTS

There were no announcements.

## ADJOURNMENT

Mr. Bass motioned to adjourn the meeting. Ms. Krause seconded the motion and the motion carried unanimously with the meeting adjourning at 6:17 PM.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 2800

**Agenda Item Title:** PB 20-04 Currituck County Flood Ordinance Text Amendment:

**Submitted By:** Jennie Turner – Planning & Community Development

**Item Type:**

**Presenter of Item:** Jennie Turner

**Board Action:** Action

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**Brief Description of Agenda Item:**

Request to amend the Unified Development Ordinance, Chapter 1, Section 1.7.2. to reference the most recent effective date of the Flood Insurance Study (FIS) and Digital Flood Insurance Rate Map (DFIRM) and include auto adoption language for all revisions thereto after January 1, 2021.

**Planning Board Recommendation:**

**Staff Recommendation:**

**TRC Recommendation:**



## Currituck County

Planning and Community Development Department  
*Planning Division*  
 153 Courthouse Road, Suite 110  
 Currituck, North Carolina, 27929  
 252-232-3055 FAX 252-232-3026

To: Planning Board

From: Planning Staff

Date: May 26, 2020

Subject: PB 20-04 Currituck County Text Amendment  
 Flood Ordinance

The county adopted a revised Flood Insurance Study (FIS) and revised Flood Insurance Rate Map (FIRM) panels effective December 21, 2018. Since the county shares FIRM panels with Dare County and Dare is currently in the process of adopting their revised FIS and FIRMs, Currituck County is required to revise our FIS and FIRM.

To remain in good standing and to continue participation in the National Flood Insurance Program (NFIP), the county is required to adopt the effective Flood Insurance Study (FIS) report and Digital Flood Insurance Rate Maps (DFIRM) prior to June 19, 2020. No significant changes have been made to the flood hazard data for Currituck County.

This text amendment will revise Chapter 1, Section 1.7.2. of the Unified Development Ordinance (UDO) to reference the most recent effective date of the FIS and FIRM and includes auto adoption language for any revisions thereto after January 1, 2021.

### Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

### Staff Recommendation

Staff recommends approval of the request as submitted and suggests the following Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

1. *Land Use and Development Goal #1*  
To protect and conserve the area's natural beauty and coastal resources as the County's greatest asset for economic development and a high quality of life.
2. *Land Use and Development Goal #7*  
To exercise caution, foresight, and common sense in dealing with the risks of coastal development.
3. *Natural Hazards Area CAMA Management Goal*  
Conserve and maintain barrier dunes, beaches, flood plains, and other coastal features for their natural storm protection functions and their natural resources, giving recognition to public health, safety, and welfare issues.
4. **POLICY NH1**: The County recognizes the risks to life and property that exist within SPECIAL FLOOD HAZARD AREAS (i.e. areas having a 1% chance of flooding in any year) that may be inundated during major storm events. The County will continue taking measures to mitigate these risks and will avoid taking any action in these areas that materially increases risks to life and property.

The request is reasonable and in the public interest because:

1. It continues the county's participation in the National Flood Insurance Program that enables property owners in participating communities to purchase insurance protection against losses from flooding.
2. It minimizes damage to public and private property due to flooding.



# STAFF REPORT PB20-04 CURRITUCK COUNTY FLOOD ORDINANCE PLANNING BOARD MAY 28, 2020

Amendment to the Unified Development Ordinance Chapter 1: General Provisions.

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

**Item 1:** That Chapter 1: General Provisions be amended by adding the following underlined language and deleting the struck-through language:

## 1.7. OFFICIAL ZONING MAP

### 1.7.2. Incorporated by Reference

- A. The Official Zoning Map and all the notations thereon is incorporated herein by reference and made part of this Ordinance.
- B. The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) dated June 19, 2020 ~~December 21, 2018~~ (as amended). The FIS for Currituck County and associated DFIRM panels, including any digital data developed as part of the FIS, are adopted by reference and declared a part of this Ordinance, and all revisions thereto after January 1, 2021. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Currituck County are also adopted by reference and declared a part of this Ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within three months.

**Item 2:** Statement of Consistency and Reasonableness:

The requested text amendment, adoption of the FIRM, and FIS are consistent with the goals, policies, and objectives of the 2006 Land Use Plan because:

- It will conserve the floodplains and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues. (Natural Hazards Area CAMA Management Goal)
- It includes requirements for development and redevelopment within special flood hazard areas to meet the standards of the NFIP and the flood damage prevention ordinance. (LUP POLICY NH2)

- It recognizes the potential risks to life and properties within the special flood hazard areas and the implements measures to mitigate the risks. (LUP POLICY NH1)

The request is reasonable and in the public interest because:

- It continues the county's participation in the National Flood Insurance Program that enables property owners in participating communities to purchase insurance protection against losses from flooding.
- Minimizes damage to public and private property due to flooding.

**Item 3:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 4:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

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

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS  
.....

PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_



## Text Amendment Application

OFFICIAL USE ONLY

Case Number:

Date Filed:

Gate Keeper:

Amount Paid:

 PB 20-04  
 2/21/20  
 C. [Signature]  
 \_\_\_\_\_

### Contact Information

#### APPLICANT:

Name: County of Currituck

Address: 153 Courthouse Road Suite 204  
Currituck, NC 27929

Telephone: 252-232-2075

E-Mail Address: ben.stikeleather@currituckcountync.gov

### Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 1 & 10 Section(s) 1.7.2 & 10.5 as follows:

To remain in good standing with the National Flood Insurance Program (NFIP), the county is required to adopt the effective Flood Insurance Study (FIS) report and Flood Insurance Rate Maps (FIRM) prior to June 19, 2020.

The text amendment will revise Chapter 1, Section 1.7.2. to reference the most recent effective date of the FIS and FIRM and will add auto adoption language for any revisions after January 1, 2021.

The text amendment will revise definitions referencing Section 7.4 Flood Damage Prevention where necessary for effective interpretation and implementation of the ordinance.

\*Request may be attached on separate paper if needed.

[Signature]  
 Petitioner

3-2-2020  
 Date



# Federal Emergency Management Agency

Washington, D.C. 20472

December 19, 2019

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
115A

The Honorable Bob White  
Chairman, Currituck County Board of  
Commissioners  
153 Courthouse Road, Suite 206  
Currituck, North Carolina 27929

Community No.: 370078  
Community: Currituck County,  
North Carolina  
(Unincorporated Areas)  
Map Panels Affected: See enclosed  
Summary of Map Actions (SOMA)

Dear Mr. White:

On November 30, 2015, you were provided copies of the preliminary Flood Insurance Study (FIS) report for Currituck County, North Carolina and Incorporated Areas and Flood Insurance Rate Map (FIRM) panels for your community. You were also notified of the proposed flood hazard information reflected in the FIS report and FIRM panels and of the dates the proposed flood hazard determinations would be published in your local newspaper. The flood hazard determinations for your community may include addition or modification to Base Flood Elevations, base flood depths, Special Flood Hazard Areas (SFHAs), zone designations, and regulatory floodways. SFHAs are the areas subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). The 90-day appeal period that was initiated on July 5, 2016, when the Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in *The Daily Advance*, has elapsed.

FEMA did receive an appeal from you during that 90-day period. The technical data submitted in support of the appeal have been evaluated and the appeal has been resolved. Therefore, the determination (copy enclosed) of the Agency as to the flood hazard determinations for your community is considered final. The final flood hazard determinations will be published in the *Federal Register* as soon as possible. The modified flood hazard information and revised map panels, as referenced on the enclosed SOMA, are effective as of June 19, 2020, and revise the FIRM which was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated on the maps and must be used for all new policies and renewals.

No significant changes have been made to the flood hazard data presented on the preliminary and/or revised preliminary FIRM for your community; therefore, we encourage you to use these materials in the floodplain management regulations adoption process described below. Final printed copies of the FIS report and FIRM will arrive prior to the effective date.

To assist your community in maintaining the FIRM, we have enclosed a SOMA to document previous Letters of Map Change (LOMCs) (i.e., Letters of Map Amendment [LOMAs], Letters of Map Revision [LOMRs]) that will be superseded when the revised FIRM panels become

Attachment: December 19, 2019 LFD (PB 20-04 Currituck County Flood Ordinance Text Amendment)



effective. Information on LOMCs is presented in four categories: (1) LOMCs that have been included on the revised FIRM panels; (2) LOMCs that have not been shown on the revised FIRM panels because of scale limitations or because the LOMC that was issued had determined that the lots or structures involved were outside the SFHA shown on the FIRM; (3) LOMCs that have not been included on the revised FIRM panels because they are being superseded by new detailed flood hazard data; and (4) LOMCs that will be re-determined. The LOMCs in Category 2 of this form are revalidated through a single letter that reaffirms the validity of a previously issued LOMC. LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures have changed (Category 4) cannot be revalidated through this administrative process. However, we will review the data which were previously submitted as part of the original LOMA or LOMR request and issue a new determination for the subject properties after the FIRM effective date.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIS report and FIRM for your community made by this map revision, certain additional requirements must be met under Section 1361 of the National Insurance Flood Act of 1968, as amended, within 6 months from the date of this letter. Prior to June 19, 2020, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Section 60.3(e) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all of the standards specified in Section 60.3(e) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIS report and FIRM to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

1. Amend existing regulations to incorporate any additional requirements of Section 60.3(e);
2. Adopt all of the standards of Section 60.3(e) into one new, comprehensive set of regulations; or,
3. Show evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Section 60.3(e).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 as amended.

The North Carolina Division of Emergency Management is available to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. Any questions may be directed to the following address:

Mr. John D. Brubaker, P.E., CFM  
 NFIP State Coordinator  
 North Carolina Department of Public Safety  
 Risk Management Section  
 4218 Mail Service Center  
 Raleigh, North Carolina 27699-4218  
 (919) 825-2300  
 dan.brubaker@ncdps.gov

In addition, a FEMA Region IV Compliance Specialist has been designated to assist your community. You may contact your FEMA Region IV Compliance Specialist at FEMA, Federal Insurance and Mitigation Division, 3003 Chamblee Tucker Road, Atlanta, Georgia 30341, or at (770) 220-5200, or the FEMA Map eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP).

Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *Use of Flood Insurance Study (FIS) Data as Available Data*, *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <https://www.fema.gov/letter-final-determination>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodriguez, P.E., Director  
 Engineering and Modeling Division  
 Federal Insurance and Mitigation Administration

Enclosures:

Final SOMA  
 Notice of Final Flood Hazard Determinations  
 FEMA 495 brochure: Adoption of FIRMs  
 by Participating Communities

cc: Ms. Laurie LoCicero, Planning Director, Currituck County  
 Ms. Tonda Shelton, Program Manager, North Carolina Floodplain Mapping Program (NCFMP)  
 Mr. John D. Brubaker, P.E., CFM, NFIP State Coordinator, North Carolina Department of Public Safety, Risk Management Section (via email)  
 Mr. Randy Mundt, AICP, CFM, Outreach and Planning Manager, NCFMP (via email)  
 FEMA, Region IV (via email)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 2803

**Agenda Item Title:** PB 20-07 Currituck County Alternative Water Supply for Fire Flow Text Amendment:

**Submitted By:** Jennie Turner – Planning & Community Development

**Item Type:**

**Presenter of Item:** Jennie Turner

**Board Action:** Action

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**Brief Description of Agenda Item:**

Request to amend the Unified Development Ordinance Chapter 6, Section 6.2.4 to allow use of water shuttling as an alternative means of meeting fire flow water supply requirements for lands not serviced by the county water system and to amend references in Chapters 4, 5, and 6 from "Fire Marshal" to "Fire Code Official".

**Planning Board Recommendation:**

**Staff Recommendation:**

**TRC Recommendation:**



## Currituck County

Planning and Community Development Department  
*Planning Division*  
 153 Courthouse Road, Suite 110  
 Currituck, North Carolina, 27929  
 252-232-3055 FAX 252-232-3026

To: Planning Board

From: Planning Staff

Date: May 26, 2020

Subject: PB 20-07 Currituck County Text Amendment  
 Alternative Water Supply for Fire Flow

The Board of Commissioners directed staff to prepare a text amendment to allow water shuttling as an alternative means to meet required fire flow standards for properties not served by county water.

This text amendment to the Unified Development Ordinance (UDO) allows use of water shuttling as a means of meeting fire flow water supply requirements for lands not serviced by the county water system and revises references in UDO Chapters 4, 5, & 6 from "Fire Marshal" to "Fire Code Official" to be consistent with the North Carolina Fire Code.

### Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

PB20-07 Currituck County – Text Amendment  
 Alternative Water Supply for Fire Flow

### Staff Recommendation

Staff recommends approval of the request as submitted and suggests the following Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

- POLICY PS2: Currituck County shall support and encourage the development and improvement of FIRE FIGHTING SERVICES that enhance the security and safety of life and property, while resulting in the added benefit of lower property insurance rates. The need for additional fire stations or improvements to existing fire stations shall be examined annually to keep pace with the growth of the area.
- POLICY WS3: Currituck County endorses UTILITIES EXTENSION POLICIES that focus water and sewer services (1) within existing developed areas and in nearby targeted growth areas identified as Full Service and Limited Service areas, (2) where development densities would make the provision of all public services more efficient, (3) where the land is particularly well suited for development and (4) away from environmentally sensitive areas, such as areas with extensive wetlands or the northern beaches of the Outer Banks.
- POLICY WS4: Currituck County endorses utilities extension policies that avoid those parts of the county best suited for agriculture and to PROTECT FARMLAND FROM DEVELOPMENT PRESSURES brought about by such utilities. Exceptions to this policy may include extensions for major economic development initiatives, and extensions to address imminent public health problems or related environmental hazards.

The request is reasonable and in the public interest because:

- It is consistent with the 2006 Land Use Plan, and it is not in conflict with the provisions of the UDO.
- It continues to allow limited development without the requirement for extension of county water lines in farmland and rural areas.



**STAFF REPORT  
PB20-07 CURRITUCK COUNTY  
TEXT AMENDMENT  
ALTERNATIVE WATER SUPPLY  
FOR FIRE FLOW  
PLANNING BOARD  
MAY 28, 2020**

Amendment to the Unified Development Ordinance Chapter 4. Use Standards, Chapter 5. Development Standards and Chapter 6. Subdivision and Infrastructure Standards.

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

**Item 1:** That Chapter 6: Subdivision and Infrastructure Standards is amended by adding the following underlined language, deleting the struck-through language and numbering accordingly:

#### **6.2.4. Fire Protection Standards**

##### **A. General Provisions**

##### **(1) Fire Lanes**

Where streets or rights-of-way provide insufficient access for firefighting, unobstructed fire lanes with a minimum width complying with the current adopted version of the North Carolina State Fire Code shall be provided. In no instance shall this standard waive the requirement for primary drive aisles constructed in accordance with Section 5.6.8, Primary Drive Aisles, when required by this Ordinance.

##### **(2) Fire Hydrants Required**

All development serviced by the county water supply system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within the development. Fire hydrants shall be located in a manner that ensures hydrants are spaced a maximum of 1,000 linear feet apart and every portion of lot frontage is within 500 linear feet of a hydrant. The Fire Code Official ~~Marshal~~ may authorize or require a deviation from this standard if, in the opinion of the Fire Code Official ~~Marshal~~, another arrangement ~~more~~ satisfactorily complies with the intent or standards in this Ordinance.

##### **(3) Fire Hydrant Location**

PB20-07 Currituck County – Text Amendment  
Alternative Water Supply for Fire Flow

Unless an alternative placement is specified by the State Building Code or the Planning Director, in consultation with the Fire Code Official ~~Marshal~~, fire hydrants shall be placed six feet behind the curb or within ten feet of the pavement edge of a street without curbing.

**(4) Required Hose Connections**

Unless otherwise specified, all fire hydrants shall have the following hose connections:

- (a) Two two-and-one-half-inch hose connections at least 21½ inches above ground level; and
- (b) One four-and-one-half-inch connection.

All hose connections shall be sized in accordance with national standards.

**(5) Water Service Main Size**

Water mains serving fire hydrants shall be at least eight inches in diameter.

**(6) Water Supply Source Location**

Water supply sources shall be clearly marked for location purposes with a marker of suitable size and reflective characteristics for daylight, nighttime, and inclement weather operations.

**B. Water Supply for Fire Protection when not Serviced by County Water Supply System**

Development not serviced by the county water system shall provide a supply of water for fire-fighting purposes in accordance with the following standards:

**(1) Allowable Sources**

The developer may provide the required water supply from:

- (a) ~~fire~~ Fire ponds, canals, wells, cisterns, above ground storage tanks, or water lines (where a community water supply system is installed); ~~or~~;
- (b) Fire Department mobile water supply approved by the Fire Code Official;
- (c) ~~or a~~ Any combination of the above these features; or
- (d) An alternative means approved by the Fire Code Official.

**(2) Location**

- (a) Water supply facilities shall be within 2,500 feet of every anticipated building in a development.
- (b) Water supply facilities may be located on or off-site, however the developer shall demonstrate a sufficient legal interest in off-site facilities to ensure they will remain available to serve the development.



- (c) Water supply sources shall be so located so that fire-fighting vehicles have ready access to such sources at all times.

**(3) Capacity**

- (a) A sufficient volume of water shall be available at all times to supply the needed fire flow for the proposed structures based upon guidance from the Insurance Services Office and existing fire-fighting capacity.
- (b) Water mains serving a community water supply system shall be sized to allow the future installation of fire hydrants should the development be connected to the county water supply system.

**(4) Configuration**

- (a) Water supply sources shall be provided with the necessary equipment and connections (e.g., dry hydrants in ponds) to ensure that fire-fighting equipment can draw water in a safe and efficient manner, as determined by the Fire Code Official ~~Marshal~~.
- (b) Except within the SFR district, a hard-surfaced roadway shall be provided to the water source as well as a hard-surfaced turnaround area of sufficient dimensions to facilitate access by fire-fighting vehicles.

**(5) Maintenance Required**

The developer, or any successor in interest, shall be responsible for ensuring that all water supply sources, access roadways, and other facilities or equipment required by these standards, are maintained.

**Item 2:** That Chapter 4. Use Standards, Chapter 5. Development Standards and Chapter 6. Subdivision and Infrastructure Standards are amended by striking through all references to Fire Marshal and replacing with Fire Code Official.

**Item 3:** Statement of Consistency and Reasonableness:

The requested text amendment is consistent with the goals, policies, and objectives of the 2006 Land Use Plan including:

- POLICY PP2: Currituck County shall continue to implement a policy of ADEQUATE PUBLIC FACILITIES, sufficient to support associated growth and development. Such facilities may include but not be limited to water supply, school capacity, park and open space needs, firefighting capability, and law enforcement.
- POLICY WS3: Currituck County endorses UTILITIES EXTENSION POLICIES that focus water and sewer services (1) within existing developed areas and in nearby targeted growth areas identified as Full Service and Limited Service areas, (2) where development densities would make the provision of all public services more efficient, (3)



where the land is particularly well suited for development and (4) away from environmentally sensitive areas, such as areas with extensive wetlands or the northern beaches of the Outer Banks.

- **POLICY WS4:** Currituck County endorses utilities extension policies that avoid those parts of the county best suited for agriculture and to PROTECT FARMLAND FROM DEVELOPMENT PRESSURES brought about by such utilities. Exceptions to this policy may include extensions for major economic development initiatives, and extensions to address imminent public health problems or related environmental hazards.

The request is reasonable and in the public interest because:

- It is consistent with the 2006 Land Use Plan, and it is not in conflict with the provisions of the UDO.
- It continues to allow limited development without the requirement for extension of county water lines in farmland and rural areas.

**Item 4:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 5:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

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

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS  
.....

PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_

PB20-07 Currituck County – Text Amendment  
Alternative Water Supply for Fire Flow

AMENDMENT NUMBER: \_\_\_\_\_



## Text Amendment Application

OFFICIAL USE ONLY:

Case Number:

Date Filed:

Gate Keeper:

Amount Paid:

PB20-07  
4-7-20  
J.T.  
N/A

### Contact Information

#### APPLICANT:

Name: County of Currituck  
 Address: 153 Courthouse Road Suite 204  
Currituck, NC 27929  
 Telephone: 252-232-2075  
 E-Mail Address: ben.stikeleather@currituckcountync.gov

### Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 6 Section(s) 6.2.4 Fire Protection Standards as follows:

Allow water shuttling as a water supply alternative to meet needed fire flow.

\*Request may be attached on separate paper if needed.

Ben Stikeleather  
 Petitioner

4-7-20  
 Date