



**Board of Commissioners
Agenda Packet**

January 19, 2016

Work Session

3:30 PM Dedication and Ribbon Cutting at the Currituck County Animal Services and Control facility, 140 Aviation Parkway, Barco

5:00 Call to Order

- A) Invocation & Pledge of Allegiance-Reverend Glenn McCranie, Retired Navy Captain
- B) Approval of Agenda

Administrative Reports

- A) **Senior Center Departmental Update and Report**-Stacy Joseph, Senior Center Coordinator
- B) **Planning and Community Development Report**-Large Structures

Public Hearings

- A) **Public Hearing and Action: PB 15-17 Currituck County**: Request to amend multiple sections of the Unified Development Ordinance to modify residential development standards.
- B) **Public Hearing and Action on Resolution Creating the Backwoods Reserve-Saddlebrook Water Service District**

Old Business

- A) **Consideration and Action on Ordinance Amending Chapter 2, Article III of the Code of Ordinances to Establish the Animal Services and Control Advisory Board**

New Business

- A) **External Communication Policy**
- B) **Knotts Island Volunteer Fire Department Grant Agreement Amendment**
- C) **Board Appointments**
 - 1. Recreation Advisory Board
 - 2. Senior Citizens Advisory
- D) **Consent Agenda**
 - 1. Approval Of Minutes-January 4, 2016
 - 2. Budget Amendments
 - 3. Amendment to Salary Classification Chart
 - 4. Resolution to Authorize Demolition of old Animal Shelter Building and Contents
 - 5. Road Abandonment Petition-Secondary Road 1405 (Waterlily)
 - 6. Dominion Power Right of Way Agreement

7. Lottery Application to Upgrade Security Cameras in Currituck County Schools
8. Project Ordinance to Upgrade Security Cameras in Currituck County Schools

E) Commissioner's Report

F) County Manager's Report

Public Comment

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.

Special Meeting of the Tourism Development Authority

Project Ordinance-Restroom Facility at Whalehead/Historic Corolla Park

TDA Budget Amendments

Closed Session

Closed session pursuant to G.S. 143-318.11(a)(5) to establish or instruct county staff concerning the position to be taken by or on behalf of the county in negotiating the material terms of a contract for the acquisition of real property by purchase or exchange owned by the United States Fish & Wildlife Service to be used for any public purpose.

Adjourn



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1413)

Agenda Item Title

3:30 PM Dedication and Ribbon Cutting at the Currituck County Animal Services and Control facility, 140 Aviation Parkway, Barco

Brief Description of Agenda Item:

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1400)

Agenda Item Title

Senior Center Departmental Update and Report-Stacy Joseph, Senior Center Coordinator

Brief Description of Agenda Item:

New Programs/Partnerships - Sentara, Animal Shelter, Central Elementary

Annual Growth Report & Future Services Anticipated

NC State SCOPE Certification Award

Expansion of Services - Corolla programs

Change/Appearance of Media outlet - merging of all 3(three) Sr. Center site Newsletters into 1(one)

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Stacy Joseph



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1404)

Agenda Item Title

Planning and Community Development Report-Large Structures

Brief Description of Agenda Item:

Board Action Requested

Discussion

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Ben Woody



Meeting Handout
BOC Jan 19, 2016

3.B.a

Currituck County

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

To: Board of Commissioners

From: Planning Staff

Date: January 19, 2016

Subject: Large Residential Structures Recommendations

EXISTING CONDITIONS

Staff has collected the following data on the housing stock in the Currituck Outer Banks. This information comes from tax and building permit data from 1900 through August 2015.

Currituck Outer Banks Residential Structures	Paved Road Area	Off-Road Area
Total Residential Structures	3,905	741
Mean # of bedrooms	5.02	3.95
Maximum # bedrooms	28 (1 house)	23 (1 house)
Mean sq. ft. all houses	2,951.72 sq. ft.	2,239.01 sq. ft.
# Houses with 8 or more bedrooms	323 (8.3%)	47 (6.3%)
Mean sq. ft. of 8+ bedroom houses	5,252.16 sq. ft.	5598.77 sq. ft.
Mean sq. ft. of houses built 2005-2015	3,810.27 sq. ft.	2690.15 sq. ft.
Mean # of bedrooms of houses built 2005-2015	6.11	4.63
# Houses > 4999 sq. ft.	261 (6.7%)	27 (3.64%)
# Houses > 9999 sq. ft.	6 (0.15%)	2 (0.27%)
Largest Lot taxed with existing Res. Structure	14.55 ac	12.65 ac
Mean Lot Size taxed with existing Res. Structure	0.34 ac	0.63 ac
Total # Subdivided Residential Purpose Lots	4,658	3,155
Vacant Subdivided Residential Purpose Lots	923	2,481

Noise Permit Issuance for Residential Properties 2010-2015

PROPERTY ADDRESS	# Bedrooms	Sq. Ft.	# Permits
506 Ocean Way	7	5447	11
1094 Lighthouse Drive	10	6532	7
599 Laughing Gull Lane	24	20697	8
1120 Karen's Way	8	4430	6
1487 Ocean Pearl Road	18	8719	6
1016 Lighthouse Drive	8	5366	5
355 Lindsey Lane	12	8984	4

363 Lindsey Lane	10	7240	4
1243 Atlantic Avenue	9	3720	3
Other residential properties			36
TOTAL			90

STAFF ANALYSIS

The building permit and tax data on Currituck Outer Banks residential property indicates that:

- House size has increased in both off-road and paved road area.
- Number of bedrooms has increased in both off-road and paved road area
- Houses larger than 5,000 sq. ft. are a small percentage of the total housing stock.
- Houses with 8 or more bedrooms are a small percentage of the total housing stock.
- Most houses applying for noise permits are greater than 5,000 sq. ft. or have 8 or more bedrooms. 73% issued to houses greater than 5,000 sq. ft. and 77% issued to houses with 8 or more bedrooms.

Staff recommends that a threshold of 5,000 sq. ft. is a good approach for determining what constitutes a large residential structure. This recommendation is based on the following:

- 5,000 sq. ft. is approximately equivalent to 8 bedrooms; 8 bedrooms has typical occupancy of 16 people (wastewater standards)
- In commercial settings, 16 people is linked to a higher standard occupancy classification in the building code (R3);
- 5,000 sq. ft. is a threshold for increased CAMA setback requirements
- Public input results from the November meeting and the internet survey indicate that a majority of respondents thought that 5,000 sq. ft. and 8 or more bedrooms best define a Large Residential Structure.

PUBLIC INPUT

Staff held two public meetings and included live polling at the first public meeting as well as an online survey that received 179 responses.

- LRS is best defined by number of bedrooms
- More than 8 bedrooms constitutes an LRS
- More than 5,000 sq. ft. constitutes an LRS
- Use of property is a concern
- Size compatibility with neighbors/neighborhood is a concern
- Other impacts that are a concern:
 - Inadequate on-site parking
 - Inadequate setbacks
 - Water/Sewer/Septic over use
 - Public Safety Response
 - Traffic
 - Noise

STRATEGIES

The following strategies are intended to address new development.

Strategy 1: Require any one or two family house over 5,000 square feet to have a commercial zoning designation. The structure will have to meet commercial standards for parking, landscaping and buffering but **may not** have to meet commercial building code standards (i.e. will still not have sprinkler system). For any property not currently zoned commercial, it will require a public hearing and Board of Commissioner approval.

- Limits the geographic area available to large residential structures.
- Large residential structures may locate on properties currently zoned commercial. Each PUD in Corolla includes property designated as commercial.
- Off road area does not contain commercially zoned property.

Public reception:

The January 8, 2016 meeting attendees generally did not support this option. The majority of attendees were associated with real estate and construction-associated companies.

Strategy 2: Modify dimensional and development standards for one and two large family houses over 5,000 square feet or a residential property designed, maintained, or advertised to host special events or temporary public or private gatherings. Occupancy based on sewer/septic capacity for 16 people can also be used as a threshold and have similar strategies as the ones listed below.

- Require a minimum of one parking space per bedroom and a loading space
- Increase the minimum side setback to 20 feet for the principal structure
- Increase setback to 20 feet for accessory structures, and accessory use/outdoor gathering areas.
- Require a minimum 40 feet building separation from principal structures on adjoining lots for fire safety.
- Require screening or landscape buffering for accessory use/outdoor gathering areas.
- Maximum lot coverage is calculated for useable lot area – wetlands or areas seaward of crest of frontal dune can no longer be used to calculate allowable lot coverage.
- Use a sliding scale based on lot size and house size for increased setbacks. The median lot size for houses greater than 5,000 square feet is 0.641 acres in Corolla and 2.23 acres in the Off-Road Area.
- Require TRC approval of large residential structures to provide for a more thorough review process.

Public reception:

This option received some support from January 8, 2016 meeting attendees. It was mentioned that parking needs to be evaluated for a potential standard increase as well as layout changes. Attendees were generally in agreement that a setback based on fire code is a good approach.

The following strategies are intended to address existing and new development.

Strategy 3: Strengthen existing non-planning County regulations to address use and secondary impacts associated with large residential structures. These modified standards apply to one and two family dwellings with a maximum living area greater than 5,000 square

feet, or a residential property designed, maintained, or advertised to host special events or temporary public or private gatherings

- Amend the noise ordinance to reduce hours for amplified sound. (ex: 9pm cutoff instead of 11pm).
- Amend the lighting ordinance to require standards similar to commercial development. (ex: full cut-off lighting, dark sky)
- Amend solid waste ordinance to require larger receptacles.
- Increase enforcement of Traffic/On street parking violations.
- Maintain drive aisles or other forms of access for public safety officials and apparatus.

Public reception:

This option received support from January 8, 2016 meeting attendees. It was mentioned that the solid waste ordinance is not currently being enforced or complied with. There was some support for promoting a dark sky ordinance.

Strategy 4: Establish a license or permit requirement for a residential property designed, maintained, or advertised for events that expect to have more than 50 attendees.

- Require a parking plan - could include off-site parking and shuttling
- Noise Permit
- Solid waste plan - dumpster requirement?
- Septic/Sewer approval – verification of capacity
- Public Safety notification

Public reception:

This option received some support from January 8, 2016 meeting attendees. A similar voluntary event permit was adopted in Duck and has been successful.

Strategy 5: Education and outreach to event planners, realty companies, POAs about existing requirements and issues.

- Noise permits
- Tent Permits
- Solid Waste requirements
- Septic/Sewer capacity
- Parking options for guests

Public reception:

This option received support from January 8, 2016 meeting attendees. Attendees commented that Tourism involvement in education regarding OBX events and weddings would be helpful.

Strategy 6: Stricter enforcement of existing County regulations for events and vacation rentals:

- Occupancy based on sewer/septic capacity
- Tickets for on-street parking
- Fine property owners for too much solid waste

- Tent permits for special permits
- Noise ordinance citations

Public reception:

This option received support from January 8, 2016 meeting attendees. It was mentioned that the county should establish new public parking areas.

STAFF RECOMMENDATION

The staff is requesting the Board identify a strategy, or combination of strategies, to move forward with. At a minimum the Board should consider a combination of strategies that include increasing parking requirements for all houses on the Currituck Outer Banks; establishing 5,000 square feet as a minimum threshold for a large residential structure; increasing side setbacks and building separation based on fire protection; strongly considering compatibility and locational requirements; making education and outreach to the realty companies, event planners, POAs and others a priority to address immediate impacts; and, if a license or permit is not to be established, have an "event registration" so public safety officials can be notified and sewer/septic capacity can be verified.

Depending on direction provided by the Board, staff is prepared to develop specific regulatory alternatives for addressing the impacts of large residential structures.

ATTACHMENTS

The staff has enclosed the following attachments to this memo:

- PowerPoint presentation from the 1/19/2016 Board of Commissioners meeting.
- Summary of meeting notes and polling data from the 11/20/2015 and 1/8/2016 meetings.
- Online survey results.
- Large residential structures overview memo provided to the Planning Board.

LARGE RESIDENTIAL STRUCTURES

Board of Commissioners 1/19/2016

BOC Direction

- At its November 2 meeting the BOC directed:
 - That staff conduct a review of large residential structures to assess possible compatibility and public safety impacts (completed within 90 days)
- Staff held two public meetings
 - 11/20/2015
 - 1/8/2016
- Staff conducted two surveys
 - Preference survey at 11/20/2015 meeting
 - Online survey (Survey Monkey)

Presentation Overview

- Recap survey results
- Corolla/Off-road area development data
- Strategies for LRS
- Staff recommendations

Results from November 20th

- Large residential structure (LRS) is best defined by:
 - Number of bedrooms (37.31%)
 - Use/Marketing (20.68%)
 - Square footage (19.62%)
- What # of bedrooms constitute an LRS:
 - More than 12 (45.45%)
 - More than 8 (27.27%)
 - More than 16 (18.18%)

Results from November 20th

- What square footage constitutes an LRS:
 - More than 5,000 (50%)
 - More than 10,000 (22.73%)
 - More than 15,000 (18.18%)
- What floor area ration (FAR) defines an LRS:
 - > 1 acre lot (43.48%)
 - FAR does not define an LRS (26.09%)
 - > 2 acre lot (13.04%)

Results from November 20th

- Most concerning impact of LRS:
 - Infrastructure/county services (27.67%)
 - Secondary impacts (26.62%)
 - Site conditions (25.39%)
- Biggest impact to infrastructure/county services:
 - Public safety response (35.43%)
 - Water/sewer over usage (31.96%)
 - Solid Waste generated (20.43%)

Results from November 20th

- Biggest secondary impact:
 - Traffic (25.29%)
 - Noise (24.52%)
 - On-street parking (21.04%)
- Biggest impact of site conditions:
 - Inadequate on-site parking (35.64%)
 - Inadequate property line setbacks (29.31%)
 - Light Pollution (23.56%)

Results Survey Monkey

- Total Respondents = 179:
 - Non-Resident Property Owner (68.7%)
 - Resident of Currituck County (26.3%)
- Large residential structure (LRS) is best defined by:
 - Number of bedrooms (51.7%)
 - Square footage (19.62%)
 - Use/Marketing (9.0%)

Results Survey Monkey

- What # of bedrooms constitute an LRS?
 - More than 8 (50.9%)
 - More than 10 (16.4%)
 - Bedrooms do not define LRS (14.6%)
- What square footage constitutes an LRS?
 - More than 5,000 sq. ft. (39.2%)
 - More than 7,500 (20.5%)
 - More than 10,000 (17.0%)

Results Survey Monkey

- Most concerning impact of building size?
 - Size compatibility with neighbors (44.9%)
 - Overall scale/bulk (41.3%)
 - Building size is not an impact (7.8%)
- Most concerning impact of site conditions:
 - Inadequate on-site parking (32.9%)
 - Inadequate property line setbacks (28.1%)
 - Light pollution (17.4%)

Results Survey Monkey

- Most concerning impact on Infrastructure and County services?
 - Water/sewer over usage (56.9%)
 - Public Safety response (16.8%)
 - Solid waste generated (11.4%)
- Most concerning secondary impact?
 - Traffic (48.0%)
 - Noise (19.9%)
 - Other (11.7%)

Public Input Summary

- LRS is best defined by number of bedrooms
- More than 8 bedrooms constitutes an LRS
- More than 5,000 sq. ft. constitutes an LRS
- Size compatibility with neighbors/neighborhood
- Use of property is a concern
- Other impacts:
 - Water/sewer
 - Public safety response
 - Traffic
 - Parking
 - Noise

Residential Development - Corolla

Corolla Paved Road Residential Structures		Quantity
Total Residential Structures	3995	
Mean # of bedrooms	5.02	
Maximum # bedrooms	28 (1 house)	
Mean sq. ft. all houses in paved road area	2951.72 sq. ft.	
# Houses with 8 or more bedrooms	323 (8.3%)	
Mean sq. ft. of 8+ bedroom houses	5252.16 sq. ft.	
Avg. sq. footage of houses built 2005-2015	3810.27 sq. ft.	
# Houses > 4999 sq. ft.	261 (6.7%)	
# Houses > 9999 sq. ft.	6 (0.15%)	
Largest Lot taxed with residential structure present	14.65 ac	
Mean Lot Size taxed with residential structure present	0.34 ac	
Total # Subdivided Residential Purpose Lots	4,658	
Vacant Subdivided Residential Purpose Lots	923	

Residential Development - Off-Road Area

Off-Road Residential Structures		Quantity
Total Residential Structures	741	
Mean # of bedrooms	3.95	
Maximum # bedrooms	23 (1 house)	
Mean sq. ft. all houses in off-road area	2239.01 sq. ft.	
# Houses with 8 or more bedrooms	47 (6.3%)	
Mean sq. ft. of 8+ bedroom houses	5598.77 sq. ft.	
Avg. Sq. footage of houses built 2005-2015	2690.15 sq. ft.	
# Houses > 4999 sq. ft.	27 (3.6%)	
# Houses > 9999 sq. ft.	2 (0.27%)	
Largest Lot taxed with residential structure present	12.65 ac	
Mean Lot Size taxed with residential structure present	0.63 ac	
Total # Subdivided Residential Purpose Lots	3155	
Vacant Subdivided Residential Purpose Lots	2481	

Noise Permits issued 2010-2015

PROPERTY ADDRESS	# Bedrooms	Square Footage	# Permits
596 OCEAN WAY	7.1	5447.01	
599 LAUGHING GULL LANE	24.1	20607.8	
1094 LIGHTHOUSE DRIVE	10.1	6532.7	
1120 KAREN'S WAY	8.1	4430.6	
1487 OCEAN PEARL ROAD	16.1	8719.6	
1016 LIGHTHOUSE DRIVE	8.1	5366.5	
355 LINDSEY LANE	12.1	8984.1	
363 LINDSEY LANE	10.1	7240.4	
1243 ATLANTIC AVENUE	9.1	3720.3	
OTHER RES. PROPERTIES			36
COMMERCIAL PROPERTIES			14
TOTAL			104

Tax and Permit Data Indicate:

- House size has increased. (both off-road and paved road area)
- Number of bedrooms has increased. (both off-road and paved road area)
- Houses larger than 5,000 sq. ft. are a small percentage of the total housing stock.
- Houses with 8 or more bedrooms are a small percentage of the total housing stock.
- Most houses applying for noise permits are greater than 5,000 sq. ft. (73%) or have 8 or more bedrooms (77%).

What is a Large Residential Structure?

- **Staff recommends using 5,000 sq. ft. because:**
- 5,000 sq. ft. is approximately equivalent to 8 bedrooms; 8 bedrooms has typical occupancy of 16 people (wastewater standards);
- In commercial settings, 16 people is linked to a higher occupancy classification in the building code (R3);
- 5,000 sq. ft. is a threshold for increased CAMA setback requirements;
- Public input results indicate that a majority of respondents thought that 5,000 sq. ft. and 8 or more bedrooms best define a Large Residential Structure.

Strategies Overview

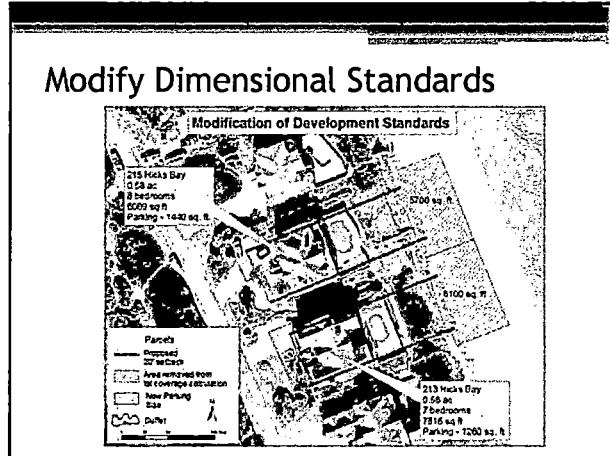
- #1 Require any house over 5000 sq. ft. to have commercial zoning designation
- #2 Modify dimensional and development standards for any house over 5000 sq. ft. (or occupancy >16)
- #3 Strengthen existing non-planning County regulations to lessen secondary impacts
- #4 Establish a license or permit requirement events and/or venues that expect to have more than 50 attendees
- #5 Education/Outreach to event planners, realty companies, POAs about existing requirements and issues

Strategies for LRS - New Development

- #1 - Require any one or two family house over 5,000 square feet to have commercial zoning
 - Limits the geographic area available to LRS
 - Structure may still not have to meet commercial standards by building code (no sprinklers, etc)
 - For property currently zoned residential, it will require a rezoning with a public hearing
- Alternative approach:
 - Require additional life safety features as a performance standard to allow a larger structure.
This likely requires local legislation.

Strategies for LRS - New Development

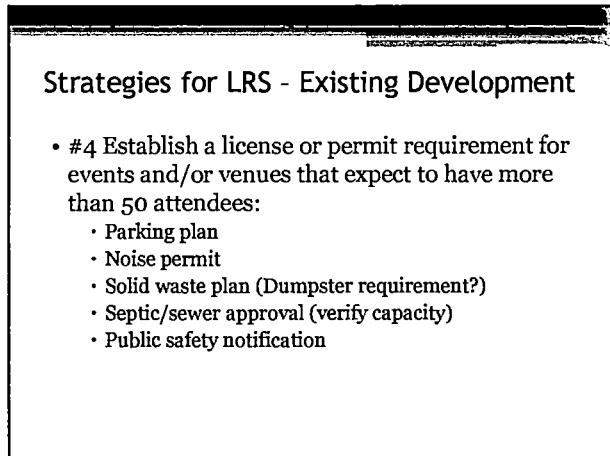
- #2 Modify dimensional and development standards
 - 1 parking space per bedroom and a loading area
 - 20' setback from side property lines for:
 - principal structure
 - all accessory uses/ structures/outdoor gathering spaces
 - 40' building separation for fire safety
 - Screening for outdoor spaces/Accessory uses
 - Wetlands, areas seaward of crest of frontal dune removed from calculation of total lot coverage
 - Sliding scale based on lot size and house size
 - > 5,000 sq. ft. average lot size: 0.641 and 2.23



Modify Dimensional Standards

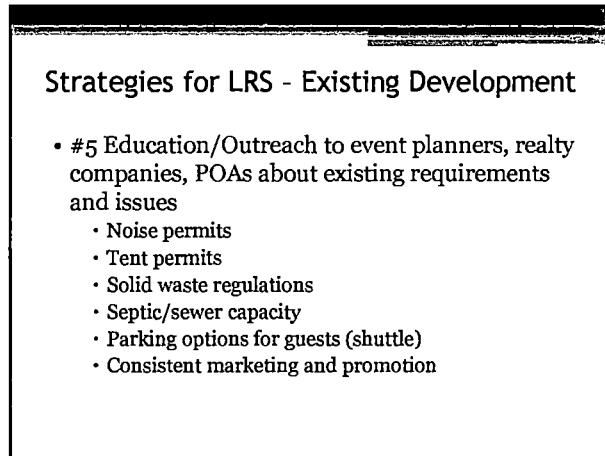
Strategies for LRS - Existing Development

- #3 Strengthen existing non-planning County regulations to lessen secondary impacts:
 - Noise Ordinance
 - Changing hours from 11pm to 9pm for amplified sound
 - Light
 - Similar to commercial standards
 - Solid Waste
 - Require large receptacles
 - Traffic/On street parking
 - More aggressive ticketing
 - Public Safety
 - Maintain drive aisles for access



Strategies for LRS - Existing Development

- #4 Establish a license or permit requirement for events and/or venues that expect to have more than 50 attendees:
 - Parking plan
 - Noise permit
 - Solid waste plan (Dumpster requirement?)
 - Septic/sewer approval (verify capacity)
 - Public safety notification



Strategies for LRS - Existing Development

- #5 Education/Outreach to event planners, realty companies, POAs about existing requirements and issues
 - Noise permits
 - Tent permits
 - Solid waste regulations
 - Septic/sewer capacity
 - Parking options for guests (shuttle)
 - Consistent marketing and promotion

Strategies Overview

- #1 Require any house over 5000 sq. ft. to have commercial zoning designation
- #2 Modify dimensional and development standards for any house over 5000 sq. ft. (or occupancy >16)
- #3 Strengthen existing non-planning County regulations to lessen secondary impacts
- #4 Establish a license or permit requirement events and/or venues that expect to have more than 50 attendees
- #5 Education/Outreach to event planners, realty companies, POAs about existing requirements and issues

Staff Recommendation

- At minimum staff recommends the Board consider a combination of strategies:
 - Parking requirements need to be increased for all houses on Currituck Outer Banks.
 - For structures over 5,000 square feet, increase side setbacks and building separation based on fire protection. Consider other standards to promote compatibility with neighboring properties.
 - Education and outreach to the realty companies, event planners, POAs and others needs to be a priority to address immediate impacts.
 - If a license or permit is not to be established, have an “event registration” so public safety people can be notified and sewer/septic capacity can be verified.

Session Name: New Session 11-20-2015 10-46 AM (1)

Date Created: 11/20/2015 8:38:16 AM

Active Participants: 23 of 23

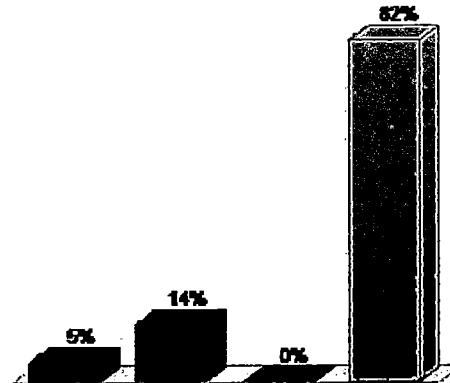
Average Score: 78.26%

Questions: 14

Results by Question

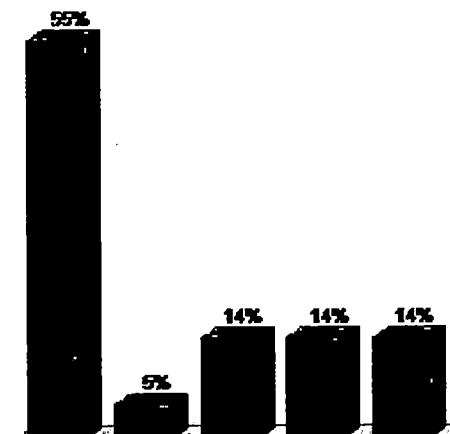
1. pumpkin pie : cool whip :: lemon pie : (Multiple Choice)

Responses		
	Percent	Count
ice cream	4.55%	1
crust	13.64%	3
nuts	0%	0
meringue (c)	81.82%	18
Totals	100%	22



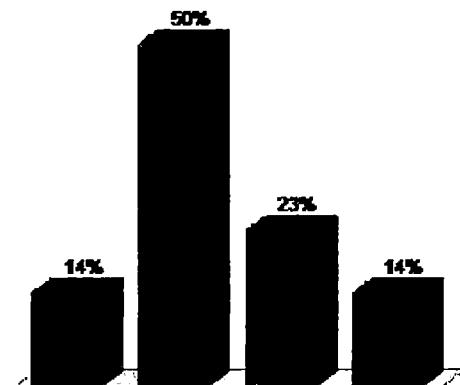
2. I most identify myself as a: (Demographic Assignment)

Responses		
	Percent	Count
Resident	54.55%	12
Property owner (non-resident)	4.55%	1
Property manager	13.64%	3
Builder/contractor	13.64%	3
None of the above	13.64%	3
Totals	100%	22



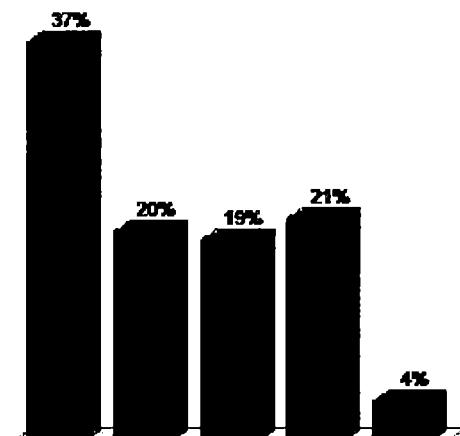
3. I am most associated with the: (Demographic Assignment)

Responses		
	Percent	Count
Off-road area	13.64%	3
Paved-road area	50%	11
Both areas	22.73%	5
Neither area	13.64%	3
Totals	100%	22



4. What best defines a LRS? (Priority Ranking)

Responses		
	Percent	Weighted Count
# of bedrooms	37.31%	175
Square footage	19.62%	92
Floor area ratio	18.76%	88
Use/marketing	20.68%	97
Other	3.62%	17
Totals	100%	469

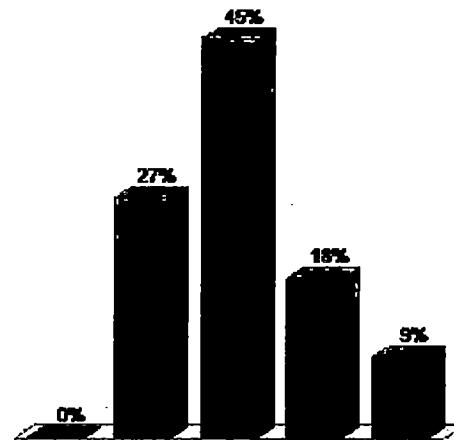


Comments from flip chart for **other**:

- Commercial designation
- Impacts

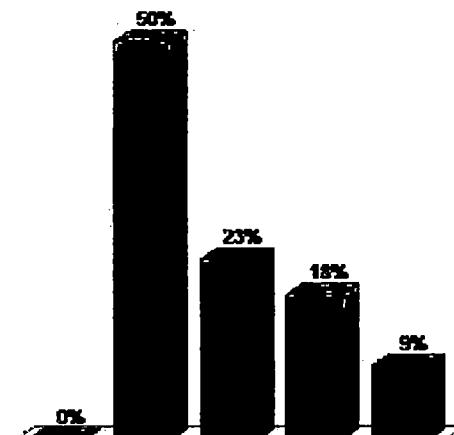
5. If number of bedrooms: (Multiple Choice)

Responses	
Percent	Count
More than 4	0%
More than 8	27.27%
More than 12	45.45%
More than 16	18.18%
Bedrooms do not define a LRS	9.09%
Totals	100%
	22



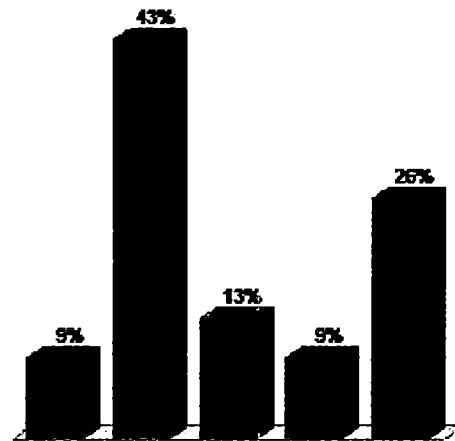
6. If square footage: (Multiple Choice)

Responses	
Percent	Count
More than 3,500	0%
More than 5,000	50%
More than 10,000	22.73%
More than 15,000	18.18%
SF does not define a LRS	9.09%
Totals	100%
	22



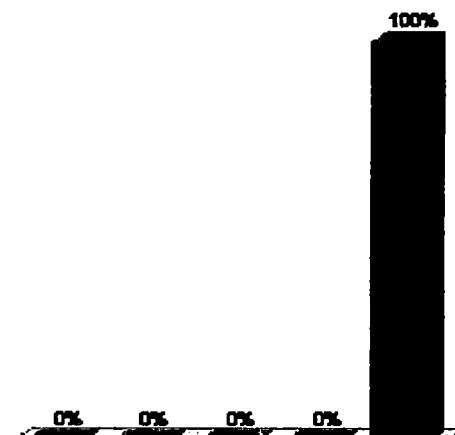
7. If floor area ratio: (Multiple Choice)

Responses	
Percent	Count
> ½ acre lot	8.7%
> 1 acre lot	43.48%
> 2 acre lot	13.04%
> 3 acre lot	8.7%
FAR does not define a LRS	26.09%
Totals	100%
	23



8. If use/marketing: (Multiple Choice)

Responses	
Percent	Count
0%	0
0%	0
0%	0
0%	0
100%	1
Totals	100%
	1



Ranking of Comments from flip chart for use/marketing:
 Comments from flip chart for use/marketing:

1. Commercial Use
2. Venue Homes: weddings, events
3. Marketing of houses for too many people at event
4. Single Family Home Over 12,000 sq ft
5. Vacation rental marketing (AIRBNB, VRBO)
6. Tenancy – long weekend v. entire week

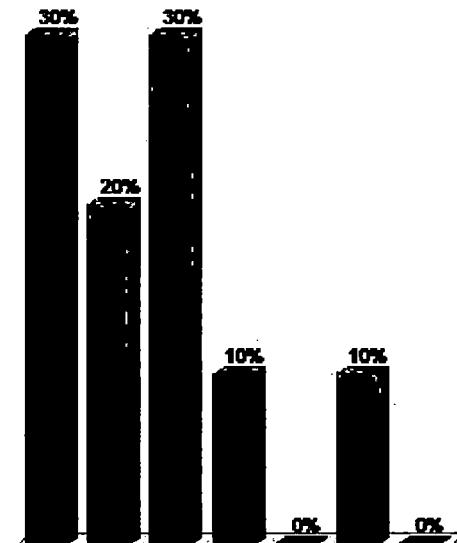
Also use for Question #9 for ranking

9. If use/marketing: (Multiple Choice)

Use does not define a LRS

Totals

Responses	
Percent	Count
1. 30%	3
2. 20%	2
3. 30%	3
4. 10%	1
5. 0%	0
6. 10%	1
0%	0
100%	10



Please see text at bottom of the previous page for corresponding number

10. What impact of a LRS concerns you most? (Priority Ranking)

Building size

Site conditions

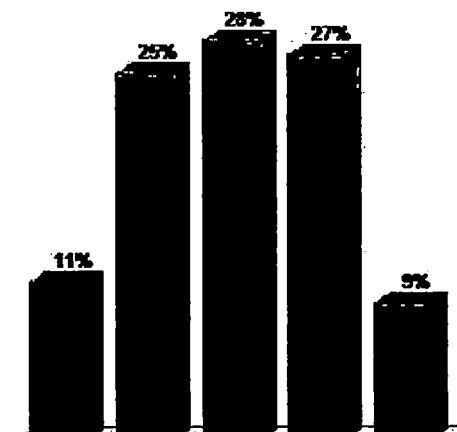
Infrastructure/ county services

Secondary impacts

Other

Totals

Responses	
Percent	Weighted Count
10.86%	62
25.39%	145
27.67%	158
26.62%	152
9.46%	54
100%	571

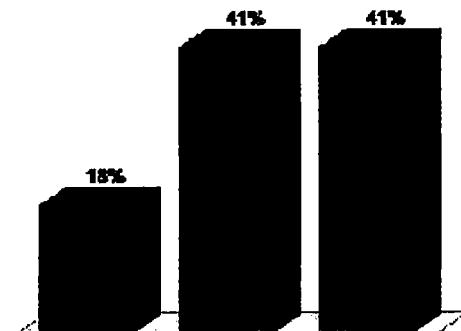


Comments from flip chart for Other:

- Life safety issues (emergency exits and lights, sprinklers, etc)
- Habitat loss
- Incentives for safety features for larger size
- Changes community character – loss of property value
- Flooding/stormwater issues

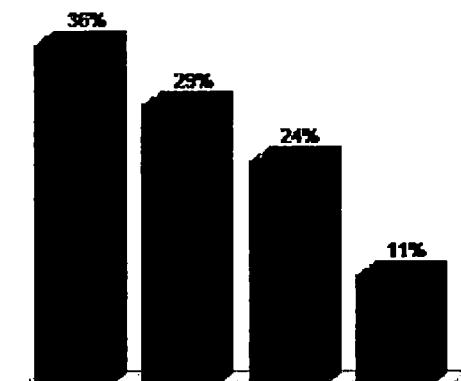
11. If building size: (Multiple Choice)

Responses		
	Percent	Count
Overall scale/bulk	18.18%	4
Size compatibility with neighbors	40.91%	9
Building size is not an impact	40.91%	9
Totals	100%	22



12. If site conditions: (Priority Ranking)

Responses		
	Percent	Weighted Count
Inadequate on-site parking	35.64%	180
Inadequate property line setbacks	29.31%	148
Light pollution	23.56%	119
Site conditions are not an impact	11.49%	58
Totals	100%	505

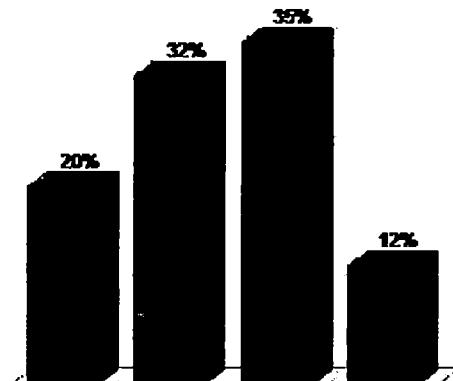


Comments from flip chart:

- Buffering
- Shading

13. If infrastructure/county services (Priority Ranking)

Responses		
	Percent	Weighted Count
Solid waste generated	20.43%	94
Water/sewer over usage	31.96%	147
Public safety response	35.43%	163
Infrastructure/ county services are not impacted	12.17%	56
Totals	100%	460

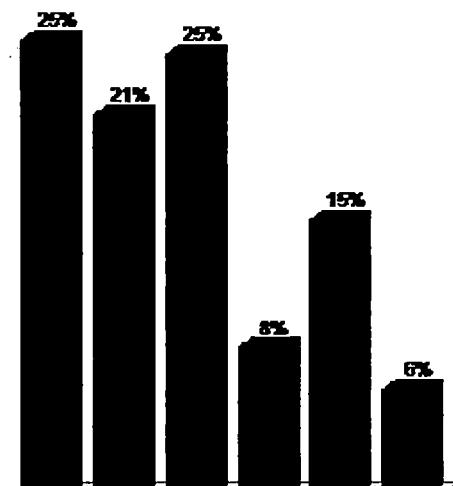


Comment from flip chart:

- Evacuation

14. If secondary impacts (Priority Ranking)

Responses		
	Percent	Weighted Count
Traffic	25.29%	131
On-street parking	21.04%	109
Noise	24.52%	127
Trespassing	8.11%	42
Outdoor activities	15.25%	79
Secondary impacts are not an impact	5.79%	30
Totals	100%	518



Comments from flip chart:

- Crowded beach
- Increase in crime
- Over-crowded on property
- Weddings on beach – impacts people driving, can't drive through the ceremony
- Commercial activity on beach
- Increased need for public parking
- Increased need for public beach access
- Impact on dunes and (ground) water supply
- Impact on neighboring water and sewer systems

Additional Comments during closing conversation:

- Shift away from “family beach” to something more commercial
- Too good at developing a tourist destination
- Lack of water pressure in older neighborhoods (smaller water lines, older infrastructure) for fire fighting
- Event registration/license (parking plan, tent permit, noise permit, etc)

**Large Residential Structures
Corolla Library Meeting Room
January 8, 2016
9:00 AM**

Meeting Summary

Planning Staff presented the power point entitled Large Residential Structures, January 8, 2016.

Staff provided options for addressing the impacts of Large Residential Structures. The following are meeting attendee comments for each option.

Option 1

Require any house over 5000 sq. ft. to have commercial zoning designation.

Attendee comments:

- Not in favor of square footage cap.
- Not in favor of bedroom cap.
- Use is the issue.
- Look at cash flow.
- Owners are dictating what they want built (larger homes).
- Large homes aren't always increasing density (ex: larger lots may be subdivided).
- Use of occupancy as a cap will be challenged in the future (because it regulates # of bedrooms).
- Requiring rezoning is similar to restricting adult oriented businesses to industrial zoning districts.
- Cost per person to rent a large structure is not different. Demand is for amenities with large homes.
- May devalue large lots.
- It is very difficult to rezone residential property to commercial.

Option 2

Modify dimensional and development standards for any house over 5000 sq. ft.

Attendee comments:

- Parking needs to be evaluated. (requirement per bedroom , stacked parking vs. ability to move cars)
- HOA's have the power to regulate what happens in their communities. It is very difficult for HOA's to get new regulations in place.
- A setback tied to fire code is a good approach.
- Lot coverage is an issue.
- May create shotgun style houses.
- Increased screening/setbacks will not address noise.
- Provide material flexibility for parking areas (ex: pervious pavers).

Option 3

Strengthen existing non-planning County regulations to lessen secondary impacts.

Attendee comments:

- Solid waste ordinance is not enforced and not complied with.
- Parking standard should be reviewed and increased.
- Promote dark sky ordinance.

Option 4

Establish a license or permit requirement events and/or venues that expect to have more than 50 attendees.

Attendee comments:

- Duck adopted a voluntary event permit and has been successful.
- Consider including a limit on number of events allowed.
- How will this be enforced?
- More accountability for wedding/event planners.
- Involve rental companies and property management companies.
- Educate wedding planners.
- May have a negative impact on existing event houses. Will existing property meet regulations?

Option 5

Education/Outreach to event planners, realty companies, POAs about existing requirements and issues.

Attendee comments:

- Involve County Tourism with education about OBX events & weddings.
- Crash weddings are occurring.
- Wedding parties are parking on vacant land and/or at vacant houses.
- Numerous weddings will limit parking areas for shuttling/parking plan.
- Most weddings occur during off season.
- Weddings typically occur during the week.
- Most weddings have fewer than 25 guests.

Option 6

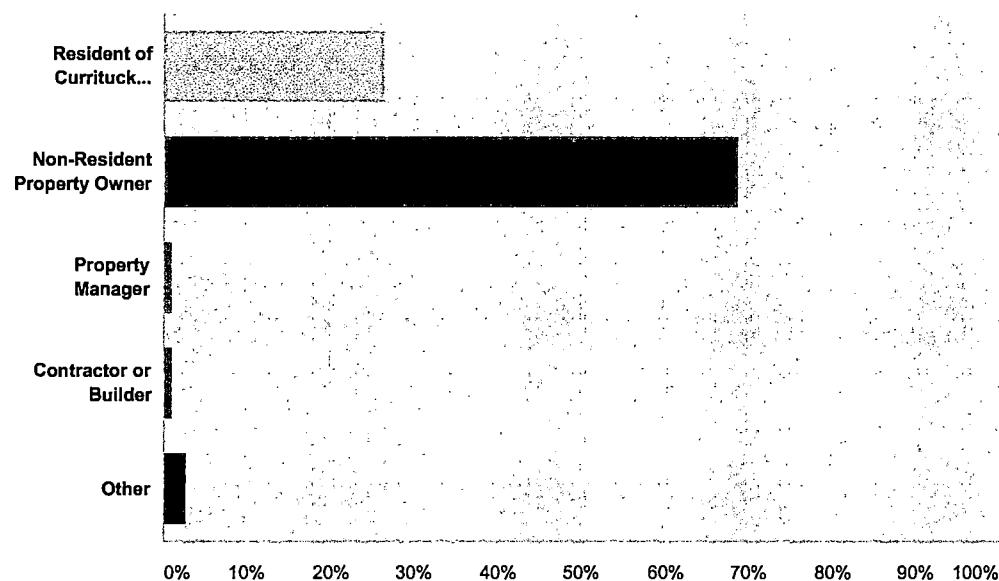
Strict enforcement of existing county regulations for occupancy, parking, etc.

Attendee comments:

- HOA's have to be added to county code of ordinances for on-street parking enforcement.
- County should look for new public parking areas.

Q1 I most identify myself as a:

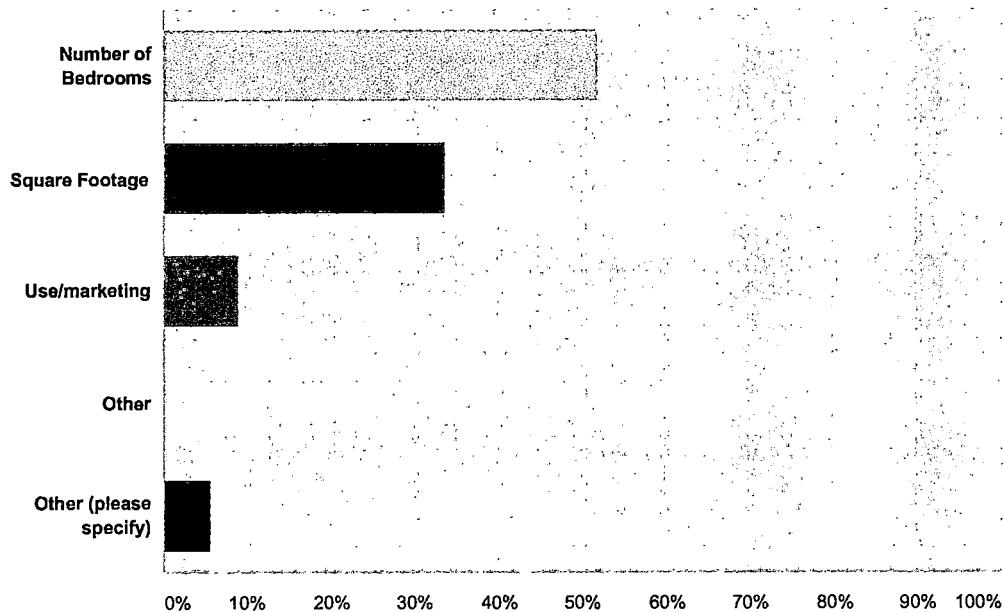
Answered: 179 Skipped: 0



Answer Choices	Responses (%)	Responses (Count)
Resident of Currituck County	26.26%	47
Non-Resident Property Owner	68.72%	123
Property Manager	1.12%	2
Contractor or Builder	1.12%	2
Other	2.79%	5
Total		179

Q2 What best defines a Large Residential Structure?

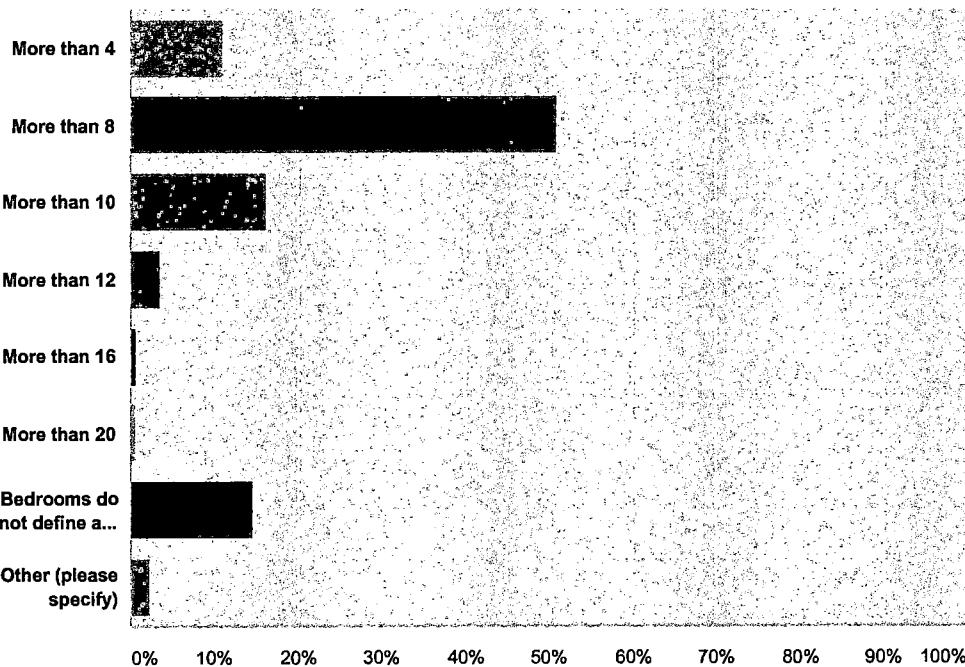
Answered: 178 Skipped: 1



Answer Choices	Responses	
Number of Bedrooms	51.69%	92
Square Footage	33.71%	60
Use/marketing	8.99%	16
Other	0.00%	0
Other (please specify)	5.62%	10
Total:		178

Q3 If number of bedrooms best defines a large residential structure, how many bedrooms?

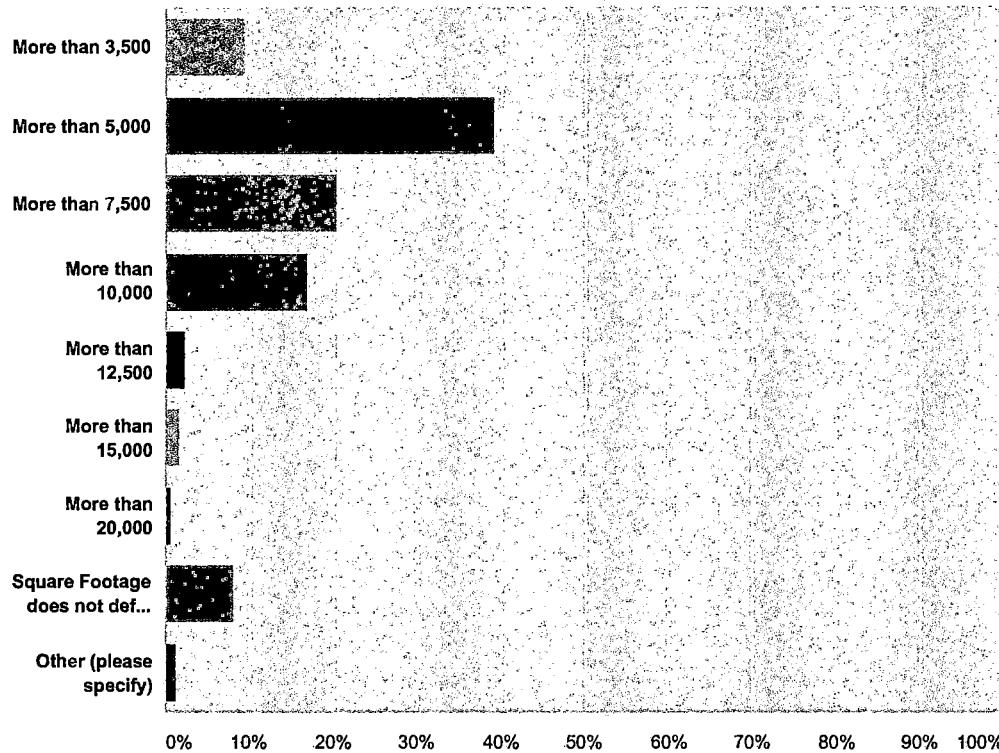
Answered: 171 Skipped: 8



Answer Choices	Responses
More than 4	11.11% 19
More than 8	50.88% 87
More than 10	16.37% 28
More than 12	3.51% 6
More than 16	0.58% 1
More than 20	0.58% 1
Bedrooms do not define a Large Residential Structure	14.62% 25
Other (please specify)	2.34% 4
Total	171

Q4 If square footage best defines a large residential structure, how many square feet?

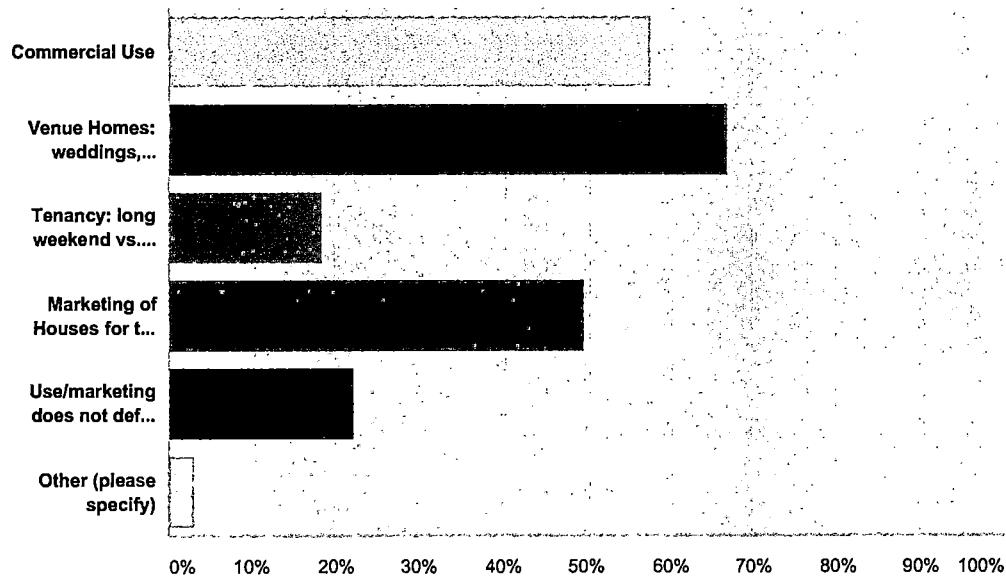
Answered: 171 Skipped: 8



Answer Choices	Responses (%)	Responses (Count)
More than 3,500	9.36%	16
More than 5,000	39.18%	67
More than 7,500	20.47%	35
More than 10,000	16.96%	29
More than 12,500	2.34%	4
More than 15,000	1.75%	3
More than 20,000	0.58%	1
Square Footage does not define a Large Residential Structure	8.19%	14
Other (please specify)	1.17%	2
Total		171

Q5 If use/marketing best defines a large residential structure: (choose all that apply)

Answered: 163 Skipped: 16

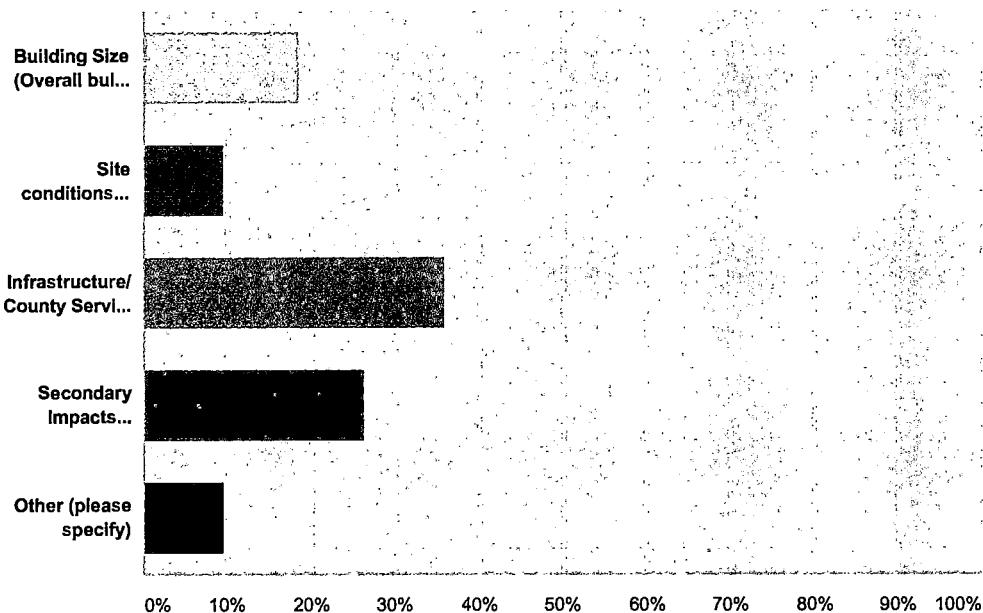


Answer Choices	Responses (%)	Responses (Count)
Commercial Use	57.67%	94
Venue Homes: weddings, events, etc.	66.87%	109
Tenancy: long weekend vs. entire week	18.40%	30
Marketing of Houses for too many people at event	49.69%	81
Use/marketing does not define a Large Residential Structure	22.09%	36
Other (please specify)	3.07%	5

Total Respondents: 163

Q6 Which potential impact of a large residential structure concerns you most?

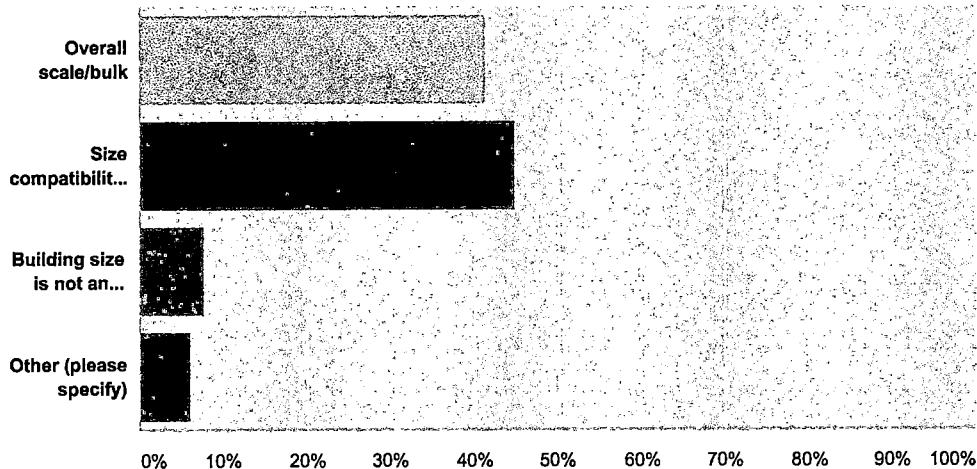
Answered: 178 Skipped: 1



Answer Choices	Responses
Building Size (Overall bulk, size compatibility, etc.)	18.54% 33
Site conditions (Inadequate on-site parking, inadequate property line setbacks, light pollution, etc.)	9.55% 17
Infrastructure/County Services (solid waste generated, water/sewer overusage, public safety response, etc.)	35.96% 64
Secondary Impacts (Traffic, on-street parking, noise, trespassing, outdoor activities, etc.)	26.40% 47
Other (please specify)	9.55% 17
Total	178

Q7 If building size is an impact of large residential structures, which aspect of building size concerns you most?

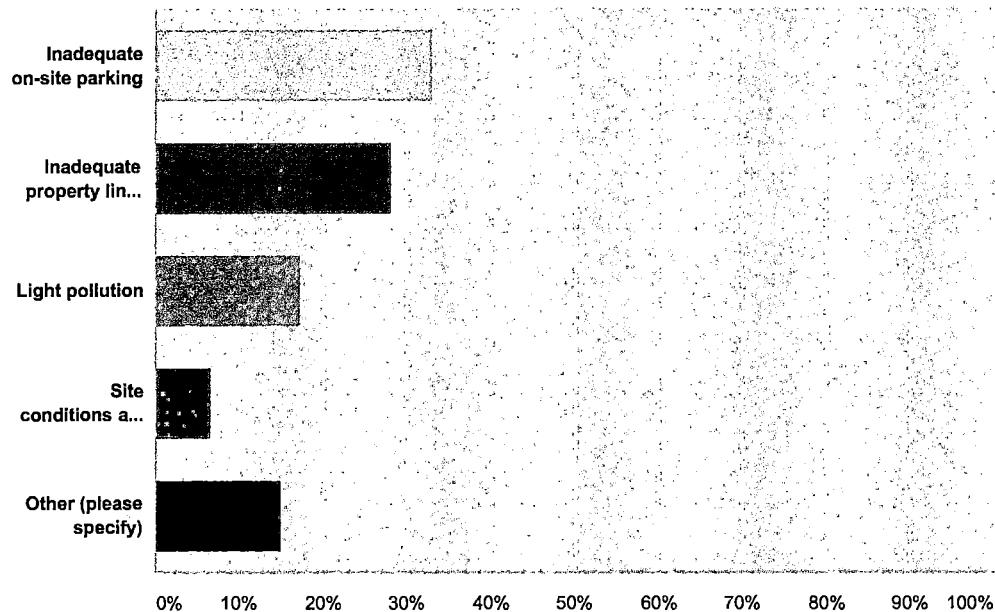
Answered: 167 Skipped: 12



Answer Choices	Responses
Overall scale/bulk	41.32% 69
Size compatibility with neighbors	44.91% 75
Building size is not an impact	7.78% 13
Other (please specify)	5.99% 10
Total	167

Q8 If site conditions are an impact of large residential structures, which site condition concerns you most?

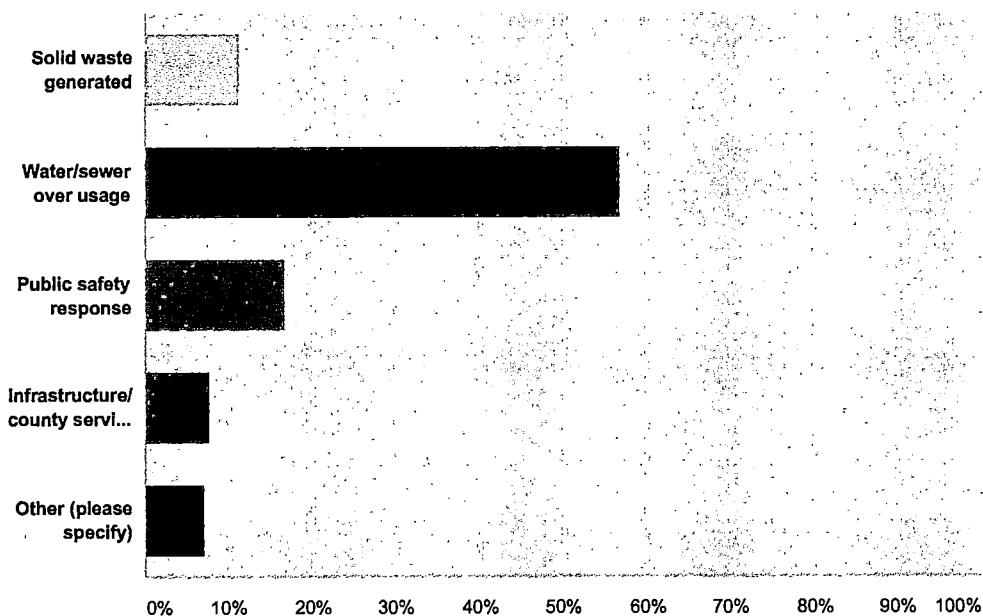
Answered: 167 Skipped: 12



Answer Choices	Responses (%)	Responses (Count)
Inadequate on-site parking	32.93%	55
Inadequate property line setbacks	28.14%	47
Light pollution	17.37%	29
Site conditions are not an impact	6.59%	11
Other (please specify)	14.97%	25
Total		167

Q9 If impacts on infrastructure and county services are an impact of large residential structures, which impact concerns you most?

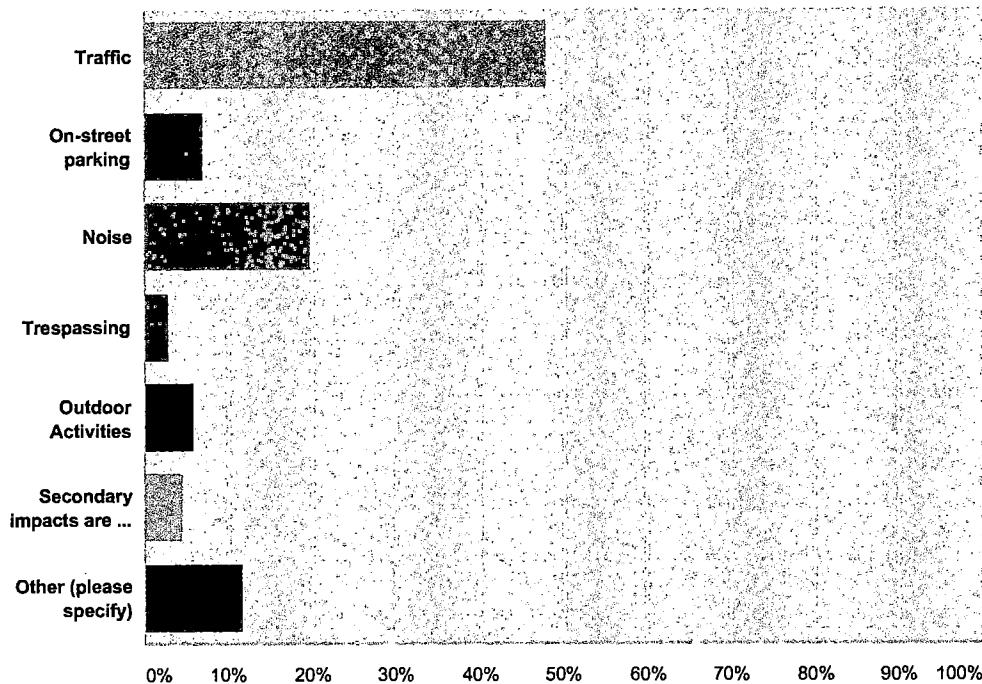
Answered: 167 Skipped: 12



Answer Choices	Responses
Solid waste generated	11.38% 19
Water/sewer over usage	56.89% 95
Public safety response	16.77% 28
Infrastructure/county services are not impacted	7.78% 13
Other (please specify)	7.19% 12
Total	167

Q10 If secondary impacts of large residential structures are a concern, which secondary impact concerns you most?

Answered: 171 Skipped: 8



Answer Choices	Responses
Traffic	47.95%
On-street parking	7.02%
Noise	19.88%
Trespassing	2.92%
Outdoor Activities	5.85%
Secondary impacts are not a concern.	4.68%
Other (please specify)	11.70%
Total	171



Currituck County

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

To: Planning Board
From: Planning Staff
Date: September 15, 2015
Subject: Large Residential Structures

BACKGROUND

At its August 11, 2015 meeting the Planning Board considered a text amendment request that proposed to limit the impact of large residential structures by requiring those structures to be permitted as commercial uses. The Board voted to continue the request and directed planning staff to research and present alternative strategies for managing the impacts of large residential structures.

The following decisions related to large residential structures in Currituck County occurred previous to the text amendment request:

- The 2006 Land Use Plan was adopted with two policies that support limiting the size and impacts of large residential structures.
- In 2010 the staff proposed addressing the impacts of large houses by creating a new use classification and standards for homes larger than 5,000 square feet. The request was not supported by the Board of Commissioners at that time.
- In 2013 the Board of Adjustment upheld a staff determination that a large residential structure in the off-road area met the current Unified Development Ordinance (UDO) definition of a single-family dwelling. The decision was appealed and upheld by the Superior Court, and is now awaiting a hearing at the Court of Appeals.
- In 2015 the Board of Adjustment upheld a staff determination that the use of a large residential structure was consistent with the residential permit issued in 2014. Appellant claimed the property is used as a commercial business (event home). This decision was not appealed to the Superior Court.
- In 2015 the North Carolina Building Code Council issued an order that concludes that the size and square footage, number of bedrooms, and use of a home as a vacation rental does not change the occupancy classification of a large residential structure.

CURRENT STANDARDS

The current UDO does not directly limit the size of residential structures. Standards that control number of parking spaces, setbacks, height, and lot coverage indirectly affect the size of a structure. There are also requirements that control the tenancy and number of unrelated people occupying a residential structure, but this has proven nearly impossible to enforce in the context of vacation rentals.

The 2006 Land Use Plan includes policies that support modifying development regulations for large residential structures:

LUP POLICY OB3: Currituck County recognizes that, on the Outer Banks in particular, "single family" homes are being built that accommodate 15, 20, 25 or more people. Thus, these

LARGE RESIDENTIAL STRUCTURES are circumventing existing zoning laws that could not anticipate the advent of these building forms. Development regulations and project approvals shall therefore be based upon the actual nature of the structure rather than the label (e.g. single family) that may be attached to it.

LUP POLICY OB4: Currituck County supports policies and actions that require the square footage, number of bedrooms, and/or occupancy 2 of RESIDENTIAL STRUCTURES to be determined in proportion to lot size, as well as public health and safety issues concerning water supply and sewage disposal, fire safety, emergency services, parking, traffic loads during evacuations, etc.

NC SESSION LAW 2015-86

On June 19, 2015, the N.C. General Assembly adopted the following law that states in part, "Any zoning and development regulation ordinance relating to building design elements adopted under this Part, under Part 2 of this Article, or under any recommendation made under G.S. 160A-452(6)c. may not be applied to any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings..." The law goes on to state, "the phrase 'building design elements' means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms."

This law effectively prohibits the county from regulating building design elements for large residential structures, and specifically prohibits limitations on regulating the number of bedrooms. However, the law provides that local governments may regulate the height, bulk, orientation on the lot, and location of a structure on a lot.

STRATEGIES

Even with the adoption of NC Session Law 2015-86, there are still a variety of strategies available to local governments to manage the impacts of large residential structures. The following regulatory alternatives can be used independently or collectively to varying degrees of effectiveness. To determine which strategy or combination of strategies works best, additional scenario planning may be necessary.

Building Setbacks: Zoning setbacks prevent buildings from occupying portions of a site. They are effective at creating separation between adjoining structures, but do little to address the overall bulk or impacts of a building. Increasing the minimum building setbacks may slightly limit building size; however, the areas not otherwise occupied by a building would likely be used for parking, decking, or other accessory features. Additionally, significant increases in building setbacks may impact creativity in building design and site layout.

Accessory Use Setbacks: Accessory uses such as pools, gazebos, and other outdoor amenities are often the areas where guests or residents gather. Increasing accessory use setbacks, or even requiring screening or locational requirements for accessory uses, may better address impacts related to noise, light, events, or other outdoor activities.

Lot Width: Bulk of structures may be further limited by requiring larger lot widths based on total square footage. Another option is to regulate building width based on lot width. For example: require building width not to exceed 50% of lot width. Similar to increasing building setbacks, lot width requirements may slightly limit building size, but not address secondary impacts of large structures and even negatively affect creativity of building design.

Height: Height is limited to a maximum of 35 feet, measured from the average established grade to the mean height level between eaves and ridge of the roof. Considering the prevalence of elevated structures and the use of pile construction, it is unlikely this measurement would decrease. Height limits can be used as a compatibility control by requiring that the total height of a new structure be relative to adjoining structures by a specified factor (e.g., not more than 20% taller than the average building height of adjacent houses).

Lot Coverage: Reducing the percentage of allowable lot coverage may be an effective way to reduce the footprint of structures on a lot. The UDO uses a tiered approach to lot coverage based on lot size. A decrease in allowable lot coverage may reduce residential density; however, the standard is one dimensional and typically used for stormwater management.

Minimum Parking: Inadequate off-street parking is a potential impact. The UDO uses a tiered approach for parking requirements; an 8 bedroom home requires 6 parking spaces, a 15 bedroom home requires 10 parking spaces and a 24 bedroom home requires 15 parking spaces. An option is to increase the required parking to one space per bedroom. This approach will create more impervious surface which may also impact building footprint by increasing total lot coverage. This approach may lead to more complicated site development impacts such as adequate stormwater control measures.

Floor Area Ratio: Floor area ratio (FAR) is the ratio of total building floor area to the area of the site. For example: a 20,000 square foot lot with a FAR of .4 allows 8,000 square feet of building floor area (lot square footage x FAR = total building floor area). In general, FAR is a good tool for insuring building square footage is relative to the size of a lot. Unlike lot coverage, building setbacks, or height, FAR takes multiple floors into account. It also limits bulk, but in the absence of a height limit for ceilings or criteria for including attic or loft space, it can result in an uneven approach. Perhaps the most difficult aspect of establishing a FAR is determining the appropriate ratio.

Building Volume Ratio: Building volume ratio (BVR) is a true volume indicator that most accurately controls bulk by measuring the entire volume of the building above finished grade (building volume/10/lot area). This is a similar approach to FAR but better incorporates cathedral ceilings and higher floor-to-ceiling heights. Relying upon building volume allows the architect or builder to manipulate the house plan to maximize floor area, while maintaining a standard outdoor appearance of bulk. A limitation of this approach is the difficulty of the calculation (requires CAD). And while it is the best measure of bulk, it does not address any secondary impacts of a large residential structure.

Maximum Square Footage: Maximum square footage is the most straight-forward approach to regulating the size of a building. This appears to be the tool that communities that previously relied upon a maximum number of bedrooms are now considering. A tiered approach is necessary to insure the maximum allowable size of buildings is proportional to lot sizes. This approach can indirectly affect the occupancy or use of a residence, but it does not address secondary impacts (parking, noise, etc.).

Maximum Occupancy: This approach most directly addresses the density of population. The size of a structure would be indirectly limited by setting a maximum occupancy level for a residential structure. A tiered approach is necessary to insure maximum occupancy levels are proportional to lot sizes. Another approach is to establish maximum sewage flows which effectively limit the number of bedrooms. Since establishing a maximum occupancy is similar to limiting the number of bedrooms, it requires further analysis to determine if it is an acceptable approach under NC Session Law 2015-86. Similar to the maximum square footage approach, a maximum occupancy does not directly address secondary impacts.

Noise, Solid Waste, Light, Outdoor Activities, Traffic (Secondary Impacts): These and other impacts are often associated with large residential structures, but are not necessarily unique to a large structure. Secondary impacts are more closely associated with the use of a property rather than the size of a structure. Additional analysis is necessary, but many of the secondary impacts can be directly addressed through targeted ordinance changes. For example: the existing noise ordinance can be modified to prevent outdoor amplified sound after a certain time; allowing for larger trash containers can alleviate the need for a significant number of roll-out containers; dark sky lighting requirements can reduce light impacts; requiring additional on-site parking will minimize parking overflow.

Definitions: To address issues with tenancy and use of a property as a vacation rental, staff recommends creating a new vacation rental use category, or modifying the definition and use classification of single-family dwelling to accurately reflect the predominant use of residential structures in the outer banks area.

To make the UDO consistent with the CAMA oceanfront setback requirements, staff recommends that the definition of single-family dwelling be clarified to outline what constitutes a principal structure. This addresses a recent determination issued by the staff and will impact the size and siting of large oceanfront residential structures.

RECENT PERMIT INFORMATION

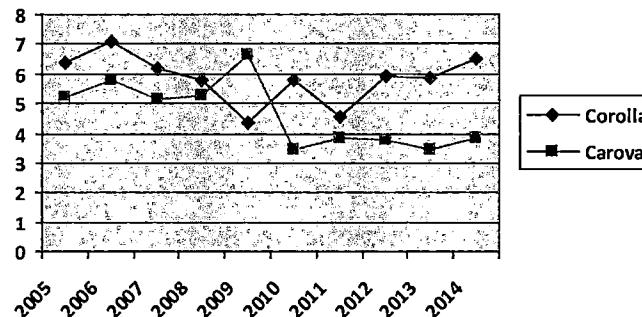
Total Square Footage*	# of Permits Since 2005**
5,000 – 9,999	220
10,000 – 14,999	21
15,000 – 19,999	2
20,000+	4
Total	247

* includes decking and accessory structures

** Source: Currituck County Inspections Division building permit data

Year	Corolla: Average # of Bedrooms*	Carova: Average # of Bedrooms*
1900-2004	4.86	3.71
2005	6.39	5.18
2006	7.08	5.80
2007	6.17	5.15
2008	5.82	5.27
2009	4.36	6.66
2010	5.80	3.42
2011	4.58	3.85
2012	5.91	3.78
2013	5.86	3.43
2014	6.49	3.85
2005 - 2014	5.84	4.64

* Source: Currituck County Tax Department residential dwelling data





Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1350)

Agenda Item Title

Public Hearing and Action: PB 15-17 Currituck County:

Brief Description of Agenda Item:

Request to amend multiple sections of the Unified Development Ordinance to modify residential development standards.

Planning Board Recommendation:

Planning Board Recommendation:

Mr. Cooper moved to approve PB 15-17 as presented due to its consistency with the Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development with the following conditions:

- Effective date of nine months from the time the text amendment is approved by the Board of Commissioners.
- Add that a preliminary plat vests a project through all phases of the project.
- Any conditional zoning project which has been approved under the current Unified Development Ordinance is not subject to this text amendment.

Mr. Craddock seconded the motion and motion carried unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Donna Voliva,

Presenter of Agenda Item

Ben Woody



Currituck County

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

To: Board of Commissioners
 From: Planning Staff
 Date: December 18, 2015
 Subject: PB 15-17 Currituck County Residential Development

On behalf of the Board of Commissioners, Currituck Planning & Community Development submits the following request to amend to the Unified Development Ordinance. The proposed amendment will modify the various sections of the ordinance to address residential development concerns:

- Items 1, 2, and 3
 The proposed amendment modifies the conservation subdivision standards, establishes a conservation theme, reduces the development densities in the AG zoning district and the SFM – Full Service LUC, and establishes a minimum lot size. The minimum side setbacks are increased in rural areas to address ISO building separation requirements. Additional landscaping and access requirements are included in the amendment.
- Item 4
 The proposed amendment limits private ownership of open space to 85% of the required open space set-aside and leaves 15% to be retained by the HOA for the enjoyment of the property owners.
- Items 5, 6, and 7
 The proposed amendment clarifies the riparian buffer and reduces the width from 50' to 30' to address HB 44, SL 2015-246 ratified by the General Assembly in September, 2015. The request also excludes wetlands from proposed lot area.
- Item 8
 Repeals the recent changes to the cottage home text amendment and further clarifies and establishes cottage home requirements, lot sizes, ISO fire flow building separations, and general development standards for cottage home developments.
- Item 9
 The proposed amendment increases the buffer requirements between MXR zoning districts and other residential and special zoning districts.
- Item 10
 The proposed amendment increases the minimum district area for planned developments.

- Item 11
The proposed amendment increases the number of lots reviewed administratively as a type 1 development application.
- Item 12
The proposed amendment modifies the sidewalk and pedestrian path circulation requirements for subdivisions.
- Item 13
The proposed amendment corrects the floor area ratio for residential structures.
- Item 14
The proposed amendment removes the tenancy reference for single family dwellings.

Staff recommends approval of this request as it:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan, specifically:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

POLICY HN2: Currituck County recognizes that large-lot mini-estates (i.e. 5 to 10 acres) consume large amounts of land, often without economic purpose. Estate lots having no relationship to agriculture or other resource-based activities promote sprawl and make the provision of infrastructure and services very costly. The County shall therefore encourage alternatives to large lot developments through INNOVATIVE DEVELOPMENT CONCEPTS AND CORRESPONDING ZONING techniques.

POLICY HN4: Currituck County shall discourage all forms of housing from "LEAPFROGGING" INTO THE MIDST OF FARMLAND and rural areas, thereby eroding the agricultural resource base of the county.

2. Would improve compatibility among uses and ensure efficient development in the county; and
3. Would result in a logical and orderly development pattern.

PLANNING BOARD RECOMMENDATION:

Mr. Cooper moved to approve PB 15-17 as presented due to its consistency with the Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development with the following conditions:

- Effective date of nine months from the time the text amendment is approved by the Board of Commissioners.
- Add that a preliminary plat vests a project through all phases of the project.
- Any conditional zoning project which has been approved under the current Unified Development Ordinance is not subject to this text amendment.

Mr. Craddock seconded the motion and motion carried unanimously.

PLANNING BOARD DISCUSSION: (12/8/15)

Mark Bissell, Bissell Professional Group appeared before the board. Ms. Voliva presented the staff report.

Items 1, 2, and 3 - Conservation Subdivision Standards

- Wetland buffer
- Maximum lot coverage
- Wetlands definition (Army Corps of Engineer)
- Lot size based on soil type
- Density
- Open Space

Item 4 - Environmental Protection Standards

No discussion.

Item 5, 6, 7 - Riparian Buffer Zones

- Riparian buffer changed from fifty feet to 30 feet which is part of open space.

Item 8 - MXR Mixed Residential

- Cottage home development

Item 9 - Landscape Buffer

No discussion.

Item 10 - Planned Developments

- This text amendment does not address large residential structures.

Item 11 - Type 1 Subdivisions

- Increase the number of lots reviewed administratively.

Item 12 - Pedestrian Circulation

No discussion.

Item 13 - Floor Area Ratio

- Will apply to residential and nonresidential.

Item 14 - Single Family Dwelling Tenancy

- Talked about disallowing daily rentals.

Discussion:

Mr. Woody said the board may want to consider a six or nine months effective date from the time the BOC approves the text amendment. This will allow any conditional zoning that has been approved will not be impacted by this change.

Mr. Cooper opened the public hearing.

Mr. Bissell said changing density does reduce the value of the property. Mr. Bissell

said a six to nine months effective date is a reasonable time frame. Mr. Bissell is asking to add phasing back in which was allowed in the old UDO.

Mr. Woody said that a preliminary plat vests a project through all phases of the project. Mr. Cooper closed the public hearing.

Mr. Cooper moved to approve PB 15-17 as presented due to its consistency with the Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development with the following conditions:

- Effective date of nine months from the time the text amendment is approved by the Board of Commissioners.
- Add that a preliminary plat vests a project through all phases of the project.
- Any conditional zoning project which has been approved under the current Unified Development Ordinance is not subject to this text amendment.

Mr. Craddock seconded the motion and motion carried unanimously.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 1/19/2016 5:00 PM
MOVER:	John Cooper, Chairman	
SECONDER:	Steven Craddock, Board Member	
AYES:	John Cooper, Chairman, Carol Bell, Vice Chairman, Bobby Bell, Board Member, Clay Cartwright, Board Member, Mike Cason, Board Member, Steven Craddock, Board Member, Jane Overstreet, Board Member, John Wright, Board Member	
ABSENT:	Fred Whiteman, Board Member	

PB 15-17
CURRITUCK COUNTY

Amendment to the Unified Development Ordinance Chapter 2. Administration, Chapter 3. Zoning Districts, Chapter 5. Development Standards, Chapter 6. Subdivision & Infrastructure Standards, Chapter 7. Environmental Protection Standards, Chapter 10. Definitions and Measurement to modify the residential development 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 3. Zoning Districts is amended by adding the following underlined language and deleting the struck-through language:

3.3.3. Agriculture (AG) District

AG

AGRICULTURAL

DISTRICT



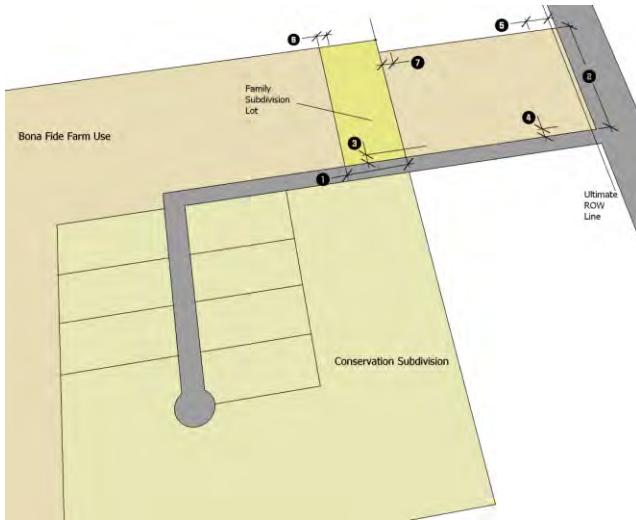
A. DISTRICT PURPOSE

The Agricultural (AG) district is established to accommodate agriculture and agriculturally-related uses (including residential development) at very low densities in rural portions of the county. The district is intended to preserve and protect active agricultural uses, farmlands, and other open lands for current or future agricultural use. The district accommodates small-scale residential uses and allows farmers to capture a portion of the land's development potential through special provisions for conservation subdivisions that allow a portion of a tract or site to be developed with single-family homes while the balance of the site is left as open lands available for continued agricultural use. The district accommodates a wide range of agricultural and agricultural-related uses like "agri-business", "agri-tourism", and "agri-entertainment", but prohibits uses that are not directly related to or that do not provide direct support for agricultural activities.

B. LOT PATTERNS



C. LOT CONFIGURATION



F. DIMENSIONAL STANDARDS

TD = Traditional Development

CS = Conservation Subdivision Development

	TD	CS		TD	CS
Max. Gross Density (du/ac)	N/A	-	Min. Front Setback (ft) [4]	20	N/A
With 50% Open Space (du/ac)	-	0.4 0.33	Min. Corner Side Setback (ft)	20	N/A
With 60% Open Space (du/ac)	-	0.5 0.4	Min. Major Arterial Street Setback (ft)	50	50
With 70%+ Open Space (du/ac)	-	0.66	Min. Side Setback (ft)	10 15	N/A 15
Max. FAR (%)	0.4 0	N/A	Min. Rear Setback (ft)	25	N/A
Min. Lot Area (acres) [1]	3-	N/A 30.00 0	Min. Agriculture Setback (ft) [5]	N/A	50
Max. Lot Area (acres)	N/A	N/A	Min. Accessory Use Setback (ft)	10	31 0
Min. Lot Width, Interior Lot (ft) [2]	12 5	N/A	Min. Driveway/Parking Setback (ft)	10	N/A
Min. Lot Width, Corner Lot (ft)	13 5	N/A	Min. Fill Setback from all Lot Lines (ft)	10	10
Max. Lot Depth	[3]	N/A	Min. Wetland/Riparian Buffer (ft) [5]	50	50
Max. Lot Coverage (%)	30	60.30	Max. Building Height (ft) [6]	35	35
			Min. Spacing Between Principal Buildings (ft)	10	31 0

[1] Minor subdivision lots shall be at least 40,000 square

feet in area on public water

[2] All lots shall maintain a minimum street frontage of 35 feet

[3] Lot depth shall not exceed four times the lot width

[4] Front setbacks shall be measured from ultimate ROW line

[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

[6] Not applied to farm structures meeting minimum setbacks plus an additional setback of one foot for each foot in height over 35 feet

3.3.3. Single-Family Residential–Mainland (SFM) District



A. DISTRICT PURPOSE

The Single-Family Residential–Mainland (SFM) district is established to accommodate low density residential neighborhoods and supporting uses on mainland Currituck County outside of Full Service areas. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from the Caratoke Highway, or place undue stress on the county's educational infrastructure. A variety of residential use types are allowed in the district, including single-family detached homes, manufactured homes on their own lots, detached accessory dwelling units, as well as duplexes. The district accommodates agriculture, equestrian uses, minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, religious institutions, schools, and similar uses. This district also includes the conservation subdivision option with the ability to accommodate up to twoone units per acre in Full Service areas designated on the future land use map of the Land Use Plan. Major utilities require approval of a use permit, while commercial, office, and industrial uses are prohibited.

B. LOT PATTERNS



F. DIMENSIONAL STANDARDS

TD = Traditional Development

CS = Conservation Subdivision Development

	TD	CS		TD	CS
Max. Gross Density – Traditional Dev. (du/ac)	N/A	-	Min. Front Setback (ft)	20	N/ A
Max. Gross Density – Conservation Subdivisions			Min. Corner Side Setback (ft) [4]	20	N/ A
In Rural/Conservation Areas (du/ac)	-	0.33	Min. Major Arterial Street Setback (ft)	50	50
In Limited Service Areas (du/ac)	-	1.0 0.75	Min. Side Setback (ft)	10	N/ A1 0
In Full Service Areas (du/ac)	-	2.0 1.0	Min. Rear Setback (ft)	25	N/ A
Max. FAR (%)	0.40	N/A	Min. Agriculture Setback (ft) [5]	50	50

Min. Lot Area (sq ft)	40,0 00	N/A <u>25.0 00</u>	Min. Accessory Use Setback (ft)	10	<u>3 10</u>	8
Max. Lot Area (acres)	N/A	N/A	Min. Driveway/Parking Setback (ft)	10	N/ A	9
Min. Lot Width, Interior Lot (ft) [1]	125	N/A	1	Min. Fill Setback from all Lot Lines (ft)	10	10
Min. Lot Width, Corner Lot (ft)	135	N/A	2	Max. Building Height (ft)	35	35
Max. Lot Depth	[2]	N/A		Min. Wetland/Riparian Buffer (ft) [5]	50	50
Max. Lot Coverage (%)	30	60 <u>30</u>	[3]	Min. Spacing Between Principal Buildings (ft)	10	<u>31 0</u>

[1] All lots shall maintain a minimum street frontage of 35 feet
 [2] Lot depth shall not exceed four times the lot width
 [3] 35% for platted lots of 19,000 sf in area or less
 [4] Front setbacks shall be measured from ultimate ROW line

[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

Item 2: That Chapter 6. Subdivision & Infrastructure Standards is amended by adding the following underlined language and deleting the struck-through language:

6.4. CONSERVATION SUBDIVISION

6.4.1. Purpose and Intent

The purpose and intent of this section is to provide landowners in the AG and SFM zoning districts a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects the agricultural activities or natural and historic features on the site. This is done in order to:

A. Conserve Open Land

Conserve open land, including those areas containing productive agricultural soils, unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, area with mature hardwood trees or maritime forests, and watersheds;

B. Retain and Protect Natural Resources

Retain and protect existing environmental, natural, and cultural resources;

C. Link Open Spaces

Create a linked network of open lands;

D. Promote Rural Character

Promote existing rural character within the agricultural portions of the county; and

E. Provide Reasonable Use of Property

Provide reasonable economic use of the property.

6.4.2. Applicability

This conservation subdivision option shall be used for single-family detached subdivisions of six or more lots in the Agricultural (AG) zoning district, and may be used for single-family detached subdivisions in the Single-Family Mainland (SFM) zoning district.

6.4.3. Procedure

Development utilizing the conservation subdivision option shall be approved as a major subdivision in accordance with the procedures and standards in Section 2.4.8.E, Major Subdivision, after approval of a conservation and development plan in accordance with this section.

A. Conservation and Development Plan

Prior to review of an application for preliminary plat approval for a conservation subdivision, an applicant shall have a conservation and development plan for the land reviewed and approved, or approved with conditions by the Planning Director in accordance with this section and the standards of Section 6.4.4, Conservation Subdivision Standards, and Section 6.4.5, Delineation of Conservation Areas and Development Areas.

B. Conservation and Development Plan Requirements**(1) Step 1—Site Analysis Map**

The applicant shall prepare a site analysis map that provides information about existing site conditions and context, and that comprehensively analyzes existing conditions both on the land proposed for the development site and on land

within 500 feet of the site, and submit the site analysis map to the Planning Director. It is the intent of this section that the information required to be presented in the site analysis map be produced primarily from existing sources, maps, and data.

(2) Step 2—Site Inspection

After receipt of the site analysis map, the Planning Director shall schedule a site inspection of the land with the applicant. The applicant or the applicant's representative shall attend the site inspection with a county staff member. The purpose of this site visit is to:

- (a) Familiarize the county staff with the existing site conditions and natural and historic features of the site;
- (b) Identify potential site development issues; and
- (c) Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the Planning Director or other county staff during the site inspection shall be interpreted as being only suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

(3) Step 3—Conservation and Development Areas Map

Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development areas map that depicts proposed primary conservation areas, secondary conservation areas, and development areas, in accordance with Section 6.4.5, Delineation of Conservation Areas and Development Areas.

(4) Step 4—Conservation and Development Plan

Based on the site analysis map, the information obtained during the site inspection, and the conservation and

development areas map, the applicant shall prepare and submit to the Planning Director a conservation and development plan. The conservation and development plan shall include the following:

- (a) A site analysis map;
- (b) A conservation and development areas map and theme; and
- (c) A preliminary site improvements plan, showing proposed site development, including utilities, streets, other development features, buffers (if applicable), and lot lines located in the proposed development area(s).

C. Review of Conservation and Development Plan

The Planning Director shall review and make a decision on the conservation and development plan in accordance with the procedures and requirements of Section 2.3.5 Staff Review and Action, the standards of Section 6.4.4, Conservation Subdivision Standards, and Section 6.4.5, Delineation of Conservation Areas and Development Areas.

D. Review and Approval of Conservation Subdivision

Following review and approval or approval with conditions of the conservation and development plan by the Planning Director, the application for a preliminary plat of the conservation subdivision shall be submitted and approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.4.8.E, Preliminary Plat.

6.4.4. Conservation Subdivision Standards

A conservation subdivision shall comply with the following standards:

A. Location

Conservation subdivisions shall be limited to the Agricultural (AG) or Single-Family Residential Mainland (SFM) districts.

B. Minimum Project Size

Conservation subdivisions shall be at least six ten acres in area;

C. Required Conservation Area

(1) Agricultural District

The amount of the conservation area may vary in the Agricultural district in accordance with the dimensional standards in Section 3.3.3.F, but in no instance shall the area occupy less than 50 percent of the total acreage of the conservation subdivision site.

(2) Single-Family Residential–Mainland District

The conservation area shall occupy a minimum of 40 percent of the total acreage of the conservation subdivision site.

D. Maximum Residential Density

(1) Agricultural District

Conservations subdivisions shall be limited to the maximum density that corresponds with the following open space set-aside amounts:

- (a) Fifty percent open space set-aside: 0.4.33 dwelling units per acre; and
- (b) Sixty percent open space set-aside: 0.54 dwelling units per acre; and
- (c) ~~Seventy percent open space set-aside (or more): 0.66 dwelling units per acre.~~

(2) Single-Family Residential–Mainland District

Conservation subdivisions shall be limited to the following maximum densities, based upon the following locations:

- (a) Full Service Areas: 2.01.0 dwelling units per acre;
- (b) Limited Service Areas: ~~1.00~~.75 dwelling units per acre; or
- (c) Rural/Conservation Areas: 0.33 dwelling units per acre.

E. Lots Area

Lots in a conservation subdivision shall

- (1) ~~Lots in a conservation subdivision shall have no minimum individual lot area. Meet the minimum dimensional standards in Chapter 3: Zoning Districts; and,~~
- (2) Access internal streets. Lots along existing external streets shall be avoided to the maximum extent practicable.

F. Setbacks

Lots in a conservation subdivision shall not be subject to minimum yard setback standards, except as required from major arterial streets, agricultural uses, needed fire flow, or wetlands/surface waters.

G. Maximum Lot Coverage

Conservation subdivisions shall ensure that development on a lot does not exceed a maximum lot coverage of ~~60~~ 30 percent.

H. Low Impact Development

Conservation subdivisions shall incorporate low impact development features, to the maximum extent practicable.

I. Depiction on Final Plat

To assist in the issuance of building permits, lot configurations shall be indicated on the final plat, including, but not limited to:

- (1) Lot area;
- (2) Lot width;
- (3) Setbacks; and
- (4) Lot coverage.

J. Maintain Compatibility

Conservation subdivisions shall comply with the standards in Section 5.11, Farmland Compatibility Standards, in cases when the residential lots abut land used for agricultural purposes that is not included within the conservation subdivision.

K. Screening from Major Arterial and Collector Streets

Conservation subdivisions shall incorporate a twenty five foot vegetated buffers comprised of new or existing trees and shrubs in

a manner that provides an opaque screen of the development to a height of ten feet or more as seen from major arterial streets within 1,000 feet of the development. Conservation subdivisions located along collector streets shall incorporate a twenty-five foot vegetated buffer between the collector street right-of-way and the boundary of the individual platted lots comprised of 6 ACI canopy trees, 3 ACI of understory trees, and 5 shrubs per 100 linear feet.

6.4.5. Delineation of Conservation Areas and Development Areas

Conservation subdivisions shall identify a conservation theme to be preserved. The theme should be based on elements or features of the property that are unique, irreplaceable, environmentally valuable, historic, or scenic. The conservation areas and development areas on the conservation and development areas map and within the conservation subdivision shall comply with the following standards:

A. Primary Conservation Areas

(1) Features to be Preserved

The following features shall be located and delineated on the conservation and development areas map, and shall be preserved in the following priority order as primary conservation areas:

- (a) CAMA wetlands;
- (b) U.S. Army Corps of Engineers designated 404 wetlands;
- (c) Riparian buffers and other lands within 30 feet of estuarine or other surface waters;
- (d) Areas of maritime forest;
- (e) Areas within the root zone of all significant trees; and
- (f) Habitat utilized by endangered or threatened species or designated Natural Heritage Areas.

(2) Amount to be Preserved

All areas occupied by features comprising a primary conservation area shall be set aside and reserved for

conservation purposes in accordance with the following standards:

(a) Primary Conservation Area is Less than Minimum Required

In cases where the geographic area occupied by all features comprising the primary conservation area is less than the minimum required conservation area, then all lands comprising the primary conservation area shall be set aside.

(b) Primary Conservation Area Exceeds the Minimum Required

- (i) In the event the geographic area of all features identified and prioritized as the primary conservation area results in a primary conservation area exceeding the conservation area requirement (for example, conservation of the first type of prioritized features constitute 47 percent of a site, and the next prioritized feature consists of five percent and the minimum required conservation area is 50 percent of the site area, the applicant may identify which portions of the features exceeding the 50 percent conservation area requirement will be designated for conversion to development area) (see Figure 6.4.5, Conservation and Development Areas). To the maximum extent practicable, priority for retention shall be given to the highest quality portion of the features to be conserved.
- (ii) Development on lands made available for conversion to development area shall be in accordance with the standards in this Ordinance.

(3) Allowable Uses

Uses located within a primary conservation area shall be limited to:

- (a) Unpaved pedestrian trails, walkways, and boardwalks;
- (b) Docks and other water-dependent features, as allowed in this Ordinance;
- (c) Above ground and below ground public utilities and associated easements, provided no feasible alternative exists; and
- (d) Street or driveway crossings, provided such crossings do not violate this Ordinance, or other State or Federal laws; and
- (e) Minor vegetative drainage conveyance connections to existing drainage outlets where no feasible alternative exists.

B. Secondary Conservation Areas

(1) Features to be Preserved

In addition to primary conservation areas, the conservation and development areas map shall also identify secondary conservation areas, which shall be preserved in the following priority order:

- (a) Historic, archeological, and cultural resources;
- (b) Prime agricultural lands, including existing pastures (whether in use or otherwise);
- (c) Existing and mature woodland forests, natural fields, and meadows (especially those greater than five acres);
- (d) Scenic corridors and views;
- (e) Areas that could serve to extend existing greenways, trails, parks, or recreation areas; and,
- (f) Special flood hazard areas designated on the Flood Insurance Rate Maps (FIRM).

(2) Amount to be Preserved

All areas occupied by features comprising a secondary conservation area shall be set aside and reserved as a part of the conservation area in accordance with the following

standards (see Figure 6.4.5, Conservation and Development Areas):

(a) Primary Conservation Area Occupies More than that Required

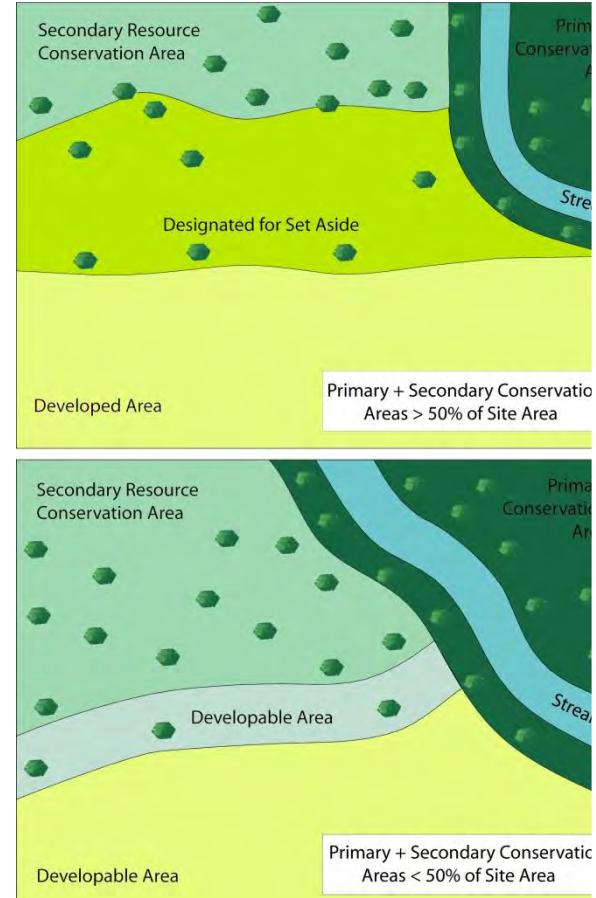
In the event that the geographic area set aside as the primary conservation area is more of the required conservation area, no additional lands occupied by secondary conservation features shall be required to be included in the conservation area.

(b) Primary Conservation Area Occupies Less than that Required

In the event the geographic area set aside as the primary conservation area is less than the required conservation area, then lands containing secondary conservation features shall also be set aside as part of the conservation area in priority order based upon the following:

(i) Connect Primary Resource Areas

Figure 6.4.5 Conservation and Development Areas



To the maximum extent practicable, the geographic area containing secondary conservation features shall be set aside so as to connect and surround the primary resource areas.

(ii) Primary and Secondary Conservation Areas Do Not Equal 50 Percent of Site Area

In the event the combined area occupied by the primary conservation area and geographic area occupied by all secondary resource conservation features does not equal the minimum requirements, then additional lands necessary to meet the requirements for the conservation area shall be designated for set-aside. Such lands may be selected by the applicant and shall be designated for inclusion within the conservation area.

(iii) Primary and Secondary Conservation Areas Exceed Required Area

In the event the area occupied by the primary conservation area and the geographic area of all features identified and prioritized as the secondary conservation area results in a combined conservation area exceeding the conservation area requirements, the applicant may identify which portions of the secondary conservation feature(s) will be designated for conversion to development area. To the maximum extent practicable, priority for retention shall be given to the highest quality portion of the feature(s) to be conserved. In no instance shall any portion of the primary conservation area be designated for conversion to development area.

(3) Allowable Uses

Uses located within a secondary conservation area shall be limited to:

- (a) All uses allowed in a primary conservation area;
- (b) All uses allowed in open space set-asides (see Section 7.1.3.D, Allowable Uses in Open Space Set-Asides);
- (c) Uses allowed in the Agricultural Use Classification in Table 4.1.1, Summary Use Table;
- (d) Individual or community water supply and septic systems (see Section 6.2.3.E.2, Sewage System Requirements);
- (e) Stormwater management systems;
- (f) Required drainage or other utility easements;
- (g) Mitigation of development activities, including restoration of disturbed or degraded areas to enhance habitat and scenic value.

C. Ownership

The conservation area shall be considered as an open space set-aside, and it shall comply with the ownership requirements in Section 7.1.3.E, Ownership of Open Space Set-Asides.

D. Development Areas

After identifying the primary and secondary conservation areas, the development area shall be identified. It is the area within which development may occur, and shall include the area within the site where:

- (1) Any clearing or grading activities will take place;
- (2) Ingress and egress will be located;
- (3) Individual or community wells and septic systems may be located (if not located within the secondary conservation area);
- (4) Streets, utilities, and other similar structures will be located; and
- (5) All allowable uses may be located.

Item 3: That Chapter 10. Definitions and Measurement is amended by adding the following underlined language and deleting the struck-through language:

10.3.3. Lots

B. General Lot Requirements

Conservation Subdivision Lots

Lots within a conservation subdivision ~~are not required to~~ shall meet the minimum dimensional requirements for the zoning district where located, ~~but~~ and the conservation subdivision, as a whole, shall comply with the requirements in Section 6.4, Conservation Subdivision.

Item 4: That Chapter 7: Environmental Protection Standards is amended by adding the following underlined language and deleting the struck-through language:

E. Ownership of Open Space Set-Asides

(1) Homeowners or Property Owners Association

All open space set-aside areas may be owned jointly or in common by the owners of the development through a recognized homeowners or property owners association, which shall be established in accordance with Section 6.1.4, Homeowners or Property Owners Association Requirements.

(2) Individual Private Ownership

~~All open~~ Up to 85 percent of open space set-aside areas may ~~also~~ be owned by a private individual such as a farmer, developer or other private entity provided it is used in accordance with Section 7.1.3.D Allowable Uses in Open Space Set-Asides.

(3) Nonprofit Organization

The landowners may decide to convey an open space set-aside to a nonprofit organization such as a land trust or

land conservancy for management and maintenance if the county is provided adequate assurance the set-aside will be properly managed and maintained.

(4) Dedicated to County or Other Public Agency

In some cases, certain lands designated as open space set-asides, such as wildlife habitat, may be dedicated to the county or other public agency during the development review process. The Board of Commissioners shall determine which lands and under what conditions open space set-asides may be dedicated to the county or other public agency.

Item 5: That Chapter 7. Environmental Protection Standards is amended by adding the following underlined language and deleting the struck-through language:

7.6.3. Establishment of Buffer

Excluding man-made ponds and man-made ditches, All surface waters (e.g., sounds, creeks, bays, rivers, streams, etc.), estuarine waters, wetlands, and canals shall maintain a fiftythirty-foot-wide riparian buffer directly adjacent to the shoreline, average annual water edge, or impoundment edge, or wetland boundary.

7.6.4. Delineation of Buffer Zone

Riparian buffers shall be ~~comprised of two zones, which shall be~~ measured horizontally from the edge of the shoreline, impoundment edge, average annual water edge, or wetland boundary (see Figure 7.6.4, Riparian Buffer Zones).

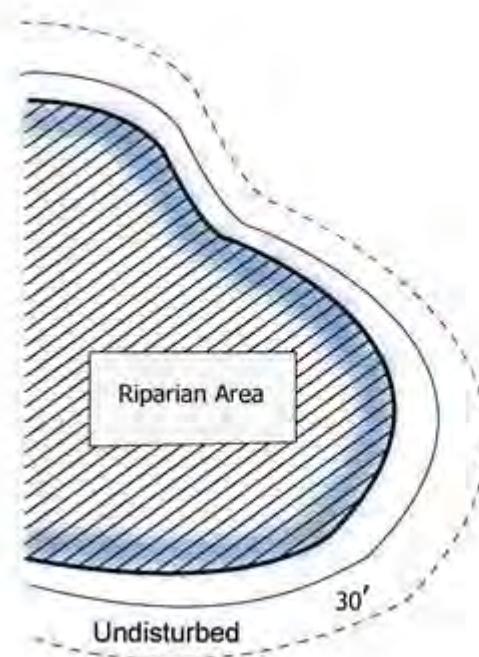
A. Zone 1

Zone 1 is located within the first 30 feet of the bank, impoundment, water edge, or boundary and shall prohibit all development and land-disturbing activity except as allowed in Section 7.6.5, Development within Buffer.

B. Zone 2

~~Zone 2 is located 20 feet landward of the edge of zone 1, and allows grading and replacement of removed vegetation, but prohibits development except as allowed in Section 7.6.5, Development within Buffer. In no instance shall on-site or central waste water facilities be located within zone 2.~~

Figure 7.6.4, Riparian Buffer Zones



7.6.5. Development Within Buffer

The following forms of development shall be authorized within zones 1 and 2 of a riparian buffer:

- A. Functionally-dependent facilities;
- B. Open space set-asides;
- C. Walkways and boardwalks;
- D. Recreational facilities, including gazebos and seating areas;
- E. Utilities, when no practical alternative exists; and
- F. Street crossings; and

G. Minor vegetative drainage conveyance connections to existing drainage outlets where no feasible alternative exists.

7.6.6. Depiction of Buffer

Riparian buffers shall be depicted on site plans, preliminary plats, final plats, planned development master plans, and conservation and development plans associated with a conservation subdivision. The above plans shall note the restrictions on the allowable development and land-disturbing activities within the buffer in accordance with this ordinance.

7.6.7. Location of Buffer

- A. Riparian buffers may be located within individual platted lots. Lots subject to these standards that are proposed adjacent to surface waters (sounds, creeks, bays, streams, etc.) shall contain a riparian buffer that may be located within the boundaries of individual platted lots.
- B. Riparian buffers located within individual platted lots of a major subdivision or planned development shall include the restrictions of the buffer within the development's restrictive covenants and deed restrictions. Lots subject to these standards that are proposed adjacent to wetlands shall contain a riparian buffer that shall not be included within the boundaries of individual platted lots.
- C. Riparian buffers not located within individual platted lots shall be credited towards open space set-aside requirements in Section 7.1, Open Space Set Asides.

Item 6: That Chapter 3. Zoning Districts is amended by adding the following underlined language and deleting the struck-through language:

1. **Section 3.3.2. Resource Conservation District**

Min. Wetland/Riparian Buffer (ft) [2]	<u>50-30</u>
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2. **Section 3.3.3. Agriculture (AG) District**

		TD	CS
3.	Section 3.4.2. Single-Family Residential-Mainland (SFM) District		
	Min. Wetland/Riparian Buffer (ft) [5]	<u>50</u> <u>30</u>	<u>50</u> <u>30</u>
4.	Section 3.4.3. Single-Family Residential-Outer Banks (SFO) District		
	Min. Wetland/Riparian Buffer (ft) [5]	<u>50</u> <u>30</u>	
5.	Section 3.4.4. Single-Family Residential Outer Banks Remote (SFR) District		
	Min. Wetland/Riparian Buffer (ft) [5]	<u>50</u> <u>30</u>	
6.	Section 3.4.5. Single-Family Residential Isolated (SFI) District		
	Min. Wetland/Riparian Buffer (ft) [5]	<u>50</u> <u>30</u>	
7.	Section 3.4.6. Mixed Residential (MXR) District		
	Min. Wetland/Riparian Buffer (ft) [4]	<u>50</u> <u>30</u>	<u>50</u> <u>30</u>
8.	Section 3.5.2. General Business (GB) District		
	Min. Wetland/Riparian Buffer (ft) [4]	<u>50</u> <u>30</u>	
9.	Section 3.5.3. Limited Business (LB) District		
	Min. Wetland/Riparian Buffer (ft) [5]	<u>50</u> <u>30</u>	
10.	Section 3.5.4. Community Center (CC) District		
	Min. Wetland/Riparian Buffer (ft) [7]	<u>50</u> <u>30</u>	
11.	Section 3.5.6. Village Center (VC) District		
	Min. Wetland/Riparian Buffer (ft) [6]	<u>50</u> <u>30</u>	
12.	Section 3.5.8. Light Industrial (LI) District		
	Min. Wetland/Riparian Buffer (ft) [6]	<u>50</u> <u>30</u>	
13.	Section 3.5.9. Heavy Industrial (HI) District		
	Min. Wetland/Riparian Buffer (ft) [6]	<u>50</u> <u>30</u>	

14. **Section 3.7.3. Planned Development – Residential (PD-R) District**

Setback from wetlands or surface waters <u>Min. Wetland/Riparian Buffer</u> (ft)	50 <u>30</u>
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15.

Section 3.7.4. Planned Development –Mixed (PD-M) District

Setback from wetlands or surface waters <u>Min. Wetland/Riparian Buffer</u> (ft)	50 <u>30</u>
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16. **Section 3.7.5. Planned Development – Outer Banks (PD-O) District**

Setback from wetlands or surface waters <u>Min. Wetland/Riparian Buffer</u> (ft)	50 <u>30</u>
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Item 7:

That Chapter 10. Definitions and Measurement is amended by adding the following underlined language and deleting the struck-through language:

10.3.3. Lots

A. Definitions/Measurement

(1) Building Pad

The building pad is the lowest established grade adjoining the building. For pile or crawl space construction the building pad shall include the area beneath the building.

(2) Lot Area, Maximum

The maximum amount of land area, measured horizontally, that may be included within the lines of a lot. Areas and features not included within the definition of minimum lot area are not counted towards maximum lot area.

(3) Lot Area, Minimum

The minimum amount of required land area, measured horizontally, that must be included within the lines of a lot (see Figure 10.3.3.A.1, Lot Dimensions). Lands located within any private easements shall be included within the lot

area. The following features shall not be included in calculating minimum lot area:

- (a) Public rights-of-way;
- (b) Areas below the mean high-water mark;
- (c) CAMA-designated wetlands;
- (d) The “pole” or “pan handle” portion of a flag lot; and
- (e) The land area occupied by U.S. Army Corps of Engineers-designated 404 wetlands (~~at least one-half of the required minimum lot area must be uplands outside of wetlands~~).

Item 8: That Chapter 3: Zoning Districts is amended by repealing Section 3.4.6. of the UDO and replacing with the following language:

3.4.6. Mixed Residential (MXR) District

MXR

MIXED RESIDENTIAL

A. DISTRICT PURPOSE

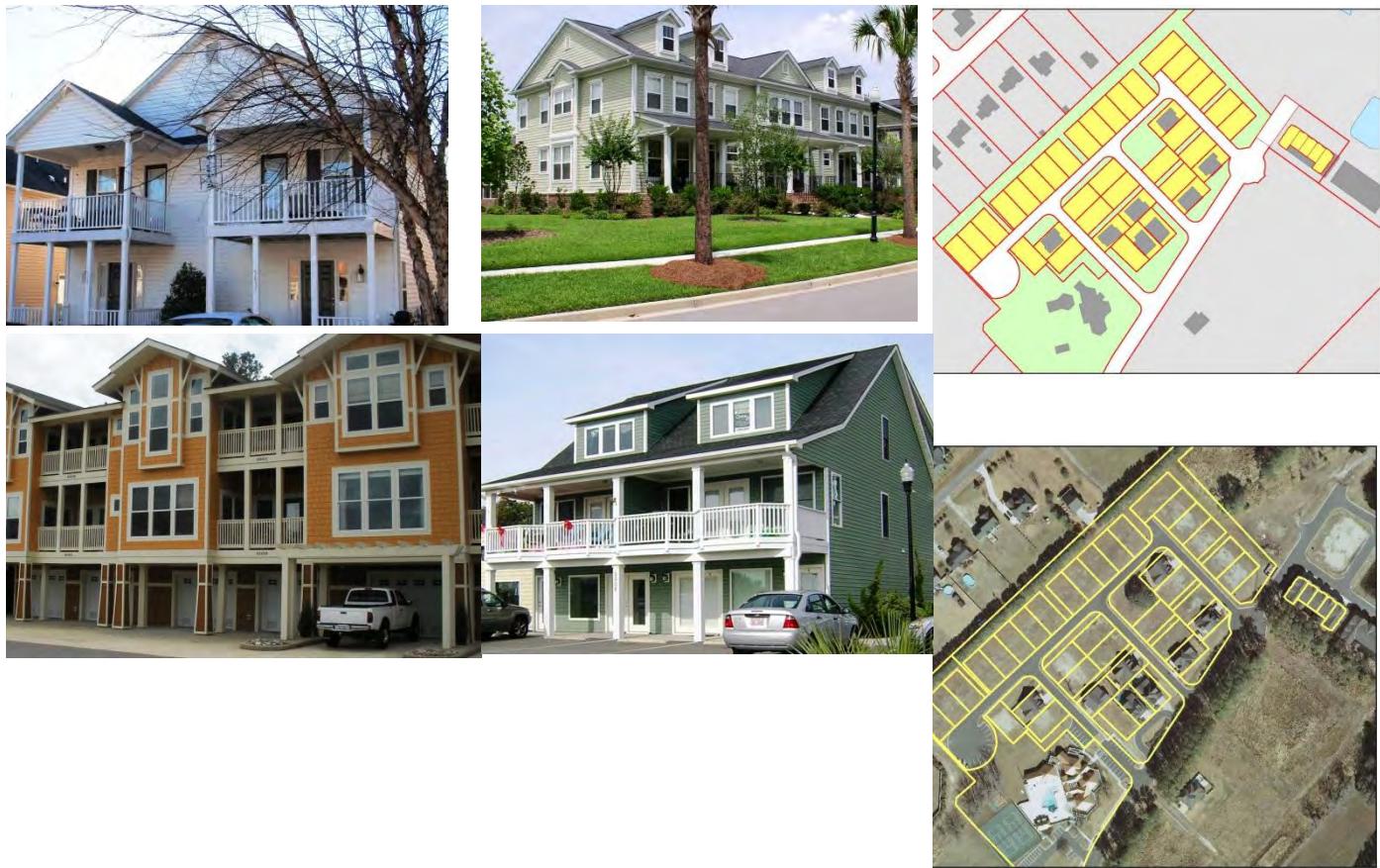
The Mixed Residential (MXR) district is established to accommodate a wide variety of residential use types at moderate densities as well as very low intensity neighborhood-serving commercial, personal service, and institutional uses outside of community and village centers on the mainland and the outer banks. The district is intended to provide moderate-cost housing options for county residents within well-designed neighborhoods and developments that incorporate open space resources and may also include limited nonresidential uses proximate to housing. The district accommodates all forms of residential development, including detached dwellings, apartments, townhouses, manufactured homes on individual lots (only on the mainland), accessory dwelling units, and live/work developments. The district also accommodates offices, neighborhood-oriented personal service uses, and retail uses (subject to maximum tenant size limits). In addition, the district allows neighborhood-supporting institutional uses like parks, marinas, religious institutions, schools, recreational facilities, and utilities. Development in the MXR district is subject to various design standards, including community compatibility standards applied to multi-family and nonresidential uses proposed adjacent to existing single-family dwellings.

B. TYPICAL BUILDING FORMS



C. LOT PATTERNS





D. DIMENSIONAL STANDARDS

CD = COTTAGE DEVELOPMENT

	Residential	Multi-Family	Nonresidential	
	Single-Family Detached	CD	Other	
Max. Gross Density, Full Service Area (du/ac)	2.0	3.0	3.0	2.0
Max. Gross Density, Limited Service Area (du/ac)	1.0	1.5	1.5	1.0
Max. FAR (%)	N/A	N/A	N/A	0.40
Min. Lot Area/Dwelling Unit (sq ft) [1]	15,000	N/A	N/A	20,000
Min. Open Space Set-Aside (% of development size) [2]	30	40	30	10
Min. Lot Width (corner or interior lots) (ft)	100	100 [3]	100[3]	200 [3]
Max. Lot Coverage (%)	30	40 [3]	40 [3]	65 [3]
Perimeter Building Wall Setbacks (from development boundaries)				
Front and Corner Side Setback (ft)	20	20	50	20
Major Arterial Street Setback (ft)	50	50	50	50
Side Setback (ft) [5]	10	10 [3]	15	15

Rear Setback (ft)	25	30[3]	30[3]	30	6
Min. Agricultural Setback (ft) [4]	50	50	50	50	
Min. Accessory Use Setback (ft)	10	10[3]	10	10	7
Min. Driveway/Parking Setback (ft)	10	10 [3]	10 [3]	10 [3]	8
Min. Fill Setback from Perimeter Lot Line	10	10	10	10	
Min. Wetland/Riparian Buffer (ft) [4]	50	50	50	50	
Max. Building Height (ft)	35	35	35	35	
Min. Spacing Between Buildings (ft)[5] [6]	20	20	20	20	9
Max. Building Length (ft)	N/A	N/A	250	[7]	0

[1] Maximum lot depth shall not exceed four times the lot width

[2] Applied to subdivisions platted after UDO effective date

[3] Applied to entire development, not individual building lots

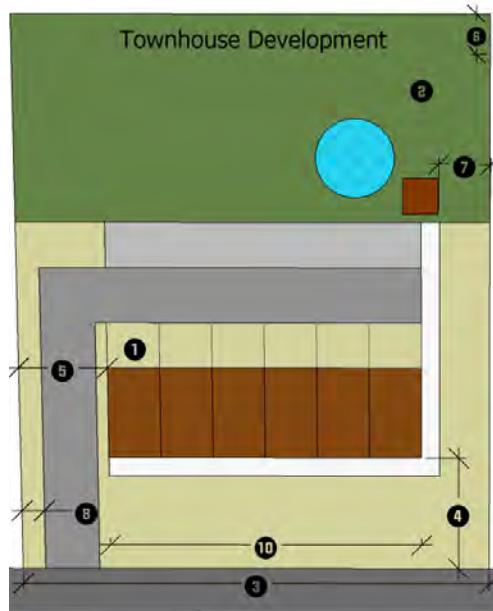
[4] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

[5] Setbacks are subject to needed fire flow based on the ISO method

[6] Not applied to individual units in a zero lot line development

[7] Commercial and personal service uses are limited to a maximum size of 2,500 square feet per building

E. LOT CONFIGURATION



INSERT COTTAGE HOME DEVELOPMENT LAYOUT

F. GENERAL DEVELOPMENT STANDARDS (APPLIED TO ALL COTTAGE HOME DEVELOPMENTS)

Cottage developments (CD) are a type of detached housing subject to the multi-family standards of this ordinance that provide a small community of cottage clusters oriented around a central open space.

The following general development standards are applied to all cottage developments (CD) within the MXR district in addition to the standards in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection in this Ordinance. In the event of conflict, the standards in this district shall control.

1. Pedestrian Orientation	a. Each dwelling unit shall be oriented around a central open space that contains pedestrian-oriented features.
	b. Pedestrian circulation shall be provided through the central open space. Sidewalks or pedestrian pathways shall connect each cottage cluster.
	c. Each dwelling unit shall have an entry accessed from the central open space. A sidewalk shall connect each dwelling unit to the central open space pedestrian circulation system.
2. Site Configuration	a. Ten acre minimum development size.
	b. Each dwelling unit shall be oriented around a central open space that meets the open space set-aside standards. The central open space shall be a principal place that may be used by all occupants of the cottage cluster that is not divided by a road or parking area. No more than one central courtyard shall be provided for each cottage cluster.
	c. A cottage cluster shall consist of a minimum of four dwelling units and a maximum of ten dwelling units per cluster. Cottage home developments shall not exceed two cottage clusters (20 units).
3. Parking	a. Off-street parking shall be designed to minimize the visual and physical impacts of parking in the cottage development. Clustered vehicular use areas to the side or rear of a cottage project is desired. Parking areas are not encouraged between

	the cottage development and the primary street frontage.
	a. Each dwelling unit shall not exceed a maximum floor area of 1,300 square feet.
	b. Campers, travel trailers, recreational vehicles, manufactured homes shall not be permitted.
	c. Dwelling units shall not exceed two stories.
	d. Accessory dwelling units are prohibited.
4. Buildings	e. Buildings shall maintain consistency with local coastal architectural forms such as pitched roofs, dormers, tower features, cupolas, decks, porches, decorative exterior shutters, significant overhangs or eaves, wall shingles, clapboard siding, or other common features.
	f. No more than 10 percent of the dwelling unit floor area shall be used or intended for attached storage (i.e. garages). Private detached accessory structures (i.e. sheds, carports) are not permitted.
	g. Accessory structures shall maintain a similar level of architectural detail as the principal building they serve.

10.5 Definitions

COTTAGE DEVELOPMENT

A type of residential multi-family development that contains cottage homes in which ~~three~~ ~~four~~ or more individual dwelling units are located on individual lots and are not physically attached to any other principle structure.

Item 9: That Section 5.2.6. Perimeter Landscape Buffer is amended by adding the following underlined language and deleting the struck-through language:

D. Buffer Type Application

Table 5.2.6.B, Buffer Type Application, specifies the type of perimeter landscape buffer that new development shall provide between it and adjacent property, based on the zoning district of the development site and that of the adjacent property. The buffer type is indicated by a letter corresponding to one of the three buffer types depicted in Table 5.2.6.A, Buffer Types.

TABLE 5.2.6.B: BUFFER TYPE APPLICATION [1]

ZONING CLASSIFICATION OF PROPOSED SITE [2]	ZONING CLASSIFICATION OF ADJACENT DEVELOPMENT					
	RC & AG	SFM, SFO, SFR, SFI, & SINGLE-FAMILY DEVELOPMENT	MXR, GB, & LB	VC & CC	LI	HI
RC, AG	N/A	N/A	N/A	N/A	N/A	N/A
SFM, SFO, SFR, SFI	N/A	N/A	N/A	N/A	N/A	N/A
MXR, GB, LB	A	<u>AB</u>	N/A	N/A	N/A	N/A
VC, CC	B	B	N/A	N/A	N/A	N/A
LI	C	C	C	N/A	N/A	N/A
HI	D	D	D	D	C	N/A

NOTES:

[1] Letters correspond to the buffer types in Table 5.2.6.A.

[2] Development in PD districts is subject to perimeter buffer requirements in the PD master plan. In cases where development is proposed next to an existing PD district having no perimeter buffer, the proposed development shall provide a perimeter buffer that is consistent with the type of buffer required if the adjacent use was in a differing base district appropriate for the type of use.

Item 10: That Chapter 3: Zoning Districts is amended by adding the following underlined language and deleting the struck-through language:

Planned Development – Residential (PD-R) District

PD-R PLANNED DEVELOPMENT - RESIDENTIAL		A. DISTRICT PURPOSE	
B. DIMENSIONAL STANDARDS		C. DEVELOPMENT STANDARDS	
District area, minimum (acres)	<u>1050</u>		
Gross residential density, maximum (dwelling units/acre) [1]	To be established in the master plan	Development Standard	Means of Modifying
Lot area, minimum (sq ft)		Off-street parking & loading	Specify in Alternative Parking Plan (see Section 5.1.6)
Lot width, minimum (ft)		Landscaping [2]	Specify in Alternative Landscaping Plan (see Section 5.2.9)
Nonresidential land area, maximum (% of district total)	40	Tree protection	
Single housing type, maximum (% of units)	85	Open space set-aside [3]	30%
Lot coverage, maximum (% of lot area)		Fences and walls	Specify in Security Plan (see Sections 5.3.5. and 5.4.4)
Nonresidential FAR, maximum (%)		Exterior lighting	
Individual building size, maximum (sq ft)	To be established in the master plan	Community form	Specify in master plan
Building height, maximum (ft)		Nonresidential design	
Setbacks, minimum or maximum (ft)			

Setback from abutting residential zoning district or existing residential use (ft)		Multi-family design	
Setback from agriculture (ft)		Community compatibility [4]	Modifications prohibited
Setback from major arterial streets (ft)		Signage	Modifications prohibited
Setback from wetlands or surface waters (ft)	50	Adequate public facilities	Modifications prohibited

Planned Development - Mixed (PD-M) District

PD-M PLANNED DEVELOPMENT - MIXED		A. DISTRICT PURPOSE
B. DIMENSIONAL STANDARDS		C. DEVELOPMENT STANDARDS
District area, minimum (acres)	<u>1050</u>	
Gross residential density, maximum (dwelling units/acre) [1]	To be established in the master plan	The standards in Chapter 5: Development Standards, shall apply to all development in PD-M districts, but some of those standards may be modified as part of the master plan if consistent with the general purposes of the PD-M district and the procedures noted below.
Lot area, minimum (sq ft)		Development Standard
Lot width, minimum (ft)		Specify in Alternative Parking Plan (see Section 5.1.6)
Residential land area, maximum	35	Landscaping [2]
		Specify in Alternative

(% of district total)		Tree protection	Landscaping Plan (see Section 5.2.9)
Lot coverage, maximum (% of lot area)		Open space set-aside [3]	20%
Nonresidential FAR, maximum (%)		Fences and walls	Specify in Security Plan (see Sections 5.3.5 and 5.4.9 and)
Individual building size, maximum (sq ft)		Exterior lighting	
Building height, maximum (ft)	To be established in the master plan	Community form	
Setbacks, minimum or maximum (ft)		Nonresidential design	
Setback from abutting residential zoning district or existing residential use (ft)		Multi-family design Shopping center design	Specify in master plan
Setback from agriculture (ft)		Community compatibility [4]	Modifications prohibited
Setback from major arterial streets (ft)		Signage	Modifications prohibited
Setback from wetlands or surface waters (ft)	50	Adequate public facilities	Modifications prohibited

NOTES:

- [1] May not exceed three units per acre in Full Service areas or one-and-one-half units per acre in Limited Service areas
- [2] Uses internal to the development shall not be required to provide perimeter buffers
- [3] The required percentage of open space set-aside shall be calculated based on the total district area

D. ENVIRONMENTAL PROTECTION STANDARDS

The environmental protection standards in Chapter 7 of the UDO may not be modified by a planned development

[4] Neighborhood compatibility standards shall not apply to uses internal to the development

Planned Development – Outer Banks (PD-O) District**A. DISTRICT PURPOSE**

PLANNED DEVELOPMENT – OUTER BANKS

The Planned Development – Outer Banks (PD-O) District is established and intended to provide landowner/developers with a flexible framework within which to develop a compact, mixed-use, pedestrian-oriented neighborhood development as an alternative to conventional residential development served primarily by vehicles. The PD-O district option is available for use within the portion of the outer banks served by a state-maintained highway. The district is intended to promote and maintain a beach village atmosphere that is primarily residential in character but that contains centralized nonresidential development that allows residents to meet some of their employment, shopping, and recreation needs without use of an automobile. New development shall maintain a small-scale, low-rise character with diverse housing types organized around common open space, natural resources, and facilities providing for alternative forms of transportation.

B. DIMENSIONAL STANDARDS		C. DISTRICT-SPECIFIC STANDARDS	
District area, minimum (acres)	525	The standards in Section 3.7.5.A, Additional District-Specific Standards for the PD-O District, shall apply to all development within the PD-O District.	
Gross residential density, maximum (dwelling units/acre) [1]	To be established in the master plan	D. DEVELOPMENT STANDARDS	
Lot area, minimum (sq ft)	To be established in the master plan	The standards in Chapter 5: Development Standards, shall apply to all development in PD-O districts, but some of those standards may be modified as part of the master plan if consistent with the general purposes the district and the procedures noted below.	
Lot width, minimum (sq ft)			
Nonresidential land area, maximum (% of district total)	10	Development Standard	Means of Modifying
Single housing type, maximum (% of units)	75 [2]	Off-street parking & loading	Specify in Alternative Parking Plan (see Section 5.1.6)
Lot coverage, maximum (% of lot area)	To be established in the Master Plan	Landscaping [3]	Specify in Alternative
Nonresidential FAR, maximum (%)		Tree protection	Modifications prohibited
Individual building size, maximum (sq ft)		Open space set-aside [4]	30%
Building height, maximum (ft)		Fences and walls	Specify in Security Plan (see Section 5.3.5)
Setbacks, minimum and maximum (ft)		Exterior lighting	Modifications prohibited
		Community form	Specify in master plan

Setback from abutting residential zoning district or existing residential use (ft)		Nonresidential design	
Setback from major arterial streets, minimum (ft)		Multi-family design Shopping Center Design	
Setback from wetlands or surface waters, minimum (ft)	50	Community compatibility	Modifications prohibited
NOTES: [1] May not exceed three units per acre in Full Service areas [2] May be exceeded only on demonstration that a less diverse mix of housing types is appropriate [3] Internal uses shall not be required to provide perimeter buffers [4] The required percentage of open space set-aside shall be calculated based on the total district area		Signage	Modifications prohibited
		Adequate public facilities	Modifications prohibited

E. ENVIRONMENTAL PROTECTION STANDARDS

The environmental protection standards in Chapter 7 of the UDO may not be modified by a planned development

Item 11: That Section 2.4.8. is amended by adding the following underlined language and deleting the struck-through language:

E. Major Subdivision

(b) Preliminary Plat

- (i) The preliminary plat is a detailed plan that shows the general organization, layout, and phasing (if appropriate) of the subdivision. It does not have to include all design details. It is expected to be modified as more detailed planning and engineering are completed on the site.
- (ii) There are two types of preliminary plats, a type I and a type II. A type I preliminary plat is required for a subdivision creating ~~20~~ 50 or fewer lots, and is reviewed and decided upon by the TRC. Approval of a type II preliminary plat (see Section 2.4.8.E.3) by the Board of

Commissions is required for subdivisions of 2+ 51 or more lots.

- (iii) Type I preliminary plats do not require concurrent approval of a use permit unless one or more of the applicable public facilities is within 85 percent or more of capacity. Type II preliminary plats require concurrent approval of a use permit.
- (iv) If phasing is proposed, it should generally be included in the preliminary plat, even though review may be waived until the final plat stage. Proposed land uses and land use mixes shall be identified in the phasing.

Item 12: That Sections 5.6.10. and 5.7.3. are amended by adding the following underlined language and deleting the struck-through language:

5.6.10. Sidewalks and Pedestrian Circulation

A. Location

Sidewalks shall be required on both sides of all streets, except:

- (1) In the AG and SFR and SFI districts, and in subdivisions of five or fewer lots (where no sidewalks are required);
- (2) Along alleys (where no sidewalks are required);
- (3) In residential subdivisions where the average lot area is greater than one acre in size, or there are fewer than 20 lots (in these instances, ~~sidewalks are required only on one side of the street~~ pedestrian pathways or trails are required that provide an equivalent level of pedestrian circulation);
- (4) On cul-de-sacs less than 500 feet in length (where sidewalks are required only on one side of the street);
- (5) ~~In residential subdivisions or other areas where no consistent sidewalk network is established and where there are no long-range plans in the Comprehensive Transportation Plan for the installation of sidewalks;~~
- (6) Where an existing or proposed sidewalk or pedestrian pathway paved with asphalt, concrete, or other hard-surface material located outside a street right-of-way trail can provide an equivalent level of pedestrian circulation to all lots in the subdivision; and
- (7) In cases where environmental or topographic conditions make such provision prohibitive and no practicable alternative design is available.

B. Configuration

- (1) Sidewalks shall be ADA-accessible, at least ~~four-five~~ feet wide, and may be required to match the width of a

connecting sidewalk that exceeds ~~four~~ five feet in width. Pedestrian pathways and trails shall be ADA-accessible and at least eight feet wide;

- (2) Sidewalks shall be constructed of asphalt, concrete, or other hard-surface materials, consistent with an approved site plan, or with the established sidewalk patterns in the general area of the development;
- (3) Pedestrian street crossings shall be raised above the adjacent street level, be a different material, or be striped as a traffic-calming measure;
- (4) Sidewalks and pedestrian pathways shall connect with existing or planned sidewalks at property boundaries. In cases where the property boundary is within a drainage swale or ditch, the sidewalk connection shall terminate at the edge of the swale, ditch, or drainage easement. An easement shall be established that will grant current and future owners of the abutting properties the right to construct sidewalk connections. The new development shall connect to the sidewalk stub to form pedestrian circulation; and
- (5) New nonresidential, mixed-use, and multi-family development shall provide at least one on-site improved connection between the development and the adjacent public sidewalk system (planned or existing).

C. Credit for Trails

Hard-surfaced, ADA-accessible trails within open space set-asides may be credited towards these sidewalk requirements when trails connect developments or connect open space set-asides to schools, shopping areas, or other recreation areas.

5.7.3. Multi-Family Design Standards

A. Access and Circulation

(1) Pedestrian Circulation

- (a) A clearly defined visible and identifiable pedestrian network (combination of pathways, low shrub or ground cover plantings, and trees) shall be provided between parking lots, public street sidewalks, open spaces, recreational facilities, and individual buildings.
- (b) Pedestrian pathways shall be at least ~~four~~five feet in width.
- (c) The owner or an owners association shall maintain pedestrian walkways outside public rights of way.
- (d) Where possible, pedestrian walkways shall be connected within parks, open spaces or common areas internal and external to the site.
- (e) Both vehicular and pedestrian access must be visible from the street or alley serving the development.
- (f) Pedestrian entrances to the site shall be accentuated through the use of landscaping, special paving, gateways, or smaller features.

Item 13: That the following sections are amended by adding the following underlined language and deleting the struck-through language:

1. Section 1.8.6., Approved Planned Unit Development District Overlay and Sketch Plan, Table 1.8.6.A.

<u>Nonresidential FAR, maximum (%)</u>	0.40
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2. Section 3.3.3., Agriculture (AG) District

	TD	CS
<u>Max. Nonresidential FAR, maximum (%)</u>	0.40	N/A

3. Section 3.4.2. Single-Family Residential-Mainland (SFM) District

	TD	CS
<u>Max. Nonresidential FAR, maximum (%)</u>	0.40	N/A

4. Section 3.4.3. Single-Family Residential- Outer Banks (SFO) District

	TD	CS
<u>Max. Nonresidential FAR, maximum (%)</u>	0.40	N/A

5. Section 3.4.5. Single-Family Residential Isolated (SFI) District

	TD	CS
<u>Max. Nonresidential FAR, maximum (%)</u>	0.40	N/A

6. Section 3.5.2. General Business (GB) District

	TD	CS
<u>Max. Nonresidential FAR, maximum (%)</u>	0.40	N/A

7. Section 3.5.3. Limited Business (LB) District

<u>Max. Nonresidential FAR, maximum (%)</u>	0.40	N/A
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8. Section 3.5.4. Community Center (CC) District

<u>Max. Nonresidential FAR, maximum (%)</u>	0.50
	[2]

9. Section 3.5.6. Village Center (VC) District

<u>Max. Nonresidential FAR, maximum (%)</u>	0.50
	[2]

Item 14: That Section 10.4.3. is amended by adding the following underlined language and deleting the struck-through language:

10.4.3. Residential Use Classification

Household Living

Characteristics

The Household Living Use Category includes use types that provide for the residential occupancy of a dwelling unit by a household. ~~Tenancy is arranged on a month-to-month or longer basis.~~ Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations are accessory uses that are subject to additional regulations (see Section 4.3.3.J, Home Occupations).

Examples

Example use types include detached residential dwellings like single-family dwellings or manufactured homes, attached residential structures like duplexes, mansion apartments, or townhouses, multi-family uses, and residential uses in the same building as nonresidential uses like live/work units or upper story dwellings.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1374)

Agenda Item Title

Public Hearing and Action on Resolution Creating the Backwoods Reserve-Saddlebrook Water Service District

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Donald (Ike) I. McRee Jr

REPORT ON THE CREATION OF THE BACKWOODS RESERVE-SADDLEBROOK SERVICE DISTRICT FOR WATER

To establish an entity for the purpose of financing, maintaining and providing for water treatment and distribution there is proposed the creation of the Backwoods-Saddlebrook Service District for Water.

Identified Need for Service District

Located at the junction of South Mills Road and Northwest Backwoods Road in Moyock Township is the proposed 20 lot Backwoods Reserve and 24 lot Saddlebrook subdivisions. The two subdivisions will cover approximately 100 acres and will be served by a community water system. The community water system will be privately owned and operated.

Pursuant to Section 6.2.3 of the Currituck County Unified Development Ordinance, whenever a private water system is utilized to service a development a water service district shall be established encompassing the boundaries of the development. Further, the water service district shall be established prior to the final plat approval and structured in such a way that will assure the long term viability of the water system. The owner/developer of the subdivisions has requested the creation of the water service district.

Resident Population and Population Density

At this time, prior to recordation of the final plats, there is no resident population and density. Data from the 2010 Census shows that for the census tract in which the subdivisions are located an average household contains approximately three people. Using the average household population derived from 2010 Census data it is estimated that upon build out the subdivisions will be populated by 132 people.

Appraisal Value of Property Subject to Taxation in the Proposed Service District

The assessed valuation of property subject to taxation in the proposed service district is \$306,400. The assessed valuation on the date of this report is of undivided property and does not reflect the assessed valuation upon subdivision and development of lots. The current real property tax rate, which includes the proposed service district area, is 48 cents (\$0.48) per \$100.00 valuation. An existing Guinea Mill Watershed Improvement Service District for drainage services has assessed a tax rate in the amount of 1 cent (\$0.01) per \$100.00 valuation. There are no plans to assess a tax rate for the proposed service district at this time. A tax may be assessed should the private community water system owner/operator fail and the service district be required to operate and maintain the community water system.

Plan for Providing Water Service Within the Proposed Service District

The proposed service district will be dormant unless the private water system owner/operator is unable to maintain and operate the water system. In such event, the service district will assure the proper maintenance and operation of the water system.

MAP OF PROPOSED SERVICE DISTRICT

A map of the proposed district is attached to this report as Exhibit A. The district boundaries as shown on the attached map are based on the legal description attached to this report as Exhibit B.

REPORT ON THE CREATION OF THE BACKWOODS RESERVE- SADDLEBROOK SERVICE DISTRICT FOR WATER

Filed with the Clerk to the Board of Commissioners on
December 3, 2015

Backwoods/Saddlebrook Water District

4.B.b

Northwest Backwoods Rd



0 410 820 1,640 Feet

Arrowgrass Cir
Sedgefield Rd
Bermuda Ln

Regency Cir

McCoy Ln

South Mills Rd

Attachment: backwoods_saddlebrook public notice map (1374 : Backwoods Reserve Water Service District)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1376)

Agenda Item Title

Consideration and Action on Ordinance Amending Chapter 2, Article III of the Code of Ordinances to Establish the Animal Services and Control Advisory Board

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Donald (Ike) I. McRee Jr

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**
 2 **AMENDING CHAPTER 2, ARTICLE III OF THE CURRITUCK COUNTY CODE OF**
 3 **ORDINANCES BY ADDING A NEW DIVISION 7 ANIMAL SERVICES AND**
 4 **CONTROL ADVISORY BOARD**

5 WHEREAS, pursuant to N.C. Gen. Stat. §153A-76 a Board of Commissioners may
 6 change the composition and manner of selection of boards, commissions, and agencies, and may
 7 generally organize and reorganize the county government in order to promote orderly and
 8 efficient administration of county affairs; and

9 WHEREAS, pursuant to N.C. Gen. Stat. §153A-77 a Board of Commissioners may
 10 appoint advisory boards, committees, councils and agencies composed of qualified and interested
 11 county residents to study, interpret and develop community support and cooperation in activities
 12 conducted by or under the authority of the Board of Commissioners.

13 NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the
 14 County of Currituck, North Carolina as follows:

15 PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding a
 16 new division to Chapter 2, Article III to read as follows:

17 **DIVISION 7. ANIMAL SERVICES AND CONTROL ADVISORY BOARD**

18 **Sec. 2-129. - Created.**

19 The Animal Services and Control Advisory Board is created pursuant to G.S. 153A-76.

20 **Sec. 2-130. - Composition.**

21 The Animal Services and Control Advisory Board shall be composed of seven members
 22 who are citizens of the county and meet the following requirements:

23 (1) One member shall be the county Animal Services and Control Director or director's
 24 designee;

25 (2) One member shall be a county Animal Control Officer;

26 (3) One member shall have demonstrated experience in animal care or administration in a
 27 veterinary hospital environment;

28 (4) One member shall be a professional animal handler or trainer with a recognized
 29 credential or certification or other equivalent experience in working with animals;

30 (5) One member shall have demonstrated experience researching and writing grants;

31 (6) Two members shall be from different commissioner electoral districts who are actively
 32 engaged in animal welfare and/or advocacy at the time of appointment.

34 One member of the Board of Commissioners shall be appointed by the Board of
 35 Commissioners to serve on the Animal Services and Control Advisory Board *ex officio*
 36 without a vote for a two year term.

1 **Sec. 2-131. - Appointment and terms of members.**

2 The Animal Services and Control Advisory Board shall be appointed by and serve at the
 3 pleasure of the Board of Commissioners in the manner set forth in sections 2-96 and 2-97. The
 4 initial Animal Services and Control Advisory Board is to consist of three appointees for a term of
 5 one year and four appointees for a term of two years. Thereafter, all appointments are to be for
 6 terms of two years.

7 **Sec. 2-132. - Compensation of members.**

8 The Animal Services and Control Advisory Board shall be paid the sum per meeting
 9 provided by the Board of Commissioners in the county fee schedule and shall be reimbursed for
 10 expenses incurred by them in the course of their duties upon the presentation of proper vouchers
 11 for those expenses.

12 **Sec. 2-133. - Removal of members.**

13 The Board of Commissioners shall have the right to remove any member appointed to the
 14 Animal Services and Control Advisory Board at will and appoint a replacement member.

15 **Sec. 2-134. - Duties.**

16 The Animal Services and Control Advisory Board is charged with the following duties:

17 (1) work with the Animal Services and Control Director to formulate and recommend to
 18 the Board of Commissioners projects and programs promoting and encouraging
 19 awareness of animal care services, responsibilities of pet ownership, and animal adoption
 20 programs;

21 (2) make recommendations to the Board of Commissioners pertaining to the prevention
 22 of injury to and the inhumane treatment of animals in the community that could be
 23 remedied by changes to existing ordinances or implementation of new ordinances.

24 (3) monitor trends involving changes in animal populations, demands for services and
 25 licensing activities and report findings to the Board of Commissioners as appropriate;

26 (4) in coordination with the county's public information officer prepare and coordinate a
 27 countywide public information program to inform county residents about services
 28 provided by the Animal Services and Control Department and promote the general safety
 29 and welfare of animals;

30 (5) research, identify, prepare and coordinate applications for grants, fundraising efforts
 31 and donations for the enhancement of services provided by the Department of Animal
 32 Services and Control, spay/neuter and rabies vaccination programs and the adoption and
 33 general welfare of animals in the county's custody; and

34 (6) perform such other duties as may be authorized or directed by resolution of the Board
 35 of Commissioners.

37 **Sec. 2-135. - Function as advisory body.**

38 The Animal Services and Control Advisory Board shall have no legislative powers of its
 39 own but shall simply be an advisory body to the Board of Commissioners concerning the matters

1 with which it is charged, and the Board of Commissioners will receive and consider the advisory
 2 board's recommendations.

3 **Sec. 2-136. - Officers.**

4 The Animal Services and Control Advisory Board shall appoint from its membership a
 5 chairman and any other officers as it may deem necessary for the orderly conduct of its business.

6 **Sec. 2-137. - Meetings.**

7 The Animal Services and Control Advisory Board shall hold meetings once quarterly and at
 8 hours as may be fixed by the board. Special meetings may be held on call of the chairman upon
 9 48 hours' notice to all members of the board. A copy of the minutes of all meetings shall be
 10 submitted to the county manager. All meetings or other business of the board shall be conducted
 11 in accordance with the Open Meetings Law.

12 **PART II.** All ordinances or parts of ordinances in conflict with this ordinance are hereby
 13 repealed.

14 **PART III.** This ordinance is effective immediately upon adoption.

15
 16 ADOPTED this 19 day of January, 2016.

17
 18
 19 David L. Griggs, Chairman

20
 21 ATTEST:

22
 23
 24 Leeann Walton
 25 Clerk to the Board

26
 27 APPROVED AS TO FORM:

28
 29
 30 Donald I. McRee, Jr.
 31 County Attorney

32 Date adopted: _____

33 Motion to adopt by Commissioner _____
 34 Second by Commissioner _____
 35 Vote: _____ AYES _____ NAYS
 36
 37 S:\Legal\Ordinances\



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1402)

Agenda Item Title

External Communication Policy

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

	ADMINISTRATIVE PROCEDURES		
	SUBJECT: External Communications Policy		
	EFFECTIVE DATE:	SUPERSEDES:	APPROVED BY:
	January 19, 2016	All previously issued external communications policies	Board of Commissioners

PURPOSE

The purpose of this policy is to ensure that Currituck County communication is coordinated, managed and responsive to the information needs of citizens. This policy establishes practices, protocols and procedures for Currituck County staff communication with media outlets, and for the use of social media sites as a means of conveying information to citizens.

A. For the purpose of this policy the term **“media”** refers to all individuals and organizations who maintain print, broadcast, or digital communication outlets for public consumption. This definition includes:

- Newspapers
- Magazines
- County Websites
- Television
- Public, Education and Government Access Channels (PEG)
- Radio
- Blogs
- Digital news sites
- Other media outlets

B. The term **“social media”** refers to an interactive form of media that is primarily web-based. The term most often refers to activities that integrate technology, telecommunications and social interaction, and the construction of words, pictures, videos and audio that allows users to interact with and publish to each other. This definition includes:

- Facebook
- Blogs
- Google+
- RSS
- YouTube
- Twitter
- LinkedIn
- Flickr
- Instagram
- Other social media outlets

GENERAL

External communication shall occur in accordance with the provisions of this policy and other relevant county policies, rules, regulations and ordinances. This policy may be revised from time to time. The Revision History is found on the last page of this policy.

PROCEDURES

A. Communicating with Media Outlets

1. The definition of Routine Media Request is one that seeks basic information.

Examples include:

- seeking general information about public events offered by libraries, parks, Senior Centers, etc.;
- seeking general information about programs or services offered;
- or other requests seeking information that is readily available and non-controversial.

Department heads or their designee may respond directly to routine media requests. The Public Information Officer (PIO) is available to assist staff with responses to routine requests.

2. A Non-routine Media Request may be of a sensitive or controversial nature and include responses that require the interpretation of policy, employee records, and public record requests for detailed records, legal action or emergency situations. Non-routine media requests must be forwarded to the Public Information Officer (PIO) prior to response.
3. In an emergency situation, the procedure for handling the media is highlighted in the Currituck Emergency Operations Plan. During a major emergency (i.e. severe weather, wildfire, etc.), public information will be released by the Public Information Officer (PIO), Emergency Management Director, County Manager or County Manager's designee. If the emergency is related to law enforcement, the Currituck County Sheriff is the lead spokesperson for the county. Incident commanders at the scene of an emergency, (ex: fire chief) are authorized to speak to media as needed.
4. For countywide inquiries, the spokesperson will most often be the Public Information Officer (PIO) or Currituck County Manager. For department-related (routine) issues, the spokesperson will most often be the respective Department Head or Department Head designee. With the exception of the Sheriff's Office, the Public Information Officer (PIO) or County Manager will be the spokesperson for all sensitive or controversial issues relating to Currituck County and its respective departments. Personnel related matters must be directed to the County Manager or Human Resources Director.

Unless otherwise authorized, the County's spokespersons are:

- Public Information Officer (PIO), County Manager or County Manager's designee
- Sheriff, Emergency Management Coordinator, Emergency Medical Services Director
- Elected officials
- Department Heads (routine issues only)

- Exceptions regarding departmental spokespersons may be made at the discretion of the Department Head.

5. County-initiated media contact may be through news releases, media advisories, news briefings, news conferences, personal contacts with reporters, etc. Department Heads or the Public Information Officer (PIO) will be responsible for scheduling media events and/or submission of media releases/advisories for non-crisis matters. During a crisis event, employees must adhere to the Currituck Emergency Operations Plan.

B. County Social Media

The County's social media applications are equivalent to the County's official website and must be treated with the same respect.

1. The County Manager or County Manager's designee will approve all social media projects and plans. The Department Head must submit an External Communication Account Authorization Request (See Appendix) form that outlines the department's mission and goals, target audience, responsibility, technical capabilities resources to maintain the site and potential benefits. Only authorized departments are permitted to conduct official county business on County-approved social media platforms and/or tools.
2. Departments and/or county staff individuals shall not establish independent social media accounts for county business. All social media sites will be administered and reviewed by the County WEB/AV Specialist to ensure that all county social media sites follow this policy.
3. Department Heads or Department Head designee will be responsible for determining who is authorized to use the social media sites on behalf of their department. This person will contact the County WEB/AV Specialist in order to have access to the County social media management tools.
4. County social media platforms will be created and maintained in accordance with this policy and with identifiable characteristics of an official Currituck County site, including the County logo.
5. Once a social media site has been approved and established all account changes or termination of that account must be submitted to the WEB/AV Specialist on an External Communication Termination/Change of Account Request form. (See Appendix).
6. Each department is responsible for establishing and maintaining content posted on its social media sites. The Public Information Officer (PIO) and Web/AV Specialist must have access to the social media site. Each social media platform must include the department contact information and a link to the County provided website disclaimer stating that opinions expressed by visitors to the page do not reflect the opinion of Currituck County Government.
7. The County reserves the right to at any time and without prior notice deny access to any department's social media site(s) for any individual who violates this policy.
8. Pages must include a disclaimer indicating that posted comments will be monitored and that the County reserves the right to restrict or remove, and archive with explanation, any comment that is:

- profane, obscene or pornographic language or content or links to such language or content;
- a solicitation of commerce, including but not limited to advertising of any business or product for sale;
- in support of, or in opposition to, any political campaigns or ballot measures;
- an encouragement of illegal activity;
- defamatory or a personal attack;
- threatening to any person or organization;
- a violation of any federal, state or local law including, but not limited to, laws and policies regarding copyright, records retention, Freedom of Information Act, First Amendment, Public Records Act privacy laws, and policies established by the County.
- content that promotes, fosters, or perpetuates discrimination on the basis of race, color, creed, sex, age, national origin or ancestry, physical or mental disability, veteran status, parentage, marital status, medical condition, sexual identity, sexual orientation, as well as any other category protected by federal, state or local laws.
- concerning topics or issues not within the jurisdictional purview of the County.

9. If comments are in the context to the posted topic, the comment will remain posted, whether it is favorable or unfavorable to the County and/or its respective departments.

10. Communication via department-related social networking sites is a public record and posts by the site administrator and any feedback by other parties are subject to the Public Records Act.

11. Confidential information must not be posted on any County social media platform. Any question regarding the confidentiality of information must be referred to the County Attorney.

12. The County Manager or County Manager's designee has the authority to terminate any social media account(s) and/or page(s) without notice and disciplinary actions may be taken for commentary, content or images that are against County policy.

13. Exceptions: The Sheriff's Office can use any social media tool at the discretion of the Currituck County Sheriff. All other county departments must submit an External Communication Account Authorization Request (See Appendix) form prior to developing a social media platform.

C. County Websites

County websites exist to increase awareness and accessibility to online resources pertaining to local government services and programs.

1. The County's authorized website is www.co.currituck.nc.us also known as www.CurrituckGovernment.com. All County departments must utilize the website to communicate with residents and targeted groups, including community leaders and organizations, local and potential businesses, current and potential residents, visitors and County employees.

The County website must showcase County accomplishments, educate the community about how government works and encourage public participation in local government and provide demographic and commercial information that supports business expansion and recruitment.

2. The County's website is coordinated by the Currituck County Web/AV Specialist. Requests for web design work for completely new web sections and related content for posting on the County's website must be routed through the county Web/AV Specialist.
3. Each department is responsible for assigning an employee to be the department's web administrator and monitor the department's respective web sections to ensure accurate and timely information.
4. Web content must fall within the parameters of the County Website Usage Guidelines (See Appendix) that have been established for the County website. Content must also meet all state and federal laws, including copyright laws.
5. Departments, vendors, contractors or any party representing the County may not develop a separate website and/or new web address (URLs) on behalf of the County without a preauthorized External Communication Account Authorization Request (See Appendix) form.
6. Once a separate website has been authorized and established all account changes or termination of that account must be submitted to the WEB/AV Specialist on an External Communication Termination/Change of Account Request (See Appendix) form.
7. Links to other websites are limited to government or public agencies, as well as local organizations and non-profit websites that have a relationship with county content. Links must be periodically checked to make sure they are still viable links.

D. Public, Education and Government Access Channels (PEG)

PEG channels provide diverse programming which informs, educates, and entertains County residents is under the responsibility of the County's Public Information Officer (PIO), WEB/Video Specialist, County Manager or County Manager's designee. The Currituck County PEG channels are: Mediacom, Channel 18 on the Mainland; Charter, Channel 198 on the Outer Banks; and Cox, Channel 46 on Knotts Island. These are local, non-profit television production channels operated by the County.

1. The PEG channels feature public service announcements produced by the County or school system and items produced by other entities with information for delivery to County citizens.
2. The County reserves the right to refuse to transmit a public access program, or a portion of the program, over the PEG channels whether produced locally or provided from another source which it believes does not meet the following criteria:
 - non-commercial material;
 - adheres to federal copyright laws. Content containing copyrighted materials will not be broadcast without proper copyright authorization. Any County or non-County personnel who produce or are responsible for programming the PEG channel will be responsible for obtaining all necessary copyright clearance with respect to production or programming and shall hold the County harmless in any instance of copyright infringement. However, when deemed appropriate by the County Manager or County Manager's designee, credit may be cited on the PEG channel when special assistance has been provided by a commercial or charitable enterprise;
 - not mention monetary donations including solicitations on behalf of candidates for public office;

- not be a commercial activity for advertising, promotion of a particular commercial interest, or be produced as a profit-making venture itself;
- not be a promotion for lottery materials or similar enterprises;
- not be libelous, slanderous, or illegal material;
- not be of an obscene or sexually explicit material and/or promoting unlawful conduct;
- not include material which incites violent or harmful acts on other persons;
- meets the mission of the PEG channel, or appropriate for current programming.

3. Federal Communications Commission (FCC) and other federal and state regulations regarding copyright, obscenity, and privacy must be followed. In addition to the FCC regulations the County may enact ordinances governing use and operation of the channels.

4. Submitted video programs must meet technical standards outlined in this document and are required to meet the following criteria:

- Have a Government and Educational Access Channels Video Programming Request (See Appendix) form;
- Have a Media Release Request (See Appendix) form if required;
- Approved programs will be scheduled by the Public Information Officer (PIO) or WEB/Video Specialist.

E. Digital Signage

The County's digital sign presence promotes County activities, events, educational opportunities and emergency bulletins by providing timely information to targeted audiences. Content must comply with local, state and federal laws, as well as all other County policies. Oversight and policies governing the use of the digital sign resources is under the responsibility of the county's Public Information Officer (PIO), WEB/Video Specialist, County Manager or County Manager's designee.

The County reserves the right to refuse to post information, or a portion of any information whether produced locally or provided from another source which it believes does not meet the following criteria:

- adhered to federal copyright laws. Content containing copyrighted materials shall not be broadcast without proper copyright authorization. Any County and/or non-County personnel responsible for content shall be responsible for obtaining all necessary copyright clearance and shall hold the County harmless in any instance of copyright infringement;
- not mention monetary donations including solicitations on behalf of candidates for public office;
- not be a commercial activity for advertising, promotion of a particular commercial interest, or be for profit-making;
- not be a promotion for lottery materials, personal messages or similar enterprises;
- not be libelous, slanderous, or illegal material;
- not be of an obscene or sexually explicit material and/or promoting unlawful conduct;
- not include material which incites violent or harmful acts on other persons.
- be used only for its intended purpose and/or audience;
- board content must fall within the parameters established in the County Digital Sign Guidelines;
- content is compatible with County's policies.

F. Records Management and Preservation

1. Communication through County resources is a public record under NCGS, Chapter 132. This applies to all forms of external communication addressed in this policy.
2. County-related communication by employees through an employee's private resources is also considered a public record.

G. Personal Use of Media

1. Broadcast/Print Media
 - a. Letters to publication editors may not be prepared on County time, printed on County letterhead, mailed at County expense or emailed from a County email address. Telephone contact with publications must not be made on County time using County telephones and use of County facilities, computers or supplies is prohibited.
 - b. Responses or letters to the media shall not include the employee's official title or imply that comments are made on behalf of the County.
2. Social Media
 - a. Employees who use social media for personal purposes must adhere to personal conduct and ethics guidelines within the Currituck County Personnel Policy.
 - b. Employees' personal social networking sites must remain personal in nature and be used to share personal opinions or non-work related information. This helps ensure a distinction between personal and County views.
 - c. Employees will not use their County email account in conjunction with a personal social networking site and employees will not refer or link back to their own personal site from the professional site.
 - d. Employees who use social media for personal purposes must:
 - always use a disclaimer anywhere there may be uncertainty about the capacity in which they are acting.
 - respect copyright and fair use laws;
 - recognize that disciplinary action may be taken for publishing inappropriate comments that reflect badly on the employer;
 - be of legal liability for anything written or posted online. Disciplinary action may be taken for commentary, content, or images that are defamatory, pornographic, harassing, libelous, or that can create a hostile work environment;
 - not use the County seal and county logo for personal use;
 - never display pictures of the employee in uniform or at work unless specifically authorized to do so by the employee's Department Head;

H. Public Records Requests

Public records requests must be forwarded to the Clerk to the Board of Commissioners, who will coordinate the collection of appropriate information to satisfy the request.

I. Personnel Related Issues

Media requests regarding a personnel issue must be forwarded to the Human Resources Director, County Attorney, or County Manager.

J. Branding

The accepted visual brand images for the County are the County Seal and Geese Logo. County employees will use these images in a consistent manner in all forms of external communication.

The County holds a copyright for the seal and logo, and neither is to be altered in any manner. County staff shall not provide a copy of either the seal or logo to an outside party without the written permission of the County Manager or County Manager's designee.

1. The County Seal is formal in nature and denotes an official County document.



- The seal is approved for County letterhead, vehicle decals and County flags.
- There are two approved versions: one in color, and one in black-and-white, and are available on the County's shared folders.
- Employees should use the black-and-white version when intending to print in black-and-white for a cleaner look.

2. The Geese Logo is generally considered to be less formal than the seal and is accepted for materials or communications from County departments other than letterhead or official documents. Examples include newsletters, social media, and public displays.



- There are two approved versions: one in color, and one in black-and-white, and are available on the county's shared folders.
- A Department name may be centered directly under the logo. See example below:



Department of
Parks & Recreation



Parks & Recreation

3. Under certain circumstances other logos and/or seals may be accepted.
 - a. The Sheriff's Office has a department seal which is used in the discretion of the Currituck County Sheriff.
 - b. Any additional logo created for marketing purposes, uniforms, or public display by any department must be approved by the County Manager or County Manager's designee. To obtain approval, the Department Head must submit a completed External Communication Account Authorization Request (See Appendix) form.
 - c. Once an individual department logo has been approved and established all changes or termination of that logo will be submitted to the County Manager or County Manager's designee on an External Communication Termination/Change of Account Request (See Appendix) form.
4. Public documents, reports, email, social media, and other county-produced materials must be printed in a professional, non-cursive, easy-to-read font. Department heads may approve fonts selected for their staff. Any font deemed inappropriate or unprofessional by the County Manager, or County Manager's designee, shall be replaced.

Acceptable fonts are (samples are shown in font size 11):

- Arial
- Calibri
- Candara
- Courier
- Franklin Gothic Book
- Garamond
- Helvetica
- Microsoft Sans Serif
- Tahoma
- Times New Roman
- Verdana

5. All County employees will use a standard format for letterhead (see Letterhead Example in Appendix). Employees may use a MS Word .dot template to make new letter creation easier the employee's department. The Information Technology department can assist with template creation.
6. All County employees will follow a standard format when using a county email account. County email shall be formatted as follows:

- The background of the email page will be plain white, and all text will be black in color.
- The email signature shall contain only the following information:

Name Job title County of Currituck Department Name (optional) Telephone # Fax Number# Email address County website link County social media sites	Example: John Doe Planner 1 County of Currituck Planning & Community Development Phone: 252-232-1111 Fax: 252-232-2222 Email: john.doe@currituckcountync.gov Website: www.currituckgovernment.com Link to facebook, twitter, etc. here
---	--

- Email signatures shall not include the County Seal or Geese Logo.
- Email signatures shall not include any personalized images, phrases, slogans or text.
- A Public Records Disclaimer statement will be automatically placed on each outgoing email. This feature will be set up by the Information Technology Department.

K. Security

Employees must be mindful to prevent fraud or unauthorized access to social media sites or the County network.

Employees must exercise caution when interacting with external entities, those both known and unknown to the employee. If at all in doubt of the legitimacy of any information received, the employee must avoid linking to external sites.

In order to prevent potential harm, employees must minimize the amount of information an attacker is likely to gain from a successful attack. For example, individual user IDs and passwords will not be duplicated across multiple sites. In this way, if one site is compromised, the attacker cannot gain access to other sites for which the user is authorized.

For added security, the following guidelines must be followed:

- Use strong passwords which cannot be easily compromised;
- Periodically change passwords to accounts;
- Refrain from adding, installing, attaching or linking to any additional external services or applications that may potentially grant or enable access to the content, information or posts within the social media account;
- Use caution when accessing links received from external entities;
- Exercise caution when utilizing shortened links (links that have been shortened for ease of relaying the original link), as these may lead to a malicious site;
- Be watchful for spoofed emails and/or website (seemingly official-looking communications that lead the user to a malicious website or attempt to solicit the

user's personal or financial information). Consult the Information Technology Director regarding any security-related matter.

L. Timely Response

1. County employees must respond with accurate information to all questions from the public and media by the end of the next business day. This includes, but is not limited to, questions received via the following methods:
 - Telephone
 - Email
 - Social Media
2. An exception to this rule may be an official Public Records Request, which is addressed in Section H of this policy.

M. Policy Violations

Any employee becoming aware of, or having knowledge of, a violation of any provision of this policy must notify his or her supervisor immediately for follow-up action.

Violation of the standards of this External Communications Policy may result in disciplinary action, including dismissal, as determined by the County Manager in accordance with the Currituck County Personnel Policy.

Revision History -- any previous version of this document can be found in its entirety in the Board of Commissioners (BOC) agenda packet from when it was approved.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1403)

Agenda Item Title

Knotts Island Volunteer Fire Department Grant Agreement Amendment

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Currituck County Finance Officer

FIRST AMENDMENT TO GRANT AGREEMENT
BY AND BETWEEN THE COUNTY OF CURRITUCK AND
KNOTTS ISLAND VOLUNTEER FIRE DEPARTMENT, INC.

THIS FIRST AMENDMENT to Grant Agreement between the County of Currituck and Knotts Island Volunteer Fire Department, Inc. made and entered into this 19th day of January, 2016 by and between the County of Currituck, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (the "Grantor") and Knotts Island Volunteer Fire Department, Inc., a non-profit corporation existing and organized pursuant to the laws of the State of North Carolina, (the "Grantee").

WITNESSETH:

WHEREAS, Grantor and Grantee entered into an agreement effective April 13, 2015, (the "Agreement"), for Grantor to provide Grantee with funds for the remount of Grantees 1986 Pierce/Volvo Tanker to a Kenworth chassis and associated enhancements for protection of Grantor's citizens and the protection of property within Grantor's boundaries; and

WHEREAS, due to an unanticipated increase in the cost to for the tanker remount, need to use a different chassis and desire to reconfigure the equipment to serve a dual response function as pumper and tanker the Grantee has requested additional advancement of funds; and

WHEREAS, pursuant to N. C. Gen. Stat. §153A-233 a county may provide financial assistance to an incorporated volunteer fire department and contract with an incorporated volunteer fire department for fire-fighting or prevention services.

NOW, THEREFORE it is mutually agreed as follow

1. Section 1. The Grant. of the Agreement, attached to and incorporated herein by reference as Exhibit A, is rewritten to read as follows:

In accordance with the terms of this Agreement the Grantor will provide funding to Grantee up to the sum of ONE HUNDRED SIXTY EIGHTY-SIX THOUSAND AND NO/100 DOLLARS (\$160,000 186,000.00) for the remount of Grantee's 1986

Pierce/Volvo tanker to a Kenworth new chassis, reconfiguration of the top pump house and installation of a new 3,000 gallon poly tank, change of rear dump shoot to swiveling chute, update of pump panel and addition of electronic pressure governor, addition of SCBA bottle holders, lowering of water tank onto a rack, paint, lettering and conversion of lights to LED lights as set forth in that quote from Logan Fire Apparatus, Inc. attached to this Agreement as Exhibit A and incorporated herein by reference, (the "Improvements").

2. Except as amended herein, the terms and conditions of the Agreement shall remain in effect.

In Testimony Whereof, the parties have executed this First Amendment to Grant Agreement Between the County of Currituck and Knotts Island Volunteer Fire Department, Inc. in duplicate originals the date first above written.

COUNTY OF CURRITUCK

By: _____
Chairman, Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

KNOTTS ISLAND VOLUNTEER
FIRE DEPARTMENT, INC.

ATTEST:

Secretary

President

(CORPORATE SEAL)

A

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This instrument has been preaudited
in the manner required by the Local
Government Budget and Fiscal Control
Act

Sunil Mathur
Finance Officer

GRANT AGREEMENT

THIS GRANT AGREEMENT (the "Agreement"), made this 13th day of April, 2015, by and between the COUNTY OF CURRITUCK, NORTH CAROLINA, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (hereinafter called the "Grantor"), and KNOTTS ISLAND VOLUNTEER FIRE DEPARTMENT, INC., a North Carolina nonprofit corporation, (hereinafter called the "Grantee");

WITNESSETH:

WHEREAS, pursuant to N.C. Gen. Stat. §153A-449 a county may contract with and appropriate money to any corporation in order to carry out any public purpose that the county is authorized by law to engage in; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-233 a county may provide financial assistance to incorporated volunteer fire departments and contract with incorporated volunteer fire departments for fire-fighting or prevention services; and

WHEREAS, Grantor and Grantee have entered into a contractual relationship for Grantee to provide fire protection and rescue services for the health, safety and welfare of Grantor's citizens and the protection of property within Grantor's boundaries; and

WHEREAS, Grantee is in need of financial assistance for the remount of Grantee's 1986 Pierce/Volvo Tanker to a Kenworth chassis and associated enhancements for protection of firefighters and rescue personnel and enhancement of fire and rescue functions.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor and Grantee covenant and agree as follows:

Section 1. The Grant. In accordance with the terms of this Agreement, the Grantor will provide a grant to the Grantee up to the sum of ONE HUNDRED SIXTY THOUSAND AND NO/100 DOLLARS (\$160,000.00) for the remount of Grantee's 1986 Pierce/Volvo Tanker to a Kenworth chassis, reconfiguration of the top pump house and installation of new 3,000 gallon poly tank, change of rear dump shoot to swiveling chute, update of pump panel and addition of electronic pressure governor, addition of SCBA bottle holders, paint, lettering and conversion of lights to LED lights as set forth in that quote from Logan Fire Apparatus, Inc. attached to this Agreement as Exhibit A and incorporated herein by reference, (the "Improvements").

All acts (including any failure to act) relating to the Premises or the Grant by any employee, agent, representative or designee of the Grantor shall be performed solely for the benefit of the Grantor and are not for the benefit of the Grantee or of any other person (including, without limitation, purchasers, tenants, guarantors or other occupants).

Section 8. Incorporation by Reference. The terms, conditions, warranties, representations and agreements contained in any document executed in connection with the Grant are incorporated herein by reference and made a part hereof as fully and completely as if set out herein verbatim and any default therein shall constitute a default hereunder.

Section 9. Events of Default. The following shall constitute defaults (each a "default") hereunder:

- (a) The failure of the Grantee to keep, perform or observe any covenant, agreement, term or condition herein required to be kept, performed or observed by the Grantee.
- (b) If any representation or certification given or at any time hereafter required to be given hereunder shall be false or erroneous in any material respect when made.

Section 10. Agreement to Survive. This Agreement shall survive the initial disbursement of funds and shall remain in full force and effect until such time as the Grant shall have been paid in full.

Section 11. Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute but one and the same instrument.

Section 12. Successors and Assigns. The covenants, terms and conditions herein contained shall bind (and the benefits and powers shall inure to) the respective heirs, executors, administrators, successors and assigns of the parties hereto. The Grantee, however, shall not assign its rights or obligations under this Agreement unless such assignment has been consented to by the Grantor in writing. Whenever used herein, the singular number shall include the plural, the plural the singular, and the term the "Grantor" shall include any transferee or assignee thereof, whether by operation of law or otherwise.

Section 12. Governing Law. This Agreement shall be governed by and construed in all respects under the laws of the State of North Carolina without regard to principles of conflict of laws.

[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK]

Section 2. Disbursement of Grant Proceeds. Grantor shall disburse to Grantee's vendor the amount of the grant set forth in Section 1 of this Agreement upon presentation of a final invoice from Grantee's vendor to the Grantor.

Section 3. Use of Grant Proceeds. The proceeds of the Grant are to be used only for the Improvements. Any changes in the equipment, services or cost for equipment or services set forth in Exhibit A to this Agreement shall require the prior written approval of the Grantor.

Section 4. Mutuality of Obligation. The Grantee will accept all disbursements made by the Grantor on behalf of the Grantee pursuant to this Agreement up to the full amount of the Grant.

Section 5. Inspections; Independent Inspecting Representative. The Grantor shall have the right to inspect the Improvements (or to cause inspection by an Independent Inspecting Representative as described in this section) and to reject and require replacement of any equipment that does not comply with the specifications set forth on Exhibit A to this Agreement. Should there be any discrepancy in quantity or quality of the equipment or workmanship the Grantor shall be relieved of the obligation to advance any undisbursed Grant proceeds until such time as the discrepancy shall have been corrected to the satisfaction of the Grantor (and any Independent Inspecting Representative appointed by the Grantor pursuant to this Section).

The Grantor may appoint an independent inspecting representative for the purposes of reviewing the quality of equipment, workmanship or compliance with equipment specifications set forth in Exhibit A to this Agreement. The Grantor shall have the right, but shall not be required, to rely conclusively upon the report of the Independent Inspecting Representative. The costs and expenses incurred in connection with the use of the Independent Inspecting Representative shall be paid by the Grantor.

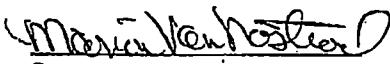
Section 6. Repayment of Funding. Beginning with Grantor's 2015-2016 Fiscal Year Budget, Grantor shall deduct from funds allocated annually to Grantee for fire and rescue services \$16,000.00 and a like amount every fiscal year thereafter until the full amount of funding provided Grantee under this Agreement is retained by Grantor.

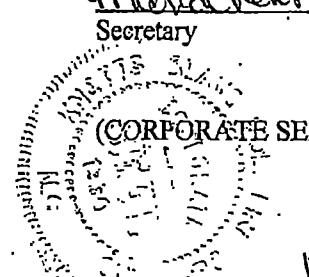
Section 7. No Third-Party Beneficiary; No Warranties. All conditions precedent to the obligation of the Grantor to make disbursements hereunder are imposed solely and exclusively for the benefit of the Grantor and its assigns. No other person shall have standing to require satisfaction of such conditions in accordance with their terms or be entitled to assume that the Grantor will refuse to make disbursements in the absence of strict compliance with any or all thereof. No person other than the Grantee shall, under any circumstances, be deemed to be a beneficiary of this Agreement, or any of the terms or conditions hereof, any or all of which may be freely waived in whole or in part by the Grantor at any time if in its sole discretion it deems it advisable to do so.

Neither the Grantor's (or any Independent Inspecting Representative's) receipt or review of equipment specifications nor any action or inaction by the Grantor (or any Independent Inspecting Representative) with respect thereto, nor any inspections or approvals of equipment set forth in Exhibit A to this Agreement, shall constitute a warranty or representation by the Grantor or any of its employees, agents or representatives, including its Independent Inspecting Representative (if any) as to the sufficiency, adequacy or safety of the equipment, any component parts thereof or any other physical condition or feature pertaining to the equipment.

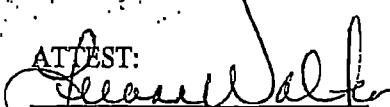
IN TESTIMONY WHEREOF, this Agreement has been executed under seal by the parties hereto on the date first above written.

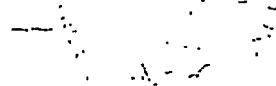
ATTEST:


Secretary


(CORPORATE SEAL)

ATTEST:


Clerk to the Board


(COUNTY SEAL)

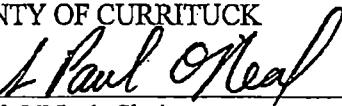
GRANTEE:

KNOTTS ISLAND VOLUNTEER FIRE
DEPARTMENT, INC.

By: 
President

GRANTOR:

COUNTY OF CURRITUCK

By: 
S. Paul O'Neal, Chairman
Board of Commissioners



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1405)

Agenda Item Title

Recreation Advisory Board

Brief Description of Agenda Item:

Planning Board Recommendation:

Commissioner Hall has a nominee to replace Bill Freethy on the Recreation Advisory Board. Mr. Freethy's second term expires in January, 2016.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

RECREATION ADVISORY BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Ryan Hodges	District 1		Vance Aydlett	1/4/2016	1st Term January 2018
Neel Smith	District 2		David Griggs	1/17/2012	2nd Term January 2017
Robin Kane	District 3		Mike Payment	1/4/2016	1st Term January 2018
Janet Rose	District 4		Paul Beaumont	1/17/2012	2nd Term January 2017
Charles Pickell**	District 5		Marion Gilbert	1/22/2013	2nd Term January 2016
Bill Freethy**	At-Large		Mike Hall	1/22/2013	2nd Term January 2016
Ellen Owens	At-Large		Paul O'Neal	4/6/2015	1st Term January 2017

****Must be Replaced**

Commissioner Beaumont Serves on this Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1406)

Agenda Item Title

Senior Citizens Advisory

Brief Description of Agenda Item:

Planning Board Recommendation:

Commissioner Hall has expressed his intention to reappoint Marcia Steele to the Senior Citizens Advisory.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

SENIOR CITIZEN ADVISORY BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Heidi Montalbine	District 1		Vance Aydlett	3/2/2015	2nd 2/1/2017
Edith Meekins	District 2		David Griggs	7/15/2013	1st 2/1/2016
Janet Lovell	District 3		Mike Payment	6/1/15	Unexpired Term 2/1/2017
Doris Ballance	District 4		Paul Beaumont	10/7/2013	2nd 2/1/2017
George Rhine	District 5		Marion Gilbert	1/4/2016	1st 2/1/2018
Marcia Steele	At-Large		Mike Hall	1/24/14	1st 2/1/2016
Joanne DiBello*	At-Large		Paul O'Neal	1/4/2016	2nd 2/1/2018

Can Be Reappointed or Replaced

Commissioner Hall Serves on this Board



**CURRITUCK COUNTY
NORTH CAROLINA**

January 4, 2016
Minutes – Regular Meeting of the Board of Commissioners

5:00 CALL TO ORDER

The Currituck County Board of Commissioners met at 5 PM in the Historic Currituck Courthouse for its regular meeting. Chairman Griggs called the meeting to order.

Attendee Name	Title	Status	Arrived
David L. Griggs	Board Chairman	Present	
O. Vance Aydlett	Vice-Chairman	Present	
S. Paul O'Neal	Board Chairman	Present	
Paul M. Beaumont	Commissioner	Present	
Marion Gilbert	Commissioner	Present	
Mike D. Hall	Commissioner	Present	
Mike H. Payment	Commissioner	Present	

A) Invocation & Pledge of Allegiance-Reverend Walter Gallop, Air Force Chaplain, Retired

Reverend Walter Gallop gave the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Aydlett moved to approve the agenda, seconded by Commissioner Gilbert. The motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	O. Vance Aydlett, Vice-Chairman
SECONDER:	Marion Gilbert, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

ADMINISTRATIVE REPORTS

A. Resolution of the Albemarle Regional Solid Waste Authority Admitting Washington County as a Member of the Authority

County Manager, Dan Scanlon, reviewed the history and purpose of the Albemarle Regional Solid Waste Management Authority, explaining that Washington County has asked to be admitted as a member. Each member County must accept Washington County in order to change the Charter. Commissioner Aydlett said he believes their admittance would be a

positive for all members.

Commissioner Gilbert moved to accept with a second by Commissioner Aydlett. The motion carried unanimously.

RESOLUTION OF THE

**ALBEMARLE REGIONAL SOLID WASTE MANAGEMENT AUTHORITY
ADMITTING WASHINGTON COUNTY AS A MEMBER OF THE AUTHORITY**

WHEREAS, Chowan, Currituck, Dare, Gates, Hyde, Perquimans and Tyrrell Counties (collectively, the "Member Units") agreed to take action pursuant to Chapter 153A, Article 22 of the General Statutes to create the Albemarle Regional Solid Waste Management Authority (the "Authority") by resolution dated September 21, 1992 ("Initial Resolution"); and

WHEREAS, the Member Units unanimously agreed, pursuant to Article XI of the Initial Resolution, to amend the Initial Resolution, and adopted the First Amendment to Resolution Establishing Albemarle Regional Solid Waste Management Authority on March 26, 2009; and

WHEREAS, Washington County desires to become a member of the Authority.

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby admits Washington County as a member of the Authority, subject to the following terms, conditions and agreements:

1. Washington County shall pay to the Authority \$42,607.13 within thirty (30) days after the date of this Resolution.
2. Washington County shall approve and execute the Member Waste Management Agreement between Washington County and the Authority.
3. Washington County shall approve the First Amendment to Waste Supply and Disposal Agreement between the Authority and Republic Services of North Carolina, LLC.
4. Washington County shall approve and execute the Second Amendment to Resolution Establishing Albemarle Regional Solid Waste Management Authority.

If Washington County fails to take the actions set forth in Paragraphs 1-4 above within sixty (60) days from the date of this Resolution, Washington County's admission to the Authority shall be withdrawn and shall be null and void with no legal effect.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marion Gilbert, Commissioner
SECONDER:	O. Vance Aydlett, Vice-Chairman
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

B. Release and Overview of Revised Flood Maps

Ben Woody, Planning and Community Development Director, reviewed the revised flood maps which are released about every five years. Using a power point presentation he reviewed the data and provided information and statistical changes that would occur with the implementation of the new mapping. He cautioned the public that one in five flood claims happen in areas not designated as a flood zone. Mr. Woody expects the maps will be placed on the Federal Register, after which an appeal period begins. He said public meetings will be held by the State of North Carolina Department of Public Safety to provide information to the public and answer questions. He said a link to the Flood Maps could be found on the home page of the Currituck County website, www.CurrituckGovernment.com, along with contact information for mainland and Currituck Outer Banks residents. Rate maps can also be viewed at <http://fris.nc.gov/fris/>. Board members discussed the positive changes and benefits associated with the new flood maps.

PUBLIC HEARINGS

A. Public Hearing & Action-PB 84-11 Corolla Light Phase 3:

Chairman Griggs, at the applicant's request, moved to continue the item to the February 1, 2016, meeting of the Board of Commissioners. Commissioner Gilbert seconded and the motion carried unanimously.

RESULT:	CONTINUED [UNANIMOUS]	Next: 2/1/2016 5:00 PM
MOVER:	David L. Griggs, Board Chairman	
SECONDER:	Marion Gilbert, Commissioner	
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner	

B. Public Hearing & Action-PB 15-20 Spruill Sand Mine:

Parties wishing to speak were sworn and Chairman Griggs opened the Public Hearing. Mr. Woody reviewed the applicant's request for permit renewal with the Board of Commissioners.

STAFF REPORT FOR THE

Board of Commissioners

DATE: January 4, 2016

PB 15-20 William Spruill Sand Mine

ITEM: PB 15-20 William Spruill Sand Mine request for a Use Permit to operate an extractive industry (sand mine).

LOCATION: Moyock: 913 Caratoke Highway

TAX ID: 0015-000-0031-0000

0015-000-032B-0000

ZONING DISTRICT: Agricultural (AG) and Heavy Industrial (HI)

PRESENT USE: Extractive Industry (sand mine)

OWNER: William Spruill
PO Box 146
Moyock NC 27958

APPLICANT: Wayne Leary
 PO Box 86
 Shawboro NC 27973

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Farmland	AG
SOUTH:	Farmland, Retail, Residential	GB
EAST:	Woodland, Farmland	AG
WEST:	Reclaimed Sand Mine	GB

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Full Service within the Moyock subarea. The 2014 Moyock Small Area Plan classifies the site as Limited Service.

SIZE OF SITE: 58.70 acres

COMMUNITY MEETING: A community meeting was held on October 2, 2015 at the Moyock Library. No one attended the meeting.

I. NARRATIVE OF REQUEST:

1. A special use permit was issued to William Spruill on October 18, 1999 to excavate a maximum 30% of the entire site. The permit was valid for ten years and with the vesting suspension provided by the North Carolina General Assembly, the special use permit expired January 1, 2013. A new use permit was issued by the Board of Commissioners on January 2015 that expired along with the state permit on October 14, 2015. This is a new use permit request to replace the expired use permit.
2. It was determined under the previous use permit that the mine had been over excavated by 5.65 acres. The owner is on schedule for refilling the over excavated area according to most recent quarterly fill report as required by the Board of Commissioners.
3. The application includes a request for a 50% setback reduction along all property lines where an existing vegetative visual screen is between the mining activity and the adjoining use/property lines. (See aerial photography for reference)
4. The site will be dewatered under a state permit approval.

II. USE PERMIT REVIEW STANDARDS:

Use Permit Criteria and Staff Findings:

Use permits (UP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the UP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

In order to approve a UP, certain criteria must be satisfied. The criteria and staff findings are outlined as follows:

1. The use will not endanger the public health or safety.
 It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the finding that the use will not endanger the public health or safety.

Staff Findings:

- a. The mine site is posted with No Trespassing signs 250 feet apart.

- b. The owner will post a performance guarantee for any in use wells located within a 1,500 foot radius of the excavation area to be used in the event the dewatering diminishes the quantity or quality of the well water.
- c. All trucks hauling mined materials shall be covered with a tarpaulin.

2. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the finding that the use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Staff Findings:

- a. A special use permit was issued for the mining operation on October 18, 1999 and the mine has operated for 16 years with no registered complaints.
- b. No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on the site.

3. The use will be in conformity with the Land Use Plan or other officially adopted plan.

It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the finding that the use will be in conformity with the Land Use Plan and other officially adopted plans.

Staff Findings:

The 2006 Land Use Plan classifies this site as Full Service within the Moyock subarea. With respects to nonresidential uses, it is essential that the existing community character be preserved in the Full Services area. The proposed use is in keeping with the policies of the plan, which include:

POLICY ID8: MINING ACTIVITIES, or secondary impacts of mining activities not subject to permit approval by the State of North Carolina, may be subject to review and management by Currituck County. Activities to be addressed may include, but not be limited to, the adequacy of roads serving the mine site, visual impacts during operation and after closing of the mine site, noise and dust considerations, etc.

Staff Findings:

The 2014 Moyock Small Area Plan classifies this site as Limited Service within the Moyock subarea. The proposed use is in keeping with the policies of the plan, which include:

POLICY BI4: Provide industrial development opportunities for cluster industries identified by Currituck Economic Development such as defense aero-aviation, port and maritime related industries, alternative energy, agriculture and food, and local existing business support.

4. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the finding that the use will not exceed the county's ability to provide adequate public facilities, including but not limited to schools, fire and rescue, law enforcement, and other county facilities.

Staff Findings:

- a. The proposed use will not produce additional burdens on schools, fire and rescue, or other public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following permit conditions:

1. The use permit shall expire upon expiration of the NC State Mining Permit, which is expected to be in five years. (Planning)
2. Provide the hydrogeological report, monitoring well plan, or performance guarantee as determined by the county engineer. (UDO Section 4.2.5.A.14) (Planning)
3. In accordance to Section 4.2.5, discharge waters shall not adversely affect downstream properties. It is unclear how discharge waters from the mine is prevented from sheet flowing from the "vegetative restraining area" onto neighboring properties. Please provide a channelized flow to prevent runoff onto neighboring properties or more detailed information regarding how runoff will not impact neighboring properties. (Engineering)
4. Section 4.2.5 requires mines with dewatering operations to perform a hydrogeological study, monitoring wells and or a performance guarantee if there are any wells or ponds within 1500' of the pit. Information provided addresses ponds but not wells. Please provide the location of all potable wells within 1500' of the pit. At a minimum, the performance guarantee should be provided for each well in accordance to the UDO. (Engineering)

Site Plan Corrections:

- a. Show all wells within 1,500 foot radius of the mine on the plat. (UDO Section 4.2.5.A.14)
- b. Show the flood zone lines on the plat. (UDO Section 4.2.5.A.14) Placing a copy of the Moyock area flood zones is not sufficient.
- c. Provide a copy of the approved state permit once issued.

IV. PLANNING BOARD RECOMMENDATION:

Mr. Cartwright moved to approve PB 15-20 with staff recommendations included in the staff report. Mr. Bell seconded the motion and motion carried unanimously.

At the close of his presentation, Mr. Woody answered questions pertaining to mining percentages and operations, as Commissioner O'Neal asked about increasing the allowable mining percentage to 50% from 30% to address and remedy the current violation for overmining. Mr. Woody explained one of the caveats of allowing for an increase to 50% is to first operate for a period of time free of violations.

Wayne Leary of Shawboro, representing Mr. Spruill, said he concurs with staff findings. He provided a history of the reclamation as required due to overmining. Mr. Leary said Mr. Spruill is on schedule with reclamation and says it was an oversight on his part that the County permit was not renewed, which led to the violations. Their goal is to continue on and exceed the reclamation requirements placed by the County.

With no one else signed up to speak, Chairman Griggs closed the Public Hearing.

Commissioner Beaumont moved to approve the renewal of the mining permit, with a second by Commissioner Payment. The motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Mike H. Payment, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

C. Public Hearing & Action-PB 15-13 Currituck County Solar Arrays:

Ben Woody reviewed the text amendment, addressing setbacks, buffering, and zoning district restrictions. Mr. Woody said the Planning Board recommended approval. Chairman Griggs opened the public hearing.

MEMORANDUM

To: Board of Commissioners
From: Planning Staff
Date: December 18, 2015
Subject: PB 15-13 Amended Solar Array Text Amendment

The Board of Commissioners has directed the Planning Board to rehear the solar array text amendment in order to provide an option for reducing the 300' setback. A conditional rezoning will also now be required for a solar array use. Finally, the use will only be allowed in the Agricultural (AG) zoning district.

Please let us know if you have any questions.

Planning Board Recommendation:

Mr. Cartwright moved to approve PB 15-13 due to its consistency with the Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Ms. Overstreet seconded the motion and motion carried unanimously.

PLANNING BOARD DISCUSSION: (12/8/15)

Tammy Glave presented the staff report.

Mr. Wright recuses himself from this item.

Mr. Cartwright asked what is the height of the vegetative buffer.

Ms. Glave said 8' in height regardless or caliper inches. The goal with the buffering is not to see the solar panels. The one in Moyock is proposing using wax myrtles.

Mr. Craddock asked what is the logic behind changing the permissible uses of solar arrays to only be in the Agricultural District and not the other district that existed previously.

Ms. Glave said the value of the land. Bringing an agriculturally use of the land to a solar array increases its taxed value.

Mr. Craddock said since solar arrays will only be in the agricultural district they will benefit by paying lower taxes as to being in a HI district.

Mr. Woody said solar arrays pay lower taxes because they are exempt from 80% of local property taxes.

Mr. Cooper asked if the only changes are reducing the 300' setback requirement to 100' by increasing buffer requirements and the zoning district.

Ms. Glave said yes.

Mr. Cooper asked what drove these proposed changes to the text amendment.

Mr. Woody said the Board of Commissioners are directing staff to make these changes.

Mr. Cartwright moved to approve PB 15-13 due to its consistency with the Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Ms. Overstreet seconded the motion and motion carried unanimously.

PB 15-13

CURRITUCK COUNTY

Amendment to the Unified Development Ordinance Chapter 4: Use Standards to offer a setback reduction with additional landscape standards for Solar Arrays, require conditional zoning for the use, and only allow the use in the Agricultural (AG) zoning district.

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 Section 4.1.2: Use Table is amended by adding the following bold and underlined language and deleting the struck-through language:

Use Category	Use Type	Zoning District (current district in parenthesis) [note: overlay or sub-district requirements may further limit uses]																		Additional Req. (4.2.1)
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O			
Utilities	Solar array		U <u>CZ</u>						U	U			U	U		U	U	U	3.H.1	

Item 2: That Section 4.2.3.H.1: Solar Array is amended by adding the following bold and underlined language and deleting the struck-through language:

4.2.3.H.

(1) Solar Array

- (a) Solar arrays shall be configured to avoid glare and heat transference to adjacent lands.
- (b) Appropriate ground cover/grass is required and shall be maintained as not to create a fire hazard.

- (c) The solar panels, equipment, and associated security fencing shall be located at least 300 feet from any perimeter property line abutting a residential dwelling, residential zoning district, religious institution, public school, state licensed day care center, public playground, public swimming pool, or public park. The solar panels, equipment, and associated security fence shall be screened from those uses/zoning districts by a Type ~~CD~~ buffer. The buffer may be reduced to a Type C when abutting a right-of-way, use, or zoning district not listed above and the setback may be reduced to 100' in these instances.
- (d) The total height of the solar energy system, including any mounts, shall not exceed 15 feet above the ground when orientated at maximum tilt.
- (e) The solar energy system owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period.
- (f) Operations, maintenance, and decommissioning plans are required.
- (g) Ground water monitoring wells shall be installed prior to construction of the solar energy system and testing data shall be submitted annually to the Planning and Community Development Department until decommissioning occurs. Monitoring wells shall be located near the center of the site and along each exterior property line at approximately the lowest ground elevation point of each property line. Testing data shall be provided to the county indicating compliance with EPA National Primary Drinking Water Standards prior to construction and annually until decommissioning occurs.
 - i. Should the initial ground water testing indicate that the site is not in compliance with the EPA National Primary Drinking Water Standards, subsequent annual reports shall indicate no increase in noncompliance with those standards.
- (h) Prior to the issuance of a building permit, the developer shall post a performance guarantee in the form of cash deposit with the county to ensure decommissioning funds are available in an amount equal to 115 percent of the estimated decommissioning costs minus salvageable value. Estimates for decommissioning the site and salvageable value shall be prepared and certified by a registered engineer or North Carolina licensed general contractor and submitted prior to building permit approval and verified by a registered engineer or North Carolina licensed general contractor and resubmitted every two years thereafter until decommissioning occurs.

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 _____, 2015.

Warren Wilgus of Oxford Road, Moyock, raised concerns that the contractor is not doing what he said he would do and has been trying to get some answers regarding a berm at the Wildwood site. He believed the berm would be erected and landscaped immediately. He said he was confused about the different contingencies and wanted to know if a berm is going to be constructed.

Commissioner O'Neal said the issues are separate, and we should call the question on the text amendment before moving on to other issues.

With no one else wishing to speak, Chairman Griggs closed Public Hearing and asked for a motion.

Commissioner O'Neal moved to approve as presented and was seconded by Commissioner Beaumont. The motion carried unanimously.

Mr. Woody said he had addressed some points raised by Mr. Wilgus with the applicant, who agreed to the berms and landscaping and maintaining the 300 foot setback if adjacent to residential property. Mr. Woody said those two things will occur at Wildwood. Mr. Woody explained the landscaping would have to be installed before any certificate of compliance would be issued, but the landscaping did not have to be installed immediately upon the start of construction. Mr. Woody noted that shrubs atop berms may be more difficult to grow and maintain, and the County may want to look at other options for better screening.

Commissioner Beaumont said several people had told him there are bright lights at the site at night. Mr. Woody said he had addressed that issue with the contractor, who told him nighttime construction would cease after December 31, 2015.

The Board recalled the applicant's public hearing when application was made for the Special Use permit for the Wildwood solar array and, at that time, represented to the Board and citizens the things they intended to do, with the Board relying on those representations for approval. The Board and County Attorney discussed the importance of crafting motions to include all conditions proposed. Commissioner O'Neal asked what purpose is there for sworn testimony if it means nothing, and he considers sworn testimony part of the permit.

Chairman Griggs recommended meeting with staff to ensure any conditions are included in future motions to avoid similar issues going forward. Mr. Woody said he would share a copy of the letter from staff to the applicant, and would include a request that the buffering be installed sooner rather than later.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	S. Paul O'Neal, Board Chairman
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

D. Public Hearing and Action on Resolution Creating the Backwoods Reserve-Saddlebrook Water Service District

County Attorney, Ike McRee, said the advertising requirement would be met and the item would be ready to be heard at the January 19, 2016, regular meeting. Chairman Griggs moved to defer the item until January 19, 2016. The motion was seconded by Commissioner Gilbert and carried unanimously.

RESULT:	CONTINUED [UNANIMOUS]	Next: 1/19/2016 5:00 PM
MOVER:	David L. Griggs, Board Chairman	
SECONDER:	Marion Gilbert, Commissioner	
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner	

NEW BUSINESS

A. Consideration and Action on Ordinance Amending Chapter 2, Article III of the Code of Ordinances to Establish the Animal Services and Control Advisory Board

County Attorney, Ike McRee, reviewed the details of the Ordinance to establish the Animal Services and Control Advisory Board. Answering Commissioner questions, he said a number of different ordinances within North Carolina and other states were reviewed, concentrating on public education.

Commissioner O'Neal moved to approve with a second by Commissioner Gilbert.

Commissioner Hall requested that the item be tabled until the January 19, 2016 meeting, believing we were moving too fast and he would like time to review. The Board confirmed with the County Attorney that this was a lawful ordinance for adoption and was recommended by staff. He confirmed that the ordinance could be amended as needed.

With a 6 to 1 vote on the motion, with Commissioner Hall voting against, the item was scheduled to be reheard on January 19, 2016. Mr. McRee explained an ordinance must be adopted by unanimous vote on the first presentation, and can pass at a second reading with a simple majority.

RESULT:	RETURNED FOR RECONSIDERATION [6 TO 1]	Next: 1/19/2016 5:00 PM
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike H. Payment, Commissioner	
NAYS:	Mike D. Hall, Commissioner	

B) Board Appointments

1. Senior Citizens Advisory Board

Commissioner Gilbert nominated George Rhine and Commissioner O'Neal nominated Joanne DiBello for reappointment. Both nominations were unanimously approved by the Board.

RESULT:	APPROVED [UNANIMOUS]
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

2. Library Board of Trustees

Commissioner Gilbert nominated Stacy Vasquetelles. The appointment was approved unanimously.

RESULT:	APPROVED [UNANIMOUS]
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

3. Planning Board

Commissioner Gilbert nominated Carol Bell for reappointment. The nomination was unanimously approved by the Board.

RESULT:	APPROVED [UNANIMOUS]
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

4. Economic Development

Roger Lambertson was nominated for reappointment to the Economic Development Board and unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

5. Recreation Advisory Board

Commissioner Aydlett nominated Ryan Hodges and Commissioner Payment nominated Robin Kane for reappointments to the Recreation Advisory. Both nominees were approved unanimously.

RESULT:	APPROVED [UNANIMOUS]
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

C) Consent Agenda

Commissioner Gilbert asked for a name correction in the minutes of December 7, 2015, as it was Frank Flora who commented during the Moyock Commons Public Hearing.

Commissioner O'Neal moved to approve with the correction, seconded by Commissioner Aydlett. The motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	S. Paul O'Neal, Board Chairman
SECONDER:	O. Vance Aydlett, Vice-Chairman
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

- 1) Approval Of Minutes-December 7, 2015
2. Petition for Road Addition-Shangrila Subdivision, Moyock
3. Certification of Review-Board of Education Facility Needs Survey

D) Commissioner's Report

Commissioner Beaumont asked staff to put together a request to be sent to the state to allow the County to rescind the 80% tax deferral for alternative energy development. Chairman Griggs supported Commissioner Beaumont's request and asked staff for a resolution to be brought to the January 19, 2016 meeting for adoption.

Commissioner O'Neal, for the benefit of the public, explained the subsidies provided by the Federal Government to alternative energy. North Carolina subsidies ended in June but the state did not repeal the county subsidies, allowing alternative energy companies to pay .20 cents on the dollar.

Commissioner Beaumont announced his attendance at the open house for the animal shelter, praising the top-notch facility and encouraging all to stop by.

Commissioner Hall encouraged all to continue in the holiday spirit and care for seniors and animals.

Commissioner Aydlett asked about pay for Advisory Board members. He was particularly concerned with the commitment needed for those on the Land Use Planning Committee. Mr. Scanlon explained committees with a finite term were looked at as

volunteer in nature, stating the Board has the ability to compensate the Land Use Plan members.

Commissioner O'Neal shared memories of Charles Wellons, of Shawboro, and Eldon Miller, a former Commissioner, and spoke of their contributions to their communities. He asked that the County commit to identifying a piece of property in Moyock where a park will be built, saying we have the budget and willing partners and wants the project to be a priority. Mr. Scanlon said the County is moving down a list of suggested parcels of land. Commissioner O'Neal thanked everyone who have called to express their views about his choice to not seek re-election.

Commissioner Payment announced the Animal Shelter ribbon cutting scheduled for January 19, 2016, and wished everyone a Happy New Year.

Commissioner Gilbert concurred on the Animal Shelter, commending Eric Weatherly, County Engineer, for taking care of the hiccups associated with a new building. She also recalled fond memories of Eldon "Pop" Miller, stating a Moyock park was number one on his list. She announced the Moyock Women's Club Frosty Toes 5K is January 23, 2016, at 9 AM, and for those interested to contact any member of the Moyock Women's Club.

Chairman Griggs said he had the opportunity to tour other animal shelters and praised our new shelter as a stand-out. He commended staff on the tremendous amount of work and the team effort needed to get it done and thanked the community for their support.

E) County Manager's Report

Mr. Scanlon reminded the Board that the next meeting is on Tuesday, January 19, due to the Martin Luther King Holiday, and that prior to the meeting the Board will meet on site at 3:30 PM for the Animal Shelter official dedication. Mr. Scanlon said after moving the animals and shutting down the old shelter, the County would immediately shut down Airport Road for the airport construction.

PUBLIC COMMENT

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.

Judy Marsenko, Ocean Sands and Crown Point property owners association board member, submitted a paper with questions she would like answered by the Board. Upon review of the questions, Mr. McRee said the questions had come from Coastland Corporation, the plaintiff in a lawsuit against the County, and do not appear to be on behalf of the members of the association.

Doris Flora, Moyock, thanked Commissioner O'Neal for his attempt to encourage the building of a county park in Moyock.

With no one else wanting to speak and the public comment period closed, Chairman Griggs recessed the regular meeting of the Board.

SPECIAL MEETING

1. Ocean Sands Water and Sewer District Board

After recessing the January 4, 2016, regular meeting of the Board of Commissioners, Chairman Griggs called to order the Special Meeting of the Ocean Sands Water and Sewer District Board.

County Attorney, Ike McRee, with the Board sitting as the Governing Board for the Ocean Sands Water and Sewer District Board, reviewed multiple lawsuits filed against the County by Coastland Corporation, who alleges multiple violations of a settlement agreement between them and the County from the 1980's. He reviewed a timeline and detailed the allegations with the Board. Mr. McRee believes that Ocean Sands Water and Sewer District (OSWSD) needs to be a party to the suits, and has retained attorney Jim Schenk to represent the district. The County has filed motions to add OSWSD to the suit, and the attorney believes it is important for the OSWSD Board to authorize council for the district and to consent joining both the litigation and arbitration matter.

The Board asked several questions and Mr. Scanlon said the OSWSD Advisory Board is aware of the suit, but has not yet offered an official position.

Commissioner Payment moved to approve having council represent the Ocean Sands Water and Sewer Board in the matter and specifically consent to allow the water and sewer district's joinder in the lawsuit and arbitration. Commissioner Gilbert seconded and the motion carried unanimously.

With there being no further business, Chairman Griggs moved to adjourn the meeting of the Ocean Sands Water and Sewer District and reconvene the meeting of the Board of Commissioners.

CLOSED SESSION

2. Closed session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney and to preserve the attorney-client privilege regarding the matter captioned Swan Beach Corolla, LLC v. Currituck County.

Upon reconvening the regular meeting of the Board of Commissioners, Commissioner Gilbert moved to enter Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege and to receive advice from the county attorney regarding a claim against the county and for the following pending lawsuit: Swan Beach Corolla v. Currituck County.

Commissioner Beaumont seconded, the motion carried unanimously, and the Board entered closed session.

ADJOURN

Motion to Adjourn Meeting

After returning from closed session, and there being no further business, Commissioner Payment moved to adjourn. Commissioner Hall seconded, the motion carried unanimously, and the meeting was adjourned.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Commissioner
SECONDER:	Mike D. Hall, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1399)

Agenda Item Title

Budget Amendments

Brief Description of Agenda Item:

Budget amendment 2016039 is a revision to budget amendment 2016033 from 12/7/15. The original budget amendment did not total correctly and therefore the amendment was not in balance.

Board Action Requested

Action

Person Submitting Agenda Item

Sandra Hill, Director

Presenter of Agenda Item

Daniel F. Scanlon

Number

2016035

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of January 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10530-514800	Fees paid to officials		\$ 1,750
10530-561000	Professional Services		\$ 5,000
10530-516200	Vehicle Maintenance	\$ 6,750	
		<u><u>\$ 6,750</u></u>	<u><u>\$ 5,000</u></u>

Explanation: *Emergency Services (10530) - Operating transfers to cover additional vehicle maintenance for emergency vehicles.*

Net Budget Effect: Operating Fund (10) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Number

2016036

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of January 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit	
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>	
10550-591000	Capital Outlay		\$	4,250
10550-516200	Vehicle Maintenance	\$ 1,505		
10550-532000	Supplies	\$ 245		
10550-561000	Professional Services	\$ 2,500		
		<u><u>\$ 4,250</u></u>	<u><u>\$ 4,250</u></u>	

Explanation: *Airport (10550) - Transfer residual capital funding to operations.*

Net Budget Effect: Operating Fund (10) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board _____

Number

2016037

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of January 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10752-519100	IV-E Foster Care	\$	37,000		
10330-431800	Foster Care & Boarding Home			\$	30,340
10390-499900	Fund Appropriate Balance			\$	6,660
10752-519600	Child Daycare	\$	8,746		
10330-432800	Daycare			\$	8,746
		<hr/>	<hr/>	<hr/>	<hr/>
		\$ 45,746		\$ 45,746	

Explanation: *Public Assistance (10752) - Increase appropriations for IV-E foster care due to increased number of foster children that are eligible for IV-E assistance. Also, adjust Daycare funding to State authorization.*

Net Budget Effect: Operating Fund (10) - Increased by \$45,746.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Number

2016038

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of January 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10796-514000	Travel	\$	600		
10796-516000	Repairs & Maintenance			\$	300
10796-532000	Supplies			\$	300
		<hr/>	<hr/>	<hr/>	<hr/>
		\$	600	\$	600

Explanation: *Currituck County Rural Center (10796) - Transfer budgeted funds due to increased travel expenses for FY 2016.*

Net Budget Effect: Operating Fund (10) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Number

2016039

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of January 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
			<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>
67878-516000	Repair And Maintenance	\$	200		
67878-545000	Contracted Services	\$	1,350		
67878-511000	Telephone and Postage			\$	350
67878-531000	Gas ,Oil, Etc.			\$	1,000
67878-532000	Supplies			\$	200
67360-471000	Tap & Connection Fees	\$	245,354		
67390-499900	Fund Balance Appropriated	\$	15,645		
67390-470000	Utilities	\$	44		
		<hr/>	<hr/> \$ 262,593	<hr/>	<hr/> \$ 1,550

Explanation: *Moyock Central Sewer (67) - Transfer funds within the Moyock Central Sewer Fund for operations and to correct clerical error on budget amendment 2016033 from December 7, 2015.*

Net Budget Effect: Moyock Central Sewer Fund (67) - Reduced by \$261,043.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Number

2016040

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of January 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
12548-532115	Fire Supplies	\$	2,000		
12548-536115	Personal Protective Equipment	\$	3,500		
12548-553015	Dues & Subscriptions	\$	2,500		
12548-513015	Utilities			\$	2,000
12548-531015	Gas			\$	2,000
12548-561015	Professional Services			\$	4,000
		<u>\$</u>	<u>8,000</u>	<u>\$</u>	<u>8,000</u>

Explanation: *Knotts Island Volunteer Fire Department (12548)* - Transfer funds within the contract appropriations per request of the Knotts Island Volunteer Fire Department.

Net Budget Effect: Fire Services Fund (12) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Number

2016041

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of January 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
64848-511010	Data Transmision	\$ 175	
64848-532000	Supplies	\$ 1,000	
64848-516000	Repairs and Main.	\$ 800	
64848-513000	Utilities		\$ 1,975
		<u>\$ 1,975</u>	<u>\$ 1,975</u>

Explanation: *Maple Commerce Sewer (64848) - Transfer funds for operations in Maple Commerce Park.*

Net Budget Effect: Maple Commerce Sewer Fund (64) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Number

2016042

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of January 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
68888-533200	Lab Test		\$ 3,000
68888-533800	Chemicals	\$ 3,000	
		<u><u>\$ 3,000</u></u>	<u><u>\$ 3,000</u></u>

Explanation: *Walnut Island Sewer Fund (68888)* - Transfer funds within the Walnut Island Sewer District for operations.

Net Budget Effect: Walnut Island Sewer Fund (68) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1410)

Agenda Item Title

Amendment to Salary Classification Chart

Brief Description of Agenda Item:

Planning Board Recommendation:

Reclassification of Chief Deputy and Sheriff Captain positions.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

CURRITUCK COUNTY
CLASSIFICATION BY SALARY GRADE
FOR THE FISCAL YEAR ENDING JUNE 30, 2016

SALARY GRADE	SALARY RANGE	CLASSIFICATION
50	\$23,346-\$32,000	Custodian
50.5	\$24,670-\$34,440	Senior Center Assistant Coordinator
51	\$25,241-\$34,653	Maintenance Helper Park Attendant Rural Attendant
52	\$27,135-\$37,343	Accounting Clerk I Community Social Services Assistant DSS DCI CP/Clerk Deputy Register of Deeds Library Assistant I Meter Reader Permit Officer I Processing Assistant IV Public Information Assistant IV Recreation Assistant Secretary I Tax Clerk I Visitor Relations Coordinator
53	\$29,031-\$39,961	Line Maintenance Mechanic Helper Library Assistant II Maintenance/Repair Worker

		EMT Basic/Firefighter Lineman - Airport Tax Clerk II Utilities Customer Service Representative
53.5	\$29,578-\$40,960	Detention Officer
54	\$30,925-\$42,612	4H Program Associate Animal Control Officer Assistant Register of Deeds Deputy Director of Elections District Administrator F&C Sciences Associate Income Maintenance Caseworker I Library Associate I Permit Officer II Public Information Assistant V Accounting Clerk II Rural Center Manager Telecommunicator Trainee
54.5	\$31,510-\$43,677	Intake Officer
55	\$32,822-\$45,267	*Library Associate II Accounting Clerk III *Administrative Assistant I Deputy Tax Collector Athletic Grounds Manager Line Maintenance Mechanic Maintenance/Repair Worker Electrician Park Superintendent Promo Coordinator

		Recreation Specialist Supervisor Visitor Center Telecommunicator I Sales & Market Associate Tourism Promo & Event Coordinator Public Relations Coordinator Utilities Customer Service Supervisor
55.5	\$33,444-\$46,399	EMT Intermediate/Firefighter
56	\$34,718-\$47,923	Water Plant Operator Trainee Deputy Trainee Income Maintenance Caseworker II Permit Officer III Social Worker I Support Technician Telecommunicator II Wastewater ORC Trainee
56.5	\$36,050-\$50,601	Animal Control Supervisor Sergeant Detention Officer
57	\$36,612-\$50,574	*Administrative Assistant II Building Inspector I Deputy Sheriff I Development Code Enforcement Officer Human Resources Assistant Maintenance Supervisor Rural Center Director Wastewater ORC Water Plant Operator Water Plant Operator/Lab Technician

58	\$38,507-\$53,228	Deputy Sheriff II Income Maintenance Caseworker III Income Maintenance Investigator II Training Officer
59	\$40,402-\$55,882	Building Inspector II probationary/ FQ Inspect I Deputy Sheriff III Deputy Emergency Management Coordinator Accounting Technician Detective I EMT Paramedic/Firefighter Development Technician Planner I Tax Appraiser
60	\$42,298-\$58,536	*Administrative Officer I *Communications Supervisor *Income Maintenance Supervisor II *Lieutenant Detention Officer Fire Marshal Lieutenant - EMS Risk Manager Social Worker II Soil & Water Technician Water Distribution Supervisor Trainee Web/AV Specialist
60.5	\$43,109-\$59,999	*Senior Center Coordinator
61	\$44,193-\$61,190	Building Inspector III probationary/FQ BI II Director of Elections GIS Specialist

		Creative Director GIS Coordinator Paralegal Planner II Detective II Marketing Director Public Information Officer Water Distribution Supervisor
62	\$46,088-\$63,844	*Building Superintendent Fiscal and Budget Assistant Sergeant Site Manager/Curator Social Worker III Social Worker Invest/Assess Treatment
63	\$47,982-\$66,496	Building Inspector III FQ *Social Work Supervisor II *Water Treatment Plant Supervisor
64	\$49,878-\$69,150	*Senior Planner *Jail Superintendent *Recreation Director
65	\$52,179-\$72,373	*Administrative Assistant/Clerk to Board *Captain - EMS *Manager Business Development/Airport Oper. *Project Coordinator
66	\$53,669-\$74,459	*Public Utilities Superintendent *Chief Building Inspector *Social Worker Supervisor III

67	\$55,562-\$77,109	*Emergency Management Director *Lieutenant - Sheriff
68	\$57,457-\$79,762	*Human Resources Director *IT Director *Project Engineer *Tax Administrator
69	\$59,352-\$82,416	
70	\$61,304-\$85,150	
71	\$63,142-\$87,723	*Chief Deputy - Fire/EMS *Tourism Director *Captain - Sheriff
72	\$65,038-\$90,378	*Assistant Planning Director
73	\$66,932-\$93,029	*Economic Development Director *Chief Deputy - Sheriff
74	\$68,828-\$95,685	
75	\$70,722-\$98,337	*Chief of EMS
76	\$72,618-\$100,991	*Director of Social Services *Finance Director *Public Utilities Director
77	\$74,512-\$103,643	
78	\$76,408-\$106,299	
79	\$78,303-\$108,952	
80	\$79,965-\$111,280	
81	\$81,965-\$124,126	
82	\$84,014-\$127,230	
83	\$86,114-\$130,410	
84	\$88,267-\$133,671	

85	\$90,474-\$137,012	
86	\$92,735-\$140,438	
87	\$94,916-\$143,739	
88	\$95,857-\$145,164	*Planning Director
89	\$98,253-\$148,793	
90	\$100,709-\$152,513	*County Manager
91	\$103,227-\$156,326	
92	\$105,414-\$159,639	*Engineer
93	\$108,050-\$163,630	
94	\$110,751-\$167,720	
95	\$113,520-\$171,913	
96	\$116,358-\$176,211	
97	\$119,267-\$180,616	
98	\$122,248-\$185,132	
99	\$125,305-\$189,760	
100	\$128,437-\$194,504	
101	\$131,648-\$199,367	
102	\$134,939-\$204,351	
103	\$138,313-\$209,460	
104	\$141,771-\$214,696	
105	\$145,315-\$220,064	
106	\$148,948-\$225,565	
107	\$152,671-\$231,204	
108	\$156,488-\$236,984	
109	\$160,400-\$242,909	
110	\$164,410-\$248,982	
111	\$168,511-\$255,191	*Attorney

* indicates exempt status

Board determined	*County Manager's salary
Board determined	*Sheriff's salary
Board determined	*Register of Deeds' salary
Board determined	*Attorney's salary



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1411)

Agenda Item Title

Resolution to Authorize Demolition of old Animal Shelter Building and Contents

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on January 19, 2016, authorized the Animal Shelter, asset 2800, and its contents be demolished pursuant to GS 160A and 270 (b),

ADOPTED, this _____ day of _____, 2016.

David L Griggs
Currituck County Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1371)

Agenda Item Title

Road Abandonment Petition-Secondary Road 1405 (Waterlily)

Brief Description of Agenda Item:

Planning Board Recommendation:

Petition for NCDOT maintained roadway to be removed from system. Petition must be reviewed by the Board of Commissioners and a signed Resolution forwarded from the County to NCDOT for abandonment consideration. A portion of the roadway had been closed previously, with this petition closing the remainder of SR 1405 (Old US 158). Documents pertaining to the prior abandonment are attached for review.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



**North Carolina Department of Transportation
Division of Highways
Abandonment Petition**

North Carolina

County of Currituck

Petition request for the abandonment of Secondary Road 1405 from the State.

Maintained System

We the under signed, being all of the property owners on Secondary Road Deloise Stonecypher
Estate

in Currituck County do hereby request the Division of Highways of the Department of Transportation to abandon the road from the State Maintained System.

PROPERTY OWNERS

Name _____

Address

Currituck Waterfront Business Park, LLC

187 WATERLILLY RD

Concord NC 27923

11/23/2015

**RESOLUTION
REQUEST FOR ABANDONMENT FROM STATE
MAINTAINED SECONDARY ROAD SYSTEM**

WHEREAS, pursuant to NCGS 136 Article 63 the Board of County Commissioners of any county may, on its own motion or on petition by a citizen, request the Board of Transportation to abandon any road in the secondary road system when the best interest of the people of the county will be served thereby; and,

WHEREAS, the petitions and exhibit attached to this resolution and incorporated herein by reference has been filed with the Board of Commissioners for the County of Currituck requesting that the identified portion of Waterlily Road, now or formerly SR 1405, be abandoned from the state maintained secondary road system.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners for the County of Currituck, North Carolina, that:

Section 1. The County of Currituck requests the identified portion of Waterlily Road, now or formerly SR 1405 and shown as Exhibit A to this resolution.

Section 2. This resolution is effective immediately upon its adoption.

ADOPTED the 19th day of January, 2016.

Chairman, Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

(County Seal)



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JAMES G. MARTIN
GOVERNOR

THOMAS J. HARRELSON
SECRETARY

P. O. Box 1405
Elizabeth City, NC 27906-1405
(919) 338-5131

DIVISION OF HIGHWAYS

June 15, 1992

WILLIAM G. MARLEY, JR., P.E.
STATE HIGHWAY ADMINISTRATOR

MEMORANDUM TO: C. O. White, P.E.
Division Engineer - Division One

FROM: C. E. Lassiter, Jr., P.E.
District Engineer - District One

SUBJECT: Proposed Deletion of a Portion of SR 1405 -
Old US 158 - Currituck County

Please find attached Forms SR-3, SR-5, and other supporting data recommending the deletion of a portion (approximately 950 ft.) of the above mentioned road from the State Maintained System.

We request that you review this submittal for further approval at the next Board of Transportation Meeting.

If additional information is needed, please advise.

CEL/aih

Atta.

Cc: Mr. Philip Godwin
Mr. T. C. Tilley
Mr. Randy Langley

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
SECONDARY ROAD ABANDONMENT INVESTIGATION REPORT

County Currituck Co. File No. _____ Date 06-15-92
Township Poplar Branch Div. File No. _____

SR No. & Local Name If Any SR 1405 (Old US 158 South)

Length 950' Width 24' Type I-2 Condition Fair - Poor

Number of homes having entrances into road 1
Other uses having entrances into road 1 Recreational Facility
Is the road a school bus route? No
Average Daily Traffic Count (estimated) 20
Date of last State maintenance performed Fall - 1989
Is the road a mail route? Yes
Is a petition for this request attached? Yes
Is the County Commissioners' Approval attached? Yes
If not, give reason _____

Additional information applicable _____

Submitted by _____ Reviewed and approved by _____
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and approved
Board of Transportation Member _____

(Do not write in this space - For use
of Planning and Research Department)

(Do not write in this space -
For use of Secondary Roads Department)

Petition No. _____

(Do not write in this space -
For use of Planning Department)



RECEIVED
MAR 19 1992

DISTRICT 1
OFFICE

COUNTY OF CURRITUCK

R E S O L U T I O N

REQUEST FOR ABANDONMENT TO STATE MAINTAINED SECONDARY ROAD SYSTEM

NORTH CAROLINA
COUNTY OF CURRITUCK

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Currituck requesting that the described road be abandoned from the state maintained system, and

WHEREAS, the Board of County Commissioners is of the opinion that the requested area should be abandoned,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Currituck that the Division of Highways, North Carolina Department of Transportation, is hereby authorized to abandon approximately _____ ft/miles at Old U.S. Hwy 158 - Cownock - map attached of Secondary Road _____ from the state maintained system, in accordance with Department of Transportation Form SR-3 enclosed.

CERTIFICATE

The foregoing resolution was duly adopted by the Board of County Commissioners of the County of Currituck at a meeting on the 16 day of March, 1992.

WITNESS my hand and official seal this the 18 day of March, 1992.

Clerk, Board of Commissioners
County of Currituck

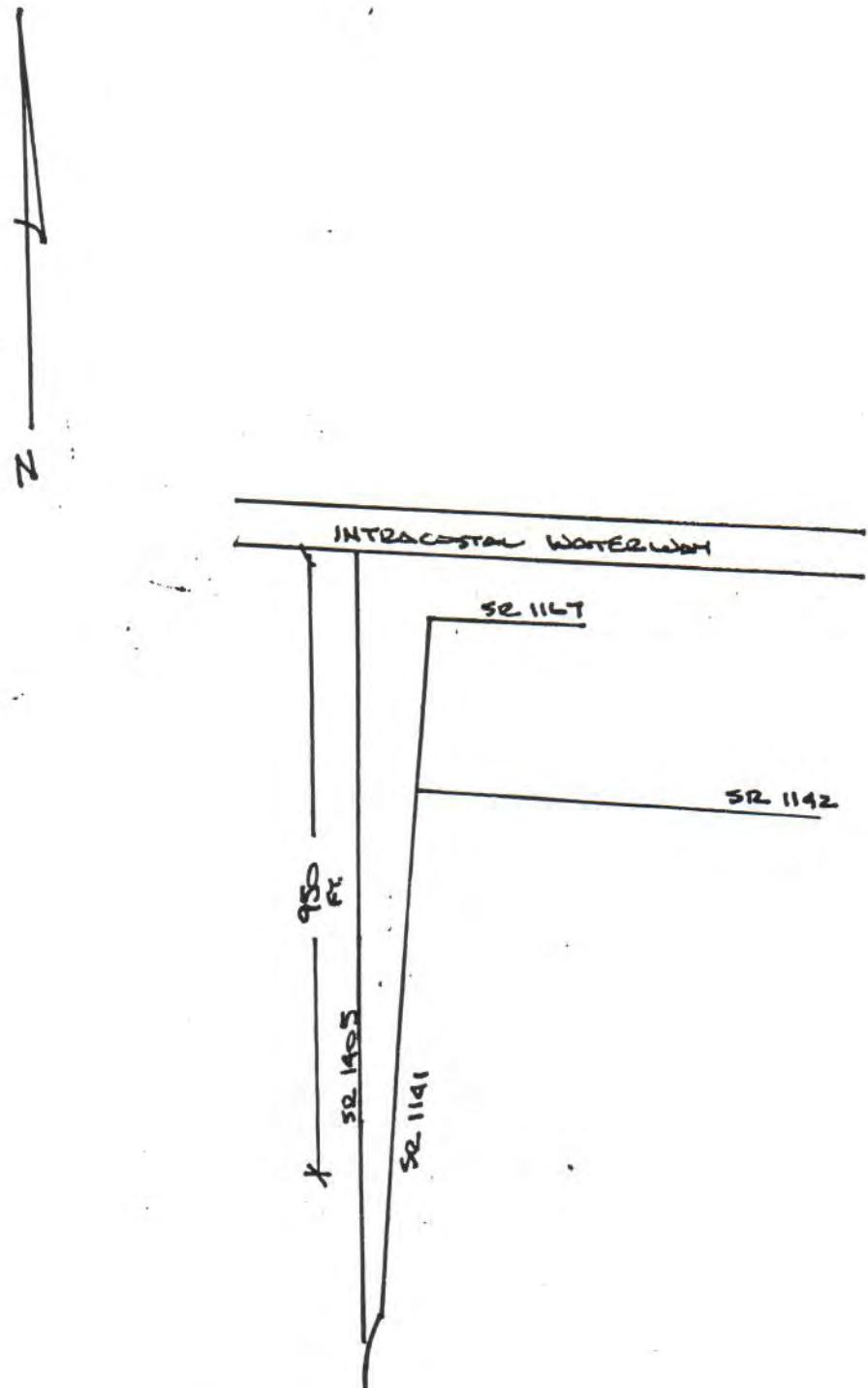
NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
ABANDONMENT PETITION

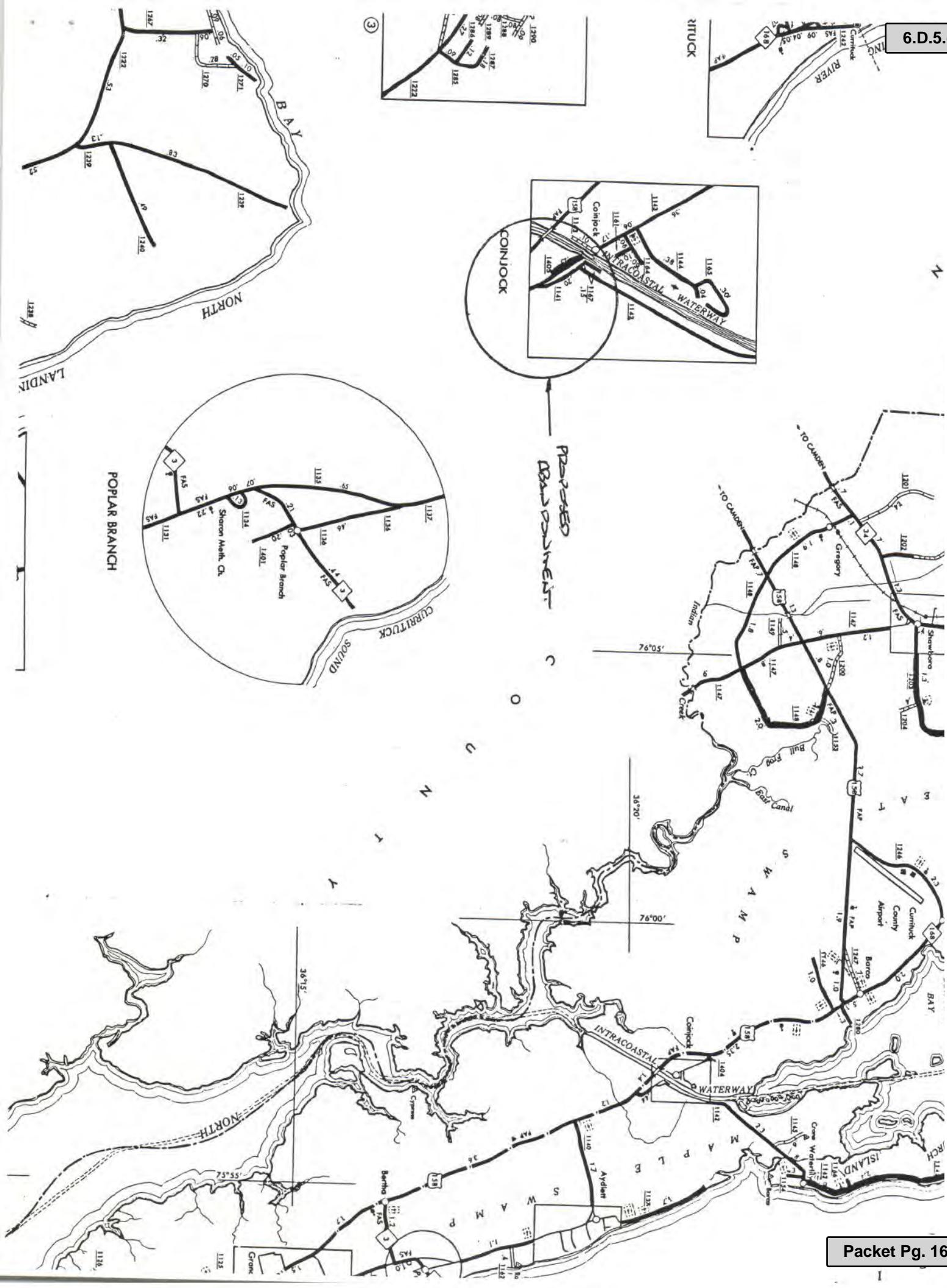
North Carolina
County of CURRITUCK

Petition request for the abandonment of Secondary Road Old US Hwy 158 from the State Maintained System.

We the undersigned, being all of the property owners on Secondary Road/Old US Hwy
in Currituck County do hereby request the Division of Highways of the 158
Department of Transportation to abandon the road from the State Maintained System.

Form SR-3 (6-78)





1-13-93

TO: T.C., RANDY FROM: DEP
FOR YOUR INFO



RECEIVED
JAN 13 1993

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
P.O. BOX 25201
RALEIGH 27611-5201

DISTRICT 1
OFFICE

JAMES G. MARTIN
GOVERNOR

12-1-92

DIVISION OF HIGHWAYS

THOMAS J. HARRELSON
SECRETARY

WILLIAM G. MARLEY, JR., P.E.
STATE HIGHWAY ADMINISTRATOR

MEMORANDUM TO: Mr. C.O. White, P.E.
Division 1

FROM: E.R. Shuller, P.E.
GIS Director

SUBJECT: Change Secondary Road Numbers

We have been authorized to make the following changes in Secondary Road Numbers on County Maps as indicated below. We request that you make similar changes on your file maps in Division and District, and have the necessary changes made by your sign supervisor on the ground. We are changing our basic county maps accordingly. If our plan does not fit actual ground conditions, please return this with a letter of explanation and recommendations.

County CURRITUCK

Petition No. 37782

Length:

Board Approval .19 Miles

Old Numbers _____

County Map .19 Miles

New Numbers _____

Report Date 6-15-92

Cancel Numbers SR 1405 (part of)

Road Name _____

System Addition _____

Date of Approval 11-6-92

System Deletion ✓

Remarks: _____

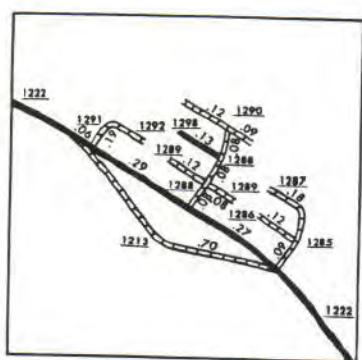
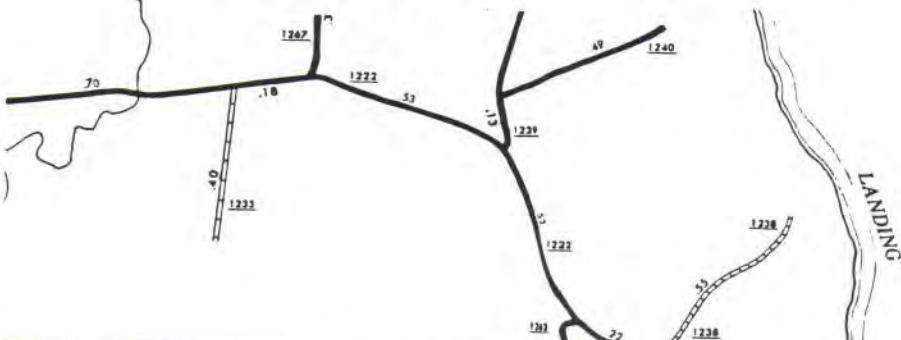
System Reassignment _____

Number Reassignment
(See Map) _____

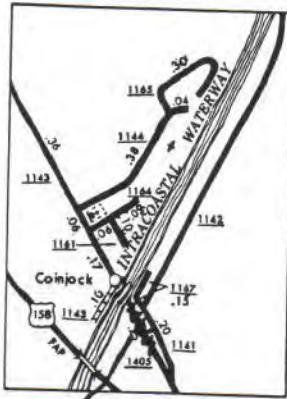
ERS/car

cc: Bridge Department
Traffic Engineering
Right of Way

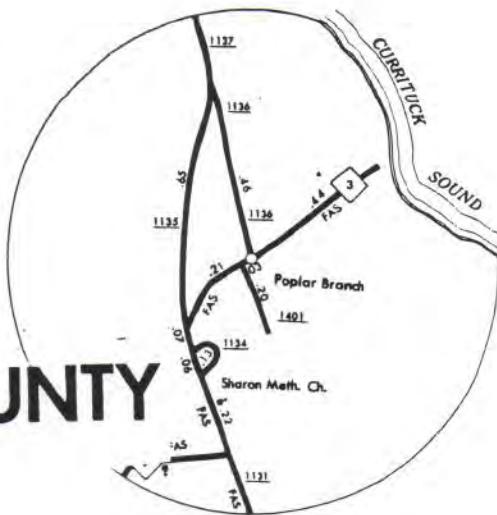
CURRITUCK COUNTY



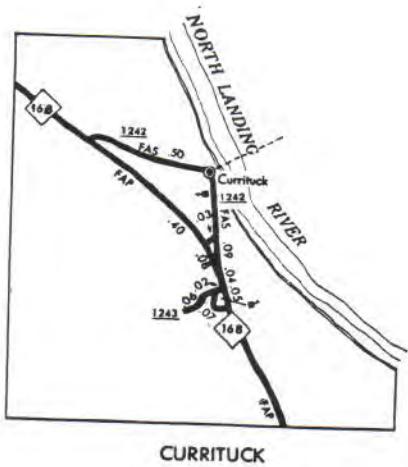
INSET ③



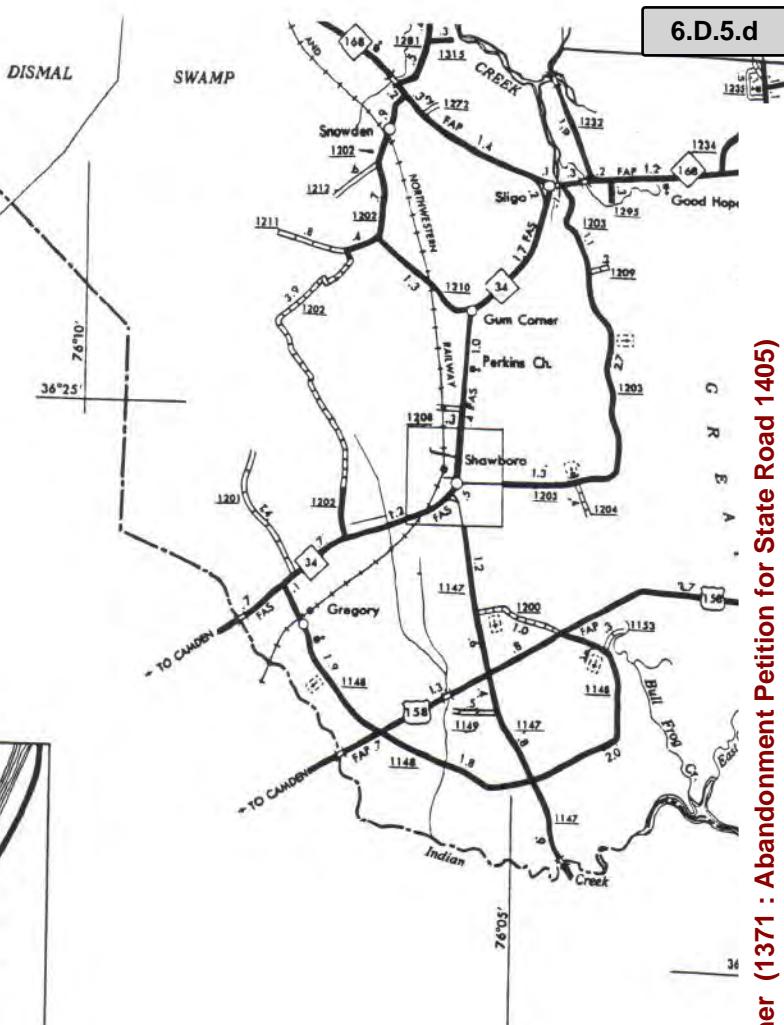
ABANDON (.19)
Part of SR 1405



POPLAR BRANCH



CURRITUCK





STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JAMES G. MARTIN
GOVERNOR

P. O. Box 1405
Elizabeth City, NC 27906-1405
(919) 331-4737

DIVISION OF HIGHWAYS

THOMAS J. HARRELSON
SECRETARY

November 16, 1992

WILLIAM G. MARLEY, JR., P.E.
STATE HIGHWAY ADMINISTRATOR

Petition: 37782
County: Currituck
Re: Abandonment-Portion
of SR 1405 - 950'

Mr. Robert C. Stonecypher
P. O. Box 13388
Chesapeake, VA 23325

Dear Mr. Stonecypher:

This is to advise that 950 ft. of SR 1405, Old US 158 South in Currituck County was abandoned from the State Highway System by the Board of Transportation at the Board Meeting of November 6, 1992.

If additional information is needed, please advise.

Yours very truly,

C. E. Lassiter, Jr., P.E.
District Engineer

Cc: Mr. Jack Murdock
Mr. Philip Godwin
Mr. C. O. White
Board of Commissioners
School Superintendent



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1396)

Agenda Item Title

Dominion Power Right of Way Agreement

Brief Description of Agenda Item:

It is necessary for Dominion to relocate power lines that are presently along Airport Rd due to construction of the new Southern Parallel Taxiway project. A portion of these power lines will be relocated along College Way. Dominion requires a 20' easement to be located along the edge of the College Way right of way. Attached is the Right of Way Agreement and Plat for the power line easement. Staff recommends approval and execution of this easement.

Board Action Requested

Action

Person Submitting Agenda Item

Eric Weatherly, County Engineer

Presenter of Agenda Item

Eric Weatherly



Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into this _____ day of _____, by and between

County of Currituck

("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in North Carolina as Dominion North Carolina Power, with its principal office in Richmond, Virginia ("GRANTEE").

WITNESSETH:

1. That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, GRANTOR grants and conveys unto GRANTEE, its successors and assigns, the perpetual right, privilege and non-exclusive easement over, under, through, upon and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity, including the wires and facilities of any other public service company in aid of or to effectuate such internal telephone or other internal communication purposes; and for lighting purposes; including but not limited to the right:

Initials: _____

This Document Prepared by Virginia Electric and Power Company and should be returned to:
Dominion North Carolina Power, 200 W. Vepco St. Roanoke Rapids, NC 27870.

(Page 1 of 5 Pages)
DNCPIDNo(s). 71-15-0034

Form No. 721043-1 (Jun 2015)
© 2016 Dominion Resources Services, Inc.

Right of Way Agreement

- 1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said easement shall extend twenty (20) feet in width across the lands of **GRANTOR**; and
2. The easement granted herein shall extend across the lands of **GRANTOR** situated in Currituck County, North Carolina, as more fully described on Plat(s) Numbered 71-15-0034 attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.
3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.
4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.
5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.

Initials: _____

(Page 2 of 5 Pages)
DNCPIDNo(s). 71-15-0034

Form No. 721043-2 (Jun 2015)
© 2016 Dominion Resources Services, Inc.

Right of Way Agreement

6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE**'s exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE**'s rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE**'s exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE**'s exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such of its facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE** shall have the right to assign or transfer, without limitation, to any public service company all or any part of the perpetual right, privilege and easement granted herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: _____

(Page 3 of 5 Pages)
DNCPIDNo(s). 71-15-0034

Form No. 721043-3 (Jun 2015)
© 2016 Dominion Resources Services, Inc.



Right of Way Agreement

11. **GRANTOR** covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that **GRANTEE** shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that **GRANTOR** shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of **GRANTOR** warrants that they have been duly authorized to execute this easement on behalf of said County.

IN WITNESS WHEREOF, GRANTOR has caused its name to be signed hereto by authorized officer or agent, described below, on the date first above written.

APPROVED AS TO FORM:

COUNTY OF Currituck

By:

(Name)

Title:

(Title)

State of _____

County of _____, to-wit:

I, _____, a Notary Public in and for the State of _____ at Large, do hereby certify that this day personally appeared before me in my jurisdiction aforesaid

(Name of officer or agent)

(Title of officer or agent)

on behalf of Currituck County, North Carolina, whose name is signed to the foregoing writing dated this _____ day of _____, 20_____, and acknowledged the same before me.

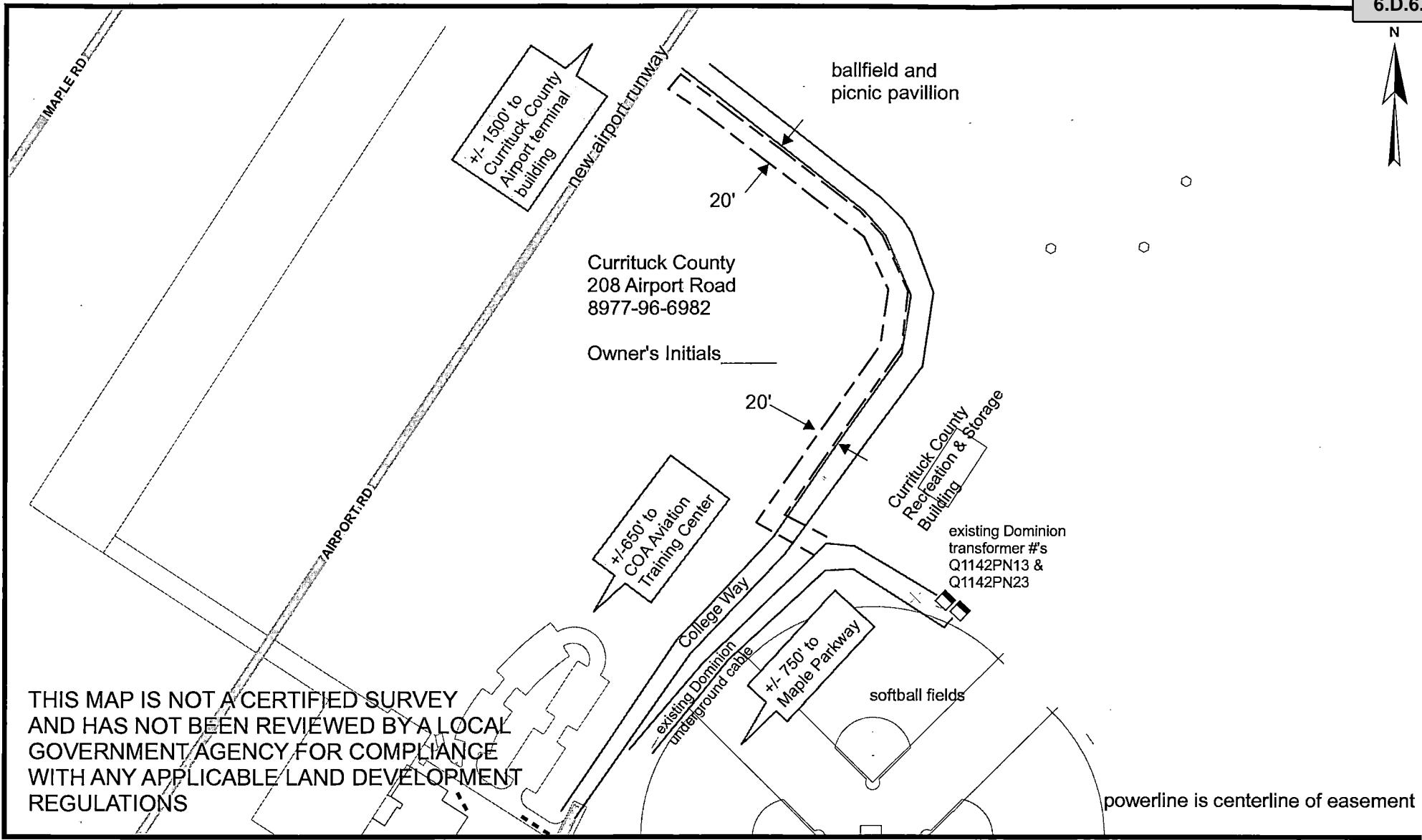
Given under my hand _____, 20_____.

Notary Public (Print Name)

Notary Public (Signature)

My Commission Expires: _____

(Page 4 of 5 Pages)



LEGEND	<i>District</i> Elizabeth City			PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT VIRGINIA ELECTRIC AND POWER COMPANY doing business as Dominion North Carolina Power UG
	<i>District-Township-Borough</i>	<i>County - City</i>	<i>State</i>	
	Crawford	Currituck	NC	
	<i>Office</i>	<i>Plat Number</i>		
Elizabeth City	71-15-0034			
<i>Estimate Number</i>	<i>Grid Number</i>			
7682437	Q1143/Q1142			
NOT TO SCALE	DATE: 1/5/2016 BY: Norma N. Cook			Packet Pg. 177



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1397)

Agenda Item Title

Lottery Application to Upgrade Security Cameras in Currituck County Schools

Brief Description of Agenda Item:

The Board of Education has submitted the attached application to use \$86,000 in lottery funds to upgrade security cameras on school properties.

Board Action Requested

Action

Person Submitting Agenda Item

Sandra Hill, Director

Presenter of Agenda Item

Daniel F. Scanlon

APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY

Approved: _____

Date: _____

County: Currituck
 LEA: Currituck
 Address: 2958 Caratoke Highway

Contact Person: Laurie Trussell
 Title: Finance Officer
 Phone: 252-232-2223

Project Title: Security Camera Upgrades
 Location: District Wide
 Type of Facility: K-12 Public Schools

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

- (3) No county shall have to provide matching funds...
- (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
- (5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Short description of Construction Project: Upgrade security cameras throughout the district.

Estimated Costs:

Purchase of Land	\$	
Planning and Design Services	\$	
New Construction	\$	
Additions / Renovations	\$	86,000.00
Repair	\$	
Debt Payment / Bond Payment	\$	
TOTAL	\$	86,000.00

Estimated Project Beginning Date: Feb. 2016 Est. Project Completion Date: March 2016

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ _____ from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners)

(Date)

(Signature — Chair, Board of Education)

(Date)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1398)

Agenda Item Title

Project Ordinance to Upgrade Security Cameras in Currituck County Schools

Brief Description of Agenda Item:

This is the project ordinance to record the lottery application for security camera upgrades in the general ledger.

Board Action Requested

Action

Person Submitting Agenda Item

Sandra Hill, Director

Presenter of Agenda Item

Daniel F. Scanlon

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is to upgrade security cameras throughout the school district.

SECTION 2. The following amounts are appropriated for the project:

Security camera upgrades Jan 2016	\$ 86,000
	<u><u>\$ 86,000</u></u>

SECTION 3. The following revenues are available to complete this project:

Lottery Funds	\$ 86,000
	<u><u>\$ 86,000</u></u>

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted

departmental appropriations; and (3) services which are within budgeted departmental appropriations.

c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 19th day of January 2016.

David L. Griggs, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1407)

Agenda Item Title

Project Ordinance-Restroom Facility at Whalehead/Historic Corolla Park

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is to design and construct a restroom facility at the Corolla Historic Park.

SECTION 2. The following amounts are appropriated for the project:

Restroom - Corolla Historic Park	\$ 250,000
	<hr/>
	\$ 250,000

SECTION 3. The following revenues are available to complete this project:

Transfer from Occupancy Tax	\$ 250,000
	<hr/>
	\$ 250,000

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.

- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 19th day of January 2016.

David Griggs, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1408)

Agenda Item Title

TDA Budget Amendments

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Number TDA2016007

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 19th day of January 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15448-526200	Promotional Efforts	\$ 1,500	\$ 1,500
15448-590000	Capital Outlay	<hr/> <hr/> <hr/>	<hr/> <hr/> <hr/>

Explanation: Whalehead (15448) - Transfer funds from Promotional Efforts to Capital Outlay to cover the cost of the purchase of an outdoor dance floor for Historic Corolla Park to be used for outdoor concerts, events, etc.

Net Budget Effect: Occupancy Tax (15) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Number TDA2016008

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 19th day of January 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15447-587050	T T - Co Govt Facilities Fund	\$ 250,000	
15448-590000	Capital Outlay		\$ 250,000
		<u><u>\$ 250,000</u></u>	<u><u>\$ 250,000</u></u>

Explanation: Occupancy Tax-Tourism Related (15447); Whalehead (15448) - Move funding for construction of a restroom facility at Historic Corolla Park from the Whalehead budget to the Multi-year construction fund. This project will be designed in the current fiscal year with construction beginning in a future year.

Net Budget Effect: Occupancy Tax (15) - No change.

Minute Book # _____, Page # _____

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Clerk to the Board

Number TDA2016009

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 19th day of January 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50442-590002	Connecting Corolla - Phase III	\$ 1,804,217	
50390-495015	T F - Occupancy Tax		\$ 1,804,217
		<hr/> <u>\$ 1,804,217</u>	<hr/> <u>\$ 1,804,217</u>

Explanation: Connecting Corolla (50442) - Increase appropriations for the Corolla Greenway - Phase III. Funding was appropriated in Occupancy Tax in the current budget and this budget amendment will move the moneys for the project to the Multi-year Governmental Construction Fund.

Net Budget Effect: County Governmental Facilities Fund (50) - Increased by \$1,804,217.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1409)

Agenda Item Title

Closed session pursuant to G.S. 143-318.11(a)(5) to establish or instruct county staff concerning the position to be taken by or on behalf of the county in negotiating the material terms of a contract for the acquisition of real property by purchase or exchange owned by the United States Fish & Wildlife Service to be used for any public purpose.

Brief Description of Agenda Item:

Board Action Requested

Discussion

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Donald (Ike) I. McRee Jr