



**Board of Commissioners  
Agenda Packet**

**June 7, 2021**

**Work Session**

5:00 PM Campgrounds

**6:00 PM Call to Order**

- A) Invocation & Pledge of Allegiance
- B) Approval of Agenda

**Public Comment**

*Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.*

**Commissioner's Report****County Manager's Report****County Attorney's Report****Administrative Reports**

- A) YMCA State of the Y Annual Report

**Public Hearings**

- A) **PB 21-08 Truck Accessory Center:** Request to amend the Unified Development Ordinance, Chapter 5, Development Standards to allow off-site storage and display of recreational vehicles and trailers associated with an existing business.
- B) **PB 21-09 Currituck County 160D:** Request to amend the Unified Development Ordinance, Chapters 1, 2, 3, 4, 5, 6, 9, and 10, for conformity with the new North Carolina General Statutes Chapter 160D which consolidates city and county enabling statutes for development regulations into a single, unified chapter.
- C) **Public Hearing and Action: Consideration of Expansion of the Moyock Township Watershed Improvement Service District**
- D) **Consideration and Possible Adoption of the Annual Budget for Fiscal Year Ending June 30, 2022, following Public Hearing.**

**New Business**

- A) **Consideration of Revised Wild Horse Management Agreement**
- B) **Consideration of License Agreement Between Currituck County and Corolla Volunteer Fire Department, Inc. for Location of Training Facility on County Property**
- C) **Consideration of License Agreement Between Currituck County and Daniel A. Pennington, Owner of Pass the Salt Restaurant in Currituck, North Carolina, for Use of County Property for Customer Parking**

**D) Commissioner Travel Approval-NACO Annual Conference, Prince Georges County, MD**

**E) Consent Agenda**

1. Budget Amendments
2. Vehicle Surplus-Animal Services & Control
3. Resolution-Conveyance of Surplus Property from Currituck County to College of the Albemarle to Use for Basic Law Enforcement Training Program
4. Job Description Revision-Animal Services and Control Director
5. Consideration of Request for Use of Alcohol on County-Owned Property at the Knotts Island Ruritans Annual Peach Festival
6. NC Department of Public Safety Office Lease for Juvenile Justice
7. Approval Of Minutes-May 17, 2021, and Special Meeting 6-22-2020

**Adjourn**

**Special Meeting-Tourism Development Authority**

Tourism Development Authority-Public Hearing and Possible Action on Annual Budget for the Fiscal Year Ending June 30, 2022.

TDA Budget Amendments

**Adjourn TDA**

**Special Meeting-Ocean Sands Water & Sewer District**

Ocean Sands Water & Sewer District-Public Hearing and Possible Action on Annual Budget for the Fiscal Year Ending June 30, 2022.

OSWSD Budget Amendments

**Adjourn OSWSD**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number –** (ID # 3138)

**Agenda Item Title:** 5:00 PM Campgrounds

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Discussion

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**Brief Description of Agenda Item:**

Continued discussion of possible changes to campground regulations in the Unified Development Ordinance.

**Potential Budget Affect:** N/A

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3122)

**Agenda Item Title:** YMCA State of the Y Annual Report

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Information

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**Brief Description of Agenda Item:**

Presentation from YMCA of South Hampton Roads, presented by Heather Scott, Director, Currituck County YMCA and Dean Mattix.

**Potential Budget Affect:** N/A

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 3121

**Agenda Item Title:** PB 21-08 Truck Accessory Center:

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

**Item Type:** Legislative

**Presenter of Item:** Jason Litteral

**Board Action:** Action

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**Brief Description of Agenda Item:**

Request to amend the Unified Development Ordinance, Chapter 5, Development Standards to allow off-site storage and display of recreational vehicles and trailers associated with an existing business.

**Planning Board Recommendation:** Approval

**Staff Recommendation:** Approval

**TRC Recommendation:**



## Currituck County

Planning and Community Development Department  
 Planning and Zoning Division  
 153 Courthouse Road Suite 110  
 Currituck NC 27929  
 252-232-3055 Fax 252-232302

To: Board of Commissioners  
 From: Planning Staff  
 Date: May 14, 2021  
 Subject: PB 21-08 Truck Accessory Center (TAC)

### Background

The purpose of the proposed text amendment is to allow off-site storage and display of recreational vehicles and trailers associated with an existing business. The Truck Accessory Center has been in business since 1996 and has now grown to the point where additional storage and display area is needed. Given the business's current lot size and location, along with the size of the items being stored, TAC is seeking additional storage and display area. Since the neighboring properties are unavailable as a source of additional storage and display, TAC is seeking the extra space at an off-site location which is not directly adjacent to the existing business. For further explanation, please see the attached letter from the applicant.

### Text Amendment Review Standards

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

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans:

*The proposed text amendment is consistent with the following 2006 Land Use Plan Policies:*

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

2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances:
3. Is required by changed conditions:

4. Addresses a demonstrated community need:
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county:
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

### Staff Recommendation

- Staff does not recommend approval of the language as submitted by the applicant.
- Staff does recommend approval of the modified language as shown in the following section.

### Planning Board Recommendation

On May 11, 2021, the Planning Board recommended approval of the requested text amendment with staff suggested changes in a 6-0 unanimous vote.

### Motion

Mr. Doll moved to approve PB 21-08 Truck Accessory Center because the request is consistent with the Land Use Plan policy ED1

And the request, with staff suggested changes, is reasonable and in the public interest because:

- A Type D buffer yard will provide appropriate screening from off-site views.

Mr. Bass seconded the motion and the motion carried unanimously 6-0.



**PB 21-08 TRUCK ACCESSORY CENTER  
TEXT AMENDMENT  
BOARD OF COMMISSIONERS  
JUNE 7, 2021**

Truck Accessory Center requests an amendment to the Unified Development Ordinance, Chapter 5 Development Standards, to allow off-site storage of recreational vehicles and trailers.

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:

**The following represents the text changes proposed by the applicant.**

**Item 1:** That Chapter 5 is amended by adding the following underlined language in Section 5.1.6.C: Off Site Parking for Nonresidential Uses.

**C. Off-Site Parking for Nonresidential Uses**

**(5) Off-Site Storage of Recreational Vehicles**

- (a) The area designated for the off-site storage of recreational vehicles must be no farther than 2,000 feet from the use it is intended to serve, as required by Section 5.1.6, but no Pedestrian Way is required between the two areas if they are on different sides of a state-maintained highway, street or right-of-way.
- (b) When the area designated for off-site storage of recreational vehicles abuts a public right-of-way, perimeter landscaping strips shall be provided and shall comply with the requirements of Sections 5.2.5, Vehicular Use Area Landscaping and 5.2.6, Perimeter Landscape Buffers.
- (c) The area designated for off-site storage of recreational vehicles which abuts any public right-of-way shall also be screened with an approved opaque fencing material, but at least one entrance and one exit shall be allowed for access to and from the public right-of-way.
- (d) The area designated for off-site storage of recreational vehicles may be illuminated by exterior lights one hour prior to sunset and one hour after sunrise by appropriate light fixtures so as to provide protection against trespass or other criminal activity on the site. All such lighting shall be designed and installed so as to minimize excessive light spillage and glare onto adjacent lands, neighboring areas and adjoining highways and streets. Maximum illumination levels shall comply with the standards

applicable to Parking Lots in the Table contained in Section 5.4.6 (D) (1).

- (e) It shall not be required that any area designated for the storage of recreational vehicles be paved or surfaced with concrete, asphalt, or other permanent surfacing materials. The use of crushed stone shall be allowed, as long as the area in question is kept free of grass, weeds or other debris, and the area is maintained in a smooth, well-graded condition. The area must be maintained in a safe condition at all times so as not to constitute a hazard to public safety or detract from the aesthetics of the surrounding area.
- (f) Any area approved for the off-site storage of recreational vehicles shall provide sufficient access and turnaround space for emergency vehicles. Such access and turnaround areas must, at a minimum, be covered in gravel of sufficient depth and width to support a 75,000 pound fire truck.
- (g) Storage of recreational vehicles may occur on grass as long as those areas are otherwise kept in a manner which complies with this Ordinance.

*Add additional Items as necessary and renumber accordingly.*

Staff has determined the proposed use more closely resembles outdoor storage and display than parking. Parking is intended for the temporary storage of vehicles, where patrons of a business can park for a limited time, generally during business hours. Storage is the long-term keeping of goods intended for sale. Display is storage which can be visually observed by patrons of a business. Therefore, staff recommends the following alternative to the applicant's request:

**Item 1:** That Chapter 4 is amended by adding the underlined language in Section 4.2.4.1.(3): Automotive Sales or Rentals.

**(3) Automotive Sales or Rentals**

- (h) Uses primarily involving the sales or rental of recreational vehicles or travel trailers may include one off-site storage area. Off-site storage and display areas shall meet the following standards:
  - (i) The area designated for off-site storage of recreational vehicles shall be no farther than 2,000 feet from the use it is intended to serve. No pedestrian way is required between the two areas if they are on different sides of a state-maintained highway, street, or right-of-way.

- (ii) The area designated for off-site storage of recreational vehicles which faces, or is visible from, any public right-of-way shall be screened with a Type D Buffer.
- (iii) Any area approved for the off-site storage of recreational vehicles shall provide sufficient access and turnaround space for emergency vehicles. Such access and turnaround areas must, at a minimum, be covered in gravel of sufficient depth and width to support a 75,000 pound fire truck.

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

The requested zoning text amendment is consistent with the 2006 Land Use Plan

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

The request, with staff suggested changes, is reasonable and in the public interest because a type D buffer yard will provide appropriate screening from off-site views:

**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 \_\_\_\_\_, 2021.

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

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

DATE ADOPTED: \_\_\_\_\_  
 MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
 SECONDED BY COMMISSIONER: \_\_\_\_\_  
 VOTE: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

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PLANNING BOARD DATE: 5/11/2021  
 PLANNING BOARD RECOMMENDATION: \_\_\_\_\_ Approved \_\_\_\_\_  
 VOTE: 6 AYES 0 NAYS

ADVERTISEMENT DATE OF PUBLIC HEARING: 5/26/2021 & 6/2/2021  
 BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
 BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
 POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
 AMENDMENT NUMBER: \_\_\_\_\_

Attachment: truck accessory staff report BOC 6-7-21 (PB 21-08 Truck Accessory Center)





## Text Amendment Application

**OFFICIAL USE ONLY:**

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

**Contact Information**
**APPLICANT:**

Name: Frank Bernard  
 Address: 126 Caratoke Highway  
Moyock, NC 27958  
 Telephone: 252-435-2653  
 E-Mail Address: ejwhite01@embarqmail.com

**Request**

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

Amend Chapter(s) 5 Section(s) 5.1.6 as follows:

See attached documentation dated 3/8/2021 from the desk of William H. Morgan, Jr.

Language to be added under 5.1.6.C. Off-Site Parking for Nonresidential Uses. Add item (5)  
Off-Site Storage of Recreational Vehicles with bullets 1-4 on the attached documentation.

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

Petitioner

3-15-21  
 Date

Recognizing that one of the expressed goals of the Currituck County Unified Development Ordinance is avoiding excessive paved surface areas (Section 5.1.1), the Currituck County Board of Commissioners hereby adopts the following standards for allowing for the off-street parking and storage of recreational vehicles:

1. The area designated for the off-site storage of recreational vehicles must be no farther than 2,000 feet from the use it is intended to serve, as required by Section 5.1.6 of the UDO, but no Pedestrian Way is required between the two areas if they are on different sides of a state-maintained highway, street or right-of-way. (Sections 5.1.5 C. (1) and (2).
2. When the area designated for off-site storage of recreational vehicles abuts a public right-of-way, perimeter landscaping strips shall be provided and shall comply with the requirements of Sections 5.2.5 and 5.2.6 of the UDO.
3. The area designated for off-site storage of recreational vehicles which abuts any public right-of-way shall also be screened with an approved opaque fencing material, but at least one entrance and one exit shall be allowed for access to and from the public right-of-way.
4. The area designated for off-site storage of recreational vehicles may be illuminated by exterior lights during the hours of between one hour prior to sunset and one hour after sunrise by appropriate light fixtures so as to provide protection against trespass or other criminal activity on the site. All such lighting shall be designed and installed so as to minimize excessive light spillage and glare onto adjacent lands, neighboring areas and adjoining highways and streets. Maximum illumination levels shall comply with the

standards applicable to Parking Lots in the Table contained in Section 5.4.6 (D) (1) of the UDO.

5. It shall not be required that any area designated for the storage of recreational vehicles be paved or surfaced with concrete, asphalt, or other permanent surfacing materials. The use of crushed stone shall be allowed, as long as the area in question is kept free of grass, weeds or other debris, and the area is maintained in a smooth, well-graded condition. The area must be maintained in a safe condition at all times so as not to constitute a hazard to public safety or detract from the aesthetics of the surrounding area. (Section 5.1.4 (12) of UDO).
6. Any area approved for the off-site storage of recreational vehicles shall provide sufficient access and turnaround space for emergency vehicles. Such access and turnaround areas must, at a minimum, be covered in gravel of sufficient depth and width to support a 75,000 pound fire truck.
7. Storage of recreational vehicles may occur on grass as long as those areas are otherwise kept in a manner which complies with this Ordinance.

March 10, 2021

TAC has been in business since 1996 and has been a contributing member of Currituck County since the doors opened. I have supported everything from the Whalehead Club to local organizations providing help to the citizens of Currituck County.

TAC has changed and grown over the years. Due to the growth of TAC we are "busting at the seams". There is a great need for additional space to store the RVs. I have looked at numerous ways to find this additional space including moving the business out of the county. Camden and Pasquotank were very interested in helping us.

All of this being said, the best solution for us is the property before you now. I have tried to reach a mutual solution since 2017 but have been unable to do so.

I am not asking for special consideration, just fair consideration. There are numerous businesses along the 168 corridor that do not meet the current UDO. Even the Planning and Community Director for Currituck County, Laurie LoCicero stated the current ordinances did not allow nearly enough outdoor storage and display area and at the time any needs for a large-scale retail business were not considered. These guidelines were changed to meet Tractor Supply needs.

Last year TAC had gross sales in excess of \$19,000,000. How many businesses along the 168 corridor from the Virginia line to the foot of the bridge grossed \$19,000,000 and employed over 40 people? I think we more than qualify as a large-scale retail business!

I am asking you to consider my request to update and change the text of the UDO which would allow me the space to continue to grow my business.

Thank You,

Frank Bernard

Attachment: Application (PB 21-08 Truck Accessory Center)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 3120

**Agenda Item Title:** PB 21-09 Currituck County 160D:

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

**Item Type:** Legislative

**Presenter of Item:** Jennie Turner

**Board Action:** Action

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**Brief Description of Agenda Item:**

Request to amend the Unified Development Ordinance, Chapters 1, 2, 3, 4, 5, 6, 9, and 10, for conformity with the new North Carolina General Statutes Chapter 160D which consolidates city and county enabling statutes for development regulations into a single, unified chapter.

**Planning Board Recommendation:** Approval

**Staff Recommendation:** Approval

**TRC Recommendation:**



## Currituck County

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

To: Board of Commissioners

From: Planning Staff

Date: May 12, 2021

Subject: PB 21-09 Currituck County  
 NC State Statute 160D –Text Amendment

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department implements the new North Carolina General Statutes Chapter 160D that consolidates city and county enabling legislation.

### **Item 1**

Amend Chapter 1: General Provisions to update G.S. reference to 160D, amend auto-adoption language for DFIRM panels and FIS studies, remove conditional use zoning districts, update “use permit” terminology to “special use permit” and provide that use permits, conditional use permits, and special use permits granted before the date of this text amendment shall become special use permits.

### **Item 2**

Amend Chapter 2: Administration Subsection 2.1. Development Review Summary Table to update “use permit” terminology to “special use permit” and revise TRC “recommendation” to “review and comment” for special use permits and type II preliminary plats.

Amend Subsection 2.2. Advisory and Decision-Making Bodies to add conduct language including conflict of interest standards for the Board of Commissioners, Planning Board, Board of Adjustment, Technical Review Committee and Planning Director. Require rules of procedure for Planning Board and Board of Adjustment to be posted on the county’s website. Revise TRC “recommendation” to “review and comment” for special use permits and type II preliminary plats.

Amend Subsection 2.3. Standard Procedures to provide for review and comment on special use permit and type II preliminary plats and update “use permit” terminology to “special use permit”, change reference from “quasi-judicial public hearing” to “evidentiary hearing”. Updated cross-examination language for evidentiary hearings.

Amend Subsection 2.4.2. Text Amendment to add provisions for Planning Board Review and Recommendation and require minutes to state that the BOC was aware of and considered the Planning Board’s recommendations and applicable county-adopted plans.

Amend Subsection 2.4.3. Zoning Map Amendment to add provisions for Planning Board Review and Recommendation. Add language regarding the BOC statement of reasonableness, require minutes to state that the BOC was aware of and considered the Planning Board’s recommendations and applicable county-adopted plans. Provide that zoning map amendments

inconsistent with the Future Land Use Map are not effective until CAMA review and approval process is complete.

Amend Subsection 2.4.4. Conditional Rezoning to add provisions for Planning Board Review and Recommendation. Add language regarding the BOC statement of reasonableness, require minutes to state that the BOC was aware of and considered the Planning Board's recommendations and applicable county-adopted plans. Provide that a conditional rezoning is not effective until written consent to mutually agreed conditions is provided by the owner and applicant. Provide that conditional rezoning inconsistent with the Future Land Use Map is not effective until CAMA review and approval process is complete. Update terminology from "deviation" to "modification".

Amend Subsection 2.4.5 Planned Development to amend plan consistency statement and update terminology from "deviation" to "modification".

Amend Subsection 2.4.6 Special Use Permit to update "use permit" terminology to "special use permit". Provide that written consent to BOC imposed conditions is required prior to issuance of a special use permit.

Amend Subsection 2.4.8. Subdivision to update "use permit" terminology to "special use permit", revise TRC "recommendation" to "review and comment" for type II preliminary plats and update "deviation" to "modification".

Amend Subsection 2.4.9. Zoning Compliance Permit to update expiration from six months to one year.

Amend Subsection 2.4.10. Sign Permit to update expiration from six months to one year and update work complete date from twelve months to eighteen months from date of issuance.

Amend Subsection 2.4.12. Floodplain Development Permit to update expiration from six months to one year.

Amend Subsection 2.4.13. Clear-Cutting Permit to update expiration from six months to one year.

Amend Subsection 2.4.14. Variance to change reference from "quasi-judicial public hearing" to "evidentiary hearing".

Amend Subsection 2.4.17 Appeal to change reference from "quasi-judicial public hearing" to "evidentiary hearing" and from "use permit" to "special use permit".

Amend Subsection 2.4.18. Development Agreement to correct GS references.

Amend Subsection 2.4.19. Zoning Compliance Permit – Island Development to update expiration from six months to one year.

### **Item 3**

Amend Chapter 3: Zoning Districts to update "use permit" to "special use permit".

### **Item 4**

Amend Chapter 4: Use Standards to update "use permit" to "special use permit".



**Item 5**

Amend Chapter 5: Development Standards to update “use permit” to “special use permit” and amend terminology to “Law enforcement, fire or EMS facility”.

**Item 6**

Amend Chapter 6: Subdivision and Infrastructure Standards to correct GS references and to update “use permit” to “special use permit”.

Revise Subsection 6.3.1. Performance Guarantees to add surety bond as a form of performance guarantee.

**Item 7**

Amend Chapter 9: Enforcement

Amend Subsection 9.5.4. Enforcement Procedure to provide for electronic delivery of notices of violations and require notice to be delivered to the permittee if different than the owner. Provide for an affidavit affirming required notice.

Amend Subsection 9.6.1. Remedies and Penalties to include stop work order language, provide for an affidavit affirming required notice, revise revocation language and update “use permit” to “special use permit”.

**Item 8**

Amend Chapter 10: Definitions and Measurement to amend terminology to “Law enforcement, fire or EMS facility” and amend definitions of appeal, existing development, planning director, type II preliminary plat, variance; to provide definitions for close familial relationship, commissioner, evidentiary hearing, quasi-judicial decision, special use permit; and delete definitions of quasi-judicial public hearing and use permit.

**Item 9**

Amend the UDO to change references to update “Planning Director” to “Director” and “Planning and Community Development Department” and “Department of Planning and Community Development” to “Development Services Department”.

**Text Amendment Review Standards**

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

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



**Staff Recommendation**

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

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

1. Land Use and Development Goal # 10 To properly distribute development forms in accordance with the suitability of land, infrastructure available, and the compatibility of surrounding land uses.

The request is reasonable and in the public interest because:

1. It amends the UDO for consistency with North Carolina General Statutes.

**Planning Board Recommendation**

On May 11, 2021, the Planning Board recommended approval of the requested text amendment including the revised changes with a 6-0 unanimous vote.

Motion

Mr. Bass moved to approve PB 21-09 including the revised changes because the request is consistent with the Land Use Development Goal #10 of the 2006 Land Use Plan.

And the request is reasonable and in the public interest because:

- o It amends the UDO for compliance with North Carolina General Statutes.

Mr. Owens seconded the motion to approve, and the motion carried unanimously 6-0.



STAFF REPORT  
PB21-09 CURRITUCK COUNTY  
NC GENERAL STATUTES 160D  
TEXT AMENDMENT  
PLANNING BOARD  
MAY 11, 2021

Amendment to the Unified Development Ordinance Chapter 1 General Provisions, Chapter 2 Administration, Chapter 3 Zoning Districts, Chapter 4 Use Standards, Chapter 5 Development Standards, Chapter 6 Subdivision & Infrastructure Standards, Chapter 9 Enforcement and Chapter 10 Definitions and Measurement.

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

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

# CHAPTER I. GENERAL PROVISIONS

## I.1. TITLE

This Ordinance shall be officially known as the “Unified Development Ordinance of Currituck County, North Carolina” and may be referred to as “the Unified Development Ordinance” or “this Ordinance” or the “UDO.”

## I.2. AUTHORITY

### I.2.1. General Authority

This Ordinance consolidates the county’s zoning, subdivision, and flood damage prevention regulatory authority as authorized by the North Carolina General Statutes and is adopted in accordance with:

- A.** The authority granted to Currituck County by the General Assembly of the State of North Carolina;
- B.** The North Carolina General Statutes, including:
  - (1)** Chapter 153A, Article 6 (General Police Powers);
  - (2)** Chapter ~~153A-160D~~, Article ~~18~~ (Local Planning and Development Regulation of Development);
  - (3)** Chapter 113A, Article 4 (Sedimentation and Pollution Control);
  - (4)** Chapter 143, Article 21, Part 6 (Floodway Regulations); and
- C.** All other relevant laws of the State of North Carolina.

### I.2.2. References to North Carolina General Statutes

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

## I.3. GENERAL PURPOSE AND INTENT

The purpose of this Ordinance is to protect the public health, safety, and general welfare of the citizens and landowners of Currituck County, and to implement the policies and objectives of county-adopted plans addressing the county’s growth and development. The intent of this Ordinance is more specifically to:

- A.** Foster convenient, compatible, and efficient relationships among land uses;
- B.** Establish new compact, mixed-use community centers in appropriate locations, as identified in adopted plans;
- C.** Better manage or lessen congestion in the streets;

## I.7. OFFICIAL ZONING MAP

### I.7.1. Generally

- A.** The Official Zoning Map designates the location and boundaries of the various base zoning and overlay zoning districts established in this Ordinance. The Official Zoning Map shall be kept on file in the Planning and Community Development Department and is available for public inspection during normal business hours. It may be kept in either hardcopy or digital form. It shall be the final authority as to the status of the current zoning district classification of land in the county, and shall only be amended in accordance with Section 2.4.3, Zoning Map Amendment, in this Ordinance.
- B.** The Planning and Community Development Department shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

### I.7.2. Incorporated by Reference

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

### I.7.3. Interpretation of Official Map Boundaries

The Planning Director shall be responsible for interpretations of the Official Zoning Map in accordance with the standards in Section 2.4.16, Interpretation, and the following standards:

- A.** Boundaries shown as approximately following a utility line or a street, alley, railroad, or other public access way shall be interpreted as following the centerline of the right-of-way or easement for the utility line or access way.
- B.** Boundaries shown as approximately following a property line shall be interpreted as following the property line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the property line moving ten feet or less, the zoning boundary shall be interpreted as moving with the property line.
- C.** Boundaries shown as approximately following a river, stream, canal, lake, or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).
- D.** Boundaries shown as approximately following shorelines shall be interpreted to follow the shoreline, even in the event of change.
- E.** Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.

**SECTION I.8: TRANSITIONAL PROVISIONS****Subsection I.8.4: Approved Applications**

accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Chapter 8: Nonconformities.

- B.** Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.
- C.** An applicant with a pending application accepted before January 1, 2013 may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the standards of this Ordinance.

**I.8.4. Approved Applications**

Any development approvals granted before January 1, 2013 shall remain valid until their expiration date. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired. If the prior approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance. To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Chapter 8: Nonconformities.

**I.8.5. Approved Use Permits, Conditional Use Permits and Special Use Permits Conditional Use Zoning District**

- A.** ~~Any use permit, conditional use permit or special use permit granted before (effective date of 160D amendment) shall remain valid until their expiration date. Effective (effective date of 160D amendment), valid use permits and conditional use permits shall become special use permits. Lands subject to a conditional use zoning classification before January 1, 2013 shall retain the conditional use zoning district classification and shall be subject to the existing conditions of approval.~~
- B.** ~~To the extent a landowner proposes development that is different than what is allowed in the existing conditional use zoning district, the land requires approval of a zoning map amendment (see Section 2.4.3, Zoning Map Amendment) in accordance with this Ordinance.~~

**I.8.6. Approved Planned Unit Development District Overlay and Sketch Plan**

- A.** Lands subject to approval of a planned unit development district overlay classification and sketch plan approval before January 1, 2013 shall retain the Planned Unit Development Overlay district classification and sketch plan approval, and may be developed consistent with the sketch plan approval and any relevant conditions of approval, until the sketch plan approval or any portion of thereof expires. If the sketch plan approval (or any portion thereof) expires or is revoked (e.g., for failure to comply with a term or condition of approval) any subsequent development of the site

**SECTION I.9: SEVERABILITY****Subsection I.8.7: Existing Nonconformities**

- (c)** Airports, major utilities, wind energy facilities, outdoor recreation/entertainment uses, and vehicle sales and services require approval of a use permit.
  - (d)** County-owned land designated as open space may be used as a law enforcement, fire or EMS facility.
- (3) Development Standards**
- Development associated with a development application or modified sketch plan shall comply with the standards in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure, and Chapter 7: Environmental Protection provided compliance with the standards does not have the effect of decreasing the type, density, or intensity of land designation contained in the approved master plan establishing the planned unit development.
- C.** Sketch plan amendment applications that comply with the land designations contained in the approved master plan establishing the planned unit development and development applications that comply with Subsection (B) above may be approved by the Planning Director.
  - D.** To the extent a landowner proposes development that is different than that allowed in the sketch plan or Subsection (B) above, the land requires approval of an amended sketch plan and special use permit (see Section 2.4.6, Special Use Permit).

**I.8.7. Existing Nonconformities**

If any use, structure, lot, or sign legally existed on January 1, 2013, but does not fully comply with the standards of this Ordinance, the use, structure, lot, sign, or site feature is considered nonconforming under this Ordinance and shall comply with the requirements in Chapter 8: Nonconformities.

**I.9. SEVERABILITY**

It is the legislative intent of the Board of Commissioners in adopting this Ordinance that all provisions shall regulate development in accordance with the existing and future needs of the county as established in this Ordinance, and promote the public health, safety, and general welfare of the land owners and residents of the county. If any section, subsection, sentence, boundary, or clause of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The Board of Commissioners hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases are declared invalid.

**Item 2:** That Chapter 2. Administration is amended by adding the following underlined language, deleting the struck-through language, and renumbering accordingly:

# CHAPTER 2.

## ADMINISTRATION

### 2.1. DEVELOPMENT REVIEW SUMMARY TABLE

Table 2.1, Development Review Procedures, identifies the advisory and decision-making bodies responsible for making recommendations or decisions on development applications reviewed under this Ordinance. The table also identifies the development applications requiring a public hearing.

<b>TABLE 2.1: DEVELOPMENT REVIEW PROCEDURES</b> <b>D = DECIDE    R = RECOMMENDATION    RC=REVIEW &amp; COMMENT</b> <b>A = APPEAL    &lt;&gt; = PUBLIC HEARING</b>					
PROCEDURE	ADVISORY AND DECISION-MAKING BODIES				
	BOARD OF COMMISSIONERS	PLANNING BOARD	BOARD OF ADJUSTMENT	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR
<b>AMENDMENTS</b>					
Text Amendment	<D>	R			R
Zoning Map Amendment	<D>	R			R
Conditional Rezoning	<D>	R		R	
Planned Development	<D>	R		R	
<b>DISCRETIONARY REVIEW</b>					
Special Use Permit	<D>			RC	
<b>SITE DEVELOPMENT</b>					
Site Plan					
Major Site Plan				D	
Minor Site Plan					D
Subdivision					
Major Subdivision					
Preliminary Plat, Type I				D	
Preliminary Plat, Type II	<D>			RC	
Construction Drawings				D	
Final Plat				D	
Minor Subdivision					D
<b>PERMITS</b>					
Zoning Compliance Permit					D
Sign Permit					D
Temporary Use Permit				R	D
Floodplain Development Permit					D
Clear-Cutting Permit					D



**SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES**

## Subsection 2.2.1: Generally

<b>TABLE 2.1: DEVELOPMENT REVIEW PROCEDURES</b> <b>D = DECIDE      R = RECOMMENDATION      RC=REVIEW &amp; COMMENT</b> <b>A = APPEAL      &lt;&gt; = PUBLIC HEARING</b>					
PROCEDURE	ADVISORY AND DECISION-MAKING BODIES				
	BOARD OF COMMISSIONERS	PLANNING BOARD	BOARD OF ADJUSTMENT	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR
<b>RELIEF</b>					
Variance			<D>		R
Administrative Adjustment					D
Interpretation					D
Appeal [1]			<D>		
<b>DEVELOPMENT AGREEMENT</b>					
Development Agreement	<D>	<R>		R	

NOTES:  
[1] Appeals of decisions by the Board of Commissioners or the Board of Adjustment are heard by the Superior Court for Currituck County.

**2.2. ADVISORY AND DECISION-MAKING BODIES****2.2.1. Generally**

- A.** The following bodies and county staff have powers and responsibilities in administering and reviewing development applications under this Ordinance:
- (1) Board of Commissioners;
  - (2) Planning Board;
  - (3) Board of Adjustment;
  - (4) Technical Review Committee; and
  - (5) Planning Director.
- B.** In addition to the advisory and decision-making bodies identified in this section, there are other county agencies departments, or officials who may review and comment on specific application types during the review process as specified in the Administrative Manual.

**2.2.2. Board of Commissioners****A. Powers and Duties**

To exercise the authority granted the Board of Commissioners by state law, the Board shall have the following powers and duties under this Ordinance:

**(1) Application Review and Decision**

To initiate, review, and decide applications for the following:

- (a) Text amendments;
- (b) Zoning map amendments;

**SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES****Subsection 2.2.3: Planning Board**

- (c) Conditional rezonings;
  - (d) Planned developments;
  - (e) Special Use permits;
  - (f) Type II preliminary plats (for major subdivisions); and
  - (g) Development agreements.
- (2) **Schedule of Fees and Civil Penalties**  
To approve, by resolution, a schedule of fees governing applications for permits and other development approvals reviewed under this Ordinance and civil penalties for violations of this Ordinance.
- (3) **Other Actions**  
To take any other action not delegated to the Planning Board, Board of Adjustment, Technical Review Committee, Planning Director, or County Engineering, as the Board of Commissioners may deem desirable and necessary to implement the provisions of this Ordinance.

**B. Conduct**

- (1) A commissioner shall not vote on any legislative decision regarding a development regulation adopted pursuant to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the commissioner.
- (2) A commissioner shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the commissioner has a close familial, business, or other associational relationship.
- (3) A commissioner exercising quasi-judicial functions pursuant to this ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

**2.2.3. Planning Board**

The Planning Board is hereby established pursuant to ~~in accordance with~~ Section 160D-301 ~~153A-321~~ of the North Carolina General Statutes.

**A. Powers and Duties**

The Planning Board shall have the following powers and duties:

- (1) **Recommendation Authority**  
To review and make recommendations to the Board of Commissioners on the following:
  - (a) Text amendments;
  - (b) Zoning map amendments.
  - (c) Conditional rezonings;

**SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES****Subsection 2.2.3: Planning Board**

- (d) Planned developments; and
- (e) Development agreements;

**(2) Make Studies and Recommendations**

To make studies and recommendations for the Board of Commissioners regarding growth, development, and redevelopment in the county.

**(3) Other Powers and Duties**

To carry out any other powers and duties delegated to it by the Board of Commissioners, consistent with state law.

**B. Membership, Appointment, and Terms of Office****(1) General**

- (a) The Planning Board shall consist of ~~a total of~~ seven regular members appointed by the Board of Commissioners. Each ~~County~~ ~~Commissioner~~ may nominate ~~appoint~~ one member from any electoral district in the county, two of which shall be at-large members.
- (b) Planning Board members shall reside within the county. A change in residence to a location outside the county shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed.
- (c) Planning Board members shall be appointed for two-year, staggered terms, and may continue to serve until their successors are appointed.
- (d) Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only.

**(2) Chair and Vice-Chair**

- (a) At its first meeting in January of each year, the Planning Board shall elect a Chair and a Vice-Chair from among its members, each to serve a one-year term.
- (b) The Chair shall preside over all meetings. The Vice-Chair shall preside over meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Planning Board shall vote to determine who shall serve as acting Chair for the meeting.

**C. Staff**

The Planning Director shall serve as the professional staff liaison to the Planning Board and provide it with administrative support.

**D. Meetings****(1) Schedule**

The Planning Board shall hold at least one regular meeting in each month unless the Chair determines that there are no agenda items for consideration.

**(2) Official Record**

- (a) The Planning Board shall keep a record of its recommendations, transactions, findings, and determinations.
- (b) The record shall be a public record.

**(3) Publication of Notice**

**SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES****Subsection 2.2.3: Planning Board**

Notice of all Planning Board meetings shall be provided in accordance with state law and the public hearing requirements in Section 2.3.6, Public Hearing Scheduling and Public Notification.

**(4) Open to the Public**

All meetings shall be open to the public.

**E. Quorum and Necessary Vote****(1) Quorum**

Four members of the Planning Board shall constitute a quorum. No official business of the Planning Board shall be conducted without a quorum present.

**(2) Voting**

An affirmative vote of a majority of members present constituting a quorum is required for all decisions of the Planning Board.

**F. Removal from Office**

Planning Board members may be removed by the Board of Commissioners at any time for:

- (1)** Failure to attend three consecutive meetings;
- (2)** Failure to attend 30 percent or more of the meetings within any 12-month period; or
- (3)** Any other good cause related to performance of duties.

**G. Rules of Procedure**

The Planning Board shall adopt rules of procedure governing its procedures and operations. Copies shall be made available for public inspection in the Planning and Community Development Department and posted on the county's website.

**H. Advisory Committees**

- (1)** The Board of Commissioners may appoint one or more individuals to sit as an advisory committee and assist the Planning Board in carrying out its planning responsibilities with respect to a particular subject area.
- (2)** Members of an advisory committee shall sit as non-voting members of the Planning Board when such issues are being considered.

**I. Conduct**

- (1)** Before entering their duties, Planning Board members shall qualify by taking an oath of office pursuant to G.S. 160D-309.
- (2)** A Planning Board member shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the Planning Board member.
- (3)** A Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the Planning Board member has a close familial, business, or other associational relationship.

**SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES****Subsection 2.2.4: Board of Adjustment****2.2.4. Board of Adjustment**

The Board of Adjustment is hereby established pursuant to ~~in accordance with~~ Section 160D-302 + 53A-345, of the North Carolina General Statutes.

**A. Powers and Duties**

The Board of Adjustment shall have the following powers and duties:

**(1) Application Review and Decision**

To review and decide applications for:

- (a)** Variances; and
- (b)** Appeals of administrative decisions by the Planning Director or the Technical Review Committee.

**(2) Other Powers and Duties**

The Board of Adjustment is authorized by this Ordinance to carry out any other powers and duties delegated to it by the Board of Commissioners, consistent with state law.

**B. Membership, Appointment, and Terms of Office****(1) General**

- (a)** The Board of Adjustment shall consist of five regular members and two alternate members appointed by the Board of Commissioners. Each ~~County Commissioner~~ may nominate ~~appoint~~ one member from any electoral district in the county, two of which shall be alternate members.
- (b)** Regular members leaving the Board shall be replaced by existing alternate members; likewise, newly appointed members shall be assigned as alternate members, when practicable. In situations when this can not be met, seats shall be determined by the Board of Commissioners.
- (c)** Board of Adjustment members shall reside within the county. A change in residence to a location outside the county shall constitute a resignation from the Board of Adjustment, effective upon the date a replacement is appointed.
- (d)** An alternate member may sit in-lieu of a regular member upon recusal by a regular member and assignment by the Chair. When seated as a regular member, alternate members shall have the same powers and duties as the regular member they replace.
- (e)** Board of Adjustment members shall be appointed for three-year, staggered terms. Members shall continue to serve until their successors are appointed.
- (f)** Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only.

**(2) Chair and Vice-Chair**

- (a)** At its first meeting in January of each year, the Board of Adjustment shall elect a Chair and a Vice-Chair from among its members, each to serve a one-year term.
- (b)** The Chair shall preside over all board meetings. The Vice-Chair shall preside over board meetings in the absence of the Chair. If both the

**SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES****Subsection 2.2.4: Board of Adjustment**

Chair and Vice-Chair are absent, the Board of Adjustment shall vote to determine who shall serve as Chair for the meeting.

**C. Staff**

The Planning Director shall serve as the professional staff liaison to the Board of Adjustment and provide it with administrative support.

**D. Meetings****(1) Schedule**

The Board of Adjustment shall hold at least one regular meeting in each month unless the Chair determines that there are no agenda items for consideration.

**(2) Official Record**

**(a)** The Board of Adjustment shall keep a record of its recommendations, transactions, findings, and determinations.

**(b)** The record shall be a public record.

**(3) Publication of Notice**

Publication of notice of all Board of Adjustment meetings shall be provided in accordance with state law and the public hearing requirements in Section 2.3.6, Public Hearing Scheduling and Public Notification.

**(4) Open to the Public**

All meetings shall be open to the public.

**E. Quorum and Necessary Vote****(1) Quorum**

Four members of the Board of Adjustment shall constitute a quorum. No official business of the Board shall be conducted without a quorum present.

**(2) Voting**

**(a)** The concurring vote of four-fifths (4/5) of the Board of Adjustment shall be necessary to grant any variance. A majority vote shall be required to decide an appeal application.

**(b)** Vacant positions and members who are disqualified from participating in or voting on a quasi-judicial matter in accordance with the North Carolina General Statutes shall not be considered members of the board if there are no qualified alternate members available to replace disqualified members.

**F. Removal from Office**

**(1)** Board of Adjustment members may be removed by the Board of Commissioners at any time for:

**(a)** Failure to attend three consecutive meetings;

**(b)** Failure to attend 30 percent or more of the meetings within any 12-month period; or

**(c)** Any other good cause related to performance of duties.

**SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES****Subsection 2.2.5: Technical Review Committee**

- (2)** Alternate members may be removed for repeated failure to attend or participate in meetings.
- (3)** Upon request of the member proposed for removal, the Board of Commissioners shall hold a hearing on the removal and provide the member an opportunity to respond to the request for removal before it becomes effective.

**G. Rules of Procedure**

The Board of Adjustment shall adopt rules of procedure governing its procedures and operations. Copies shall be made available for public inspection in the Planning and Community Development Department and on the county's website.

**H. Conduct**

- (1)** Before entering their duties, Board of Adjustment members shall qualify by taking an oath of office pursuant to G.S. 160D-309.
- (2)** A Board of Adjustment member exercising quasi-judicial functions pursuant to this ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a Board of Adjustment member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome.

**2.2.5. Technical Review Committee**

The Technical Review Committee (TRC) is hereby established.

**A. Powers and Duties**

The TRC shall have the following powers and duties:

- (1) Application Review and Decision**  
To review and decide applications for the following:
  - (a)** Major site plans;
  - (b)** Type I preliminary plats (for major subdivisions);
  - (c)** Construction drawings (for major subdivisions); and
  - (d)** Final plats (for major subdivisions).
- (2) Recommendation Authority**  
To review and make recommendations on the following:
  - (a)** Conditional rezonings;
  - (b)** Planned developments;
  - (c)** Use permits;
  - (d)** ~~Type II preliminary plats (for major subdivisions);~~
  - (e)** Temporary use permits; and
  - (f)** Development agreements.

**SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES****Subsection 2.2.5: Technical Review Committee**

To review and provide comments on the following:

- (g)** Special use permits;
- (h)** Type II preliminary plats (for major subdivisions).

**(3) Additional Duties**

The TRC shall have the following additional duties:

- (a)** Participate in pre-application conferences;
- (b)** Provide its expertise and technical assistance to the Planning Director in compiling and maintaining an Administrative Manual and in establishing application content requirements and a submission schedule for review of applications and appeals; and
- (c)** Provide its expertise and technical assistance to the county's other decision-making bodies, upon request.

**B. Membership and Appointment**

- (1)** The TRC shall consist of the following county departments or officials, and agencies involved with development review:
  - (a)** Planning and Community Development;
  - (b)** Engineering;
  - (c)** Public Utilities;
  - (d)** Fire-Emergency Medical Services;
  - (e)** Soil and Water Conservation;
  - (f)** Chief Building Inspector; and
  - (g)** Albemarle Regional Health Services.
- (2)** Representatives from other county departments and from non-county regulatory agencies and service providers generally involved with development review (such as the North Carolina Department of Transportation and the School Board) may serve as voting members of the TRC. The Chair may request attendance by representatives of other local or state agencies, where appropriate, for an adequate review of an application.

**C. Chair**

The Planning Director shall serve as Chair of the TRC, and shall schedule committee meetings, coordinate the committee's activities, preside over committee meetings, prepare committee reports, and serve as liaison to the departments and agencies involved for clarification of issues and resolution of conflicts.

**D. Meetings**

The TRC shall establish a regular meeting schedule and meet frequently enough to take action as expeditiously as practicable on matters before it. The Planning Director may invite applicants to attend TRC meetings.

**E. Conduct**

- (1)** No TRC agency representative shall make a final decision on an administrative decision required by this ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the TRC agency representative or if the applicant or other person subject to that decision is a



**SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES****Subsection 2.2.6: Planning Director**

person with whom the TRC agency representative has a close familial, business, or other associational relationship. If a TRC agency representative has a conflict of interest, the decision shall be assigned to a non-conflicted TRC agency representative.

- (2)** No TRC agency representative shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this ordinance unless the TRC agency representative is the owner of the land or building involved. No TRC agency representative contracting with the county to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the county, as determined by the county.

**2.2.6. Planning Director**

The Planning Director shall have the following powers and duties:

**A. Powers and Duties****(1) Application Review and Decision**

To review and decide applications for the following:

- (a)** Minor site plans;
- (b)** Minor subdivisions;
- (c)** Zoning compliance permits;
- (d)** Sign permits;
- (e)** Temporary use permits;
- (f)** Floodplain development permits;
- (g)** Clear-cutting permits;
- (h)** Administrative adjustments; and
- (i)** Interpretations.

**(2) Recommendation Authority**

To review and make recommendations on applications for the following:

- (a)** Text amendments;
- (b)** Zoning map amendments; and
- (c)** Variances.

**(3) Floodplain Administrator**

The Planning Director shall serve as the Floodplain Administrator, and shall perform the following duties:

- (a)** Administer, implement, and coordinate compliance with the provisions of this Ordinance and the National Flood Insurance Program.
- (b)** Review all floodplain development applications for receipt of all necessary State and Federal permits and issue floodplain development permits for all proposed development within special flood hazard areas.
- (c)** Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or

**SECTION 2.2: ADVISORY AND DECISION-MAKING BODIES****Subsection 2.2.6: Planning Director**

- (o) Make periodic inspections throughout the special flood hazard area.
  - (p) Maintain a current map repository to include, but not limited to, the FIS Report, historical and effective FIRM, Letters of Map Change, and other official flood maps and studies.
  - (q) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).
  - (r) Coordinate with the Building Inspector on applications to improve, alter, move, enlarge, replace, repair, change occupancy, or other improvements to existing buildings and structures and:
    - (i) Estimate market value as defined by this Ordinance;
    - (ii) Compare the cost to perform the improvement, repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs to market value of the building;
    - (iii) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and,
    - (iv) Notify the applicant if it is determined the work constitutes substantial improvement or repair of substantial damage, and compliance with the flood resistant construction requirements of the NC Building Code and this Ordinance is required.
- (4) Additional Duties**
- The Planning Director shall have the following additional duties:
- (a) Establish application content requirements and a submission schedule for review of applications and appeals;
  - (b) Compile and maintain an Administrative Manual;
  - (c) Conduct pre-application conferences in accordance with Section 2.3.2, Pre-Application Conference.
  - (d) Review applications and submit staff reports to advisory and decision-making bodies;
  - (e) Maintain the Official Zoning Map and related materials;
  - (f) Provide expertise and technical assistance to the county's other review and decision-making bodies, upon request;
  - (g) Maintain a record of all permits and approvals on file, and make copies available upon request;
  - (h) Enforce this Ordinance in accordance with Chapter 9: Enforcement; and
  - (i) Keep copies of all applications on file.

**B. Conduct**

- (I) The Planning Director shall not make a final decision on an administrative decision required by this ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the Planning Director, or if the applicant or other person subject to that decision is a

**SECTION 2.3: STANDARD PROCEDURES****Subsection 2.3.1: General**

person with whom the Planning Director has a close familial, business, or other associational relationship. If the Planning Director has a conflict of interest, the decision shall be assigned to the supervisor of the Planning Director.

- (2)** The Planning Director shall not be financially interested or employed by a business that is financially interested in a development subject to regulation under this ordinance unless the Planning Director is the owner of the land or building involved.

**2.3. STANDARD PROCEDURES****2.3.1. General**

- A.** This section describes the standard procedural steps and other rules that are generally applicable to development applications reviewed under this Ordinance, unless otherwise expressly exempted or alternative procedures are specified in Section 2.4, Specific Review Procedures. The procedural flow charts in Section 2.4, Specific Review Procedures, generally depict the procedural steps that apply to the review of the particular type of development application.
- B.** The county has prepared an Administrative Manual that includes information and requirements for persons submitting applications for development review under the UDO. The manual includes application submittal requirements, review schedules, and additional details on application review procedures.

**2.3.2. Pre-Application Conference****A. Purpose**

The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submittal requirements and the procedures and standards applicable to an anticipated development application. A pre-application conference is also intended to provide an opportunity for county staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed development, as it relates to the standards in this Ordinance.

**B. Applicability****(1) Pre-Application Conference Required**

A pre-application conference between the applicant and the Planning Director shall be held before submittal of the following applications:

- (a)** Text amendments;
- (b)** Zoning map amendments;
- (c)** Conditional rezonings;
- (d)** Planned developments;
- (e)** Special Use permits;
- (f)** Major site plans; and
- (g)** Type I and type II preliminary plats for major subdivisions.

**(2) Pre-Application Conference Optional**

**SECTION 2.3: STANDARD PROCEDURES****Subsection 2.3.3: Community Meeting****B. Favored Practice**

Community meetings are encouraged as opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by development proposals.

**C. Applicability****(1) Community Meeting Mandatory**

A community meeting is required before submittal of any of the following applications:

- (a)** Zoning map amendments to establish a more intense base zoning district;
- (b)** Conditional rezonings;
- (c)** Planned developments;
- (d)** Special Use permits; and
- (e)** Type II preliminary plats (for major subdivision) of 50 lots or more.

**(2) Community Meeting Optional**

A community meeting is encouraged, but not required, before submittal of any other development application that is subject to a public hearing (see Table 2.3.6.A, Required Public Hearings).

**D. Procedure**

If a community meeting is held by the applicant, it shall comply with the following procedures:

**(1) Time and Place**

The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the application.

**(2) Notification****(a) Mailed Notice**

The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the Planning Director and all persons to whom mailed notice of a public hearing on the development application is required by Section 2.3.6, Public Hearing Scheduling and Public Notification.

**(b) Posted Notice**

The applicant shall post notice of the community meeting on the land subject to the application for at least ten days before the date fixed for the meeting, in a form established by the Planning Director. Signs used for posted notice shall have a minimum size of six square feet per side.

**(c) Notice Content**

Notices shall identify the date, time, and place of the meeting and applicant contact information.

**(3) Conduct of Meeting**

**SECTION 2.3: STANDARD PROCEDURES****Subsection 2.3.5: Staff Review and Action**

Application). Application fees shall not be refunded for withdrawn applications.

**2.3.5. Staff Review and Action****A. Staff Review**

- (1) Applications shall be reviewed during the review cycle in place when the application is determined to be complete.
- (2) When an application is determined complete, it shall be distributed by the Planning Director to all appropriate staff and review agencies for review and comment, and the preparation of a staff report, if appropriate.
- (3) In considering the application, the Planning Director, the Technical Review Committee, or other county staff (as appropriate), shall review the application, relevant support material, and any comments or recommendations from other staff and review agencies to which the application was referred.
- (4) If deficiencies in complying with applicable standards of this Ordinance are identified, the Planning Director shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them, in accordance with Section 2.3.4.G, Application Revision.

**B. Staff Report and Recommendation**

- (1) The Planning Director shall prepare a written staff report on any application subject to a public hearing. The staff report shall conclude whether the application complies with all applicable review standards of this Ordinance, and recommend one of the decisions authorized for the particular type of application or review and provide comments, based on the review standards applicable to the application type, as set forth in Section 2.4, Specific Review Procedures. The staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the development application might be mitigated.
- (2) A staff report is not required to be prepared for an application decided by the Planning Director or the Technical Review Committee, even though the Planning Director may choose to do so.

**C. Distribution and Availability of Application and Staff Report**

In cases where a development application is subject to review by an advisory or decision-making body, the Planning Director shall take all the following actions within a reasonable time period before the meeting or public hearing at which the application is scheduled for review:

- (1) Schedule and ensure any required notice of public hearing on the application (if appropriate) in accordance with Section 2.3.6, Public Hearing Scheduling and Public Notification;
- (2) Transmit the application, related materials, and the staff report to the appropriate advisory or decision-making body;
- (3) Transmit a copy of the staff report to the applicant; and

**SECTION 2.3: STANDARD PROCEDURES****Subsection 2.3.6: Public Hearing Scheduling and Public Notification**

- (4)** Make the application, related materials, and the staff report available for examination by the public in the Planning and Community Development Department during normal business hours, and make copies of such materials available at a reasonable cost.

**D. Applications Subject to Decision by Planning Director or Technical Review Committee**

**(1) Decision**

If an application is subject to staff review and a final decision by the Planning Director or Technical Review Committee, as appropriate, the Planning Director or Technical Review Committee shall approve, approve subject to conditions, or disapprove the application, based on the review standards set forth in Section 2.4, Specific Review Procedures, for the particular type of application.

**(2) Conditions of Approval**

Conditions of approval shall be limited to those deemed necessary to ensure compliance with the standards of this Ordinance. They shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding development. All conditions of approval shall be expressly set forth in the development permit or approval.

**2.3.6. Public Hearing Scheduling and Public Notification**

**A. Public Hearing Scheduling**

**(1) Application to be Scheduled for Meeting**

When a development application is subject to a public hearing, the Planning Director shall ensure that the public hearing on the application is scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the advisory or decision-making body reviewing the application.

**(2) Timing**

A required public hearing on the application shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied under state law.

**(3) Required Public Hearings**

Table 2.3.6.A, Required Public Hearings, identifies the advisory and decision-making bodies responsible for conducting a public hearing on a development application, where a public hearing is required, and the type of hearing (legislative public hearing or ~~quasi-judicial public~~ evidentiary hearing) to be conducted.

**SECTION 2.3: STANDARD PROCEDURES****Subsection 2.3.6: Public Hearing Scheduling and Public Notification****TABLE 2.3.6.A: REQUIRED PUBLIC HEARINGS**

L = Legislative Public Hearing    Q E = Quasi-Judicial Public Evidentiary Hearing

APPLICATION TYPE	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
Text Amendment [I]	L	
Zoning Map Amendment [I]	L	
Conditional Rezoning [I]	L	
Planned Development [I]	L	
Type II Preliminary Plat for Major Subdivision	Q E	
Special Use Permit	Q E	
Variance		Q E
Appeal		Q E
Development Agreement [I]	L	

**NOTES:**

[I] The Planning Board conducts a public meeting prior to consideration by the Board of Commissioners, but the public meeting with the Planning Board is not a public hearing.

**B. Public Notification**

All development applications shall comply with the North Carolina General Statutes, the provisions listed in Table 2.3.6.B, Public Hearing Notification Timing Requirements, the provisions of this section, and the other provisions of this Ordinance with regard to public notification.

**(I) Notice Timing Requirements**

Public notification of a public hearing on a development application shall be provided in accordance with the timing requirements in Table 2.3.6.B: Public Notification Timing Requirements, for the type of application and the type of notice. In computing the required time periods, the day the notice is published, mailed, or posted shall not be included, but the day of the hearing shall be included.

## Chapter 2: Administration

**SECTION 2.3: STANDARD PROCEDURES****Subsection 2.3.6: Public Hearing Scheduling and Public Notification****TABLE 2.3.6.B: PUBLIC NOTIFICATION TIMING REQUIREMENTS**

APPLICATION TYPE [1]	TYPES OF REQUIRED PUBLIC NOTICE		
	PUBLISHED NOTICE	MAILED NOTICE	POSTED NOTICE
Text Amendment [2]	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing		
Zoning Map Amendment [2]	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing [3]	At least 10 days before hearing
Conditional Rezoning [2]	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Planned Development [2]	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Special Use Permit [2]	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Type II Preliminary Plat (for Major Subdivision)	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	
Variance		Between 10 and 25 days before hearing	At least 10 days before hearing
Administrative Adjustment		At least 10 days before a decision is rendered	
Appeal	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing [4]	At least 10 days before hearing [4]
Development Agreement	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing

## NOTES:

[1] Only those development application types listed here require public hearing notification. Public notification of public meetings held by the Planning Board is not required.

[2] Applications that would change the range of allowable uses within five miles of a military installation require mailed notice be delivered by certified mail to the military base commander between 10 and 25 days before the hearing.

[3] Mailed notice shall not be required when a zoning map amendment includes more than 50 lots or tracts, owned by at least 50 different landowners, provided the county publishes a notice (occupying at least one-half (½) of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for two successive calendar weeks, with the first notice published not less than ten days nor more than 25 days before the date fixed for the public hearing. Affected land owners residing outside the newspaper circulation area shall be notified via first class mail pursuant to Section 2.3.6, Public Hearing Scheduling and Public Notification.

[4] Mailed and posted notification are required only in cases where the appeal pertains to a specific parcel of land.

**(2) Published Notice Requirements**

- (a)** When the provisions of this Ordinance require that notice of a public hearing be published, the Planning Director shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county.
- (b)** The first time notice is published, it shall be not less than ten days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of published notice shall not be included, but the day of the hearing shall be included.



**SECTION 2.3: STANDARD PROCEDURES****Subsection 2.3.8: Public Hearing Procedures**

be provided or considered on the matter. The applicant may be asked questions or allowed to comment on proposed conditions.

**C. ~~Quasi-Judicial Public~~ Evidentiary Hearings Distinguished**

~~Quasi-judicial public~~ Evidentiary hearings shall be subject to the standards in Section 2.3.8.B, Conduct of Public Hearing, and the following.

**(1) Opportunity to Present Testimony and Evidence**

Any affected party shall be afforded a reasonable opportunity to present testimony and evidence in support of or in opposition to the application, and to ask questions of the applicant and the applicant's representatives and county staff and county staff's representatives. At the discretion of the person chairing the body conducting the ~~public~~ evidentiary hearing, an affected party may be granted an opportunity to ask questions of any other member of the public who has testified at the hearing.

**(2) Not Bound by Rules of Evidence**

Except as otherwise provided in the North Carolina General Statutes, the body conducting an ~~quasi-judicial public~~ evidentiary hearing is not bound by the rules of evidence, or limited to consideration of evidence that is admissible in a court of law. The body may consider all testimony and evidence it deems competent and material to the application under consideration.

**(3) Cross Examination**

Any inquiry under cross-examination shall be limited to matters raised in the direct examination of the witness. ~~No re-direct or re-cross examination may shall be allowed unless requested by upon the applicant, an affected party, or the county stating the desired area of inquiry —who shall state the desired area of inquiry—and the request is with the approval of approved by the person chairing the body conducting the hearing. If re-direct or re-cross is allowed, it shall be limited to questions of the witness on issues raised in the cross-examination.~~

**(4) Ex Parte Communication**

Ex parte communication between an applicant or an affected party and a member of the board reviewing or making a decision on the application is prohibited, and must be disclosed during the ~~public~~ evidentiary hearing, if it occurs.

**(5) Conflict**

In the event conflict between these standards and the standards in Section 2.3.8.B, Conduct of Public Hearing, these standards shall control during an ~~quasi-judicial public~~ evidentiary hearing.

**D. General Procedures and Findings Following Public Hearing****(1) Time**

Any review body conducting the public hearing shall act in accord with any time limits established in this Ordinance or the body's own rules of procedure. Action shall be taken as promptly as possible in consideration of the interests of the applicant, the citizens of the county, and shall include a recommendation or decision of approval, approval with conditions, or disapproval (whichever is appropriate).

**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.1: Overview**

- the decision-making body's application of the relevant review standards to the development proposed in the new application; or
- (c) The new application proposed to be submitted is materially different from the prior application; or
  - (d) The final decision on the prior application was based on a material mistake of fact.

**B. Application Withdrawal After Required Public Notification**

If a development application requiring a public hearing is withdrawn after required public notification of the public hearing is provided, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of withdrawal.

**2.4. SPECIFIC REVIEW PROCEDURES****2.4.1. Overview****A. General**

This section sets forth supplemental procedures, standards, and related information for each of the specific review procedures for development applications reviewed under this Ordinance, as identified in Table 2.1, Development Review Procedures. They apply in addition to, or instead of, the standard procedures set forth in Section 2.3, Standard Procedures.

**B. Structure of Procedures**

For each type of development application reviewed under this Ordinance, the following sections state the purpose of the section and/or type of development permit or approval, and whether each of the steps in the standard procedure set forth in Section 2.3, Standard Procedures, is applicable, optional, or not applicable. The following sections also include, for each step, any variations of, or additions to, the standard procedures. This is followed by the review standards for the application, and provisions addressing expiration and amendment, if applicable.

**2.4.2. Text Amendment****A. Purpose**

The purpose of this section is to provide a uniform means for amending the text of this Ordinance whenever the public necessity, changed conditions, convenience, general welfare, or appropriate land use practices justify or require doing so.

**B. Text Amendment Procedure****(1) Pre-Application Conference**

Applicable (see Section 2.3.2).

**(2) Community Meeting**

Not applicable.

**(3) Application Submittal and Acceptance**

Applicable (see Section 2.3.4). Applications may be initiated by the Board of Commissioners, the Planning Board, the Planning Director, the TRC, any

**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.2: Text Amendment**

person who may submit applications in accordance with Section 2.3.4.A, Authority to File Applications, or any other interested party.

**(4) Staff Review and Action**

Applicable (see Section 2.3.5). The Planning Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.2.C, Text Amendment Review Standards.

**(5) Public Hearing Scheduling and Public Notification**

Applicable (see Section 2.3.6).

**(6) Public Hearing Procedures**

Applicable (see Section 2.3.8).

**(7) Advisory Body Review and Recommendation**

**(a)** Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on an application in accordance with Section 2.3.9, Advisory Body Review and Recommendation, and Section 2.4.2.C, Text Amendment Review Standards.

**(b)** The Planning Board shall advise on and comment on whether the proposed text amendment is consistent with 2.4.2.B.8(b) and shall make a written recommendation to the Board of Commissioners that addresses plan consistency and other matters deemed appropriate by the Planning Board. The Board of Commissioners is not bound by a Planning Board recommendation.

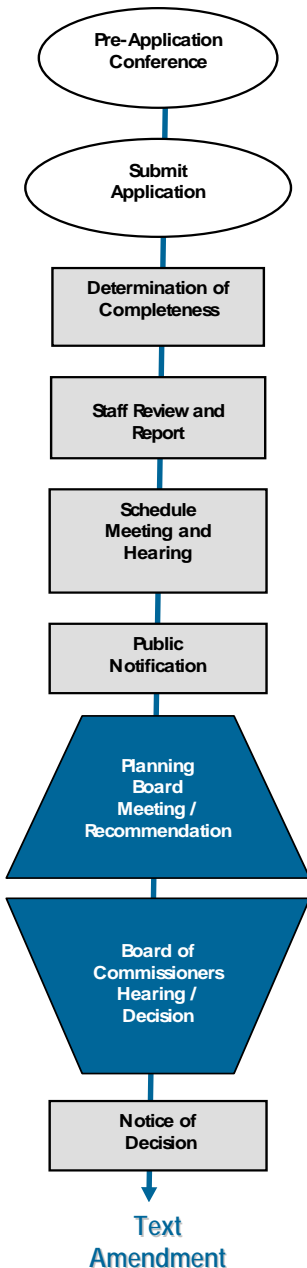
**(8) Decision-Making Body Review and Decision**

**(a)** Applicable (see Section 2.3.10). The Board of Commissioners, following a legislative public hearing (see Section 2.3.8.B), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.2.C, Text Amendment Review Standards. The decision shall be one of the following:

- (i)** Adoption of the text amendment as proposed;
- (ii)** Adoption of a revised text amendment;
- (iii)** Denial of the text amendment; or
- (iv)** Remand of the text amendment application back to the Planning Board for further consideration.

**(b)** ~~In~~ When making its decision, the Board of Commissioners shall ~~approve~~ adopt a ~~written~~ statement of consistency and reasonableness that:

- (i)** Describes whether the decision is consistent with all county-adopted plans that are applicable; and
- (ii)** The meeting minutes must state that at the time of decision the Board of Commissioners was aware of and considered the Planning Board's recommendations and relevant portions of applicable county-adopted plans.



**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.3: Zoning Map Amendment****C. Text Amendment Review Standards**

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

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

**D. Effect**

Applicable (see Section 2.3.13).

**E. Amendment**

Applicable (see Section 2.3.14).

**F. Expiration**

Approval of a text amendment shall not expire, but the amended text of this Ordinance is subject to further amendment in accordance with the text amendment procedures set forth in this section.

**2.4.3. Zoning Map Amendment****A. Purpose**

The purpose of this section is to provide a uniform means for reviewing and deciding proposed general amendments to the Official Zoning Map whenever the public necessity, general welfare, Land Use Plan, or appropriate land use practices justify or require doing so.

**B. Zoning Map Amendment Procedure**

- (1) Pre-Application Conference**  
Applicable (see Section 2.3.2).
- (2) Community Meeting**  
Applicable (see Section 2.3.3).
- (3) Application Submittal and Acceptance**

**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.3: Zoning Map Amendment**

Applicable (see Section 2.3.4). Applications may be initiated by the Board of Commissioners, the Planning Board, the Planning Director, or any person who may submit applications in accordance with Section 2.3.4.A, Authority to File Applications.

**(4) Staff Review and Action**

Applicable (see Section 2.3.5). The Planning Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.3.C, Map Amendment Review Standards.

**(5) Public Hearing Scheduling and Public Notification**

Applicable (see Section 2.3.6).

**(6) Public Hearing Procedures**

Applicable (see Section 2.3.8).

**(7) Advisory Body Review and Recommendation**

**(a)** Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with Section 2.4.3.C, Zoning Map Amendment Review Standards.

**(b)** The Planning Board shall advise and comment on whether the proposed zoning map amendment is consistent with 2.4.3.B.8(b) and shall make a written recommendation to the Board of Commissioners that addresses plan consistency and other matters deemed appropriate by the Planning Board. The Board of Commissioners is not bound by a Planning Board recommendation.

**(8) Decision-Making Body Review and Decision**

**(a)** Applicable (see Section 2.3.10). The Board of Commissioners, following a legislative public hearing (see Section 2.3.8.B), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.3.C, Zoning Map Amendment Review Standards. The decision shall be one of the following:

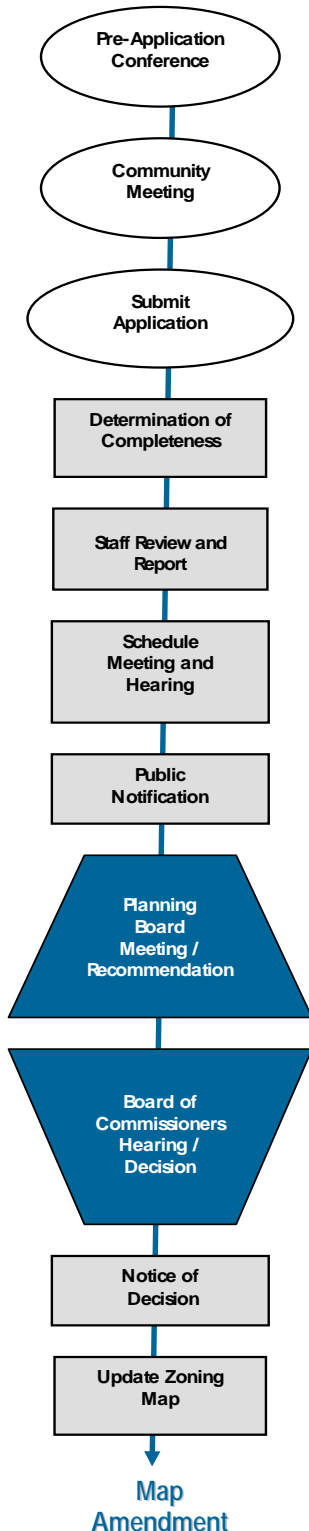
- (i)** Approval of the map amendment as submitted;
- (ii)** Approval of the map amendment with a reduction in the area proposed to be rezoned;
- (iii)** Approval of a map amendment to a more restricted base zoning district; or
- (iv)** Denial of the map amendment application.

**(b)** ~~In~~ When making its decision, the Board of Commissioners shall approve ~~adopt~~ a ~~written~~ statement of consistency and reasonableness that:

- (i)** Describes whether the decision is consistent with all county-adopted plans that are applicable; and
- (ii)** Explains why the decision is reasonable and in the public interest. When making a statement of reasonableness, the Board of Commissioners may consider, among other factors:

## SECTION 2.4: SPECIFIC REVIEW PROCEDURES

## Subsection 2.4.3: Zoning Map Amendment



- (A) The size, physical conditions, and other attributes of any area proposed to be rezoned;
  - (B) The benefits and detriments to the landowners, the neighbors, and the surrounding community;
  - (C) The relationship between the current actual and permissible development and the development permissible under the proposed zoning map amendment;
  - (D) Why the action taken is in the public interest; and
  - (E) Any changed conditions warranting the amendment.
- (iii) The meeting minutes must state that at the time of decision the Board of Commissioners was aware and considered the Planning Board's recommendations and relevant portions of applicable county-adopted plans.
- (c) Approval of a zoning map amendment inconsistent with the Future Land Use Map is not effective until review and approval required pursuant to GS 113A-110 is complete.

**C. Zoning Map Amendment Review Standards**

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

- (1) Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this Ordinance;
- (2) Is in conflict with any provision of this Ordinance, or the County Code of Ordinances;
- (3) Is required by changed conditions;
- (4) Addresses a demonstrated community need;
- (5) Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
- (6) Adversely impacts nearby lands;
- (7) Would result in a logical and orderly development pattern;
- (8) Would result in significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
- (9) Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);
- (10) Would not result in significantly adverse impacts on the land values in the surrounding area; and

**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.4: Conditional Rezoning**

- (II)** Would not conflict with the public interest, and is in harmony with the purposes and intent of this Ordinance.

**D. Designation on Official Zoning Map**

The Planning Director shall enter changes onto the Official Zoning Map promptly after approval of a map amendment application by the Board of Commissioners.

**E. Effect**

Applicable (see Section 2.3.13).

**F. Amendment**

Applicable (see Section 2.3.14).

**G. Expiration**

Approval of an Official Zoning Map amendment shall not expire, but the amended Official Zoning Map is subject to further amendment in accordance with the map amendment procedures set forth in this section.

**2.4.4. Conditional Rezoning****A. Purpose**

The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish conditional zoning districts. In cases where the standards of a general use zoning district are inadequate to ensure that development allowed by the district will conform to the county's adopted plans or to appropriately address the impacts expected to be generated by development, a landowner may apply for a conditional rezoning. The conditional rezoning establishes a parallel conditional zoning district that is equivalent to a corresponding general use zoning district, but is subject to additional conditions or restrictions that the applicant and county mutually agree are necessary to ensure conformance to adopted plans and adequately address expected development impacts.

**B. Uses Allowed Subject to a Conditional Zoning District Classification**

Specific uses may require a conditional zoning district classification to appropriately address the impacts on the community expected to be generated by the development. Uses requiring a conditional zoning district classification are not allowed in the corresponding base zoning district.

**C. Applied to Entire Site**

Applications for conditional rezoning submitted after January 1, 2013 shall include all the land area within a recorded lot or site that is the subject of the application. Conditional rezoning applications may not establish bi-furcated zoning classifications where only a portion of a lot or site is subject to a conditional zoning classification.

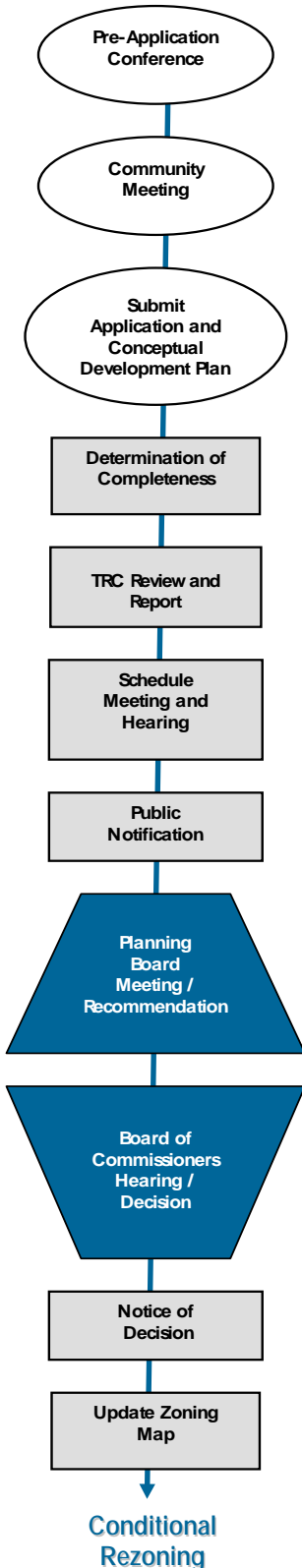
**D. Conditional Rezoning Procedure****(1) Pre-Application Conference**

Applicable (see Section 2.3.2).

**(2) Community Meeting**

Applicable (see Section 2.3.3).



**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.4: Conditional Rezoning****(3) Application Submittal and Acceptance**

Applicable (see Section 2.3.4). Conditional rezoning applications may not be initiated by anyone other than the landowner(s) of the subject land. All conditions of approval proposed by the applicant, including a mandatory conceptual development plan depicting the proposed development configuration, must be included in with the conditional rezoning application (see Section 3.6.5, Conceptual Development Plan).

**(4) Staff Review and Action**

Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.4.D, Conditional Rezoning Review Standards.

**(5) Public Hearing Scheduling and Public Notification**

Applicable (see Section 2.3.6).

**(6) Public Hearing Procedures**

Applicable (see Section 2.3.8).

**(7) Advisory Body Review and Recommendation**

**(a)** Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with Section 2.3.9, Advisory Body Review and Recommendation, and Section 2.4.4.D, Conditional Rezoning Review Standards.

**(b)** During its review of the application, the Planning Board may suggest revisions to the proposed conditions (including the conceptual development plan), consistent with the provisions of Section 2.3.11, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

**(c)** The Planning Board shall advise on and comment on whether the proposed zoning map amendment is consistent with 2.4.4.B.8(b) and shall make a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board. The Board of Commissioners is not bound by a Planning Board recommendation.

**(8) Decision-Making Body Review and Decision**

**(a)** Applicable (see Section 2.3.10). The Board of Commissioners, following a legislative public hearing (Section 2.3.8.B), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.4.D, Conditional Rezoning Review Standards. The decision shall be one of the following:

- (i)** Approval of the conditional rezoning subject to the conditions included in the application;
- (ii)** Approval of the conditional rezoning subject to any revised or additional conditions agreed to by the applicant, in writing;
- (iii)** Denial of the conditional rezoning; or



**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.4: Conditional Rezoning**

- (iv) Remand of the conditional rezoning application back to the Planning Board for further consideration.
- (b) ~~As part of the~~ When making a decision, the Board of Commissioners shall approve ~~adopt~~ a ~~written~~ statement of consistency and reasonableness that:
  - (i) Describes whether the decision is consistent with all county-adopted plans that are applicable; and
  - (ii) Explains why the decision is reasonable and in the public interest. When making a statement of reasonableness, the Board of Commissioners may consider, among other factors:
    - (A) The size, physical conditions, and other attributes of any area proposed to be rezoned;
    - (B) The benefits and detriments to the landowners, the neighbors, and the surrounding community;
    - (C) The relationship between the current actual and permissible development and the development permissible under the proposed zoning map amendment;
    - (D) Why the action taken is in the public interest; and
    - (E) Any changed conditions warranting the amendment.
  - (iii) The meeting minutes must state that at the time of decision the Board of Commissioners was aware and considered the Planning Board's recommendations and relevant portions of applicable county-adopted plans.
- (c) A conditional rezoning is not effective until the owner and applicant provide written consent to mutually agreed conditions imposed by the Board of Commissioners as part of a conditional zoning district.
- (d) A conditional rezoning inconsistent with the Future Land Use Map is not effective until review and approval required pursuant to GS 113A-110 is complete.

**E. Conditional Rezoning Review Standards**

The advisability of a conditional rezoning is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a conditional rezoning, the Board of Commissioners may consider the standards in Section 2.4.3.C, Zoning Map Amendment Review Standards.

**F. Conditions of Approval**

- (1) Only conditions mutually agreed to by the owner(s) of the property to be conditionally rezoned and the Board of Commissioners may be approved as part of a conditional zoning district.
- (2) Conditions shall be limited to those that address conformance of development and use of the site with county regulations and adopted plans and that address

**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.4: Conditional Rezoning**

the impacts reasonably expected to be generated by the development or use of the site.

- (3)** Conditions may be in the form of text or of plans and maps.
- (4)** No condition shall be less restrictive than the standards of the parallel general use zoning district, any applicable overlay zoning district standard, or other applicable requirements in this Ordinance.

**G. Designation on Official Zoning Map**

Designation of a conditional zoning district on the Official Zoning Map shall bear the same designation as the parallel general use zoning district but shall also include the prefix "C" along with the ordinance number approving the conditional rezoning.

**H. Effect**

Lands rezoned to a conditional zoning district shall be subject to the standards applicable to the parallel general use zoning district, as modified by the more restrictive conditions proposed by the applicant and approved by the Board of Commissioners. These standards and modifying conditions are binding on the land as an amendment to this Ordinance and the Official Zoning Map.

**I. Minor ~~Deviations~~ Modifications****(1) Minor ~~Deviations~~ Modifications from Approved Conceptual Development Plan**

Subsequent plans and permits for development within a conditional zoning district may include minor ~~deviations~~ modifications from the approved conceptual development plan, provided such ~~deviations~~ modifications are limited to changes addressing technical considerations that could not reasonably be anticipated during the conditional zoning classification process, or any other change that has no material effect on the character of the approved development. Changes in the following shall constitute minor ~~deviations~~ modifications that may be approved by the Planning Director:

- (a)** Driveway locations;
- (b)** Structure floor plan revisions;
- (c)** Minor shifts in building size or location; and
- (d)** Facility design modifications for amenities and the like.

**(2) Material Changes are Amendments**

Changes that materially affect the basic configuration of the approved conceptual development plan are not considered minor ~~deviations~~ modifications, and shall only be changed as amendments to the conditional rezoning in accordance with Section 2.3.14, Amendment of Development Approval.

**J. Amendment**

Applicable (see Section 2.3.14).

**K. Expiration**

Not applicable.

**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.5: Planned Development****2.4.5. Planned Development****A. Purpose**

A planned development is a development that is planned and developed under unified control in accordance with more flexible standards and procedures that are conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher quality development than could be achieved through general use (base) zoning district regulations. The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a Planned Development (PD) zoning district.

**B. Scope**

A planned development district is established by amendment of the Official Zoning Map to rezone land to a PD zoning district classification that is defined by a PD master plan and a PD terms and conditions document.

**C. Planned Development Procedure****(1) Pre-Application Conference**

Applicable (see Section 2.3.2).

**(2) Community Meeting**

Applicable (see Section 2.3.3).

**(3) Application Submittal and Acceptance**

**(a)** Applicable (see Section 2.3.4). Planned development applications may not be initiated by anyone other than the landowner(s) of the land subject to the application.

**(b)** The application shall include a master plan depicting the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing (see Section 3.7.2.A, Planned Development Master Plan).

**(c)** The application shall also include a terms and conditions document specifying terms and conditions defining development parameters, providing for environmental mitigation, and outlining how public facilities will be provided to serve the planned development.

**(d)** To ensure unified control, the application shall also include a copy of the title to all land that is part of the proposed PD zoning district classification.

**(4) Staff Review and Action**

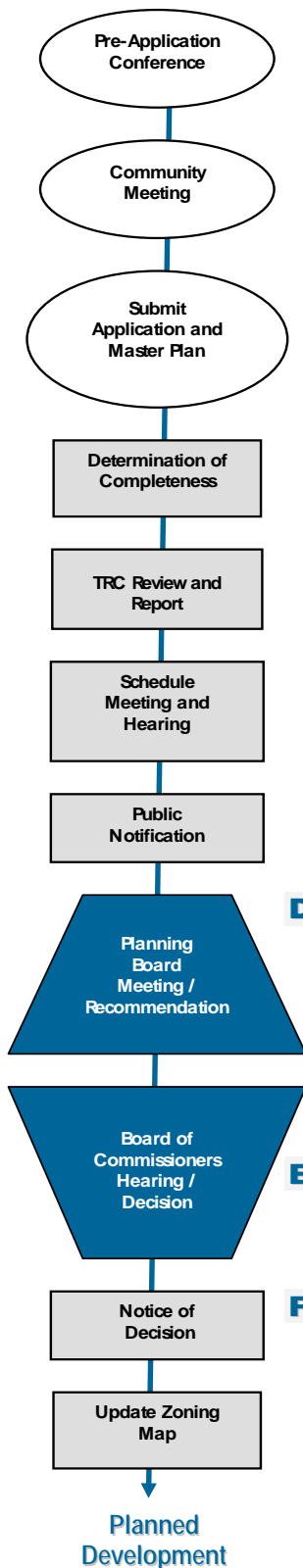
Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.5.D, Planned Development Review Standards.

**(5) Public Hearing Scheduling and Public Notification**

Applicable (see Section 2.3.6).

**(6) Public Hearing Procedures**

Applicable (see Section 2.3.8).

**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.5: Planned Development****(7) Advisory Body Review and Recommendation**

Applicable (see Section 2.3.9). The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with Section 2.3.9, Advisory Body Review and Recommendation, and Section 2.4.5.D, Planned Development Review Standards.

**(8) Decision-Making Body Review and Decision**

**(a)** Applicable (see Section 2.3.10). The Board of Commissioners, following a legislative public hearing (Section 2.3.8.B), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.5.D, Planned Development Review Standards. The decision shall be one of the following:

- (i)** Approval of the planned development subject to the PD master plan and PD terms and conditions in the application;
- (ii)** Approval of the planned development subject to additional or revised conditions related to the PD master plan or PD terms and conditions;
- (iii)** Denial of the planned development; or
- (iv)** Remand of the planned development application back to the Planning Board for further consideration.

**(b)** ~~As part of the~~ When making a decision, the Board of Commissioners shall adopt a ~~written~~ statement of consistency and reasonableness that:

- (i)** Describes whether the decision is consistent with all county-adopted plans that are applicable; and
- (ii)** Explains why the decision is reasonable and in the public interest.

**D. Planned Development Review Standards**

The advisability of establishing a planned development is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a planned development, the Board of Commissioners shall consider the standards in Section 2.4.3.C, Zoning Map Amendment Standards, and the standards for the proposed type of PD district in Section 3.7, Planned Development Base Zoning Districts.

**E. Designation on the Official Zoning Map**

Designation of a PD zoning district on the Official Zoning Map shall note the ordinance number approving the PD zoning classification.

**F. Effect**

Lands rezoned to a PD district shall be subject to the approved PD master plan and the approved PD terms and conditions. The master plan and terms and conditions are binding on the land as an amendment to the Official Zoning Map. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the PD master plan in accordance with the appropriate procedures and standards set forth in this Ordinance. Any permits or approvals shall comply with the PD master plan and the PD terms and conditions.

**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.5: Planned Development****G. Expiration**

- (1) If no application for approval of a preliminary plat or site plan for any part of the approved PD master plan is submitted within three years after approval of the planned development, the Planning Director shall initiate a map amendment application to rezone the land back to its prior zoning classification or any other base zoning classification determined to be appropriate. Such time period shall not be extended with transfer of ownership.

**H. Minor ~~Deviation~~ Modification****(1) General**

Subsequent plans and permits for development within an approved planned development may include minor ~~deviations~~ modifications from the PD master plan or PD terms and conditions, provided the Planning Director determines such ~~deviations~~ modifications are limited to changes addressing technical considerations that could not reasonably be anticipated during the PD zoning classification process or any other change that has no material effect on the character of the approved planned development or any of its approved terms or conditions. Changes in the following shall constitute minor ~~deviations~~ modifications and may be approved by the Planning Director:

- (a) Driveway locations;
- (b) Structure floor plan revisions;
- (c) Minor shifts in building size or location that do not result in any substantive changes or impacts to the site elements or surrounding lands; and
- (d) Facility design modifications for amenities and the like.

**(2) Material Changes are Amendments**

Changes that materially affect the basic concept of the PD master plan or basic parameters set by the PD terms and conditions are not considered minor ~~deviations~~ modifications, and shall only be changed as amendments to the PD master plan or PD terms and conditions.

**I. Amendments****(1) General**

If an applicant determines it is necessary to alter the concept or intent of the PD master plan or the PD terms and conditions, the PD master plan or PD terms and conditions shall be amended, extended, or modified only in accordance with the procedures and standards for its original approval.

**(2) Amendments Defined**

The following items are considered an alteration of the concept or intent of the PD master plan or PD terms and conditions and are treated as an amendment:

- (a) Changes in use designations;
- (b) Density/intensity increases;
- (c) Decreases in open space;

**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.6: Special Use Permit**

- (d) Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected);
- (e) Change in the location of any public easement; or
- (f) Change in the proportion of housing types by more than 15 percent.

**2.4.6. Special Use Permit****A. Purpose**

A use requiring a special use permit in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this section is to establish a mechanism to review these kinds of uses to ensure they are appropriate for a particular zoning district.

**B. Applicability**

The following forms of development shall obtain special use permit approval in accordance with the standards in this section:

- (1) Uses identified as requiring special use permits in Table 4.1.1.A and Table 4.1.1.B, Summary Use Table, or Table 4.3.2.E, Table of Common Accessory Uses;
- (2) Type II preliminary plats;
- (3) Type I preliminary plats when one or more public facilities are at 85 percent or more of maximum capacity; and
- (4) Commercial structures exceeding 5,000 square feet in area proposed outside a Full Service area.

**C. Special Use Permit Procedure****(1) Pre-Application Conference**

Applicable (see Section 2.3.2).

**(2) Community Meeting**

Applicable (see Section 2.3.3).

**(3) Application Submittal and Acceptance**

Applicable (see Section 2.3.4).

**(4) Staff Review and Action**

Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide comments a ~~recommendation~~ in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.6.D, Use Permit Review Standards.

**(5) Public Hearing Scheduling and Public Notification**

Applicable (see Section 2.3.6).

**(6) Public Hearing Procedures**

Applicable (see Section 2.3.7).

**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.6: Special Use Permit****(7) Advisory Body Review and Recommendation**

Not Applicable.

**(8) Decision-Making Body Review and Decision**

- (a)** Applicable (see Section 2.3.10). ~~The Board of Commissioners, following an quasi-judicial public evidentiary hearing (see Section 2.3.8.C), the Board of Commissioners shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.6.D, Special Use Permit Review Standards. The decision shall be the one of the following:~~

- (i)** Adoption of the special use permit;
- (ii)** Adoption of the special use permit subject to conditions of approval; or
- (iii)** Denial of the special use permit.

- (b)** The Board of Commissioners may attach additional conditions of approval, including timing limits on residential building lots or units available for occupancy, to assure adequate public facilities remain sufficient to serve the development.

- (c)** Any conditions of approval shall meet or exceed the minimum requirements of this Ordinance.

- (d)** The owner and applicant shall provide written consent to conditions imposed by the Board of Commissioners prior to issuance of the special use permit.

**D. Special Use Permit Review Standards**

A special use permit shall be approved on a finding the applicant demonstrates the proposed use will:

- (1)** Not endanger the public health or safety;
- (2)** Not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located;
- (3)** Be in conformity with the Land Use Plan or other officially adopted plan.
- (4)** 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.

**E. Effect of Development Approval**

Applicable (see Section 2.3.13).

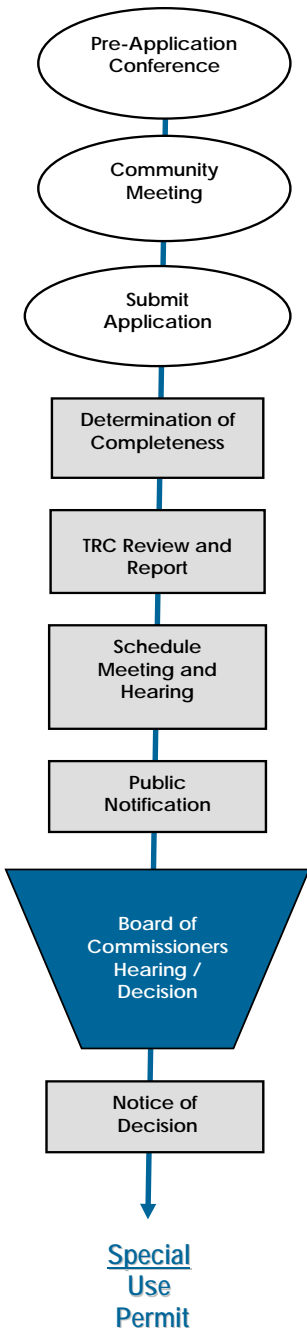
**F. Amendment of Development Approval**

Applicable (see Section 2.3.14).

**G. Expiration of Development Approval**

A special use permit shall automatically expire if any of the following is not obtained within two years of the date of special use permit approval:

- (1)** A building permit;
- (2)** If a building permit is not required, establishment of the use; or





**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.8: Subdivision**

- (i) Development of a major subdivision requires approval of a preliminary plat (type I or type II), a special use permit (if applicable), construction drawings, and then a final plat.
- (ii) The Planning Director may allow concurrent submittal of a preliminary and final plat in cases where no public improvements are required, or concurrent submittal of a preliminary plat and construction drawings where public improvements are required.
- (iii) Minor subdivision lots shall be included when calculating the acreage and total number of lots for a major subdivision when:
  - (A) The minor subdivision lots are created from the same parent parcel or parcels of land proposed for a major subdivision; and
  - (B) The preliminary plat is submitted within five years from the date in which the minor subdivision was approved.
- (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 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 21 or more lots.
  - (iii) Type I preliminary plats do not require concurrent approval of a special 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 special 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.
- (c) **Construction Drawings**

Construction drawings are the detailed, engineered drawings showing individual lots and all the information necessary to install required public improvements. The construction drawings are combined with the preliminary plat to prepare the final plat.
- (d) **Final Plat**
  - (i) The final plat shall be in substantial conformance with the preliminary plat and construction drawings, and include only minor ~~deviations~~ modifications created by final engineering,



**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.8: Subdivision**

surveying, or other minor design enhancements. Major changes (e.g., increase in the number of lots, reduction in the amount of open space, significant change in the location of streets, etc.) at final plat stage may, at the discretion of the Planning Director, require re-review of the preliminary plat.

- (ii) All construction of on-site improvements on the land subject to the final plat shall be in accordance with the final plat and engineering. Final engineering may be modified in the field, provided as-built drawings are submitted. As-built drawings must be reviewed by the Technical Review Committee. If unacceptable, the work must be corrected at the developer's expense, prior to accepting improvements and return of any surety.
- (iii) Lots not meeting the standards of this Ordinance shall be considered in violation of this Ordinance and all development stopped until revised plats meeting the standards of this Ordinance are submitted and approved in accordance with this section. All final plats must be in accordance with applicable state law.

**(2) Type I Preliminary Plat Procedure****(a) Pre-Application Conference**

Applicable (see Section 2.3.2).

**(b) Community Meeting**

Not applicable.

**(c) Application Submittal and Acceptance**

(i) Applicable (see Section 2.3.4). An application for a type I preliminary plat shall also include an application for a special use permit where one or more public facilities are within 85 percent of the maximum capacity (see Section 2.4.6, Special Use Permit).

(ii) Construction drawings may be submitted, at the applicant's option, concurrently with a type I preliminary plat application.

**(d) Staff Review and Action**

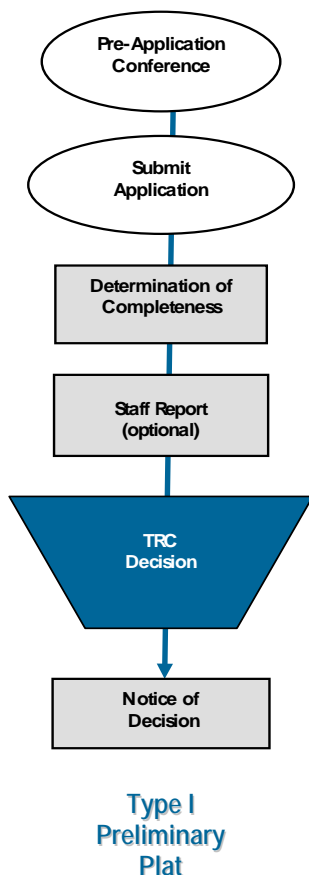
Applicable (see Section 2.3.5). The Technical Review Committee shall decide an application for a type I preliminary plat in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.8.E.4.a, Preliminary Plat Review Standards.

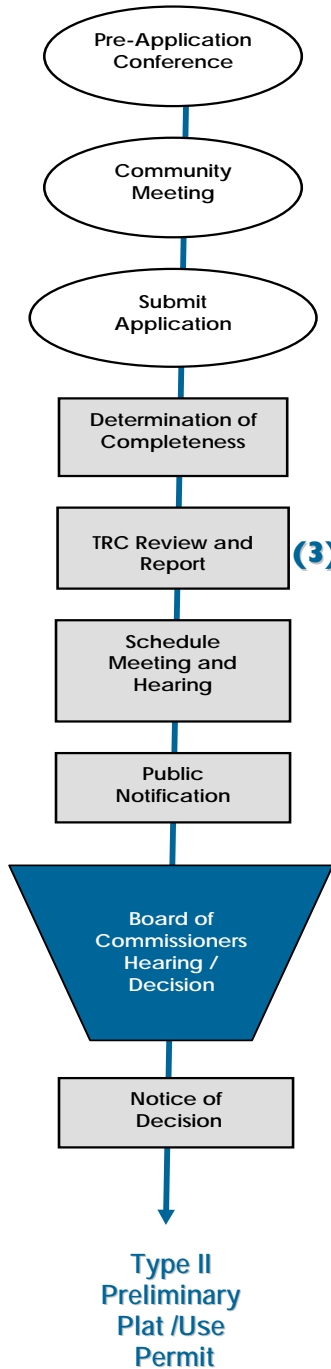
**(e) Public Hearing Scheduling and Public Notification**

Not applicable (unless a special use permit is required).

**(f) Public Hearing Procedures**

Not applicable (unless a special use permit is required).

**(g) Advisory Body Review and Recommendation**



Not applicable.

**(h) Decision-Making Body Review and Decision**

- (i)** Not applicable unless a special use permit is required.
- (ii)** When a special use permit is required, the Board of Commissioners, following an ~~quasi-judicial public evidentiary~~ hearing (Section 2.3.8.C), shall decide the application in accordance with the standards in Section 2.3.10, Decision-Making Body Review and Decision, Section 2.4.8.E.4.a, Preliminary Plat Review Standards and Section 2.4.6.D, Special Use Permit Review Standards.
- (iii)** The Board of Commissioners may place limitations on the timing and extent of new development in accordance with Section 6.6, Adequate Public Facility Standards.

**(3) Type II Preliminary Plat / Special Use Permit Procedure**

**(a) Pre-Application Conference**

Applicable (see Section 2.3.2).

**(b) Community Meeting**

Applicable for plats of 50 lots or more (see Section 2.3.3).

**(c) Application Submittal and Acceptance**

- (i)** Applicable (see Section 2.3.4). An application for a type II preliminary plat shall also include an application for a special use permit (see Section 2.4.6, Special Use Permit).
- (ii)** Construction drawings may be submitted concurrently with a type II preliminary plat application, at the applicant's option.

**(d) Staff Review and Action**

Applicable (see Section 2.3.5). The Technical Review Committee shall review the application, prepare a staff report, and provide comments a ~~recommendation~~ on the application in accordance with Section 2.4.8.E.4.a, Preliminary Plat Review Standards, and Section 2.4.6.D, Special Use Permit Review Standards.

**(e) Public Hearing Scheduling and Public Notification**

Applicable (see Section 2.3.6).

**(f) Public Hearing Procedures**

Applicable (see Section 2.3.8).

**(g) Advisory Body Review and Recommendation**

Not Applicable.

**(h) Decision-Making Body Review and Decision**

- (i)** Applicable (see Section 2.3.10). The Board of Commissioners, following an ~~quasi-judicial public evidentiary~~ hearing (Section 2.3.8.C), shall decide the application in accordance with the standards in Section 2.3.10, Decision-Making Body Review and

**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.8: Subdivision**

Decision, Section 2.4.8.E.4.a, Preliminary Plat Review Standards and Section 2.4.6.D, Special Use Permit Review Standards.

- (ii) The Board of Commissioners may place limitations on the timing and extent of new development in accordance with Section 6.6, Adequate Public Facility Standards.

**(4) Preliminary Plat Standards, Effect, Amendment, and Expiration**

**(a) Preliminary Plat Review Standards**

An application for a type I or type II preliminary plat shall be approved only upon a finding the applicant demonstrates the preliminary plat complies with:

- (i) All applicable standards in Chapter 6: Subdivision and Infrastructure Standards, and other applicable standards in this Ordinance;
- (ii) The standards in 2.4.6.D, Special Use Permit Standards, if applicable;
- (iii) The Currituck County Stormwater Manual;
- (iv) All standards or conditions of any prior applicable development permits and approvals; and
- (v) All other applicable requirements in the County Code of Ordinances.

**(b) Effect of Development Approval**

Approval of a type I or type II preliminary plat authorizes:

- (i) The submittal of construction drawings for the subdivision or an approved phase of the subdivision, in accordance with this section; or
- (ii) Review and decision on construction drawings by the Technical Review Committee, if submitted concurrently with the preliminary plat application.

**(c) Amendment of Development Approval**

Applicable (see Section 2.3.14).

**(d) Expiration of Development Approval**

- (i) Approval of a type I or type II preliminary plat shall automatically expire if a complete application for approval of a final plat is not submitted within three years after the date of approval of the type I or type II preliminary plat.

**(5) Construction Drawings Procedure**

**(a) Pre-Application Conference**

Optional (see Section 2.3.2).

**(b) Community Meeting**

Not applicable.

**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.10: Sign Permit**

waste treatment system complying with the requirements of the Albemarle Regional Health Services, where applicable.

**(4) Staff Review and Action**

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.9.D, Zoning Compliance Permit Review Standards.

**(5) Public Hearing Scheduling and Public Notification**

Not applicable.

**(6) Public Hearing Procedures**

Not applicable.

**(7) Advisory Body Review and Recommendation**

Not applicable.

**(8) Decision-Making Body Review and Decision**

Not applicable.

**D. Zoning Compliance Permit Review Standards**

A zoning compliance permit shall be approved upon a finding the applicant demonstrates the proposed development complies with all applicable standards in this Ordinance, the County Code of Ordinances, and all conditions of permits or development approvals approved under this Ordinance.

**E. Effect of Development Approval**

- (1)** Approval of a zoning compliance permit authorizes an applicant to apply for a building permit, or to commence construction if the proposed development does not require a building permit.
- (2)** If the zoning compliance permit application is filed concurrently with a building permit application, approval of the zoning compliance permit authorizes the county to complete its review of the building permit application.

**F. Amendment of Development Approval**

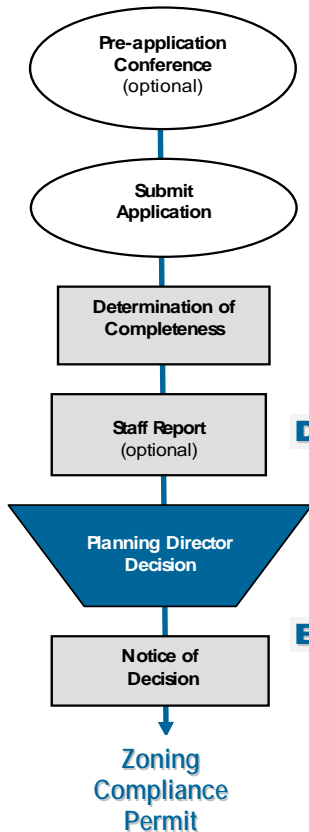
Applicable (see Section 2.3.14).

**G. Expiration of Development Approval**

Approval of a zoning compliance permit shall automatically expire if the development activity it authorizes is not commenced within ~~six months~~ one year after the date of approval.

**2.4.10. Sign Permit****A. Purpose**

The purpose of this section is to provide a uniform mechanism for reviewing applications for sign permits to ensure all signs comply with the standards of Section 5.12, Signage.



**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.II: Temporary Use Permit****F. Amendment of Development Approval**

Applicable (see Section 2.3.14).

**G. Expiration of Development Approval**

- (1) A sign permit shall expire ~~within six months~~ one year from the date of issuance unless work authorized by the permit has been started.
- (2) Work associated with a sign permit shall be completed within ~~twelve months~~ eighteen months of the date of issuance or the sign permit shall be void.

**2.4.II. Temporary Use Permit****A. Purpose**

The purpose of this subsection is to establish a uniform mechanism for reviewing temporary uses and structures, and special events to ensure they comply with the standards in Section 4.4, Temporary Use Standards.

**B. Applicability**

The provisions of this section shall apply to all proposed temporary uses, temporary structures, and special events set forth in Section 4.4, Temporary Use Standards.

**C. Temporary Use Permit Procedure****(1) Pre-Application Conference**

Optional (see Section 2.3.2).

**(2) Community Meeting**

Not applicable (see Section 2.3.3).

**(3) Application Submittal and Acceptance**

Applicable (see Section 2.3.4).

**(4) Staff Review and Action**

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, Section 2.4.II.D, Temporary Use Permit Review Standards, and all other applicable standards in this Ordinance and the County Code of Ordinances.

**(5) Public Hearing Scheduling and Public Notification**

Not applicable.

**(6) Public Hearing Procedures**

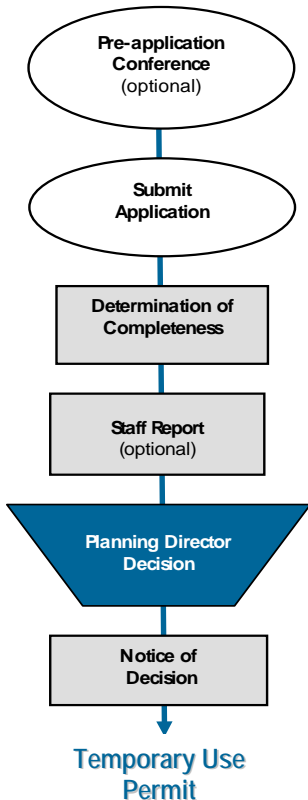
Not applicable.

**(7) Advisory Body Review and Recommendation**

Not applicable.

**(8) Decision-Making Body Review and Decision**

Not applicable.



**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.13: Clear-Cutting Permit****G. Expiration of Approval**

Approval of a floodplain development permit shall automatically expire if the development activity it authorizes is not commenced within ~~six months~~ one year after the date of approval.

**2.4.13. Clear-Cutting Permit****A. Purpose**

This section is intended to ensure that development and clear-cutting activities comply with the tree protection standards in this Ordinance.

**B. Applicability****(1) In General**

Except for development exempted in accordance with sub-section (2) below, a clear-cutting permit is required before any clear-cutting or significant land-disturbing activities. For the purposes of this sub-section, "significant land-disturbing activities" shall include but not be limited to deposition or removal of fill, grading or grubbing of a site, or trenching.

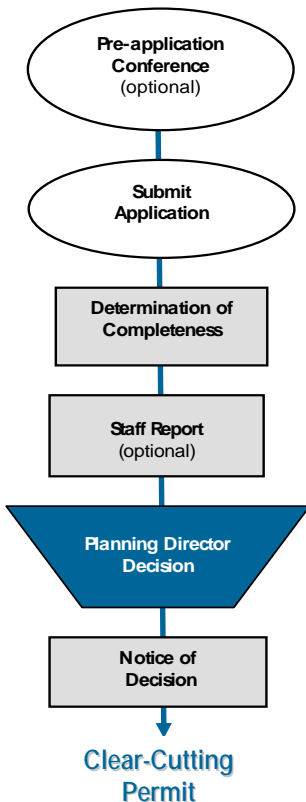
**(2) Exemptions**

The following activities are exempt from the requirements of this section:

- (a)** The removal of dead or naturally fallen trees;
- (b)** The removal of diseased trees posing a threat to adjacent trees;
- (c)** The selective and limited removal of trees or vegetation necessary to obtain clear visibility within sight distance triangles;
- (d)** Removal of trees on developed single-family residential lots or lots within a single-family residential subdivision platted prior to January 1, 2013;
- (e)** Land-disturbing activities and tree removal in accordance with a site plan, preliminary plat, or building permit approved after January 1, 2013;
- (f)** Removal of trees as necessary to maintain safe operations at the Currituck County Airport;
- (g)** Land-disturbing activities and tree removal on unbuildable lands;
- (h)** The removal of vegetation by public or private agencies within the lines of any right-of-way, easement, or other county-owned lands as may be necessary to ensure public safety; and
- (i)** Land disturbing activities undertaken on land under agricultural, horticultural, or forest production and taxed at present-use value in accordance with Sections 105-277.2 through 277.7 of the North Carolina General Statutes.

**C. Clear-Cutting Permit Procedure****(1) Pre-Application Conference**

Optional (see Section 2.3.2).

**(2) Community Meeting**

**SECTION 2.4: SPECIFIC REVIEW PROCEDURES**

## Subsection 2.4.14: Variance

Not applicable.

**(3) Application Submittal and Acceptance**

Applicable (see Section 2.3.4).

**(4) Staff Review and Action**

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.13.D, Clear-Cutting Permit Review Standards.

**(5) Public Hearing Scheduling and Public Notification**

Not applicable.

**(6) Public Hearing Procedures**

Not applicable.

**(7) Advisory Body Review and Recommendation**

Not applicable.

**(8) Decision-Making Body Review and Decision**

Not applicable.

**D. Clear-Cutting Permit Review Standards**

A clear-cutting permit shall be approved only upon a finding that all of the following standards are met:

- (1)** All healthy heritage trees within the site are preserved or maintained during and after any tree removal or other land-disturbing activity, or a plan for mitigation consistent with the requirements in Section 7.2.3.E, Replacement/Mitigation of Heritage Trees, has been approved by the Planning Director.
- (2)** A tree protection zone around all heritage trees to be preserved is established consistent with the requirements in Section 7.2, Tree Protection.
- (3)** In the event a tract or site proposed for tree removal or other land-disturbing activity contains no heritage trees, the clear cutting permit shall indicate that no tree protection zones are required.

**E. Effect of Development Approval**

Applicable (see Section 2.3.13).

**F. Amendment of Development Approval**

Applicable (see Section 2.3.14).

**G. Expiration of Development Approval**

A clear-cutting permit expires ~~six months~~ one year after its approval.

**2.4.14. Variance****A. Purpose**

The purpose of a variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numerical standards) when the landowner demonstrates that, owing to special



**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.14: Variance**

circumstances or conditions beyond the landowner's control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. This section also includes standards for variance from the county's flood damage prevention standards in Section 7.4.

**B. Applicability**

The variance procedure may be used to seek hardship relief from the dimensional, numerical, and flood damage prevention standards in this Ordinance. No variance may be sought that increases development density (e.g., units per acre) beyond that allowed in a base zoning district, or increases the number of a particular type of sign beyond that allowed by signage standards. In addition, no variance may be sought that would permit a use not allowed in a zoning district, or would have the effect of allowing a prohibited use or a prohibited sign.

**C. Variance Procedure****(1) Pre-Application Conference**

Optional (see Section 2.3.2).

**(2) Community Meeting**

Not Applicable.

**(3) Application Submittal and Acceptance**

Applicable (see Section 2.3.4). The Planning Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.5.B, Staff Report and Recommendation, and Section 2.4.16.D, Variance Review Standards.

**(4) Staff Review and Action**

Applicable (see Section 2.3.5).

**(5) Public Hearing Scheduling and Public Notification**

Applicable (see Section 2.3.6).

**(6) Public Hearing Procedures**

Applicable (see Section 2.3.8).

**(7) Advisory Body Review and Recommendation**

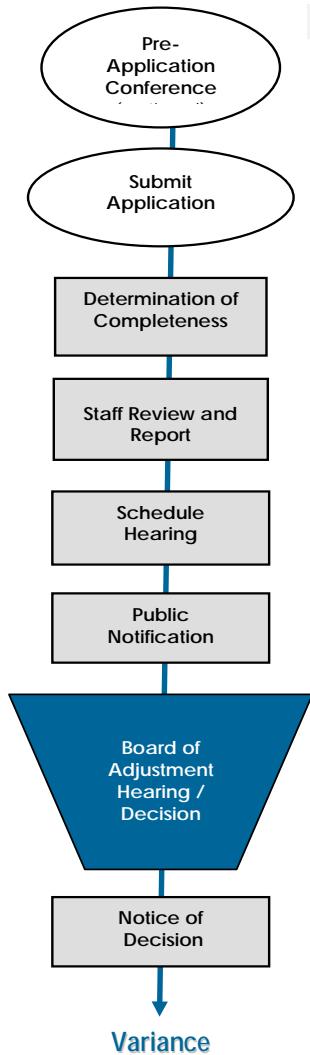
Not applicable.

**(8) Decision-Making Body Review and Decision**

Applicable (see Section 2.3.10). The Board of Adjustment, following an ~~quasi-judicial~~ public evidentiary hearing (see Section 2.3.8.C), shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, Section 2.4.16.D, Variance Review Standards, or Section 2.4.16.2.F, Standards for Flood Damage Prevention Ordinances, as appropriate.

**D. Variance Review Standards**

A variance shall be approved on a finding the applicant demonstrates all of the following standards are met:





**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.17: Appeal****F. Official Record**

The Planning Director shall maintain a record of written interpretations that shall be available in the Planning and Community Development Department for public inspection, on reasonable request, during normal business hours.

**2.4.17. Appeal****A. Purpose**

The purpose of this section is to establish a procedure and standards for an aggrieved party affected by any decision or interpretation by a county official to determine if the decision or interpretation complies with the requirements of this Ordinance.

**B. Initiation**

An appeal shall be initiated by filing a written Notice of Appeal with the Planning Director within:

- (1)** Thirty days of the date of the interpretation or decision, or notice of violation being appealed.

**C. Appeal Procedure****(1) Pre-Application Conference**

Optional (see Section 2.3.2).

**(2) Community Meeting**

Not applicable.

**(3) Application Submittal and Acceptance**

Applicable (see Section 2.3.4). The written Notice of Appeal shall include a statement of the error or improper decision or interpretation, the date of that decision, the grounds for the appeal, and all related support materials.

**(4) Staff Review and Action**

Applicable (see Section 2.3.5). On accepting a Notice of Appeal application, the Planning Director shall transmit the appeal and the record of material considered by the decision-maker in making the decision or interpretation (including but not limited to, for example, the application and support materials, staff report, other plans, documents, reports, and studies considered in making the decision, and any minutes, transcripts, or record of the meetings held to consider and make the decision). These materials, plus the Land Use Plan and this Ordinance, shall constitute the record of the appeal.

**(5) Public Hearing Scheduling and Public Notification**

Applicable (see Section 2.3.6). The Planning Director shall provide notice of the ~~public~~ evidentiary hearing to the applicant for the decision being appealed, if different from the appellant.

**(6) Public Hearing Procedures**

Applicable (see Section 2.3.8). The ~~public~~ evidentiary hearing shall be on the record of the appeal, with presentations limited to arguments on the record of the appeal as it relates to the grounds for appeal specified in the appeal application.

**(7) Advisory Body Review and Recommendation**

Not applicable.

**(8) Decision-Making Body Review and Decision**

- (a)** Applicable (see Section 2.3.10). The Board of Adjustment, following an ~~quasi-judicial public~~ evidentiary hearing (see Section 2.3.8.C) shall decide the application for the appeal. The decision shall be based solely on the record of the appeal, as supplemented by arguments presented at the public hearing, and the standards in Section 2.4.17.D, Appeal Review Standards. The decision shall be one of the following:

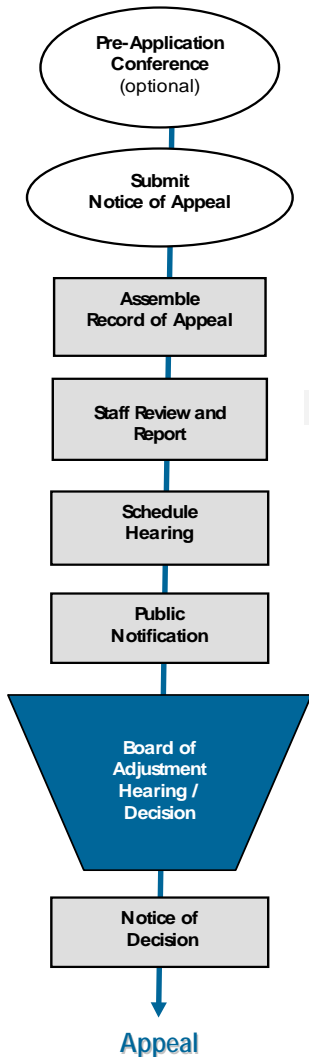
- (i)** Affirmation of the decision or interpretation (in whole or in part);
- (ii)** Modification of the decision or interpretation (in whole or in part); or
- (iii)** Reversal of the decision or interpretation (in whole or in part).

**D. Appeal Review Standards**

- (1)** The Board of Adjustment is limited to the following determinations in considering the appeal, which shall be based on clear and substantial evidence in the record:
- (a)** The decision-maker did not make an error or correctly applied the standards of this Ordinance in making the decision or interpretation;
  - (b)** The decision-maker made an error in determining whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was or was not met;
  - (c)** The decision-maker made the decision based on a standard not contained in this Ordinance or other appropriate county ordinances, regulations, or state law, or that a standard more strict or broad than the standard established in this Ordinance was applied; or
  - (d)** The decision-maker made an error in applying a standard or measuring a standard.
- (2)** Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications of those making the determination.
- (3)** The Board of Adjustment shall not hear any evidence or make any decision based on hardships or special conditions. (Such matters may only be considered in the context of an application for a variance or special use permit.)

**E. Effect of Appeal**

An appeal shall stay all administrative proceedings by the county in furtherance of the action appealed, unless the Planning Director certifies that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the Superior Court for Currituck County.



**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.18: Development Agreement****F. Amendment of Appeal**

Not applicable.

**G. Expiration of Appeal**

Not applicable.

**2.4.18. Development Agreement****A. Purpose**

The purpose and intent of this section is to authorize development agreements to be entered into between a developer and the Board of Commissioners in accordance with the terms of this section to:

- (1)** Encourage comprehensive planning and capital facilities planning;
- (2)** Ensure the provision of adequate public facilities for development;
- (3)** Encourage the efficient use of resources, while providing certainty in the process of obtaining development permits and approvals; and
- (4)** Reduce the economic costs of development by providing greater regulatory certainty.

**B. Findings**

The Board of Commissioners finds and determines that development agreements may be useful to both Currituck County and developers by providing more regulatory certainty, establishing a schedule for development, and assisting both developers and the county coordinate the provision of adequate public facilities to serve development, coordinate the phasing of development, and administer and manage efforts to maintain open space and environmentally sensitive lands.

**C. Authority**

The county may enter into a development agreement with a developer, subject to the procedures and standards of ~~Part 3A~~ of Article ~~18~~10 of Chapter ~~53A~~ 160D of the North Carolina General Statutes. In entering into a development agreement, the county may not exercise any authority or make any commitment not authorized by general or local act, and may not impose any tax or fee not authorized by otherwise applicable law.

**D. Development Agreement Procedure**

- (1) Pre-Application Conference**  
Optional (see Section 2.3.2).
- (2) Community Meeting**  
Optional (see Section 2.3.3).
- (3) Application Submittal and Acceptance**  
Applicable (see Section 2.3.4).
- (4) Staff Review and Action**

**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.18: Development Agreement**

The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

**(2) Rights and Obligations**

Rights and obligations established by a development agreement shall not preclude or supersede rights and obligations established pursuant to other law regarding building permits, site specific development plans, phased development plans, or other provisions of law.

**(3) Building and Housing Code**

A Development Agreement shall not exempt the property owner or developer from compliance with the State Building Code or the county's Minimum Housing Code.

**(4) Identify Subsequently Enacted Laws**

Unless the development agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a development agreement are those in force at the time of execution of the agreement.

**(5) Application of Subsequently Adopted Laws**

Except for grounds specified in Section ~~153A-344.1(e)~~ 160D-1007 of the North Carolina General Statutes, the county may not apply subsequently adopted ordinances or development policies to a development that is subject to a development agreement.

**(6) Change in State or Federal Law**

If state or federal law is changed after a development agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the development agreement, the county, by ordinance after notice and a hearing, may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the development agreement.

**(7) Vested Rights**

This Ordinance does not abrogate any rights preserved by Sections ~~153A-344~~ or ~~153A-344.1~~ 160D-1007 of the North Carolina General Statutes, or that may vest pursuant to common law or otherwise in the absence of a development agreement.

**G. Approval of Debt**

If any of the obligations of the county in the development agreement constitute debt, the county shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the county, with any applicable constitutional and statutory procedures for the approval of the debt. The agreement shall be signed by the County Attorney, Finance Director, and County Manager.

**H. Periodic Review and Breach of Agreement****(I) Annual Review**

During any period of time in which a permit or development approval subject to a development agreement is active, the county shall review the

**SECTION 2.4: SPECIFIC REVIEW PROCEDURES****Subsection 2.4.19: Zoning Compliance Permit – Island Development**

transportation, emergency services, law enforcement, and fire and rescue are not available at this location.”

- (2)** The application provides an appropriate location on the mainland, approved by the Planning Director, for staging of construction for new development on the island. The mainland location must be secured either through ownership or a written agreement provided to the Planning Director and shall be located in an appropriate zoning district.
- (3)** No more than one single-family dwelling shall be constructed on an island. Accessory dwelling units are prohibited.
- (4)** The single-family dwelling shall not exceed 4,000 square feet.
- (5)** The single-family dwelling unit must have an approved NFPA 13D sprinkler system installed for fire protection as an alternate means of construction per Section 105.1 of the 2018 edition of the North Carolina State Administrative Code. Since the dwelling unit will rely on a well for water, a storage tank, pump, and emergency backup power source will be necessary to ensure an adequate means of water will be available to maintain the operation of the system per NFPA guidelines in the event of a fire. In the event that the system is disabled or is not maintained properly, the certificate of occupancy may be revoked until such time the system is placed in normal operation. The owner is to provide a certificate of inspection to the Fire Code Official once a year from a North Carolina licensed contractor certified to perform maintenance and inspection of the system.
- (6)** The applicant shall provide transportation for county staff or other public agency to access the island for official business (i.e. building inspector, zoning official, tax official, CAMA, environmental health, etc.).

**E. Effect of Development Approval**

- (1)** Approval of a zoning compliance permit for island development authorizes an applicant to apply for a building permit, or to commence construction if the proposed development does not require a building permit.

**F. Amendment of Development Approval**

Applicable (see Section 2.3.14).

**G. Expiration of Development Approval**

Approval of a zoning compliance permit shall automatically expire if the development activity it authorizes is not commenced within ~~six months~~ one year after the date of approval.

**Item 3:** That Chapter 3. Zoning Districts is amended by adding the following underlined language:



## Chapter 3: Zoning Districts

## SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS

## Subsection 3.4.2: Single-Family Residential-Mainland (SFM) District

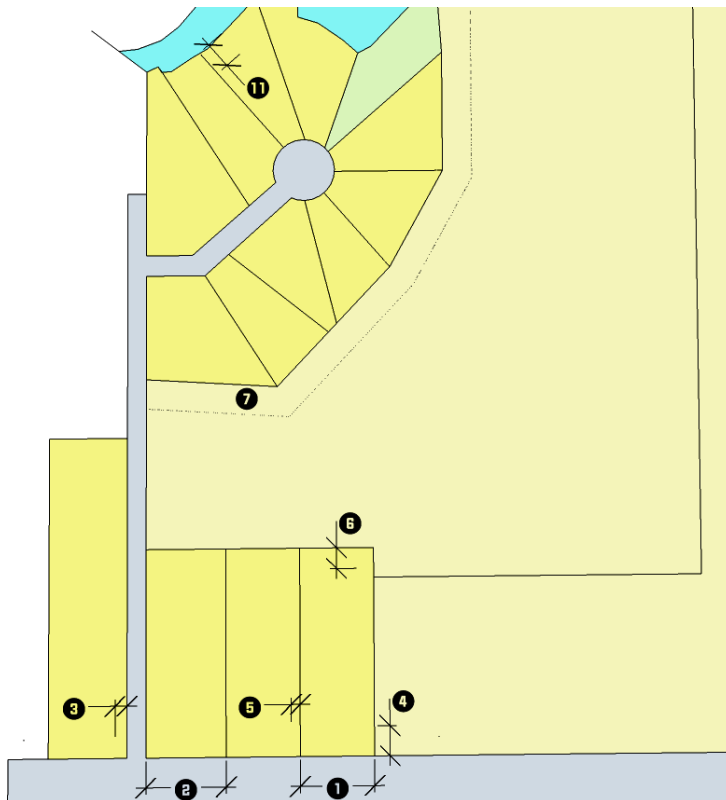
## 3.4.2. Single-Family Residential-Mainland (SFM) District

# SFM

## SINGLE-FAMILY RESIDENTIAL MAINLAND

**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. 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 one unit per acre in Full Service areas designated on the future land use map of the Land Use Plan. Major utilities require approval of a special use permit, while commercial, office, and industrial uses are prohibited.

**C. LOT CONFIGURATION****B. LOT PATTERNS**

Development established after January 1, 2013 that fronts or is within 1,000 feet of a major arterial street shall provide streetscape landscaping in accordance with Section 5.2.8.

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

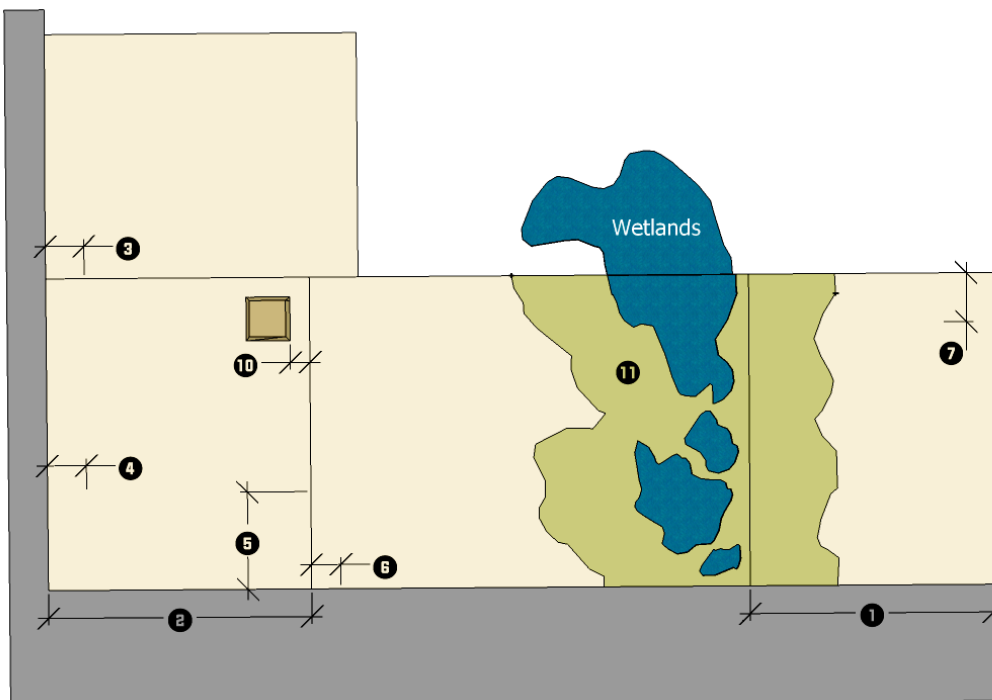
**SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS****Subsection 3.4.3: Single-Family Residential-Outer Banks (SFO) District****3.4.3. Single-Family Residential-Outer Banks (SFO) District**

# SFO

## SINGLE-FAMILY RESIDENTIAL OUTER BANKS

**A. DISTRICT PURPOSE**

The Single-Family Residential-Outer Banks (SFO) district is established to accommodate low- to medium-density residential neighborhoods and supporting uses on the portion of the outer banks south of Currituck Milepost 13. The district is intended to accommodate residential and supporting uses in a manner that preserves sensitive natural resources, protects wildlife habitat, reduces traffic congestion, and seeks to minimize damage from flooding and catastrophic weather events. A variety of residential use types are allowed in the district, including single-family detached homes and detached accessory dwelling units (with a special use permit). The district also accommodates minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, shoreline access, religious institutions, and schools. All development in the district is subject to stormwater management, dune and maritime forest protection, and special exterior lighting limitations. Major utilities and marinas require approval of a special use permit, while commercial, office, and industrial uses are prohibited.

**B. LOT PATTERNS****C. LOT CONFIGURATION**

All development in the SFO district is subject to the lighting standards in Chapter 5, and the stormwater and environmental protection standards in Chapter 7 of this Ordinance.



## Chapter 3: Zoning Districts

## SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS

## Subsection 3.4.5: Single-Family Residential-Isolated (SFI) District

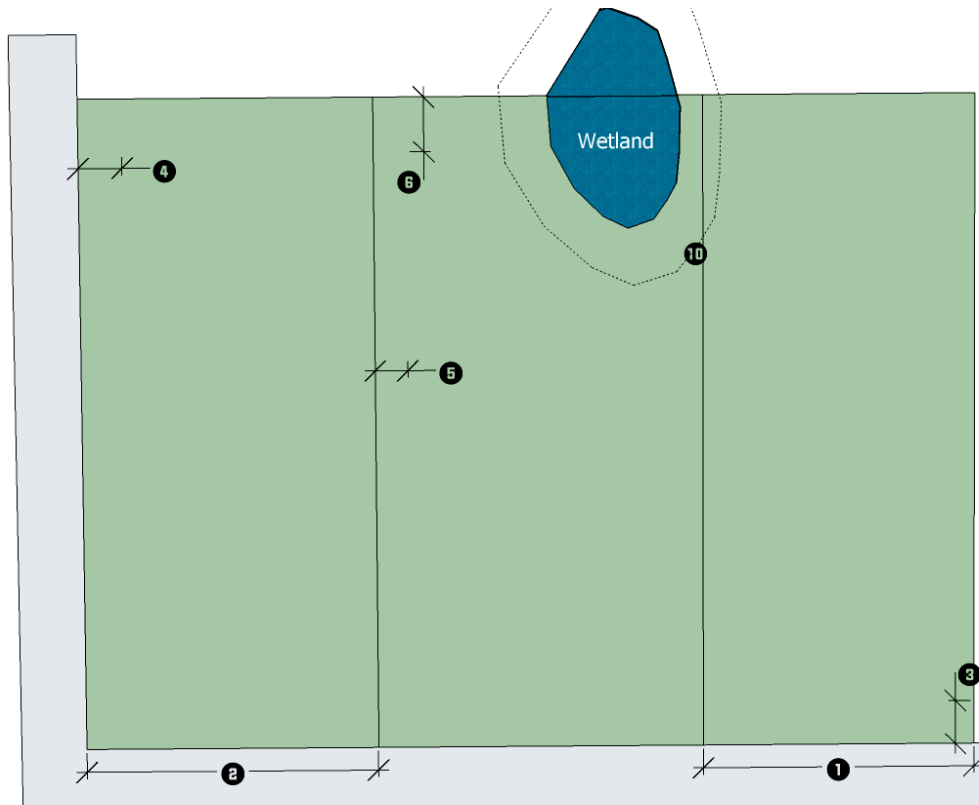
## 3.4.5. Single-Family Residential-Isolated (SFI) District

# SFI

## SINGLE-FAMILY RESIDENTIAL ISOLATED

**A. DISTRICT PURPOSE**

The Single-Family Residential-Isolated (SFI) district is established to accommodate low density residential neighborhoods and supporting uses in remote portions of Currituck County that are not directly accessible from roadways on the mainland, such as Knotts Island or Gibbs Woods. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity or wildlife habitat. Residential uses allowed in the district include single-family detached homes and manufactured homes on individual lots. Subdivisions approved after January 1, 2013 shall maintain lots of at least three acres per lot. The district accommodates agriculture, equestrian uses, minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, religious institutions, and schools. Major utilities require approval of a special use permit, while commercial, office, and industrial uses, as well as conservation subdivisions, are prohibited.

**B. LOT PATTERNS****C. LOT CONFIGURATION**

Conservation subdivisions are prohibited in the SFI district.

**D. TYPICAL BUILDING FORMS**

## Chapter 3: Zoning Districts

**SECTION 3.5: BUSINESS AND MIXED-USE BASE ZONING DISTRICTS**

## Subsection 3.5.2: General Business (GB) District

**3.5.2. General Business (GB) District**

# GB

## GENERAL BUSINESS

**A. DISTRICT PURPOSE**

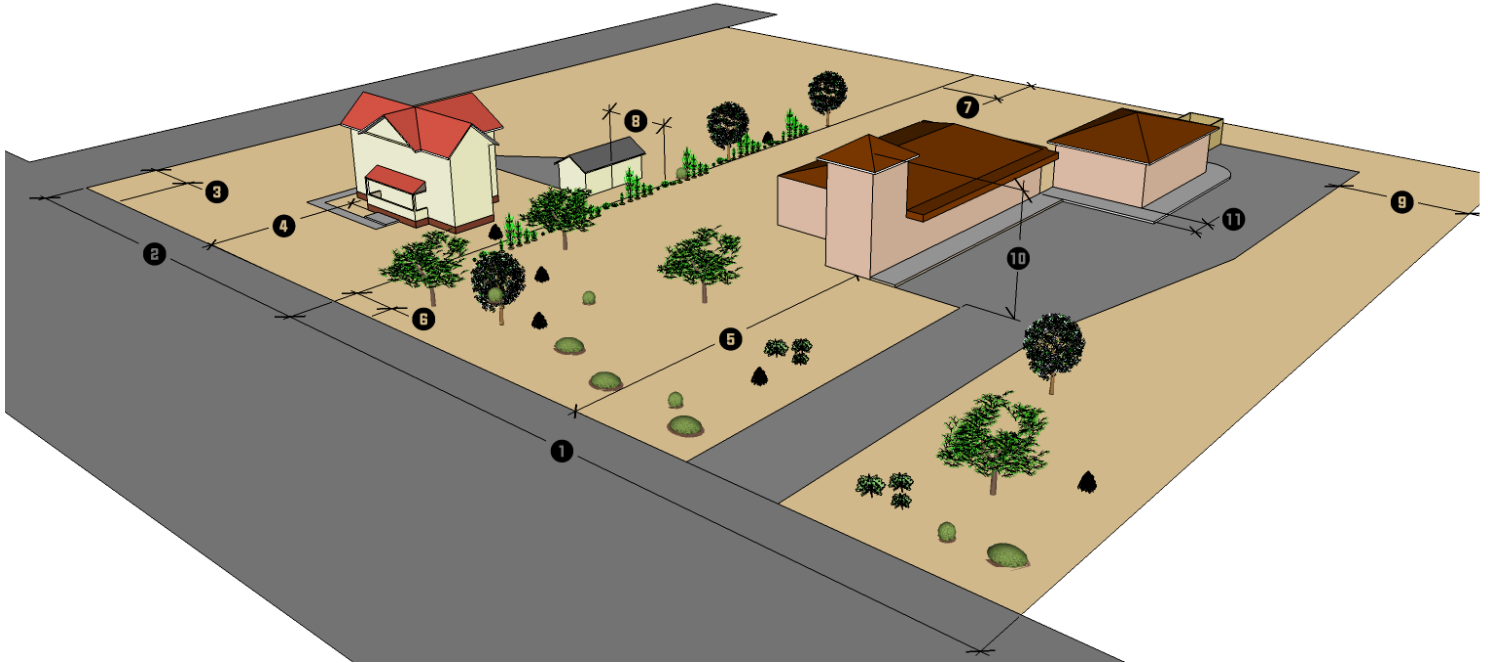
The General Business (GB) district is established to accommodate a wide variety of residential and nonresidential uses on lots bounding major roadways outside of community and village center areas. The district is intended to accommodate small to medium-sized commercial, office, personal service, and institutional uses that provide goods and services to county residents and visitors in ways that protect the county's scenic corridors as well as maintain the traffic carrying capacity of major roadways. The district also accommodates low density single-family detached dwellings, accessory dwelling units, and manufactured homes on individual lots (on the mainland). New commercial development is subject to commercial design standards to ensure development quality and consistency with surrounding development patterns. New commercial development of 5,000 square feet or more proposed on lots located outside of areas designated as Full Service areas in the Land Use Plan is required to obtain special use permit approval. New development on lots along major arterials (like Caratoke Highway) outside designated Full Service areas are subject to increased minimum front setbacks and increased landscaping requirements to help protect the scenic character of these areas. New industrial, multi-family, and institutional residential uses are prohibited in the GB district.

**B. LOT PATTERNS****C. TYPICAL BUILDING FORMS**

## Chapter 3: Zoning Districts

**SECTION 3.5: BUSINESS AND MIXED-USE BASE ZONING DISTRICTS**

## Subsection 3.5.2: General Business (GB) District

**D. BUILDING CONFIGURATION****E. DIMENSIONAL STANDARDS**

Max. Gross Density (du/ac)	N/A	Min. Major Arterial Street Setback (ft) [3]	
Max. Nonresidential FAR (%) [2]	0.40	Within Full Service Areas (ft)	30 <b>4</b>
Min. Lot Area (sf ft)	40,000	Outside Full Service Areas (ft)	100 <b>5</b>
Max. Lot Area (acres)	N/A	Min. Side Setback (ft)	15 <b>6</b>
Min. Lot Width, Interior Lot (ft)	125 <b>1</b>	Min. Rear Setback (ft)	25 <b>7</b>
Min. Lot Width, Corner Lot (ft)	125 <b>2</b>	Min. Agricultural Setback (ft) [4]	50
Max. Lot Depth (ft)	[1]	Min. Accessory Use Setback (ft)	10 <b>8</b>
Max. Lot Coverage (%)	65	Min. Driveway/Parking Setback (ft)	10 <b>9</b>
Min. Front Setback (ft)	20	Min. Fill Setback from all Lot Lines (ft)	10
Min. Corner Side Setback (ft)	20 <b>3</b>	Min. Wetland/Riparian Buffer (ft) [4]	30
		Max. Building Height (ft)	35 <b>10</b>
		Min. Spacing Between Principal Buildings (ft)	10 <b>11</b>

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

[2] Commercial structures exceeding 5,000 square feet must obtain special use permit approval if proposed outside a Full Service area

[3] Metal siding is prohibited on building facades facing or visible from major arterial streets

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



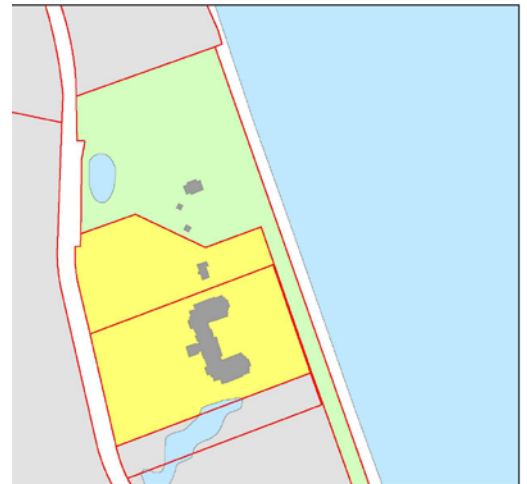
## Chapter 3: Zoning Districts

**SECTION 3.5: BUSINESS AND MIXED-USE BASE ZONING DISTRICTS**

## Subsection 3.5.3: Limited Business (LB) District

**3.5.3. Limited Business (LB) District****LB  
LIMITED  
BUSINESS****A. DISTRICT PURPOSE**

The Limited Business (LB) district is established to accommodate various residential and nonresidential uses on lots bounding major roadways outside of community and village center areas. The district is intended to accommodate low intensity commercial, office, personal service, and institutional uses that provide goods and services to county residents and visitors in ways that protect the county's scenic corridors as well as maintain the traffic carrying capacity of major roadways. The district also accommodates low density single-family detached dwellings, accessory dwelling units, and manufactured homes on individual lots (on the mainland only). New commercial development is subject to commercial design standards to ensure development quality and consistency with surrounding development patterns. New commercial development of 5,000 square feet or more proposed on lots located outside of areas designated as Full Service areas in the Land Use Plan is required to obtain special use permit approval. New development on lots along major arterials (like Highway 12) outside designated Full Service areas are subject to increased minimum front setbacks and increased landscaping requirements to help protect the scenic character of these areas. New industrial, multi-family, and institutional residential uses are prohibited in the LB district.

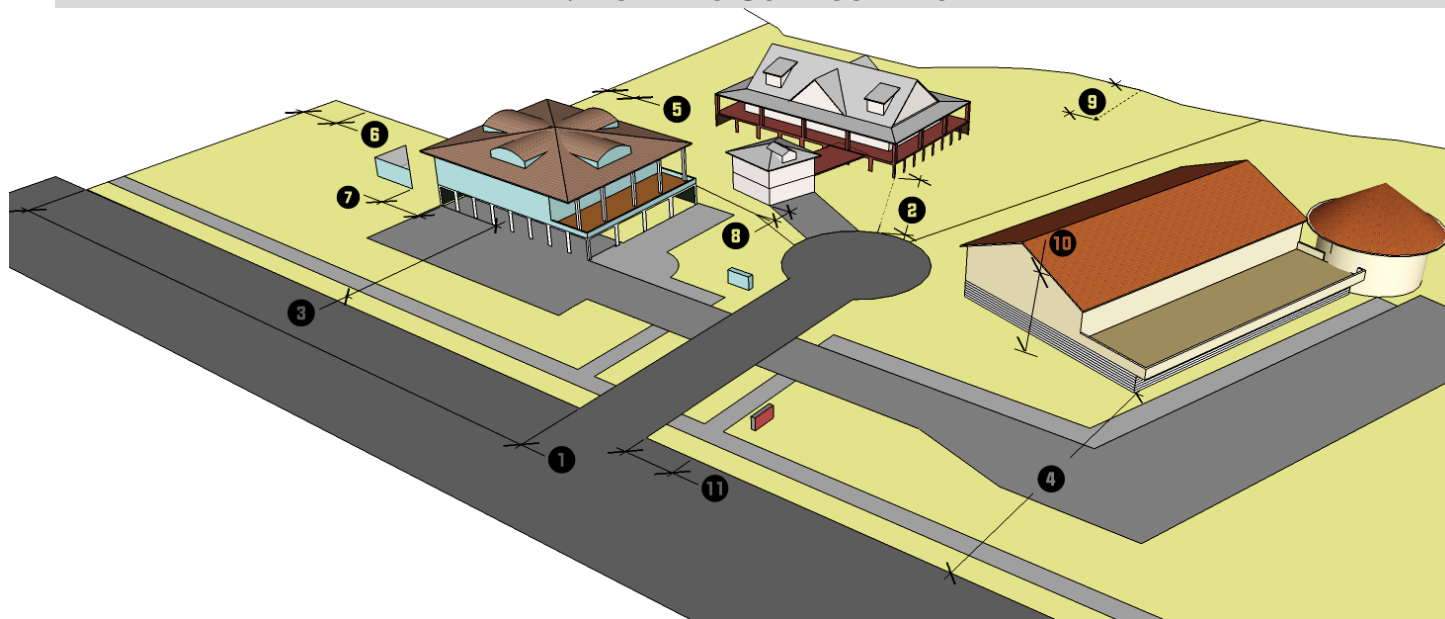
**B. LOT PATTERNS****C. TYPICAL BUILDING FORMS**

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

## Chapter 3: Zoning Districts

**SECTION 3.5: BUSINESS AND MIXED-USE BASE ZONING DISTRICTS**

## Subsection 3.5.3: Limited Business (LB) District

**D. BUILDING CONFIGURATION****E. DIMENSIONAL STANDARDS**

Max. Gross Density (du/ac)	N/A	Min. Major Arterial Street Setback (ft) [3]	
Max. Nonresidential FAR (%) [2]	0.40	Within Full Service Areas (ft)	30 <b>3</b>
Min. Lot Area (sf ft)	40,000	Outside Full Service Areas (ft)	100 <b>4</b>
Max. Lot Area (acres)	N/A	Min. Side Setback (ft)	15 <b>6</b>
Min. Lot Width, Interior Lot (ft)	125	Min. Rear Setback (ft)	25 <b>5</b>
Min. Lot Width, Corner Lot (ft)	125 <b>1</b>	Min. Agricultural Setback (ft) [4]	50
Max. Lot Depth	[1]	Min. Accessory Use Setback (ft)	10
Max. Lot Coverage (%)	65	Min. Driveway/Parking Setback (ft)	10 <b>8</b>
Min. Front Setback (ft)	20 <b>2</b>	Min. Fill Setback from all Lot Lines	10
Min. Corner Side Setback (ft)	20 <b>11</b>	Min. Wetland/Riparian Buffer (ft) [4]	30 <b>9</b>
		Max. Building Height (ft)	35 <b>10</b>
		Min. Spacing Between Principal Buildings (ft)	10 <b>7</b>

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

[2] Commercial structures exceeding 5,000 square feet must obtain special use permit approval if proposed outside a full service area

[3] Metal siding is prohibited on building facades facing or visible from major arterial streets

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

**Item 4:** That Chapter 4. Use Standards is amended by adding the following underlined language:

# CHAPTER 4. USE STANDARDS

## 4.1. USE TABLE

### 4.1.1. Explanation of Use Table Structure

#### A. General

- (1) Table 4.1.1.A and 4.1.1.B, Summary Use Table, lists use types and indicates whether they are allowed by right, allowed with a special use permit, allowed in a conditional zoning district, allowed in a planned development zoning district, or prohibited in a zoning district. The use table also includes references to any additional requirements or regulations applicable to the specific use type.
- (2) The status of a use in a conditional zoning district shall be the same as in the parallel base zoning district unless such status is modified by conditions imposed as part of the conditional rezoning designating the conditional zoning district.

#### B. Organization of Uses

The use table organizes allowable uses by use classifications, use categories, and use types. The use table and Section 10.4, Use Classifications, Categories, and Use Types, together provide a systematic basis for identifying and consolidating or distinguishing unidentified land uses to determine whether a particular land use is allowable in a particular zoning district and in addressing future land uses.

##### (1) Use Classifications

The use classifications identify broad general classifications of uses and include residential uses, institutional uses, agricultural uses, commercial uses, and industrial uses. Use classifications are further broken down into a series of general “use categories” and specific “use types.”

##### (2) Use Categories

The use categories describe the major sub-groups of the respective use classifications and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Use Classification is divided into the Household Living and Group Living use categories. Use categories are further broken down into a series of individual use types.

##### (3) Use Types

The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, duplex dwellings, live/work dwellings, manufactured homes, single-family detached dwellings, and townhouse dwellings are use types in the Household Living Use Category.

**SECTION 4.1: USE TABLE****Subsection 4.1.1: Explanation of Use Table Structure****C. Uses Requiring a Zoning Compliance Permit**

A “Z” in a cell of the use table indicates that the corresponding use category or use type is permitted in the corresponding base zoning district or parallel conditional zoning district, subject to compliance with the use-specific standards referenced in the final column of the use table (conditions imposed as part of a conditional rezoning, if applicable) and issuance of a zoning compliance permit by the county. Uses requiring a zoning compliance permit are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection.

**D. Uses Requiring a Special Use Permit**

A “U” in a cell of the use table indicates that the corresponding use category or use type is allowed in the corresponding base zoning district or parallel conditional zoning district, only upon approval of a special use permit in accordance with Section 2.4.6, Use Permit, any use-specific standards referenced in the final column of the use table, and any conditions imposed as part of a conditional rezoning (if applicable). Uses subject to a special use permit are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection.

**E. Uses Allowed Subject to a Conditional Zoning District Classification**

A “CZ” in a cell of the use table indicates that the corresponding use category or use type is only allowed within a parallel conditional zoning district of the corresponding base zoning district, subject to compliance with use-specific regulations set forth in the final column of the table, and any conditions imposed as part of the conditional rezoning. Uses subject to a conditional zoning district are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 3: Zoning Districts, Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection.

**F. Uses Allowed Subject to a Planned Development District Classification**

An “MP” in a cell of the use table indicates that the corresponding use category or use type is allowed in the corresponding planned development district, subject to compliance with the use-specific regulations set forth in the final column of the table and provided the use is included in the required list of possible use types in the planned development master plan. An “U” in the cell of the use table indicates that the corresponding use category or use type is allowed in the corresponding planned development district only upon approval of a special use permit in accordance with Section 2.4.6, Special Use Permit, and any conditions imposed as part of the approved master plan and terms and conditions. Allowed uses are subject to other applicable regulations in this Ordinance, including those set forth in Section 3.7, Planned Development Base Zoning Districts.

**G. Prohibited Uses**

- (1) A blank cell in the use table indicates that the corresponding use category or use type is prohibited in the corresponding zoning district. Use types with a blank cell are not allowable in a corresponding planned development district, and shall not be included in the planned development master plan.
- (2) The following activities or use types are not identified in Table 4.1.1.A and Table 4.1.1.B. but are prohibited in all zoning districts in the county.



## Chapter 4: Use Standards

## SECTION 4.1: USE TABLE

## Subsection 4.1.2: Use Table

## 4.1.2. Use Table

**TABLE 4.1.1.A: SUMMARY USE TABLE**

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;  
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USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]													ADDITIONAL REQ. (4.2.____)
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	
AGRICULTURAL USE CLASSIFICATION															
Agriculture / Horticulture	All	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Animal Husbandry	All		Z				Z						Z	Z	I.A
Agriculture Support and Services (Directly Related)	Agri-education	Z	Z				Z		Z	Z	Z				I.B.2
	Agri-entertainment	Z	Z				Z		Z	Z	Z				I.B.2
	Agricultural processing		Z					U					Z	Z	I.B
	Agribusiness		Z				Z		Z	Z	Z			Z	I.B
	Equestrian facility		Z	Z			Z		Z		Z	Z	Z		I.B.3
	Farmers market		Z				Z		Z	Z	Z	Z	Z		I.B
	Nursery, production		Z				Z		Z	Z			Z	Z	I.B.4
	Roadside market		Z						Z						I.B.5
Agriculture Support and Services (Not Directly Related)	Agricultural research facility		Z						Z	Z	Z		Z	Z	I.C
	Distribution hub for agricultural and agronomic products		Z						Z	Z			Z	Z	I.C
	Farm machinery sales, rental, and service		Z						Z	Z	Z		Z	Z	I.C
	Agricultural Retail Facility		Z						Z	Z	Z		Z	Z	I.C
	Stockyard / Slaughterhouse		U											U	I.C
Silviculture	All	Z	Z	Z			Z	Z	Z	Z			Z	Z	I.C
RESIDENTIAL USE CLASSIFICATION															
Household Living	Dwelling, duplex			Z/U				Z			Z	Z			2.A.1
	Dwelling, live/work							Z	Z	Z	Z	Z			2.A.2
	Dwelling, mansion apartment							C Z			Z	Z			2.A.3
	Dwelling, manufactured home (class A)		Z	Z			Z	Z	Z						2.A.4
	Dwelling, manufactured home (class B)		Z	Z			Z	Z	Z						2.A.4
	Dwelling, multi-family							C Z			Z	Z			2.A.5
	Dwelling, single-family detached		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			
	Dwelling, townhouse							C Z			Z	Z			2.A.5
	Dwelling, upper story							Z	Z	Z	Z	Z			2.A.6
Group Living	Dormitory							Z	Z	U	Z	Z			2.B.1
	Family care home			Z	Z	Z	Z	Z	Z	Z	Z	Z			2.B.2
	Rooming or boarding house							Z	Z		Z	Z			2.B.3

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

## Chapter 4: Use Standards

## SECTION 4.1: USE TABLE

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**TABLE 4.1.1.A: SUMMARY USE TABLE**

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USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]													ADDITIONAL REQ. (4.2.____)
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	
INSTITUTIONAL USE CLASSIFICATION															
Community Services	Community center			Z	Z	U	Z	Z	Z	Z	Z	Z			
	Cultural facility	U		Z	Z			Z	Z	Z	Z	Z			
	Library			Z	Z		Z	Z	Z	Z	Z	Z			
	Museum			Z				Z	Z	Z	Z	Z			
	Senior center							Z	Z	Z	Z	Z			
	Youth club facility							Z	Z	Z	Z	Z			
Day Care	Adult day care center							Z	Z	Z	Z	Z			
	Child care center			Z	Z		Z	Z	Z	Z	Z	Z			3.A
Educational Facilities	College or university								Z	Z	Z	Z			
	School, elementary		U	Z	Z		U	Z	Z	Z	Z	Z			
	School, middle		U	Z	Z		U	Z	Z	Z	Z	Z			
	School, high							Z	Z	Z	Z	Z			
	Vocational or trade school								Z	Z	Z	Z	Z	Z	3.B
Government Facilities	Government maintenance, storage, or distribution facility								Z	Z	Z	Z	Z	Z	
	Government office		Z	Z	Z		Z	Z	Z	Z	Z	Z	Z		
Health Care Facilities	Blood/tissue collection facility								Z		U	U	Z		
	Drug or alcohol treatment facility								Z	U	U	U	Z		3.C.1
	Hospital								Z	Z	Z	Z	Z		3.C.2
	Medical treatment facility								Z	Z	Z	Z			
Institutions	Assisted living facility							Z	Z	Z	Z	Z			
	Auditorium, conference, and convention center								Z	Z	Z	Z			3.D.1
	Club or lodge			U				U	Z	Z	Z	Z	Z		
	Halfway house							U	U				U		3.D.2
	Nursing home							Z	Z	Z	Z	Z			
	Psychiatric treatment facility							U					U		
	Religious institution		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		3.D.3
Parks and Open Areas	Arboretum or botanical garden	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z			
	Cemetery, columbaria, mausoleum							Z					Z	Z	3.E
	Community garden	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			
	Park, public or private	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		
Public Safety	Correctional facility												U	U	
	Law enforcement-Police, fire, or EMS facility		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	

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## Chapter 4: Use Standards

## SECTION 4.1: USE TABLE

## Subsection 4.1.2: Use Table

TABLE 4.1.1.A: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;  
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USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												ADDITIONAL REQ. (4.2.____)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI		HI
	Security training facility		U												3.F
Trans- portation	Airport		U						U		U		U	U	
	Helicopter landing facility								U		U		U	U	3.G
	Passenger terminal, surface transportation			U	U				Z		Z	Z			
Utilities	Solar array														
	Solar Energy Facility		U												3.K
	Telecommunications antenna collocation on tower or building		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.H
	Telecommunications tower, freestanding		U			U			U	U			U	U	3.H
	Utility, major	U	U	U	U	U	U	U	U	U	U	U	U	U	3.I
	Utility, minor	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.J
	Wind energy facility, large														
COMMERCIAL USE CLASSIFICATION															
Adult Entertainment	All													U	4.A
Animal Care	Animal grooming								Z	Z	Z	Z	Z		4.B
	Animal shelter								Z					Z	4.B
	Kennel		U						Z	Z		Z	Z	Z	4.B
	Veterinary clinic		U						Z	Z	Z	Z	Z		4.B
Eating Establish- ments	Dinner theater								Z	Z	Z	Z			
	Restaurant, with indoor or outdoor seating							U	Z	Z	Z	Z	Z		4.C
	Specialty eating establishment							Z	Z	Z	Z	Z	Z		
Offices	Business and sales							Z	Z	Z	Z	Z	Z		4.D
	Professional services							Z	Z	Z	Z	Z			4.D
Parking, Commercial	Parking lot								Z	Z	Z	Z	Z	Z	4.E.1
	Parking structure										Z	Z			4.E.2
Recreation/ Entertainment, Indoor	Fitness center							Z	Z	Z	Z	Z	Z		
	Recreation, indoor							Z	Z	Z	Z	Z	Z		
	Theater							Z	Z	Z	Z	Z			
Recreation / Entertainment, Outdoor	Automotive Racing													U	
	Arena, amphitheater, or stadium								U		U	U			4.F.1
	Athletic facility			Z	Z		Z	Z	Z	Z	Z	Z			4.F.2
	Golf course			U	U			U							
	Golf driving range							Z	Z	Z					

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		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI		
	Marinas							U	Z		Z	Z	Z		4.F.3	
	Outdoor shooting range		U											U	4.F.5	
	Outdoor tour operator								U	U	Z	Z			4.F.6	
	Outdoor tour operator, Aviation		U						U	U	Z	Z			4.F.7	
	Recreation, outdoor							U	Z	Z	Z	Z			4.F.4	
Retail Sales & Services	Artisan Food and Beverage Producer								Z				Z			
	Auction House												Z			
	Bar, nightclub, or cocktail lounge								Z		Z	Z			4.G.1	
	Brewery, Large												Z			
	Convenience store							Z	Z	Z	Z	Z	Z			
	Crematory													U		
	Distillery												Z			
	Drug store or pharmacy							Z	Z	Z	Z	Z				
	Entertainment establishment							Z	Z	Z	Z	Z				
	Financial institution							Z	Z	Z	Z	Z				
	Flea market												Z	Z	4.G.2	
	Funeral home								Z	Z	Z	Z				
	Grocery store								Z		Z	Z				
	Laundromat							Z	Z	Z	Z	Z	Z			
	Pawn shop								U				U			
	Personal services establishment							Z	Z	Z	Z	Z	Z			
	Repair establishment								Z	Z	Z	Z	Z	Z	4.G.3	
	Retail sales establishments								Z	Z	Z	Z				
	Shopping center								U		Z	Z			4.G.4	
	Tattoo parlor/body piercing establishment												Z	Z	4.G.5	
	Winery								Z				Z			
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance												Z	Z		
	Automotive wrecker service												Z	Z	4.H.1	
	Boat and marine rental, sales, and service								Z				Z	Z	4.H.2	
Vehicle Sales and Services, Light	Automotive parts and installation								Z		Z	Z	Z		4.I.1	
	Automobile repair and servicing (including painting/bodywork)								Z		Z	Z	Z		4.I.2	
	Automobile sales or rentals								U		Z	Z	Z		4.I.3	
	Car wash or auto detailing								Z		Z	Z	Z		4.I.4	
	Taxicab service								Z	Z	Z	Z			4.I.5	

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		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	
Visitor Accommodat ions	Bed and breakfast inn			Z	Z		Z	Z	Z	Z	Z	Z			4.J.1
	Hotel or motel								Z		Z	Z			4.J.2
	Hunting lodge		U					Z	Z	Z					
INDUSTRIAL USE CLASSIFICATION															
Extractive Industry	All uses		U										U	U	5.A
Industrial Services	Contractor service								Z		Z	Z	Z	Z	
	Crabshedding		Z					Z	Z				Z	Z	5.B.1
	Fuel oil/bottled gas distributor												Z	Z	
	General industrial service and repair												Z	Z	5.B.2
	Heavy equipment sales, rental, and service												Z	Z	5.B.3
	Laundry, dry cleaning, and carpet cleaning plants												Z	Z	5.B.4
	Manufactured home and prefabricated building sales												Z	Z	5.B.5
	Research and development								Z	Z	Z	Z	Z	Z	
Manu- facturing and Production	Manufacturing, heavy													Z	5.C.1
	Manufacturing, light												Z	Z	5.C.2
Warehouse and Freight Movement	Cold storage plant												Z	Z	
	Outdoor storage (as a principal use)												Z	Z	5.D.1
	Self-service storage												Z	Z	5.D.2
	Truck or freight terminal												Z	Z	5.D.3
	Warehouse (distribution)												Z	Z	5.D.3
	Warehouse (storage)												Z	Z	5.D.3
	Warehouse (distribution) Medical Waste													U	5.D.4
Waste-Related Services	Incinerator													U	5.E.1
	Landfill, land clearing and inert debris or construction debris												U	U	5.E.2
	Public convenience center/transfer station		U	U	U	U	U	U	U	U			U	U	5.E.3
	Recycling center, processing													U	5.E.4
	Recycling center, transfer												U	U	5.E.5
	Salvage and junkyard													U	5.E.6
	Waste composting		U										U	U	
Wholesale Sales	All uses												Z	Z	

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USE CATEGORY	USE TYPE	PLANNED DEVELOPMENT ZONING DISTRICT [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												ADDITIONAL REQ. (4.2.____)
		PD-R	PD-M	PD-O	PD-CS ZONING DISTRICT SUB-DISTRICT DESIGNATIONS									
					CENTER STATION	CHARTER	CROSSROADS	CYPRESS	JUNCTION	MOYOCK RUN	NEWTOWN	OAK TRAIL		
AGRICULTURAL USE CLASSIFICATION														
Agriculture / Horticulture	All	MP	MP	MP									MP	
Animal Husbandry	All		MP											I.A
Agriculture Support and Services (Directly Related)	Agri-education		MP											I.B.2
	Agri-entertainment		MP											I.B.2
	Agricultural processing		MP											I.B
	Agribusiness		MP											I.B
	Equestrian facility	MP	MP	MP										I.B.3
	Farmers market	MP	MP	MP	MP	MP						MP		I.B
	Nursery, production	MP	MP									MP		I.B.4
	Roadside market													I.B.5
Agriculture Support and Services (Not Directly Related)	Agricultural research facility		MP											I.C
	Distribution hub for agricultural and agronomic products		MP											I.C
	Farm machinery sales, rental, and service		MP											I.C
	Stockyard / Slaughterhouse													I.C
Silviculture	All	MP	MP											I.C
RESIDENTIAL USE CLASSIFICATION														
Household Living	Dwelling, duplex	MP	MP	MP		MP	MP		MP	MP		MP		2.A.1
	Dwelling, live/work	MP	MP	MP			MP							2.A.2
	Dwelling, mansion apartment	MP	MP	MP		U	U			U		U		2.A.3
	Dwelling, manufactured home (class A)													2.A.4
	Dwelling, manufactured home (class B)													2.A.4
	Dwelling, multi-family	U	U	U		U	U			U		U		2.A.5
	Dwelling, single-family detached	MP	MP	MP			MP		MP	MP		MP	MP	
	Dwelling, townhouse	MP	MP	MP		U	U			U		U		2.A.5
	Dwelling, upper story	MP	MP	MP		U	U							2.A.6
Group Living	Dormitory		MP											2.B.1
	Family care home	MP	MP	MP										2.B.2
	Rooming or boarding house	MP	MP	MP										2.B.3
INSTITUTIONAL USE CLASSIFICATION														
Community	Community center	MP	MP	MP			MP					MP		

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		PD-R	PD-M	PD-O	PD-CS ZONING DISTRICT SUB-DISTRICT DESIGNATIONS									Additional Req. (4.2. ____)
						Center Station	Charter	Crossroads	Cypress	Junction	Moystick Run	Newtown	Oak Trail	
Services	Cultural facility	MP	MP	MP			MP				MP			
	Library	MP	MP	MP		MP	MP		MP	MP	MP	MP	MP	
	Museum	MP	MP	MP		MP	MP		MP	MP	MP	MP	MP	
	Senior center	MP	MP	MP						MP				
	Youth club facility	MP	MP	MP					MP	MP	MP			
Day Care	Adult day care center	MP	MP	MP								MP		
	Child care center	MP	MP	MP			MP		MP	MP		MP		3.A
Educational Facilities	College or university	MP	MP	MP			U	U			U			
	School, elementary	MP	MP	MP			MP	MP	MP	MP	MP	MP		
	School, middle	MP	MP	MP			MP	MP	MP	MP	MP	MP		
	School, high	MP	MP	MP			MP	MP	MP	MP	MP	MP		
	Vocational or trade school		MP	MP			MP	MP		MP	MP	MP		3.B
Government Facilities	Government maintenance, storage, or distribution facility	MP	MP	MP		MP	MP	MP	MP	MP	MP	MP	MP	
	Government office	MP	MP	MP		MP	MP	MP	MP	MP	MP	MP	MP	
Health Care Facilities	Blood/tissue collection facility					U	MP							
	Drug or alcohol treatment facility													3.C.1
	Hospital		MP	MP		U	U				U			3.C.2
	Medical treatment facility	MP	MP	MP		MP	MP							
Institutions	Assisted living facility	MP	MP	MP		U	U		U	U		U		
	Auditorium, conference, and convention center		MP	MP										3.D.1
	Club or lodge	MP	MP	MP			MP				MP			
	Halfway house													3.D.2
	Nursing home	MP	MP	MP						MP		U		
	Psychiatric treatment facility													
	Religious institution	MP	MP	MP		MP	MP		MP	MP	MP	MP		
Parks and Open Areas	Arboretum or botanical garden	MP	MP	MP										
	Cemetery, columbaria, mausoleum		MP											
	Community garden	MP	MP	MP									MP	
	Park, public or private	MP	MP	MP		MP	MP	MP	MP	MP	MP	MP	MP	
Public Safety	Correctional facility													
	Law enforcement—Police, fire, or EMS facility	MP	MP	MP		MP	MP	MP	MP	MP	MP	MP	MP	
	Security training facility													
Transportation	Airport		MP	MP										

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		PD-R	PD-M	PD-O	PD-CS ZONING DISTRICT SUB-DISTRICT DESIGNATIONS								Additional Req. (4.2.____)	
						Center Station	Charter	Crossroads	Cypress	Junction	Moystick Run	Newtown		Oak Trail
Utilities	Helicopter landing facility		MP											
	Passenger terminal, surface transportation	MP	MP	MP										
	Solar array													
	Telecommunications antenna collocation on tower or building	MP	MP	MP								U		
	Telecommunications tower, freestanding											U		
	Utility, major	MP	MP	MP						U				
	Utility, minor	MP	MP	MP						U			3J	
	Wind energy facility, large													
COMMERCIAL USE CLASSIFICATION														
Adult Entertainment	All												4.A	
Animal Care	Animal grooming	MP	MP	MP		MP	MP						4.B	
	Animal shelter		MP										4.B	
	Kennel		MP	MP									4.B	
	Veterinary clinic	MP	MP	MP		MP	MP		MP		MP		4.B INDOOR NO BOARDING	
Eating Establishments	Dinner theater	MP	MP	MP		MP								
	Restaurant, with indoor or outdoor seating	MP	MP	MP		MP	MP	U	MP	MP		MP	4.C	
	Specialty eating establishment	MP	MP	MP		MP	MP	U	MP	MP		MP		
Offices	Business and sales	MP	MP	MP		MP	MP	MP	MP			MP	4.D	
	Professional services	MP	MP	MP		MP	MP	MP	MP			MP	4.D	
Parking, Commercial	Parking lot	MP	MP	MP			U						4.E.1	
	Parking structure	MP	MP	MP		U	U						4.E.2	
Recreation/ Entertainment, Indoor	Fitness center	MP	MP	MP		MP	MP		MP					
	Recreation, indoor	MP	MP	MP		U	U							
	Theater	MP	MP	MP		MP	MP							
Recreation / Entertainment, Outdoor	Automotive Racing													
	Arena, amphitheater, or stadium	MP	MP	MP									4.F.1	
	Athletic facility	MP	MP	MP									4.F.2	
	Golf course	MP	MP	MP										
	Golf driving range	MP	MP											
	Marinas	MP	MP	MP									4.F.3	
	Outdoor shooting range												4.F.5	
	Outdoor tour operator		MP	MP									4.F.6	

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Use Category	Use Type	PLANNED DEVELOPMENT ZONING DISTRICT [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												
		PD-R	PD-M	PD-O	PD-CS ZONING DISTRICT SUB-DISTRICT DESIGNATIONS								Additional Req. (4.2.____)	
					Center Station	Charter	Crossroads	Cypress	Junction	Moock Run	Newtown	Oak Trail		
	Outdoor tour operator, Aviation		MP	MP									4.F.7	
	Recreation, outdoor	MP	MP	MP									4.F.4	
Retail Sales & Services	Artisan Food and Beverage Producer	MP	MP	MP	MP	MP	MP							
	Auction House		MP											
	Bar, nightclub, or cocktail lounge	MP	MP	MP									4.G.1	
	Brewery, Large	MP	MP	MP	MP	MP	MP							
	Convenience store	MP	MP	MP	U	U	U	U	U		U			
	Crematory													
	Distillery				U	U	MP							
	Drug store or pharmacy	MP	MP	MP	MP	MP								
	Entertainment establishment	MP	MP	MP										
	Financial institution	MP	MP	MP	MP	MP								
	Flea market	MP	MP										4.G.2	
	Funeral home		MP	MP										
	Grocery store	MP	MP	MP	U									
	Laundromat	MP	MP	MP										
	Pawn shop													
	Personal services establishment	MP	MP	MP	MP									
	Repair establishment		MP	MP									4.G.3	
	Retail sales establishments	MP	MP	MP	MP	MP	MP							
	Shopping center		MP	MP		MP	U			U		U	4.G.4	
	Tattoo parlor/body piercing establishment												4.G.5	
	Winery	MP	MP	MP	MP	MP	U							
	Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance												
		Automotive wrecker service			MP									4.H.1
Boat and marine rental, sales, and service			MP	MP									4.H.2	
Vehicle Sales and Services, Light	Automotive parts and installation		MP	MP									4.I.1	
	Automobile repair and servicing (including painting/bodywork)		MP	MP									4.I.2	
	Automobile sales or rentals	MP	MP	MP									4.I.3	
	Car wash or auto detailing	MP	MP	MP									4.I.4	
	Taxicab service	MP	MP	MP					U		U		4.J.5	
Visitor	Bed and breakfast inn	MP	MP	MP	MP	MP	MP				U		4.J.1	

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

## Chapter 4: Use Standards

## SECTION 4.1: USE TABLE

## Subsection 4.1.2: Use Table

TABLE 4.1.1.B: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;  
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	PLANNED DEVELOPMENT ZONING DISTRICT [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												
		PD-R	PD-M	PD-O	PD-CS ZONING DISTRICT SUB-DISTRICT DESIGNATIONS								ADDITIONAL REQ. (4.2.____)	
					CENTER STATION	CHARTER	CROSSROADS	CYPRESS	JUNCTION	MOYOCK RUN	NEWTOWN	OAK TRAIL		
Accommodations	Hotel or motel	MP	MP	MP			MP			MP		MP		
	Hunting lodge	MP	MP	MP			MP			MP		MP		
INDUSTRIAL USE CLASSIFICATION														
Extractive Industry	All uses													
Industrial Services	Contractor service		MP	MP										
	Crabshedding	MP	MP											5.B.1
	Fuel oil/bottled gas distributor		MP											
	General industrial service and repair		MP											5.B.2
	Heavy equipment sales, rental, and service		MP											5.B.3
	Laundry, dry cleaning, and carpet cleaning plants		MP											5.B.4
	Manufactured home and prefabricated building sales													5.B.5
	Research and development	MP	MP	MP			MP	MP						
Manufacturing and Production	Manufacturing, heavy							MP						5.C.1
	Manufacturing, light		MP				U	MP						5.C.2
Freight Movement	Cold storage plant													
	Outdoor storage (as a principal use)													
	Self-service storage		MP											5.D.2
	Truck or freight terminal		MP											5.D.3
	Warehouse (distribution)		MP				U	MP						5.D.3
	Warehouse (storage)	MP	MP	MP			U	MP						5.D.3
	Warehouse (distribution) Medical Waste	MP	MP	MP										5.D.4
Waste-Related Services	Incinerator													
	Landfill, land clearing and inert debris or construction debris													
	Public convenience center/transfer station													
	Recycling center, processing													
	Recycling center, transfer													
	Salvage and junkyard													
	Waste composting													
Wholesale Sales	All uses		MP	MP				MP						

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**SECTION 4.2: USE-SPECIFIC STANDARDS****Subsection 4.2.2: Residential Uses**

areas are not to be placed in drive aisles, loading zones, fire lanes or parking lots.

- (ii) Non-building adjacent or detached outdoor display areas shall be screened with a type A buffer yard (option 2 with shrubs) or a type B buffer yard (option 1 or 2).
- (iii) Outdoor display areas associated with agricultural support and services shall not be limited by length and shall be limited in size to 125% of the overall building square footage.
- (iv) Outdoor display areas adjacent to the building (excluding sidewalk display areas) shall be contained by a fence for aesthetics and security reasons. The fence shall be either wrought iron, powder coated aluminum, or similar material, with decorative columns (for example stone or brick) adjacent to any street frontage.

**4.2.2. Residential Uses****A. Household Living****(1) Dwellings, Duplex**

Duplex dwellings shall comply with the following standards:

- (a) Duplex dwellings in the SFM district on lots less than 20,000 square feet are subject to an approved special use permit (see Section 2.4.6).
- (b) Except for circular driveways, no duplex dwelling shall be served by more than one driveway on the same block face.
- (c) Duplex dwellings in the SFM and MXR districts shall be served by a single entrance on any individual building façade.
- (d) Ground based, roof-based, and wall-mounted electrical equipment, HVAC equipment, and other utility connection devices shall be ganged and screened, or located outside the view from any adjacent public street.

**(2) Dwellings, Live/Work**

Live/work dwellings shall comply with the following standards:

- (a) The residential portion of the building shall occupy over 50 percent of the gross floor area.
- (b) The nonresidential portion of the building shall comply with all applicable nonresidential building code requirements.
- (c) Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.
- (d) Drive-through facilities are prohibited.
- (e) Any nonresidential off-street parking shall be located as far as practicable from existing adjacent single-family dwellings.

**(3) Dwelling, Mansion Apartment**

Mansion apartments shall comply with the following requirements.

- (a) Individual mansion apartment buildings shall not exceed six individual dwelling units.

**SECTION 4.2: USE-SPECIFIC STANDARDS****Subsection 4.2.4: Commercial Uses**

waterparks may be increased to a maximum height of 110 feet. Structures that exceed 35 feet in height shall be required to maintain a one foot setback from front, side, and rear property lines for every one foot of structure height. Guy wires, when applicable, shall conform to district setback provisions.

**(5) Outdoor Shooting Range**

Outdoor shooting ranges shall comply with all applicable standards in the county Code of Ordinances and the following standards:

- (a)** Required mailed notice of any public hearing shall be provided to the owners of land within one-half mile of the property lines of land subject to the special use permit application and shall comply with subsection 2.3.6.B Public Notification.
- (b)** Outdoor shooting ranges shall be located on a site or parcel with an area of at least ten acres.
- (c)** No part of a shooting range shall be located within 200 feet of any property line and less than one-half mile from an existing residential dwelling, school, waterfowl impoundment (flooded area), or Currituck Game Commission sanctioned waterfowl rest area.
- (d)** Shooting range facilities shall be designed, constructed and maintained as specified by the most current edition of the National Rifle Association of America (NRA) Range Source Book, including but not limited to the following protective barriers:
  - (i)** Backstops with a minimum height of 20 feet;
  - (ii)** Side berms or walls with a minimum height of eight feet; and
  - (iii)** Firing line covers or overhead safety baffles.
- (e)** Shooting range facilities shall be designed to contain all bullets, shot, or other debris on the range facility and must implement best management practices for lead management as specified by the Environmental Protection Agency's (EPA's) most current edition of Best Management Practices for Lead at Outdoor Shooting Ranges.
- (f)** Weapon types are restricted to pistol, rifle, or shotgun. The use of explosives or any target that detonates is prohibited.
- (g)** Hours of operation shall be from no earlier than 9:00 a.m. to no later than one-half hour prior to sunset, Monday through Saturday. The discharge of weapons or shooting activities shall not occur on Sunday.
- (h)** The operators of an outdoor shooting range shall provide proof of accident and liability insurance coverage. A minimum coverage of \$500,000 shall be established and maintained.
- (i)** A registered engineer shall certify that the design, specifications, and plans for range construction are in compliance with the standards in this subsection.
- (j)** An approved special use permit for an outdoor shooting range shall be evaluated annually. If the county receives an excessive number of valid complaints in the judgment of the Planning Director, the range shall

**SECTION 4.2: USE-SPECIFIC STANDARDS****Subsection 4.2.4: Commercial Uses**

integrate sound abatement strategies or discontinue operation, as determined by the Board of Commissioners.

**(6) Outdoor Tour Operators**

The base operation and extended business operations of outdoor tour operators shall comply with all applicable standards in the county Code of Ordinances and the following standards:

- (a)** When not in use, tour vehicles shall be parked in a properly marked space toward the rear of the principle structure to improve traffic flow and preserve roadside aesthetics.
- (b)** Tour vehicles shall be labeled with decals or paint markings that clearly display the company name.

**(7) Outdoor Tour Operators, Aviation**

The base operation and extended business operations shall comply with all applicable standards in the county Code of Ordinances and the following standards:

- (a)** Aviation tour operations shall comply with the standards and regulations of the Federal Aviation Administration (FAA).
- (b)** Flight patterns shall be established to limit flights below 500 feet altitude over single-family residential zoning districts or existing single-family residential uses.
- (c)** As part of the special use permit approval process, the Board of Commissioners may establish hours of operation and permit duration.
- (d)** Aviation outdoor tour operator uses shall provide public restrooms and adequate parking.
- (e)** Aviation tour operations in the AG zoning district shall:
  - (i)** Be located at least 500 feet from any single-family residential zoning district.
  - (ii)** Have direct access onto a major arterial or collector street.
  - (iii)** Be located on a lot at least two acres in area.
  - (iv)** Have minimal physical alteration to the area where the use is performed.

**G. Retail Sales and Services****(1) Bars, Nightclubs, and Similar Establishments**

Bars, nightclubs, and similar establishments shall be located at least 500 feet from any child care center, religious institution, or educational facility.

**(2) Flea Market**

Flea markets shall comply with the following standards:

**(a) Hours of Operation**

- (i)** Flea markets shall be open at least three days within any 90-day period.
- (ii)** Hours of operation shall be limited to 7:00 AM to 7:00 PM.

**SECTION 4.2: USE-SPECIFIC STANDARDS****Subsection 4.2.5: Industrial Uses**

- (c) The building that houses the dwelling unit may not be expanded by more than ten percent of its original floor area, nor may rooms for rent be added onto or created within accessory buildings.
  - (d) There shall only be one kitchen and all meals served on the premises shall be for overnight guests.
  - (e) Not more than one sign may be erected on the lot where such a use is located. The sign may not exceed six square feet in surface area nor be internally illuminated.
- (2) Hotels and Motels**
- Hotel and motel uses shall comply with the following standards:
- (a) **Maximum Density**  
In no case may the number of lodging units exceed 40 lodging units per acre.
  - (b) **Ownership**  
All hotel units associated with a single development shall be under common ownership, and in no instance shall individual units be held under individual ownership.
  - (c) **Area Devoted to Non-living Quarters**  
Up to 20 percent of the gross floor area of a hotel or motel may be for non-living-quarter incidental uses (accessory uses), including management/employee offices, conference space, meeting rooms, banquet halls, retail services, such as newsstands and gift shops, and similar uses, provided any incidental business is conducted primarily to service guests.
  - (d) **Eating Establishments**  
In addition to the accessory uses allowed in Section 4.3, Accessory Use Standards, up to an additional 20 percent of the gross floor area of a hotel or motel may be devoted to eating establishments as an accessory use. The eating establishments(s) may have an entrance from outside the principal building.

**4.2.5. Industrial Uses****A. Extractive Industry**

Extractive industry uses shall receive and maintain a State of North Carolina mining permit and comply with the following standards:

- (1) General**
  - (a) Any mine activity affecting more than one acre (including excavation, area where overburden is placed, area used processing or treatment and settling ponds, access roads, etc.) shall be subject to these regulations and require a special use permit.
  - (b) All State permits and applications for State permits associated with the mining activity, including permit modifications, shall be filed with the Planning and Community Development Department by the applicant.

**SECTION 4.2: USE-SPECIFIC STANDARDS****Subsection 4.2.5: Industrial Uses**

No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on site. Notwithstanding the forgoing, warehousing and distribution of medical waste for processing or disposal off-site may be authorized by a Special Use Permit in accordance with Section 4.2.5.D.4 Warehousing and Distribution of Medical Waste.

**(9) Mine Discharge Water**

- (a)** Discharging of water from the mine site shall be permitted subject to obtaining a state permit. The county may require periodic testing of the mine discharge water for settleable solids, total suspended solids, chlorides, turbidity, and pH at the operators' expense. Such testing shall not exceed six tests per year. Discharging without proper state permits will result in initiating procedures to revoke the special use permit.
- (b)** Mine discharge water, including but not limited to discharge stormwater, mine dewatering, and process wastewater, shall not adversely affect downstream properties. Drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation. The county may require decreased discharge rates until the downstream impacts are resolved.

**(10) Signage**

'No trespassing' signs indicating that a mining operation is being conducted on the site shall be spaced a minimum of 250 feet apart.

**(11) Reclamation**

Reclamation shall be conducted simultaneously with mining operations. Annual reclamation reports shall be submitted to the Planning and Community Development Department within ten days of being filed with the State.

**(12) Overburden**

Overburden to be used for future reclamation shall be placed where it will not be disturbed by normal mining activities and shall be stabilized to reduce wind and water erosion. Use of overburden for earth berms is encouraged to reduce the impact of the mining operation on adjoining properties.

**(13) Groundwater Level Impacts**

No mining activities shall adversely affect surrounding in use wells, ponds or increase chlorides in downstream water bodies. If a mine that requires off-site dewatering is located within a 1,500 foot radius of an in use well, pond, or a source of salt water intrusion, hydrogeological reports or performance guarantees with monitoring wells shall be required and the Board of Commissioners may consider adjusting setbacks or imposing other conditions on the applicant. Any person owning or operating a mining site in a manner that adversely affects an in use well through contamination or diminution of groundwater shall provide the well owner with a replacement water supply of equal quantity and quality. Any person owning or operating a mining site in a manner which creates lowering of pond levels below moderate drought levels or increases chloride levels downstream of dewatering operations shall decrease pumping rates until normal levels are reached. A rebuttal is permitted that contamination or diminution of water has been caused by the

**SECTION 4.2: USE-SPECIFIC STANDARDS****Subsection 4.2.5: Industrial Uses**

- (e) Location and dimension of existing and proposed buffer(s) and berms;
- (f) Location, acreage, and height of stockpile and overburden disposal areas;
- (g) Location of 100-year floodplain and wetland boundaries;
- (h) Phasing of mining operations including reclamation;
- (i) Estimated noise levels at exterior property lines;
- (j) Location of existing and proposed drainage features within a 1,500 foot radius of the excavation area;
- (k) Location of existing in use wells and ponds within a 1,500 foot radius of the excavation area if the mine will use dewatering operations; and
- (l) Hydrogeological report, monitoring well plan, or performance guarantee as determined by the County Engineer addressing potential impacts to in use wells, ponds, or salt water intrusion sources within a 1,500 foot radius of the excavation area.

**(15) Expansion**

An expansion of an existing mining operation shall comply with the following procedures and additional standards:

**(a) Procedure**

- (i) With the approval of the Planning Director, additional area within the site can be mined provided previously mined areas are reclaimed with non-contaminated soils to the original ground elevation in accordance with state standards. All reclaimed land shall be identified on a map recorded in the register of deeds.
- (ii) With the approval of the Planning Director, an expansion of an existing mine operation not to exceed 40 percent of the total site area can be mined.
- (iii) In accordance with Section 2.3.14, the Board of Commissioners can approve an expansion of an existing mine operation not to exceed 50 percent of the total site area.

**(b) Additional Standards**

- (i) The existing mine has an active special use permit and State permit.
- (ii) The existing mine has been in operation for a period of no less than five years.
- (iii) The existing mine has maintained compliance with all applicable state and local permit regulations for the past five years of operation.
- (iv) The cumulative total of the mine's excavation area, including the requested expansion, shall not exceed 50 percent of the total site area. All on-site CAMA and US Army Corps of Engineers designated wetlands and surface waters shall not be included in the total site area calculation.



**SECTION 4.2: USE-SPECIFIC STANDARDS****Subsection 4.2.5: Industrial Uses**

- (v) All state mining permit modifications shall be obtained prior to any expansion activities being performed.

**(16) Expiration**

The special use permit shall be valid for the same permit period as the State of North Carolina mining permit not to exceed ten years from the date of issuance or for a shorter duration as deemed appropriate by the Board of Commissioners. In the event the property owner desires to continue the mining operation thereafter, he shall again petition the Board of Commissioners for a new permit.

**(17) Extension of Expiration Time Period**

The Planning Director may, upon receiving a written request for extension, grant an extension not to exceed ten years provided the existing mine has maintained compliance with all applicable state and local regulations.

**B. Industrial Services****(I) Crabshedding**

Crabshedding uses located within all zoning districts shall comply with the following standards:

**(a) General Standards**

- (i) No odor, fumes, excessive noise, or traffic shall be allowed;
- (ii) On-premise freezing, packing and preparation for shipping is allowed;
- (iii) Open storage must be fenced with opaque fencing a minimum of six feet in height; and,
- (iv) On-premise sale of soft crabs and peeler crabs is allowed.

**(b) Additional Standards in the AG and MXR Districts**

- (i) A sign not exceeding six square feet is allowed;
- (ii) All phases of the operation must be conducted not less than 10 feet from the property line and not less than 50 feet from any adjacent dwelling.
- (iii) No more than one truck, van, car or other vehicle, or part of a vehicle associated with the business that is visible from adjacent public streets may be kept on the site; and,
- (iv) No vehicle or trailer which larger than 8 feet by 32 feet shall be maintained on-site.

**(c) Additional Standards in the GB District**

- (i) All equipment of the operation (i.e. tanks, coolers, freezers) must be within a fully enclosed building.
- (ii) On-premise wholesale of soft crabs and peeler crabs is allowed.

**(2) General Industrial Services and Repair**

**SECTION 4.3: ACCESSORY USE STANDARDS****Subsection 4.3.2: General Standards and Limitations**

- (d) Community agriculture; or,
- (e) Parking or storage of licensed and registered vehicles and one boat trailer or utility trailer of up to 16 feet in length in the SFR zoning district, provided the use does not constitute Parking of Heavy Trucks, or Trailers as regulated in Section 4.3.3.U.
- (2) An accessory use or structure may be approved in conjunction with or subsequent to approval of the principal use or structure.
- (3) Incidental accessory uses, such as mailboxes, newspaper boxes, birdhouses, dog houses, flagpoles less than 35 feet high, pump or well covers, and similar non-habitable structures may be established without a zoning compliance permit.

**D. Table of Common Accessory Uses****(1) Table as Guide**

Table 4.3.2.E, Table of Common Accessory Uses, is established as a guide to identify the appropriateness of the more common accessory uses in each zoning district.

**(2) Listed Accessory Uses**

Table 4.3.2.E, Table of Common Accessory Uses, lists what types of accessory uses, structures, and activities are allowed in each of the zoning districts.

- (a) If a specific accessory use is allowed by-right without a zoning compliance permit, the cell underneath the zoning district is marked with a "P".
- (b) If a specific accessory use is allowed as a permitted use subject to a zoning compliance permit, the cell underneath the zoning district is marked with a "Z".
- (c) If a specific accessory use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "U".
- (d) If the accessory use or structure is not allowed in a zoning district, the cell is blank.
- (e) In the case of planned development districts, if an accessory use is allowable, it is marked with an "MP", and the accessory use must be set out in the approved master plan.

If there is a reference contained in the column entitled "Additional Requirements," refer to the cited section(s) for additional standards that apply to the specific accessory use.

**(3) Interpretation of Unidentified Accessory Uses**

The Planning Director shall evaluate potential accessory uses that are not identified in Table 4.3.2.E, Table of Common Accessory Uses, on a case-by-case basis, as an Interpretation (Section 2.4.16). In making the interpretation, the Planning Director shall apply the following standards.

- (a) The definition of "accessory use" (see Chapter 10: Definitions.), and the general accessory use standards established in Section 4.3.2, General Standards and Limitations.
- (b) The additional regulations for specific accessory uses established in Section 4.3.3, Specific Standards for Certain Accessory Uses.

## Chapter 4: Use Standards

## SECTION 4.3: ACCESSORY USE STANDARDS

## Subsection 4.3.2: General Standards and Limitations

- (c) The purpose and intent of the zoning district in which the accessory use is located (see Chapter 3: Zoning Districts).
- (d) Any potential adverse impacts the accessory use may have on other lands in the area, compared with other accessory uses permitted in the zoning district.
- (e) The compatibility of the accessory use, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district.

**E. Table of Common Accessory Uses**

Table 4.3.2.E, Table of Common Accessory Uses, specifies common types of accessory use and the zoning district where each type may be permitted.

<b>TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES</b> P = Permitted by-right    Z= Zoning Compliance Permit    U = <u>Special</u> Use Permit    MP = Allowed with master plan    blank cell = Prohibited														
ACCESSORY USE TYPE	ZONING DISTRICT													ADDITIONAL REQ. (4.3. )
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	
Accessory Dwelling Unit		Z	Z	Z	Z	Z	Z	Z	Z	P	P			3.A
Aggregate Storage and Processing		Z												3.B
Amateur Ham Radio		P	P			P	P			P	P			3.C
Automated Teller Machine							Z	Z	Z	Z	Z	Z		
Campground, Public	U	Z					Z	Z						3.D
Cemetery (family or religious institution)		Z	Z			Z	Z	Z	Z					3.E
Child Care, Incidental		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			3.F
Community Agriculture	P	P	P			P	P							3.G
Dock, Pier, Boat House, or Boatlift	P	P	P	P	P	P	P	P	P	P	P	P	P	
Drive-Through								Z	Z	Z	Z	Z		3.H
Electronic Gaming Operation								Z						3.I
Excavation		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.J
Gasoline Sales								Z		Z	Z	Z		3.K
Home Occupation		P	P	P	P	P	P	P	P	P	P			3.L
Housing for Poultry		P	P			P	P	P						3.M
Ice House								Z	Z	Z	Z	Z		3.N
Inoperable Vehicle		P	P	P	P	P	P	P						3.O
Keeping of Specific Livestock		P	P			P								3.P
Land Application of Biosolids or Septage		P				P							P	3.Q
Outdoor Display/Sales								Z	Z	Z	Z	Z		3.R

## Chapter 4: Use Standards

## SECTION 4.3: ACCESSORY USE STANDARDS

## Subsection 4.3.2: General Standards and Limitations

**TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES**

P = Permitted by-right    Z= Zoning Compliance Permit    U = Special Use Permit    MP = Allowed with master plan    blank cell = Prohibited

ACCESSORY USE TYPE	ZONING DISTRICT													ADDITIONAL REQ. (4.3.____)
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	
Outdoor Storage		Z						Z	Z	Z	Z	Z	Z	3.S
Parking of Boats or Watercraft		P	P	P	P	P	P	P	P					3.T
Parking of Heavy Trucks, or Trailers		P						P				P	P	3.T
Parking of Major Recreational Equipment		P	P	P		P	P	P						3.U
Produce Stand		P						P	P	P	P			3.V
Retail Sales from a Vehicle		P					P	P	P	P	P	P		3.W
Solar Energy Equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	3.X
Stable (horses)		P	P			P		P						3.Y
Underground Storage Tank		P						P	P	P	P	P	P	3.Z
Wind Energy Facility, Small		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.AA

**TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES**

Z = Zoning Compliance Permit;    U = Special Use Permit;    MP = Allowed with Master Plan;    blank cell = Prohibited

ACCESSORY USE TYPE	PLANNED DEVELOPMENT ZONING DISTRICT [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												
	PLANNED DEVELOPMENT			PD-CS ZONING DISTRICT									ADDITIONAL REQ. (4.3.____)
	PD-R	PD-M	PD-O		CENTER STATION	CHARTER	CROSSROADS	CYPRESS	JUNCTION	MOYOCK RUN	NEWTOWN	OAK TRAIL	
Accessory Dwelling Unit	MP	MP	MP										3.A
Amateur Ham Radio		MP											
Automated Teller Machine	MP	MP	MP		MP	MP							
Campground, Public	MP												3.D
Cemetery (family or religious institution)	MP	MP											3.E
Child Care, Incidental	MP	MP	MP			MP	MP	MP	MP		MP		3.F
Community Agriculture	MP											MP	3.G
Dock, Pier, Boat House, or	MP	MP	MP										

Attachment: Text Amendment (PB 21-09 Currituck County 160D)

## Chapter 4: Use Standards

**SECTION 4.3: ACCESSORY USE STANDARDS**

## Subsection 4.3.2: General Standards and Limitations

**TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES**

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;  
blank cell = Prohibited

ACCESSORY USE TYPE	PLANNED DEVELOPMENT ZONING DISTRICT [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												
	PLANNED DEVELOPMENT			PD-CS ZONING DISTRICT									ADDITIONAL REQ. (4.3.____)
	PD-R	PD-M	PD-O		CENTER STATION	CHARTER	CROSSROADS	CYPRESS	JUNCTION	MOYOCK RUN	NEWTOWN	OAK TRAIL	
Boatlift													
Drive-Through	MP	MP	MP		U	MP					U		3.H
Excavation	MP	MP	MP										3.J
Gasoline Sales	MP	MP	MP		U		U	U			U		3.K
Home Occupation	MP	MP	MP			MP		MP	MP		MP	MP	3.L
Housing for Poultry	MP	MP											3.M
Ice House		MP	MP										3.N
Outdoor Display/Sales		MP	MP		MP	MP							3.R
Outdoor Storage		MP	MP				MP						3.S
Parking of Boats or Watercraft	MP	MP	MP										3.T
Parking of Heavy Trucks or Trailers			MP										3.T
Parking of Major Recreational Equipment	MP	MP	MP										3.U
Produce Stand	MP	MP	MP										3.V
Retail Sales from a Vehicle	MP	MP	MP										3.W
Solar Energy Equipment	MP	MP	MP		U			U				U	3.X
Stable (horses)	MP											MP	3.Y
Underground Storage Tank		MP											3.Z
Wind Energy Facility, Small	MP	MP	MP										3.AA

**F. Location of Accessory Uses or Structures**

- (I) The following accessory uses shall not be located between the principal use and adjacent street rights-of-way:
- (a) Amateur ham radio equipment;
  - (b) Drive-through;
  - (c) Housing for poultry;
  - (d) Outdoor storage;
  - (e) Small wind energy facilities; or
  - (f) Stable.

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

**SECTION 5.1: OFF-STREET PARKING AND LOADING****Subsection 5.1.3: Off-Street Parking Standards**

- (1) Re-striping an existing parking lot which does not create a deficient number of parking spaces or nonconforming situation;
- (2) Expansion of a single-family or duplex dwelling that does not increase the number of bedrooms; and
- (3) Rehabilitation or re-use of an historic structure.

**5.1.3. Off-Street Parking Standards****A. Parking Plan Required**

The parking plan shall accurately designate the required parking spaces, access aisles, pedestrian connections, materials, dimensions, driveways, loading area and circulation, and the relation of the off-street parking facilities to the development the facilities are designed to serve.

**B. Minimum Number of Spaces Required**

Unless otherwise expressly stated in this section or approved through an alternative parking plan, the minimum number of off-street parking spaces shall be provided in accordance with Table 5.1.3.C, Minimum Off-Street Parking Standards.

**C. Maximum Number of Spaces Permitted**

- (1) Commercial and Industrial uses of 5,000 square feet in area or larger listed in Table 5.1.3.C, Minimum Off-Street Parking Standards, shall not exceed 125 percent of the minimum number of parking spaces required in the table.
- (2) Through approval of an alternative parking plan in accordance with Section 5.1.6.A, Provision Over the Maximum Allowed, commercial and industrial uses may provide up to a maximum of 175 percent of the minimum number of parking spaces required in the table.
- (3) Provision of more than 175 percent of the minimum number of parking spaces for uses subject to the standards of this section shall require approval of a special use permit in accordance with Section 2.4.6, Special Use Permit.

**TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS**

USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES
<b>AGRICULTURAL USE CLASSIFICATION</b>		
<b>Agriculture / Horticulture</b>	All	1 per every 1,500 sf
<b>Animal Husbandry</b>	All	
<b>Agriculture Support and Services (Directly Related)</b>	Agri-education	1 per every 1,000 sf
	Agri-entertainment	1 per every 1,500 sf
	Agricultural processing	3
	Agribusiness	1 per stall + 2
	Equestrian facility	1 per every 300 sf
	Farmers market	1 per every 300 sf (excluding greenhouses)
	Nursery, production	

## Chapter 5: Development Standards

**SECTION 5.1: OFF-STREET PARKING AND LOADING**

## Subsection 5.1.3: Off-Street Parking Standards

**TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS**

USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES
	Club or lodge	1 per every 300 sf
	Halfway house	1 per bedroom + 2
	Nursing home	1 per every 3 patient beds
	Psychiatric treatment facility	1 per every 3 beds
	Religious institution	1 per every 6 seats in worship area
<b>Parks and Open Areas</b>	Arboretum or botanical garden	See Section 5.1.3.E
	Cemetery, columbaria, mausoleum	See Section 5.1.3.E
	Community garden	See Section 5.1.3.E
	Park, public or private	See Section 5.1.3.E
<b>Public Safety</b>	Correctional facility	See Section 5.1.3.E
	Law enforcement-Police, fire, or EMS facility	See Section 5.1.3.E
	Security training facility	See Section 5.1.3.E
<b>Transportation</b>	Airport	See Section 5.1.3.E
	Helicopter landing facility	See Section 5.1.3.E
	Passenger terminal, surface transportation	See Section 5.1.3.E
<b>Utilities</b>	Solar array	None
	Telecommunications antenna collocation on tower or building	None
	Telecommunications tower, freestanding	None
	Utility, major	1 per every 1,500 sf
	Utility, minor	None
	Wind energy facility, large	1 per every 1,500 sf
COMMERCIAL USE CLASSIFICATION		
<b>Adult Entertainment</b>	All	1 per every 200 sf
<b>Animal Care</b>	Animal grooming	1 per every 300 sf
	Animal shelter	1 per every 300 sf
	Kennel	1 per every 400 sf
	Veterinary clinic	1 per every 300 sf
<b>Eating Establishments</b>	Dinner theater	1 per every 4 seats
	Restaurant, with indoor or outdoor seating	1 per every 150 sf (including outdoor waiting/ seating/ dining areas)
	Specialty eating establishment	1 per every 200 sf
<b>Offices</b>	Business and sales	1 per every 300 sf
	Professional services	1 per every 300 sf
<b>Parking, Commercial</b>	Parking lot	None
	Parking structure	None
<b>Recreation / Entertainment, Indoor</b>	Fitness center	1 per every 300 sf
	Recreation, indoor	1 per every 300 sf
	Theater	1 per every 4 seats
<b>Recreation / Entertainment, Outdoor</b>	Arena, amphitheater, or stadium	1 per every 4 seats
	Athletic facility	See Section 5.1.3.E
	Automotive racing	1 per every 3 seats
	Golf course	4 per hole
	Golf driving range	1 per tee + 1 per every 15 sf of hitting area
	Marinas	1 per slip or mooring
	Outdoor shooting range	1.5 per firing station
	Outdoor tour operator	1 per every 2 employees + 1 per every 5 persons of total tour vehicle capacity

Attachment: Text Amendment (PB 21-09 Currituck County 160D)



**SECTION 5.13: INCENTIVES FOR SUSTAINABLE DEVELOPMENT PRACTICES****Subsection 5.13.6: Menu of Sustainable Development Practices**

- B.** Review for compliance with this section, and granting of requests in accordance with this section shall occur during review of a site plan (Section 2.4.7), planned development master plan (Section 2.4.5), special use permit (Section 2.4.6), or zoning compliance permit (Section 2.4.9), as appropriate. The decision-making body responsible for review of the development application shall also be responsible for the review of sustainable development incentive request.
- C.** The incentive shall be based on the number of sustainable development practices provided, in accordance with Table 5.13.A, Sustainable Development Practice Incentives, and Section 5.13.G, Menu of Sustainable Development Practices. To obtain the right to a particular incentive, development shall provide the minimum number associated of sustainable development practices from both schedule A and schedule B in the table.

<b>TABLE 5.13.A: SUSTAINABLE DEVELOPMENT PRACTICE INCENTIVES</b>		
<b>TYPE OF INCENTIVE</b>	<b>MINIMUM NUMBER OF SUSTAINABLE DEVELOPMENT PRACTICES PROVIDED</b>	
	<b>FROM SCHEDULE A</b>	<b>FROM SCHEDULE B</b>
A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zoning district	2	4
An increase in the maximum allowable height by up to one story or ten feet beyond the maximum allowed in the base zoning district	2	3
A reduction from the minimum parking space requirements by 15 percent, or an increase to the maximum allowable number of parking spaces provided by 15 percent	2	2
An increase in the maximum allowable sign area or maximum height for wall or freestanding signs by 10 percent	1	3
A reduction in the amount of required open space set-aside by 10 percent	1	2

**5.13.6. Menu of Sustainable Development Practices**

One or more of the sustainable development practices in Table 5.13.B, Sustainable Development Practices, may be offered by an applicant for proposed development in accordance with Table 5.13.A, Sustainable Development Practice Incentives.

<b>TABLE 5.13.B: SUSTAINABLE DEVELOPMENT PRACTICES</b>		
<b>SCHEDULE</b>	<b>TYPE OF PRACTICE</b>	<b>DOCUMENTATION OF COMPLIANCE</b>
<b>ENERGY CONSERVATION</b>		
A	Inclusion of solar photovoltaic panels or small wind energy facilities	Indication on site plan
A	Use of central air conditioners that are Energy Star qualified	Provision of manufacturer's certification statement
A	Use of only solar or tankless water heating systems throughout the structure	Inclusion on construction drawings

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

**SECTION 6.1: SUBDIVISION STANDARDS****Subsection 6.1.3: Subdivision Standards****B. Local, State, or Federal Agency Permits Required**

- (1) Except for Non-residential minor subdivisions, applicants proposing a subdivision that will connect to existing public water or sewer systems shall obtain all necessary county, State, and Federal agency permits prior to the approval of the subdivision. Requirements for non-residential minor subdivisions are specified in Section 2.4.8.D.2.c.
- (2) Land-disturbing activities associated with a subdivision shall not take place until all permits required from state agencies are obtained, including but not limited to those required by the Division of Water Quality (sewer and stormwater), Division of Land Resources (soil erosion and sedimentation control), Division of Environmental Health (potable water), NCDOT (encroachment agreement), U.S. Army Corps of Engineers (wetlands), and Division of Coastal Management (CAMA).

**C. School Site Reservation**

- (1) If a proposed subdivision includes a school site that is designated in the Land Use Plan (in accordance with Section ~~153A-331~~ 160D-804 of the North Carolina General Statutes) or some other long range document adopted by the Board of Commissioners, the county shall immediately notify the Currituck County Board of Education.
- (2) If the Board of Education determines the school site does not need to be reserved, it shall not be required as part of the subdivision.
- (3) If the Board of Education determines the school site needs to be reserved to accommodate a new school, the subdivision shall not be approved without reservation of the school site. If the school site is reserved, the Board of Education must acquire the site within 18 months after the date the site is reserved, or the subdivider may treat the reservation as null and void as authorized by Section ~~153A-331~~ 160D-804 of the North Carolina General Statutes.

**D. Water Access**

- (1) A subdivider shall not usurp, abolish, or restrict public access to the waters of the Currituck Sound or other local bays, sounds, creeks, rivers, or canals which public access has been historically provided.
- (2) Subdivisions of 20 or more lots or dwelling units abutting public trust or estuarine waters shall provide an area at least 20,000 square feet in area and at least 100 feet in width that provides visual and physical access to the water for landowners in the subdivision. If required water access area occupies more than 50 percent of the subdivision's linear water frontage length, then it may be reduced to at least 10,000 square feet in area and at least 50 feet in width.

**E. Recreational Equipment Storage**

- (1) Subdivisions of 20 or more lots with an average lot size less than 20,000 square feet shall provide a central location for the shared outdoor storage or temporary parking of boats, boat trailers, or similar recreational equipment (see Figure 6.1.3.E, Recreational Equipment Storage). Such locations shall be large enough to accommodate two 20-foot by 40-foot spaces for every 20 lots or dwelling units.

**SECTION 6.3: PERFORMANCE GUARANTEES****Subsection 6.3.1: Performance Guarantees**

- (3) To ensure completion of private site improvements that are required as part of a site plan (e.g., landscaping, tree protection measures, parking, screening, etc.), but are not installed before occupancy (see Section 2.4.7), provided the Planning Director determines that the property may be safely occupied and used in spite of the delayed installation of the improvements.

**B. Term of Performance Guarantees**

The term of a performance guarantee shall reflect any time limit for completing installation of required improvements that is included in approval of the final plat, building permit, or zoning compliance permit, as appropriate, but in any case, the term shall not exceed two years. The Planning Director may, for good cause shown and with approval of the provider of the guarantee, grant up to one extension of the term, for a time period not exceeding one year.

**C. Form of Performance Guarantee**

- (1) Where required, the owner or developer shall furnish a performance guarantee in any of the following acceptable forms:
  - (a) Cash deposit with the county;
  - (b) Cashier's check from a North Carolina lender in a form acceptable to the County Attorney; or
  - (c) Irrevocable letter of credit, valid for at least three years, from a North Carolina banking institution in a form acceptable to the County Attorney.
  - (d) Surety bond issued by any company authorized to do business in North Carolina in a form acceptable to the County Attorney.

The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the performance guarantee. Performance guarantees shall provide that in case of the owner's or developer's failure to complete the guaranteed improvements, the county shall be able to immediately obtain the funds necessary to complete installation of the improvements.

**D. Amount of Performance Guarantee**

- (1) Performance guarantees for required improvements shall be in an amount equal to 115 percent of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.
- (2) Estimated costs for completing installation of required public infrastructure improvements shall be itemized by improvement type and certified by the owner's or developer's registered engineer, and are subject to approval by the Planning Director. Estimated costs for completing installation of required landscaping or other private site improvements shall be itemized and certified by the owner's or developer's contractor, and are subject to approval by the Planning Director.
- (3) If the guarantee is renewed, the Planning Director may require the amount of the performance guarantee be updated to reflect cost increases over time.

#### 6.5.4. Payments-In-Lieu of Dedication

##### A. General

If any of the following conditions apply to the proposed subdivision, a payment-in-lieu shall be provided instead of land dedication, in accordance with the provisions of this section:

- (1) The topography or other natural conditions of the site do not provide adequate opportunities for on-site recreation and park areas;
- (2) The amount of recreation and park area to be dedicated is too small to provide adequate recreation and park opportunities or to be efficiently maintained;
- (3) The intended location of the recreation and park area is too far from existing recreation and park areas to be efficiently maintained;
- (4) Adequate access is not available to the proposed land to be dedicated; or
- (5) The recreation and park needs of the subdivision can be better met by acquisition or development of recreation and park sites outside the subdivision but within the immediate area of the subdivision.

##### B. Amount of Payment

The payment-in-lieu shall be calculated based upon the acreage of land required for dedication, consistent with the requirements of Table 6.5.I, Recreation and Park Area Dedication Requirements. The land's assessed value (as determined by the Currituck County Property Appraiser) shall be used to arrive at the required payment-in-lieu amount.

##### C. Use of Funds

Payments-in-lieu received in accordance with this subsection shall be used only for the acquisition or development of recreation and park areas, and open space sites that serve residents living in the immediate area of the development making the payment-in-lieu, consistent with the requirements of North Carolina General Statutes Section ~~153A-331~~ 160D-804.

### 6.6. ADEQUATE PUBLIC FACILITIES STANDARDS

No development authorized by a special use permit (see Section 2.4.6) shall 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. All required public facilities shall be in place or programmed to be in place within two years after the initial approval of the special use permit.

**Item 7:** That Chapter 9. Enforcement is amended by adding the following underlined language and deleting the struck-through language:

**SECTION 9.5: ENFORCEMENT GENERALLY****Subsection 9.5.4: Enforcement Procedure****9.5.4. Enforcement Procedure****A. Investigation of Complaint**

On receiving a written complaint, the Planning Director shall investigate the complaint and determine whether a violation of this Ordinance exists.

**B. Notice of Violations**

(1) On finding that a violation of this Ordinance exists, whether from an investigation of a written complaint or otherwise, the Planning Director shall provide written notification of the violation, by personal service, electronic delivery, or first class mail, to the owner of the property on which the violation exists, the permittee (if different than owner), and may notify the person causing or maintaining the violation. Such notification shall:

- (a) Describe the location and nature of the violation;
- (b) State the actions necessary to abate the violation; and
- (c) Order that the violation be corrected within a specified reasonable time period stated in the notice of violation.
- (d) For purposes of floodplain management, order that the violation be corrected within a specified reasonable time period stated in the notice of violation but in no case shall that exceed 180 days.

(2) The notice of violation shall state what course of action is intended if the violation is not corrected with the specified time limit. The notice of violation shall also advise the violators of their rights to appeal the notice of violation to the Board of Adjustment in accordance with Section 2.4.17, Appeal.

(3) The Planning Director shall prepare an affidavit affirming that notice meeting these standards was provided. The affidavit shall be conclusive that notice has been given in compliance with the terms of this section.

(4) On receiving a written request for extension of the time limit for correction specified in the notice of violation, the Planning Director may, for good cause shown, grant a single extension of the time limit.

(5) If the owner of the property cannot be located or determined, the Planning Director shall post a copy of the notice on the building, structure, sign, or site that is the subject of the violation. In such a case, the time limit for correction of the violation shall be deemed to begin five days after the notice is posted.

**C. Application of Remedies and Penalties**

On determining that the violator has failed to correct the violation by the time limit set forth in the notice of violation, or any granted extension thereof, or has failed to timely appeal the notice of violation in accordance with Section 2.4.17, Appeal, the Planning Director shall take appropriate action, as provided in Section 9.6, Remedies and Penalties, to correct and abate the violation and to ensure compliance with this Ordinance.

**D. Emergency Enforcement without Notice**

On determining that delay in abating the violation would pose a danger to the public health, safety, or welfare, the Planning Director may seek immediate enforcement



**SECTION 9.6: REMEDIES AND PENALTIES****Subsection 9.6.1: Remedies**

without prior written notice by invoking any of the remedies authorized in Section 9.6, Remedies and Penalties.

**E. Notice of Appeal**

Filing of a notice of appeal regarding an alleged ~~violation~~ violation of this Ordinance shall stay further action by the county until the appeal has been reviewed and decided by the Board of Adjustment (see Section 2.4.17, Appeal).

**F. Repeat Violations**

In addressing repeat violations by the same offender over any two-year period, the county may commence the application of remedies or penalties at the stage in the process where the previous violation was resolved.

**9.6. REMEDIES AND PENALTIES**

The county may use any combination of the following remedies and enforcement powers to administer and enforce this Ordinance.

**9.6.1. Remedies****A. Stop Work Order Issuance**

- (1) Whenever a building or structure is being constructed, demolished, renovated, altered, or repaired in violation of any applicable provision of this Ordinance, the Planning Director may issue a Stop Work Order. The Stop Work Order shall be in writing, directed to the person doing the work or activity to be stopped, the owner and the permittee. The Stop Work Order and shall state the specific work or activity to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work. The Stop Work Order may be delivered by personal service, electronic delivery or first class mail.
- (2) The Planning Director shall prepare an affidavit affirming that the Stop Work Order was provided. The affidavit shall be conclusive that notice has been given in compliance with the terms of this section.

**B. Injunction**

When a violation occurs, the Planning Director may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

**C. Order of Abatement**

In addition to an injunction, the county may apply for and the court may enter into Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

- (1) That buildings or other structures on the property be closed, demolished, or removed;
- (2) That fixtures, furniture, or other moveable property be moved or removed entirely;
- (3) That improvements, alterations, modifications, or repairs be made; or

**SECTION 9.6: REMEDIES AND PENALTIES****Subsection 9.6.1: Remedies**

- (4) That any other action be taken as necessary to bring the property into compliance with this Ordinance.

**D. Equitable Remedy**

The county may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the county's application for equitable relief.

**E. Execution of Court Decisions**

The Planning Director may execute the Order of Abatement and will have a lien on the property in the nature of a mechanic's and materialman's lien for the cost of executing the order.

**F. Revocation of Permit or Approval**

No person may continue to make use of land or buildings in the manner authorized by a zoning permit, special use permit, ~~conditional use permit~~, floodplain development permit, or sign permit approved prior to January 1, 2013, after such permit has been revoked in accordance with this section, or a special use permit, zoning compliance permit, floodplain development permit, or sign permit approved after January 1, 2013. The Planning Director may revoke any such permit or approval in accordance with the development review and approval process required for issuance of the approval, including any required notice or hearing, and the following.

**(1) ~~Use Permit, Conditional Use Permit, and Special Use Permit~~**

- (a) Notice must be provided by the Planning Director to a permit recipient prior to revocation of a ~~use permit, conditional use permit, or special use permit~~.
- (b) The notice shall inform the permit recipient of the alleged grounds for the revocation.
- (c) The burden of presenting evidence sufficient to authorize the permit-issuing authority to revoke the permit shall be upon the party advocating that position.
- (d) A motion to revoke a permit by the decision-making body shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion.

**(2) Zoning Compliance Permit and Zoning Permit**

- (a) Notice of the intent to revoke a zoning compliance permit or zoning permit shall be provided by the Planning Director ten days prior to the revocation.
- (b) The notice shall inform the recipient of the alleged reasons for the revocation and of the right to obtain an informal hearing on the allegations.
- (c) If the permit is revoked, the Planning Director shall provide a written statement of the reasons for revocation.

**(3) Sign Permit or Zoning Permit for Signage**

- (a) The Planning Director may revoke a sign permit or zoning permit issued for signage for any of the following reasons:

**Item 8:** That Chapter 10. Definitions and Measurement is amended by adding the following underlined language and deleting the struck-through language:

**SECTION 10.4: USE CLASSIFICATIONS, USE CATEGORIES, AND USE TYPES****Subsection 10.4.4: Institutional Use Classification**

include offices, dormitories, food service, laboratories, health and sports facilities, theaters, meeting areas, athletic fields, parking, maintenance facilities, and supporting commercial.

**(2) Examples**

Example use types include public and private kindergarten schools, elementary schools, middle or junior high schools, and senior high schools that provide state-mandated basic education, as well as colleges or universities, and vocational or trade schools.

**D. Government Facilities****(1) Characteristics**

The Government Facilities Use Category includes use types that provide for the general operations and functions of local, state, or federal governments. Accessory uses include maintenance, storage (indoor and outdoor), fueling facilities, satellite offices, and parking areas.

**(2) Examples**

Example use types include post offices, government offices, and government maintenance, storage, and distribution facilities.

**(3) Exceptions**

- (a)** Law enforcement, Fire, police, and EMS facilities are classified as Public Safety.
- (b)** Passenger terminals for airports and surface transportation are classified as Transportation.
- (c)** City, County, and State parks are classified as Parks and Open Space.
- (d)** Water, wastewater, gas, electric, and other infrastructure services, whether public or private, are classified as Utilities.

**E. Health Care Facilities****(1) Characteristics**

The Health Care Facilities Use Category includes use types that provide medical or surgical care and treatment to patients as well as laboratory services. Hospitals and medical treatment facilities offer overnight care, as well as outpatient care. Accessory uses include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.

**(2) Examples**

Example use types include hospitals, medical treatment facilities, drug and alcohol treatment facilities, and blood/tissue collection facilities.

**(3) Exceptions**

- (a)** Uses that involve provision of residential care for the elderly or disabled are classified as Institutions.
- (b)** Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents and participants in a program, are considered Institutions.

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Animal Shelter

#### ANIMAL SHELTER

A facility used to house and care for stray, homeless, abandoned, or neglected animals and that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization.

#### ANTENNA

A device used to transmit and/or receive radio or electromagnetic waves between land based or orbiting uses.

#### APPEAL

An appeal of an administrative decision-maker's interpretation or decision reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.4.17, Appeal. An appeal is a quasi-judicial decision made through an evidentiary hearing.

#### APPLICANT

The owner of land, or the authorized representative of the landowner, applying for a development approval or permit.

#### APPLICATION

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate county department, or board as part of the development review processes.

#### ARBOR

A structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.

#### ARBORETUM

A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.

#### ARCADE

A series of arches supported by piers or columns.

#### ARCH

A curved, semicircular opening in a wall.

#### ARCHITECTURAL LIGHTING

Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.

#### AREA OF ENVIRONMENTAL CONCERN (AEC)

An area designated as such by the N.C. Coastal Resources Commission pursuant to GS 113A-113 of the Coastal Area Management Act.

#### AREA OF SHALLOW FLOODING

A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

#### AREA OF SPECIAL FLOOD HAZARD

See "Special flood hazard area (SFHA)"

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Citation

care, cooperative arrangements among parents, or drop-in or short-term child care provided while parents work part-time or participate in other activities on the premises (e.g., churches, shopping malls, hotels, health spas).

#### CITATION

As used in Chapter 9: Enforcement, a formal notice to a person that he or she is charged with a violation of this Ordinance, and that penalty is due.

#### CLEAR-CUTTING

Harvesting, clearing, or removal of all or the majority of existing trees located on a lot or site.

#### CLEAR-CUTTING PERMIT

A type of permit related to removal of existing trees reviewed and approved or denied by the Planning Director in accordance with Section 2.4.13, Clear-Cutting Permit.

#### CLOSE FAMILIAL RELATIONSHIP

A spouse, parent, child, brother, sister, grandparent, or grandchild. This term includes the step, half, and in-law relationships.

#### CLUB OR LODGE

A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

#### CLUSTERED WASTEWATER SYSTEM

A wastewater collection and treatment system under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on a suitable site near the dwellings or buildings.

#### COASTAL AREA MANAGEMENT ACT (CAMA)

North Carolina's Coastal Area Management Act, this act, along with the Dredge and Fill Law and the Federal Coastal Zone Management Act, is managed through North Carolina Department of Environmental Quality (NCDEQ) Division of Coastal Management (DCM).

#### COASTAL BARRIER RESOURCES SYSTEM (CBRS)

Undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by federal or state governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

#### COASTAL HIGH HAZARD AREA

A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as Zone VE.

#### COASTAL A ZONE (CAZ)

An area within the special flood hazard area, landward of the V zone or landward of an open coast without mapped V zones; in a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A zones are not normally designed on FIRMs. (See Limit of Moderate Wave Action LiMWA).

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Code of Ordinances

### CODE OF ORDINANCES

The county Code of Ordinances for Currituck County, North Carolina.

### COLD STORAGE PLANT

A building, structure, machinery, appurtenances, appliances and apparatus occupied and used in the business of freezing food products or storing frozen food products.

### COLLEGE OR UNIVERSITY

A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions.

### COMMISSIONER

A member of the Board of Commissioners for Currituck County, North Carolina.

### COMMUNITY AGRICULTURE

The growing of vegetables or fruits by two or more persons on a single lot or tract for the purpose of personal consumption or re-sale, typically undertaken as an accessory use. Community agriculture uses may include equipment sheds, parking areas, irrigation facilities, and bulk outdoor storage.

### COMMUNITY CENTER

A public building to be used as a place of meeting, recreation, or social activity and not operated for profit.

### COMMUNITY GARDEN

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person.

### COMMUNITY MEETING

A meeting conducted by an applicant on a proposed development before an application for the development permit or approval is submitted to the county.

### CONCEPTUAL DEVELOPMENT PLAN

A conceptual drawing or plan depicting the proposed development configuration proposed by an applicant as part of a conditional rezoning application.

### CONDITIONAL REZONING

A type of zoning map amendment reviewed and approved or denied by the Board of Commissioners in accordance with Section 2.4.4, Conditional Rezoning.

### CONDITIONAL ZONING DISTRICT CLASSIFICATION

The classification of land on the Official Zoning Map subject to conditions of approval in accordance with Section 2.4.4, Conditional Rezoning.

### CONDOMINIUM

A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).



## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Elevated Building

determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet sweepstakes, video sweepstakes, electronic gaming operations or cybercafés, who have a finite pool of winners. This does not include any lottery approved by the State of North Carolina.

#### ELEVATED BUILDING

A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

#### ELEVATION

The front, side, or rear of a structure.

#### ENCROACHMENT

For the purposes of Section 7.4, Flood Damage Prevention, the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

#### ENTERTAINMENT ESTABLISHMENT

Indoor continuous entertainment activities such as game arcades, video and pinball parlors, pool halls, indoor firing ranges, and similar types of uses.

#### EQUESTRIAN FACILITY

A use associated with the keeping of horses or ponies as domesticated animals or pets. Such uses include stalls, feeding areas, paddocks, haylofts, corrals, and other similar outdoor exercise/instruction/performance areas.

#### EROSION

The wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

#### EVIDENTIARY HEARING

A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation pursuant to this ordinance.

#### EXISTING BUILDING

For the purposes of Section 7.4, Flood Damage Prevention, any building and/or structure for which the start of construction commenced before November 1, 1984.

#### EXISTING DEVELOPMENT

Structures, buildings, site specific plan or other projects that are completely built or that at a minimum have established a vested right as of the effective date of this Ordinance based on at least one of the following being satisfactorily proven to the Planning and Community Development Department for the specific development in question:

- a. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the development, or
- b. Having an outstanding valid building permit as authorized by North Carolina General Statutes Section ~~153A-344.1~~ 160D-108, or
- c. Having an approved site specific or phased development plan as authorized by North Carolina General Statutes Sections ~~153A-344.1~~ 160D-108.

#### EXISTING LOT (LOT OF RECORD)

A lot which is a part of an approved subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Currituck County, or a lot described by metes and bounds,

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Pervious Surface

#### PERVIOUS SURFACE

Any land surface not effectively covered by impervious surface, in which rainfall and stormwater runoff can naturally infiltrate.

#### PILASTER

A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.

#### PLANNED DEVELOPMENT

When used to describe a type of development, a tract of land that is planned and developed as an integral unit in accordance with a master plan and flexible development standards that illustrate and address land uses, circulation, utilities, parking, setbacks, housing densities, land coverage, landscaping and buffers, open space, and similar features of the project.

When used as a process, terms describe type of zoning district change procedure reviewed and approved or denied by the Board of Commissioners in accordance with Section 2.4.5, Planned Development.

#### PLANNED UNIT DEVELOPMENT

A master-planned development under unified control that allows a variety of different use types and development configurations reviewed and approved by the county under previous versions of the unified development ordinance.

#### PLANNED UNIT DEVELOPMENT OVERLAY

The overlay zoning district used to designate areas where planned unit development is permitted.

#### PLANNING BOARD

The Currituck County Planning Board, established by ordinance in accordance with the North Carolina General Statutes.

#### PLANNING DIRECTOR

The Development Services Planning Director of Currituck County, or a designee.

#### PLANTING SEASON

The dormant time of the year for trees beginning with leaf drop and ending with bud break; generally late fall to early spring.

#### PLANTING STRIP

Areas intended for the placement of vegetation within the interior of vehicular use areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

#### PLAYGROUND

Land which is improved with active recreation equipment and areas such as swings, gym bars, and other similar equipment.

#### PLAZA

An open area which is available to the public for gathering, walking, seating, and eating.

#### LAW ENFORCEMENT, FIRE, OR EMS FACILITY

A facility for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles, and equipment and facilities for the housing and feeding of emergency personnel while on duty.

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Principally Above Ground

primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

#### **PRINCIPALLY ABOVE GROUND**

At least 51 percent of the actual cash value of the structure is above ground.

#### **PRODUCE STAND OR PRODUCE SALES**

A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such uses also include “pick your own” establishments where customers gather their own produce from the fields for purchase and off-site consumption.

#### **PROJECTING BAY**

A space projecting outward from the main walls of a building and forming a bay in a room, often incorporating a window.

#### **PROPERTY OWNERS ASSOCIATION**

See “Homeowners Association (HOA)”.

#### **PSYCHIATRIC TREATMENT FACILITY**

Inpatient facility which provides care for persons with psychiatric problems and which may include outpatient follow-up care to the facility's patients.

#### **PUBLIC CONVENIENCE CENTER/TRANSFER STATION**

A publically-owned and operated facility for the purposes of collection of trash and waste for relocation to a sorting facility or permanent long term storage location.

#### **PUBLIC HEARING, LEGISLATIVE**

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed ordinances, amendments or other official county business which require public participation and input.

#### **PUBLIC HEARING, QUASI-JUDICIAL**

~~A formal public hearing involving the legal rights of specific parties conducted by the Board of Commissioners or the Board of Adjustment based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and typically involve findings of fact made by the decision-making body.~~

#### **PUBLIC INFRASTRUCTURE**

Aspects of the public realm owned and maintained by the county or the state that serve the public at large, including streets, highways, sidewalks, curb and gutter, potable water distribution systems, sanitary sewer systems, stormwater drainage retention and conveyance features, street lights, on-street parking spaces, and similar aspects located within a public right-of-way or public easement.

#### **PUBLIC ROAD**

Roads maintained by North Carolina Department of Transportation.

#### **PUBLIC SAFETY AND/OR NUISANCE**

For the purposes of Section 7.4, Flood Damage Prevention, anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Quasi-Judicial Decision

persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

#### **QUASI-JUDICIAL DECISION**

A decision involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

#### **QUORUM**

The minimum number of board members that must be present in order to conduct official business or take official action.

#### **RAINWATER CISTERN**

A catchment device intended to capture rain water from a roof or other surface before it reaches the ground.

#### **RECOVERABLE MATERIALS**

Materials which the majority can be feasibly recycled, and has been diverted or removed from solid waste stream for sale, use, or reuse.

#### **RECREATIONAL VEHICLE**

For the purposes of Section 7.4., Flood Damage Prevention, a vehicle, which is:

- built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- designed to be self-propelled or permanently towable by a light duty truck;
- designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; and,
- is fully licensed and ready for highway use.

#### **RECREATION, INDOOR**

A private indoor (entirely within an enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor).

#### **RECREATION, OUTDOOR**

A private outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include, but are not limited to, miniature golf facilities, outdoor commercial tourist attractions, and drive-in theatres.

#### **RECREATION AREA**

Golfing (excluding miniature golf, driving ranges, chip and putt areas, and indoor golf), horseback riding, surfing, bicycling, boating, fishing picnicking, hiking, or rafting and where either the attraction or within 10 miles, all necessary equipment can be rented.

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Soil Permeability or Soil Infiltration Rate

#### SOIL PERMEABILITY OR SOIL INFILTRATION RATE

The measure of the rate at which soil is able to absorb rainfall or irrigation, typically measured in inches per hour or millimeters per hour.

#### SOIL VOIDS

The measure of the proportion of empty spaces available to store water within the soil profile, expressed as a fraction of the volume of voids over the total volume, between 0–1, or as a percentage between 0–100 percent.

#### SOLAR ARRAY

Two or more solar collectors or photovoltaic panels intended to capture energy from sunlight, convert it to electricity, and save or deliver the electricity for off-site use.

#### SOLAR ENERGY EQUIPMENT

A system designed to convert solar radiation into usable energy for space, water heating, or other uses.

#### SOLAR ENERGY FACILITY (SEF)

Two or more solar collectors or photovoltaic panels intended to capture energy from sunlight, convert it to electricity, and save or deliver the electricity for off-site use.

#### SOLID WASTE DISPOSAL FACILITY

For the purposes of Flood Damage Prevention, any facility involved in the disposal of solid waste, as defined in NCGS 130A-290 (a)(35).

#### SOLID WASTE DISPOSAL SITE

For the purposes of Flood Damage Prevention, any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method, as defined in NCGS 130A-290 (a)(36).

#### SPECIALTY EATING ESTABLISHMENT

Establishments selling specialty food items that normally do not constitute a full meal, including but not limited to: ice cream parlors, dessert cafes, snack shops, juice and coffee houses, and bakeries.

#### SPECIAL EVENT

A planned, temporary activity required subject to review and approval of a temporary use permit by the county.

#### SPECIAL FLOOD HAZARD AREA

The land in the floodplain (including the floodway and the non-encroachment area) subject to a one percent or greater chance of flooding in any given year.

#### SPECIAL USE PERMIT

A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards; reviewed and approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.4.6, Special Use Permit. A special use permit includes any valid conditional use permit, use permit or special use permit issued by the county. A special use permit is a quasi-judicial decision made through an evidentiary hearing.

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Subdivider

also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

For the purpose of section 7.4, Flood Damage Prevention, a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

#### SUBDIVIDER

Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein described.

#### SUBDIVISION, FAMILY

A subdivision where single-family lots may only be conveyed to family members within two degrees of kinship (e.g., child, grandchild).

#### SUBDIVISION FINAL PLAT

A type of subdivision approval reviewed and approved or denied by the Planning Director in accordance with Section 2.4.8.E.4, Final Plat.

#### SUBDIVISION, MAJOR

A subdivision that includes public or private streets, creates six or more lots, or both, and is subject to the improvement standards in this Ordinance.

#### SUBDIVISION, MINOR

The division of land into three or fewer lots that does not constitute a no review subdivision, and does not require significant infrastructure improvement. For the purpose of this section, significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.

#### SUBDIVISION, NO-REVIEW

A subdivision of land that involves:

- a. Creation of lots that are ten acres or more in size each;
- b. A single parcel of two acres or smaller in size into three or fewer lots, with no public or private streets;
- c. Public acquisition of land for right-of-way; or
- d. Shifting or recombination of lot lines where no new lots are created.

#### SUBDIVISION, PRELIMINARY PLAT, TYPE I

A type of subdivision approval reviewed and approved or denied by the Technical Review Committee in accordance with Section 2.4.8.E.2.

#### SUBDIVISION PRELIMINARY PLAT, TYPE II

A type of subdivision approval reviewed and approved or denied by the Board of Commissioners in accordance with Section 2.4.8.E.3, and Section 2.4.6, Special Use Permit.

#### SUBSTANTIAL DAMAGE

For the purposes of Section 7.4, Flood Damage Prevention, damage of any origin sustained by a structure during any five-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

## Chapter 10: Definitions and Measurement

### SECTION 10.5: DEFINITIONS

#### Use Permit

#### **USE PERMIT**

~~A permit for construction reviewed and approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.4.6, Use Permit.~~

#### **UTILITY, MAJOR**

Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, solid waste facilities, and electrical substations.

#### **UTILITY, MINOR**

Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of Minor Utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, and surface transportation stops such as bus stops and park-and-ride facilities.

#### **VALET PARKING**

The provision of parking for vehicles whereby vehicles are parked and un-parked in a parking area, parking lot or any parking structure by a person other than the owner or operator of the vehicle.

#### **VARIANCE**

A development application reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.4.14, Variance. A variance is a quasi-judicial decision made through an evidentiary hearing.

For the purpose of Flood Damage Prevention, a grant of relief from the requirements of this ordinance.

#### **VEGETATION, NATIVE**

Any indigenous tree, shrub, ground cover or other plant adapted to the soil, climatic, and hydrographic conditions occurring on the site.

#### **VEHICULAR USE AREA**

Areas used for the parking and circulation of automobiles, trucks, and motorcycles.

#### **VEHICULAR USE AREA LANDSCAPING, PERIMETER**

Vegetative material, structures (walls or fences), berms, and associated ground cover located around the perimeter of a parking lot, or other vehicular use area when such areas are adjacent to a street right-of-way or land in a residential district or residentially developed lands, used property for the purposes of screening the vehicular use area from off-site views.

#### **VERNACULAR ARCHITECTURE**

A style of architecture characterized by common building techniques based on the forms and materials of a particular period, region, or group of people.

#### **VESTED RIGHT**

The right to undertake and complete a development or use of property under the terms and conditions of an approved site-specific development plan currently in effect or as otherwise allowed by law.

#### **VESTIBULE**

A passage, hall, or room between the outer door and the interior of a building, also known as a lobby.



**Item 9:** Throughout the Unified Development Ordinance, the term “Planning Director” shall be stricken and replaced with the term “Director” and the terms “Planning and Community Development Department” or “Department of Planning and Community Development” shall be stricken and replaced with the term “Development Services Department”.

**Item 10:** Statement of Consistency and Reasonableness:

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

Land Use and Development Goal #10 To properly distribute development forms in accordance with the suitability of land, infrastructure available, and the compatibility of surrounding land uses.

The request is reasonable and in the public interest because:

It amends the UDO for consistency with North Carolina General Statutes.

**Item 11:** 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 12:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

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

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

PLANNING BOARD DATE: 5/11/2021  
PLANNING BOARD RECOMMENDATION: Approved  
VOTE: 6AYES 0NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: 5/26/2021 & 6/2/2021  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_



## Text Amendment Application

OFFICIAL USE ONLY:

Case Number:

Date Filed:

Gate Keeper:

Amount Paid:

 PB21-09  
 3-25-2020

### Contact Information

#### APPLICANT:

Name: Currituck County

Address: 153 Courthouse Road  
Currituck, NC 27929

Telephone: 252-232-2075

E-Mail Address: laurie.locicero@currituckcountync.gov

### Request

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

Amend Chapter(s) 1,2,3,4,6,9,10 Section(s) Multiple as follows:

See attached descriptions

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

Laurie B. Locicero

Petitioner

3/25/2021

Date

Attachment: Application (PB 21-09 Currituck County 160D)

### Description of Proposed 160D UDO Updates

Updated references in GS 153A to Chapter 160D

Amend Flood auto-adoption language.

Eliminated conditional use district zoning from Transitional Provisions.

Provided language in Transitional Provisions to clarify Use Permits and Conditional Use Permits convert to Special Use Permits upon effective date of ordinance. Provided Definition of Special Use Permit.

Changed all references to “conditional use permits” or “use permits” to “special use permits”.

Provided conflict-of-interest standards for BOC and oath requirement for PB, BOA. Added QJD conflict statement.

Require rules of procedure for PB and BOA shall be posted to website.

Incorporated staff conflict-of-interest standards for TRC and Planning Director.

Changed references from QJ public hearing to evidentiary hearing.

Updated Cross Examination language for evidentiary hearings.

Updated Plan Consistency statements for zoning map amendments, conditional rezoning and text amendments.

Added statement that rezoning (conventional and conditional) inconsistent with the future land use map are not effective until the CAMA plan-amendment process is complete.

Changed terminology from “minor deviation” to “minor modification”.

Require the owner and applicant to provide written consent to BOC conditions prior to issuance of Conditional Zoning or SUP.

Updated permit expirations for zoning permit, sign permit, floodplain development permit, clear-cutting permit, and zoning compliance permit – island development to recognize the default rule that development approvals/permits are valid for twelve months, unless altered by statute or extended by local rule.

Provided for surety bond as allowable form of performance guarantee.

Revised Notice of Violation notice requirements to include electronic mail. Added permittee to notice requirement. Require Planning Director to affirm NOV delivered.

Revised Stop Work Order procedure notice requirements. Added requirement for Planning Director to affirm SWO provided.

Revised Revocation of Permit or Approval to require the revocation to follow the same process as the approval.

Revised definition of Appeal, and Variance.

Provided definition of Close Familial Relationship, Commissioner, Evidentiary Hearing, Quasi-Judicial Decision, and Special Use Permit.

Deleted definition of Quasi-Judicial Public Hearing and Use Permit.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3139)

**Agenda Item Title:** Public Hearing and Action: Consideration of Expansion of the Moyock Township Watershed Improvement Service District

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

---

**Brief Description of Agenda Item:**

**Is this item regulated by plan, regulation or statute?** Yes

**Planning Board Recommendation:**

To allay flooding issues and improve drainage in Moyock Township, Commissioners are being asked to consider expanding the Stormwater District to include all of Moyock Township. A tax of 1.5 cents will be implemented and existing service districts within the township would be dissolved.

A notice of Public Hearing was mailed to all property owners within the proposed district and as required by statute a notice was published in a local newspaper, meeting advertising requirements.

**Potential Budget Affect:** TBD

**Manager Recommendation:**

## **RESOLUTION EXTENDING MOYOCK WATERSHED SERVICE DISTRICT**

WHEREAS, N.C. Gen. Stat. §153A-303 authorizes a board of commissioners to annex territory to any service district upon finding that, (1) the area to be annexed is contiguous to the district, with at least one eighth of the area's aggregate external boundary coincident with the existing boundary of the district, and (2) that the area to be annexed requires the services of the district; and

WHEREAS, by resolution adopted June 3, 2002, the Currituck County Board of Commissioners created Moyock Watershed Service District to provide water management and watershed improvements to preserve water quality in Shingle Landing Creek and protect residential and agricultural lands from detrimental flooding; and

WHEREAS, the Currituck County Board of Commissioners finds that the area to be annexed to Moyock Watershed District is contiguous to the district and at least one eighth of the area's aggregate external boundary coincident with the existing boundary of Moyock Watershed District because, excluding Gibbs Woods, the district boundaries will be extended outwardly to encompass all of Moyock Township; and

WHEREAS, the Currituck County Board of Commissioners finds that the area to be included in the Moyock Watershed District requires the services of the district for the implementation of an integrated program for drainage maintenance and improvement within rapidly developing Moyock Township because, (1) with the increased removal of land from agricultural production there is greater need to address the impact of stormwater from impervious surfaces such as streets and rooftops, (2) ditches and drainageways in Moyock Township have not received maintenance and improvements necessary to address increased stormwater runoff resulting in more frequent occurrence of nuisance and damaging flooding; and (3) evidence of drainage and flooding issues derived from complaints from residents throughout Moyock Township; and

WHEREAS, The Currituck County Board of Commissioners has considered the "Report on the Extension of the Moyock Township Watershed Improvement Service District" filed with the Clerk to the Board of Commissioners on May 6, 2021, and incorporates by reference the contents of the report into this resolution; and

WHEREAS, notice of the public hearing on whether to extend the boundaries of Moyock Watershed Service District was published in The Daily

Advance, a newspaper having general circulation in Currituck County, on May 23, 2021 and May 30, 2021 and the public hearing was held on June 7, 2021; and

WHEREAS, the Clerk to the Board of Commissioners has certified to the Currituck County Board of Commissioners that the mailing of notice of hearing was completed, all in conformity with N.C. Gen. Stat. §153A-303(e);

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

Section 1. Currituck County has fully complied with each requirement of N.C. Gen. Stat. §153A-303 for the extension of Moyock Watershed Service District.

Section 2. Moyock Watershed Service District is extended and shall consist of the area more particularly shown on the map attached hereto as Exhibit A and incorporated herein by reference.

Section 3. This resolution shall take effect on July 1, 2021.

ADOPTED the 7th day of June 2021.

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Michael H. Payment, Chairman  
Board of Commissioners

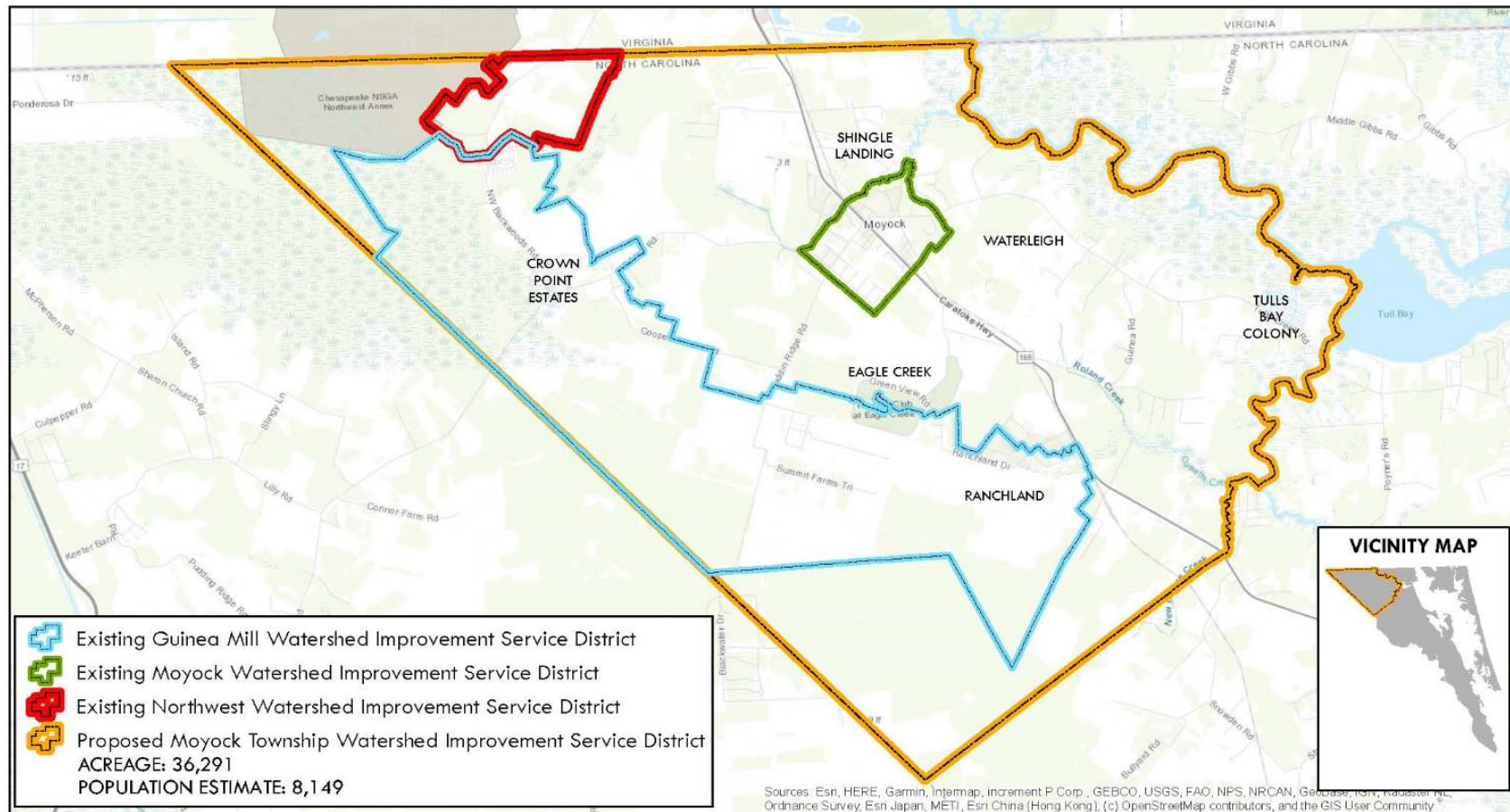
ATTEST:

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Leeann Walton, Clerk to the Board

(COUNTY SEAL)





# PROPOSED MOYOCK TOWNSHIP WATERSHED IMPROVEMENT SERVICE DISTRICT

# EXHIBIT A

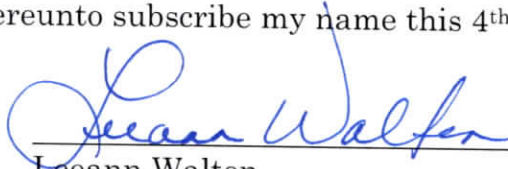
NORTH CAROLINA

CURRITUCK COUNTY

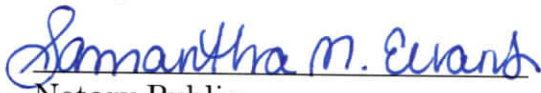
CERTIFICATION

I, Leeann Walton, Clerk to the Currituck County Board of Commissioners, do hereby certify that notice of the June 7, 2021 public hearing on the extension of Moyock Watershed Service District was mailed May 6, 2021 through May 7, 2021, a period at least four weeks prior to the public hearing, to the owners as shown by county tax records as of January 1, 2021 of all property located within the area of Moyock Watershed Service District extension.

In witness whereof, I hereunto subscribe my name this 4<sup>th</sup> day of June 2021.

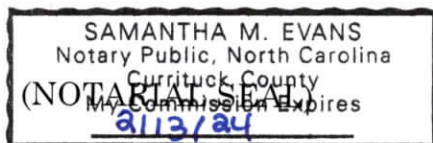
  
 \_\_\_\_\_  
 Leeann Walton  
 Clerk to the Board of Commissioners

Subscribed and sworn before me this  
 4<sup>th</sup> day of June 2021.

  
 Notary Public

Samantha M. Evans  
 Printed Name

My Commission Expires: 2/13/24



RECEIVED MAY 06 2021

REPORT ON THE EXTENSION  
OF THE  
MOYOCK TOWNSHIP  
WATERSHED IMPROVEMENT SERVICE DISTRICT

May 6, 2021

Attachment: Moyock Watershed Service District Report (Public Hearing-Moyock Township Watershed Improvement Service District)

To provide an integrated program for drainage maintenance and improvement in Moyock Township watersheds, extension of Moyock Township Watershed Improvement Service District is proposed to include all the area within Moyock Township, except for Gibbs Woods, and to thereafter consolidate Guinea Mill Watershed Improvement Service District and Northwest Watershed Improvement Service District into the extended Moyock Township Watershed Improvement Service District.

### Identified Need for Service District

As a rapidly developing area of the county, Moyock Township continues its transformation from a rural farming community to a more urbanized area. Traditionally, agricultural interests and landowners have maintained stormwater infrastructure within Moyock Township but with the increasing removal of land from agricultural production there is greater need to address stormwater from impervious surfaces such as rooftops and streets. Ditches and drainageways within Moyock Township have not received maintenance and improvements necessary to address increasing stormwater runoff resulting in more frequent occurrence of nuisance and damaging flooding within the township and there is no entity that can access and enable adequate stormwater flow through major downstream outlets. Repeated complaints from residents throughout Moyock Township about poor drainage and flooding further confirms the need for an extended service district.

Currently, Moyock Watershed Improvement Service District, Guinea Mill Watershed Improvement Service District and Northwest Watershed Improvement District exist within Moyock Township. These small service districts are not of sufficient size to provide revenue and area that makes an impactful difference in drainage and flooding issues within the larger extent of Moyock Township. Following the extension of Moyock Watershed Improvement District, Guinea Mill Watershed Improvement District and Northwest Watershed Improvement District will be consolidated with Moyock Watershed Improvement District.

### Resident Population and Population Density

The area of the extended Moyock Watershed Improvement Service District is 36,291 acres or 57 square miles and contains nearly 90 miles of ditches. The resident population of the proposed service district area according to the 2010 United States Census is approximately 8149 persons.

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

The assessed valuation of property subject to taxation in the proposed extended service district is approximately \$873,000,000. The current tax rate in the proposed extended service district area is 48 cents per \$100.00 valuation. The 1.5 cent tax rate for Moyock Watershed Improvement Service District as currently constituted, 2 cents tax rate for Guinea Mill Watershed Improvement Service District and 2 cents tax rate for Northwest Watershed Improvement Service District will be eliminated.

The proposed extended service district tax will at an initial rate of 1.5 cents per \$100 valuation which generates annual service district revenue in the amount of \$130,950. As an example, this equates to \$22.50 per year for a \$150,000 property or \$37.50 per year for a \$250,000 property. For a farm with a value of deferred value of \$1000 per acre, the proposed service district tax would equate to 15 cents per acre per year.

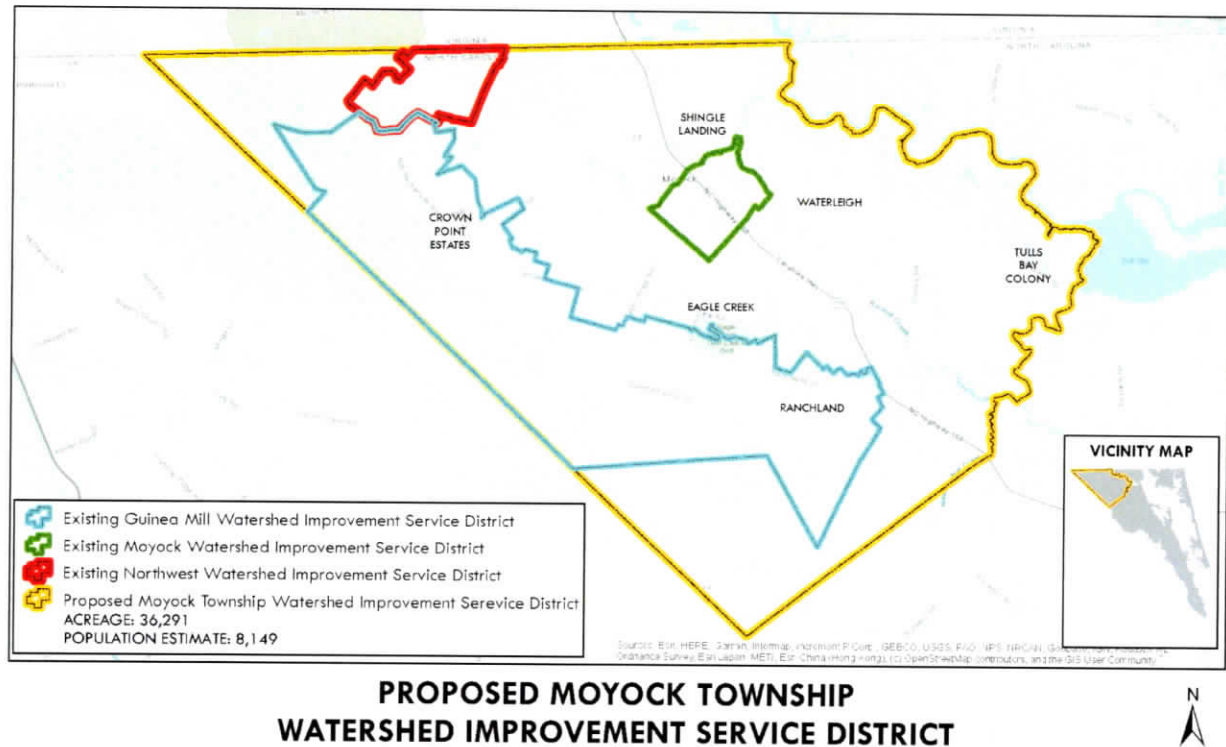
### Plan for Providing Services within the Proposed Service District

The extension of Moyock Watershed Improvement District will allow for implementation of a comprehensive drainage maintenance and improvement plant to address systemwide drainage and flooding problems through implementation of engineered studies, ditch widening, and sediment removal from ditches throughout the extended service district. The county will prioritize improvements with input from a service district advisory board appointed by the Board of Commissioners.



### Map of the Proposed Service District

A map of the existing service district and the area to be annexed is attached to this report.



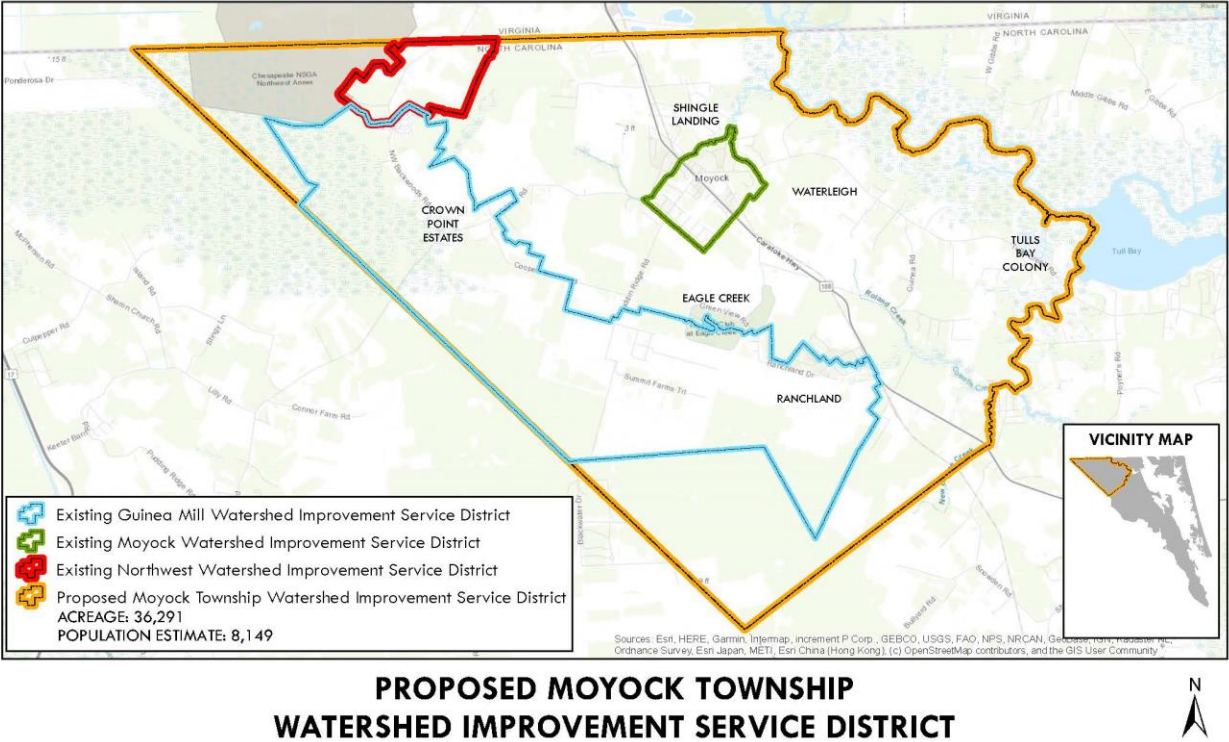
PUBLIC NOTICE

EXTENSION OF THE

MOYOCK TOWNSHIP WATERSHED IMPROVEMENT SERVICE DISTRICT

TAKE NOTICE that on June 7, 2021 at 6:00 p.m., or as soon thereafter as the matter is reached, the Currituck County Board of Commissioners will hold a public hearing in the Commissioners’ Meeting Room, Historic Currituck Courthouse, 153 Courthouse Road, Currituck, North Carolina to receive public comments on the proposed extension of the Moyock Township Watershed Improvement Service District. Further information about the proposed service district is available at [www.CurrituckInfo.com](http://www.CurrituckInfo.com). For additional information, expression of opinions and concerns, please contact the Currituck County Manager’s Office at (252)232-2075, 153 Courthouse Road, Suite 204, Currituck, NC 27929 or [Leeann.Walton@currituckcountync.gov](mailto:Leeann.Walton@currituckcountync.gov). The report required by N.C. Gen. Stat. §153A-303(d) is available for inspection at the office of the Clerk to the Board of Commissioners, Historic Currituck Courthouse, 153 Courthouse Road, Suite 204, Currituck, NC 27929.

A map of the existing service district and the area to be annexed is attached.



Attachment: Public Notice Extended Moyock Service District Newspaper Publication (Public Hearing-Moyock Township Watershed Improvement Service District)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3143)

**Agenda Item Title:** Consideration and Possible Adoption of the Annual Budget for Fiscal Year Ending June 30, 2022, following Public Hearing.

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:** Ben Stikeleather

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Is this item regulated by plan, regulation or statute?** Yes

**Planning Board Recommendation:**

Public Hearing and possible action on the adoption of the annual budget for Fiscal Year 2021-2022. The budget was presented at the BOC meeting on May 17, 2021. An annual budget is required to be adopted by July 1, 2021.

**Manager Recommendation:**





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3170)

**Agenda Item Title:** Consideration of Revised Wild Horse Management Agreement

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

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**Brief Description of Agenda Item:**

Management of the Corolla Wild Horses is a collaborative effort undertaken by Currituck County, the Corolla Wild Horse Fund, the N C National Estuarine Research Reserve, and the U S Fish and Wildlife Service. The Management Agreement is required to be periodically reviewed and updated. The updated *Wild Horse Management Agreement* is hereby submitted for Commissioner consideration and adoption.

**Potential Budget Affect:** N/A

**Is this item regulated by plan, regulation or statute?** Yes

**Manager Recommendation:**

# Wild Horse Management Agreement



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# Wild Horse Management Agreement

## Participating Agencies

Corolla Wild Horse Fund

Currituck County

US Fish & Wildlife

NC National Estuarine Research Reserve, NC Division of Coastal  
Management, & NC Department of Environmental Quality

# Table of Contents

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Management Goals & Actions  
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Herd Size Statements  
Appendices

# Signatory Page

Approved by:

Corolla Wild Horse Fund	Date
County of Currituck	Date
NC Division of Coastal Management NC Department of Environmental Quality	Date
Currituck National Wildlife Refuge U.S. Fish and Wildlife Service Department of Interior	Date

## Introduction

The wild horses are an integral part of the history and tradition of the Currituck Outer Banks and are culturally and economically significant to the County of Currituck.

This Management Agreement is necessary to establish a common vision and goals that guide the Wild Horse Advisory Board in managing the wild horse population. The agreement includes policies that address the horses themselves, the surrounding habitats, partnerships, and education. The agreement also includes sections describing the organization of the board and the goals and actions. This agreement was developed through a collaborative process involving all stakeholders.



## Vision

The Wild Horse Advisory Board is committed to managing the wild horse population in a manner that establishes a sustainable equilibrium between the wild horse population, development, wildlife, and the environment. The Board will strive to maintain this delicate balance through:

- Working to protect the habitat, long term health, and genetic stability of the herd;
- Supporting land use actions and regulatory actions that are consistent with the agreement;
- Protecting and maintaining a thriving ecological balance;
- Preserving the free-roaming nature and habits of the horses;
- Sustaining partnerships with all stakeholders;
- Supporting and offering educational opportunities; and
- Acknowledging the cultural and economic significance of the wild horses.

The Board recognizes that in order to fully realize this vision, it is imperative to work together, focusing on common goals.

# Board Organization

## Section 1 Advisory Board Established

There is hereby established The Currituck County Wild Horse Advisory Board.

## Section 2 Duties of the Advisory Board

The Currituck County Wild Horse Advisory Board is charged with the duty of providing guidelines and general managing objectives for the Currituck Banks wild horses as adopted in this Management Agreement.

## Section 3 Members Composition, Appointment and Terms of Office

The Currituck County Wild Horse Advisory Board shall be composed of six voting members:

- a) One member from the Corolla Wild Horse Fund
- b) One member from the North Carolina National Estuarine Research Reserve
- c) Two at large members who reside on the Currituck Outer Banks appointed by the Currituck County Board of Commissioners
- d) The Currituck County Manager or designee
- e) USFWS Refuge Manager or designee

The two at large members shall be appointed for a three-year term and shall hold office until their successors are appointed. No at large member shall be allowed to serve for more than two consecutive terms unless extended by the Currituck County Board of Commissioners due to extenuating circumstances.

The Currituck County Board of Commissioners shall have the right to remove members they appoint at will and appoint a replacement member(s).

#### Section 4 Officers and Meetings

The Currituck County Wild Horse Advisory Board shall select, from its membership, officers every two years at the first meeting of the calendar year. The officers shall include a Chairman and Vice Chairman. The Chairman and Vice Chairman shall conduct the orderly business of the Advisory Board. The County will provide staff to serve in the position of Secretary who shall take minutes and cause the minutes to be printed and made available to the Currituck County Board of Commissioners. The Currituck County Wild Horse Advisory Board shall hold quarterly meetings unless the Chairman declares the meeting canceled for the lack of business. Special meetings may be held on call of the Chairman upon twenty-four hours' notice to the members of the Advisory Board. All meetings or other business of the Advisory Board shall be conducted in accordance with the Open Meetings Law. A majority quorum will be necessary to conduct official business.

# Management Goals & Actions

These goals and actions shall not be interpreted to prevent public agencies and lands from implementing their mission statement. Short term goals are defined as 1-3 years, long term goals are defined as 3-5 years, and are continually necessary to manage the herd.

<b>Goal 1. Protect the habitat, long term health, and genetic stability of the horses.</b>			
	<b>Responsible Stakeholder</b>	<b>Time Frame</b>	<b>Funding</b>
<b>Action 1A.</b> Research, determine, and provide a summary of next steps and data needed to undertake a comprehensive study (Population Habitat Viability Assessment).	ALL	Ongoing	Staff time, As grants become available funding will be applied to components.
<b>Action 1B.</b> Conduct a study (Population Habitat Viability Assessment) to determine the carrying capacity of land for food sources that accounts for horses and other wildlife utilizing a science based approach.	ALL	Long	As grants become available funding will be applied to components.
<b>Action 1C.</b> Develop a protocol and conduct an aerial census 4 to 6 times, but not less than once, annually. (CWHF funds survey)	CWHF	Ongoing	Min \$6,000 - \$9,000/yr.
<b>Action 1D.</b> Provide quarterly report to the advisory board outlining the current population and health of the wild horses, including those awaiting adoption.	CWHF	Ongoing	Staff time
<b>Action 1E.</b> Develop a protocol for monitoring of genetics and conduct monitoring.	CWHF	Ongoing	Staff time
<b>Action 1F.</b> Establish lineage for herd.	CWHF	Ongoing	Staff time

*CWHF = Corolla Wild Horse Fund, County= Currituck County, USFWS=US Fish & Wildlife Refuge, NCNERR = NC National Estuarine Research Reserve*

<b>Action 1G.</b> Provide an annual report of lineage and genetics to the advisory board.	CWHF	Ongoing	Staff time
<b>Action 1H.</b> Provide daily management and advocacy for the wild horse population including but not limited to veterinary care, gentling/training, transportation, adoption, removals, emergency response, boarding of sick horses, humane euthanasia, necropsy, contraception, breed conservation, and any cost associated with day to day management.	CWHF	Ongoing	Staff time, CWHF approved funding
<b>Action 1I.</b> Develop protocol for introduction of Shackleford Banks horses.	CWHF	Complete	Staff time
<b>Action 1J.</b> Introduce Shackleford Banks Horses into the Currituck Outer Banks as defined by protocol. The introduction location shall be voted on by the Wild Horse Advisory Board prior to release.	CWHF	Ongoing	Minimum \$1,600/horse
<b>Action 1K.</b> Until recommendations from Action Item 1B are finalized, allow for growth of the herd size to 110 and no greater than 130 horses by maintaining and implementing a viable population control plan that includes but is not limited to: adoptions, contraception methods, documentation, removal and replacement of horses.	CWHF	Ongoing	Staff Time
<b>Action 1L.</b> Provide annual report for the population control plan at the fall meeting. Also provide goals for the upcoming year for contraception, adoptions, and removal/replacement of horses.	CWHF	Yearly	Staff time
<b>Action 1M.</b> Develop protocol for the transport of horses and management of escaped horses. (Reference Actions 5 C & 5 D)	CWHF	Complete	Staff time

CWHF = Corolla Wild Horse Fund, County= Currituck County, USFWS=US Fish & Wildlife Refuge, NCNERR = NC National Estuarine Research Reserve

**Goal 2. Support land use decisions and county ordinances that are consistent with the management agreement.**

	<b>Responsible Stakeholder</b>	<b>Time Frame</b>	<b>Funding</b>
<b>Action 2A.</b> Recommend updates to the Unified Development Ordinance, County Code of Ordinances, and adopted plans to reflect policies and actions included in the management agreement.	All	Ongoing	Staff time
<b>Action 2B.</b> Continue to assist Currituck County personnel in enforcing the provisions of the County Code of Ordinances through their respective capabilities.	USFWS/NCNERR	Ongoing	Staff time
<b>Action 2C.</b> Currituck County personnel will continue to enforce the provisions of the County Code of Ordinances.	County	Ongoing	Staff time

**Goal 3. Protect and maintain a thriving ecological balance.**

	<b>Responsible Stakeholder</b>	<b>Time Frame</b>	<b>Funding</b>
<b>Action 3A.</b> Conduct an assessment of horse induced effects on state, federal and private lands and report findings to the advisory board as information is available.	USFWS/ NCNERR/ County	Ongoing	Staff time
<b>Action 3B.</b> Continue the monitoring of long term exclosures to determine the impact of horses on habitats.	USFWS	Ongoing	Staff time
<b>Action 3C.</b> Seek additional funding/staff as needed to monitor and mitigate impacts.	All	Ongoing	Staff time
<b>Action 3D.</b> Conduct an ecosystem-based approach for entire off road area.	County	Ongoing	Staff Time

CWHF = Corolla Wild Horse Fund, County= Currituck County, USFWS=US Fish & Wildlife Refuge, NCNERR = NC National Estuarine Research Reserve

<b>Goal 4. Preserve the free-roaming nature and habits/behaviors of the horse population to the extent possible within the boundaries defined in the management agreement (north &amp; south fences).</b>			
	<b>Responsible Stakeholder</b>	<b>Time Frame</b>	<b>Funding</b>
<b>Action 4A.</b> Determine and define the need for designated pasture areas in the off-road area.	CWHF	Ongoing	Staff time
<b>Action 4B.</b> Establish and maintain designated pasture areas.	CWHF/County	Ongoing	To be determined
<b>Action 4C.</b> Develop standards for acquisition, lease or easement of designated pasture areas and/or open space in the off-road area.	CWHF/County	Short	Staff time
<b>Action 4D.</b> Evaluate barrier options with each 5-year update of the management plan (See Appendix F)	ALL	Ongoing	Staff time
<b>Action 4E.</b> Continue to maintain and repair the barrier fences at the northern and southern boundaries of the off-road area as well as the cattle guard (with the exception of fence owned by False Cape State Park unless the Park is a partner in the repair). The County shall replace the southern boundaries of the off-road area as well as the cattle guard not less than once every twenty (20) years. The County shall provide funding to CWHF for replacement of the northern boundaries of the off-road area not less than once every twenty (20) years.	CWHF/ County	Ongoing	\$700,000
<b>Action 4F.</b> Provide impacts report to DCM and CRC with each 5 year update to satisfy the fence CAMA permit condition #1.	County	Yearly	Staff time

CWHF = Corolla Wild Horse Fund, County= Currituck County, USFWS=US Fish & Wildlife Refuge, NCNERR = NC National Estuarine Research Reserve

**Goal 5. Sustain partnerships with all stakeholders including the NC National Estuarine Research Reserve, Currituck National Wildlife Refuge, Currituck County, and the Corolla Wild Horse Fund necessary to efficiently manage the wild horse population.**

	Responsible Stakeholder	Time Frame	Funding
<b>Action 5A.</b> Update the management agreement, at a minimum, every five years involving all stakeholders.	ALL	Ongoing	Staff time
<b>Action 5B.</b> Conduct quarterly meetings of the advisory board to review current and planned management activities and provide updates on stakeholder actions.	ALL	Ongoing	Staff time
<b>Action 5C.</b> Continue to coordinate as needed with the City of Virginia Beach on wild horse management planning.	CWHF/County	Ongoing	Staff time
<b>Action 5D.</b> Foster a relationship and engage False Cape State Park and Back Bay Wildlife Refuge.	ALL	Ongoing	Staff time
<b>Action 5E.</b> Conduct an annual review of the management agreement at the fall quarterly meeting and provide a written report documenting the status.	ALL	Yearly	Staff time

CWHF = Corolla Wild Horse Fund, County= Currituck County, USFWS=US Fish & Wildlife Refuge, NCNERR = NC National Estuarine Research Reserve



**Goal 6. Support and offer opportunities to educate the public about the wild horses.**

	<b>Responsible Stakeholder</b>	<b>Time Frame</b>	<b>Funding</b>
<b>Action 6A.</b> Develop educational programs and materials that will foster public and commercial tour operators understanding of the wild horses. These include but are not limited to: <ul style="list-style-type: none"> <li>• Rules &amp; regulations</li> <li>• Safety</li> <li>• Balance habitat &amp; horses</li> <li>• Transfer of property for pasture land</li> </ul>	CWHF/County	Ongoing	To be determined
<b>Action 6B.</b> Continue to educate the public and commercial tour operators on the wild horses, rules & regulations, and habitat.	ALL	Ongoing	Staff time CWHF education budget
<b>Action 6C.</b> Continue to partner and offer training opportunities for tour companies on the wild horses	CWHF/County	Ongoing	Staff time
<b>Action 6D.</b> Continue to partner with Currituck County Tourism to educate the visitors on the wild horses and related issues through website, social media, and brochures.	CWHF	Ongoing	Staff time
<b>Action 6E.</b> Establish partnerships with realty companies/rental home owners to develop and deliver educational media about the wild horses.	CWHF/County	Ongoing	Staff time

CWHF = Corolla Wild Horse Fund, County= Currituck County, USFWS=US Fish & Wildlife Refuge, NCNERR = NC National Estuarine Research Reserve

## Implementation

At the fall quarterly meeting of each year, the Board will assess the progress of actions and the need for re-examination of goals and actions for future implementation. Following the assessment, the Board should provide a written report documenting the status of management goals and actions. Additionally, the agreement shall be fully updated every five years, at minimum, or as needed. All signatories and board members should be notified in writing of the agreement update and invited to participate in the update process.

The Chairman of the Board will be responsible for reconvening the Board and conducting the annual review. Criteria to be considered will include the following:

- Do the goals and actions address current and expected needs?
- Are the current resources appropriate for implementing the management goals and actions?
- Are there implementation problems, such as technical, political, legal, or coordination issues with stakeholders?
- Are the goals of the Wild Horse Advisory Board being accomplished?
- Are the stakeholders providing the level of cooperation expected?

The success of this agreement largely depends on the continued cooperation and coordination between the signatories united partnership will result in the realization of the vision of this agreement.

## Herd Size Statements

The Wild Horse Advisory Board recognizes that there are differing opinions of the signatories of this agreement concerning the appropriate number for the overall herd size cap. Historically, the Wild Horse Management Agreement operated under an adopted plan with a targeted herd size of sixty; however, until recommendations from Action Item 1B are finalized, the Wild Horse Management Agreement will allow for growth of the herd size to 110 and no greater than 130 horses by maintaining and implementing a viable population control plan. The population control plan includes, but is not limited to: adoptions, contraception methods, documentation, removal and replacement of horses.

The Corolla Wild Horse Fund, US Fish and Wildlife, and NCNERR each have adopted plans, policies, or missions that each approach the management of their lands, horses, or impacts by horses differently.

Each signatory has prepared a statement that explains their organization's position. While each signatory has their own position regarding herd cap size, within the next five years, the Board agrees to work cooperatively through the vision, goals, and actions of this agreement to determine a new herd cap size.

## North Carolina National Estuarine Research Reserve

The N.C. National Estuarine Research Reserve (NCNERR) recommends that the best available science on habitat sustainability; horse health, welfare, and genetics; and social values associated with the horses be used to determine the size of the herd. This multiphase approach is needed to meet the complex interests of those involved in management of the herd, property owners within the Wild Horse Sanctuary, and the public. The best available science that evaluates some of these factors from a similar barrier island environment is "Horses of Assateague Island Population and Habitat Viability Assessment: Final Report" (Zimmerman et al. 2006). Using a collaborative process, a series of objectives was evaluated and a range of 80-100 horses was recommended for Assateague Island, providing managers with the ability to adaptively manage the herd size as conditions change over time.

This desired science is not currently available at the level needed for the Currituck herd and the Currituck Outer Banks where the horses roam. The 2015 horse management agreement addresses this gap by committing to the following: Goal 1, Actions 1A-B articulate the need for a population viability study similar to that described above to inform the size of the herd to meet both habitat and horse sustainability and Goal 3 addresses the need to conduct and continue work to assess horse impacts on habitats. This work will allow the Advisory Board to make a more informed recommendation regarding the herd size that balances the complex and competing interests of the parties involved in the overall management of the Currituck Outer Banks ecosystem. While NCNERR recommends the herd size be based on the results of this population study, NCNERR acknowledges the need for the U.S. Fish and Wildlife Service to comply with Senate Report 114-281. The NCNERR supports the Service's requested amendment to Action 1K to address the Senate report in the spirit of partnership and forward progress on a multifaceted topic. Amended Action 1K reads as follows: "Until recommendations from action Item 1B are finalized, allow for the growth of the herd size to 110 and no greater than 130 horses by maintaining and implementing a viable population control plan that includes but is not limited to: adoptions, contraception methods, documentation, removal and replacement of horses." NCNERR recommends the Advisory Board prioritize the Population Habitat Viability Study (Goal 1, Actions 1A-B) and amend

the horse management agreement based on the results of this study. This recommendation is based on the following reasons: 1) The presence of the horses is a management conflict with the purposes of the Reserve program; 2) There are documented habitat impacts from the horses both at the current population level and at reduced levels as well as changes in habitat availability due to increased development; and 3) There is a need for additional study to address the complex interests associated with the presence of the horses on the Currituck Outer Banks.

Rheinhardt and Rheinhardt (2004) concluded that grazing by horses impacted vegetation on the Currituck Outer Banks in 1997 when the horse herd was estimated at 43. They speculated that trampling may have a greater impact than grazing. Feral hog activity was also acknowledged as potentially contributing to habitat impacts. The authors concluded that an increase in horse density or a decrease in carrying capacity of the habitat could result in further habitat degradation and recommended additional study to ensure effective management of the horse herd and the Currituck Outer Banks habitats.

Taggart (2008) reviewed literature on horse impacts at publicly owned and managed properties in the United States, focusing on the Currituck Banks and Rachel Carson components of the Reserve. He also outlined the management conflict that results from the presence of horses on these Reserve components in light of state and federal purposes for the Reserve. As a result, Taggart recommended protecting the Currituck horses through fenced pasture areas located outside of the Currituck Banks Reserve to remove habitat impacts and management conflicts at the site (2008).

The Reserve's 2020-2025 management plan recognizes the horses as a management conflict because of the impacts the horses cause to the ecological systems the Currituck Banks Reserve was designated to protect. The plan states that the horses are allowed to roam on the component provided they do not significantly impact Reserve habitats or impede implementation of the Reserve's research and education mission. The program will manage the

Currituck Banks Reserve to prevent significant impact from the horses (NCNERR 2020).

Porter (2014) completed a study in the Currituck National Wildlife Refuge examining the impacts of horses, deer, and feral hogs on different habitat types in fenced and unfenced areas of the Refuge. She concluded that horses negatively impacted vegetation in the unfenced study areas where horses were allowed, detecting few disturbances from deer and feral hogs. Study areas included habitat types that are representative of those found in the Reserve; the results of the Porter study can therefore be extrapolated to the Reserve although there may be differences in impact intensity as a result of the number of horses present in the respective areas. Porter further recommended additional study to provide a more complete assessment of horse impacts and to address other questions raised by the study.

The horse herd is currently estimated at 81 horses as of the August 2017 census with 31 horses documented in Wild Horse Zone 1, which includes the Currituck Banks Reserve (Corolla Wild Horse Fund, 2017). Presence in the Reserve is elevated from previous census data collected in 2015 and 2016 when 11 of the 83 horses and 5 of the 66 horses were found in Zone 1, respectively (Corolla Wild Horse Fund, 2015-2016).

Additionally, habitat availability has changed as private development on the Currituck Outer Banks has increased over time (Currituck County, 2013; See Appendix C) and the concomitant decline in the availability of natural food sources.

#### References

Corolla Wild Horse Fund, 2015-2017. Annual Census Data.

NCNERR, 2020. N.C. National Estuarine Research Reserve Management Plan 2020-2025. <http://deq.nc.gov/about/divisions/coastal-management/nc-coastal-reserve/about-reserve/management/plans>

Porter, Kimberly. 2014. Vegetative Impact of Feral Horses, Feral Pigs, and White-tailed Deer in the Currituck National Wildlife Refuge. *CASTANEA* 79 (1): 8-17. MARCH.

Rheinhardt, Richard D. and Martha Craig Rheinhardt. 2004. Feral horse seasonal habitat use on a coastal barrier spit. *Journal of Range Management* 57: 253-258.

Taggart, John. 2008. Management of Feral Horses at the North Carolina National Estuarine Research Reserve. *Natural Areas Journal* 28: 187-195.

Zimmerman, C., M. Sturm, J. Ballou, and K. Traylor-Holzer (eds.). 2006. *Horses of Assateague Island Population and Habitat Viability Assessment: Final Report*. IUCN/SSC Conservation Breeding Specialist Group, Apple Valley, MN.

## US Fish and Wildlife

The US Fish and Wildlife Service recommends that a Population Habitat Viability Assessment be completed and used to determine the size limits of the herd. This desired science is not currently available at the level needed for the Currituck herd and the Currituck Outer Banks where the horses roam. Goal 1, Action 1B calls for the Advisory Board to "Conduct a study (Population Habitat Viability Assessment) to determine the carrying capacity of land for food sources that accounts for horses and other wildlife utilizing a science based approach."

In the explanatory statement accompanying the FY2017 omnibus, the Service has been instructed to comply with language in Senate Report 114-281 related to the Corolla horse herd around Currituck National Wildlife Refuge. The report language calls for a management plan between the Service, the State of North Carolina, Currituck County, and the Corolla Wild Horses Fund that allows for the herd size to be grown to no fewer than 110 and no greater than 130 horses. The language calls for the plan to be entered into within 180 days. The Service entered into a management agreement with the same parties in January 2015. Upon review of the management agreement, we believe that the existing agreement allows for the growth of the herd; however, it intentionally did not include a specific herd size due to differing opinions among the parties. In compliance with the Senate Report the Refuge proposed an amendment to the January 2015 Plan at the May 18, 2017 quarterly meeting of the Corolla Wild Horse Advisory Board. The Refuge proposed to amend Action Item 1K to read "Until recommendations from Action Item 1B are finalized, allow for growth of the herd size to 110 and no greater than 130 horses by maintaining and implementing a viable population control plan that includes but is not limited to: adoptions, contraception methods, documentation, removal and replacement of horses." The Service recommends that the Advisory Board prioritize completing the Population Habitat Viability Assessment and amend the agreement as appropriate based on the findings of that study.



Habitat impacts from grazing feral horses have been well documented along the Atlantic coast and across the nation. Atlantic coast impacts have been published from herds residing in Nova Scotia (Freedman et. al. 2011), Currituck National Wildlife Refuge, NC (Porter and DePerno 2012), Northern Outerbanks, NC (Rheinhardt and Rheinhardt 2004), Assateague Island National Seashore, MD and VA (Seliskar 2003), Shackleford Banks, NC (Levin et. al. 2002), and Cumberland Island, GA (Turner 1987).

Publications show that many aspects of the ecosystem are negatively impacted by grazing and/or trampling (Levin et. al. 2002.; Turner 1987) and may ultimately result in changes to plant communities (De Stoppelaire 2001; Furbish 1994). Horse grazing has been linked to decreases in plant structure, abundance, and/or vigor (Beever et. al 2000; Porter and Deperno 2012), reduction of seed production (Seliskar 2003; Levin et. al. 2002), of which, marsh plant species are particularly vulnerable (Levin et. al. 2002; Rheinhardt and Rheinhardt 2004). Additionally, as a result of excessive herbivory, reductions in above and below ground biomass (Furbish et. al. 1994; Levin et. al. 2002) declines in species richness including many birds, mammals, and/or fish (Beever et. al 2000; Levin et. al. 2002) have been documented as well as increased erosion (Seliskar 2003; De Stoppelaire 2001) and reduced dune development (De Stoppelaire 2001; De Stoppelaire 2004).

The most comprehensive science regarding population management of horses on the Atlantic coast is the Horses of Assateague Island Population and Habitat Viability Assessment (PHVA) (Zimmerman et. al. 2006). In this assessment the same issues needed to manage the Corolla horses were reviewed and a population size of 80 to 100 horses roaming on a 37-mile barrier (Ave. 2.4 horses per mile) island was deemed acceptable. Recent population estimates for the Corolla horses which roam only an 11-mile area range from 121-144 (Ave. 12.1 horses per mile). Even at a stocking rate of 60 for the Corolla herd the number of horses (Ave. 5.5 horses per mile) would be over double the recommended rate established in the 2006 PHVA.

Recent monitoring by Service biologists at Currituck NWR have identified major habitat impacts and have identified the potential conversion of habitat types similar to those identified by De Stoppelaire 2001. These conversions seem to be pushing the natural ecosystem toward one dominated by exotic and/or non-desirable vegetation. Native vegetation that can produce a root mat capable of withstanding the effects of erosion is transitioning to vegetation with a root mat that is less robust.

Implementation strategy 2 of the 2007 Currituck Banks Wild Horse Manage Plan (Plan) was: "Control the horse population for the protection of the fragile ecosystems on the public and private lands." The strategy stated: "In this regard, a maximum of 60 horses will be permitted with population controlled through adoption, relocation, auction or contraceptive fertility methods." The Plan also called for the establishment of monitoring exclosures to monitor impacts of horses on habitat. Sixty is believed to represent the herd population at the time the original Plan was written. In 2002, the last time the herd was as low as 60, some negative habitat impacts were noted in the areas where horses had access compared to the exclosures where horses did not have access. In 2007, when the herd was roughly 90, photo documentation shows significant negative habitat impacts to the areas where horses had access compared to the exclosures. In 2011 and 2012, with a herd size of approximately 119 and 144, respectively, photo documentation shows virtually no remaining grazing habitat in the horse-accessible area near the exclosure fences.

The Service has a policy (Chapter 7, Refuge Manual, Section 6, [7RM6]) that horses should not be on National Wildlife Refuges because they compromise the ability to meet its conservation mission. However, the Service signed previous Plans to be a good neighbor, and to deal with the situation in a practical manner by seeking to build a partnership with the local community to cooperatively control the numbers of the herd. The Service will address these animals as feral and manage the refuge in that context. Since these are non-native animals (as defined in 50CFR30.11), as time and money are available, and

monitoring shows negative impacts, they will be fenced out of negatively impacted habitats and off the refuge as is practical.

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## Corolla Wild Horse Fund

On May 5, 1935, the Raleigh News and Observer reported that the Banker ponies had to make way for "the path of progress expected to take the form of a national park that would extend 100 miles along the coast and include the 'banks' where they now roam." By 1937 Cape Hatteras National Seashore was established, and the path of progress became NC 12. On June 14, 1938, the Raleigh News and Observer announced that "the final extinction of the Banker pony, wild horses that have roamed the Outer Banks for centuries, was begun this morning." Armed with high powered rifles, two hunters continued the work of removal that had begun several years earlier as a result of massive Depression-era round ups and shootings. The eradication was supported by the US Forest Service and the Federal Bureau of Fisheries (now US Fish & Wildlife Service). (C. Priolo, (2007)*The Wild Horses of Shackleford Banks*)

The Corolla Wild Horse Fund hired its first fulltime professional staff in mid and late 2006. The original wild horse management plan was due to be reviewed and signed in October of 2006. Although the CWHF was not in agreement with the herd size of 60 in the plan because it was not based on published or peer-reviewed science, the staff had only been in their positions three months and one month respectively. The Plan was signed in 2007 with the understanding that it was a living document that could be amended as needed.

Many researchers have demonstrated the beneficial or potentially beneficial effects of the grazing of large herbivores on ecosystems, especially wetlands and grasslands. Documented beneficial environmental effects of wild horses include:

Breaking up homogeneous grass stands, producing a patchy, open cover with a diversity of forbs. (USFWS, 1999)

Dispersing seeds of desirable native plants. (Hobbs, 1996; Severson & Urness, 1994; Stroh, Mountford & Owen, 2012)

Promoting biological diversity, accelerating succession, and encouraging a diverse mosaic of desirable plants. (Bakker, 1985; Bazely & Jeffries, 1986; Hobbs, 1996; Jensen, 1985; Menard et al., 2002; Severson & Urness, 1994; Vavra, 2005)

Increasing the nutritional value of forage. (Hobbs, 1996; Severson & Urness, 1994)

Enhancing regrowth of forbs beneficial to waterfowl. (Evans 1986)

Greatly enhancing the diversity of bird species. (Levin et al., 2002)

Altering community composition of birds, increasing foraging habitat for willets, least sandpipers and other birds that prey on small invertebrates. (Levin et al., 2002)

Greatly reducing height and density of invasive Phragmites, (Duncan & D'Herbes, 1982)

On Shackleford Banks, horse grazing in marshes provides a bountiful feeding ground used by a diverse community of foraging shorebirds. (Levin et al., 2002)  
Disturbance by large herbivores increases the diversity and quality of wildlife habitat, creating a patchwork of diverse food resources (Lamoot, 2004; Vavra 2005)

Rheinhardt and Rheinhardt (2004) found that horses on the Currituck Outer Banks "consume few forbs (herbaceous plants) species and graminoid (grass) species seem to recover by early summer when primary production is highest."

A four year University of Notre Dame study (Wood, 1987) found that the Shackleford horses' diet had no statistically significant impact on salt marsh plants in three out of four years, no statistically significant impact on long leaf pennywort all four years, no statistically significant impact on sea oats all four years, and no statistically significant difference in bluestem grass.

While today USFWS considers wild horses "exotic and potentially damaging to vegetation under active management" (USFWS 2008, p.194), in the 1940's the agency thought otherwise. Rachel Carson, a world renowned marine biologist, environmentalist, and editor-in-chief for US Fish and Wildlife Service wrote that when the Chincoteague refuge was created, the refuge allowed residents of

Chincoteague to graze 300 head of cattle and horses on the refuge, and noted no adverse effects on waterfowl (twice as many head as permitted today). "The presence of these grazing animals is not detrimental to the wildlife for which the waterfowl for which the refuge was established," she said (Carson, R. 1947, pg. 17).

Baker and Valentine (2006) found that any decline in waterfowl populations in and around the refuge was due to turbidity in the sound from recreational boating, agricultural runoff, and development. There was no mention of wild horses in relation to the decline. In addition, by the middle of the 20th century, three thousand tons of expended lead shot was accumulating in the marshes every year and being ingested by waterfowl. Roughly two million ducks succumbed to lead poisoning and more become chronically ill and slowly wasted away (Bolen, 2000). Today, waterfowl are challenged by environmental contaminants, invasive plants, and continued development (Pease, Rose, & Butler, 2005).

Wild horses have also been blamed for negatively impacting the endangered piping plover. However, published data indicates that the presence of island horses has little effect on the Piping Plover population. Breeding pairs on the Maryland portion of Assateague have increased from 14 in 1990 (horse census about 130) to 66 in 2006 (horse census greater than 140) (Hayward, 2007).

In relation to the current defined herd size of 60, there are numerous scientific studies that support this is not a viable number for a wild herd, especially one that peer-reviewed science has already shown is now descended from only one maternal line. (Cothran, 2011)

In 2007, the Corolla Wild Horse Fund pulled DNA samples via mane/tail hair and remotely delivered dart. The goal was to gather information for a baseline study of the overall genetic health of the herd. The samples were analyzed by Dr. E. Gus Cothran of Texas A&M University, one of the leading equine geneticists in the country and an expert on feral herds. A previous study was completed in 1992 when Dr. Cothran was at the University of Kentucky.

In his 2008 presentation, "Management Strategies for Small Gene Pools," Dr. Cothran states that "small populations are subject to loss of genetic variation and that loss of variation can lead to specific genetic diseases, heritable defects, reproductive problems or general reduction of overall vigor and extinction of the population." The Corolla herd is currently exhibiting heritable defects such as locked patellas, parrot mouth, and significant reduction in height in some horses (under 12 hands as an adult). Corolla's one maternal line is in contrast to the Shackleford herd which exhibits three maternal lines.

The Corolla herd represents one of the oldest and rarest strains of Colonial Spanish Horses. There is always a balance to be struck between keeping bloodlines pure and losing genetic diversity. In small, closed populations, only new mutations can increase genetic viability. Slight differences in mortality and reproductive success can have dramatic effects on a small population. When animals breed with close relatives, recessive genes are less likely to be balanced by dominant genes, and deformities become likely. A shallow gene pool can also decrease reproductive ability, size, and resistance to disease. When the census is low, the herd is vulnerable to destruction by catastrophic weather events or diseases. Dr. Cothran wrote in regard to the Corolla herd "Much of the genetic diversity expected to be present in a horse population is gone, and this cannot be recovered" (Cothran, 2008).

Cothran's 2008 study showed that the genetic diversity of the Corolla population is low and that both measures of heterozygosity were among the lowest that have been found in horses. "The genetic variability measures confirm the effects of a very small population in this herd over the past few generations...However the future rate of loss can be minimized by maintaining a larger effective population size" (Cothran 2008)

Dr. Cothran states that 150 is the common recommended population size for a wild herd, and is a minimum number and a compromise. In order to minimize loss of genetic variation, he recommends introductions. He further states that introductions of one or two young mares per generation can restore variation



over time, but that the number of introductions depends on the current genetic situation.

The wild horses on Shackleford Banks have been managed by the National Park Service/Foundation for Shackleford Horses at a federally mandated number of 120 – 130 with never less than 110 since 1998 on 3,000 acres of habitat. Similar legislation to mandate this number for the Corolla herd has passed the United States House unanimously in 2013 and 2014. It will be reintroduced into the House in 2015.

At a meeting on January 24th, 2014 in Washington, DC., David Viker (Southeast Regional Chief of the National Wildlife Refuge System) stated that “the Service is not in the business of managing wild horses and is not concerned with the numbers”. In addition, in a letter to Congressman Walter Jones received October 3, 2014, USFWS Regional Director, Cynthia Dohner wrote, “Please note we understand your genetic concerns and do not object to introducing horses from the Shackleford Banks herd into the Corolla herd. In fact, the 2013 draft plan allows for the introduction of Shackleford Banks horses.” The Corolla Wild Horse Fund is concerned with the requirements for herd size and proposes to approach the topic with genetic health of the herd, ecological health of the island, and the assistance of peer-reviewed science to make the right decision.

The Corolla Wild Horse Fund has already demonstrated that it can successfully control the population through the delivery of immunocontraception, Porcine Zona Pelucida. The number of foals born has been reduced from 24 in 2007 to 2 in 2014. PZP has been extensively researched and provides a cost-effective and efficient manner for controlling herd size.

Considering the current scientifically-determined level of inbreeding and low level of genetic diversity; our field documentation of the location and habitat usage of the Corolla wild horses; scientific evidence that the presence of wild horses can be beneficial to ecosystems; and the fact that the current designated herd size of 60 selected in 1997 was not a decision based on science; the Fund is of the opinion that the Corolla horses should be managed at

the same level as the Shackleford horses (120 to 130 with never less than 110) and that horses from Shackleford Banks should be introduced in a manner such that, accounting for potential offspring, the herd would not exceed a maximum population of 130.

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## Appendices

Appendix A	Historical Timeline
Appendix B	Signatories and Participating Stakeholders
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Appendix D	Adopted Legislation and Ordinances
Appendix E	Definitions/Acronyms
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## Appendix A: Historical Timeline

1520	Spanish ship logs document horses brought to NC shores
1926	National Geographic states a presence of five to six thousand wild horses up and down the 175-mile Outer Banks
Prior to the 1980's	Wild Horse herd living in Corolla
1984	Road paved from Duck to Corolla Village
1989	Corolla Wild Horse Fund Committee of Outer Banks Conservationists, Inc. formed
1989	Currituck County adopted the Wild Horse Ordinance
1994	Currituck County and the Corolla Wild Horse Fund entered into a Management Agreement
September 1994	Ocean to sound fence barrier installed at North Beach access ramp
June 1995	Proclamation issued by NCDCCR: "The Corolla Wild Horses are one of North Carolina's most significant historic and cultural resources of the coastal area."
2001	CWHF incorporates as 501c 3 non-profit organization
December 2002	Enclosure fence installed at NC/VA state line
2007	Horse of Americas Registry determines that the Corolla Herd is eligible for registration as Colonial Spanish Mustangs
2007	DNA testing documented the decline of genetic diversity and presence of only one maternal line.
July 2009	Section 3-31 of County Code of Ordinances Wild Horse Ordinance amended to include the word "intentional"
June 2010	House Bill 1251 declares the Colonial Spanish Mustang as the official North Carolina State Horse
December 2010	Section 10-55 of County Code of Ordinances updated to prohibit domestic horses from the end of NC terminus to the NC/VA border
February 2, 2012	CWHF transported a Corolla stallion to NPS at Ocracoke.

June 22, 2014	DNA samples pulled from two Shackleford stallions.
November 20, 2014	One of the previously tested Shackleford stallions was released in Corolla.
June 2018	Corolla Wild Horse Fund, County of Currituck, NC Division of Coastal Management, and Currituck National Wildlife Refuge sign an amended Wild Horse Management Agreement in which herd size statements submitted by USFWS and the North Carolina National Estuarine Research Reserve allow for the growth of the herd size to 110 and no greater than 130 horses until a Population Habitat Viability Assessment study is completed to determine the size of the herd.
October 2018	Corolla Wild Horse Fund purchases the Betsy Dowdy Equine Center, a 31 acre horse farm property with basic outfitting to maintain a full rehabilitation and housing of wild horses that require removal because of extreme illness, injury, or risk of habituation.
September 24, 2019	A new cattle guard is installed at NC 12 road terminus.

# Summary of Corolla Wild Horses Protection Act Legislation

- **S.248 – 116<sup>th</sup> Congress (2019-2020)**  
 A bill to ensure that the Secretary of the Interior collaborates fully with State and local authorities and certain entities in managing the Corolla Wild Horse population on Federal land.  
**Sponsor:** Sen. Tillis, Thom [R-NC] (Introduced 01/28/2019)  
**Cosponsors:** Sen. Burr, Richard [R-NC] 02/07/2019  
**Committees:** Senate – Environment and Public Works  
**Latest action: Senate** – 01/28/2019 Read twice and referred to the Committee on Environment and Public Works. (All Actions)
- **S.2580 – 116<sup>th</sup> Congress (2019-2020)**  
 Department of the Interior, Environment, and Related Agencies Appropriations Act, 2020  
**Sponsor:** Sen. Murkowski, Lisa [R-AK] (Introduced 09/26/2019)  
**Cosponsors** (0)  
**Committees:** Senate – Appropriations  
**Committee Reports:** S Rept. 116-123  
**Latest Action:** Senate – 09/26/2019 Placed on Senate Legislative Calendar under General Orders. Calendar No. 227 (All Actions)
- **October 19, 2017: The Currituck County Board of Commissioners** forwarded a letter to federal representatives stating “Recently U. S. Fish & Wildlife modified its position regarding the herd size. Now, by maintaining and implementing a viable population control plan, U. S. Fish & Wildlife supports allowing growth of the herd size to 110 horses, with a maximum of 130 horses. As this position is compatible with the language of H. R. 2032, and the fact that a cost effective management plan and introduction of Cape Lookout National Seashore’s horses into the Corolla herd are both pillars of the existing Wild Horse Management Agreement executed by the Corolla Wild Horse Fund, Currituck County, U. S. Fish and Wildlife, the North Carolina Estuarine Research Reserve, North Carolina Division of Coastal Management, and the North Carolina Department of Environmental Quality, the Currituck County Board of Commissioners no longer see the propriety of H. R. 2032 and therefore, at this time, withdraws its support for its passage.”
- [S.1460](#) — 115th Congress (2017-2018)  
**Energy and Natural Resources Act of 2017**  
**Sponsor:** [Sen. Murkowski, Lisa \[R-AK\]](#) (Introduced [06/28/2017](#))  
**Cosponsors:** ([1](#)) Sen. Cantwell, Maria (D-WA)  
**Latest Action:** Senate - 09/19/2017 Committee on Energy and Natural Resources. Hearings held.  
**Bill Status:** Introduced



- [H.R.2032](#) — 115th Congress (2017-2018)  
**Corolla Wild Horse Protection Act**  
**Sponsor:** [Rep. Jones, Walter B., Jr. \[R-NC-3\]](#) (Introduced **04/06/2017**)  
**Cosponsors:** ([0](#))  
**Committees:** House - Natural Resources  
**Latest Action:** House - 04/20/2017 Referred to the Subcommittee on Federal Lands  
**Bill Status:** Introduced
  
- [S.2012](#) — 114th Congress (2015-2016)  
**North American Energy Security and Infrastructure Act of 2016**  
**Sponsor:** [Sen. Murkowski, Lisa \[R-AK\]](#) (Introduced **09/09/2015**)  
**Cosponsors:** ([0](#))  
**Committees:** Senate - Energy and Natural Resources  
**Committee Reports:** [S. Rept. 114-138](#)  
**Latest Action:** 09/08/2016 Conference held.  
**Bill Status:** Resolving Differences
  
- [S.1204](#) — 114th Congress (2015-2016)  
**Corolla Wild Horses Protection Act**  
**Sponsor:** [Sen. Burr, Richard \[R-NC\]](#) (Introduced **05/06/2015**)  
**Cosponsors:** ([1](#)) Sen. Tillis, Thom (R-NC)  
**Committees:** Senate - Environment and Public Works  
**Latest Action:** Senate - 05/06/2015 Read twice and referred to the Committee on Environment and Public Works.  
**Bill Status:** Introduced
  
- [H.R.152](#) — 114th Congress (2015-2016)  
**Corolla Wild Horses Protection Act**  
**Sponsor:** [Rep. Jones, Walter B., Jr. \[R-NC-3\]](#) (Introduced **01/06/2015**)  
**Cosponsors:** ([0](#))  
**Committees:** House - Natural Resources  
**Committee Reports:** [H. Rept. 114-84](#)  
**Latest Action:** House - 04/20/2015 Placed on the Union Calendar, Calendar No. 62.  
**Bill Status:** Introduced

- **June 9, 2014: The General Assembly of North Carolina** passed House Resolution 1257:  
**A House Resolution Urging Congress to Protect the Corolla Wild Horses**
- [H.R.126](#) — 113th Congress (2013-2014)  
**Corolla Wild Horses Protection Act**  
**Sponsor:** [Rep. Jones, Walter B., Jr. \[R-NC-3\]](#) (Introduced **01/03/2013**)  
**Cosponsors:** ([0](#))  
**Committees:** House - Natural Resources  
**Committee Reports:** [H. Rept. 113-77](#)  
**Latest Action:** Senate - 06/10/2013 Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 84.  
**Bill Status:** Passed House (Unanimously)
- [S.3448](#) — 112th Congress (2011-2012)  
**Corolla Wild Horses Protection Act**  
**Sponsor:** [Sen. Hagan, Kay R. \[D-NC\]](#) (Introduced **07/26/2012**)  
**Cosponsors:** ([1](#)) Senator Burr, Richard (R-NC)  
**Committees:** Senate - Environment and Public Works  
**Latest Action:** Senate - 07/26/2012 Read twice and referred to the Committee on Environment and Public Works  
**Bill Status:** Introduced
- [H.R.306](#) — 112th Congress (2011-2012)  
**Corolla Wild Horses Protection Act**  
**Sponsor:** [Rep. Jones, Walter B., Jr. \[R-NC-3\]](#) (Introduced **01/18/2011**)  
**Cosponsors:** ([9](#)) Rep. Coble, Howard (R-NC-6); Rep Connolly, Gerald E. (D-VA-11); Rep. Price, David E. (D-NC-4); Rep. Whitfield, Ed (R-KY-1); Rep. Pallone, Frank Jr. (D-NJ-6); Rep. Bordallo, Madeleine Z (D-GU-At Large); Rep. Puellos, Pedro R (D-PR-At Large), Rep Sutton, Betty (D-OH-131); Rep. Moran, James P (D-VA-8)  
**Committees:** House - Natural Resources | Senate - Energy and Natural Resources, Environment and Public Works  
**Committee Reports:** [H. Rept. 112-310](#)  
**Latest Action:** Senate - 03/21/2012 Referred to the Committee on Environment and Public Works.  
**Bill Status:** Passed House (Unanimously)
- [H.R.5482](#) — 111th Congress (2009-2010)  
**Corolla Wild Horses Protection Act**

**Sponsor:** [Rep. Jones, Walter B., Jr. \[R-NC-3\]](#) (Introduced **06/08/2010**)

**Cosponsors:** (3) Rep. Coble, Howard (R-NC-6); Rep. Connolly, Gerald (D-VA-11); Rep. Whitfield, Ed (R-KY-1)

**Committees:** House - Natural Resources

**Latest Action:** House - 07/27/2010 Subcommittee Hearings Held.

**Bill Status:** Introduced

- o [H.R.4867](#) — 111th Congress (2009-2010)

**Corolla Wild Horse Protection Act**

**Sponsor:** [Rep. Jones, Walter B., Jr. \[R-NC-3\]](#) (Introduced **03/17/2010**)

**Cosponsors:** (2) Rep. Whitfield, Ed (R-KY-1); Rep. Connolly, Gerald E. (D-VA-11)

**Committees:** House - Natural Resources

**Latest Action:** House - 03/22/2010 Referred to the Subcommittee on Insular Affairs, Oceans and Wildlife

**Bill Status:** Introduced

# Appendix B: Signatories and Participating Stakeholders

## SIGNATORIES

### Corolla Wild Horse Fund

The Corolla Wild Horse Fund (CWHF) is a 501 (c) 3 nonprofit whose mission is to protect, preserve, and responsibly manage the herd of wild Colonial Spanish Mustangs roaming freely on the northernmost Currituck Outer Banks, and to promote the continued preservation of this land as a permanent sanctuary for horses designated as the State Horse and defined as a cultural treasure by the state of North Carolina. The CWHF employs four full time staff, two part time staff, and five to nineteen seasonal staff. Additionally, there are seasonal employees (5-7 staff) from Memorial Day to Labor Day.

### County of Currituck

The County of Currituck, a body politic empowered under the Statutes of North Carolina, feels that the wild horses on the Currituck Outer Banks are a significant part of the county's history and traditions worthy of protection. In 1989, the County adopted a Wild Horse Ordinance for protection of these animals on private properties and has worked with the Corolla Wild Horse Fund in this regard. Since the wild horses have roamed for generations and existed on properties acquired by the U.S. Fish and Wildlife Service and North Carolina Department of Environment and Natural Resources, the County feels it important that the Currituck National Wildlife Refuge and NC National Estuarine Research Reserve incorporate the existence of these animals into their management plans.

### North Carolina National Estuarine Research Reserve

The North Carolina National Estuarine Research Reserve (NCNERR) is a multi-component program that includes the Currituck Banks Reserve, a 965 acre site with approximately 326 upland acres located on the Currituck Outer Banks. The Currituck Banks component of the N.C. National Estuarine Research Reserve contains 326 acres of uplands and marsh. The NCNERR is managed as a state-federal partnership between the North Carolina Division of Coastal Management (DCM), an agency within the North Carolina Department of Environmental Quality, and the National Oceanic and Atmospheric Administration (NOAA). The NCNERR is one of 29 reserves located around the country that together form the National Estuarine Research Reserve System which is implemented by NOAA. The NCNERR is part of the DCM's Coastal Reserve Program which protects designated sites for research, education and compatible recreational uses. The results of research, education and stewardship activities are used to enhance public awareness concerning coastal issues and to improve coastal management in North Carolina. As such, each site within the Coastal Reserve Program serves as an undisturbed example of local biodiversity and natural processes, a living laboratory for researchers and an outdoor classroom for educators.

The NCNERR is managed according to federal regulations (U.S. Dept. of Commerce 15 CFR Part 921), and the Coastal Reserve Program which contains the NCNERR is managed according to state statutes (N.C.G.S. 113A-129.1-3) and departmental rules (NCAC 115:70). A formal management plan for the NCNERR also guides management of the Currituck Banks component (2009-2014). In addition, the Currituck Banks Reserve is designated as a dedicated State Nature Preserve by the North Carolina Council of State.

The presence of feral horses on the Currituck Banks Reserve is described in the 2020-2025 NCNERR management plan. These animals are not owned by the State because they roam many public and private properties on the northern Outer Banks. Relative to site management, the horses (regardless of genetic or historical background) are non-native animals that represent a management conflict because they consume and trample vegetation and interact with wildlife that occurs naturally on the Reserve site. The presence, activities, and wastes of the horses alter the natural processes the Reserve protects. The State will allow feral horses to roam freely on the Currituck Banks Reserve provided the animals do not significantly impact the natural habitats, wildlife or use of the site for research and education. In an effort to be consistent with the aforementioned rules and guidelines, the site shall be managed to avoid any significant impacts from these horses. The Reserve will take necessary management actions, such as fencing impacted habitat and establishment and monitoring of exclosures, as needed to protect its resources from the impacts of feral horses. The Reserve program recognizes the strong public sentiment associated with the Corolla horse herd and will work with all parties to develop and implement a feral horse management plan that will protect natural habitats on the Reserve while protecting horse health and public safety.

The Reserve acknowledges the need for the CWHF to enter the Currituck Banks Reserve for the purpose of managing the wild horse herd in accordance with this plan. This includes monitoring, darting, and other activities as necessary provided that impacts to Reserve habitats are kept to a minimum. Reserve personnel shall be notified and consulted in advance of work to be conducted or as soon as practicable in the event of an emergency.

### **Currituck National Wildlife Refuge**

The Currituck National Wildlife Refuge (NWR) is a unit of the National Wildlife Refuge System which is managed by the U.S. Fish and Wildlife Service. The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

The purposes for establishing the Currituck NWR are "... for use as inviolate sanctuary, or for any other management purpose, for migratory birds." 16 U.S.C. § 715d (Migratory Bird Conservation Act) and where "... suitable for - (1) incidental fish and wildlife-

oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species..." 16 U.S.C. § 460k-1 (Refuge Recreation Act).

As is outlined above, the refuge was established to manage for specific trust wildlife species including waterfowl, migratory birds, and endangered species. The Service views the wild or feral horses as non native wildlife. A feral animal is defined in 50 Code of Regulations 30.11(a) as "... animals, including horses, burros, cattle, swine, sheep, goats, reindeer, dogs, and cats, without ownership that have reverted to the wild from a domestic state..." The Corolla horses were introduced to the ecosystem by man. Although there may be some debate as to whether locals released domestic animals on to the Outer Banks to graze in the recent past or they were brought by Spanish explorers 300-400 years ago, they are still an introduced domestic animal which is not native to this ecosystem. The horses compete with native wildlife species for resources. The Service will address these animals as feral and manage the refuge in that context. As time and money allows and as monitoring shows negative impacts, the current fenced areas will be maintained and additional areas may be fenced based on monitoring results that indicate unacceptable levels of impact to migratory bird habitats on the refuge.

## **PARTICIPATING STAKEHOLDERS**

### **Currituck Outer Banks Citizens**

The appointment of two residents of the Currituck Outer Banks adds to the quality of CWHAB decision making. The influx of thousands of seasonal visitors compared to the small winter population provides a perspective that cannot be replicated. Resident participation enhances insight about wild horse/human interaction and the unique experience of living in a remote and often inaccessible community as well as the reality of living among the wild horses on a day-to-day basis.

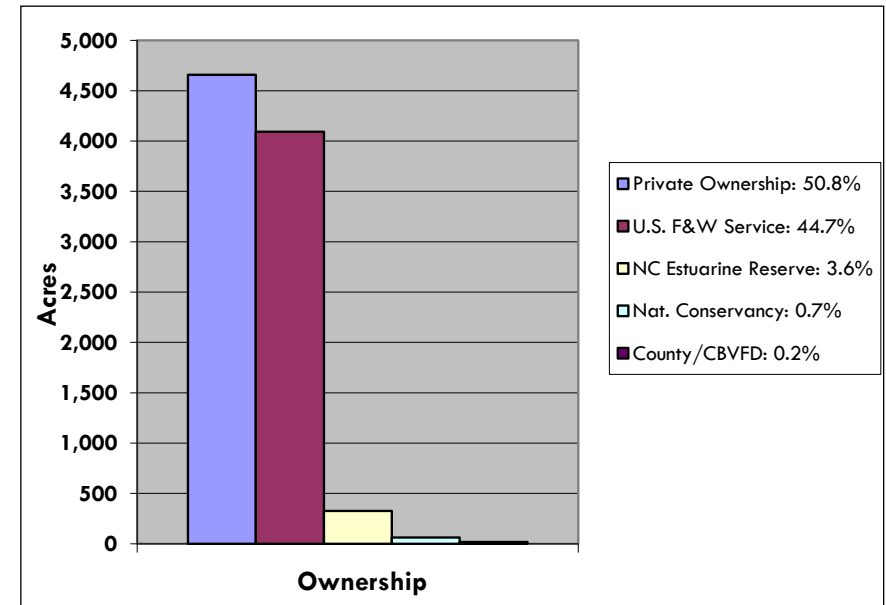
## Appendix C: Land Use Information

The Currituck northern Outer Banks (i.e. Wild Horse Sanctuary) encompasses 9,156 acres (excluding platted rights-of-way) from the ocean to sound fence barrier at the North Beach Access ramp north to the Virginia state line. This area has no paved roads with primary access along the beach strand via 4-wheel drive vehicles. Provisions in the conveyance deeds from The Nature Conservancy to the United States and State of North Carolina for portions of the National Wildlife Refuge and Estuarine Reserve effectively prohibit construction of an upland access route to the platted areas of the northern beaches. These covenants specifically prohibit the building of roads or changes in the topography of the land.

As shown in Figure 1, the U.S. Fish and Wildlife Service is the single largest property owner on the northern Outer Banks with 4,093 acres of the total land area. The Currituck Banks National Estuarine Research Reserve contains 326 acres of uplands and marsh. With the exception of an ocean to sound strip of  $\pm 62$  acres owned by The Nature Conservancy and 17 acres under the ownership of Currituck County and the Carova Beach Volunteer Fire Department, the remaining northern Currituck Outer Banks is owned by individual private property owners. While the majority of private land was platted in the sixties and seventies and is still vacant, it is evident that platted subdivisions will be developed over time. As of December 31, 2012, 640 dwellings (20.1% of total platted lots) have been constructed on the 3,178 platted lots. As shown in Figure 2, new residential dwelling permits

have ranged from 5 (2012) to 37 (2006) permits per year with an average of 19.7 homes built per year during the 2001-2012 period. Since 1989, the maximum density for any new development is one unit per 120,000 square feet.

Figure 1.

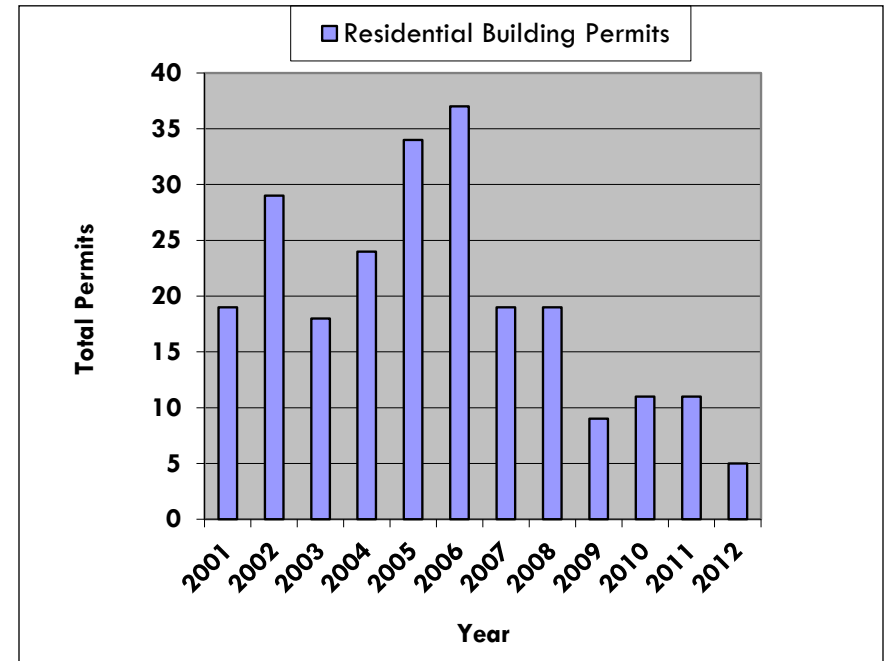


The 2006 Land Use Plan estimates the rental home inventory for the Outer Banks (including Corolla and the off-road area) will increase by 150 houses per year. If this holds true, the estimated peak seasonal population for the Outer Banks will increase from 52,399 in 2000 to 75,688 in 2025. The projections in the Land Use Plan are based on a high-growth

scenario of rental homes averaging 6 and 7 bedrooms per house. The recent decline in the housing market has diminished the actual number of houses constructed per year; however, there appears to be a trend toward larger rental houses that include a higher number of bedrooms. Anecdotally, this may maintain the population estimates associated with a high-growth scenario, without the projected increases in housing stock.

One of the unique aspects of the Currituck northern Outer Banks wild horses, when compared to other barrier island wild horse populations, is that the horses travel and live on both public and private lands. This uniqueness will obviously impact the goals and actions included in the management plan.

Figure 2.





## Appendix D: Adopted Legislation and Ordinances

Department of Cultural Resources Proclamation June 1995

House Bill 1251 Designates Colonial Spanish Mustang as North Carolina State Horse

Currituck County Code of Ordinances

Chapter 3, Article II. Wild Horses

Chapter 8, Article IV. Outdoor Tour Operators

Chapter 10, Article II. Division 2. Vehicles and Horses on Outer Banks

## Appendix E: Definitions/Acronyms

Enclosure Fence – fences erected to exclude horses from habitats to allow natural ecosystem function or specific management action.

Study Enclosure – Fences erected to establish long-term monitoring areas to be used for assessing impacts to habitats by wildlife and/or feral animals.

Herd Number – The current ESTIMATED population size. Synonymous with Population.

Population - The current ESTIMATED population size. Synonymous with Herd Number.

Aerial Survey Results- The current MINIMUM population estimate.

Inoculations – The number of different horses administered at least 1 dose of contraceptive.

Doses – The total number of contraceptives successfully administered annually.

Ecological Balance – A state of dynamic equilibrium within a community of organisms where conditions present the opportunity for each member to successfully contribute its natural processes in nature.

SFR Zoning District – Single-Family Residential-Outer Banks Remote District

Off-road Area – that area of the county on the Outer Banks from the terminus of the paved portion of N.C. Highway 12 to the Virginia state line

# Appendix F: Barrier Island Consideration & Regulatory Issues

## **BARRIER CONSIDERATION**

The Advisory Board considered barrier options as part of its current update of the Currituck Outer Banks Wild Horse Management Agreement. The following options were considered:

1. Maintain the barrier fences at the northern and southern boundaries of the Wild Horse Sanctuary;
2. Remove the barrier fences at the northern and southern boundaries of the Sanctuary;
3. Remove the herd from the Currituck Outer Banks; and
4. Designate pasture areas for the horses with or without perimeter fences.

The Board determined that option 1 is the best course of action for the next 5 years to meet the goals and objectives outlined in the agreement and for the following reasons:

- Option 2: Removal of the fences is not a viable option at this time as the horses would roam south into Corolla and north into Virginia likely resulting in an increase in horse/human interactions and horse deaths from vehicular accidents, similar to the situation prior to the installation of the fences.
- Option 3: Removal of the herd from the Currituck Outer Banks would be highly unpopular because of the strong public sentiment associated with the horses and the historical nature of the horses.
- Option 4: Sufficient pasture areas do not currently exist to accommodate the horses on the Currituck Outer Banks. The Board recognizes this option as important and continued examination of this option is addressed in Goal 4, Actions 4A-C.

Barrier options will be considered with each 5-year update of the management agreement as described in Goal 4, Action D and a recommended action adopted with each update of the agreement. Options will be considered in light of the goals of the management agreement, horse and human safety, habitat condition, and as land use changes within the fence barriers, i.e., private property development increasing and available habitat for the horses decreasing, and an increase in traffic and horse/human interactions over time within the barriers.

## **REGULATORY ISSUES**

As part of the approval for satisfying the CAMA fence permit, the County is responsible for providing DCM with a report that details impacts to public lands. This report should address issues such as: monitoring efforts and land use evaluations.

The southern horse fence was first permitted in 1994 by variance by the N.C. Coastal Resources Commission (CAMA Major Permit No. 62-94). The letter from the N.C. Division of Coastal Management to Currituck County Manager Mr. Dan Scanlon dated October 13, 2006 provides a history of the permit and the conditions of the permit that the County must continue to meet. The original permit requires that the County develop a long-term management plan and evaluate the need for the fence which was originally permitted as a temporary structure. The Division determined in its 2006 letter that the fence may remain in place as long as the County updates the management plan every 5 years, adheres to the approved management plan, and the plan evaluates the need for the fence and recommends leaving the fence in place. Per this update of the management plan, it has been determined by the Division that no renewal or extension of the permit is needed since the management plan continues to recommend the southern fence as the preferred barrier option for the horses.

This plan provides a summary on current activities to assess horse impacts on public lands north of the southern fence that result from the horse herd to satisfy permit condition No. 1 issued in the 2001 renewal of the permit. The study titled "Vegetative Impact of Feral Horses, Feral Pigs, and White-tailed Deer on the Currituck National Wildlife Refuge, North Carolina" in 2014 by Kimberly Porter is the activity to assess horse impacts. Appendix C provides a summary of land use information within the wild horse sanctuary.

# Appendix G: Protocols

## PROTOCOLS

### Aerial Census Protocol

The Primary Census window should be late August-early September to remain consistent with recent surveys and provide consistency among years. Multiple Censuses will be encouraged to improve results if funding permits. The Census will be in flown in east/west transects with each successive pass at 0.10 mi intervals. The aircraft should maintain a height of 150 feet and progress at approximately 25 kts.

When an individual/group is located, if in the estimation of those conducting the census, the individual/group will not exceed the 0.10 limit of the next transect the aircraft should circle them until all individuals are counted and certified. Due to the increasing development of the area deviations in either route or elevation may be required to avoid public disturbance. To the extent practicable deviating from both should be avoided. Total survey time should be under 3 hours using the described method.

Weather conditions should resemble light winds and sunny. Increasing cloud cover beyond 70% shows most individuals as shadows and increases the probability of missing animals that would otherwise have been seen. Light winds are also preferable from both an observer comfort and safety perspective. "Low and slow" surveys are considered special purpose flights due to increased risk to participants.

Any discrepancies in count must be reconciled while circling a particular individual/group to avoid error totaling results. Prior to departing the airport total count should be reconciled. This count represents the minimum number of individuals in the population.

Protocol for the Treatment of Horses with Porcine Zonae Pellucidae Contraceptive Vaccine

I. Purpose

This is an action designed to adaptively manage the Corolla wild horse population through the use of a native porcine zonae pellucidae (PZP) contraceptive vaccine delivered remotely under field conditions. On an annual basis, mares will be selected by program criteria to receive the vaccine. The method of delivery will be Pneu-Darts with a projector/capture gun appropriate to the darts and distances. Contraceptive efficacy will be determined by foal counts.

Participants:

Supervision of Project:	COO/CEO Corolla Wild Horse Fund, Inc. (CWHF)
Vaccine Preparation:	Science and Conservation Center (SCC), Billings, MT
Designated Darters:	Herd Manager Corolla Wild Horse Fund, Inc. Science and Conservation Center, Billings, MT Others as certified
Project Veterinarian:	Coastal Equine Others as licensed

II. Procedures

A. Vaccine Preparation and Shipment: Vaccine will be prepared by the Science and Conservation Center, Billings, MT. and shipped on dry ice under Food and Drug Administration authority (Investigational New Animal Drug exemption No. 8857 G0002 & 0003). FDA form "Notice of Drug Shipment" will be completed for each shipment of the PZP vaccine and filed at the Science and Conservation Center, Billings, MT. At CWHF, the vaccine will be stored frozen at CWHF headquarters under the supervision of the Herd Manager.

B. Selection of Subject Horses: The number and identity of animals will be selected and approved by CWHF personnel before darting commences. Selection will be made on the basis of predetermined population management goals.

C. Delivery of Contraceptive Vaccine: Delivery of vaccine will be by means of 1.0 cc Pneu-Darts, with ¾" to 1 1/2" barbless needles. 0.5 cc of the PZP vaccine (in phosphate buffered saline or sterile water) will be emulsified with 0.5 cc of adjuvant and loaded into darts. This is done when the decision to dart has been made; fresh emulsion is desired. Mares which have never been treated will be treated with PZP plus Freund's Complete adjuvant, while those which have been previously treated will be given PZP plus Freund's Incomplete adjuvant. Designated darters will mix the vaccine with adjuvant and prepare the emulsion. The vaccine-adjuvant emulsion will be delivered by means of the appropriately chosen projector given the dart and distance.

Any opportunity will be taken to administer scheduled contraceptive initial or booster injections to horses within handling distance when the contact is within the appropriate injection time period. Hand injection affords good control over the location of the injection.

Authorized individuals will have successfully completed the Science and Conservation Center's training program. It is strongly recommended that individuals involved in darting apprentice with an experienced field darter over a period of seasons and stay involved in continuing field and classroom education.

The decision to dart a horse will ultimately rest with the darter. The accessibility of the horse at a particular point in time and location will trigger the decision-making process. Safety, for both humans and horses, is the foremost consideration in the decision to dart and the darting of a mare.

On days when a rifle (with a sight) will be used, several practice shots must be taken in the morning, before going to the field, in order to assure that the gun is properly sighted. Practice shots are expected when projectors without sights are used.

At all times the equipment will be maintained in the safety-conscious manner of any firearm.

Only hip or gluteal muscle regions of the horse are acceptable targets. No shots will be taken in high wind or when the horse is standing at an angle where the dart could miss the hip/gluteal region and hit the rib cage. The ideal angle is when the dart will strike the skin of the horse at a 90° angle.

The projector/capture gun will be chosen based on the dart, distance, and darter's expertise/preference. The objective will be to place the dart as accurately as possible, with enough velocity to discharge the vaccine and eject the dart but while avoiding excessive force. Each darter will work at the firing range to determine the appropriate charge/pressure to be used for

the distances encountered for the projector and dart(s) used. Each darter will construct a matrix of setting variables. The darter will know, and stay within, his/her abilities to fire the projector of choice at distances.

In many cases it is ideal that no more than two people be present at the time of darting. The second person will aid in locating fired darts, educate any onlookers and keep them safely out of the way. When additional approved persons are present (darters in training from another site, for example), every effort will be made to avoid interference. No shot will be taken when other persons are within a 90° angle defined by a line from the shooter to the horse. To the extent possible, all darting will be conducted out of sight of non-participants or island visitors. However, if the darting is done within sight of non-participants, effort will be made to contact and explain the nature of the project to the observers.

The projector will remain unloaded until the horse has been selected and it is safe to shoot. If a horse moves out of firing range after the projector is loaded and it is apparent that another shot will not be immediately possible, the projector will be unloaded (both cartridge and dart, as appropriate) and stored. The dart will be stored in a poly-foam container or the equivalent. Immediately after firing a rifle, the empty cartridge will be ejected and the dart port opened.

If a dart is not used before the end of the day, it will be stored under refrigeration. If not used the next day, the dart will be discarded in a safe manner.

Proper treatment of animals requires a clear mind. Decisions about veterinary care require careful thought and appropriate responses. Fatigue, common because of the hours and habitat associated with horse work, will be recognized. Weather, particularly but not limited to high winds, affects the work. The darter will be responsible for making the decision to cease work due to fatigue, weather, or any other factor.

D. Recovery of Darts: Attempts will be made to recover all darts. If possible, all darts which are discharged and drop from the horse at the shooting site will be recovered before another darting occurs. In exceptional situations, with the decision resting with the darter, the site of a lost dart may be noted and marked, and recovery efforts made at a later time. All fired darts will be examined after recovery in order to determine if the charge fired and the plunger fully expelled the vaccine.

E. Record Keeping: CWHF personnel will maintain records for the identification of all horses to be darted or for control purposes. These records will remain on file at CWHF. Each horse darted will be identified by an alpha-numeric number. For each horse darted, the following information will be recorded at the time of darting (and other notes should be made as appropriate):

1. date of inoculation
2. size of PZP dose
3. vaccine lot number
4. type of adjuvant
5. type of dart/delivery system



6. precise site of inoculation (right or left side)
7. name of darter

Additionally, other observations regarding estrous behavior, development of dart site problems, and other pertinent information collected by researchers or CWHF personnel will be maintained by CWHF.

The dates of first appearance of foals shall be recorded and maintained in the CWHF files, as well as, documented as part of the annual census.

Annually, updated copies of this data will be sent to the Science and Conservation Center in Billings. The SCC will in turn will submit them to the FDA as required.

F. Veterinary Emergencies: Personnel conducting darting operations shall be equipped with a two-way radio and/or cellular phone providing a communications link with CWHF headquarters. In the event of a veterinary emergency, darting personnel will work with the Project Veterinarian for advice and action as appropriate.

In the event that a dart strikes a bone and sticks, or imbeds in soft tissue, the darter will note the location and endeavor to follow the affected horse until the dart falls out or the horse can no longer be found. The location of the dart will dictate the extent of action to be taken (follow horse, seek veterinary assistance). The darter will be responsible for observation of the horse until the situation is resolved. The decision to capture or immobilize the horse for removal of the dart will be made in consultation with the Project Veterinarian.

Other injuries that may occur as a direct or indirect result of the darting process, such as broken bones or severe lacerations and infections, may also require the capture and/or immobilization of horses for evaluation and treatment. Any decision to capture or immobilize will be made in consultation with the Project Veterinarian. If possible, corralling techniques will be used to capture and contain injured horses. If, in consultation with the Project Veterinarian, the use of chemical immobilization drugs is deemed necessary and appropriate, such agents will be administered exclusively by the Project Veterinarian or by a member of the darting team under the Project Veterinarian's direct supervision. All injuries will be treated as per the recommendations of the Project Veterinarian.

In the event of a severe injury where the Project Veterinarian considers the prognosis for full wild/island recovery unlikely, the affected horse may be permanently removed to the care of the CWHF or may be humanely euthanized.

G. Blood Samples: Attempts to recover blood samples for antibody analysis should be conducted opportunistically.

H. Media Relations: All requests by the media should pass through the CWHF COO/CEO.

I. Public Relations: Prior to the start of each season's darting, as deemed appropriate, the CWHF should notify all law enforcement agencies with jurisdiction on the island of the darting operation's start and finish dates, and that darters may be witnessed by members of the public shooting darts at horses with a capture gun. This will minimize panic calls from an uninformed public or at very least prepare law enforcement for explaining what is taking place.

J. Reporting: Data will be available for reports, prepared by the CWHF Herd Manager, documenting contraceptive program activities and success.

**Corolla Wild Horse Fund, Inc.  
Wild Horse Euthanasia Policy**

The American Association of Equine Practitioners recommends that the following guidelines be utilized in evaluating the need for humane euthanasia. Each case should be addressed on its own individual merits and under no circumstances is sale for slaughter to be considered as an end of life decision.

Humane euthanasia of wild horses shall be employed:

- When an equine is not mobile and a veterinarian is of the opinion that mobility will not return;
- When the equine's quality of life is deemed, with veterinary guidance, so poor that euthanasia is the most humane option within the means of the organization;
- When an equine is experiencing continual pain for which there is no medical relief;
- When an equine is affected by a degenerative medical condition for which there is no cure.

As defined by protocol, euthanasia shall only be administered by a licensed veterinarian, except in emergency circumstances where the equine is injured beyond recovery and is suffering irreversibly. Only in extreme measures when euthanasia chemicals are not available to be administered, and only upon the advice of a Corolla Wild Horse Fund veterinarian, a final course of action will be decided upon by the veterinarian.

If the cause requiring euthanasia is not easily recognizable or apparent, a necropsy will be performed to determine the cause of death. The carcass will be transported by CWHF Staff to Dominion Equine Clinic in Suffolk, VA or the University of North Carolina School of Veterinary Medicine in Raleigh, depending on the circumstances of the death. If a criminal act is suspected,

the horse will be transported to the University of North Carolina School for Veterinary Medicine in Raleigh, NC by the Currituck County Sheriff's Department. If the cause is known, or a field necropsy would prove beneficial and can be performed by a licensed veterinarian on site, the carcass shall then be disposed of in compliance with all relevant laws. Records of all euthanasias and necropsy results shall be kept on file in the Corolla Wild Horse Fund office.

### **ACCEPTABLE METHODS OF EQUINE EUTHANASIA**

**Pentobarbital or a Pentobarbital Combination** (preferred method): This is the best choice for equine euthanasia. Because a large volume of solution must be injected, use of an intravenous catheter placed in the jugular vein will facilitate the procedure. In order to facilitate catheterization and minimize equine anxiety and stress, a tranquilizer such as acepromazine, or an alpha-2 adrenergic agonist should be administered.

### **ADOPTION PROTOCOL**

#### **COROLLA WILD HORSE FUND, INC.**

Because the safety and well-being of our horses is our primary concern, the following are required:

##### **ADOPTER MUST:**

- Must be 18 years old or older
- Have no prior violations of adoption regulations or convicted of inhumane treatment to animals and be financially able to properly house, feed and provide veterinary and farrier care for the horse(s).
- Have the ability, either personally or by hire, to train a wild horse, if the horse is not already trained.

##### **FENCING AND CORRAL:**

Facilities must meet these requirements and be completely finished before approval.

- An outside corral (20' x 20') that is sturdy and of sufficient height (at least 5' high) is required for veterinary and farrier services as well as for gentling the horse. NO BARBWIRE shall be allowed.
- All fencing should be made of rounded pipes, pole, wooden planks or similar materials that pose the least hazard to the horse. Small mesh, heavy gauge, welded or woven wire fencing with at least one plank at sight level is acceptable.

##### **SHELTER:**

A run-in shed attached to the corral, or a box stall, allowing the horse to move freely between the corral and shelter is required. Shelter or stall must be at least 12' x 12' per horse.

##### **TRANSPORTATION:**

Horses can be transported by the Corolla Wild Horse Fund for a fee of \$.70 per mile. An additional \$17.00 per hour will be charged, if transportation (or return from transportation) occurs on a Saturday or Sunday or any evening after 5 p.m. (Mileage rate is subject to change in relation to current fuel prices.)

Adopters providing their own transportation, either with their own vehicles or hired transport must:

- Utilize standard covered stock trailers with no openings large enough for the horse to escape or to become entrapped.
- NO SINGLE HORSE TRAILERS, NO PICK-UP TRUCKS WITH STOCK RACKS
- Two horse trailers are allowed if the middle partition is removed.
- No horses may be tied.

CWHF has the right of final approval before any horse is loaded onto a trailer.

Adoption fee: \$615. (\$15.00 is for Horse of the Americas registration papers) A \$100 deposit is required with application. The deposit will be refunded if the application is denied. All payments can be made with cash, check, credit card or money order payable to: CWHF, Inc.



## COROLLA WILD HORSE FUND

INCORPORATED

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Phone (252) 453-8002 Fax (252) 453 -8073

[www.corollawildhorses.com](http://www.corollawildhorses.com) \* [info@corollawildhorses.com](mailto:info@corollawildhorses.com)

### ADOPTION APPLICATION

Please be as complete and accurate as possible. Feel free to add additional sheets if needed and please call should you have any questions. Our goal is a successful long-term placement of the horse(s).

(Please print full name)

**Name(s)** \_\_\_\_\_

(Complete address - both physical and mailing)

**Address:** \_\_\_\_\_

Mailing address, if different than above: \_\_\_\_\_

**Home Phone #** \_\_\_\_\_ **Work #** \_\_\_\_\_ **Cell or pager #** \_\_\_\_\_

**Fax #** \_\_\_\_\_ **E mail Address:** \_\_\_\_\_

**Occupation(s):** \_\_\_\_\_

Please give your reason for wanting to adopt a Corolla Wild

**Horse:** \_\_\_\_\_

**Preference:** Gelding: \_\_\_\_\_ Mare/Filly: \_\_\_\_\_ No preference: \_\_\_\_\_

**Age:** 1 – 2 yrs.: \_\_\_\_\_ 3 or older: \_\_\_\_\_ **Number of horses requested** \_\_\_\_\_

(Stallions are available only to persons who qualify as a breed conservation site)

Have you ever been the primary caregiver of a horse? Please describe.

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Please describe the facility where you will keep your Corolla wild horse, including acreage, type of shelter, and type of fencing.

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Please provide your veterinarian's name, address, and phone number. Your signature on this application constitutes your authorization for your veterinarian to provide us with information about you and help us to monitor the well being of the adopted horse.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

I hereby agree that the above information is true, complete and correct, and I understand it will be the exclusive decision of the CWHF, Inc. to accept or deny the application. I further understand and agree to all parts of the adoption application and understand that this agreement is legally binding. In addition I further understand and agree to pay a non-refundable adoption fee of \$615.00. A \$100.00 deposit must be sent in with this application. The balance of \$515.00 is due upon pick up of the horse. I also understand if I am not accepted, my \$100.00 will be refunded to me by check from the CWHF, Inc.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

This page is to be filled out upon receipt of a horse, do not write on this page!

Horse Assignment

Recorded Name of Horse and ID# \_\_\_\_\_

Sire and ID# \_\_\_\_\_ Dam and ID# \_\_\_\_\_

Year Foaled \_\_\_\_\_ Sex \_\_\_\_\_ Color \_\_\_\_\_

Markings \_\_\_\_\_

(photograph and adoption certificate at time of adoption)

\_\_\_\_\_ (Adopter) agrees to adopt and the CWHF Inc. agrees to transfer the horse described above according to the terms of the Agreement.

The agreement is governed by applicable federal and state laws and jurisdiction shall be in the appropriate venue closest the CWHF Inc.

This Agreement is entered into this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at Corolla, North Carolina, Currituck County.

\_\_\_\_\_  
(CWHF INC.)

\_\_\_\_\_  
(ADOPTER)



## COROLLA WILD HORSE FUND INCORPORATED

\* P.O. Box 361\* 1126 Schoolhouse Drive\* Corolla, NC 27927  
Phone (252) 453-8002 Fax (252) 453 -8073  
[www.corollawildhorses.com](http://www.corollawildhorses.com) \* [info@corollawildhorses.com](mailto:info@corollawildhorses.com)

### ADOPTION AGREEMENT

1. Adopter will have 60 days from the acceptance notification date of the preliminary adoption application to complete facilities as described in the application. Adoptions will be finalized only after facilities have been completed and approved by CWHF.
2. Upon notification of approval for adoption, adopter will have 60 days to pick up the horse(s), or arrange for the Corolla Wild Horse Fund to transport. After 60 days, a boarding fee of \$10.00 per day will be charged per horse up to 15 additional days. At the end of the 15 day extension, the agreement will become null and void and the \$100.00 adoption deposit will be forfeited.
3. If the CWHF decides that the 60 day pick-up requirement should be waived for the benefit of the horse (example – health issue), no boarding fee will be charged.
4. Examination of the horses prior to the adoption is the sole responsibility of the adopter. The CWHF will provide all past health records to the adopter at time of pick-up.
5. In the event that the adopter relinquishes the horses to the CWHF during the first year of possession, the adoption is null and void, with all fees forfeited.



6. The horse(s) must be kept and maintained in good condition in a compliant facility. Horses not properly kept may be repossessed by an agent of the CWHF and adoption fees will be forfeited.
7. The adopter may not give, transfer, sell, or otherwise dispose of the adopted horse(s) within the first year of adoption.
8. CWHF reserves first right of refusal if an owner cannot keep the horse(s).
9. If the adopter wishes to give, transfer, sell or otherwise relinquish the adopted horse(s) from their care, the Corolla Wild Horse Fund, Inc. must be notified and the new adopter must be approved by the Fund. If the new adopter is NOT approved, the Corolla Wild Horse Fund retains the right to repossess the horse(s).
10. If the transfer of ownership is approved by the Corolla Wild Horse Fund, it becomes the responsibility of the new owner to transfer HOA registration to their name.
11. CWHF representatives retain the right to check on the horse(s) at any time.
12. If the horse becomes deceased, adopter must notify CWHF within 48 hours.

**Sign and date if you understand and agree to all the conditions listed above.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Response to Problem Horses

The general nature of the Colonial Spanish Mustang breed is to be gentle, curious, and extremely intelligent. They are an ancient breed that is listed as critically endangered/nearly extinct. The wild CSMs residing on the Currituck Outer Banks have approximately 7,544 acres of accessible land north of Corolla. The Corolla Wild Horse Fund has divided the area into Zones 1 through 4 and documents the harems and bachelors living within each zone. Zone 2 (Currituck National Wildlife Refuge) is the only Zone without residential dwellings. According to the Currituck County Planning Department (July 20, 2011), there are 3,150 platted lots with 661 approved dwellings (20.9% built out).

The 11 mile stretch of beach from the RT 12 terminus to the VA/NC line is considered to be a public road. No permitting restrictions exist except for a requirement that all ATVs be permitted. A 2010 traffic count documented over 1,200 vehicles driving on the beach with over 3,500 passengers in a 12 hour period. The count was done only on northbound vehicles. The existence of 661 dwellings combined with thousands of people to occupy them and thousands of vehicles to transport them creates management challenges not experienced by any other wild horse management entity. In addition, it is estimated that each of the 10 commercial wild horse tour companies take an average of 10,000 customers annually onto the north beach. The influx of thousands of people and thousands of vehicles has a demonstrable effect on horse/human interactions. Although there are a multitude of signs and a wide variety of education methods in place, violations of the Currituck Wild Horse Ordinance occur with great frequency, especially from Memorial Day to Labor Day when tourism is at its peak. The two most frequently observed violations are intentionally approaching wild horses closer than 50 feet and feeding. Both approaching and feeding have habituation as a consequence. As a result, the wild horses have developed varying degrees of tolerance for proximity to humans:

**Habituated:** Accepts the presence of humans but moves away when approached or when actions are taken by humans to drive horse away. Will consume human food if offered or left in an accessible location.

**Severely Habituated:** Approaches vehicles and will put their head in a window or sniff occupants in an open vehicle. Readily approaches humans and does not move away when approached. Tolerates human touch. A high degree of action is required to move the horse away.

**Problem:** Challenges humans for food; approaches humans under beach umbrellas, sitting in beach chairs, etc. on a regular basis; consistently overturns garbage cans; bites clothing or skin; refuses to move from a location. A horse deemed a problem horse jeopardizes the safety of persons or property.

### INDIVIDUAL HORSE INTERACTIONS

The direct interactions between horses and humans result from both the horse's curious nature and the opportunity for people to intentionally or accidentally interact with horses

Horses in the developed areas are exposed, both actively and passively, to readily available human food sources. In general, horses learn about human food by receiving handouts or by following habituated horses. The behaviors of raiding garbage cans, tents and coolers is a behavior primarily passed on from horse to horse. Learning to exploit this available food probably depends primarily on whether the horse is a resident or migrant, and also to a degree the age at which the horse is introduced to human food.

It is not uncommon for interactions to occur simply due to a person's close proximity to horses. As social animals, there are constant hierarchical exchanges. Mares are often stolen from rival stallions and fierce fighting between stallions is common. There are also individual reactions to insect bites, thirst and grooming needs. Horses react to individual and band pressures with little or no regard to proximate humans, and their resulting actions can and do result in human impacts. Humans may be bitten, kicked, knocked down or stepped on as the horses interact with each other or respond to outside stimuli. There are also some horses that simply don't tolerate close interactions with people.

#### Response Procedures

The CWHF employs the use of dashboard cameras that record continuously.

If a CWHF staff/ volunteer observes visitors feeding or petting a horse, or standing at a distance that appears to be too close for the particular situation, that staff/ volunteer should approach the person and inform them of Currituck County's Wild Horse Ordinance and the potential dangers of horse interactions. These may include vehicle accidents, bites, kicks, and/or property damage. A brochure or other relevant handout should be distributed. If the individual(s) continue the noncompliant behavior they should be told that charges will be filed against them if they do not comply immediately. If noncompliance continues or the individual(s) become threatening, law enforcement should be called. (252-232-2216 non- emergency/911 emergency)

When CWHF staff/ volunteer observes or receives a report of a nearby horse feeding, the staff/ volunteer should verify the location, activity, and the behaviors of visitors in the area. When the CWHF employee/ volunteer verifies that people are interacting with horses, (feeding, petting, dumping food, chasing etc.) the violators should be informed about the Currituck County Wild Horse Ordinance and that they are violating the law. If they refuse to comply, or become combative, a law enforcement officer should be requested to investigate the incident. A photograph or video of the incident should be taken if the staff or volunteer can safely do so if they are not in a camera equipped vehicle.

Staff/volunteers responding to potential problem horse interactions should have basic training in: safety around horses; how to move horses (distraction techniques); how to safely separate horses and the public

When a trained person responds to a horse incident, they should try to ascertain whether the interaction was:

- 1) accidental – person(s) unintentionally too close to a horse, or normal behaviors resulted in property/persons being affected.
- 2) intentional – person(s) intentionally approached, enticed or lured the horse.
- 3) food instigated - horse responded to the presence of accessible food, or
- 4.) problem horse behavior - horse's action appears to have resulted from some aggressive intent.

### **Accidental or Simple Habituation:**

The most common horse interaction scenario in the developed area involves horses harassed by insects, people scaring or crowding horses, stallions herding their bands, or multiple stallions fighting or causing a stampede. During these events, people may be bitten, kicked, pushed or knocked over, vehicles dented, or tents knocked down.

An interaction resulting from an accidental encounter will normally rectify itself. Visitors may need advice on keeping a safe distance from horses or horses may need to be moved from the immediate area.

If a horse has a simple habituation it will often discontinue feeding when approached by people or following some simple distraction. Basic distraction techniques include walking purposefully towards the horse, speaking in a loud firm voice, waving and clapping hands, whistles, waving a branch, tapping with a lounge whip, etc. Distraction techniques should not startle the horse into running, especially if there are people or moving vehicles in the area. Use only enough pressure to get the horse walking away from the site.

### **Food Instigated Interactions:**

A horse responding to food could be behaving under any of the levels of habituation. Horses that are severely habituated will be reluctant to leave an area with food, and after being displaced, will likely return for the food soon after distraction techniques are stopped.

The responding staff/ volunteer should assess the situation and the horse's response to human presence and actions. Distraction techniques should not startle the horse into running, especially if there are people or moving vehicles in the area. Only enough pressure to get the horse walking away from the site should be used. Begin with basic distraction techniques in order to move the horse away from the food. Intermediate techniques include running towards the horse, shouting, waving a towel or shirt, cracking a whip near the horse, etc. The highest level of distraction is the use of a whip on the hindquarters of the horse (in most cases this is not an appropriate technique in view of the public). When running towards a horse in an attempt to scare it off, initially run towards the head. Then when the horse has started to move off, continue approaching it from the rear, or side if you are trying to turn it. Whenever you approach a horse from the rear or side, always stay clear of the horse's kicking range. During all levels of distraction, be sure that the public and moving vehicles are not in the path in which you intend to move the horse. Also, be aware that a horse may not move in the direction you choose. Problem horses can be very stubborn. You must communicate aggression to the horse to get it to move. They will ignore a timid or tentative effort, and at worst could turn on you, though this is an unlikely reaction for all but the boldest horses.

Once the horse is moved from the scene, the food should be secured and the violator served with the appropriate level of enforcement.

### **Problem Horse Behavior:**

When a report is filed which indicates the activities of a potential problem horse, the closest available staff or volunteer should respond to verify if the horse is still at the reported location.

If the horse has moved on, the responding individual should verify the incident. If the activity indicates a problem horse situation, and the horse can be identified (photo, video, etc.) a Data Sheet (Appendix A) should be filled out as completely as possible and forwarded to the Herd Manager. If there is no information as to which horse caused the incident, a verbal or written message including the damage, location and time, should be directed to the Herd Manager. If similar incidents are occurring frequently, a note listing multiple incidents is preferred.

If the horse remains at the scene of a human injury or property damage, a trained response person or the Herd Manager should be notified immediately and dispatched to the scene in order to prevent additional injury or property damage. In the event that the Herd Manager is not available or too far away to respond in a timely fashion, the COO/CEO should be called. Until they arrive on the scene, the responding individual should continue to make observations of any behaviors and insure the safety of any other employee/volunteer or visitor. All injuries should be handled under the normal EMS response (see also the Horse to Human Injury section).

Whenever a CWHF staff/volunteer responds to a problem incident, they should fill out a Data Sheet including a description of the behaviors (list your observations under the Horse's Condition section). A horse that begins to show constant aggression to humans, vehicles or inanimate objects may be suffering from a disease or a head injury.

### **Working with Harems**

Other than direct interactions with visitors and their property, horses can cause management concerns simply by their presence and numbers at particular locations. Common harem activities which may cause concern include:

- 1) multiple groups on the beaches
- 2) roadside or beach presence causing traffic congestion

#### **1. Multiple horse groups on the beaches**

During severe biting insect infestations or days with high heat and humidity, many of the horses will spend a good portion of their time on the beach. These horses are under stress from several sources, including insect bites, heat, the need to control mares, and keeping a distance from other stallions. Fighting stallions and running bands are common. Mixing highly stressed horses and crowded beaches and vehicular traffic increases the potential for injuries.

#### Response Procedures

Stallions tolerate each other fairly well in crowded beach situations, so in most cases the harems should be left alone.

Staff/volunteers working around the beaches should keep an eye on stallions since they will initiate most interactions. As long as they are lying down, resting a hind leg, standing with neck horizontal and ears relaxed or interacting only with members of their own harem, they may be left alone. If two stallions begin to show behaviors such as walking towards each other with heads raised and ears forward, standing with muzzles together, necks arched and squealing, visitors around the stallions should be alerted that the horses may begin fighting and that they may want to move.

It is easier and safer to move people than to attempt moving horses. Under most situations, simply monitor the horses and advise at-risk visitors when horse interactions are likely. Only trained personnel should attempt to move horses. Only under extreme conditions should an attempt be made to move horses on a crowded beach, and then, only if enough personnel are on hand to do it safely.

If an attempt is made to move horses on a crowded day, there must be enough personnel to clear all visitors out of the intended pathway before the move begins. An effective method is to clear a path for the horses toward the dunes, if possible. The move must be slow. If any horse in the band begins to trot or run, the push should cease until the fast moving horse stops. If a horse begins to turn to the high beach, the push should stop until the individual horse is pushed back over the dunes. If the stallion is too reactive or the flies too bothersome, there is not much a staff/volunteers can do to alleviate the situation. The horses should be monitored and all visitors educated to stay within the 50 foot law.

### **Roadside bands causing traffic congestion**

Horses along developed area sand roads, on the beach, on the dunes, and the terminus of RT 12 draw the attention of many visitors. During high visitation days, visitors stopping for a view of horses can impede traffic flow and hamper travel.

#### Response Procedures

Staff/volunteers should use their discretion when a traffic jam is observed along the primary roads. Patience and a little time may be all that is necessary before the situation is resolved. For particularly bad traffic jams when random driving and numerous pedestrians result in a safety concern, law enforcement should be called in order to restore normal traffic flow. A trained staff or volunteer should move the horses off of the road first. Generally when the horses move off most visitors will return to their vehicles and continue on their way. They may be moved through normal distraction techniques. Horses should be moved slowly, and an attempt should be made to keep all horses to the same side of the road. Watch for moving vehicles, bicycles and bystanders when you begin.

### **Horse to Human Injury**

Horse bites may result from either accidental or intentional horse behavior. Because of the power of a horse's jaw muscles, the resulting injury could be severe. In addition, a horse bite could transmit the rabies virus. Although rabid horses are rare, the current County Health Department protocols state that any mammal bite should be treated as a potential rabies exposure. In addition, any person witnessing a mammal bite is required by law to report that bite to Currituck Animal Control.

The response to horse bites should address three concerns:

- 1) the extent of the injury
- 2) the potential for disease exposure
- 3) identifying the responsible horse

### Response Procedures

Visitors are often embarrassed or frightened when bitten by a horse. Often, it is because they did something they know they should not have done. For this reason, they may not be totally honest in explaining the situation or the extent of injuries, and may not want to see law enforcement or emergency response personnel. CWHF staff receiving horse bite reports should encourage the injured party to seek the proper medical attention.

Whenever a staff/volunteer receives a report of a horse bite, they should inquire if the bite broke skin or may have caused internal injuries (bruised muscles or broken bones). If injuries are reported or evident, contact 911 for available emergency response personnel to evaluate the injury. If the party does not wish to contact emergency medical personnel, they should be informed that besides the injury itself, horse bites can transmit diseases including rabies and encourage them to have the injury examined/treated at a local medical facility. They should also be requested to report the bite to Currituck County Animal Control. Information on the person's name, address and phone number, and a vehicle description and license number should be collected if possible.

After emergency response procedures are attempted, the CWHF COO/CEO should be notified as soon as possible.

Animal Control requests that a horse be monitored for 10 days following a human biting incident. For these reasons, the bite victim should always be asked if they could identify the horse in question (any unique color or markings, sex, or did they happen to photograph it). If the identified horse is still in the area, staff/volunteer should photograph the horse if possible, or make a written description of the horse. Especially if the horse is a solid, unmarked color, recording the number of other horses with it along with photos or descriptions and pattern sketches of any uniquely marked individuals in its band can be crucial in identifying the horse.

All horse bites should be referred to a local medical facility. If site treatment is necessary to prepare the patient for transport, it must be handled as a standard EMS response.

### **Human to Horse Injury**

Any observation of a person(s) causing injury to a horse should be immediately reported to Currituck County Sheriff's Department by calling 911. A complete description of the individual(s) and any vehicles (including license plate) should be given to the investigating officer.

After reporting the incident to police, the CWHF Herd Manager or CWHF COO/CEO should be notified. An accurate description of the horse (color, markings, color of mane and tail) and its last known location should be given to both the Sheriff's Department and CWHF.

### **Horse Removal**

The decision to permanently remove a wild horse from its home area is based on the following:

- The horse has an injury or illness that is life threatening or impacts quality of life in a manner that ultimately threatens the horse's safety or survival.



- A foal that is orphaned or abandoned at an age that survival without its mother is not possible and all attempts to locate the dam are unsuccessful.
- Removal to reduce herd numbers to comply with public law.
- The horse is classified as a problem horse by the Herd Manager.

Criteria for removal for herd reduction:

- Males between the ages of 6 months and three years (unless the male to female ratio is 50/50 – then decisions regarding sex will be based on harem composition. Age criteria will remain the same). Young bachelors are preferable in order to not break up existing family groups.
- Horses with locking patellas or other physical abnormalities.

Capture:

Capture will be accomplished through gentle, safe, natural horsemanship techniques. Tranquilization drugs should be used only if immediate emergency treatment of a horse is necessary to stabilize the horse for transport; if the horse is at risk for serious injury during transport; or for the safety of staff and/or an attending veterinarian. The use of ropes or other types of restraints during capture is not permitted unless required for the purpose of rescuing or removing a horse from water or other dangerous confinement.

Transport:

Captured horses will be transported in a stock trailer large enough for them to safely turn around. No horse will be tied in a trailer.

Care and Housing:

Captured horses will be transported and housed at a facility appropriate to contain wild horses. A licensed veterinarian will examine the horse(s) and assess their health and dietary needs. All captured horses will be given coggins tests, vaccinated against equine diseases, and receive any other tests and procedures as recommended by the veterinarian.

In the case of a severely injured or sick horse, the veterinarian will assess whether the horse requires hospitalization at Dominion Equine Clinic in Suffolk, VA, can be successfully treated at the facility where they are housed, or is in need of humane euthanasia.

Because the diet of the Corolla horses in the wild is not supplemented with domestic horse food such as hay or grain, the transition to domestic horse food will not be instantaneous. Captured horses must be monitored daily by the Herd Manager or his/her designee to ensure that the horse's nutritional requirements are being met. In the case of orphaned foals, bottle feeding with Unimilk or a similar product must be done on a 4 to 6 hour schedule until the foal is capable of drinking water, milk replacer, and pelleted food.

Once the horse's health condition has been resolved, gentling and training will begin in order to ready the horse for physical adoption.





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3145)

**Agenda Item Title:** Consideration of License Agreement Between Currituck County and Corolla Volunteer Fire Department, Inc. for Location of Training Facility on County Property

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Agreement for the use of county property to establish a firefighter training facility in Corolla, NC.**

**Potential Budget Affect:** N/A

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**

## NORTH CAROLINA

## LICENSE AGREEMENT

## CURRITUCK COUNTY

**THIS LICENSE AGREEMENT**, to be effective as of the \_\_\_\_ day of \_\_\_\_\_, 2021, by and between **COUNTY OF CURRITUCK, NORTH CAROLINA**, body corporate and politic existing pursuant to the laws of the State of North Carolina, hereinafter "Licensor", and **COROLLA FIRE AND RESCUE SQUAD, INC.**, a North Carolina non-profit corporation, hereinafter "Licensee";

## WITNESSETH:

WHEREAS, Licensor is the owner of a certain tract of land located in Poplar Branch Township, Currituck County, North Carolina, the same being the land conveyed to it by deed recorded in Book 1169 Page 668 in the Currituck County Registry; and

WHEREAS, Licensee is a North Carolina non-profit corporation and desires permission to use a portion of Licensor's property described above for the placement of a fire training building.

NOW, THEREFORE, the parties do mutually undertake, promise and agree as follows:

ARTICLE IPREMISES, PRIVILEGES, USES, RIGHTS, ACTIVITIES, EXCLUSIONS, AND  
CONDITIONS OF LICENSE

For and in consideration of the terms, conditions and covenants of this License to be performed by Licensee, all which Licensee accepts, Licensor hereby grants to Licensee the right to use the premises hereinafter set out and assumes the responsibilities herein described for the construction, reconstruction, replacement, operation, maintenance and repair of a fire training building.

A. DESCRIPTION OF PREMISES. The premises ("Premises") subject to this License Agreement are described as follows:

That area shown on Exhibit A attached to this License and incorporated herein by reference.

B. CONDITION OF GRANTING LICENSE. The granting of this License, its acceptance by Licensee, the obligations of the Licensor hereunder and the rights of Licensee are conditioned upon the following:

- (1) The fire training building shall not be constructed, reconstructed or replaced within the Premises without the plans and specifications having been first approved by Licensor. Accordingly, prior to constructing,

reconstructing or replacing the fire training building, Licensee shall submit to Licensors, for review and approval by Licensors, plans and specifications to include, without limitation, lighting, elevations, site construction details, building materials and colors, and landscaping plans. Licensors' review and approval shall be within Licensors' sole discretion.

- (2) Construction, reconstruction or replacement of the fire training building shall be strictly in accordance with the plans and specifications approved by Licensors and no material or substantial variation from such plans and specifications shall be made without Licensors's prior approval.
- (3) Licensee, at its sole cost and expense, shall maintain and otherwise keep in a good and clean state of repair and condition, normal wear and tear excepted, the fire training facility located within the Premises, together with all landscaping, utility lines and other appurtenances associated therewith. In the event the Licensors deems repairs to be necessary on the fire training facility, the Licensors shall issue written notice to the Licensee informing Licensee of said repair requests. The Licensee shall have five business (5) days to issue a written response to the Licensors confirming its intention to perform said repairs or explaining why Licensee does not believe such repairs to be necessary. The final determination as to the necessity of repairs shall be within Licensors' reasonable. On the failure of Licensee to make necessary and reasonable repairs to the fire training building within a period of thirty (30) business days following issuance of the written response from the Licensee, Licensors, may perform the maintenance and repair and recover from Licensee the costs and expenses it incurs, together with any attorney's fees it pays or otherwise incurs in connection with any of the foregoing.
- (4) All construction, reconstruction, replacement, maintenance and repair of the fire training building shall be undertaken using good construction, reconstruction, replacement, maintenance and repair practices and techniques. In constructing, reconstructing, replacing, maintaining and repairing the fire training building, Licensee shall have the right to enter and go upon that part of the property that is not encompassed within the Premises, provided Licensee's entry thereon shall be at Licensee's sole risk and cost and expense, and once Licensee finishes the activities that necessitated its entry upon such property, Licensee shall be responsible for restoring such property to the condition it was in before Licensee entered thereon. In addition, and not in limitation of the foregoing nor in limitation of compliance with the other terms and conditions set forth in this License, Licensee shall fully comply with all private restrictions, if any, and all governmental and regulatory laws, rules, restrictions, regulations, requirements and ordinances relating to or otherwise pertaining to the construction, reconstruction, replacement, maintenance and repair of the fire training building and the Premises.
- (5) Licensors shall have no liability to Licensee or any other person or entity on account of the fire training building, the Premises, the Premises or any of Licensee's acts or inactions relative to any of the foregoing, unless such

liability arises from the gross negligence or willful misconduct of Licensor or any of its employees, agents or contractors. In accordance therewith, Licensee does hereby release and discharge Licensor, its members, directors, officers, employees, agents and contractors from any and all liability, damages, claims, costs and expenses relating to the fire training building, the Premises, and any of Licensee's acts or inactions relative to any of the foregoing, and Licensee does agree, by the acceptance of this License, to indemnify, defend and hold harmless Licensor and its members, directors, officers, employees, agents, contractors, guests and invitees from and against any and all liability, damages, claims, costs and expenses, including reasonable attorney's fees, arising from or otherwise associated with the fire training building, the Premises and Licensee's acts or inactions relative to any of the foregoing (including, without limitation, any environmental liability or liability otherwise resulting from the presence or discharge of hazardous substances), unless such liability arises from or results from the gross negligence or willful misconduct of Licensor and then, Licensor's liability shall be limited to the value of the Premises, and no more.

- (6) If requested by Licensor, Licensee shall always maintain in full force and effect commercial general liability insurance with respect to the fire training building, the Premises and Licensee's obligations under this License. The insurance shall be in an amount reasonably required by Licensor from time to time, taking into account the risk to Licensor associated with the fire training building and the License; the insurance shall be with an insurance company authorized to do business in the State of North Carolina and approved by Licensor; and Licensor shall be designated in such policy of insurance as an additional insured or such other designation as shall be deemed otherwise appropriate in order for Licensor to receive the benefits of such insurance. If Licensor requires Licensee to maintain insurance as aforesaid, when requested by Licensor, Licensee shall promptly furnish to Licensor such certification of the existence of such insurance as Licensor may request, acting reasonably.
- (8) All references in this License to Licensor and Licensee shall include their respective successors and assigns.

## ARTICLE II

### OBLIGATIONS OF LICENSOR

A. **AUTHORITY TO LICENSE.** Licensor covenants that at the time of granting and delivery of this License, it has full right and authority to license the use of the Premises in accordance herewith.

Licensor warrants to Licensee peaceful possession and quiet enjoyment of the Premises during the term hereof, upon Licensee's performance of its covenants herein.

B. **CONDITION OF PREMISES.** Licensor provides the Premises, and the

Premises are accepted by Licensee in its “as is” condition. Licensors warrants that Licensors, nor, to the best knowledge of the Licensors any other person or entity, has not placed on or under the Premises any waste constituents deemed hazardous waste under federal or state law or has received any notice of the happening of any event involving the misuse, spill, discharge or cleanup of any waste constituents on the Premises deemed hazardous waste under federal or state law.

### ARTICLE III

#### OBLIGATIONS OF LICENSEE

A. MAINTENANCE. Licensee accepts the Premises in their existing (“as is”) condition.

B. AUTHORITY TO LICENSE PREMISES. Licensee covenants that it has authority to enter into this agreement and to fulfill the terms and conditions contained in this agreement.

### ARTICLE IV

#### TERM OF LICENSE

This License shall be effective until such time as Licensors terminates this License. The authority of the Licensors to terminate this agreement shall be limited to the following circumstances: (1) in the event of breach of this agreement by Licensee that is not remedied within thirty (30) days following receipt of written notice of default by Licensors to Licensee,, Licensors may terminate this License upon sixty (60) days advance written notice to Licensee, in which event Licensee shall cease to use the fire training facility upon termination and, at its sole expense, remove the fire training facility from the Premises no later than sixty (60) days after the termination date; or (2) in the event that Licensors determines that it needs use of the Premises for the benefit of Currituck County, Licensors may terminate this License upon one hundred and twenty (120) days advance written notice to Licensee in which Licensee shall cease to use the fire training facility upon termination and, at its sole expense, remove the fire training facility from the Premises.

### ARTICLE V

#### ASSIGNMENT

Licensee shall not at any time during the term of this License, directly or indirectly, assign, hypothecate or transfer its interest in this License or any interest therein without the consent of the Licensors.

ARTICLE VIGENERAL PROVISIONS

A. **ATTORNEYS FEES.** In any action brought by either party hereto for the enforcement of the obligation(s) of the other,, each party shall bear the cost of its own attorneys' fees.

B. **BINDING EFFECT AND COMPLETE TERMS.** The terms, covenants, conditions and agreements herein contained shall be binding upon and enure to the benefit of and shall be enforceable by Licensor and Licensee and by their respective successors and assigns. All negotiations and agreements of Licensor and Licensee are merged herein. No modification hereof or other purported agreement of the parties shall be enforceable unless the same is in writing and signed by the Licensor and Licensee.

C. **CONSTRUCTION OF LICENSE.** This License shall not be construed more strictly against either party regardless of which party is responsible for the preparation of the same.

D. **EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY.** The Premises are licensed subject to all easements, restrictions and rights of way legally affecting the Premises.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the date first above written.

LICENSOR:

\_\_\_\_\_  
Chairman,  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Clerk to the Board of Commissioners

(COUNTY SEAL)

LICENSEE:

By: \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_

Secretary

(CORPORATE SEAL)





PARCEL NOTES

1. PROPERTY ADDRESS: 470 OCEAN TRAIL
2. PARCEL: 9943-44-2764 PIN: 0127000003N0000
3. LOT ZONING: SFD
4. PARCEL AREA (PER PLAT) = 0.87 acres
5. AREA BY CURRITUCK COUNTY GIS
6. THIS PARCEL MAY BE SUBJECT TO EASEMENTS NOT SHOWN HEREON.
7. SETBACKS AS PER CURRITUCK COUNTY CURRENT CODE AND MUST BE VERIFIED. SURVEYOR MAKES NO CERTIFICATION AS TO SETBACKS.
8. LOT MAY BE IN AN AREA OF ENVIRONMENTAL CONCERN. INDIVIDUAL PERMITS MAY BE REQUIRED.
9. PARCEL AS RECORDED IN P.C. 'F', SL. 325, C.C.R.
10. PROPERTY IS LOCATED IN F.I.R.M. ZONE 'X'.
11. (MAP NO. 3720994300K, DATED, 12-21-2018.)
12. FLOOD ZONES SUBJECT TO CHANGE BY FEMA.
13. WETLANDS DO NOT EXIST IN SUBJECT AREA.

PARCEL NOTES

1. PROPERTY ADDRESS: 468 OCEAN TRAIL
2. PARCEL: 9943-44-0682 PIN: 01270000006000
3. LOT ZONING: SFD
4. PARCEL AREA (PER PLAT) = 2.16 acres
5. AREA BY CURRITUCK COUNTY GIS
6. THIS PARCEL MAY BE SUBJECT TO EASEMENTS NOT SHOWN HEREON.
7. SETBACKS AS PER CURRITUCK COUNTY CURRENT CODE AND MUST BE VERIFIED. SURVEYOR MAKES NO CERTIFICATION AS TO SETBACKS.
8. LOT MAY BE IN AN AREA OF ENVIRONMENTAL CONCERN. INDIVIDUAL PERMITS MAY BE REQUIRED.
9. PARCEL AS RECORDED IN P.C. 'M', SL. 25, C.C.R.
10. PROPERTY IS LOCATED IN F.I.R.M. ZONE 'X'.
11. (MAP NO. 3720994300K, DATED, 12-21-2018.)
12. FLOOD ZONES SUBJECT TO CHANGE BY FEMA.
13. WETLANDS DO NOT EXIST IN SUBJECT AREA.



VICINITY MAP  
N.T.S.

PROPOSED 16'x40'  
TRAINING FACILITY

8" THICK COMPACTED  
ABC STONE  
FOR FIRE  
APPARATUS LANE  
176 CYD  
(240 TONS+/-)

45' RADIUS  
OUTSIDE  
33' RADIUS  
INSIDE

PROPOSED 165 L.F.  
INFILTRATION SWALE

EXISTING CLUSTER OF  
LIVE OAK TREE  
MULTI TRUNKS  
80 CUMULATIVE INCHES  
TO REMAIN WITH TRIM

EXISTING LIVE OAK TREE  
MULTI TRUNKS  
22 CUMULATIVE INCHES  
TO BE REMOVED

EX RIP-RAP AREA TO BE RE-GRADED  
FOR NEW INFILTRATION DRAINAGE BASIN

EXISTING LIVE OAK TREE  
MULTI TRUNKS  
29 CUMULATIVE INCHES  
TO BE REMOVED

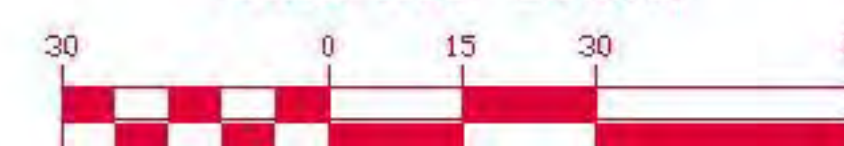
EXISTING LIVE OAK TREE  
MULTI TRUNKS  
39 CUMULATIVE INCHES  
TO BE REMOVED

PROPOSED 48 L.F.  
15" RCP CULVERT

ACCESS TO TRAINING  
FACILITY THROUGH  
2 EX PARKING SPACES

CURVE TABLE				
CURVE	LENGTH	RADIUS	Chord	Chd Bearing
C1	161.87'	1020.00'	161.70'	S07°08'29"W
C2	39.82'	1080.00'	39.82'	S10°36'48"W
C3	50.00'	1080.00'	50.00'	S08°13'30"W
C4	92.84'	143.43'	91.23'	N82°04'30"E

GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

**PRELIMINARY**  
FOR REVIEW ONLY

PRELIMINARY SITE PLAN FOR LAND CLEARING PERMIT  
PREPARED FOR:  
**CHIEF SHORTWAY**

470 OCEAN TRAIL  
**PINE ISLAND FIRE STATION #6**  
COROLLA

POPULAR BRANCH TWP. CURRITUCK COUNTY NORTH CAROLINA



ENGINEERING & SURVEYING, INC.

Civil, Structural, Surveying &  
Site Development

P.O. Box 1129  
4425 N. CRADAN HWY.  
KITTY HAWK, NC. 27949  
(252)-261-4151  
(252)-261-1333





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3152)

**Agenda Item Title:** Consideration of License Agreement Between Currituck County and Daniel A. Pennington, Owner of Pass the Salt Restaurant in Currituck, North Carolina, for Use of County Property for Customer Parking

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

---

**Brief Description of Agenda Item:**

**Reason for Request:** Pass the Salt restaurant located on Courthouse Road, Currituck, is requesting to use a portion of the county's gravel parking lot adjacent to the restaurant for additional customer parking.

**Potential Budget Affect:** N/A

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**

Prepared by and return to:  
 William Brumsey, IV  
 Brumsey and Brumsey, PLLC  
 PO Box 100  
 Currituck, NC 27929

NO TITLE WORK REQUESTED OR PERFORMED

STATE OF NORTH CAROLINA

## LICENSE AGREEMENT

COUNTY OF CURRITUCK

THIS LICENSE AGREEMENT (the "Agreement") is made as of \_\_\_\_\_, 2021 by and between COUNTY OF CURRITUCK, NORTH CAROLINA, a body corporate and politic existing pursuant to the laws of the State of North Carolina ("Licensor"), and DANIEL A. PENNINGTON, whose address is 178 Mariners Way, Moyock, NC 27958 ("Licensee").

### STATEMENT OF PURPOSE

Licensor is the owner of that certain real property and related improvements located in Crawford Township, Currituck County, North Carolina, more particularly described in Deed Book 295, Page 246 of the Currituck County Registry, which description is incorporated herein by reference (the "Licensor's Property"). Licensee is the owner of certain real property and related improvements located adjacent to Licensor's Property, the land of the Licensee being more particularly described in Deed Book 794, Page 693 of the Currituck County Registry, which description is incorporated herein by reference (the "Licensee's Property").

The Licensee operates a restaurant on the Licensee's Property and desires access to the Licensee's Property for ingress, egress, regress and vehicular parking. Accordingly, the parties hereto desire to enter into an agreement to set forth their respective rights and obligations regarding the Licensee's use of and maintenance of the Licensor's Property.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto do hereby agree as follows:

1. Grant of License. Licensor hereby grants to Licensee, subject to all of the terms and conditions hereof, a license to have the right of ingress, egress, regress and vehicular parking

during the operating hours of Licensee's restaurant over and upon the Licensor's Property for itself and other related invitees.

2. Personal License Only. It is agreed between Licensor and Licensee that this License is personal to Licensee and shall not inure to the successors or assigns of Licensee.

3. Licensee Has No Interest or Estate. Licensee agrees that it does not and shall not claim at any time any interest or estate of any kind or extent whatsoever in the Licensor's Property, by virtue of this license or Licensee's occupancy or use hereunder and Licensor conveys no interest in the Property to Licensee by this Agreement.

4. Indemnification. Licensee shall indemnify Licensor and hold Licensor harmless from any and all liability for personal injuries, property damage, or for loss of life or property resulting from, or in any way connected with, the condition or use of the Licensor's Property by Licensee, or the Licensees' invitees or guests of the Licensee, or from the use by anyone of the Licensor's Property or any means or ingress thereto or egress therefrom. Licensor shall not be liable to Licensee if for any reason whatever due to Licensee's occupation or use of the Property.

5. Modification. The terms, covenants, conditions and provisions of this License may be extended, abrogated, modified, rescinded or amended in whole or in part only with the consent of Licensor and Licensee and only in writing.

6. Applicable Law. This Agreement shall be governed in all respects by the laws of the State of North Carolina.

7. Notices. Any notices or other communications to be given hereunder shall be in writing and shall be deemed to have been given if delivered in person or mailed by United States certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or to such other address as shall be given in writing by one party to the other:

Licensor: County of Currituck  
153 Courthouse Road, Suite 204  
Currituck, NC 27929

Licensee: Daniel A. Pennington  
178 Mariners Way  
Moyock, NC 27958

8. Recording. Licensor and Licensee hereby agree to record this Agreement at the request and expense of Licensee.

9. Waiver. No waiver of any condition, covenant or restriction of this Agreement by either party shall be deemed to imply or constitute a further waiver of the same or any other condition or covenant of this Agreement.

10. Captions. The captions of the various paragraphs of this Agreement are for convenience only and are not a part of this Agreement and do not in any way limit or amplify the terms and provisions of this Agreement.

11. Term. This License shall be effective until such time as the Licensee or an entity of which the Licensee has an ownership interest no longer has an ownership interest in the Licensee's Property or until Licenser terminates this License upon six months' notice to the Licensee.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, all as of the day and year first above written.

Licenser: County of Currituck

By: \_\_\_\_\_  
Chairman of the Board of Commissioners

Attest:

\_\_\_\_\_  
Clerk to the Board of Commissioners

(Affix Official County Seal)

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I, a Notary Public, of the County and State aforesaid, certify that \_\_\_\_\_, personally appeared before me this day and acknowledged that she is the Clerk to the Board of Commissioners of Currituck County and that by authority duly given and as the act of the County of Currituck, Grantor, the foregoing instrument was signed in its name and on its behalf as its act and deed by the Chairman of the Board of Commissioners and attested and sealed by herself as the said Clerk to the Board of Commissioners of Currituck County.

Witness my hand and notarial seal or stamp this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(Affix Notary Seal)

\_\_\_\_\_  
Notary Public  
Printed Name of Notary Public

My Commission expires: \_\_\_\_\_

Licensee: \_\_\_\_\_(SEAL)  
Daniel A. Pennington

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I, a Notary Public of the County and State aforesaid, certify that Daniel A. Pennington personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3144)

**Agenda Item Title:** Commissioner Travel Approval-NACO Annual Conference, Prince Georges County, MD

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

---

**Brief Description of Agenda Item:**

Commissioners Mary Etheridge and Selina Jarvis request approval to travel to the annual National Association of Counties Annual Conference, this year held in Prince Georges County, MD, near Washington, DC, beginning Thursday, July 8, through Monday, July 12. If approved, early registration for member counties can be met at a cost of \$515/per attendee. Final costs are TBD after lodging/meals are calculated at per diem rates.

**Potential Budget Affect:** TBD

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number –** (ID # 3151)

**Agenda Item Title:** Budget Amendments

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

---

**Brief Description of Agenda Item:**

**Consideration of Budget Amendments**

**Potential Budget Affect:** Please see individual amendments for budget affects.

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**



Number 20210139

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of June 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
55390-495610	T F - Mainland Water Sys Dev Fees		\$ 250,000
55818-594002	Coinjock Canal Redundant Water Main	\$ 250,000	
610360-472000	Mainland Water Sys Dev Fees		\$ 250,000
610818-587055	T T - Mainland Water Construction	\$ 250,000	
		<u>\$ 500,000</u>	<u>\$ 500,000</u>

**Explanation:** Mainland Water Construction (55818); Mainland Water System Development Fees (610818) - Increase appropriations for redundant water main crossing of the Coinjock Canal.

**Net Budget Effect:** Mainland Water Construction Fund (55) - Increased by \$250,000.  
Mainland Water System Development Fees (610) - Increased by \$250,000.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BAs\_Jun 7\_General Meeting (Budget Amendments)

Number 20210140

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 7th day of June 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10460-536000	Uniforms	\$ 2,500	
10460-545000	Contracted Services		\$ 2,500
		<u>\$ 2,500</u>	<u>\$ 2,500</u>

**Explanation:** Public Works (10460) - Transfer budgeted funds for replacement uniforms.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BAs\_Jun 7\_General Meeting (Budget Amendments)

Number 20210141

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of June 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10660-514000	Travel		\$ 3,000
10660-532000	Supplies	\$ 2,000	
10660-511000	Telephone and Postage	\$ 1,000	
		<u>\$ 3,000</u>	<u>\$ 3,000</u>

**Explanation:** Community Development - Planning (10660) - The Planning Department is requesting to move funds to cover the cost of public outreach efforts for the Flood Community Rating system (CRS) in order to inform the community of flood dangers within the county.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BAs\_Jun 7\_General Meeting (Budget Amendments)

Number 20210142

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of June 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10441-557100	Software License Fees	\$ 9,000	
10441-511010	Data Transmission	\$ 1,300	
10441-514500	Training & Education	\$ 135	
10441-545000	Contract Services	\$ 2,500	
10441-532000	Supplies	\$ 11,887	
10441-506000	Insurance Expense		\$ 2,635
10441-590003	BOC Tech		\$ 13,500
10441-503500	Temp Services		\$ 4,962
10441-516000	Repairs & Maint.		\$ 1,953
10441-590000	Capital Outlay		\$ 1,772
		<u>\$ 24,822</u>	<u>\$ 24,822</u>

**Explanation:** Information Technology (10441) - Transfer budgeted funds to upgrade the telephone system and for operations for the remainder of this fiscal year.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BAs\_Jun 7\_General Meeting (Budget Amendments)

Number 20210143

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 7th day of June 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10445-534000	Wellness	\$ 1,529	
10340-452000	Wellness Funds from CIGNA		1529
		<u>\$ 1,529</u>	<u>\$ 1,529</u>

**Explanation:** Human Resources (10445) - Increase budgeted funds to record reimbursements from CIGNA for Wellness activities.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,529.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BAs\_Jun 7\_General Meeting (Budget Amendments)

Number 20210144

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of June 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
67878-553000	Dues and Subscriptions	\$ 5,000	
67878-533800	Chemicals		\$ 5,000
67878-533200	Lab Tests		\$ 10,000
67878-545000	Contracted Services	\$ 10,000	
67878-514000	Travel		\$ 1,000
67878-531000	Fuel	\$ 1,000	
		<u>\$ 16,000</u>	<u>\$ 16,000</u>

**Explanation:** Mainland Sewer (67878) - Operating transfers for the remainder of this fiscal year.

**Net Budget Effect:** Mainland Sewer Fund (67) - No change.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BAs\_Jun 7\_General Meeting (Budget Amendments)

Number 20210145

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of June 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
63320-413500	White Goods		\$ 2,000
63320-413600	Solid Waste Disposal Tax		\$ 5,000
63340-462000	Tipping Fees		\$ 150,000
63350-468000	Sales of Fixed Assets		\$ 1,280
63360-470000	Utilities Charges		\$ 35,000
63380-482500	Recycling - Scrap Metal		\$ 6,000
63838-545002	Contracted Services-Disposal	\$ 307,030	
63838-571500	Recycling	\$ 33,000	
63838-590000	Capital Outlay		\$ 140,750
		<u>\$ 340,030</u>	<u>\$ 340,030</u>

**Explanation:** Solid Waste (63838) - Increase appropriations and transfer funds for operations for the remainder of this fiscal year necessary due to an increase in solid waste for this year.

**Net Budget Effect:** Solid Waste (63) - Increased by \$199,280.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BAs\_Jun 7\_General Meeting (Budget Amendments)



Number 20210146

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of June 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
14460-587010	T T - Operating Fund	\$ 1,484	
14380-481000	Investment Earnings		\$ 1,484
16609-587010	T T - Operating Fund	\$ 12,981	
16609-588000	Contingency		\$ 12,981
20609-587010	T T - Operating Fund	\$ 44,342	
20609-511010	Data Transmission	\$ 2,000	
20609-516000	Repairs & Maintenance		\$ 10,000
20609-590000	Capital Outlay		\$ 36,342
		<u>\$ 59,323</u>	<u>\$ 59,323</u>

**Explanation:** Carova Beach Road Service District (14460); Ocean Sands/Crown Point N Watershed District (16609); Whalehead Watershed Service District (20609) - Operating transfers for Stormwater Technician and for operations for the remainder of this fiscal year.

**Net Budget Effect:** Carova Beach Road Service District (14) - Increased by \$1,484.  
Ocean Sands/Crown Point N Watershed District (16) - No change.  
Whalehead Watershed District (20) - No change.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BAs\_Jun 7\_General Meeting (Budget Amendments)

Number 20210147

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 7th day of June 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-503000	Salaries - Part time	\$ 3,500	
10510-532000	Supplies	\$ 1,000	
10510-502000	Salaries		\$ 4,500
10795-511010	Data Transmission	\$ 200	
10795-503500	Temporary Services		\$ 1,000
10795-516400	Equipment Maintenance	\$ 500	
10795-545100	Credit Card Fees	\$ 300	
10550-513000	Utilities	\$ 3,000	
10550-511000	Telephone & Postage	\$ 120	
10550-511010	Data Transmission		\$ 1,100
10550-554000	Insurance & Bonds		\$ 1,000
10550-590000	Capital Outlay		\$ 656
10550-531000	Fuel		\$ 364
10511-514500	Training & Education	\$ 70	
10511-502100	Salaries - Overtime		\$ 70
10541-514500	Training & Education	\$ 13	
10541-532000	Supplies	\$ 1,000	
10541-511000	Telephone & Postage		\$ 500
10541-502000	Salaries		\$ 513
10650-553000	Dues & Subscriptions	\$ 130	
10650-514000	Travel		\$ 130
61818-511000	Telephone & Postage	\$ 3,000	
61818-506000	Insurance Expense		\$ 3,000
66868-511000	Telephone & Postage	\$ 1,000	
66868-516200	Vehicle Maintenance	\$ 2,000	
66868-506000	Insurance Expense		\$ 3,000
		<u>\$ 15,833</u>	<u>\$ 15,833</u>

**Explanation:** Various Departments - Transfers from operations for the remainder of this fiscal year.

**Net Budget Effect:** Operating Fund (10) - No change.  
Mainland Water Fund (61) - No change.  
Southern Outer Banks Water Fund (66) - No change.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BAs\_Jun 7\_General Meeting (Budget Amendments)

Number 20210148

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of June 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
30850-506000	Insurance Expense	\$ 35,000	
30850-545000	Contracted Services		\$ 10,000
30390-499900	Appropriated Fund Balance		\$ 25,000
		<u>\$ 35,000</u>	<u>\$ 35,000</u>

**Explanation:** Post Employment Retiree Benefits (30850) - Increase appropriations for unanticipated retirements for this fiscal year.

**Net Budget Effect:** Post Employment Benefits Fund (30) - Increased by \$25,000.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: BAs\_Jun 7\_General Meeting (Budget Amendments)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3146)

**Agenda Item Title:** Vehicle Surplus-Animal Services & Control

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

---

**Brief Description of Agenda Item:**

**Reason for Request:** Vehicle Surplus Request

**Potential Budget Affect:** TBD

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**

## RESOLUTION

**WHEREAS**, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.

<u>County</u>	<u>Asset Tag</u>	<u>Description</u>	<u>Serial Number</u>
	6551	2007 Nissan Titan 4x4 white	1N6BA07B07N243797

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the County of Currituck reserves the right to reject any and all bids.

**ADOPTED, this 7th day of June, 2021.**

\_\_\_\_\_  
 Michael H. Payment  
 County of Currituck, Board of Commissioners

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

(Seal)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3147)

**Agenda Item Title:** Resolution-Conveyance of Surplus Property from Currituck County to College of the Albemarle to Use for Basic Law Enforcement Training Program

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

---

**Brief Description of Agenda Item:**

Surplus property (two vehicles) from County will be transferred to COA for use in the Basic Law Enforcement Training program held at Currituck County campus.

**Potential Budget Affect:** No consideration

**Is this item regulated by plan, regulation or statute?** Yes

**Manager Recommendation:**



## COUNTY OF CURRITUCK

### **RESOLUTION APPROVING CONVEYANCE OF SURPLUS PERSONAL PROPERTY TO COLLEGE OF THE ALBEMARLE PURSUANT TO N.C. GEN. STAT. §153A-158.2**

WHEREAS, Currituck County owns three surplus law enforcement patrol vehicles; and

WHEREAS, N.C. Gen. Stat. §153A-158.2 authorizes a county to dispose of property for use by a community college within the county for any price and on any negotiated terms between the county and community college; and

WHEREAS, Currituck County has determined that it is in the best interest of the county to convey three surplus law enforcement patrol vehicles to College of the Albemarle for no consideration for use by College of the Albemarle in furtherance of its mission to educate and train area citizens.

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

1. The County hereby conveys to College of the Albemarle the following property:

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN #</u>	<u>Asset #</u>
2014	Dodge	Charger	2C3CDXAT0EH190621	8375
2014	Dodge	Charger	2C3CDXAT2EH190622	8378

2. The property herein described shall be conveyed for no consideration.
3. The County Manager is authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michael H. Payment, Chairman  
Board of Commissioners

ATTEST:

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





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3148)

**Agenda Item Title:** Job Description Revision-Animal Services and Control Director

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Revisions to Job Description for Director of Animal Services and Control**

**Potential Budget Affect:** N/A

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**



## CURRITUCK COUNTY ANIMAL SERVICES AND CONTROL

### JOB DESCRIPTION

#### Animal Services and Control Director ~~of Operations~~:

##### General Statement of Job

The Animal Services and Control Director ~~of Operations~~ provides executive level oversight and management of all aspects of the shelter facility, shelter staff, volunteers and the animal population. The Animal Services and Control Director ~~of Operations~~ will be responsible for maintaining a safe, healthy environment for the animals, staff, and the public while offering a high level of service in promoting, developing and implementing operational objectives including responsible animal care and effective outreach services to the community. The Animal Services and Control Director ~~of Operations~~ will be responsible for complying with all local, state and federal laws related to animal shelters and animal welfare and maintain records and reports related to animal services programs and activities provided by staff and volunteer groups supporting the operational objectives. Employee must exercise initiative, independent judgment, and make wise, ethical decisions in all phase of work. Employee must offer excellent customer service while being tactful and diplomatic in all situations when dealing with animal owners and the general public. ~~The Director of Operations will s~~erves as the facility spokesperson in the community while creating a team environment with the staff and volunteer groups dedicated to the success of operational objectives.

##### Specific Duties and Responsibilities

###### Essential Job Functions:

Plans, directs and supervises all activities related to animal control and animal shelter operations, ensuring enforcement of established laws, policies, procedures and standards; assists and advises staff as necessary, resolving problems as non-routine situations arise.

Develops long-range strategic plans, conferring with local government and community leaders for input; develops and oversees public education programs, rabies vaccination program, shelter promotions, and intern, volunteer and community service programs.

Works closely with other agencies, boards, committees, and institutions to establish and maintain current practices and policies in the area of animal care and control; prepares and delivers oral presentations to various civic, church, school, or business groups, etc., on topics pertaining to animal care and control.

Administers routine personnel matters, including hiring of personnel, scheduling, granting leave, conducting performance evaluations, taking disciplinary actions, handling grievances, and completing all associated personnel actions.

Develops and implements departmental policies and procedures; recommends departmental budget and ensures funds are spent within approved line items; directs departmental purchases and related accounting procedures when Purchase Orders are required, etc.; directs the purchase, receipt, storage and inventory of medical equipment and supplies; supervises the preparation and maintenance of reports and records pertaining to Department activities and services; serves as records custodian for the department and maintains all required documents as per local, state, and federal regulations; and responsible for the secure and legal ordering, storage, administration and inventory of controlled substances necessary to perform euthanasia and approved medical/surgical procedures performed at the shelter.

Professionally receives, investigates and responds to complaints from the public pertaining to services or personnel of department, working with others to settle grievances and pursue appropriate action to resolve identified problems.

Must have specialized knowledge in animal handling and behavior to include at a minimum livestock, poultry, and domesticated animals. Must be familiar with standard veterinary practices for preventing the spread of zoonotic diseases in a shelter or kennel setting.

Able to work weekends and holidays as necessary.

Able to supervise and create strong team relationships with staff and volunteers.

Strong interpersonal skills for management of staff and volunteers and interface with public.

Self-starter, facilitator, organize and innovator and have the ability to motivate others.

Able to multi-task, prioritize, meet deadlines, work independently, plan and implement programs.

Knowledgeable in animal behavior, health and well-being to include nutritional needs, resources for information, knowledge of common animal diseases, treatments and vaccinations.

Demonstrated ability to work with and handle stressed, injured, and possibly aggressive animals safely and humanely.

High level written and verbal communication skills; familiarity with computers including shelter management software, Word, Excel, PowerPoint, databases, and websites

### **ADDITIONAL JOB FUNCTIONS**

Develops standard operating procedures for the use and care of firearms, tranquilizer guns, and other related equipment; directs the purchase and repair of related equipment.

Provides assistance to local veterinarians in conducting periodic rabies vaccination clinics as well as coordinates contractual activities with spay/neuter clinics.

Assists staff as needed in supervising requests for service, capturing and confining, and/or terminating stray, diseased and dangerous/nuisance animals.

Ensure the facility is maintained and provides a healthy and safe environment for the animals, staff, volunteers and general public.

Ensure the staff is trained properly in the daily care, cleaning and disinfection of the animal enclosures and common spaces within the confines of the facility.

Identify signs of animal illnesses and injuries and segregation of sick animals.

Stay current on national trends in animal sheltering

Manage and coordinate shelter programming in conjunction with non-profits' programming

Provide a positive example regarding work ethic, attitude, professional ethics, knowledge of policies/procedures, interpersonal interactions, and mutual respect.

May be required to work weekends, evenings and holidays.

Subject to emergency callback in the event of a disaster or other local emergency.

Due to a limited staff and the undetermined availability of volunteers, all positions at the shelter may need to assist and perform any of the duties performed by others including the Shelter Manager.

Performs other work as required.

Reports directly to the County Manager.

### **MINIMUM TRAINING AND EXPERIENCE**

Associates degree in business administration, veterinary science, or related field and six years of experience, including an administrative/supervisory role or any equivalent combination of training and experience which provides the required skills, knowledge and abilities.

### **SPECIAL REQUIREMENTS**

Possession of a valid North Carolina driver's license; certifications in Rabies Vaccinations and Euthanasia is required, or the ability to get certifications within 60 days of employment, completion of Cruelty Investigators course, and firearms qualified within one year of employment. This position is designated as an authorized Motor Vehicle Operator for Currituck County and

requires adherence to the Currituck County Vehicle Operations Policy. Completion of continuing education as required by the State of North Carolina involving techniques, laws, and procedures.

### **MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS**

Work regularly requires using hands to finger, handle or feel, stooping, kneeling, crouching or crawling, reaching with hands and arms and repetitive motions, frequently requires standing, speaking or hearing, pushing or pulling and lifting and occasionally requires walking, sitting and tasting or smelling; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using measuring devices, operating motor vehicles or equipment and observing general surroundings and activities; exposure to outdoor weather conditions and occasionally requires wet, humid conditions (non-weather), exposure to toxic or caustic chemicals, exposure to bloodborne pathogens and may be required to wear specialized personal protective equipment; work is sometimes in a loud noise location (e.g. barking dogs in enclosures). Must be physically able to operate a variety of machines and equipment, including firearms, animal traps, axes, euthanasia chambers, etc. Must be able to exert up to 100 pounds of force occasionally, up to 50 pounds of force frequently, and/or up to 25 pounds of force frequently or constantly to lift, carry, push, pull or otherwise move objects. Requires the ability to maintain body equilibrium when bending, stooping, crouching, climbing, reaching and/or stretching arms, legs or other parts of body, and to physically maneuver over and/or upon varying terrain, surfaces or physical structures. Work may involve running and physical confrontations. Physical demands are for Heavy Work.

**Physical Communication:** Requires the ability to talk and/or hear: (talking-expressing or exchanging ideas by means of spoken words; hearing – perceiving nature of sounds by ear). Must be able to communicate via telephone.

**Data Conception:** Requires the ability to compare and/or judge the readily observable, functional, structural, or composite characteristics (whether similar to or divergent from obvious standards) of data, people or things.

**Interpersonal Communications:** Requires the ability to speak and/or signal people to convey or exchange information. Includes receiving instructions, assignments and/or directions from superiors.

**Language Ability:** Requires the ability to read a variety of records and forms. Requires the ability to prepare reports, forms and correspondence using prescribed formats. Requires the ability to speak to people with poise, voice control and confidence.

**Intelligence:** Requires the ability to apply rational systems to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists; to interpret a variety of instructions furnished in written, oral, diagrammatic or schedule form.

**Verbal Aptitude:** Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages, including legal terminology.

**Numerical Aptitude:** Requires the ability to utilize mathematical formulas. Must be able to add, subtract, multiply and divide; interpret graphs; compute discount, interest, profit and loss, ratio and proportion, etc.

**Form/Spatial Aptitude:** Requires the ability to inspect items for proper length, width and shape.

**Motor Coordination:** Requires the ability to coordinate hands and eyes rapidly and accurately in using firearms and animal restraint devices. Must be able to operate a motor vehicle.

**Manual Dexterity:** Requires the ability to handle a variety of equipment, such as control knobs, toggle switches, triggers, levers, etc. Must have minimal levels of eye/hand/foot coordination.

**Color Discrimination:** Requires the ability to differentiate between colors and shades of color.

**Interpersonal Temperament:** Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress when confronted with persons acting under stress.

#### **Additional Education, Certifications and Licenses Preferred**

Certification as a Certified National Animal Control Officer, which includes NACA I and II

Certification in Large Animal Rescue

Certified Cruelty Investigator

State License for Shelter Operation

MCT Certified

FEMA Certified

Knowledgeable in Animal Control Laws and Enforcement

Knowledgeable with the NC Division of Wildlife Management Laws and Enforcement

Knowledgeable in collecting evidence and court procedures

Taser Certified

Euthanasia Certified

Rabies Control Certified

ED: 07/01/2021 (REV BOC)  
~~ED: 8-25-2015 (BOC)~~





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3153)

**Agenda Item Title:** Consideration of Request for Use of Alcohol on County-Owned Property at the Knotts Island Ruritans Annual Peach Festival

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

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**Brief Description of Agenda Item:**

Knotts Island Ruritans have submitted their permit application for Board consideration to allow alcohol sales at this year's Peach Festival, to take place at Ruritan Park, June 25-27, 2021.

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**





## APPLICATION FOR ALCOHOL BEVERAGES AT SPECIAL EVENTS ON COUNTY-OWNED PROPERTY

*Application must be submitted no less than 15 days prior to the event*

Please complete form & return to County Manager's Office 153 Courthouse Road, Suite 204 Currituck, NC 27929  
Fax 252-232-3551 Email: leeann.walton@currituckcountync.gov

Contact Information					
Name of Applicant	Ardell Waterfield				
Organization Name	Knotts Island Ruritan Club				
Address	PO Box 238				
City, State & Zip	Knotts Island NC 27950				
Phone		Cell Number	757-217-5005		
Email	ardellwaterfield@msn.com				
Event Information					
Name of Event	Knotts Island Peach Festival				
Date of Event	June 25-27, 21				
Assembly Area (Please check one)	<input checked="" type="checkbox"/> Knotts Island Ruritan Park		Time Period:		9am
	<input type="checkbox"/> Historic Corolla Park		Time Period:		6pm
	<input type="checkbox"/> Soundside Park				
	<input type="checkbox"/> Currituck County Rural Center (CCRC)				
Approximate # of persons	3500	ABC Permit From NC State Liquor Board	YES	<input checked="" type="checkbox"/>	NO
<b>Attachments:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Types of alcoholic beverages to be served (i.e. beer, malt beverages, wine, liquor, etc.)</li> <li><input type="checkbox"/> Copy of ABC Permit</li> <li><input type="checkbox"/> Copy of Insurance Certificate showing the County as additional named insured</li> <li><input type="checkbox"/> Drawing or map of reserved area where the alcohol will be served</li> <li><input type="checkbox"/> Description of proposed special event and reasons for its occurrence</li> </ul>					
<b>Policy:</b> <ul style="list-style-type: none"> <li>• Alcohol may be sold and/or served providing all local, state and federal alcohol laws and policies are adhered to, and any permits conspicuously posted;</li> <li>• The non-profit organization shall secure all proper North Carolina ABC permits for each event;</li> <li>• An area shall be designated and clearly marked where the possession and consumption of alcohol may occur during the event. The non-profit organization shall post a responsible person at each point of ingress/egress to the designated area to ensure that persons do not leave the designated area with an alcoholic beverage;</li> <li>• Provide food during the event consisting of heavy hors d'oeuvres or a small meal;</li> <li>• The nonprofit organization shall verify the age of persons to whom alcoholic beverages are dispensed and provide patrons wristbands or another designating item to identify that they are of legal drinking age. The non-profit organization shall not serve alcohol to patrons that are intoxicated;</li> </ul>					



- Provide for clean-up of all debris/litter following the special event;
- Provide on-site signage for special event stating alcoholic beverages are prohibited beyond the approved permitted area and that underage drinking is prohibited;
- Furnish liability insurance in the amount of at least one million dollars with the County shown as the additional named insured;
- Non-alcoholic beverages must be available during the event;
- Patrons of the event may not bring alcoholic beverages into the event;
- Beverages may not be served in glass containers;
- The non-profit organization is responsible for the purchase and transportation of all alcoholic beverages;
- All event workers shall be provided with highly visible identification such as a button, badge, apron, uniform or other form of identification;
- A law enforcement officer must be retained by the non-profit organization and at the event from opening to closing of the event; and
- The non-profit organization shall comply with all county ordinances, rules and regulations.

If the event will be held at Historic Corolla Park the following additional rules will apply:

- The event planner must make application through the Travel and Tourism Department providing the same information as required for a non-profit organization special event permit;
- The event must be approved by the Travel and Tourism Director and a specific area of the grounds reserved for the private event;
- The event must take place and alcohol may be consumed only in the reserved area on the grounds;
- The private event must be catered and the event planner or caterer shall be responsible for any required North Carolina ABC permits;
- The event planner shall provide for cleanup of all debris/litter following the event;
- The event planner must furnish liability insurance in the amount of at least one million dollars with the County shown as the additional named insured;
- A law enforcement officer must be retained by the event planner and at the event from opening to closing of the event; and
- The event shall comply with all other Currituck County ordinances, rules and regulations.

Signature of Applicant:				Date:	5/25/21
<b>OFFICE USE ONLY</b>					
Date:	Approved:	Denied:	Chairman of Board of Commissioners:		



TO: NC ABC BOARD REASON FOR FUNDRAISING EVENT

Dear: Currituck County Commissioners,

Knotts Island Ruritan Clubs Annual Peach Festival would like to ask for permission to have alcoholic beverages at our 2021 Peach Festival June 25-27, 2021. We have KI Fire Department at our event. We also have 2 sworn deputies from Martin County helping with security as the come with the rides.

The Club uses all proceeds from this festival to support different community groups and activities in the Island Community. Groups including the Scholarships, Food Pantry, The School, the Boy and Girl Scouts, The Ruritan Kids Annual Toy Drive, The Churches, and others in need. We put back into the community in \$18,000 and this year 2021. Note our year is July 1st to June 30.

This is our only major fundraiser for us to support the projects we have been helping with-in the community.

We have applied for The NC ABC permit and will forward it to you as soon as we receive it.

We want to serve in plastic or cans Beer, Malt Beverages and Wine.

Thank You For Your Consideration.  
Ardell Lee Waterfield  
Ruritan Club President & Festival Chairman  
757-217-5005

Attachment: Currituck Peach Festival letter with Layout (KI Peach Festival-Event Application)

EVENT LAYOUT:



Attachment: Currituck Peach Festival letter with Layout (KI Peach Festival-Event Application)



# CERTIFICATE OF LIABILITY INSURANCE

9.E.5.c  
DATE (MM/DD/YYYY)  
05/26/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Chesterfield Insurers, Inc. 3535 Ironbridge Rd. P. O. Box 34220 Richmond VA 23234	<b>CONTACT NAME:</b> Chesterfield Insurers <b>PHONE (A/C, No, Ext):</b> (804) 271-9426 <b>FAX (A/C, No):</b> (804) 271-9108 <b>E-MAIL ADDRESS:</b> stephanie@chesterfieldinsurers.com
<b>INSURED</b> Knotts Island Ruritan Club P. O. Box 238 Knotts Island NC 27950-0000	<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Liberty Mutual Insurance Co. <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>

**COVERAGES**      **CERTIFICATE NUMBER:** 2020-2021      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		BKS1858299393	10/20/2020	10/20/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Currituck County is Additional Insured with respects to the General Liability coverage.

RE: Peach Festival June 26-27, 2021 at 126 Brumley Rd. Knotts Island, NC 27950

## CERTIFICATE HOLDER

Currituck County 153 Courthouse Rd  Currituck NC 27929
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## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Joanie Meene*



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3137)

**Agenda Item Title:** NC Department of Public Safety Office Lease for Juvenile Justice

**Submitted By:** Sandee Salimbene – County Attorney

**Presenter of Item:** Donald (Ike) I. McRee Jr

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Reason for Request:**

**Potential Budget Affect:**

**Is this item regulated by plan, regulation or statute?**

**Manager Recommendation:**



**THIS LEASE DOES NOT BECOME EFFECTIVE UNTIL EXECUTED  
BY THE NORTH CAROLINA DEPARTMENT OF CORRECTION**

STATE OF NORTH CAROLINA

**LEASE AGREEMENT**

THIS LEASE AGREEMENT, made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 2021, by and between **COUNTY of CURRITUCK**, hereinafter designated as Lessor, and the **STATE OF NORTH CAROLINA**, hereinafter designated as Lessee;

**W I T N E S S E T H:**

WHEREAS, authority to approve and execute this lease agreement was delegated to the Department of Administration by resolution adopted by the Governor and Council of State on the 1<sup>st</sup> day of September, 1981; and

WHEREAS, the Department of Administration has delegated to this State agency the authority to execute this lease agreement by a memorandum dated the 18<sup>th</sup> day of January, 2017; and

WHEREAS, the parties hereto have mutually agreed to the terms of this lease agreement as hereinafter set out,

NOW THEREFORE, in consideration of the rental hereinafter agreed to be paid and the terms and conditions hereinafter set forth, Lessor does hereby let and lease unto Lessee and Lessee hereby takes and leases from Lessor for and during the period of time and subject to the terms and conditions hereinafter set out certain space in **Currituck**, North Carolina, more particularly described as follows:

**Being +/- 354 net square feet of office space located at 2801 Caratoke Highway, Currituck, Currituck County, North Carolina.**

**DEPARTMENT OF PUBLIC SAFETY (Juvenile Justice)**

THE TERMS AND CONDITIONS OF THIS LEASE AGREEMENT ARE AS FOLLOWS:

1. The term of this lease shall be for a period of three **(3) years** commencing on the **1<sup>st</sup> day of July, 2021** or as soon thereafter as the leased premises are ceded to the Lessee and terminating on the **30<sup>th</sup> day of June, 2024**.

2. The Lessee shall pay to the Lessor as rental for said premises the sum of **\$1.00** dollars per term to be payable within five (5) days from receipt of invoice in triplicate.

The Lessee agrees to pay the aforesaid rental to Lessor at the address specified, or, to such other address as the Lessor may designate by a notice in writing at least 15 days prior to the due date.

Attachment: Currituck\_Lease Agreement 05192021 (NC Dept. of Public Safety Lease)

3. Lessor agrees to furnish to the Lessee, as a part of the consideration for this lease, the following services and utilities to the satisfaction of the Lessee.

- A. Heating facilities, air conditioning facilities, adequate electrical facilities, adequate lighting fixtures and sockets, hot and cold water facilities, and adequate toilet facilities.
- B. Janitorial services and supplies including maintenance of lawns, parking areas, common areas and disposal of trash.
- C. All utilities except telephone.
- D. Parking as available.
- E. The lessor covenants that the leased premises are generally accessible to persons with disabilities. This shall include access into the premises from the parking areas (where applicable), into the premises via any common areas of the building and access to an accessible restroom.

4. During the lease term, the Lessor shall keep the leased premises in good repair and tenantable condition, to the end that all facilities are kept in an operative condition. Maintenance shall include, but is not limited to furnishing and replacing electrical light fixture ballasts, air conditioning and ventilating equipment filter pads, if applicable, and broken glass. In case Lessor shall, after notice in writing from the Lessee in regard to a specified condition, fail, refuse, or neglect to correct said condition, or in the event of an emergency constituting a hazard to the health or safety of the Lessee's employees, property, or invitees, it shall then be lawful for the Lessee in addition to any other remedy the Lessee may have to make such repair at its own cost and to invoice the amount thereof to the Lessor. The Lessor reserves the right to enter and inspect the leased premises, at reasonable times, and to make necessary repairs to the premises.

5. It is understood and agreed that Lessor shall, at the beginning of said lease term as hereinabove set forth, have the leased premises in a condition satisfactory to Lessee, including repairs, painting, partitioning, remodeling, plumbing and electrical wiring suitable for the purposes for which the leased premises will be used by Lessee.

6. The Lessee shall have the right during the existence of this lease, with the Lessor's prior consent, to make alterations, attach fixtures and equipment, and erect additions, structures or signs in or upon the leased premises. Such fixtures, additions, structures or signs so placed in or upon or attached to the leased premises under this lease or any prior lease of which this lease is an extension or renewal shall be and remain the property of the Lessee and may be removed therefrom by the Lessee prior to the termination of this lease or any renewal or extension thereof, or within a reasonable time thereafter. The Lessee shall have no duty to remove any improvement or fixture placed by it on the premises or to restore any portion of the premises altered by it. In the event Lessee elects to remove his improvements or fixtures and such removal causes damage or injury to the demised premises, Lessee will repair only to the extent of any such damage or injury.

7. If the said premises be destroyed by fire or other casualty without fault of the Lessee, this lease shall immediately terminate. In case of partial destruction or damage

by fire or other casualty without fault of the Lessee, so as to render the premises untenable in whole or in part, and during such period of repair, and if the Lessor can not provide suitable office space, the Lessee shall have the right to obtain similar office space at the expense of Lessee with reimbursement from the County.

8. Lessor shall be liable to Lessee for any loss or damages suffered by Lessee which are a direct result of the failure of Lessor to perform an act required by this lease, and provided that Lessor could reasonably have complied with said requirement.

9. Upon termination of this lease, the Lessee will peaceably surrender the leased premises in as good order and condition as when received, reasonable use and wear and damage by fire, war, riots, insurrection, public calamity, by the elements, by act of God, or by circumstances over which Lessee had no control or for which Lessor is responsible pursuant to this lease, excepted.

10. The Lessor agrees that the Lessee, upon keeping and performing the covenants and agreements herein contained, shall at all times during the existence of this lease peaceably and quietly have, hold, and enjoy the leased premises free from the adverse claims of any person.

11. The failure of either party to insist in any instance upon strict performance of any of the terms and conditions herein set forth shall not be construed as a waiver of the same in any other instance. No modification of any provision hereof and no cancellation or surrender thereof shall be valid unless in writing and signed and agreed to by both parties.

12. Any hold over after the expiration of the said term or any extension thereof, shall be construed to be a tenancy from month to month, and shall otherwise be on the terms and conditions herein specified, so far as applicable; however, either party shall give not less than 60 days written notice to terminate the tenancy.

13. The parties to this lease agree and understand that the continuation of this lease agreement for the term period set forth herein, or any extension or renewal thereof, is dependent upon and subject to the appropriation, allocation or availability of funds for this purpose to the agency of the Lessee responsible for payment of said rental. The parties to this lease also agree that in the event the agency of the Lessee or that body responsible for the appropriations of said funds, in its sole discretion, determines, in view of its total local office operations that available funding for the payment of rents are insufficient to continue the operation of its local offices on the premise leased herein, it may choose to terminate the lease agreement set forth herein by giving Lessor written notice of said termination, and the lease agreement shall terminate immediately without any further liability to Lessee.

14. All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given when made in writing and deposited in the United States mail, certified and postage prepaid and addressed as follows: To the Lessor at **153 Courthouse Road, Suite 204, Currituck, North Carolina 27929** and the Lessee at **3030 Hammond Business Place, 4227 Mail Service Center, Raleigh, North Carolina 27603-4227**. Nothing herein contained shall preclude the giving of such notice by personal service. The address to which notices shall be mailed as aforesaid to either party may be changed by written notice.

15. "N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization."

**[Remainder of page intentionally left blank; signatures on following pages]**

IN TESTIMONY WHEREOF, this lease has been executed by the parties hereto, in duplicate originals, as of the date first above written.

STATE OF NORTH CAROLINA

By: \_\_\_\_\_ (SEAL)  
Joanne Rowland, Director  
DPS Purchasing & Logistics

LESSOR:

\_\_\_\_\_ (SEAL)  
The County of Currituck,  
Ben Stikeleather, County Manager

ATTEST:

\_\_\_\_\_  
Secretary  
(CORPORATE SEAL)

Attachment: Currituck\_Lease Agreement 05192021 (NC Dept. of Public Safety Lease)

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, do hereby certify that **Ben Stikeleather**, personally came before me this day and acknowledged that s/he is the **County Manager**, and that by authority and given as an act of **Currituck County** and acknowledged the due execution of the foregoing instrument in its name.

WITNESS my hand and Notarial Seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I, Wanda B. Hicks, a Notary Public in and for the County of Johnston and State aforesaid, do hereby certify that **Joanne Rowland**, personally appeared before me this date and acknowledged the due execution by her of the foregoing instrument as Director of Purchasing and Logistics of the Department of Public Safety of the State of North Carolina, for the purposes therein expressed.

WITNESS my hand and Notarial Seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public

My commission expires August 19, 2024

Attachment: Currituck\_Lease Agreement 05192021 (NC Dept. of Public Safety Lease)



**CURRITUCK COUNTY  
NORTH CAROLINA**

May 17, 2021

Minutes – Regular Meeting of the Board of Commissioners

**4:00 PM CALL TO ORDER**

The Board of Commissioners met at 4:00 PM in the Historic Courthouse Board Meeting Room, 153 Courthouse Road, Currituck, North Carolina, for a Regular Meeting.

Attendee Name	Title	Status	Arrived
Michael H. Payment	Chairman	Present	4:00 PM
Paul M. Beaumont	Vice-Chairman	Present	4:25 PM
J. Owen Etheridge	Commissioner	Present	4:00 PM
Mary "Kitty" Etheridge	Commissioner	Present	4:00 PM
Selina S. Jarvis	Commissioner	Present	4:00 PM
Kevin E. McCord	Commissioner	Present	4:00 PM
Bob White	Commissioner	Present	4:00 PM

Chairman Payment called the meeting to order.

**A) Invocation & Pledge of Allegiance**

Commissioner J. Owen Etheridge offered the Invocation and led the Pledge of Allegiance.

**B) Approval of Agenda**

Commissioner McCord moved for approval of the agenda. Commissioner White seconded the motion. The motion carried, 7-0.

Approved agenda:

**4:00 PM Call to Order**

- A) Invocation & Pledge of Allegiance
- B) Approval of Agenda
- C) Presentation from the Veterans Services Officers Association
- D) Planning Staff Reports Content Review

**Public Comment**

*Please limit comments to matters other than those appearing on this*

Communication: Minutes for May 17, 2021 (Approval of Minutes-May 17, 2021, and Special Meeting 6-22-2020)



*agenda as a PublicHearing. Public comments are limited to 3 minutes.*

**Commissioner's Report**

**County Manager's Report**

**County Attorney's Report**

**Administrative Reports**

**A) Annual Budget Presentation for FY 2021-2022**

**Old Business**

- A) **Consideration Of An Ordinance Amending Chapter 9, Article III, Sections 9-31, 9-33 and 9-36 Of The Currituck County Code of Ordinances Modifying Requirements For Issuance of Amplified Sound Permits And Permits to Exceed Certain Decibel Levels**

**New Business**

- A) **An Ordinance of the Board of Commissioners Amending Sec. 10-62 of the Currituck County Code of Ordinances to Prohibit Parking on the Beach Strand from the North Beach access Ramp Northward for One and One-Half Miles and Amending Sec. 10-63 of the Code of Ordinances to Clarify the Emergency Vehicle Exception for Operating a Motor Vehicle in a Restricted Driving Area on the Beach Strand**
- B) **Consideration for Approval of Design Proposal for Moyock Middle School Renovation and Addition**
- C) **Consent Agenda**
1. Budget Amendments
  2. Project Ordinance-Fuel Farm
  3. Project Ordinance-Coinjock Canal Water Main
  4. Consideration of Grant Agreement Between Currituck County and Game Commission of Currituck County
  5. Surplus Resolution-LifePak Machines, EMS
  6. Resolution Approving the Exhibition, Use and Discharge of Pyrotechnics in Historic Corolla Park, Corolla, North Carolina.
  7. Job Description Revision-Contract Purchasing Agent

## 8. Approval Of Minutes-May 3, 2021

**Adjourn****Special Meeting-Tourism Development Authority**

Tourism Annual Budget Presentation for FY

2021-2022TDA Budget Amendments

**Adjourn TDA Meeting****Special Meeting-Ocean Sands Water and Sewer District**

Ocean Sands Water & Sewer District Annual Budget  
Presentation for FY 2021-2022

OSWSD Budget Amendments

**Adjourn OSWSD Meeting**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Kevin E. McCord, Commissioner
<b>SECONDER:</b>	Bob White, Commissioner
<b>AYES:</b>	Michael H. Payment, Chairman, Paul M. Beaumont, Vice-Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner

**C) Veterans Services Officers Association Presentation**

President of the North Carolina Association of County Veteran Service Officers, Brad Stroud, was invited to attend the Board of Commissioners meeting to discuss the benefits and importance of establishing a Veteran Service Office in North Carolina counties. Referring to information included in the agenda packet, he noted there are 3,200 veterans in Currituck County, and he reviewed the purpose and services provided to Veterans through the Veterans Service Office. Mr. Stroud discussed the accreditation requirements for Veteran Service Officers, the associated costs, and duties of the position. Mr. Stroud responded to questions posed by Commissioners and said he is aware of one shared Service Officer between Gates and Hertford counties.

Following presentation, Commissioners thanked Mr. Stroud and said they would consider establishing a position in Currituck County.

The meeting was recessed at 4:43 PM, following presentation, and reconvened at 4:48 PM.

**NC Association of County Veteran Services-Brad Stroud, Pres.**

**D) Planning Staff Reports Content Review**

Ben Stikeleather, County Manager, continued discussion that began at the May 3, 2021, Work Session where Commissioners began reviewing Planning Department staff reports to

determine if there were any sections or information Board members would like to change to aid in the decision making process. A packet of the various staff reports developed by the Planning Department was distributed and the remaining sections related to rezonings and text amendments were reviewed.

During a review of Rezoning staff reports, the Board discussed the narrative section and the importance of having the zoning history for a parcel of land. Commissioners find the background helpful and directed it be kept as is.

Commissioners referenced the 2006 Land Use Plan and asked that policies on both sides be presented for consideration. Commissioners also requested that staff provide comments, concerns and insight in lieu of making a recommendation to help Commissioners with setting conditions if they are inclined to approve. Ike McRee, County Attorney, told the Board that the Unified Development Ordinance requires staff to make recommendations. He said other text changes will be needed to remove the requirement. The Board then chose to keep the Recommendation for rezonings. There were no changes to the inclusion of the Planning Board recommendation and discussion section.

No changes were recommended following review of the Text Amendment staff report.

Commissioners agreed to a standalone work session, at the suggestion of Planning and Community Development Director, Laurie LoCicero, to review the process followed by the department to assess an application and develop a recommendation.

## **PUBLIC COMMENT**

***Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.***

Chairman Payment opened the Public Comment period. There were no speakers and the Public Comment period was closed.

## **COMMISSIONER'S REPORT**

Commissioner J. Owen Etheridge acknowledged the reopening of the Shawboro Convenience site following completion of repairs.

Commissioner McCord acknowledged the County's highly qualified Emergency Medical Services (EMS) in recognition of EMS week. He recognized National Police Week celebrated the week prior and discussed the current challenges law enforcement is facing. He reported on a fatal accident over the weekend on the Wright Memorial Bridge and talked about the tragedies first responders face on a regular basis. He encouraged kindness when posting on Social Media sites. He referred to recent events in Elizabeth City and stressed the importance of letting the judicial process move forward.

Commissioner Beaumont thanked Commissioner McCord for his service as a law enforcement officer. He also reported on the fatal accident that occurred on the bridge over the weekend and commended EMS and law enforcement personnel. He encouraged people to drive cautiously.

Chairman Payment shared his experience responding to scenes as a volunteer firefighter. He commended first responders and encouraged citizens to get involved. Covid-19 case statistics were reviewed, and he announced shots are still available through Albemarle Regional Health Services.

Commissioner White thanked Jack at OB Gas in Corolla who, during the gas shortage, kept enough gas on hand to keep Sheriff, fire and County Inspections vehicles running in Corolla. He, too, offered his thanks to Commissioner McCord and all County Deputies for their service.

Commissioner Mary Etheridge announced she will attend a private memorial service for Department of Social Services employee Amanda Wood who, along with her daughter, had been tragically killed in an auto accident. Commissioner Etheridge recognized Ms. Wood for her many years of service helping the children of Currituck County and the region.

Commissioner Jarvis echoed the others in acknowledging the work of Currituck County's first responders and considers herself blessed to be living in Currituck.

### **COUNTY MANAGER'S REPORT**

County Manager, Ben Stikeleather, said he is working to schedule a report from the North Carolina Department of Transportation on traffic safety and transportation projects in the county. He reported on construction projects, with Shingle Landing Park getting ready to open and Maritime Museum and Public Safety Center projects moving forward. He reported on the upcoming summer tourism season and noted the operational changes for some county departments with new mask guidelines in effect. When asked, he said the county's Covid call center has been closed but the county can relay information to the health department as needed.

### **COUNTY ATTORNEY'S REPORT**

Ike McRee, County Attorney, reviewed the tax collection process, efforts of the Tax and Legal Departments to collect past due taxes, and remedies for non-payment. Case updates were presented for 85 and Sunny, LLC, and Paradise Homes. When asked, Mr. McRee provided an update on the status of a lawsuit and violations at a mobile home park in Poplar Branch where campers are being allowed to be used as residences.

### **ADMINISTRATIVE REPORTS**

#### **A. Annual Budget Presentation for FY 2021-2022**

Ben Stikeleather, County Manager, presented the proposed Currituck County annual budget for Fiscal Year 2021-2022. Using a powerpoint, Mr. Stikeleather presented information on the general fund, operating budget and capital projects. Although the revenue neutral tax rate was reported at .4143 per \$100, Mr. Stikeleather recommended a tax rate of .46 to cover future needs, which is a .02 cent reduction from the current rate of .48 cents. The General Fund budget represents a 2.2% increase.

During presentation, Mr. Stikeleather responded to questions on school funding, operations and debt service for new school construction projects. Options for additional

tax collections were discussed, and Mr. Stikeleather said tax collections over the revenue neutral rate would be used to pay for unfunded mandates and instructional staff positions for schools. School Superintendent, Dr. Matt Lutz, addressed the Board to discuss the expiration of an agreement with the County that implemented a 2% bottom cap for per student funding based on Average Daily Membership. He said schools are okay with a lower level of funding at 1.4% this year but would like to see a 2% bottom cap going forward. After discussion, Commissioners chose to stay with the 1.4% funding increase this year as presented.

Mr. Stikeleather included a review of recommended annual increases for utilities and solid waste fees based on recent rate studies performed for the county.

Following presentation, a Public Hearing date of June 7, 2021 was set for Commissioners to receive comments from citizens, followed by consideration and possible adoption of the proposed budget which would have an effective date of July 1, 2021.

At 6:52 PM, Chairman Payment called a brief recess. The meeting reconvened at 7:00 PM.

## OLD BUSINESS

### **A. Consideration Of An Ordinance Amending Chapter 9, Article III, Sections 9-31, 9-33 and 9-36 Of The Currituck County Code of Ordinances Modifying Requirements For Issuance of Amplified Sound Permits And Permits to Exceed Certain Decibel Levels**

County Attorney, Ike McRee, reviewed the amendment to the noise ordinance for Commissioners which addresses concerns brought to light by Sheriff Matt Beickert when he realized that permits had not been properly issued over the years. Revisions to the ordinance had been presented for consideration over the last three Board of Commissioner meetings which resulted in additional discussion on the impacts to residential properties. Mr. McRee said permits have been issued regularly within residential areas for amplified sound since adoption of the ordinance in 1996, and limitations on the number of permits issued exceeded those allowed in the ordinance.

Mr. McRee proposed new language to add a transient residential use classification. He presented definitions for amplified sound, discussed when permits are needed, and reviewed transient residential and traditional residential uses and allowable decibel levels for each use. Limitations to the number of permits that can be issued for a given location were removed.

Commissioner White stressed that the decibel levels are not increasing and the amendment is to accommodate the practice that has been historically followed. Commissioner McCord described the Sheriff's Office review process for permit applications. Mr. McRee said permits are not automatically issued upon application and reviewed the analysis required in the ordinance for issuance. The Sheriff will be asked to regularly report statistics related to the number of permits issued and noise violations. Mr. McRee said the Board can use the data to determine whether further amendments are needed.

Following review and Board discussion, Commissioner White moved to approve the ordinance as presented. Commissioner Mary Etheridge seconded the motion. The motion carried, 7-0, and the ordinance was adopted.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING CHAPTER 9, ARTICLE II, SECTION 9-31, 9-33 AND SECTION 9-36 OF THE CURRITUCK COUNTY CODE OF ORDINANCES**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-133 a county may regulate, restrict, or prohibit the production or emission of noises or amplified speech, music or other sounds that tend to annoy, disturb, or frighten its citizens; and

WHEREAS, it is desirable to amend the ordinance to clarify the use categories for which permits for amplified sound permits or permits to exceed decibel levels may be issued in accordance with current practice and by removing the limitation on the frequency of applications for an outdoor amplified sound permit or permit to exceed certain decibel levels which will not limit the Currituck County Sheriff's ability to determine the propriety of permit issuance in a certain vicinity or ability to impose conditions on such permits.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 9-31(12) of the Code of Ordinances to read as follows:

(12) *Classification of use occupancies:* Use occupancies shall be as follows:

*Residential use:* All premises containing habitually occupied sleeping quarters. ~~However, p~~Premises containing transient commercial sleeping quarters are considered commercial uses. Hospitals, nursing homes, schools, libraries, and churches are considered residential uses.

b. *Transient residential use:* Residential use premises where the term of occupancy, possession, or tenancy of the property is for less than thirty (30) consecutive days.

~~b-c.~~ *Public space:* Any area owned, utilized or occupied by a municipal, county, state or federal agency, including, but not limited to, park or recreation areas and streets and sidewalks.



- e.d. *Commercial business:* All premises where sales, professional or other commercial activities are legally permitted, except that residences with lawful home occupations are considered residential.
- d.e. *Manufacturing or industrial:* All premises where goods or wares are made, warehoused or stored or where manufacturing is legally permitted.
- e.f. *Agricultural:* All premises which are bona fide farms or which are characterized by farming activities as the primary use of the premises.
- f.g. In classifying uses under this section, the zoning classification of an area may be considered, however, the actual use of premises shall control when the use and the zoning classification conflict. Any area not otherwise classified under this section shall be considered commercial.
- g.h. In case of multiple use the more restrictive use category shall prevail.

PART II. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 9-31(12) of the Code of Ordinances to read as follows:

**Sec. 9-33. Maximum permitted sound levels by use occupancy.**

(a) The use of sound amplifying equipment is limited to the conditions specified in this section.

(b) Outdoor amplified sound, including a live musical group or individual using sound amplifying equipment, may be produced only if an authorized agent of the sponsoring business, organization or group has been granted an "outdoor amplified sound permit." This permit must be signed by a representative of the business, organization or group holding or sponsoring the event at which the outdoor amplified sound will be produced.

(c) Except as allowed in subsection (d) below, no person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which at its peak exceeds the limits set forth for the use occupancy categories in Table 1 when measured at or beyond the point on the property line closest to the dwelling located on the property from which the sound complaint originates. For purposes of measurement, the back of the curb, the outside edges of driveways, fences, hedges, or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the property line. In all cases the maximum sound level permitted by use occupancy shall be determined ~~on the basis of~~ based on the use occupancy of the property from which the sound originates and not by the use occupancy of any surrounding property. Sound which originates from a dwelling unit in a duplex or other multifamily housing unit shall be measured from any point which is at least 25 lineal feet, whether inside or outside a building, from the nearest point of the enclosed or habitable space of the dwelling unit from which the sound originates.



TABLE 1  
SOUND LEVELS BY USE OCCUPANCY

Use Occupancy Category	Time	Sound Level Limit (dB(A))
<u>Residential and Transient residential use</u>	7:00 a.m.—9:00 p.m.	60
	9:00 p.m.—7:00 a.m.	50
Mobile home park	7:00 a.m.—9:00 p.m.	60
	9:00 p.m.—7:00 a.m.	50
Public space, commercial or business	7:00 a.m.—9:00 p.m.	60
	9:00 p.m.—7:00 a.m.	50
Manufacturing or industrial	At all times	70

(d) Sound levels in excess of more than the limits established in Table 1 will be permitted in public space, commercial or business space, manufacturing, industrial space, and transient residential space, but not on residential space, as follows:

TABLE 2

	Without Permit (dB(A))	With Permit to exceed (dB(A))
Friday evening (5:00 p.m.—11:00 p.m.)	65	80
Saturday (10:00 a.m.—11:00 p.m.)	65	80
Holidays (as defined in section 9-31) (Noon—11:00 p.m.)	65	80

(e) No property owner shall allow a noise-related nuisance or health or safety hazard to be created or maintained by or on account of tenants of the property owner. For purposes of this subsection, a noise-related nuisance or health or safety hazard shall be deemed to exist when a tenant or group of tenants at a specific location receives a third citation for a noise ordinance violation pursuant to this article. The property owner shall be liable for the costs of remedying the nuisance or health or safety hazard in accordance with the provisions of section 9-40. A property owner may be held liable for the costs of abating the nuisance or remedying the health or safety hazard only if the property owner has been notified in writing, via actual delivery or certified mail, of the first two ordinance violations.

A property owner shall be liable for the costs of abating the nuisance or remedying the health or safety hazard upon the third and any subsequent action by the same tenant at a specific location, provided the third violation occurs at least 15 days from the date of actual receipt of notice of the second violation. It shall be a complete defense to a citation under the subsection if the owner of the real property involved can prove that he or she is actively pursuing an eviction process according to law, and that the eviction process was begun prior to the date of the third or any subsequent violation by the same tenant at specific location.

(f) Notwithstanding the above, the playing of any musical instrument or electronic sound-amplification equipment in such manner or with such volume, or the keeping of any animal or bird which makes frequent or long, continued sounds, or the use of any automobile, motorcycle or vehicle so out of repair or in such manner as to create unreasonably loud, disturbing sounds, all of which would unreasonably disturb persons of ordinary and reasonable sensibilities in the vicinity, shall be prohibited.

PART III. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 9-36 of the Code of Ordinances to read as follows:

**Sec. 9-36. Permits.**

(a) *Who may apply:* A person or group of persons may produce or cause to be produced sound ~~in excess of~~ more than the limits set in Table 1 only if a "Permit to Exceed" has been obtained. With a permit granted pursuant to this section, maximum sound levels shall be as set out in Table 2.

(b) *Application for permit:* Any person or group of persons desiring an "outdoor amplified sound permit" or a "permit to exceed" shall apply as provided in this section; and shall provide all information required. All applications for a "permit to exceed" shall be submitted to the sheriff or ~~his~~ sheriff's designee at least 72 hours prior to the scheduled event; ~~Failure to comply with this requirement shall be grounds for denying the permit.~~

(c) *Action by sheriff:* The sheriff or ~~his or her~~ sheriff's designee shall act upon all requests for permits. In considering and acting on all requests for permits pursuant to this article, the ~~S~~sheriff shall consider, but shall not be limited to the following, in issuing or denying such permit: The timeliness of the application; the nature of the requested activity; previous experience with the applicant; the time of the event; other activities in the vicinity of the location proposed; the frequency of the application; the cultural or social benefits of the proposed activity; the effect of the activity on any residential area of the county and, previous violations, if any, of the applicant. ~~In accessing "other activities in the vicinity" and the frequency of applications in the vicinity, the sheriff shall not issue more than two permits per month within a 1,000 foot radius of each other, or issue permits for events on consecutive weekends (Friday and Saturday) within a 1,000 foot radius of each other. In considering or acting upon a request for a "permit to exceed" requested by a group the Sheriff or appointed designee shall limit permits granted at any specific location to no more than two "permits to exceed" per year.~~

(d) *Fee for permit:* Every application for a permit or permits shall require payment of \$25.00 administrative fee.

(e) *Conditions on permits:* "Permits to exceed" and "outdoor amplified sound permits" shall specify the duration for which noncompliance shall be permitted and shall prescribe the conditions or requirements necessary to minimize adverse effects upon the community or surrounding neighborhood. The sheriff or ~~his or her~~ sheriff's designee may require, but shall not be limited to, the following:

- (1) No sound speakers may be set up more than ten feet off the ground; and
- (2) That permit holder(s) change the arrangement of amplifying equipment or sound instruments upon the request of any ~~Currituck~~ sheriff's deputy ~~so as~~ to minimize the disturbance to others resulting from the position or orientation of the amplifying equipment or from atmospherically or geographically caused dispersal of sound beyond the property lines.
- (3) That adjoining property owners surrounding the location proposed as the site of the permitted event be notified by the applicant at last 72 hours prior to the scheduled event; and ~~also~~ advised of the time by which cleanup of the area will be accomplished. Notice to the adjoining property owners shall include a statement indicating that comments or concerns regarding the issuance of a permit at the proposed location may be made to the sheriff prior to the event. These conditions are mandatory on all "permit to exceed" applicants.
- (4) That no permitted event may last more than four hours in duration.
- (5) That no event may extend beyond 11:00 p.m.
- (6) That the site of the event, and the area surrounding the site of the event, will be cleaned, by the applicant, of all the trash, litter and debris by 10:00 a.m. the following day, or by sunset of the day of the event if the event ends at least four hours before sunset.

*Cooperation with sheriff's department:* Permit holder(s) shall agree to cooperate with the sheriff's department in enforcing the noise control ordinance by having the signer(s) of the permit available at the site of the event during the entire time for which a permit has been issued and capable of assisting the police in enforcing the noise control ordinance. Failure of such signer(s) of a permit to be present or to assist the police in complying with this article will be cause for revocation of said permit.

(g) *Recognition of equivalent permit processes:* The chief administrative officer of any governmental body, institution or agency located in ~~Currituck County~~ the county is authorized to establish, administer and enforce a permit process which is substantially equivalent to the process contained in subsections (a), (b), (c) and (d) of this section. When a permit process has been certified by the county manager as being substantially equivalent, sponsors of events which take place on:

- (1) Premises owned, utilized or occupied by the governmental body, institution or agency; or
- (2) Premises owned, utilized, or occupied by organizations or agencies affiliated with a governmental entity which is recognized to issue permits, may apply for the substantially equivalent permit in lieu of the permit issued by the county. Any activity conducted under a permit issued by a governmental body, institution or agency other than the county shall be subject to all requirements of this article, and a permit issued under a substantially equivalent process recognized by the county manager shall be, for all purposes, the equivalent of a permit issued under this section, including the requirements of subsection (e). A copy of all permits issued under a substantially equivalent process recognized by the county manager shall be forwarded to the sheriff as quickly as possible, but in no case later than 48 hours before the commencement of the event covered under a permit. No permit issued under a substantially equivalent process recognized by the county manager shall be valid if received by the sheriff less ~~that~~ than 48 hours before the commencement of the activity covered by the permit. All equivalent permits must be signed by the sheriff to be valid.

PART IV. If any provision, section, part, paragraph, phrase or sentence of this ordinance is found to be invalid, all other provisions, parts, paragraphs, phrases, and sentences shall remain valid and in full force and effect.

PART V. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART VI. This ordinance shall be effective immediately upon its adoption.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Commissioner
<b>SECONDER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>AYES:</b>	Michael H. Payment, Chairman, Paul M. Beaumont, Vice-Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner

## NEW BUSINESS

**A. An Ordinance of the Board of Commissioners Amending Sec. 10-62 of the Currituck County Code of Ordinances to Prohibit Parking on the Beach Strand from the North Beach Access Ramp Northward for One and One-Half Miles and Amending Sec. 10-63 of the Code of Ordinances to Clarify the Emergency Vehicle Exception for Operating a Motor Vehicle in a Restricted Driving Area on the Beach Strand**

Ike McRee, County Attorney, reviewed the ordinance that will return the parking requirement for the off-road area to begin at the one and one-half mile mark from the North Beach access ramp. The ordinance amendment also clarifies exceptions to the ordinance and better defines the types of emergency vehicles that are able to park at the North Beach ramp access.

Commissioner White moved for approval. Commissioner Jarvis seconded the motion. The motion carried, 7-0.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 10-62 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO PROHIBIT PARKING ON THE BEACH STRAND FROM THE NORTH BEACH ACCESS RAMP NORTHWARD FOR ONE AND ONE-HALF MILES AND AMENDING SECTION 10-63 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO CLARIFY THE EMERGENCY VEHICLE EXCEPTION FOR OPERATING A MOTOR VEHICLE IN A RESTRICTED DRIVING AREA ON THE BEACH STRAND**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county;

WHEREAS, pursuant to Section 1 of Chapter 875 of the 1985 Session Laws the county may by ordinance regulate, restrict, and prohibit the use of dune or beach buggies, jeeps, motorcycles, cars, trucks, or any other form of power-driven vehicle specified by the county's governing board on the foreshore, beach strand and barrier dune system; and

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 10-62 of the Code of Ordinances to read as follows:

**Sec. 10-62. - Blocking foreshore.**

(a) No person shall block the foreshore in such a manner that would prohibit vehicular travel along the foreshore. This subsection shall not apply between 9:00 a.m. and 5:00 p.m. from the Friday before Memorial Day to Labor Day in that area one and one-half miles north of the north beach access ramp to Mile Post 17.

(b) All vehicles parked on the beach strand shall be parked in the middle of the beach strand such that vehicular traffic may pass without obstruction adjacent to the dune line and, except between 9:00 a.m. and 5:00 p.m. from the Friday before

Memorial Day to Labor Day in the area extending one and one-half miles north of the north beach access ramp to Mile Post 17, adjacent to the water's edge. There shall be no lawn chairs, coolers, fishing lines or any other items blocking the beach strand in any manner that would restrict vehicular movement in a north-south direction along the dune line. There shall be no lawn chairs, coolers, fishing lines or any other items blocking the foreshore in any manner that restricts public safety and emergency response vehicular movement in a north-south direction along the water's edge.

(c) Notwithstanding subsections (a) and (b) of this section, no vehicle shall travel in the area extending one and one-half miles north of the north beach access ramp to Mile Post 17 in a north or south direction between 9:00 a.m. and 5:00 p.m. from the Friday before Memorial Day to Labor Day except in an area bounded on the west by the toe of the dune line and extending eastward to the middle of the beach strand. This section shall not apply to public safety and emergency response motor vehicles.

(d) ~~No vehicle of any type shall be allowed to be parked~~ The parking of any vehicle on the beach strand in an area extending from the north beach access ramp northward for one and one-half miles is prohibited. Violators shall be towed.

PART II. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 10-63 of the Code of Ordinances to read as follows:

**Sec. 10-63. - Restricted areas.**

(a) Where there is an improved all-weather road, dedicated to public use, and running generally north and south and parallel to the beach strand, all vehicles, mopeds, motorcycles or motor vehicles on the foreshore and beach strand are prohibited between May 1 and September 30. This section shall apply specifically to, but is not limited to, the foreshore and beach strand extending from the Dare County line to the north side of the North Beach Access Ramp at North Beach Access Road.

(b) All commercial activities involving motor vehicles, mopeds and horses shall be prohibited from operating on the beach foreshore and the beach strand. This includes vehicles used to tow hang gliders.

(c) The provisions of subsections (a) and (b) of this section do not apply to the following:

(1) Activity under a Coastal Area Management Act (CAMA) permit requiring access to the beach and authorized by the county local permitting officer;

(2) County employees, county contractors, county vehicles or emergency vehicles responding to law enforcement or central dispatch direction

or the drivers thereof, which may be required to enter upon the beach in the performance of their duties or a governmental agency, its

employees, agents, contractors and subcontractors and their vehicles when



engaged in beach restoration or protection work or conducting scientific research or animal preservation studies or operations;

(3) The use of a motor vehicle between the hours of 7:30 a.m. and 5:30 p.m. by management or contractor of a planned unit development

community within that area of the beach strand between the southern right-of-way line of Shad Street northward to the northern right-of-way line of

Corolla Village Road (SR 1152) provided that a motor vehicle used pursuant to this subsection may travel across the Shad Street and Corolla Village Road rights-of-way onto the beach strand only between the hours of 6:00 a.m. and 7:30 a.m. and 5:30 p.m. and 7:00 p.m. and the motor vehicle is permitted in the manner required by section 10-64 of this Code;

(4) The use of a motor vehicle between the hours of 7:30 a.m. and 5:30 p.m. by management or contractor of a planned unit development

community within that area of the beach strand between the southern boundary line of Pine Island Planned Unit Development as shown on

that plat recorded in Plat Cabinet G, Page 111 of the Currituck County Registry and the northern boundary line of Pine Island Planned Unit Development as shown on that plat recorded in Plat Cabinet E, Page 96 of the Currituck County Registry provided

that a motor vehicle used as provided by this subsection may travel across the dune line onto the beach strand only between the hours of 6:00 a.m. and 7:30 a.m. and 5:30 p.m. and 7:00 p.m. and the motor vehicle is permitted in the manner required by section 10-64 of this Code;

(5) The use of a motor vehicle between the hours of 7:30 a.m. and 5:30 p.m. by management or contractor of a planned unit development

community within that area of the beach strand between the southern boundary line of Villages at Ocean Hill Planned Unit Development

as shown on that plat recorded in Plat Cabinet D, Page 357 of the Currituck County Registry and the northern boundary line of Villages at Ocean Hill Planned Unit Development as shown on that plat recorded in Plat Cabinet F, Page 1 of the Currituck County Registry provided that a motor

vehicle used as provided by this subsection may travel across the dune line onto the beach strand only between the hours of 6:00 a.m. and 7:30 a.m. and 5:30 p.m. and 7:00 p.m. and the motor vehicle is permitted in the manner required by section 10-64 of this Code; and

(6) The use of a motor vehicle between the hours of 7:30 a.m. and 5:30 p.m. by management or contractor of a planned unit development

community within that area of the beach strand between the southern boundary line of Buck Island Planned Unit Development as shown on

that plat recorded in Plat Cabinet G, Page 111 of the Currituck County Registry and the northern boundary line of Buck Island Planned Unit Development as shown on that plat recorded in Plat Cabinet D, Page 245 of the Currituck County Registry provided that a motor vehicle used as

provided by this subsection may travel across the dune line onto the beach strand only

between the hours of 6:00 a.m. and 7:30 a.m. and 5:30 p.m. and 7:00 p.m. and the motor vehicle is permitted in the manner required by section 10-64 of this Code.

(d) Overnight camping of any type is prohibited on the Currituck County Outer Banks, the beach foreshore and the beach strand.

PART III. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART IV. This ordinance is effective upon adoption.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Commissioner
<b>SECONDER:</b>	Selina S. Jarvis, Commissioner
<b>AYES:</b>	Michael H. Payment, Chairman, Paul M. Beaumont, Vice-Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner

#### **B. Consideration for Approval of Design Proposal for Moyock Middle School Renovation and Addition**

Ben Stikeleather, County Manager, reviewed the design proposal to expand the Moyock Middle School. The design includes classroom additions and renovations to common areas at a cost of \$644,527. Mr. Stikeleather and Commissioners discussed recent increases in building costs.

Commissioner J. Owen Etheridge moved for approval and the motion was seconded by Commissioner McCord. The motion carried, 7-0.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	J. Owen Etheridge, Commissioner
<b>SECONDER:</b>	Kevin E. McCord, Commissioner
<b>AYES:</b>	Michael H. Payment, Chairman, Paul M. Beaumont, Vice-Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner

#### **C) Consent Agenda**

County Manager, Ben Stikeleather, briefly reviewed a budget amendment related to salary shifts for Corolla Fire Services.

Commissioner White moved for approval of Consent Agenda. Commissioner Jarvis seconded the motion. The motion carried, 7-0.

**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Bob White, Commissioner  
**SECONDER:** Selina S. Jarvis, Commissioner  
**AYES:** Michael H. Payment, Chairman, Paul M. Beaumont, Vice-Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner

## 1. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
50531-594500	Contract Services	\$ 200,000	
50531-588000	Contingency		\$ 200,000
		<u>\$ 200,000</u>	<u>\$ 200,000</u>
<b>Explanation:</b>	County Govt Construction - Public Safety Building (50531) - Transfer funds from contingency for technology purchases and installation in the public safety building.		
<b>Net Budget Effect:</b>	County Governmental Construction Fund (50) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10540-516200	Vehicle Maintenance & Repair	\$ 7,500	
10380-484001	Insurance Recovery		\$ 5,737
10320-411000	Article 39 Sales Tax - Local Option		\$ 1,763
		<u>\$ 7,500</u>	<u>\$ 7,500</u>
<b>Explanation:</b>	Inspections (10540) - Increase appropriations for repairs to Inspections Titan that was damaged in an accident.		
<b>Net Budget Effect:</b>	Operating Fund (10) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10410-545200	Records Management	\$ 500	
10410-531000	Fuel		\$ 500
10445-545000	Employee Assistance	\$ 2,000	
10445-506000	Insurance Expense		\$ 2,000
10510-516000	Repairs & Maintenance	\$ 4,000	
10510-590000	Capital Outlay	\$ 2,041	
10510-506000	Insurance Expense		\$ 6,041
10606-532000	Supplies	\$ 200	
10606-516000	Repairs & Maintenance		\$ 200
10650-553000	Dues & Subscriptions	\$ 1,307	
10650-511000	Telephone & Postage		\$ 307
10650-514000	Travel		\$ 500
10650-514500	Training & Education		\$ 500
10790-545000	Contract Services	\$ 2,000	
10790-506000	Health Insurance		\$ 2,000
10960-531000	Fuel	\$ 20,000	
10960-539000	Unemployment Compensation		\$ 20,000
63838-558400	Solid Waste Disposal Tax	\$ 13,000	
63340-462000	Tipping Fees		\$ 13,000
67878-531000	Fuel	\$ 2,000	
67878-514000	Travel		\$ 1,000
67878-514500	Training & Education		\$ 1,000
		\$ 47,048	\$ 47,048
<b>Explanation:</b>	Various Departments - Transfers for operations for the remainder of this fiscal year.		
	Increase of Solid Waste Disposal tax due to increase in volume of solid waste.		
<b>Net Budget Effect:</b>	Operating Fund (10) - No change.		
	Solid Waste Fund (63) - Increased by \$13,000.		
	Mainland Sewer Fund (67) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10441-514500	Training & Education	\$ 2,300	
10441-514000	Travel		\$ 2,300
		<u>\$ 2,300</u>	<u>\$ 2,300</u>
<b>Explanation:</b>	Information Technology (10441) - Transfer budgeted funds for tuition cost for training.		
<b>Net Budget Effect:</b>	Operating Fund (10) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
210541-502000	Salaries		\$ 350,000
210541-502100	Salaries - Overtime	\$ 350,000	
210541-532541	Fire Supplies	\$ 4,000	
210541-532000	Supplies	\$ 2,000	
210541-514500	Training & Education		\$ 4,000
210541-514000	Travel		\$ 2,000
		<u>\$ 356,000</u>	<u>\$ 356,000</u>
<b>Explanation:</b>	Corolla Fire Services (210541) - Transfer budgeted funds for operations for the remainder of this fiscal year.		
<b>Net Budget Effect:</b>	Corolla Fire Services District (210) - No change.		

## 2. Project Ordinance-Fuel Farm

### 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 for replacement of the County fuel farm in Maple, NC.

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

Coinjock Canal Redundant Water Main	\$ 250,000
	<u>\$ 250,000</u>

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

Mainland Water Developmental Fees	\$ 250,000
	<u>\$ 250,000</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 17<sup>th</sup> day of May 2021.

### 3. Project Ordinance-Coinjock Canal Water Main

#### 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 for a water main to cross the Coinjock Canal for redundancy.

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

Coinjock Canal Redundant Water Main	\$ 250,000
	<u>\$ 250,000</u>

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

Mainland Water Developmental Fees	\$ 250,000
	<u>\$ 250,000</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 17<sup>th</sup> day of May 2021.

**4. Consideration of Grant Agreement Between Currituck County and Game Commission of Currituck County**

**GRANT AGREEMENT**

THIS GRANT AGREEMENT (the "Agreement"), made this \_\_\_\_ day of \_\_\_\_\_, 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 GAME COMMISSION OF CURRITUCK COUNTY, a game commission created and existing pursuant to Section 5 of Chapter 1436 of the 1957 Session Laws, as amended by Chapter 622 of the 1981 Session Laws, Section 1 of S. L. 2003-16 and Section 1 of S. L. 2009-70, (the "Grantee");

**WITNESSETH:**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-449 a county may contract with and appropriate money to an entity 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 and Section 2 of S.L. 2004-95 the county may appropriate tax funds to support and maintain programs of supervised recreation and for expenditures that in the judgment of the Board of Commissioners are

designed to increase the use of lodging and recreational facilities by attracting tourists to the county; and

WHEREAS, Grantee needs financial assistance to acquire, raise and release waterfowl into the wild.

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 FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00) for the purchase and delivery of 2,200 four-week-old poult.

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 purpose established in Section 1 of this Agreement.

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 poult purchased under this agreement. Should there be any discrepancy in the poult purchased from that provided for in this Agreement, 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.

Section 6. 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.

Section 7. 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 8. 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 9. 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 10. 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 11. 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.

IN TESTIMONY WHEREOF, this Agreement has been executed under seal by the parties hereto.

GRANTEE:

ATTEST:

GAME COMMISSION OF  
CURRITUCK COUNTY

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Chairman

(SEAL)

GRANTOR:

ATTEST:

COUNTY OF CURRITUCK

Clerk to the Board

By: \_\_\_\_\_

Michael H. Payment, Chairman  
Board of Commissioners**5. Surplus Resolution-LifePak Machines, EMS**

RESOLUTION		
<p><b>WHEREAS,</b> THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.</p>		
<b>Dept:</b>	<b>EMS</b>	
<b>County</b>		
<b>Asset Tag</b>	<b>Description</b>	<b>Serial Number</b>
5905/1041	Lifepak 12 machine with 2 batteries	32426760
5906/1075	Lifepak 12 machine	32426764
5910/1007	Lifepak 12 machine with 2 batteries	32426761
Dispose of all due to age.		
<p><b>NOW, THEREFORE, BE IT RESOLVED,</b> that the Board of Commissioners of the County of Currituck reserves the right to reject any and all bids.</p>		
<b>ADOPTED,</b> this 17th day of May, 2021.		
Michael H. Payment		
County of Currituck, Board of Commissioners		
Leeann Walton		
Clerk to the Board		(Seal)

**6. Resolution Approving the Exhibition, Use and Discharge of Pyrotechnics in Historic Corolla Park, Corolla, North Carolina.****RESOLUTION**

Communication: Minutes for May 17, 2021 (Approval Of Minutes-May 17, 2021, and Special Meeting 6-22-2020)

**APPROVING THE EXHIBITION, USE AND DISCHARGE OF  
PYROTECHNICS AT WHALEHEAD IN HISTORIC COROLLA,  
COROLLA, NORTH CAROLINA**

**WHEREAS**, pursuant to N.C. Gen. Stat. §14-410 and §14-413, a display operator that will exhibit, use or discharge pyrotechnics at a public exhibition must receive written authority for such public exhibition from the Board of Commissioners for a county; and

**WHEREAS**, a display operator must provide proof of insurance in the amount of at least \$500,000.00; and

**WHEREAS**, Dominion Fireworks, Inc. is under contract with Currituck County to provide an exhibition of fireworks at the county's property known as Whalehead in Historic Corolla, Corolla, North Carolina, on Monday, July 5, 2021 which will be a public exhibition, and Dominion Fireworks, Inc. has provided a certificate of insurance evidencing insurance coverage in an amount in excess of \$500,000.00.

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

Section 1. Dominion Fireworks, Inc., is authorized to exhibit, use or discharge pyrotechnics for public exhibition at that property known as Whalehead in Historic Corolla, 1100 Club Road, Corolla, North Carolina on Monday, July 5, 2021.

Section 2. This resolution shall be effective upon adoption.

**ADOPTED** this 17th day of May, 2021.

\_\_\_\_\_  
Michael H. Payment, Chairman

ATTEST:

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

**7. Job Description Revision-Contract Purchasing Agent**

**8) Approval Of Minutes-May 3, 2021**

**1. Minutes for May 3, 2021**

Communication: Minutes for May 17, 2021 (Approval Of Minutes-May 17, 2021, and Special Meeting 6-22-2020)

**ADJOURN****Motion to Adjourn Meeting**

Regular business concluded and Commissioner White moved to adjourn. Commissioner Mary Etheridge seconded the motion. The motion carried, 7-0, and the regular meeting of the Board of Commissioners adjourned at 7:36 PM.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Commissioner
<b>SECONDER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>AYES:</b>	Michael H. Payment, Chairman, Paul M. Beaumont, Vice-Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner

**SPECIAL MEETING-TOURISM DEVELOPMENT AUTHORITY**

The Board of Commissioners held a Special Meeting immediately following adjournment of the 4:00 PM Regular Commissioners Meeting on May 17, 2021, to sit as the Tourism Development Authority. The meeting took place in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina. The purpose of the meeting was to receive the Tourism Development Authority Budget presentation for Fiscal Year 2021-2022 and to consider Budget Amendments.

**Tourism Annual Budget Presentation for FY 2021-2022**

Ben Stikeleather, County Manager, used a powerpoint and presented the proposed Occupancy Tax budget for Fiscal Year 2021-2022. Tourism Promotion and Tourism Related funds were reviewed and he responded to questions from Commissioners during presentation. With the future additions of the Center for Wildlife Education and Maritime Museum, plans for a visitor pass were discussed, which could be purchased to provide access to all of the facilities located in Historic Corolla Park.

Commissioners will sit as the Tourism Development Authority in a Special Meeting on June 7, 2021, to consider the proposed budget following a Public Hearing to receive comment from citizens.

**TDA Budget Amendments**

Following a review of budget amendments related to year end housekeeping, Commissioner White moved for approval. Commissioner J. Owen Etheridge seconded the motion. The motion carried, 7-0.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15320-415000	Occupancy Tax		\$ 15,000
15447-545000	Contract Services	\$ 15,000	
		\$ 15,000	\$ 15,000
<b>Explanation:</b> Occupancy Tax - Tourism Related (15447)- Increase appropriations to provide a grant to the Currituck County Game Commission to assist with duck			
<b>Net Budget Effect:</b> Occupancy Tax Fund (15) - Increased by \$15,000.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15447-561000	Professional Services		\$ 10,000
15447-532795	Supplies - Carova Park	\$ 1,000	
15447-545795	Contract Services		\$ 1,000
15447-516200	Vehicle Maintenance & Repair	\$ 10,000	
		\$ 11,000	\$ 11,000
<b>Explanation:</b> Occupancy Tax - Tourism Related (15447)- Transfer budgeted funds for park supplies and repairs to vehicles used to provide services at the Currituck Outer Banks.			
<b>Net Budget Effect:</b> Occupancy Tax Fund (15) - No change.			

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Bob White, Commissioner  
**SECONDER:** J. Owen Etheridge, Commissioner  
**AYES:** Michael H. Payment, Chairman, Paul M. Beaumont, Vice-Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner

### ADJOURN TDA MEETING

There was no further business and Commissioner White moved to adjourn. Commissioner McCord seconded the motion. The motion carried, 7-0, and meeting of the Tourism Development Authority concluded at 7:45 PM.



<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Commissioner
<b>SECONDER:</b>	Kevin E. McCord, Commissioner
<b>AYES:</b>	Michael H. Payment, Chairman, Paul M. Beaumont, Vice-Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner

### **SPECIAL MEETING-OCEAN SANDS WATER AND SEWER DISTRICT**

The Board of Commissioners held a Special Meeting following adjournment of the 4:00 PM Regular Commissioners Meeting on May 17, 2021, to sit as the Ocean Sands Water and Sewer District Board. The meeting took place in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina. The purpose of the meeting was to receive the Ocean Sands Water and Sewer District Budget presentation for Fiscal Year 2021-2022 and to consider Budget Amendments.

#### **Ocean Sands Water & Sewer District Annual Budget Presentation for FY 2021-2022**

Ben Stikeleather, County Manager, used a powerpoint and reviewed the operations and capital budget proposed for the Ocean Sands Water and Sewer District for Fiscal Year 2021-2022.

Commissioners will sit as the Ocean Sands Water and Sewer District Board in a Special Meeting on June 7, 2021, to consider the proposed budget following a Public Hearing to receive comment from citizens.

#### **OSWSD Budget Amendments**

Following a review of budget amendments related to year end housekeeping, Commissioner White moved for approval. Commissioner Jarvis seconded the motion. The motion carried, 7-0.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
59808-594500	Contract Services	\$ 232,156	
59808-588000	Contingency		232,156
		<u>\$ 232,156</u>	<u>\$ 232,156</u>

**Explanation:** Ocean Sands Water & Sewer Construction Fund (59808) - Transfer contingency funds for Odor Control project at the Ocean Sands Wastewater Treatment Plant.

**Net Budget Effect:** Ocean Sands Water and Sewer District Construction Fund (59) - No change

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
60808-532001	Supplies - Sewer	\$ 3,000	
60808-533801	Chemicals	\$ 20,000	
60808-545000	Contracted Services - Water	\$ 5,000	
60808-545001	Contracted Services - Sewer	\$ 10,000	
60808-502000	Salaries		\$ 8,000
60808-506000	Health Insurance Expense		\$ 5,000
60808-590001	Capital Outlay		\$ 25,000
		<u>\$ 38,000</u>	<u>\$ 38,000</u>

**Explanation:** Ocean Sands Water and Sewer (60808) - Transfer budgeted funds for sewer upgrades and chemicals for the remainder of this fiscal year.

**Net Budget Effect:** Ocean Sands Water and Sewer District Fund (60) - No change.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Bob White, Commissioner  
**SECONDER:** Selina S. Jarvis, Commissioner  
**AYES:** Michael H. Payment, Chairman, Paul M. Beaumont, Vice-Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner

### ADJOURN OSWSD MEETING

There was no further business and Commissioner White moved to adjourn. Commissioner McCord seconded the motion. The motion carried, 7-0, and the meeting of the Ocean Sands Water and Sewer District Board concluded at 7:47 PM.

**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Bob White, Commissioner  
**SECONDER:** Kevin E. McCord, Commissioner  
**AYES:** Michael H. Payment, Chairman, Paul M. Beaumont, Vice-Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner



## CURRITUCK COUNTY NORTH CAROLINA

June 22, 2020

Minutes – Special Meeting of the Board of Commissioners

### 4:00 CALL TO ORDER

The Currituck County Board of Commissioners held a Special Meeting at 4:00 PM in the Sanderlin Auditorium, Currituck Cooperative Education Center, 120 Community Way, Barco, North Carolina.

Attendee Name	Title	Status	Arrived
Mike H. Payment	Vice Chairman	Present	
Paul M. Beaumont	Commissioner	Present	
J. Owen Etheridge	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	
Bob White	Chairman	Present	

Chairman White called the meeting to order at 4:05 PM.

### A) Approval of Agenda

Chairman White moved to amend the agenda and added a Closed Session after the meeting of the Ocean Sands Water and Sewer District Board. The motion was seconded by Commissioner Payment. The motion carried.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Chairman
<b>SECONDER:</b>	Michael H. Payment, Vice Chairman
<b>AYES:</b>	Bob White, Chairman, Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

### Move PB 19-20, Flora Farm, to the first item under Public Hearings

Commissioner J. Owen Etheridge made a motion to reorder PB 19-20, Flora Farm, to be heard first under Public Hearings. Commissioner McCord seconded the motion. The motion carried.

### Move the 6:00 PM New Business Item A-School Construction Funds Request, to be heard prior to Public Hearings-Text Amendments

Communication: Minutes of 06-22-2020 Special Meeting (Approval Of Minutes-May 17, 2021, and Special Meeting 6-22-2020)

Chairman White made a motion to move New Business Item A under the 6:00 PM meeting session, School Construction Funds Request-Board of Education, to be heard as Item D under New Business during the 4 PM session. Commissioner McCord seconded the motion. Commissioner Mary Etheridge suggested the item not be moved because people may have planned to attend at 6:00 PM to hear the item. Chairman White agreed and made a motion to move New Business Item A of the 6:00 PM session, School Construction Funds Request-Board of Education, to be the first item of the 6:00 PM session, prior to Public Hearings-Text Amendments. Commissioner McCord seconded the motion. The motion carried.

## OLD BUSINESS

### A. Consideration and Possible Adoption of the Annual Budget for Fiscal Year Ending June 30, 2021.

Ben Stikeleather, County Manager, introduced the budget item and invited Interim School Superintendent, Dr. Matt Lutz, and Maintenance and Transportation Director for Currituck County schools, Matt Mullins, to review school capital and expense budgets. Commissioner Beaumont relayed his concerns with making capital funding decisions when school capacities had not yet been voted on by the Board of Education. Dr. Lutz said school capacities will be discussed at the next Board of Education meeting, and he and Mr. Mullins responded to questions related to spending and capital needs. Dr. Lutz was asked to discuss the roles of Assistant Superintendents in the school district.

Mr. Stikeleather reported on a budget change since presentation that standardized fax costs in the fee schedule. Chairman White said the Board of Commissioners can revisit school capital funding when revenues are assessed after the summer visitor season. Tameron Kugler, Travel and Tourism Director, reported vacation rentals were at 97-98 percent capacity.

Discussion concluded and Commissioner Mary Etheridge moved to approve the Budget. Commissioner Jarvis seconded the motion. The motion carried on a 6-1 vote, with Commissioner McCord opposed.

<b>COUNTY OF CURRITUCK</b>		
<b>BUDGET ORDINANCE</b>		
For the Year Ending June 30, 2021		
BE IT ORDAINED by the Board of Commissioners, County of Currituck, North Carolina that the following estimated resources, appropriations, and memoranda are adopted for the fiscal year commencing July 1, 2020 and ending June 30, 2021.		
<b>SECTION 1. GENERAL FUND</b>		
<b>A. Estimated Resources:</b>		
Ad Valorem Taxes	\$	31,571,565
Other Taxes and Licenses		4,482,002
Intergovernmental Revenues		2,688,581
Permits and Fees		2,728,407
Sales and Services		766,397
Investment Earnings		250,000
Miscellaneous		625,000
		43,111,952
Transfers In		9,046,449
Fund Balance Appropriated		5,320,925
		14,367,374
<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$</b>	<b>57,479,326</b>
<b>B. Appropriations:</b>		
Administration	\$	747,448
Legal		495,169
Governing Body		173,253
Elections		210,182
Finance		640,247
Information Technology Services		829,424
Human Resources		208,586
Tax		611,727
Public Works		1,676,276
Public Utilities		249,878
Corolla ABC Store		17,500
Register of Deeds		782,152
Court Facilities		242,321
Agency Appropriations		38,200
Central Services		737,312
Sheriff		7,315,498
Detention Center		2,521,684
Animal Control		726,112
Jury Commission		2,600
Emergency Medical Services		5,467,858
Emergency Management		206,530
Communications		1,241,562
Inspections		923,449
Fire Services		313,542
Volunteer System		275,620

	Moyock Vol Fire Department	248,720
	Crawford Vol Fire Department	363,204
	Lower Currituck Vol Fire Department	308,250
	Carova Bch Vol Fire Department	420,460
	Public Safety Center	60,000
	Medical Examiner	35,000
	Airport	468,453
	Inter County Transit Authority	48,286
	Soil Conservation	150,453
	Forestry	82,871
	Cooperative Extension	544,539
	Economic Development	268,943
	Planning	780,279
	Health Administration	136,765
	Mental Health	65,332
	Social Services Administration	3,749,523
	Public Assistance	656,608
	County Assistance	146,679
	Juvenile Justice Programs	130,681
	Parks & Recreation	867,979
	Rural Center	282,181
	Library	605,814
	Senior Center	375,792
	Local Current Expense	11,478,196
	Capital Outlay	1,025,000
	College of the Albemarle	190,000
	Notes Payable	2,520,000
	Interest	519,212
	Appropriations to Other Funds	4,295,976
	<b>TOTAL APPROPRIATIONS</b>	<b>\$ 57,479,326</b>
<b>SECTION 2. TOURISM DEVELOPMENT AUTHORITY</b>		
	A. Estimated Resources:	
	Other taxes and licenses	7,485,544
	Other revenues	201,750
	Investment earnings	120,000
	Fund Balance Appropriated	3,152,892
	Transfer In	50,000
	<b>TOTAL ESTIMATED RESOURCES</b>	<b>\$ 11,010,186</b>



B. Appropriations:		
Tourism Promotion		4,722,466
Tourism Related Expenditures		
General Tourism Related Expenditures		1,709,935
Whalehead		643,009
Maritime Museum		57,790
Transfers to other funds		3,876,986
TOTAL APPROPRIATIONS		\$ 11,010,186
<b>SECTION 3. REVALUATION FUND</b>		
A. Estimated Resources:		
Transfer In		121,000
Fund Balance Appropriated		174,727
TOTAL ESTIMATED RESOURCES		\$ 295,727
B. Appropriations:		
Operations		295,727
TOTAL APPROPRIATIONS		\$ 295,727
<b>SECTION 4. CAROVA BEACH ROAD SERVICE DISTRICT FUND</b>		
A. Estimated Resources:		
Ad Valorem Taxes		28,872
Permits and fees		34,000
Transfer In		30,000
TOTAL ESTIMATED RESOURCES		\$ 92,872
B. Appropriations:		
Operations		92,872
TOTAL APPROPRIATIONS		\$ 92,872
<b>SECTION 5. COROLLA FIRE SERVICE DISTRICT FUND</b>		
A. Estimated Resources:		
Ad Valorem Taxes		1,444,000
Grants		331,272
Transfer In		1,620,035
TOTAL ESTIMATED RESOURCES		\$ 3,395,307
B. Appropriations:		
Operations		3,395,307
TOTAL APPROPRIATIONS		\$ 3,395,307

<b>SECTION 6. KNOTTS ISLAND FIRES SERVICE DISTRICT FUND</b>			
A. Estimated Resources:			
Ad Valorem Taxes		69,823	
Transfer In		1,051,600	
TOTAL ESTIMATED RESOURCES		\$ 1,126,423	
B. Appropriations:			
Operations		1,126,423	
TOTAL APPROPRIATIONS		\$ 1,126,423	
<b>SECTION 7. EMERGENCY EQUIPMENT REPLACEMENT FUND</b>			
A. Estimated Resources:			
Investment earnings		2,500	
Transfer In		267,000	
TOTAL ESTIMATED RESOURCES		\$ 269,500	
B. Appropriations:			
Capital Outlay		269,500	
TOTAL APPROPRIATIONS		\$ 269,500	
<b>SECTION 8. EMERGENCY TELEPHONE SYSTEM FUND</b>			
A. Estimated Resources:			
Other taxes and licenses		199,032	
TOTAL ESTIMATED RESOURCES		\$ 199,032	
B. Appropriations:			
Operations		199,032	
TOTAL APPROPRIATIONS		\$ 199,032	
<b>SECTION 9. GUINEA MILL WATERSHED IMPROVEMENT FUND</b>			
A. Estimated Resources:			
Special district taxes		46,277	
TOTAL ESTIMATED RESOURCES		\$ 46,277	
B. Appropriations:			
Operations		44,024	
Transfer to other funds		2,253	
TOTAL APPROPRIATIONS		\$ 46,277	
<b>SECTION 10. HOG BRIDGE DITCH WATERSHED IMPROVEMENT FUND</b>			
A. Estimated Resources:			
Special district taxes		1,955	
TOTAL ESTIMATED RESOURCES		\$ 1,955	
B. Appropriations:			
Operations		1,854	
Transfer to other funds		101	
TOTAL APPROPRIATIONS		\$ 1,955	

<b>SECTION 11. MOYOCK WATERSHED IMPROVEMENT FUND</b>			
A. Estimated Resources:			
	Special district taxes		19,927
	TOTAL ESTIMATED RESOURCES	\$	19,927
B. Appropriations:			
	Operations		18,914
	Transfer to other funds		1,013
	TOTAL APPROPRIATIONS	\$	19,927
<b>SECTION 12. NORTHWEST WATERSHED IMPROVEMENT FUND</b>			
A. Estimated Resources:			
	Special district taxes		3,144
	TOTAL ESTIMATED RESOURCES	\$	3,144
B. Appropriations:			
	Operations		2,983
	Transfer to other funds		161
	TOTAL APPROPRIATIONS	\$	3,144
<b>SECTION 13. OCEAN SANDS NORTH &amp; CROWN POINT WATERSHED IMPROVEMENT FUND</b>			
A. Estimated Resources:			
	Special district taxes		249,993
	TOTAL ESTIMATED RESOURCES	\$	249,993
B. Appropriations:			
	Operations		249,993
	TOTAL APPROPRIATIONS	\$	249,993
<b>SECTION 14. WHALEHEAD WATERSHED IMPROVEMENT FUND</b>			
A. Estimated Resources:			
	Special district taxes		910,480
	Investment earnings		10,000
	TOTAL ESTIMATED RESOURCES	\$	920,480
B. Appropriations:			
	Operations		520,102
	Transfers to other funds		400,378
	TOTAL APPROPRIATIONS	\$	920,480
<b>SECTION 15. WHALEHEAD BEACH SOLID WASTE COLLECTION &amp; DISPOSAL SERVICE DISTRICT</b>			
A. Estimated Resources:			
	Special district taxes		117,481
	TOTAL ESTIMATED RESOURCES	\$	117,481
B. Appropriations:			
	Operations		117,481
	TOTAL APPROPRIATIONS	\$	117,481

<b>SECTION 16. CAPITAL IMPROVEMENT FUND</b>			
A. Estimated Resources:			
Other taxes and licenses		1,511,000	
TOTAL ESTIMATED RESOURCES		\$ 1,511,000	
B. Appropriations:			
Transfers out		950,000	
Contingency		561,000	
TOTAL APPROPRIATIONS		\$ 1,511,000	
<b>SECTION 17. SCHOOL CAPITAL FUND</b>			
A. Estimated Resources:			
Other taxes and licenses		1,375,000	
TOTAL ESTIMATED RESOURCES		\$ 1,375,000	
B. Appropriations:			
Transfers out		1,375,000	
TOTAL APPROPRIATIONS		\$ 1,375,000	
<b>SECTION 18. TRANSFER TAX CAPITAL FUND</b>			
A. Estimated Resources:			
Other taxes and licenses		2,695,578	
Investment earnings		100,000	
Appropriated fund balance		416,872	
TOTAL ESTIMATED RESOURCES		\$ 3,212,450	
B. Appropriations:			
Operations		700	
Transfers out		3,211,750	
TOTAL APPROPRIATIONS		\$ 3,212,450	
<b>SECTION 19. LAND BANKING FUND</b>			
A. Estimated Resources:			
Transfers in		200,000	
TOTAL ESTIMATED RESOURCES		\$ 200,000	
B. Appropriations:			
Capital outlay		200,000	
TOTAL APPROPRIATIONS		\$ 200,000	
<b>SECTION 20. OCEAN SANDS WATER AND SEWER FUND</b>			
A. Estimated Resources:			
Special district taxes		528,632	
Operating revenues		1,287,800	
Investment earnings		20,000	
Retained Earnings Appropriated		153,263	
TOTAL ESTIMATED RESOURCES		\$ 1,989,695	
B. Appropriations:			
Administration		126,900	
Water Treatment Operations		559,103	
Sewer Treatment Operations		490,796	
Capital outlay		162,834	
Debt Service		650,062	
TOTAL APPROPRIATIONS		\$ 1,989,695	

<b>SECTION 21. MAINLAND WATER FUND</b>			
A. Estimated Resources:			
Operating revenues		3,284,705	
Transfer in		550,000	
Investment earnings		80,000	
Appropriated retained earnings		443,700	
TOTAL ESTIMATED RESOURCES		<u>\$ 4,358,405</u>	
B. Appropriations:			
Administration		371,192	
Water Treatment Operations		1,414,082	
Debt Service		1,492,958	
Capital Outlay		1,080,173	
TOTAL APPROPRIATIONS		<u>\$ 4,358,405</u>	
<b>SECTION 22. MAINLAND WATER DEVELOPMENTAL FEE FUND</b>			
A. Estimated Resources:			
Operating revenues		550,000	
TOTAL ESTIMATED RESOURCES		<u>\$ 550,000</u>	
B. Appropriations:			
Transfers to other funds		550,000	
TOTAL APPROPRIATIONS		<u>\$ 550,000</u>	
<b>SECTION 23. SOLID WASTE FUND</b>			
A. Estimated Resources:			
Operating revenues		3,613,500	
Non-operating revenues		120,000	
Transfers in		1,200,000	
Investment earnings		40,000	
Retained earnings appropriated		900,655	
TOTAL ESTIMATED RESOURCES		<u>\$ 5,874,155</u>	
B. Appropriations:			
Administration		105,819	
Solid Waste Operations		5,528,336	
Capital Outlay		240,000	
TOTAL APPROPRIATIONS		<u>\$ 5,874,155</u>	
<b>SECTION 24. SOUTHERN OUTER BANKS WATER FUND</b>			
A. Estimated Resources:			
Operating revenues		3,077,856	
Non-operating revenues		170,000	
Investment earnings		5,000	
Appropriated retained earnings		203,158	
TOTAL ESTIMATED RESOURCES		<u>\$ 3,456,014</u>	
B. Appropriations:			
Administration		255,836	
Water Operations		1,266,084	
Capital assets		1,058,806	
Debt service		875,288	
		<u>\$ 3,456,014</u>	

<b>SECTION 25. MAINLAND SEWER FUND</b>		
A. Estimated Resources:		
Operating revenues		700,600
Transfers - in		165,000
Retained earnings appropriated		238,159
TOTAL ESTIMATED RESOURCES		\$ 1,103,759
B. Appropriations:		
Administration		151,724
Sewer Operations		742,035
Capital assets		210,000
		\$ 1,103,759
<b>SECTION 26. MAINLAND SEWER DEVELOPMENTAL FEE FUND</b>		
A. Estimated Resources:		
Operating revenues		350,000
TOTAL ESTIMATED RESOURCES		\$ 350,000
B. Appropriations:		
Transfers to other funds		350,000
TOTAL APPROPRIATIONS		\$ 350,000
<b>SECTION 27. POST-EMPLOYMENT RETIREMENT BENEFITS FUND</b>		
A. Estimated Resources:		
Retiree benefits		608,267
Investment earnings		10,000
TOTAL ESTIMATED RESOURCES		\$ 618,267
B. Appropriations:		
Operations		618,267
		\$ 618,267
<b>SECTION 28. AD VALOREM TAX RATE ESTABLISHED</b>		
There is hereby levied a tax rate of Forty-Eight cents (\$0.48) per One Hundred dollars (\$100) valuation of all real and personal property situated in the County of Currituck on January 1, 2020 for the purpose of raising the revenue listed as "Ad Valorem Taxes" in Section 1, Part A of this ordinance.		
The rate of tax is based on estimated total valuation of property for the purpose of taxation of \$6,222,449,380 and an estimated rate of collection of 99.08%. The estimated rate of collection is based on the fiscal year ended June 30, 2019.		
<b>SECTION 29. SPECIAL DISTRICT TAX RATES ESTABLISHED</b>		
Corolla Fire Service District		0.050
Knotts Island Fire Service District		0.050
Carova Beach Road Service District		0.010
Guinea Mill Watershed Improvement District		0.020
Hog Bridge Ditch Watershed Improvement District		0.010
Moyock Watershed Improvement District		0.015
Northwest Watershed Improvement District		0.020
Ocean Sands North and Crown Point Watershed Improvement District		0.050
Whalehead Watershed Improvement District		0.155
Whalehead Beach Solid Waste Collection & Disposal Service District		0.020
Ocean Sands Water & Sewer District		0.110

<b>SECTION 30. ANIMAL TAX RATE ESTABLISHED</b>		
There is hereby levied an animal tax of Three dollars (\$3.00) for all male and spayed female dogs and Six dollars (\$6.00) for all fertile female dogs listed for taxes as of January 1, 2020.		
<b>SECTION 31. SOLID WASTE COLLECTION AND DISPOSAL RATE ESTABLISHED</b>		
There is hereby established a disposal fee pursuant to Section 11-5(a) of the Solid Waste Ordinance of Ninety dollars (\$90.00) per ton for in-County waste and One Hundred dollars (\$100.00) per ton for out-of-County waste.		
There is hereby levied an annual solid waste collection and disposal availability fee pursuant to Section 11-5(b) of the Solid Waste Ordinance of Two Hundred Seventy dollars (\$270) for all units on the Southern Outer Banks and One Hundred Fifty dollars (\$150) for all units located elsewhere within the County of Currituck.		
<b>SECTION 32. EMPLOYEE COMPENSATION</b>		
Employee compensation is included in summary form. Individual employee salaries are hereby approved and set as presented in the supporting documents presented as part of the budget deliberation process and officially filed with the Human Resources Director.		
<b>SECTION 33. OTHER FEES</b>		
The County of Currituck charges various fees. These fees are detailed in the Master Fee schedule that is presented in the appendix of the budget document.		
<b>SECTION 34. DISBURSEMENT OF SCHOOL APPROPRIATIONS</b>		
The amount here within appropriated as School Local Current Expense shall be disbursed to the school finance officer in twelve (12) equal monthly installments.		
The amount here within appropriated as School Capital Outlay shall be disbursed to the school finance officer according to a mutually agreed disbursing schedule.		
A quarterly progress report shall be furnished by the Board of Education to the Board of Commissioners detailing the extent to which all school capital outlay and school capital construction monies have been expended.		
<b>SECTION 35. SPECIAL APPROPRIATIONS AND RESTRICTIONS</b>		
The Budget Officer is hereby authorized to transfer appropriations within the funds as contained herein under the following conditions:		
a.	He may transfer amounts within the same department within the same fund up to Ten Thousand dollars (\$10,000) providing an official report on such transfers at a regular meeting of the Board of Commissioners.	
b.	He may transfer amounts between departments within the same fund up to One Thousand dollars (\$1,000) providing an official report on such transfers at a regular meeting of the Board of Commissioners.	
c.	He may appropriate fund balance to salaries and benefits in order to increase salaries of employees who have met requirements to increase certifications required by the County providing an official report on such transfers at a regular meeting of the Board of Commissioners.	
d.	He may make inter-fund loans for a period of not more than sixty (60) days.	
e.	He may not transfer any amounts between funds or from any contingency line items within any funds.	



<b>SECTION 36. CONTRACTUAL OBLIGATIONS</b>		
The County Manager and the County Attorney are hereby authorized to execute contractual documents under the following conditions:		
a.	They may execute contracts for construction or repair projects which do not require formal competitive bid procedures.	
b.	They may award contracts, reject bids, re-advertise for bids, waive bid bonds or bid deposit requirements, and waive performance and payment bond requirements for	
c.	They 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	
d.	They may execute grant agreements to and from public and non-profit organizations which are within budgeted appropriations, unless a grantor organization requires execution by the Board of Commissioners.	
e.	They 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.	
f.	Notwithstanding the authority granted in paragraphs a, b, c, d and e of this section, they may execute contracts with an elected official representing the county only after the contract with an elected official representing the county, and the amount to be paid under the contract, is approved by the Board of Commissioners in the manner provided by G. S. §14-234.	
<b>SECTION 37. MEMORANDA</b>		
A.	Officers: Ben Stikeleather is the Budget Officer Leeann Walton is the Clerk to the Board Samantha Evans is the Deputy Clerk to the Board Sandra L. Hill is the Finance Director Bridget T. Brinkley is the Deputy Finance Director Tracy L. Sample is the Tax Collector Michelle Rose is the Deputy Tax Collector	
B.	Facsimile Signatures: The use of facsimile signature machines, signature stamps, or similar devices in signing checks and drafts is hereby authorized; however, off-line checks and pre-audit certification requires in the minimum of one original authorizing signature. The Finance Director is hereby charged with the custody of all facsimile stamps, plates or other devices.	
C.	Official Depositories: The official depositories of the County of Currituck are: Bank of America, North Carolina Branch Bank and Trust, North Carolina North Carolina Cash Management Trust, Charlotte, North Carolina Towne Bank of Currituck, North Carolina Truist Bank, North Carolina Suntrust Bank, North Carolina Wells Fargo, North Carolina	

D.	Bank for Imprest Expenditure Accounts for Health Benefits: Citibank, N.A.		
E.	Daily deposits are required by all departments when the amount of money held on hand sums to Five Hundred dollars (\$500).		
F.	Returned Check or Electronic Funds Transfer Fees: The County will assess a returned check charge consistent with G.S. §25-3-512 on all checks or electronic funds transfers returned to the County due to insufficient or unavailable funds, except for the payment of taxes. The returned check fee will be \$35.00 per item returned. This fee will also be charged for ACH or credit card transactions that are not paid due to insufficient funds.		
G.	Policy on Appropriations: The Board of County Commissioners will not consider supplemental appropriations for any service, function, purpose or activity that could have been reasonably considered during the budget process.		
<b>SECTION 38. USE OF BUDGET ORDINANCE</b>			
The Budget Officer and the Finance Director shall use this budget ordinance for administration of the budget and for the accounting system.			
ADOPTED this 22nd day of June 2020.			
		Bob White, Chairman	
		Board of Commissioners	
ATTEST:			
Leeann Walton			
Clerk to the Board			

**RESULT:** APPROVED [6 TO 1]  
**MOVER:** Mary "Kitty" Etheridge, Commissioner  
**SECONDER:** Selina S. Jarvis, Commissioner  
**AYES:** Bob White, Chairman, Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner  
**NAYS:** Kevin E. McCord, Commissioner

## NEW BUSINESS

### A. Lottery Funds Request for Schools-Griggs HVAC & Central Elementary Roof Replacement

County Manager, Ben Stikeleather, provided a brief review of the request to transfer funds for a Heating Ventilation and Air Conditioning project at Griggs Elementary and a roof project at Central Elementary. Commissioner Jarvis moved to approve the lottery funds request for Griggs Elementary and Central Elementary. Commissioner McCord seconded the motion.

School Maintenance and Transportation Director, Matt Mullens, and Interim Superintendent, Dr. Matt Lutz, reviewed the bid process undertaken for the projects and bidding requirements through the state Department of Public Instruction. Mr. Mullens provided some specifics on the projects being performed.

The motion carried, 7-0, and the lottery funds were approved.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Selina S. Jarvis, Commissioner
<b>SECONDER:</b>	Kevin E. McCord, Commissioner
<b>AYES:</b>	Bob White, Chairman, Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

## B) Board Appointments

### 1. Commissioner Nominee to College of the Albemarle Board of Trustees

Commissioner Payment moved to nominate Commissioner Selina Jarvis to serve as the Board appointee on the College of the Albemarle Board of Trustees. Commissioner Beaumont seconded the nomination. Commissioner Jarvis was unanimously approved.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael H. Payment, Vice Chairman
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	Bob White, Chairman, Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

## C) Consent Agenda

At the request of Commissioners, school Finance Director, Larissa York, reviewed how revenues from fines and citations issued by the Sheriff's office are used for school funding. Following discussion, Commissioner Payment moved to approve the Consent Agenda. Commissioner Jarvis seconded the motion. The motion carried, 7-0.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Michael H. Payment, Vice Chairman  
**SECONDER:** Selina S. Jarvis, Commissioner  
**AYES:** Bob White, Chairman, Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

# 1. Resolution to Approve Modular Unit Lease-Purchase Agreement for Currituck County Schools

## 2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
51848-592010	Griggs - HVAC Ph III (7 Units)	\$ 38,000	
51848-598004	Central Ctr Wing Roof 2020	\$ 25,000	
51848-594003	Moyock MS Energy Mgmt Phase III		\$ 1,881
51848-595007	CCHS AC Repl at front office		\$ 501
51848-595008	CCHS Energy Mgmt Phase III		\$ 3,128
51848-593005	Knotts Island A/C Replacement		\$ 2,776
51848-592006	Griggs A Wing South HVAC replace		\$ 30,813
51848-592008	Griggs A Wing South roof replace		\$ 50,024
51848-592007	Griggs Ctr Wing roof replace		\$ 56,915
51848-592009	Griggs A Wing North roof replace		\$ 52,337
51848-590001	Jarvisburg Upgrade HVAC controls		\$ 2,909
51848-596001	Shawboro Upgrade HVAC controls		\$ 1,674
51380-425001	State Lottery Proceeds	\$ 139,958	
		<u>\$ 202,958</u>	<u>\$ 202,958</u>
<b>Explanation:</b>	School Construction (51848) - To close out completed school construction projects that are funded through lottery proceeds and to increase appropriations for the Griggs HVAC Phase III project and Central Center roof replacement project. Unspent funds will revert back to the lottery unallocated balance to be available for future projects.		
<b>Net Budget Effect:</b>	School Construction Fund (51) - Decreased by \$139,958.		

## 3. IT Surplus Resolution

## RESOLUTION

**WHEREAS**, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be sent to a certified electronics recycler for disposal.

County		
Asset Tag	Description	Serial Number
7852	Dell Latitude E6330	DKLQZW1
7811	Dell Optiplex 3010 (SFF)	CORFPW1
8576	Dell Latitude E5540	352CD12
8829c	Laptop	
8829a	Laptop	
N/A	Laptop	d211xc42
8829b	Laptop	
N/A	Laptop	241wc42
N/A	Laptop	257yc42
N/A	Laptop	26kwc42
N/A	Laptop	21s1d42
N/A	Laptop	23syc42
8831a	Laptop	
7854	Laptop	
N/A	Laptop	1wgdfx1
7853b	Laptop	
7854a	Laptop	
7853a	Laptop	
N/A	Laptop	4wb58v1
N/A	Laptop	f3z2dx1
N/A	Laptop	4wb48v1
N/A	Laptop	4wcx7v1
N/A	Laptop	9gqfdx1
7375	Laptop	
N/A	Laptop	f44cd12
8594	Laptop	
N/A	Laptop	gr2cd12
7376	Laptop	
7862b	Laptop	
7451	Laptop	
8583	Laptop	
7450	Laptop	
8584	Laptop	
8577	Laptop	
8582	Laptop	
8575	Laptop	
8580	Laptop	
7335	Laptop	CQ9DHN1
7333	Laptop	bq9dhn1
7334	Laptop	9q9dhn1
8586	Laptop	f41cd12
7705e	Laptop	4wc18v1
N/A	Laptop	3hd3yv1

6072	Laptop	2630n81
	Laptop	1whcfx1
6578	Laptop	2vpjhd1
6150	Laptop	btrlk91
N/A	Laptop	9xqzdx1
N/A	Sheriff MCTs	RE139S0404
N/A	Sheriff MCTs	RE139S0415
N/A	Sheriff MCTs	RE139S0418
N/A	Sheriff MCTs	RE139S0420
N/A	Sheriff MCTs	RE139S0424
N/A	Sheriff MCTs	RE139S0428
N/A	Sheriff MCTs	RE139S0429
N/A	Sheriff MCTs	RE139S0431
N/A	Sheriff MCTs	RE139S0433
N/A	Sheriff MCTs	RE139S0435
N/A	Sheriff MCTs	RE139S0436
N/A	Sheriff MCTs	RE139S0439
N/A	Sheriff MCTs	RE139S0444
N/A	Sheriff MCTs	RE139S0447
N/A	Sheriff MCTs	RE139S0455
N/A	Sheriff MCTs	RE139S0466
N/A	Sheriff MCTs	RE139S0467
N/A	Sheriff MCTs	RE139S0469
N/A	Sheriff MCTs	RE139S0470
N/A	Sheriff MCTs	RE139S0471
N/A	Sheriff MCTs	REA39S0032
N/A	Sheriff MCTs	REA39S0037
N/A	Sheriff MCTs	REA39S0038
N/A	Sheriff MCTs	REA39S0040
N/A	Sheriff MCTs	REA39S0041
N/A	Sheriff MCTs	REA39S0044
N/A	Sheriff MCTs	REA39S0048
N/A	Sheriff MCTs	REA39S0053
N/A	Sheriff MCTs	REA39S0058
N/A	Sheriff MCTs	REA39S0059
N/A	Sheriff MCTs	REA39S0075
N/A	Sheriff MCTs	REA39S0078
N/A	Sheriff MCTs	REA39S0083
N/A	Sheriff MCTs	REA39S0092
N/A	Sheriff MCTs	REA39S0093
N/A	Sheriff MCTs	REA39S0103
N/A	Sheriff MCTs	REA39S0114
N/A	Sheriff MCTs	REA39S0117
N/A	Sheriff MCTs	REA39S0123
N/A	Sheriff MCTs	REA39S0125
N/A	Sheriff MCTs	REA39S0127
N/A	Sheriff MCTs	RF639S0001
N/A	Sheriff MCTs	RF639S0004
N/A	Sheriff MCTs	RF639S0005
N/A	Sheriff MCTs	RF639S0010

N/A	Sheriff MCTs	RF639S0012
N/A	Sheriff MCTs	RF639S0013
N/A	Sheriff MCTs	RF639S0015
N/A	Sheriff MCTs	RF639S0026
N/A	Sheriff MCTs	RF639S0035
N/A	Sheriff MCTs	RF639S0041
N/A	Sheriff MCTs	RF639S0044
N/A	Sheriff MCTs	RF639S0058
N/A	Sheriff MCTs	RF639S0074
N/A	Sheriff MCTs	RG839S1146
N/A	Sheriff MCTs	RG839S1148
N/A	Sheriff MCTs	RG839S1149
N/A	Sheriff MCTs	RG839S1151
N/A	Sheriff MCTs	RG839S1152
N/A	Sheriff MCTs	RG839S1155
N/A	Sheriff MCTs	RG939S0297
N/A	Sheriff MCTs	RG939S0298
N/A	Sheriff MCTs	RG939S0299
N/A	Sheriff MCTs	RG939S0303
N/A	Sheriff MCTs	RG939S0307
N/A	Sheriff MCTs	RG939S0308
N/A	Sheriff MCTs	RG939S0309
N/A	Sheriff MCTs	ZZGEG7031ZZ0638
N/A	Sheriff MCTs	ZZGEG7212ZZ8118
N/A	Sheriff MCTs	ZZGEG7212ZZ8122
N/A	Sheriff MCTs	ZZSJC1336ZZ0006
N/A	Sheriff MCTs	ZZSJC1336ZZ0007
N/A	Sheriff MCTs	ZZSJC1336ZZ0008
N/A	Sheriff MCTs	ZZSJC2114ZZ0033
N/A	Sheriff MCTs	ZZSJC2115ZZ0005
N/A	Sheriff MCTs	ZZSJC2115ZZ0008
N/A	Sheriff MCTs	ZZSJC2115ZZ0021
N/A	Sheriff MCTs	ZZSJC2115ZZ0022
N/A	Sheriff MCTs	ZZSJC2115ZZ0027
N/A	Sheriff MCTs	ZZSJC2115ZZ0031
N/A	Sheriff MCTs	ZZSJC2115ZZ0038
N/A	Sheriff MCTs	ZZSJC2115ZZ0039
8565	Dell Precision M6800	HM2CD12
7574	Dell Optiplex 390	97X3YR1
8828	Dell Optiplex 3020 SFF	37D1F32
7845	Dell Latitude E6330	1KMCJX1
7862	Dell Optiplex 3010 Tower	1WJCFX1
7864	Dell Optiplex 3010 Tower	9GVDDX1
8828	Dell Optiplex 3020 SFF	BKD1F32
7574	Dell Optiplex 390	97WYXR1
7865	Dell Optiplex 3010 Tower	1WDFDX1
7852	Dell Latitude E6330	DKLQZW1
7811	Dell Optiplex 3010 (SFF)	CORFPW1
8568	Dell Latitude E5540	952CD12
7573	Dell Optiplex 390	97X0YR1



n/a	Dell Optiplex 3010	9GTDDX1
8570	Dell Latitude E5540	D72CD12
8591	Dell Latitude E5540	G37CD12
7870	Dell Optiplex 3010 Tower	9GSFDX1
8564	Dell Precision M6800	BD1CD12
7811	Dell Optiplex 3010 (SFF)	CORHPW1
7290	Dell Latitude E6500	523CBM1
8605	Dell Latitude E5540	CQ3CD12
8610	Dell Latitude E5540	661CD12
7776	Dell Latitude E5530	DM3TKV1
8578	Dell Latitude E5540	H31CD12
8573	Dell Latitude E5540	FB1CD12
8576	Dell Latitude E5540	352CD12
7394	Dell Optiplex 380 Desktop FF	JF5D9P1
6356	Dell Dimension 320	BXBDDC1
7317	Dell OptiPlex 780	B67FFN1
8391	Dell Optiplex 7010 Tower	BZCRCZ1
N/A	Dell 2335 MFP Printer	4ZPQ2P1
N/A	APC 2200 UPS	IN-0UD385-18740-7AN-0649
N/A	APC 2200 UPS ?? Model not confirmed	JS1112048984
N/A	APC 650-es	SB0719U15760
N/A	Panasonic BOC DVD - DMR-EZ28	VN8FQ004743
N/A	Audiovox BOC Monitor - FPE1508	JA280HD090280
N/A	Dell 2007FPb monitor	MX-0G324H-74262-95K-1TJL
N/A	Dell 2007FPb monitor	MX-0G324H-74262-069-4E4L
N/A	Dell 1908FPc monitor	CN-0G438H-64180-85T-5BDH
N/A	Dell 2001FP monitor	CN-0C0646-46633-43N-1VYL
N/A	Sony FWD-50PX2 TV	6702717
N/A	Sony FWD-50PX2 TV	6702594
N/A	Dell 1905FP monitor	CN-0T6116-71618-54M-ADB8
N/A	Cisco 7960 Phone	FCH11308TOU
N/A	Cisco 7960 Phone	INM08031B20
N/A	Cisco Catalyst 3560	CAT0948N39C
7040	Netgear ReadyNAS NVX	22M193RY00114
N/A	External SCSI Case - HD68F LVD U320	124111105700089
N/A	Belkin SMB KVM - F1DP108A - PO# 117309	341
N/A	7 Dell Docks	
N/A	9 Sonicwall Firewalls	
N/A	Fujitsu fi-7160 Scanner	A36D109564
N/A	Powerware UPS	RY242A0923
N/A	Dell Monitor P2210	100305H0300978
NONE	Dell Latitude E6320 (Refurbished)	7X9G4R1
NONE	Dell Latitude E6320 (Refurbished)	6Z9G4R1
8609	Dell Latitude E5540	951CD12
8603	Dell Latitude E5540	7G1CD12
8600	Dell Latitude E5540	831CD12
NONE	Dell Optiplex 3010 Tower	9GSGDX1
6356	Dell Dimension 320	BXBDDC1
6916	Dell Latitude D830	2VHBTG1
7634	Dell Latitude E5520	4BR8CT1

7718	Dell Latitude E5520	JYWWKQ1
7776	Dell Latitude E5530	DM3TKV1
7775	Dell Latitude E5530	C63TKV1
7777	Dell Latitude E5530 **out of warranty**	313TKV1
8591	Dell Latitude E5540	G37CD12
8573	Dell Latitude E5540	FB1CD12
8594	Dell Latitude E5540	222CD12
8593	Dell Latitude E5540	842CD12
9741	Dell Latitude E5580	CP388H2
9742	Dell Latitude E5580	J0PN8H2
NONE	Dell Latitude E6320 (Refurbished)	7X9G4R1
NONE	Dell Latitude E6320 (Refurbished)	6Z9G4R1
NONE	Dell Latitude E6320 (Refurbished)	HKVKFS1
NONE	Dell Latitude E6320 (Refurbished)	66LG4R1
NONE	Dell Latitude E6320 (Refurbished)	*cannot read sticker*
7845	Dell Latitude E6330	1KMCJX1
7852	Dell Latitude E6330	DKLQZW1
7290	Dell Latitude E6500	523CBM1
7362	Dell Latitude E6500	1QWHPM1
7402	Dell Latitude E6510	HGB1YN1
7375	Dell Latitude E6510	9HQQWN1
9497	Dell Latitude E7270	7CF6BG2
n/a	Dell Optiplex 3010	9GTDDX1
7811	Dell Optiplex 3010 (SFF)	C0RFPW1
7811	Dell Optiplex 3010 (SFF)	C0RHPW1
7811	Dell Optiplex 3010 (SFF)	C0SGPW1
7811	Dell Optiplex 3010 (SFF)	C0QHPW1
7811	Dell Optiplex 3010 (SFF)	C0RGPW1
7862	Dell Optiplex 3010 Tower	1WJCFX1
7864	Dell Optiplex 3010 Tower	9GVDDX1
7865	Dell Optiplex 3010 Tower	1WFDFX1
7870	Dell Optiplex 3010 Tower	9GSFDX1
NONE	Dell Optiplex 3010 Tower	9GSGDX1
7871	Dell Optiplex 3010 Tower	1WHBFX1
7871	Dell Optiplex 3010 Tower	9GTGDX1
7863	Dell Optiplex 3010 Tower	9GRGDX1
NONE	Dell Optiplex 3010 Tower	9GTFDX1
7854	Dell Optiplex 3010 Tower	9GQDDX1
7853	Dell Optiplex 3010 Tower	F402DX1
7857	Dell Optiplex 3010 Tower	9XRDX1
7857	Dell Optiplex 3010 Tower	9XRZDX1
NONE	Dell Optiplex 3010 Tower	1WJBFX1
7870	Dell Optiplex 3010 Tower	1WGCXF1
7856	Dell Optiplex 3010 Tower	9XRVDX1
7865	Dell Optiplex 3010 Tower	F3Z3DX1
7863	Dell Optiplex 3010 Tower	9XRSDX1
7855	Dell Optiplex 3010 Tower	F3X2DX1
7866	Dell Optiplex 3010 Tower	F3Y3DX1
7967	Dell Optiplex 3010 Tower	9XQXDX1
NONE	Dell Optiplex 3010 Tower	9GPGDX1

7867	Dell Optiplex 3010 Tower	9GPFDX1
7868	Dell Optiplex 3010 Tower	9GTCDX1
7868	Dell Optiplex 3010 Tower	1WJDFX1
7864	Dell Optiplex 3010 Tower	9GQGDX1
7866	Dell Optiplex 3010 Tower	F3X3DX1
8828	Dell Optiplex 3020 SFF	37D1F32
8828	Dell Optiplex 3020 SFF	BKD1F32
8831	Dell Optiplex 3020 SFF	23L0D42
8826	Dell Optiplex 3020 SFF	G3D1F32
8834	Dell Optiplex 3020 SFF	23NWC42
8834	Dell Optiplex 3020 SFF	257YC42
8826	Dell Optiplex 3020 SFF	68D1F32
8836	Dell Optiplex 3020 SFF	9VK1F42
8827	Dell Optiplex 3020 SFF	GBD1F32
7573	Dell Optiplex 380	97W3YR1
7394	Dell Optiplex 380 Desktop FF	JF5D9P1
7268	Dell Optiplex 380 Desktop FF	3X03PL1
7574	Dell Optiplex 390	97X3YR1
7574	Dell Optiplex 390	97WYXR1
7573	Dell Optiplex 390	97X0YR1
7705	Dell Optiplex 390	4WCX7V1
7705	Dell Optiplex 390	4WB48V1
7572	Dell Optiplex 390	97X1YR1
7705	Dell Optiplex 390	4WB58V1
7632	Dell Optiplex 390	HKJFPS1
7632	Dell Optiplex 390	HKJDPS1
7631	Dell Optiplex 390	HKJCPS1
7631	Dell Optiplex 390	HKJBPS1
7632	Dell Optiplex 390	HKJGPS1
NONE	Dell Optiplex 390 (SFF)	CWJTVV1
8468	Dell Optiplex 7010 SFF	JP799Z1
8391	Dell Optiplex 7010 Tower	BZCRCZ1
N/A	Dell Optiplex 7010 Ultra SFF	JXJHFX1
6935	Dell Optiplex 755	3VFHTG1
7317	Dell OptiPlex 780	B67FFN1
7333	Dell Optiplex 780	9Q9DHN1
7335	Dell Optiplex 780	BQ9DHN1
7320	Dell Optiplex 780	867FFN1
7321	Dell Optiplex 780	967FFN1
7314	Dell Optiplex 780	267FFN1
7318	Dell Optiplex 780	667FFN1
7316	Dell Optiplex 780	467FFN1
7319	Dell OptiPlex 780	767FFN1
7178	Dell Optiplex 780	476PTL1
7315	Dell Optiplex 780	367FFN1
8565	Dell Precision M6800	HM2CD12
8564	Dell Precision M6800	BD1CD12
9180	Getac S400	RG439S1362
9179	Getac S400	RG439S1361
9178	Getac S400	RG439S1359

[illegible]

#### 4. JCPC Funding Plan Certification

## 5. Dominion Power ROW Agreement-Maritime Museum

## RECESS

The regular meeting of the Board of Commissioners was recessed to hold Special Meetings of the Tourism Development Authority and the Ocean Sands Water and Sewer District Board.

**SPECIAL MEETING-TOURISM DEVELOPMENT AUTHORITY**

The Currituck County Board of Commissioners sat as the Tourism Development Authority during a recess of a Special Meeting held at 4:00 PM, June 22, 2020. The meeting of the Tourism Development Authority took place in the Sanderlin Auditorium of the Currituck Cooperative Education Center, 120 Community Way, Barco, North Carolina, to consider adoption of the Tourism Development Authority budget for fiscal year 2020-2021 and to consider a mail processing lease agreement for equipment located at the Moyock Welcome Center.

**1. Consideration and Possible Adoption of the Annual Budget for Fiscal Year Ending June 30, 2021.**

The meeting was called to order at 4:45 PM and Chairman White opened a Public Hearing to receive comment on the proposed Tourism Development Authority budget for fiscal year 2020-2021. No one was signed up nor wished to speak and the Public Hearing was closed.

Commissioner Beaumont moved for approval of the budget. The motion was seconded by Commissioner J. Owen Etheridge. The motion carried, 7-0, and the annual budget for the Tourism Development Authority was approved.

<b>CURRITUCK COUNTY TOURISM DEVELOPMENT AUTHORITY</b>									
<b>BUDGET ORDINANCE</b>									
For the Year Ending June 30, 2021									
BE IT ORDAINED by the Currituck County Tourism Development Authority, County of Currituck, North Carolina that the following estimated resources, appropriations, and memoranda are adopted for the fiscal year commencing July 1, 2020 and ending June 30, 2021.									
<b>SECTION 1. OCCUPANCY TAX - PROMOTION</b>									
A. Estimated Resources:									
	Occupancy Tax					7,485,544			
	Other revenues					201,750			
	Investment earnings					120,000			
	Transfers-in					50,000			
	Appropriated Fund Balance					3,152,892			
						11,010,186			
	TOTAL ESTIMATED RESOURCES					\$ 11,010,186			
B. Appropriations:									
	Occupancy Tax - Promotion					\$ 4,857,516			
	Occupancy Tax - Tourism related					6,152,670			
						11,010,186			
	TOTAL APPROPRIATIONS					\$ 11,010,186			
The information above is presented in summary form. Complete detailed information is available in the County budget.									
<b>SECTION 2. SPECIAL APPROPRIATIONS AND RESTRICTIONS</b>									
The Budget Officer is hereby authorized to transfer appropriations within the funds as contained herein under the following conditions.									
a.	He may transfer amounts within the same department within the same fund up to Ten Thousand dollars (\$10,000) providing an official report on such transfers at a regular meeting of the Board of Commissioners on a quarterly basis.								
b.	He may transfer amounts between departments within the same fund up to One Thousand dollars (\$1,000) providing an official report on such transfers at the next regular meeting of the Board of Commissioners.								
c.	He may appropriate fund balance to salaries and benefits in order to increase salaries of employees who have met requirements to increase certifications required by the County providing an office report on such transfers at the next regular meeting of the Board of Commissioners.								
d.	He may make interfund loans for a period of not more than sixty days (60).								
e.	He may not transfer any amounts between funds or from any contingency line items within any funds.								

Communication: Minutes of 06-22-2020 Special Meeting (Approval Of Minutes-May 17, 2021, and Special Meeting 6-22-2020)

<b>SECTION 3. CONTRACTUAL OBLIGATIONS</b>									
The County Manager or the County Attorney are hereby authorized to execute contractual documents under the following conditions:									
a.	They may execute contracts for construction or repair projects which do not require formal competitive bid procedures.								
b.	They may award contracts, reject bids, re-advertise for bids, waive bid bonds or bid deposit requirements, and waive performance and payment bond requirements for all formal bids of apparatus, supplies, materials and equipment as stated in G. S. 143-129.								
c.	They 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.								
d.	They may execute grant agreements to and from public and nonprofit organizations which are within budgeted appropriations, unless a grantor organization requires execution by the Board of Commissioners.								
e.	They 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.								
<b>SECTION 4. MEMORANDA</b>									
A.	Officers: Ben Stikeleather is the Budget Officer Leeann Walton is the Clerk to the Board Samantha Evans is the Deputy Clerk to the Board Sandra L. Hill is the Finance Director Bridget T. Brinkley is the Deputy Finance Director Tracy L. Sample is the Tax Collector Michelle Rose is the Deputy Tax Collector								
B.	Facsimile Signatures: The use of facsimile signature machines, signature stamps, or similar devices in signing checks and drafts is hereby authorized; however, off-line checks and pre-audit certification requires in the minimum of one original authorizing signature. The Finance Director is hereby charged with the custody of all facsimile stamps, plates or other devices.								
C.	Official Depositories: The official depositories of the County of Currituck are: Bank of America, North Carolina Branch Bank and Trust, North Carolina North Carolina Cash Management Trust, Charlotte, North Carolina Towne Bank of Currituck, North Carolina Wells Fargo, North Carolina								
D.	Bank for Imprest Expenditure Accounts for Health Benefits: Citibank, N.A.								
E.	Daily deposits are required by all departments when the amount of money held on had sums to Five Hundred dollars (\$500).								
F.	Returned Check or Electronic Funds Transfer Fees: The County will assess a returned check charge consistent with G.S. §25-3-512 on all checks or electronic funds transfers returned to the County due to insufficient or unavailable funds, except for the payment of taxes. The returned check fee will be \$35.00 per item returned. This fee will also be charged for ACH or credit card transactions that are not paid due to insufficient funds.								
G.	Policy on Appropriations: The Board of County Commissioners will not consider supplemental appropriations for any service, function, purpose or activity that could have been reasonably considered during the budget process.								

**SECTION 38. USE OF BUDGET ORDINANCE**

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

ADOPTED this 22nd day of June 2020.

Bob White, Chairman  
Board of Commissioners

ATTEST:

Leeann Walton

Leeann Walton  
Clerk to the Board

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Paul M. Beaumont, Commissioner  
**SECONDER:** J. Owen Etheridge, Commissioner  
**AYES:** Bob White, Chairman, Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

## 2. Pitney Bowes Lease-Mail Processing Equipment, Tourism Department

Chairman White moved for approval of the mail equipment lease agreement. Commissioner McCord seconded the motion. The motion carried, 7-0.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Bob White, Chairman  
**SECONDER:** Kevin E. McCord, Commissioner  
**AYES:** Bob White, Chairman, Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

## ADJOURN TDA MEETING

There was no further business and Commissioner Beaumont moved to adjourn. Commissioner J. Owen Etheridge seconded the motion. The motion carried, 7-0, and the meeting of the Tourism Development Authority adjourned at 4:46 PM.



<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Paul M. Beaumont, Commissioner
<b>SECONDER:</b>	J. Owen Etheridge, Commissioner
<b>AYES:</b>	Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Chairman

### **SPECIAL MEETING-OCEAN SANDS WATER & SEWER DISTRICT**

The Currituck County Board of Commissioners sat as the Ocean Sands Water and Sewer District Board during a recess of a Special Meeting held at 4:00 PM, June 22, 2020. The meeting of the Ocean Sands Water and Sewer District Board was held in the Sanderlin Auditorium of the Currituck Cooperative Education Center, 120 Community Way, Barco, North Carolina, for the purpose of adopting the fiscal year 2020-2021 budget for the Ocean Sands Water and Sewer District.

#### **1. Consideration and Possible Adoption of the Ocean Sands Water & Sewer District Annual Budget for Fiscal Year Ending June 30, 2021.**

The meeting was called to order at 4:46 PM and Chairman White opened the Public Hearing to receive comment on the proposed budget. No one was signed up nor wished to speak and the public hearing was closed.

Commissioner J. Owen Etheridge moved to approve the Ocean Sands Water and Sewer District budget for fiscal year 2020-2021. Commissioner Jarvis seconded the motion. The motion carried, 7-0, and the budget was adopted.

<b>OCEAN SANDS WATER AND SEWER DISTRICT</b>									
<b>BUDGET ORDINANCE</b>									
For the Year Ending June 30, 2021									
BE IT ORDAINED by the Ocean Sands Water and Sewer District, County of Currituck, North Carolina that the following estimated resources, appropriations, and memoranda are adopted for the fiscal year commencing July 1, 2020 and ending June 30, 2021.									
<b>SECTION 1. OCEAN SANDS WATER &amp; SEWER DISTRICT</b>									
A. Estimated Resources:									
	Ad Valorem Taxes				528,632				
	Water operating revenues				636,800				
	Sewer operating revenues				651,000				
	Investment earnings				20,000				
	Appropriated Fund Balance				153,263				
					<u>1,989,695</u>				
	<b>TOTAL ESTIMATED RESOURCES</b>				<b>\$ 1,989,695</b>				
B. Appropriations:									
	Water operations			\$	643,313				
	Sewer operations				533,486				
	Debt - Sewer				650,062				
	Capital outlay - Water				33,334				
	Capital outlay - Sewer				129,500				
					<u>1,989,695</u>				
	<b>TOTAL APPROPRIATIONS</b>			<b>\$</b>	<b>1,989,695</b>				
The information above is presented in summary form. Complete detailed information is available in the County budget.									
<b>SECTION 2. SPECIAL APPROPRIATIONS AND RESTRICTIONS</b>									
The Budget Officer is hereby authorized to transfer appropriations within the funds as contained herein under the following conditions.									
a.	He may transfer amounts within the same department within the same fund up to Ten Thousand dollars (\$10,000) providing an official report on such transfers at a regular meeting of the Board of Commissioners sitting as the Ocean Sands Water								
b.	He may transfer amounts between departments within the same fund up to One Thousand dollars (\$1,000) providing an official report on such transfers at the next regular meeting of the Board of Commissioners sitting as the Ocean Sands								
c.	He may appropriate fund balance to salaries and benefits in order to increase salaries of employees who have met requirements to increase certifications required by the County providing an office report on such transfers at the next regular meeting of the Board of Commissioners sitting as the Ocean Sands Water and Sewer District Board.								
d.	He may make interfund loans for a period of not more than sixty days (60).								
e.	He may not transfer any amounts between funds or from any contingency line items within any funds.								

<b>SECTION 3. CONTRACTUAL OBLIGATIONS</b>									
The County Manager or the County Attorney are hereby authorized to execute contractual documents under the following conditions:									
a.	They may execute contracts for construction or repair projects which do not require formal competitive bid procedures.								
b.	They may award contracts, reject bids, re-advertise for bids, waive bid bonds or bid deposit requirements, and waive performance and payment bond requirements for all formal bids of apparatus, supplies, materials and equipment as stated in G. S. 143-129.								
c.	They 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.								
d.	They may execute grant agreements to and from public and nonprofit organizations which are within budgeted appropriations, unless a grantor organization requires execution by the Board of Commissioners sitting as the Ocean								
e.	They 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.								
<b>SECTION 4. MEMORANDA</b>									
A.	Officers: Ben Stikeleather is the Budget Officer Leeann Walton is the Clerk to the Board Samantha Evans is the Deputy Clerk to the Board Sandra L. Hill is the Finance Director Bridget T. Brinkley is the Deputy Finance Director Tracy L. Sample is the Tax Collector Michelle Rose is the Deputy Tax Collector								
B.	Facsimile Signatures: The use of facsimile signature machines, signature stamps, or similar devices in signing checks and drafts is hereby authorized; however, off-line checks and pre-audit certification requires in the minimum of one original authorizing signature. The Finance Director is hereby charged with the custody of all facsimile stamps, plates or other devices.								
C.	Official Depositories: The official depositories of the County of Currituck are: Bank of America, North Carolina Branch Bank and Trust, North Carolina North Carolina Cash Management Trust, Charlotte, North Carolina Towne Bank of Currituck, North Carolina Wells Fargo, North Carolina								
D.	Bank for Imprest Expenditure Accounts for Health Benefits: Citibank, N.A.								
E.	Daily deposits are required by all departments when the amount of money held on hand sums to Five Hundred dollars (\$500).								
F.	Returned Check or Electronic Funds Transfer Fees: The County will assess a returned check charge consistent with G.S. §25-3-512 on all checks or electronic funds transfers returned to the County due to insufficient or unavailable funds, except for the payment of taxes. The returned check fee will be \$35.00 per item returned. This fee will also be charged for ACH or credit card transactions that are not paid due to insufficient funds.								
G.	Policy on Appropriations: The Board of County Commissioners will not consider supplemental appropriations for any service, function, purpose or activity that could have been reasonably considered during the budget process.								

## SECTION 38. USE OF BUDGET ORDINANCE

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

ADOPTED this 22nc day of June 2020.

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton  
Leeann Walton  
Clerk to the Board

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** J. Owen Etheridge, Commissioner  
**SECONDER:** Selina S. Jarvis, Commissioner  
**AYES:** Bob White, Chairman, Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

## ADJOURN OSWSD MEETING

There was no further business and Commissioner Beaumont moved to adjourn. Commissioner McCord seconded the motion and the motion carried, 7-0. The meeting of the Ocean Sands Water and Sewer District Board adjourned at 4:47 PM.

**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Paul M. Beaumont, Commissioner  
**SECONDER:** Kevin E. McCord, Commissioner  
**AYES:** Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Chairman

## CLOSED SESSION

- 1. Amended Item-Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and to preserve the attorney-client privilege.**

Chairman White reconvened the 4:00 PM Special Meeting of the Board of Commissioners at 4:48 PM and moved to enter Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and preserve the attorney-client privilege. Commissioner Beaumont seconded the motion. The motion carried, 7-0, and the Board entered Closed Session.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Chairman
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	Bob White, Chairman, Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

## 6:00 PM RECONVENE

Commissioners took a dinner break at 5:20 PM, following Closed Session. The meeting resumed at 6:00 PM.

## PUBLIC HEARINGS-TEXT AMENDMENTS

- PB 20-05 Currituck County Nonconforming Campgrounds Text Amendment: Request to amend the Unified Development Ordinance, Chapter 8 Nonconformities and Chapter 10 Definitions and Measurement to revise the nonconforming campground ordinance and amend definitions.**

The Board of Commissioners delayed starting discussion to allow time for attendees to sign in to speak to the non-conforming campgrounds text amendment. The meeting resumed at 6:15 PM.

Planning and Community Development Director, Laurie LoCicero, reviewed the text amendment to address campgrounds in Currituck County, which no longer conform with the current Unified Development Ordinance (UDO). She gave an overview of campgrounds operating in the County and the resulting non-conforming uses resulting from an update to the UDO. Language revisions to address some of the non-conforming issues were presented, with some terms having future effective dates to allow time to bring facilities into compliance. Ms. LoCicero responded to questions during presentation. Staff reviewed Federal Emergency Management Act (FEMA) definitions for light-duty trucks, the required minimum tow capacity for campgrounds located in special flood hazard areas, and FEMA standards for flood insurance. Consistency statements were reviewed to support the staff recommendation for approval. The Planning Board recommended approval with additional language to address long term or permanent residences with a prior exemption from the county.

Chairman White said it is likely the Board would not take action on the text amendment because of remaining questions pertaining to definitions in the Ordinance and standards for campgrounds in the County. Commissioners discussed whether to move forward or delay the hearing. The Board chose to continue and hear from attendees.

Chairman White opened the Public Hearing.

Greg Linsmeyer, representing the Outer Banks West KOA campground and Bluewater Development, opposes the text amendment and discussed the impact it will have on their seasonal business operation. He said putting restrictions on long-term, seasonal stays would increase Recreational Vehicle (RV) traffic on Waterlily Road.

Jim Baerle, Director of Bluewater Development, owner of Outer Banks West KOA campground, opposes the text amendment. He encouraged Commissioners to take time to consider unintended consequences of the amended language and recommends a meeting of county Commissioners, staff, and campground owners to work through issues.

Tom Johnson, Attorney representing 85 and Sunny, LLC, who operate the Outer Banks West KOA campground, encouraged campground discussions be published online for the public. He reported on improvements made to the campground, including removing the full-time residents since assuming operation. He said the facility operates as a seasonal business, and limitations on length of stay would impact traffic. He encouraged discussion with residents and businesses to resolve issues.

David Oakley, Attorney representing owners of Sandy Point Resort and Campground located on Knotts Island, opposes the text amendment and noted there have been no major issues at Sandy Point. He said camping is part of the tourism industry and the text amendment would impede their operation and disrupt their revenue stream. He asked that the owners of Sandy Point have an opportunity to provide input before any amendment is voted on.

Robin Helfant, General Manager of Outer Banks West KOA, opposes the text amendment. She said she does not want people living in the campground and wants campers to visit the County and support local business. She spoke of ways to assist with traffic issues on Waterlily Road. She encouraged the Board to table the item and to visit the campground.

Josh Bass, Currituck Chamber President, said he wants an environment allowing all of the campgrounds to succeed. He believes the businesses could be harmed by the proposed changes and asked the Board to delay any decision so campgrounds can have time to assess impacts and provide input.

Jacqueline Myers, Waterlily Road, said the text amendments will impede the KOA campground's ability to have a successful business. She said Waterlily Road is a state issue and acknowledged the traffic challenges. She wants the Board to be business friendly.

Gregory Payne discussed positive changes and improvements at the KOA campground and encouraged people to tour the facility, noting it is cleaner, safer, and more desirable. He suggested road issues should be directed to the state and recently, speed limits have been enforced.

William Privett of Currituck and operator of Bells Island Campground for 57 years, said the problems began in 2013 when campgrounds became non-conforming under the new UDO. He requested the item be tabled and that proper zoning be included to fit the activity.

William Spencer of Waterlily spoke on behalf of the Waterlily community in support of the text amendment. He said the amendment provides clarity and specificity to the

ordinance. He discussed flooding issues on Waterlily Road and remarked on Mr. Privett's comments, noting they have issues with the UDO and not the text amendment. He does not wish harm on other campgrounds but wants to see the UDO enforced.

Diana LaMountain of Waterlily Road supports the text amendment. She said she was born on Waterlily and just returned and built a home. She described issues with large campers traveling down Waterlily Road.

Sue Hamilton of Virginia Beach said they have been camping at Sandy Point Campground for years and had purchased a camper in the campground to enjoy time with family. She does not want that experience taken away.

Cara Cordak of Virginia Beach and an owner of Sandy Point Resort said they have been operating since 1983 but would have to shut down if the changes are made. She said she is unable to return to school due to a disability after a car accident but she is able to work at the family business. She asked Commissioners to not approve the text amendment.

William Edwards of Virginia Beach is opposed to the text amendment. He said there is a large population of full time RVers and the sixty day limit on stays is not long enough, as he travels seasonally. He requested the item be tabled.

Denise Eaton of Virginia Beach said she camps at Sandy Point Campground on weekends. She supports the campground and is opposed to the changes, believing they will kill the business.

Randall Davis of Virginia Beach said the language in the text amendment will require him to move his camper located at Sandy Point Resort. He pays an annual fee to have a lot and said eighty percent of the business will be lost.

Jeff Baker of Virginia Beach owns a large RV and spends weekends at Sandy Point. He opposes the text amendment. He said the proposed definitions do not meet the industry and the sixty day stay limit was selected at random, with no explanation.

Glenn Hines of Caratoke Hwy, Currituck, said he drives a large truck to perform services at the campground and never had a problem with the road, which is not the problem of the campground. He opposes the text amendment and asks that the businesses are allowed to come together to develop a solution.

Elsie Muron of Moyock said her granddaughter resides in a trailer in Sandy Point Resort and would have no place to go if they went out of business.

Robert Stamey, a resident of Bells Island, Currituck, spoke in support of owners of Bells Island Campground, Bill and Julie Privett, and opposes the text amendment. He said as a Board member of Bells Island Campground he has never received a complaint and reported that the KOA campground looks great after a recent visit.

Ed Hogle is a retiree who resides lives at the Sandy Point Resort campground. He opposes the text amendment.



Steven Fox of Pensacola, Florida, discussed how people, particularly retirees, are traveling and living in campers full time across the country and described spending summers in Sandy Point Resort Campground. He believes the text amendment is not reasonable nor in the public interest.

Donna Leonard of Virginia Beach has been camping seasonally at Hampton Lodge since the 1970's. She said there had been people living there and the KOA cleaned it up. She discussed the many activities available at the campground and said she would need to pull her camper up and down the road with limitations on length of stay.

The meeting was recessed at 7:53 PM after the final speaker and reconvened at 8:10 PM. The Chairman closed the Public Hearing. Following discussion of Federal Emergency Management Act definitions and regulations, Commissioner Payment moved to table the item and hold a work session at the next meeting of the Board. Commissioner McCord seconded the motion. Commissioner McCord withdrew his second and Commissioner Payment revised his motion and tabled the item to allow for a work session with the date to be determined. Commissioner McCord seconded the motion. The motion carried, 7-0.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael H. Payment, Vice Chairman
<b>SECONDER:</b>	Kevin E. McCord, Commissioner
<b>AYES:</b>	Bob White, Chairman, Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

**2. PB 20-06 Currituck County Remove Planned Development-Residential Text Amendment: Request to amend the Unified Development Ordinance, Chapter 3 Zoning Districts to remove PD-R zoning district for new rezoning requests and retain existing PD-R standards to preserve the administrative review process and development standards for amendments to existing PD-R zoning districts and master plans.**

To: Board of Commissioners

From: Planning Staff

Date: June 18, 2020

Subject: PB 20-06 Currituck County Text Amendment  
Planned Development –Residential (PD-R) Zoning District

At the February 7, 2020 retreat the Board of Commissioners directed staff to prepare a text amendment to remove the Planned Development-Residential (PD-R) Zoning District.

Since there are existing PD-R zoning districts and pending PD-R zoning district applications, staff suggests designating the PD-R Zoning District as a Legacy District. The Legacy designation indicates that no new lands in the county shall be zoned PD-R but allows for existing PD-R

standards to remain in place to preserve the administrative review process and development standards for amendments to existing PD-R Zoning Districts and Master Plans.

### Text Amendment Review Standards

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

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

### Staff Recommendation

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

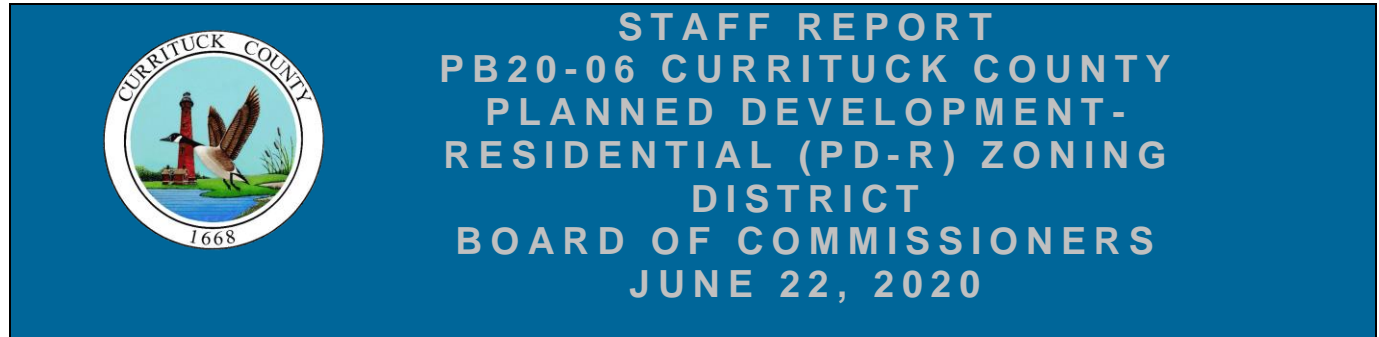
The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

1. **Land Use and Development Goal # 10** To properly distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surrounding land uses.
2. **POLICY AG6:** For areas experiencing intense development pressure, new residential development may be allowed to locate in COMPACT, VILLAGE-LIKE CLUSTERS, PREFERABLY NEAR EXISTING, NON-AGRICULTURAL ACTIVITIES AND SERVICES, or in other locations that will not interfere with resource production activities. Overall density shall remain very low, with permanent open space, dedicated during the development review process, surrounding such clusters of homes.
3. **POLICY HN3:** Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
  1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
  2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.
4. **POLICY WS4:** Currituck County endorses utilities extension policies that avoid those parts of the county best suited for agriculture and to PROTECT FARMLAND FROM

DEVELOPMENT PRESSURES brought about by such utilities. Exceptions to this policy may include extensions for major economic development initiatives, and extensions to address imminent public health problems or related environmental hazards.

The request is reasonable and in the public interest because:

1. The proposed text amendment allows for the continuance of existing PD-R districts and amendments thereto but does not permit new rezoning applications for PD-R.
2. There are zoning districts within the county that allow for similar development density and patterns.



Amendment to the Unified Development Ordinance Chapter 3. Zoning Districts to designate the PD-R District as a Legacy District and to maintain the process and standards for amending existing PD-R Districts.

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 deleting the struck-through language and adding the underlined language:

### 3.2. Base Zoning Districts Established

#### 3.2.1. General

Table 3.2.1, Base Zoning Districts Established, sets out the base zoning districts established by this Ordinance. Base zoning districts are grouped into Special, Residential, Business and Mixed-Use, and Planned Development districts.

TABLE 3.2.1: BASE ZONING DISTRICTS ESTABLISHED	
DISTRICT NAME	ABBREVIATION
<b>SPECIAL DISTRICTS</b>	
Resource Conservation	RC
Agriculture	AG
<b>RESIDENTIAL DISTRICTS</b>	
Single-Family Residential – Mainland	SFM
Single-Family Residential – Outer Banks	SFO

TABLE 3.2.1: BASE ZONING DISTRICTS ESTABLISHED	
DISTRICT NAME	ABBREVIATION
Single-Family Residential – Outer Banks, Remote	SFR
Single-Family Residential – Isolated	SFI
Mixed Residential	MXR
BUSINESS AND MIXED-USE DISTRICTS	
General Business	GB
Limited Business	LB
Community Center	CC
Village Center	VC
Light Industrial	LI
Heavy Industrial	HI
PLANNED DEVELOPMENT DISTRICTS	
Planned Development – Residential <u>Legacy</u>	PD-R
Planned Development – Mixed	PD-M
Planned Development – Outer Banks	PD-O

### 3.7.3. Planned Development – Residential (PD-R) Legacy District

# PD-R

## PLANNED DEVELOPMENT – RESIDENTIAL LEGACY

### A. DISTRICT PURPOSE

The Planned Development – Residential (PD-R) District is a Legacy District previously established and intended to encourage the use of innovative and creative design to provide a mix of different residential uses in close proximity to one another on main roads in Currituck County, while at the same time providing an efficient use of open space. Limited, small-scale commercial uses may be allowed in the PD-R district, primarily to serve the needs of residents in the district.

No new lands in the County shall be zoned Planned Development – Residential (PD-R) nor shall any boundary of an existing PD-R district be modified.

The standards in this section apply to individually-designated districts established prior to **Date set by Board of Commissioners**. Modifications to existing PD-R Districts shall be subject to the review procedures of Section 2.4.5 and the standards of Section 3.7.

### B. DIMENSIONAL STANDARDS

District area, minimum (acres)	50
Gross residential density, maximum (dwelling units/acre) [1]	To be established in the master plan
Lot area, minimum (sq ft)	
Lot width, minimum (ft)	
Nonresidential land area, maximum (% of district total)	40
Single housing type, maximum (% of units)	85
Lot coverage, maximum (% of lot area)	To be established in the master plan
Nonresidential FAR, maximum (%)	
Individual building size, maximum (sq ft)	
Building height, maximum (ft)	
Setbacks, minimum or maximum (ft)	
Setback from abutting residential zoning district or existing residential use (ft)	
Setback from agriculture (ft)	
Setback from major arterial streets (ft)	
Min. Wetland/Riparian Buffer (ft)	30

#### 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

### C. DEVELOPMENT STANDARDS

The standards in Chapter 5: Development Standards, shall apply to all development in PD-R districts, but some of those standards may be modified as part of the master plan if consistent with the general purposes of the PD-R district and the procedures noted below.

Development Standard	Means of Modifying
Off-street parking & loading	Specify in Alternative Park Plan (see Section 5.1.6)
Landscaping [2]	Specify in Alternative Landscaping Plan (see Section 5.2.9)
Tree protection	
Open space set-aside [3]	30%
Fences and walls	Specify in Security Plan (see Sections 5.3.5. and 5.4.4)
Exterior lighting	
Community form	Specify in master plan
Nonresidential design	
Multi-family design	
Community compatibility [4]	Modifications prohibited
Signage	Modifications prohibited
Adequate public facilities	Modifications prohibited

### D. ENVIRONMENTAL PROTECTION STANDARDS

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

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

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

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

1. **Land Use and Development Goal # 10** To properly distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surrounding land uses.
2. **POLICY AG6:** For areas experiencing intense development pressure, new residential development may be allowed to locate in COMPACT, VILLAGE-LIKE CLUSTERS, PREFERABLY NEAR EXISTING, NON-AGRICULTURAL ACTIVITIES AND SERVICES, or in other locations that will not interfere with resource production activities. Overall density shall remain very low, with permanent open space, dedicated during the development review process, surrounding such clusters of homes.
3. **POLICY HN3:** Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
  1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
  2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.
4. **POLICY WS4:** Currituck County endorses utilities extension policies that avoid those parts of the county best suited for agriculture and to PROTECT FARMLAND FROM DEVELOPMENT PRESSURES brought about by such utilities. Exceptions to this policy may include extensions for major economic development initiatives, and extensions to address imminent public health problems or related environmental hazards.

The request is reasonable and in the public interest because:

1. The proposed text amendment allows for the continuance of existing PD-R districts and amendments thereto but does not permit new rezoning applications for PD-R.
2. There are zoning districts within the county that allow for similar development density and patterns.

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

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

Ben Stikeleather, County Manager, introduced the text amendment for consideration that removes the PD-R (Planned Development-Residential) zoning district from the Unified Development Ordinance (UDO). The text amendment is in response to direction given by the Board of Commissioners at the January Board retreat.



Planner, Jennie Turner, reviewed the request and language that, based on staff recommendation, would not remove the PD-R zoning but change it to a legacy district. She displayed a chart based on a hypothetical, 100 acre property that compared gross and net densities and developable property for existing zoning districts. Although new PD-R zoning would not be allowed, modifications to existing PD-R zoning would be permitted. During review of Planning Board recommendations, staff recommended Commissioners consider a PD-R South designation for rezoning requests south of the Coinjock Bridge. Consistency statements and supporting policies were presented, and staff and Planning Board recommend approval.

Staff responded to questions posed by Commissioners. It was noted zoning similar to PD-R is allowed within Currituck Station, and applications and projects in progress with PD-R zoning would be able to move forward. Staff recommended developing new language to accommodate areas south of the Coinjock Bridge if a PD-R South zoning district is decided upon.

Chairman White opened the Public Hearing. There were no speakers and the Public Hearing was closed.

Following discussion, Commissioner Payment moved for approve PB 20-06 because the request is consistent with the following goals and policies of the 2006 Land Use Plan (LUP):

- Land Use and Development Goal #3-To conserve the County's remaining prime agricultural areas, while recognizing the economic realities of farm operations and private property rights.
- Land Use and Development Goal #10-To properly distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surrounding land uses.
- Policy AG6-For areas experiencing intense development pressure, new residential development may be allowed to locate in compact, village-like clusters, preferably near existing non-agriculture activities and services, or in other locations that will not interfere with resource production activities. Overall density shall remain very low, with permanent open space dedicated during the development review process, surrounding such clusters of homes.
- Policy HN3-Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl.
- 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.
- Policy WS4-Currituck County endorses utilities extension policies that avoid those parts of the county best suited for agriculture and to protect farmland from development pressures brought about by such utilities. Exceptions to this policy may include extensions for major economic development initiatives, and extensions to address imminent public health problems or related environmental hazards.

And, the request is reasonable and in the public interest because the proposed text



amendment allows for the continuance of existing PD-R districts and amendments thereto but does not permit new rezoning applications for PD-R; and, there are zoning districts within the county that allow for similar development density and patterns.

The amendment will have an effective date of July 1, 2020.

Commissioner McCord seconded the motion. The motion carried, 7-0.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael H. Payment, Vice Chairman
<b>SECONDER:</b>	Kevin E. McCord, Commissioner
<b>AYES:</b>	Bob White, Chairman, Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

## NEW BUSINESS

### A. School Construction Funds Request-Board of Education

County Manager, Ben Stikeleather, reviewed the Board of Education request for funds to begin the design work for a new elementary school slated for construction in Moyock. The fiduciary responsibility of the Board of Commissioners, construction timeline and processes were presented. Mr. Stikeleather recommended putting together a working group of Commissioners and Board of Education members to develop a strategic plan for school construction. He recommended not appropriating funding at this time. Covid, a lack of funding from the state and a longer timeline than originally thought were several reasons cited for taking a slower approach. Mr. Stikeleather said there are funds available to begin the design work and, once a bond is passed, construction can move forward. He discussed his recommendation with school Superintendent, Dr. Matt Lutz, who relayed the recommendation to the Board of Education.

Following discussion, Commissioner J. Owen Etheridge agreed with the County Manager and made a motion to deny the funding request and to put a group together to explore the process for new school construction. Commissioner Jarvis seconded the motion. The motion carried, 7-0.

<b>RESULT:</b>	<b>MOTION PASSED-ITEM DENIED [UNANIMOUS]</b>
<b>MOVER:</b>	J. Owen Etheridge, Commissioner
<b>SECONDER:</b>	Selina S. Jarvis, Commissioner
<b>AYES:</b>	Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Chairman

## PUBLIC HEARINGS-TEXT AMENDMENTS-CONTINUED

**B. PB 20-08 Currituck County Subdivision Access Standards Text Amendment: Request to amend the Unified Development Ordinance, Chapter 2 Administration to clarify that Family Subdivisions may front NCDOT-maintained streets and that private access streets shall connect to an NCDOT-maintained street.**

To: Board of Commissioners

From: Planning Staff

Date: June 18, 2020

Subject: PB 20-08 Currituck County – Text Amendment  
Clarify Family Subdivision access and private access street requirements

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department will revise the Specific Review Standards for Minor Subdivisions and Family Subdivisions to clarify that Family Subdivisions may front an existing NCDOT-maintained public street and to clarify that a private access street is required to connect to an NCDOT-maintained public street.

**Text Amendment Review Standards**

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

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

**Staff Recommendation**

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

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

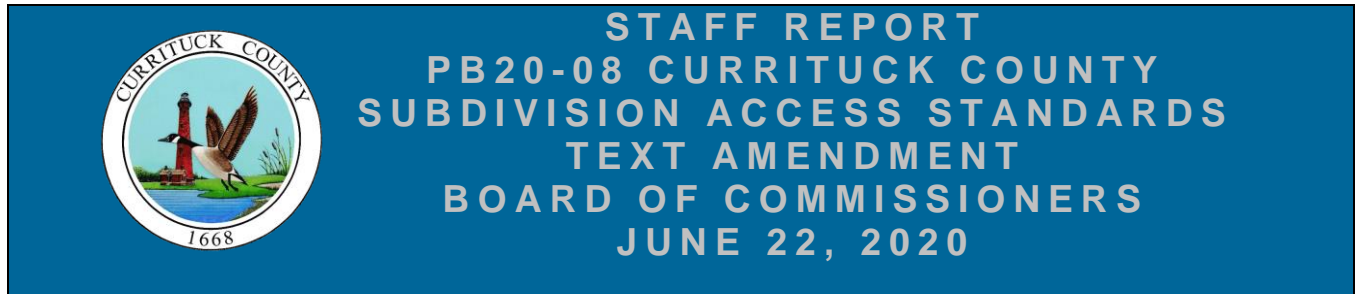
1. POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include, for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to meet NCDOT

acceptance standards. (See Transportation Policies for details concerning requirements for paved roads.)

2. **POLICY TR5:** So as to preserve the traffic moving function of the County's primary roads, minimize traffic accidents, and avoid land locking interior land parcels, Currituck County shall discourage residential and commercial strip development along the county's primary roads.

The request is reasonable and in the public interest because:

1. It clarifies the access standards of the UDO for Minor and Family Subdivisions for more consistent interpretation and implementation.



Amendment to the Unified Development Ordinance Chapter 2 Administration to clarify that Family Subdivisions may front an NCDOT-maintained public street and that private access streets shall connect to an NCDOT-maintained street.

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 2. Administration is amended by adding the following underlined language and deleting the struck-through language:

#### **SPECIFIC REVIEW PROCEDURES**

##### **Subdivision**

##### **Minor Subdivision**

##### **(1) Minor Subdivision Review Standards**

##### **(a) General Standards**

A minor subdivision shall be approved on a finding that:

It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.B; and all other applicable standards in this Ordinance;

It complies with the dimensional standards of Chapter 3;

It will result in no more than three lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B, Additional Standards for Family Subdivisions);

It does not front an existing NCDOT-maintained public street (except for Family Subdivisions);

The parent parcel and new parcel(s) shall front a private access street. The existing driveway to the parent parcel shall be removed if that driveway is not converted into the private access street to service the resultant parcels.

There is no public right-of-way dedication;

It does not create a private access street serving more than two lots unless it is a family subdivision;

Any private access street created shall connect to an NCDOT-maintained public street and shall comply ~~complies~~ with Section 6.2.1.B.1 Private Access Street Standards; and,

It does not require significant infrastructure improvements. For the purpose of this section significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.

**(b) Additional Standards for Family Subdivisions**

Family subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above as well as the following:

Lots shall be conveyed solely to family members within two degrees of kinship (e.g., child, grandchild). A maximum of one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.

No more than five lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed ten years prior to application submittal.

Ingress and egress to a lot shall not be from a major arterial street.

Private access streets created shall connect to an NCDOT-maintained public street and shall not serve more than five lots.

Principal uses shall be limited to single-family detached dwellings and customary accessory uses.

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

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

1. POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include, for example, that all homes have a permanent masonry foundation (except where flood levels require elevation)

and a pitched roof and overhang, and that local roads must be built to meet NCDOT acceptance standards. (See Transportation Policies for details concerning requirements for paved roads.)

2. POLICY TR5: So as to preserve the traffic moving function of the County's primary roads, minimize traffic accidents, and avoid land locking interior land parcels, Currituck County shall discourage residential and commercial strip development along the county's primary roads.

The request is reasonable and in the public interest because:

1. It clarifies the access standards of the UDO for Minor Subdivisions and Family Subdivisions for more consistent interpretation and implementation.

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

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

Planner, Jennie Turner, reviewed text amendment for Commissioners. The text amendment was staff initiated and would clarify access standards for minor subdivisions, including family subdivisions. Language, consistency statements and supporting policies were reviewed. Staff and Planning Board recommend approval of the text amendment.

When asked, County Attorney Ike McRee discussed a Commissioner's duty to vote and due to the county-wide implications of the text amendment saw no conflict related to Commissioner Beaumont possibly developing a family subdivision in the future.

Commissioner McCord moved to approve PB 20-08, Currituck County Subdivision Access Standards, because the request is consistent with the following policies of the 2006 Land Use Plan (LUP):

- Policy HN8-To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate construction and site development standards for residential developments.
- Policy TR5-So as to preserve the traffic moving function of the County's primary roads, minimize traffic accidents, and avoid land locking interior land parcels, Currituck County shall discourage residential and commercial strip development along the county's primary roads.

And the request is reasonable and in the public interest because it clarifies the access standards of the UDO for Minor and Family Subdivisions for more consistent interpretation and implementation.

Commissioner J. Owen Etheridge seconded the motion. The motion carried, 7-0.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Chairman
<b>SECONDER:</b>	J. Owen Etheridge, Commissioner
<b>AYES:</b>	Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Chairman

- C. PB 20-03 Currituck County Miscellaneous Text Amendment: Request to amend the Unified Development Ordinance to change Planning Board quorum; require surveyed site plans (<20,000 sf lots) and as-built surveys (<40,000 sf lots); clarify allowable use of metal siding in Business and Industrial Zoning Districts; remove redundant parking language for Bed and Breakfast Inns; correct Single Family-Residential Remote accessory parking language; allow accessory keeping of specific livestock (goats) subject to additional standards; amend bio solid/sludge language for consistency with recent court decisions; clarify home occupation language; revise accessory dwelling unit standards; update private residence terminology; remove reserve utility open space requirement; and update financial terminology.**

To: Board of Commissioners

From: Planning Staff

Date: June 18, 2020

Subject: PB 20-03 Currituck County –Text Amendment

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The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO) and to amend certain sections at the direction of the Board of Commissioners:

- Item 1 Change Planning Board quorum requirement from 5 members to 4 members to bring consistency with reduction of planning board members previously approved by the BOC. (P&CD)
- Item 2 Codify Administrative Manual requirement that a NC licensed surveyor, engineer, or architect must prepare a site plan for lots 20,000 square feet or smaller. (P&CD) Require an As-Built Survey for development of principal structures on lots 40,000 square feet or smaller. (BOC)
- Item 3 Clarify metal siding prohibition in Business Districts in order to clarify the intent of prohibition of use of metal siding on facades facing major arterial streets in Industrial Zoning Districts. (BOC and P&CD)



- Item 4 Remove redundant parking language for Bed and Breakfast Inns. Parking is regulated in Chapter 5. (P&CD)
- Item 5 Correct language regarding allowable accessory uses prior to principal uses in the SFR zoning district to be consistent with the motion approved at the December 4, 2017 BOC meeting. (P&CD)
- Item 6 Allow the keeping of specific livestock as an accessory use in AG, SFM and SFI zoning districts subject to specific standards. (BOC)
- Item 7 Revise the term Sludge to Biosolids and amend the permit requirements for Land application of Biosolids and Septage as permitted by right subject to a permit from the appropriate agency. This revision will bring consistency with recent court decisions. (P&CD)
- Item 8 Include the Home Occupation definition in the specific standards for better consistency in communicating the requirements and allowable Home Occupation uses. (P&CD)
- Item 9 Remove the minimum square footage for Accessory Dwelling Units to be consistent with State Law Session 2019-174 that prohibits a minimum square footage designation. (P&CD)
- Item 10 Change the reference from "Private Residence" to "Single Family Dwelling" for Certain Temporary Uses. (P&CD)
- Item 11 Clarify the intent that Non-Residential Design Features are required on front building facades and facades facing or visible from streets and clarify the intent that use of metal siding is prohibited on front building facades and facades facing or visible from streets in Business Districts. (BOC and P&CD)
- Item 12 Remove the Reserve Utility Open Space requirement. (BOC)
- Item 13 Revise the term certified check to cashier's check to be consistent with current financial terminology. (P&CD)

#### Text Amendment Review Standards

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



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

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

1. *Land Use and Development Goal #1* To protect and conserve the area's natural beauty and coastal resources as the County's greatest asset for economic development and a high quality of life.
2. POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include, for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to meet NCDOT acceptance standards. (See Transportation Policies for details concerning requirements for paved roads.)
3. POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT. (See esp., Policy CD9 below concerning connected parking areas.)
4. POLICY ID1: To diversify the local economy and broaden the local tax base, the County shall encourage a public service and regulatory environment conducive to COMPATIBLE INDUSTRIAL DEVELOPMENT. "Compatible" shall be defined as, among other things, industries that do not adversely impact the environmental quality of the area, or overburden the local infrastructure.
5. POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such

highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.

6. POLICY WS6: Currituck County endorses the proper use and maintenance of APPROVED SEPTIC SYSTEMS in suitable soils as an environmentally acceptable means of treating and dispersing waste from low-density development.

The request is reasonable and in the public interest because:

1. It clarifies portions of the UDO for more consistent interpretation and enforcement.
2. It amends the UDO for consistency with recent court decisions and current financial terminology.
3. It allows accessory keeping of certain livestock in agricultural and residential zoning districts subject to specific standards intended to address compatibility issues.
4. It removes utility open space requirements for new subdivisions that have been deemed unnecessary.

Planner, Jennie Turner, reviewed the language changes for thirteen text amendment items to provide an opportunity for the Board to consider each issue individually. Items considered were necessary to either clean up language in the Unified Development Ordinance or were changes that had been initiated by the Board of Commissioners. Following review and Board discussion of items as needed, Ms. Turner presented consistency statements and supporting policies. Both staff and Planning Board recommended approval of the text amendments and Commissioners agreed with the proposed language changes as presented and made no revisions.

Chairman White opened the Public Hearing.

Glen Hines, Currituck, spoke in support of Item 2: Site Plan and As-Built requirements, and commented on Item 7: Biosolids and revisions to permitting requirements.

There were no other speakers and the Public Hearing was closed.

Commissioner Beaumont moved to approve PB 20-03, Currituck County Miscellaneous Text Amendment, because the request is consistent with the following goal and policies of the 2006 Land Use Plan:

- Land Use and Development Goal #1-To protect and conserve the area's natural beauty and coastal resources as the County's greatest asset for economic development and a high quality of life.
- Policy HN8
- Policy CD4-Highway oriented commercial uses should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional strip development.
- Policy ID1-To diversify the local economy and broaden the local tax base, the

- County shall encourage a public service and regulatory environment conducive to compatible industrial development.
- Policy CA1-The important economic, tourism, and community image benefits of attractive, functional major highway corridors through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.
  - Policy WS6-Currituck County endorses the proper use and maintenance of approved septic systems in suitable soils as an environmentally acceptable means of treating and dispersing waste from low-density development.

And the request is reasonable and in the public interest because it clarifies portions of the UDO for more consistent interpretation and enforcement; it amends the UDO for consistency with recent court decisions and current financial terminology; it allows accessory keeping of certain livestock in agricultural and residential zoning districts subject to specific standards intended to address compatibility issues; it removes utility open space requirements for new subdivisions that have been deemed unnecessary. The staff recommended lot size threshold of 40,000 square foot shall be used for requiring as-built surveys.

The motion was seconded by Commissioner Payment. The motion carried, 7-0.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Paul M. Beaumont, Commissioner
<b>SECONDER:</b>	Michael H. Payment, Vice Chairman
<b>AYES:</b>	Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Chairman

### **Motion to Reorder Agenda Items**

Chairman White moved to reset the agenda to the original order for Public Hearings, starting with PB 20-02: Hurley Rezoning, to be followed by PB 20-10: Cotton Gin and PB 19-20: Flora Farm. Commissioner Beaumont seconded the motion. The motion carried, 7-0.

The Chairman called a recess at 9:13 PM. The meeting reconvened at 9:20 PM.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Bob White, Chairman  
**SECONDER:** Paul M. Beaumont, Commissioner  
**AYES:** Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Chairman

## PUBLIC HEARINGS-REZONINGS

### 1. PB 20-02 Hurley Conditional Rezoning: Request to rezone 0.46 acres at 1202 Ocean Trail from SFO to C-GB for proposed retail and office use.

APPLICATION SUMMARY	
<b>Property Owner:</b> Brock North Carolina LLC 7700 Ocean Front Avenue Virginia Beach, VA 23451	<b>Applicant:</b> Thomas & Lisa Hurley 1650 Sandfiddler Road Corolla, NC 27927
<b>Case Number:</b> 20-02	<b>Application Type:</b> Conditional Rezoning
<b>Parcel Identification Number:</b> 114C-000-0112-0001 <b>Property Address:</b> 1202 Ocean Trail	<b>Existing Use:</b> Undeveloped/Vacant Lot in Ocean Hill 1 Subdivision
<b>Land Use Plan Classification:</b> Full Service	<b>Parcel Size (Acres):</b> 0.46 ac
<b>Zoning History:</b> Property has been zoned residential since 1970	
<b>Current Zoning:</b> SFO	<b>Proposed Zoning:</b> Conditional GB

## NARRATIVE

The applicant is requesting a conditional rezoning from SFO (Single Family Residential-Outer Banks) to C-GB (Conditional-General Business). The subject property is located on Ocean Trail in Corolla, it is approximately 0.46 acres, undeveloped, and was platted as part of Ocean Hill Section 1 Subdivision.

On December 6, 2004, the BOC heard a request for a straight commercial rezoning of the subject property (Lot 112) and the property to the south (Lot 113). At the time, staff was supportive of the rezoning request but had reservations about a conflict between the proposed rezoning and the Ocean Hill 1 Property Owners Association (OH1POA) Restrictive Covenants. The OH1POA Restrictive Covenants restricted all lots for residential purposes only. In 2004, the BOC continued the request and directed the applicants and the opposing parties to work on a mutual solution. The request was continued and was not reheard by the BOC.

On April 17, 2012, a Declaration of Withdrawal was recorded for lots 112 (the subject property) and 113 to remove them from Ocean Hill 1 Subdivision. A Declaration of Restrictive Covenants was also recorded to restrict uses of the withdrawn lots. The uses proposed for this Conditional GB zoning designation are consistent with uses listed in the Declaration of Restrictive Covenants.

The proposed use is *Retail Sales* and *Professional Offices*. In addition, the applicant is requesting approval for the following uses of the property (these uses are consistent with the Declaration of Restrictive Covenants recorded on April 17, 2012):

- Animal grooming
- Animal Shelter
- Vet Clinic
- Fitness Center
- Indoor Recreation
- Convenience Store
- Adult Day Care Center
- Child Care Center
- Museum
- Library
- Retail Sales Establishments (Art Gallery, Art Center, Retail Sales of goods & services)
- Nursery, production
- Business and sales
- Professional services
- Restaurant (No-Drive Thru) with indoor or outdoor seating
- Specialty eating establishment
- Vocational or trade school
- Dwelling, single-family detached
- Family Care Home

#### COMMUNITY MEETING

A community meeting was held on February 24, 2020. Subjects of discussion included stormwater, drainage and access. A meeting summary provided by the applicant is included in the agenda packet.

#### CONDITIONS OF APPROVAL

Prior to land disturbance or construction on the property, the applicant will be required to submit an application for site plan approval.

Staff suggests that the Board carefully consider each proposed use and potential impacts to determine which uses should be included in the conditional zoning.

The recorded plat states that the subject property shall not have an entrance on Ocean Trail. There are existing wetlands within the Coral Lane stub; the Board may consider a condition regarding required access.

THE APPLICANT PROPOSED HOURS OF OPERATION CONSISTENT WITH NORMAL RETAIL (SURF SHOP) AND PROFESSIONAL OFFICE HOURS. THE BOARD MAY CONSIDER SETTING HOURS OF OPERATION IF NECESSARY FOR COMPATIBILITY OR TO MITIGATE POTENTIAL OFF-SITE IMPACTS.

STAFF REQUESTED THAT THE APPLICANT CONSIDER DESIGN ELEMENTS SIMILAR TO COROLLA VILLAGE ARCHITECTURE. THE BOARD MAY CONSIDER SPECIFIC ARCHITECTURAL STANDARDS IN ADDITION TO THE NON-RESIDENTIAL AND COMMUNITY COMPATIBILITY STANDARDS OF THE UDO. FOR EXAMPLE, THE BOARD MAY REQUEST A COVERED FRONT PORCH ENTRY ALONG THE FACADE THAT FACES NC12.

#### SURROUNDING PARCELS

	Land Use	Zoning
North	Commercial (Landscaping Contractor, Horse Tours, Restaurant)	SFO w/ PUD Overlay and Commercial Allocation
South	Residential	SFO
East	Residential	SFO
West	Utilities	SFO w/ PUD Overlay

**LAND USE PLAN**

**THE 2006 LAND USE PLAN CLASSIFIES THIS SITE AS FULL SERVICE WITHIN THE COROLLA SUBAREA. THE PROPOSED PLAN IS CONSISTENT WITH THE POLICIES OF THE PLAN, INCLUDING:**

POLICY CD4	HIGHWAY ORIENTED COMMERCIAL USES SHOULD BE CLUSTERED ALONG SEGMENTS OF HIGHWAYS AND CONTAIN LAND USES WHICH ARE MUTUALLY COMPATIBLE AND REINFORCING IN USE AND DESIGN; THEY SHOULD BE DESIGNED IN SUCH A WAY AS TO MINIMIZE SIGNAGE, ACCESS POINTS, AND TO PREVENT UNSIGHTLY, DYSFUNCTIONAL STRIP DEVELOPMENT.
POLICY CD5	INCOMPATIBLE OR POORLY PLANNED COMMERCIAL ENCROACHMENT WITHIN OR IMMEDIATELY ADJOINING EXISTING RESIDENTIAL AREAS SHALL BE PROHIBITED. SUCH INCOMPATIBLE ENCROACHMENTS OFTEN INCLUDE, BUT ARE NOT LIMITED TO, LARGE-SCALE COMMERCIAL USES OR AUTOMOBILE-ORIENTED COMMERCIAL USES SUCH AS SERVICE STATIONS, CAR LOTS, CAR WASHES, DRIVE THROUGH RESTAURANTS, AND THE LIKE.
POLICY CD6	APPROPRIATE OFFICE AND INSTITUTIONAL DEVELOPMENT, SUCH AS PROFESSIONAL OFFICES, SMALL CHURCHES, INDIVIDUAL MEDICAL OFFICES, AND THE LIKE, SHALL BE ENCOURAGED TO LOCATE AS A TRANSITIONAL LAND USE BETWEEN RESIDENTIAL AREAS AND COMMERCIAL OR INDUSTRIAL ACTIVITIES OF HIGHER INTENSITY.
POLICY CD7	ATTRACTIVE, ENVIRONMENTALLY BENEFICIAL LANDSCAPING SHALL BE PROVIDED BY NEW COMMERCIAL OR OFFICE DEVELOPMENTS, AND IN THE REHABILITATION AND UPGRADING OF EXISTING DEVELOPMENTS. APPROPRIATE BUFFERING OR OTHER EFFECTIVE DESIGN FEATURES MAY BE EMPLOYED TO ALLOW LESS INTENSIVE FORMS OF COMMERCIAL AND OFFICE DEVELOPMENT TO ADJOIN EXISTING OR PLANNED RESIDENTIAL USES.
POLICY CA1	The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.
POLICY ED1	NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
POLICY OB2	SO AS TO MINIMIZE COMMERCIAL STRIP DEVELOPMENT AND MAXIMIZE THE TRAFFIC MOVING CAPABILITY OF NC 12, CURRITUCK COUNTY SHALL ENCOURAGE COMMERCIAL DEVELOPMENT TO CLUSTER AT APPROPRIATE LOCATIONS RATHER THAN DISPERSING ALONG NC 12.

**TECHNICAL REVIEW COMMITTEE**

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS APPROVAL OF THE CONDITIONAL REZONING SUBJECT TO THE FOLLOWING CONDITIONS:

1. PRIOR TO LAND DISTURBANCE OR CONSTRUCTION, THE APPLICANT SHALL SUBMIT FOR SITE PLAN APPROVAL.
2. ACCESS SHALL BE PROVIDED FROM CORAL LANE.



3. NON-RESIDENTIAL DESIGN STANDARDS AND COMMUNITY COMPATIBILITY STANDARDS OF THE UDO APPLY TO FUTURE DEVELOPMENT.

**A CONDITIONAL ZONING IS A LEGISLATIVE DECISION OF THE BOARD OF COMMISSIONERS. IN DETERMINING WHETHER TO APPROVE OR DENY A CONDITIONAL REZONING THE BOARD OF COMMISSIONERS SHALL ADOPT A WRITTEN STATEMENT OF CONSISTENCY AND REASONABLENESS.**

This conditional zoning request is consistent with the 2006 Land Use Plan because it is consistent with the above referenced policies of the plan including Commercial Development, Economic Development, Community Appearance and Special Policies applicable to the Outer Banks. The request will allow commercial development adjacent to existing commercial development near the Corolla Village commercial area. The proposed uses are compatible with surrounding residential development and landscaping and buffering will be provided. The request recognizes the important economic, tourism and community image benefits of NC12, the major highway corridor in Corolla. It is reasonable and in the public interest because it allows commercial development to occur in a centralized area and future development will comply with the Unified Development Ordinance to achieve an improved appearance.

#### **CONDITIONS OF APPROVAL**

**ONLY CONDITIONS MUTUALLY AGREED TO BY THE OWNER(S) MAY BE APPROVED AS PART OF A CONDITIONAL ZONING DISTRICT. CONDITIONS SHALL BE LIMITED TO THOSE THAT ADDRESS CONFORMANCE OF DEVELOPMENT AND USE OF THE SITE WITH COUNTY REGULATIONS AND ADOPTED PLANS AND THAT ADDRESS THE IMPACTS REASONABLY EXPECTED TO BE GENERATED BY THE DEVELOPMENT OR USE. NO CONDITION SHALL BE LESS RESTRICTIVE THAN THE STANDARDS OF THE PARALLEL GENERAL USE ZONING DISTRICT.**

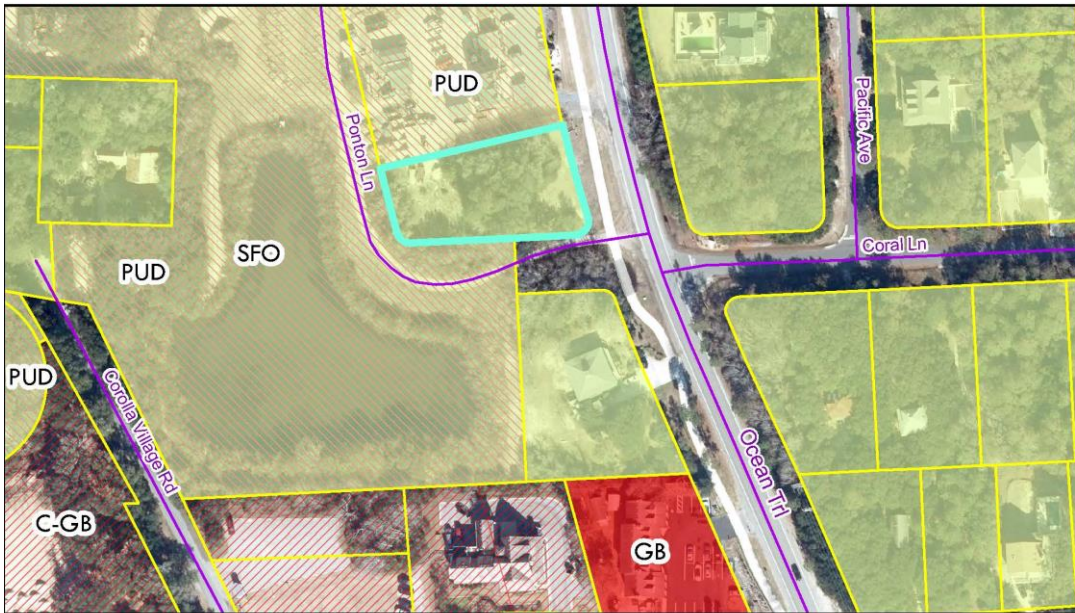
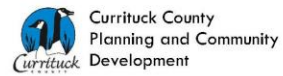
#### Agreed upon conditions of approval:

1. Allowable uses of the property shall be limited to the following Use Types:
  - Animal grooming
  - Animal Shelter
  - Vet Clinic
  - Fitness Center
  - Indoor Recreation
  - Convenience Store
  - Adult Day Care Center
  - Child Care Center
  - Museum
  - Library
  - Retail Sales Establishments (Art Gallery, Art Center, Retail Sales of goods & services)
  - Nursery, production
  - Business and sales
  - Professional services
  - Restaurant (No-Drive Thru) with indoor or outdoor seating
  - Specialty eating establishment
  - Vocational or trade school
  - Dwelling, single-family detached
  - Family Care Home
2. PRIOR TO LAND DISTURBANCE OR CONSTRUCTION THE APPLICANT SHALL SUBMIT FOR SITE PLAN APPROVAL.
3. ACCESS SHALL BE PROVIDED FROM CORAL LANE.
4. NON-RESIDENTIAL DESIGN STANDARDS AND COMMUNITY COMPATIBILITY STANDARDS OF THE UDO APPLY TO FUTURE DEVELOPMENT.
5. HOURS OF OPERATION SHALL BE CONSISTENT WITH NORMAL RETAIL (SURF SHOP) AND PROFESSIONAL OFFICE HOURS.

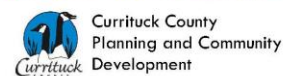
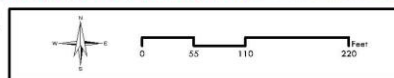




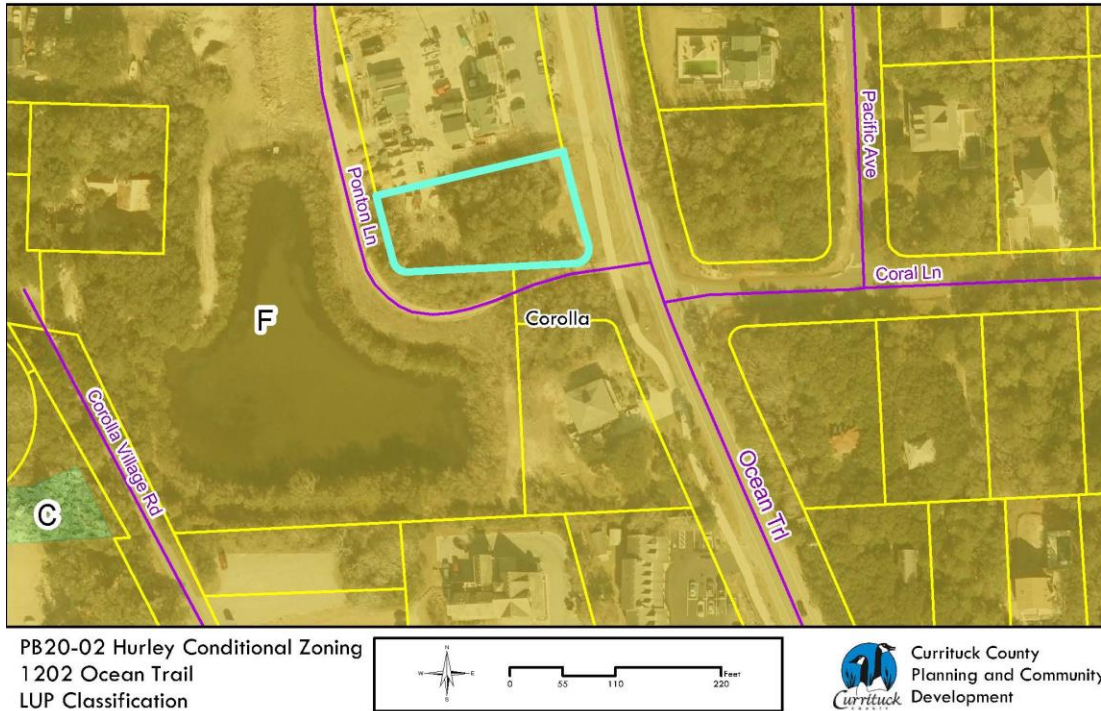
PB20-02 Hurley Conditional Zoning  
1202 Ocean Trail  
Aerial



PB20-02 Hurley Conditional Zoning  
1202 Ocean Trail  
Official Zoning Map







Planner, Jennie Turner, presented the application for rezoning to the Board of Commissioners. The overhead was used to display the site location and surrounding parcels for a review of area zoning and land use. Proposed uses on the parcel and zoning conditions were reviewed and consistency statements and supporting policies were presented. Approval was recommended by staff. The Planning Board also supported approval of the request and recommended the building style be consistent with Corolla Village architecture.

Project Engineer Warren Eadus of Quible and Associates spoke in support of the application. He noted access to the site off of Coral Lane is okay, but they would like to preserve the access off of North Carolina Highway 12. There was discussion of the set sketch plan as a result of the conditional rezoning and Chairman White suggested coming back to the Board if changes are needed for access.

Chairman White opened the Public Hearing.

Gerilea Adams spoke on behalf of the Ocean Hill I Property Owners Association (POA) who own the Coral Lane stub. She said there are concerns with the narrow roadway and would like a hold harmless agreement for the POA. She asked that they be included in future discussions regarding changes the applicant may want to make to the road.

Mr. Eadus discussed the Coral Lane stub. He noted it is used often by others and believes the road could be expanded to 20' in width without affecting wetlands. Mr. Eadus and Ike McRee, County Attorney, confirmed the road is dedicated for public use. Mr. McRee said there are likely insurances the POA could hold on roads within the subdivision. Ms. Adams said the POA is concerned with that additional burden, and Mr. Eadus agreed discussion between the parties would be appropriate.

There were no other speakers and the Chairman closed the Public Hearing.

Chairman White moved to approve PB 20-02, Hurley Conditional Rezoning, because the request is consistent with the following policies of the 2006 Land Use Plan (LUP):

- Policy ED1-New and expanding industries and businesses should be especially encouraged that diversify the local economy, train and utilize a more highly skilled labor force and are compatible with the environmental quality and natural amenity-based economy of Currituck County.
- Policy OB2-So as to minimize Commercial Strip Development and maximize the traffic moving capability of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC 12.

It is reasonable and in the public interest because it allows new commercial development adjacent to existing commercial development near the Corolla Village commercial area. The proposed uses are compatible with surrounding residential development and landscaping and buffering will be provided. The request utilizes the important economic, tourism and community image benefits of NC 12, the major highway corridor in Corolla.

Conditions of approval:

1. The following types of uses will be considered acceptable under the conditional rezoning:
  - Animal grooming
  - Animal Shelter
  - Vet Clinic
  - Fitness Center
  - Indoor Recreation
  - Convenience Store
  - Adult Day Care Center
  - Child Care Center
  - Museum
  - Library
  - Retail Sales Establishments (Art Gallery, Art Center, Retail Sales of goods & services)
  - Nursery, production
  - Business and sales
  - Professional services
  - Restaurant (No-Drive Thru) with indoor or outdoor seating
  - Specialty eating establishment
  - Vocational or trade school
  - Dwelling, single-family detached
  - Family Care Home
2. Prior to land disturbance or construction the applicant shall submit for site plan approval.
3. Access shall be provided from Coral Lane as presented.
4. Non-residential Design Standards and Community Compatibility Standards of the UDO apply to future development.
5. Hours of operation shall be consistent with normal retail (surf shop) and

professional office hours. Hours of operation will be set from 6:00 AM to no later than 10:00 PM.

6. Architecture shall be similar to what was presented and in harmony with Corolla Village Architecture.

Although not a condition of approval, Chairman White encouraged the parties to further discuss a hold harmless agreement.

Commissioner McCord seconded the motion. The motion carried, 7-0.

<b>RESULT:</b>	<b>MOTION PASSED-ITEM APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Chairman
<b>SECONDER:</b>	Kevin E. McCord, Commissioner
<b>AYES:</b>	Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Chairman

2. **PB 20-10 The Cotton Gin, Inc:** The applicant is requesting a zoning map amendment to rezone 2.17 acres from Agriculture (AG) to General Business (GB) for property located at 6957 Caratoke Highway, Jarvisburg, Poplar Branch Township

APPLICATION SUMMARY	
<b>Property Owner:</b> The Cotton Gin Inc. 6957 Caratoke Hwy Jarvisburg, NC 27947	<b>Applicant:</b> Same as Owner
<b>Case Number:</b> PB 20-10	<b>Application Type:</b> Zoning Map Amendment
<b>Parcel Identification Number:</b> 010900001330000	<b>Existing Use:</b> Retail/Restaurant
<b>Land Use Plan Classification:</b> Limited Service	<b>Parcel Size (Acres):</b> 3.25 (5.45 after recombine)
<b>Current Zoning:</b> General Business/Agriculture	<b>Proposed Zoning:</b> General Business
<b>Zoning History:</b> GB/A(1989)	
<b>Request:</b> Rezone 2.17 acres from AG to GB to be recombined with the original 3.25 acre GB zoned parcel resulting in a 5.42 acre GB zoned parcel	

#### NARRATIVE

The applicant is requesting a conventional zoning map amendment to change 2.17 acres of Agriculture (AG) property to General Business (GB). The subject parcel is currently 3.25 acres in size. The 2.17 acres is to be recombined with the original parcel resulting in a 5.42 acre GB zoned property. Historically the property has been used as a retail establishment and a restaurant. Due to a fire last fall, the property owner wishes to rebuild the structures in a different configuration. To better accommodate current and potential future uses of the property, some structures will need to be relocated. The new structure will also need to adhere to a 100' setback from Caratoke Highway. For GB zoning district outside of a Full Service Area, the setback from roads designated as major arterials is 100'. The applicant would like to construct a building that will be used as an office and storage for the existing Kitty Hawk Kites hang gliding business. A portion of this building will also be used as accessory warehousing and distribution for the Cotton Gin retail stores. In the future, the building may be used for events held on the property. The ideal location for this new building is further from the highway in an area currently zoned AG. This is the reason for the requested zoning map amendment.

**Community Meeting**

The community meeting was held on April 10, 2020 at 4:00 pm. The applicant provided a virtual meeting option as well. A list of attendees can be found in the community meeting summary submitted by the applicant. There were no concerns from the public.

<b>SURROUNDING PARCELS</b>		
	<b>LAND USE</b>	<b>ZONING</b>
NORTH	AGRICULTURE (VINEYARD)	GENERAL BUSINESS/AGRICULTURE
SOUTH	AGRICULTURE (VINEYARD)	GENERAL BUSINESS/AGRICULTURE
EAST	AGRICULTURE	AGRICULTURE
WEST	COMMERCIAL (TARHEEL PRODUCE)	GENERAL BUSINESS
<b>LAND USE PLAN</b>		
<b>THE 2006 LAND USE PLAN CLASSIFIES THIS SITE AS LIMITED SERVICE WITHIN THE JARVISBURG SUBAREA. THE PROPOSED PLAN IS CONSISTENT WITH THE POLICIES OF THE PLAN, SOME OF WHICH ARE:</b>		
POLICY CD4	HIGHWAY ORIENTED COMMERCIAL USES SHOULD BE CLUSTERED ALONG SEGMENTS OF HIGHWAYS AND CONTAIN LAND USES WHICH ARE MUTUALLY COMPATIBLE AND REINFORCING IN USE AND DESIGN; THEY SHOULD BE DESIGNED IN SUCH A WAY AS TO MINIMIZE SIGNAGE, ACCESS POINTS, AND TO PREVENT UNSIGHTLY, DYSFUNCTIONAL STRIP DEVELOPMENT.	
POLICY ED4	In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND SPIN-OFFS shall also be recognized.	

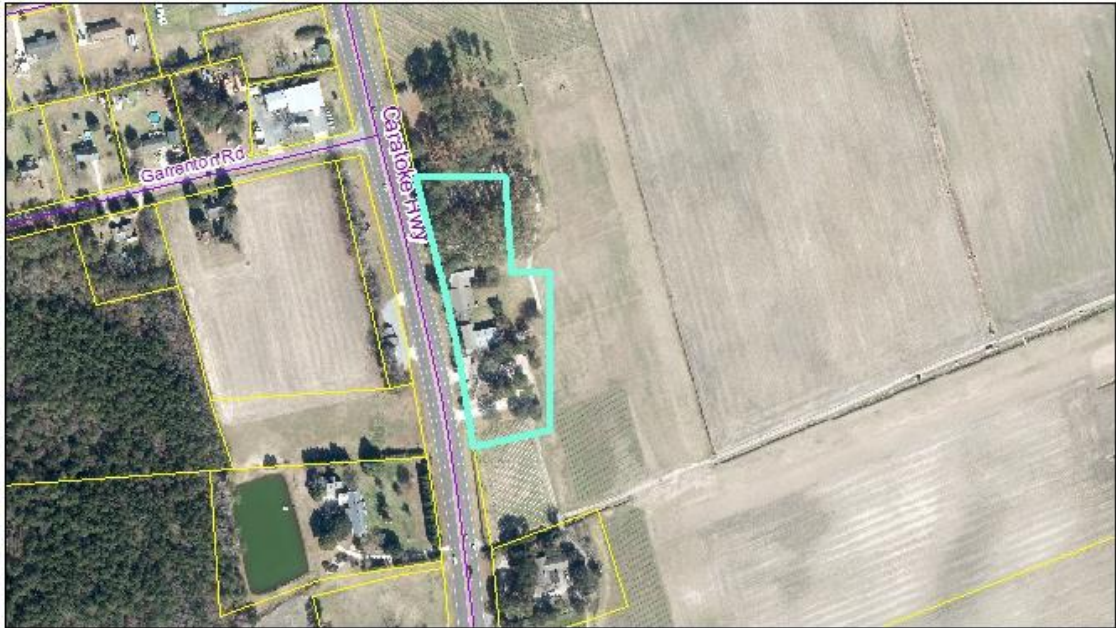
**Planning Staff**

The applicant is requesting an expansion of the General Business zoning district to comply with the current major arterial street setback requirement of 100 feet. This request to GB will accommodate current and future uses in an ever-changing brick and mortar retail landscape. The applicant is currently working on a boundary line correction of the existing parcel and a recombination plat to include the area being rezoned. If the zoning map amendment is approved, the GB area will be used for a new building. The new building will include office area for Kitty Hawk Kites, storage, and accessory warehousing uses. Staff recommends approval of the request as submitted.

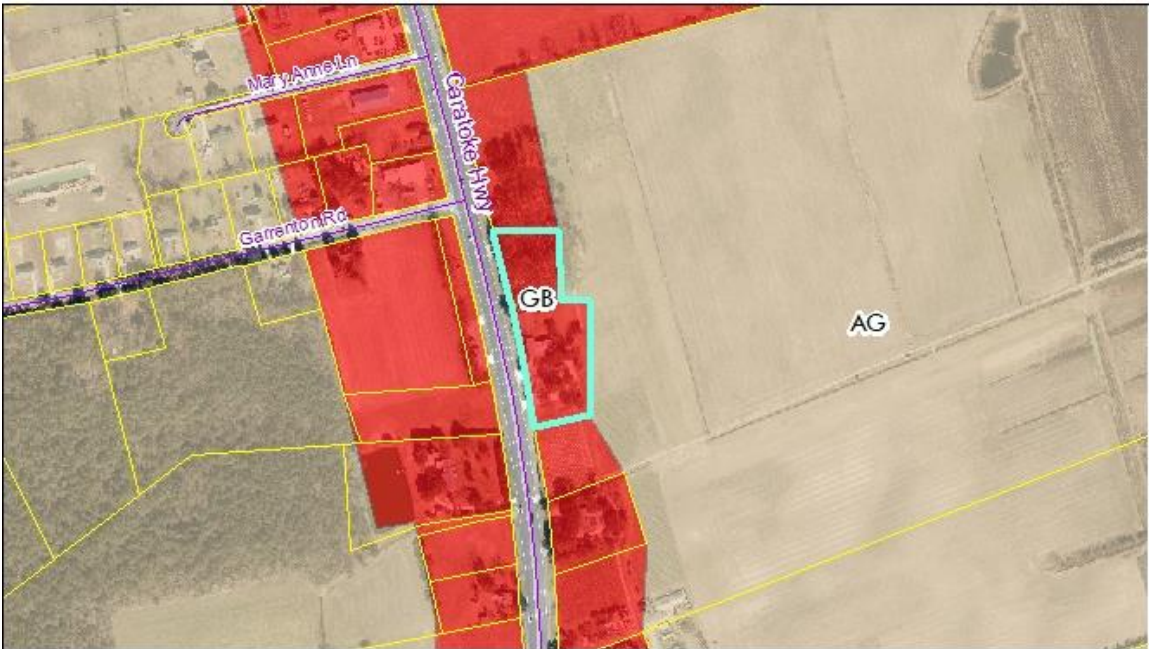
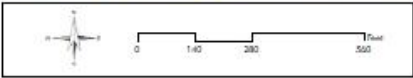
A zoning map amendment is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a zoning map amendment the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

This zoning map amendment request is consistent with the goals, objectives, and policies of the Land Use Plan, is compatible with existing and proposed uses surrounding the land subject to the application, and is an appropriate zoning district and use for the land. It is reasonable and in the public interest because it would result in a logical and orderly development pattern and addresses a demonstrated community need.

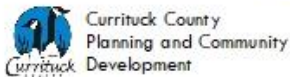
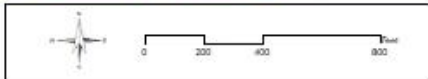




The Cotton Gin  
6957 Caratoke Hwy  
Aerial



The Cotton Gin  
6957 Caratoke Hwy  
Zoning Map



Communication: Minutes of 06-22-2020 Special Meeting (Approval Of Minutes-May 17, 2021, and Special Meeting 6-22-2020)



Planning and Community Development Director, Laurie LoCicero, reviewed the rezoning application with the Board. An overhead of the site location was displayed and Ms. LoCicero explained the need for a recombination plat to readjust property lines and allow the entire parcel to be zoned General Business. Consistency statements and supporting Land Use Plan policies were presented. Approval as submitted was recommended by staff and Planning Board. Ms. LoCicero responded to questions related to parking areas at the location.

Warren Eadus, Engineer, spoke on behalf of the applicant and provided additional details for the recombination needed at the site. He addressed parking at the location. He said the building would likely be smaller than the original footprint, and a site plan will need to be developed. Mr. Eadus responded to questions from Commissioners.

Chairman White opened the Public Hearing.

Jerry Wright spoke in support of the request. He talked about the family acquiring the property and opening the original Cotton Gin store in 1972. He noted many people have commented about how they miss the business.

No others were signed up nor wished to speak and the Public Hearing was closed.

Commissioner Jarvis moved to approve PB 20-10, The Cotton Gin, Inc., because the request is consistent with the policies of the Land Use Plan, some of which are:

- CD4-Highway oriented commercial uses should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage,



- access points, and to prevent unsightly, dysfunctional strip development.
- ED4-In addition to the recruitment and expansion of major new industries, the considerable value of small business start-ups, expansions and spinoffs shall also be recognized.

And, the request is reasonable and in the public interest because it would result in a logical and orderly development pattern and addresses a demonstrated community need.

Commissioner J. Owen Etheridge seconded the motion. The motion carried, 7-0.

<b>RESULT:</b>	<b>MOTION PASSED-ITEM APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Selina S. Jarvis, Commissioner
<b>SECONDER:</b>	J. Owen Etheridge, Commissioner
<b>AYES:</b>	Bob White, Chairman, Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

3. **PB 19-20 Flora Farm: Rezone 224.44 acres from Agricultural (AG) to Planned Development-Residential (PD-R) for property located in Moyock immediately south of Eagle Creek subdivision and Moyock Middle School. The request includes 285 single-family dwelling lots, up to 100,000 sf commercial, 125 upper story dwelling units, and a 22 acre school site**

APPLICATION SUMMARY	
<b>Property Owner:</b> John J. Flora III PO Box 369 Moyock NC 27958  Mary Nell Flora Brumsey 117 Puddin Ridge Rd Moyock NC 27958	<b>Applicants:</b> John J. Flora III Mary Nell Brumsey  <b>Developer:</b> Justin Old North-South Development Group LLC 417D Caratoke Hwy Moyock NC 27958
<b>Case Number:</b> 19-20	<b>Application Type:</b> Rezoning to PD-R
<b>Parcel Identification Number:</b> 0015-000-085B-0000; 0015-000-085C-0000, 0015-000-085A-0000	<b>Existing Use:</b> Single-family dwelling and Farmland
<b>Land Use Plan Classification:</b> Full Service	<b>Parcel Size (Acres):</b> 224.44
<b>Moyock Small Area Plan Classification:</b> Full and Limited Service	<b>Zoning History:</b> A (1989); A-40 (1975)
<b>Current Zoning:</b> AG (Agricultural)	<b>Proposed Zoning:</b> PD-R (Planned Development – Residential)
<b>Request:</b> The developer is requesting to rezone the property from AG to PD-R. The request includes 285 single-family dwelling lots, up to 100,000 sf commercial, 125 upper story dwelling units, and a 22 acre school site.	

#### ZONING DISTRICT COMPARISON

	APPROX MAX #	OPEN SPACE	GROSS DENSITY*	NET DENSITY "FEELS LIKE"
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ZONING	UNITS	(%)	(Units/Acre)	(Units/Acre)
PD-R (PROPOSED)	410 + Commercial + School	30.1	1.83	2.93
AG (EXISTING)	74	50	.33	.66
SFM	224	40	1	1.66
MXR** (Single-Family)	448	30	2	2.86
(Multi-Family)	673	40	3	5.0

\*Assumes 10% area for infrastructure.  
 \*\*These numbers are assuming the Full Service designation in the *Land Use Plan* would supersede the split Full Service/Limited Service designation in the Moyock Small Area Plan as in an adjoining development.

Chapter 3 Zoning Districts of the UDO defines a Planned Development – Residential as a development with a purpose to “encourage the use of innovative and creative design to provide a mix of different residential uses in close proximity to one another on mainland Currituck County, while at the same time providing an efficient use of open space. Limited, small-scale commercial uses may be allowed in the PD-R district, primarily to serve the needs of residents in the development.” A planned development zoning district classification is defined by a master plan and a terms and conditions document. The applicant’s objective is “to build a community that has a creative design, providing a mix of different residential uses in close proximity to one another, while at the same time providing an efficient use of open space that promotes an active lifestyle and strong sense of community. True Mixed Use/Commercial development is also proposed to serve the needs of both the residents in this development and the surrounding community.” The proposal includes a total of 410 dwelling units with a mix of upper story dwelling units and conventional single-family dwelling units. The proposed development includes up to 100,000 sf of commercial designation with out-parcels and larger commercial buildings with commercial uses located on street level and upper story residential apartments. The proposal contains 67.55 acres of open space, not counting the school site. Recreational amenities include a clubhouse, swimming pool, nature overlook, a dog park, and amenities related to a school. The plans also show an independent WWTP proposed for the development.

SURROUNDING PARCELS		
	LAND USE	ZONING
NORTH	LOW DENSITY RESIDENTIAL/ CULTIVATED FARMLAND	AG/GB
SOUTH	LOW DENSITY RESIDENTIAL/ CULTIVATED FARMLAND	SFM/AG
EAST	FOST PLANNED DEVELOPMENT	PD-R

WEST	RESIDENTIAL (EAGLE CREEK AND RANCHLAND)	SFM/AG
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**COMMUNITY MEETING**

The developer held a community meeting on January 22, 2020 at the Moyock Library at 6:00 p.m. There were approximately 12 people in attendance. The primary concerns addressed were regarding traffic on Survey Road, lack of connectivity to Ranchland, and drainage. There were also discussions regarding site design, school site size, and commercial tenants. A community meeting summary prepared by the applicant is attached to this staff report.

**TRANSPORTATION**

The internal transportation network includes a divided boulevard within an 80' minimum right-of-way, a typical local roadway with a 40' minimum right-of-way, 4 interconnections with Fost Planned Development, and 5' sidewalks along all streets. The external transportation network includes the main boulevard connection on the south side of Survey Road, a driveway connection on the north side of Survey Road, and an 8' multi-modal path along Caratoke Highway. The residential units, school, and commercial area are expected to generate the below trips per day at full build-out in 2026.

ZONING	TRIPS PER DAY
PD-R (PROPOSED)	8,380* (Fost – 5,978*)
AG (EXISTING)	708
SFM	2144
MXR** (Single-Family)	4,287
(Multi-Family)	4,475
*VHB Phasing Memorandum **These numbers are assuming the Full Service designation in the Land Use Plan would supersede the split Full Service/Limited Service designation in the Moyock Small Area Plan as in an adjoining development.	

**May 5, 2020 TIA:** This TIA has been approved by NCDOT (See attached letter from David Otts, District Engineer.) Since the school site is not included in the TIA, it is not possible to determine the adequacy and safety of travelling public within and surrounding this site at this time. It is understandable that driveway location for the school is not determined yet, but the volume of traffic based upon the size of the school can be determined. An elementary school generates a large volume of traffic. While Fost is included as a background development, Moyock Farms is not. Moyock Farms is submitting revised plans that show 100% of its traffic to access through Fost. The list of improvements suggested or referenced by the final TIA is compiled after descriptions of the older TIA submitted to staff. At the June 9, 2020 Planning Board meeting, the applicant's attorney stated a TIA would be completed for the school site in the future.

**March 4, 2020** staff received the attached “**Flora Farm Subdivision – Phasing Memorandum**” from **VHB Engineering NC**. The memorandum states “The TIA analyzed the Fost Tract Development as a background project which would be completed prior to the Flora Farm Subdivision. Since the submittal of the TIA, the construction schedules for both projects have shifted, and it is expected that construction for both developments will overlap with each other. The recommended offsite improvements within the TIA for the building of both developments are still valid; however, this memorandum provides clarification for how those improvements should be phased as both developments are being constructed.” The county has not received approval from NCDOT regarding the recommendations. It is also unclear if NCDOT commented on the first TIA or the second TIA. NCDOT had not seen or commented on the Phasing Memorandum as of March 25, 2020.

The Phasing Memorandum contains roadway improvements for Fost Boulevard not included in either TIA previously submitted. While the Phasing Memorandum states that recommended offsite improvements are still valid, there appears to be conflict in some areas. For example at Caratoke Highway and Survey Road (Unsignalized), the TIA recommends striping out at least 150 feet of storage within the existing two-way left-turn lane along Caratoke Highway for the northbound left-turn. The memorandum indicates striping out at least 200 feet of full storage within the existing northbound two-way left-turn lane along Caratoke Highway at Survey Road. It is recommended that the TIA be amended to include the memorandum suggestions and any discrepancies be rectified before resubmittal of another TIA. The TIA must be approved by NCDOT prior to resubmission.

**January 20, 2020 TIA and January 31, 2020 TIA:** Routes all residential traffic through the future Fost Boulevard to Caratoke Highway in the adjoining development. The developer indicates that this is not correct, but a revised TIA has not been submitted. The TIA indicates that the future signalized intersection as part of the Fost Development can accommodate the additional traffic generated during the residential phase, and no signalizations or offsite lane geometric improvements are recommended. On March 25, 2020 the developer submitted a revised phasing plan indicating subdivision access to Survey Road as part of Phase 1.

Once the development is fully constructed (not including school) in 2026, the TIA recommends the following improvements:

Caratoke Highway and Survey Road (unsignalized)

The Survey Road eastbound stop-controlled approach is expected to operate at a Level of Service (LOS) E during the PM peak hour under Build (2026) conditions if no additional improvements are made. After the build-out of the development, vehicles will be able to access full movement traffic signals at Survey Road to north of the development, and Fost Boulevard south. Therefore the following improvements are recommended for the intersection:

- Provide a southbound right-turn lane with at least 100 feet of full storage and appropriate taper.
- Restrict access at the intersection to not allow left-turns off of Survey Road. This restriction of access should be completed when approximately 30% of the total estimated trips for the site are observed, likely in conjunction with the southbound right-turn lane installation.
- Stripe out at least 200 feet of storage within the existing two-way left-turn lane along Caratoke Highway for the northbound left turn.
- Monitor the intersection for potential signalization in the future.

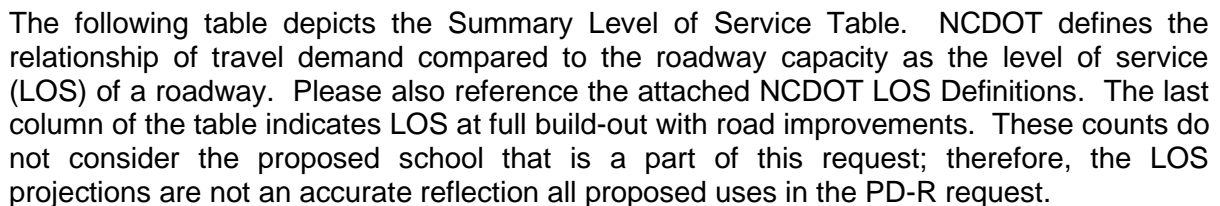
Survey Road and Future Access #1/Future Access #2

The proposed stop-controlled driveways are projected to operate at acceptable levels of service during peak hours under Build (2026) conditions. The following driveway configuration for both access driveways should be considered to enhance traffic operations and safety:

- Connect both driveways to Survey Road with stop-controlled approaches as a full movement four-leg intersection.
- Construct Future Access #1 with one ingress lane and two egress lanes. Provide northbound left-turn lane with a minimum of 100 feet of full storage and appropriate taper and a through/right-turn lane. Lydia Street intersects with Future Access #1 approximately 300 feet from Survey Road, which provides the proper internal protected stem to accommodate projected queues. Typically, NCDOT requires a 100 foot minimum internal protected stem for this type of facility.
- Construct Future Access # 2 with one ingress lane and one egress lane.
- Provide an eastbound left-turn lane and right-turn lane along Survey Road, both with a minimum of 100 feet of full storage and appropriate taper.
- Provide a westbound left turn lane along Survey Road with at least 100 feet of full storage and appropriate taper.

The other intersections within the study area are projected to remain at an acceptable LOS once the development is completed; therefore, no additional offsite lane geometric improvements are recommended.

The illustration below depicts the TIA's recommended improvements noted above including an additional stoplight on Caratoke Highway (Survey Road and Fost Boulevard):





## TRAFFIC IMPACT ANALYSIS

Table ES-1 Summary Level of Service Table

Intersection and Approach	Traffic Control	Existing (2019)		No-Build (2026)		Build (2026)		Build (2026) with Improvements	
		AM	PM	AM	PM	AM	PM	AM	PM
<b>Caratoke Highway (NC 168) and Survey Road</b>	Signalized	<b>B (12.3)</b>	<b>A (7.8)</b>	<b>B (13.5)</b>	<b>B (12.2)</b>	<b>B (16.0)</b>	<b>B (18.1)</b>	<b>B (15.7)</b>	<b>B (18.0)</b>
Eastbound		D-44.8	D-46.3	D-43.7	D-50.0	D-41.5	E-61.2	D-41.5	E-61.2
Northbound		A-6.7	A-3.5	A-7.2	A-3.6	A-9.8	A-5.1	A-9.2	A-4.8
Southbound		A-5.9	A-5.8	B-11.2	B-12.2	B-12.0	B-16.2	B-12.0	B-16.2
<b>Caratoke Highway (NC 168) and Survey Road</b>	Unsignalized	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
Eastbound		A-9.7	C-15.1	B-10.5	C-21.2	C-23.3	F-844.9	B-11.4	E-37.9
<b>Caratoke Highway (NC 168) and Guinea Road</b>	Unsignalized	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
Westbound		C-15.0	C-15.5	C-20.6	C-21.2	C-22.6	C-23.7	C-22.6	C-23.7
<b>Survey Road and Eagle Creek Road</b>	Unsignalized	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
Westbound		A-9.6	A-9.8	B-10.2	B-10.4	B-11.2	B-12.1	B-11.2	B-12.1
<b>Caratoke Highway (NC 168) and Fost Boulevard</b>	Signalized	<b>N/A</b>	<b>N/A</b>	<b>B (11.1)</b>	<b>B (11.3)</b>	<b>B (11.9)</b>	<b>B (11.3)</b>	<b>B (13.9)</b>	<b>B (14.1)</b>
Eastbound		N/A	N/A	C-30.5	D-38.2	C-30.1	D-41.1	C-30.2	D-43.7
Northbound		N/A	N/A	A-9.5	B-11.1	A-9.9	B-11.6	B-11.6	B-13.3
Southbound		N/A	N/A	A-4.6	A-8.0	A-7.2	A-7.2	A-9.4	A-9.9
<b>Survey Road and Future Access #1/Future Access #2</b>	Unsignalized	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
Northbound		N/A	N/A	N/A	N/A	B-13.3	C-23.5	B-11.7	C-15.4
Southbound		N/A	N/A	N/A	N/A	B-12.4	C-17.7	B-11.7	C-16.2

X (XX.X) = Overall intersection LOS (average delay), X-XX = Approach LOS and average delay

It should also be noted that the School Transportation Director has expressed concern regarding street widths for school bus maneuverability and parking concerns for homes located so close to front property line which has been resulting in insufficient off-street parking causing cars to park on-street making school bus maneuverability very difficult. The applicant has increased the front setback to 35' to alleviate part of the School Transportation Director's concerns.

### Utilities

At the pre-application meeting, the developer said that this development would share a waste water treatment plant (WWTP) with the Fost Development. The plant would be on one property with the spray field on the other. This is allowed, but only with the issuance of a use permit for a major utility unless the two developments are combined into one development. The UDO defines a major utility as "infrastructure services providing regional or *community-wide* service that normally entail the construction of new buildings or structures such as water towers, *waste treatment plants*, potable water treatment plants, solid waste facilities, and electrical substations." The Planning Director interprets a community-wide service facility, such as a waste treatment plant, as a major utility.

The developer did not wish to pursue a use permit for a major utility, and indicated he would provide a separate, independent WWTP for each development. It should be noted that TRC encourages sharing a WWTP between Fost and Flora; however, staff cannot support the developer's interpretation that a shared WWTP is a minor utility that does not require a use permit. While minor utilities are located in or near the neighborhood they service, they are a much less intense use, such as sewage pump station as called out in the UDO, and not the entire WWTP and disposal system.

County water is available to service the request. The Utilities Director has asked the developer to make a main connection off of Survey Road instead of through Fost since Fost is not developed yet and this would make a complete loop for the water line. The loop is important because if there is a water main break at one development, the Water Department could then shut off water to one development instead of to both developments, commercial uses, and a school. The loop would be a more efficient service to the customers and provide a better level of service. The developer has agreed to this request.



### Drainage

There is an emphasis on downstream maintenance at this time. There are portions of Rowland Creek and the ditches on Guinea Road and Survey Road with brush and debris that need to be cleaned up. The conceptual plan provides limited drainage details.

On-site stormwater will be managed by construction a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater primarily to Rowland Creek both directly and indirectly. Stormwater shall be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open, vegetated swales. With designated wetlands on the property, major drainage features traversing the site, high ground water table, low elevation, soils with slow permeability and the known drainage issues in the area, extra precaution must be made to ensure compliance with drainage regulations.

The mitigate drainage concerns, the developer offers the following:

1. The following improvements to stormwater drainage ("Improvements") shall be completed by the Developer prior to recording the final plat for the first phase of development on the Property:
  - i. Continue the Rowland Creek improvements to the northwest to Eagle Creek pump station as authorized by the Eagle Creek Homeowners Association.
  - ii. Improve the existing property line ditch or install a new ditch along a portion of the Property's northwestern common boundary line with Eagle Creek and Ranchland where shown on the Preliminary Drainage Plan on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property and a portion of Eagle Creek and Ranchland Subdivision are located.
  - iii. The Improvements set forth in this section shall be maintained by the Developer, or a management association created by the Developer.
  - iv. Establish permanent easements along Rowland Creek and the property line ditch described in paragraph iii above for ongoing maintenance of these drainage facilities.
  - v. Improvements will be generally as shown on sheet 5 of the Master Plan drawing.
2. General Stormwater Conditions
  - i. The Developer shall construct berms along ditch outlets against Eagle Creek and Ranchland to reduce the potential of the proposed development's runoff from flooding Eagle Creek and Ranchland during a 100 year storm.
  - ii. On-site stormwater will be managed by construction a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater to Rowland Creek and other drainage outlets both directly and indirectly.
  - iii. In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard for the difference between runoff from the 10-year developed condition and runoff from a 2-year wooded condition site, stormwater will be modeled for the 100-year storm event and property line berms constructed as necessary to manage the 100-year storm without adversely impacting neighboring properties.
  - iv. Stormwater will be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open, vegetated swales.

### Schools

This development is split by the Moyock and Shawboro school districts (see attached map). On June 9, 2020 the former Superintendent attended the Planning Board meeting and shared a letter (attached) that stated the school site shown on the plan has officially been selected for school construction. The former Superintendent said additional capacity was being added through mobile classrooms at Moyock Elementary; however, the Board of Education has not taken official action by vote on this change in policy as of the writing of this staff report. Section 3.7.2.E of the UDO requires that the PD zoning district designation, the master plan, and the terms and conditions document be consistent with the 2006 Land Use Plan and any applicable functional plans and small area plans adopted by the county. According to Land Use Plan Policy PP2 (see below), it is necessary to

consider adequate public facilities when considering a Planned Development rezoning because of the intensity and residential density of this type of development.

Without official action by the Board of Education changing their capacity numbers to include mobile facilities, adequate school capacity or school capacity programmed to be in place within two years from approval, the inability to meet the adequate public facilities ordinance (UDO Section 6.6) should be considered at the rezoning request. The proposed phasing schedule claims that dwelling units will not be built until school capacity is available in August 2023. The developer is asking for zoning approval of lots in the Moyock Elementary School district now that according to Currituck County School System, there is not adequate facilities to service.

Staff is concerned that approving a phasing schedule based on a conceptual timeframe for elementary school construction could create an unmanageable situation. If there is a delay and the school does not open in August 2023, dwellings could be occupied which will send more students to a school that is over capacity. Considering our recent growth along with the number of lots available for home construction, there is also concern that middle school and high school populations will be near or over capacities in the next three to five years. Other public facilities, such as law enforcement, emergency medical services, firefighting services, county water, will need to be evaluated for adequacy as well.

The below tables lists the proposed number of students this development is projected to generate. While Moyock Elementary has been the primary concern, it should be noted that the middle schools and high schools are at or over committed capacity.

ADEQUATE PUBLIC FACILITIES – SCHOOLS¹				
School	2019-2020 2020-2021 Actual Capacity²	2021-2022 Actual Capacity³	Committed Capacity³	Proposed Capacity Changes
				Number of Students
Moyock Elementary Shawboro Elementary Central Elementary	109%	115%	122%	71
	87%	90%		31
	77%	85%		0
Moyock Middle Currituck Middle	94%	83%	96%	32
	70%			
Currituck High JP Knapp Early College	85%		103%	57

<sup>1</sup>Does not include minor subdivisions, exempt subdivisions, and subdivisions approved prior to the adoption of the adequate public facilities ordinance (October 1994)

<sup>2</sup>Capacity percentages are based on 2019-2020 and 2020-2021 school year classroom standards and January 2020 ADM

<sup>3</sup>Capacity percentages are based on the 2021-2022 school year classroom standards and January 2020 ADM

On June 11, 2020 the former Superintendent provided the below adjusted Moyock Elementary School capacity numbers based on the addition of four mobile classrooms. Official action by the Board of Education has not been taken to adopt the new capacity numbers. Based on the chart below, the 2021-22 capacity of MES will be 609, The **January 2020 ADM** (average daily membership) for MES provided by school system staff is **609**.

1	<b>Adequate School Capacity Chart (based on K-3 Implementation Schedule)</b>						
2							
3	<b>School</b>	<b>2019-20</b>	<b>2021-22</b>				
4		<b>2020-21</b>					
5	<b>MES</b>	560 (640*)	529 (609*)				
6	<b>SES</b>	641	622				
7	<b>CES</b>	313	282				
8	<b>KIES</b>	236	228				
9	<b>GES</b>	431	413				
10	<b>JES</b>	309	288				
11							
12	<b>CCMS</b>	540	540				
13	<b>MMS</b>	640	640				
14							
15	<b>CCHS</b>	1200	1200				
16	<b>JPk</b>	300	300				
17							
18		K-3 Full Implementation Year					
19							
20	*MES Adjusted Capacities in ( ) were based on the addition of 4 Mobile Classrooms.						
21	MES adjusted capacities expire upon removal/relocation of the Mobile Classrooms.						
22	*adjustments confirmed (6/5/20)						
23							

#### **STAFF'S CONCERNS REGARDING PROJECT CONSIDERATION AT THIS TIME:**

- The Traffic Impact Analysis (TIA):
  - Includes "one background development, Fost Tract Development." Moyock Farms must now be included in the TIA as its only access will be through the Fost Tract, assuming the amended Moyock Farms plan is approved. This will be 31 additional lots. Will the additional estimated 300 trips per day trigger an alternate transportation improvement plan?
  - Since the school site is not included in the TIA, it is not possible to determine the adequacy and safety of travelling public within and surrounding this site at this time. The primary purpose of the UDO is to protect the public health, safety, and general welfare of the citizens and landowners of Currituck County. It would be irresponsible of the county to approve a PDR and not anticipate traffic impacts of all of its uses, including an elementary school. Will the additional trips per day cause an even lower Level of Service on Caratoke Highway intersection? Trigger alternate/additional transportation improvements? It is understood that driveway location for the school is not determined yet, but the volume of traffic based upon the size of the school can be determined. An elementary school generates a large volume of traffic and the traffic impacts must be considered to determine the adequacy of proposed improvements and safety of the travelling public, including pedestrians (school children). It is understood that a school requires it's on TIA as part of project approval from NCDOT.
  - Even though NCDOT is not requiring that school site traffic be considered as part of the development, that does not mean the county cannot ask for an accurate reflection of the total traffic usage of the PDR and examine those traffic impacts on the safety of the travelling public, motorist and pedestrian.
- Without official action by the Board of Education that adequate school capacity or school capacity programmed to be in place within two years from approval, the inability to meet the adequate public facilities ordinance (UDO Section 6.6) can and should be considered at the rezoning request. The proposed phasing schedule claims that dwelling units will not be built

until school capacity is available in August 2023. The developer is asking for zoning approval of lots in the Moyock Elementary School district now when an increase in school capacity due to the use of mobile classrooms has not received official action. The phasing schedule received March 9, 2020 does not include the school. Since the school is a part of the PD-R, it must be included in the phasing schedule.

- The developer must address how the school will open if it is finished before the PD-R's WWTP is operational to service it. The developer claims that the WWTP will be in place before the school opens. A legal document notating the provision of WWTP to service the school prior to school opening is sufficient.
- The developer must address how the school will be accessed if the subdivision roads will not be installed prior to the school opening. The developer claims that the roads will be installed prior to the school opening. A legal document notating the provision of roads to service the school prior to school opening is sufficient.
- Another option is to remove the school parcel from the PD-R. Since the school parcel is over 10 acres, an exempt subdivision plat can be recorded.
- The BOC directed staff at its February 7, 2020 retreat to remove PD-R zoning from the UDO since it allows development densities and intensities beyond what the board finds acceptable, except in Currituck Station where services and infrastructure and planned for that level of development.
- Soils in the project location are concerning. Roanoke fine sandy loam and Cape Fear Silt are found in the area containing the commercial and upper story dwelling units. According to the Currituck County Soils survey, these soils are "poorly suited to most urban and recreation uses because of flooding, wetness, slow permeability and low strength."

#### LAND USE PLAN

**THE 2006 LAND USE PLAN CLASSIFIES THIS SITE AS FULL SERVICE WITHIN THE MOYOCK SUBAREA. THE POLICY EMPHASIS FOR THE MOYOCK SUBAREA IS TO PROPERLY MANAGE THE INCREASED URBAN LEVEL OF GROWTH THAT THIS AREA IS SURE TO EXPERIENCE OVER THE NEXT DECADE AND BEYOND. SECTION 3.7.2.E OF THE UDO REQUIRES THAT THE PD ZONING DISTRICT DESIGNATION, THE MASTER PLAN, AND THE TERMS AND CONDITIONS DOCUMENT BE CONSISTENT WITH THE 2006 LAND USE PLAN AND ANY APPLICABLE FUNCTIONAL PLANS AND SMALL AREA PLANS ADOPTED BY THE COUNTY. WHILE THE PROPOSAL IS CONSISTENT WITH SOME POLICIES IN THE LAND USE PLAN (SEE ATTACHED LIST FROM DEVELOPER FOR MORE DETAIL), IT IS INCONSISTENT WITH OTHER POLICIES OF THE PLAN, SOME OF WHICH ARE:**

POLICY HN1	<p>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 TO EXISTING AND PLANNED URBAN SERVICES.</p> <p><u>COMMENTS:</u></p> <ul style="list-style-type: none"> <li>• WITH THE APPROVAL OF FOST PD-R ON A NEIGHBORING PARCEL, IT WAS ESTABLISHED THAT HIGHER RESIDENTIAL DENSITY WAS ACCEPTABLE IN THIS AREA OF MOYOCK.</li> <li>• THE BOC UNANIMOUSLY DIRECTED STAFF AT ITS FEBRUARY 7, 2020 RETREAT TO REMOVE PD-R ZONING FROM THE UDO SINCE IT ALLOWS DEVELOPMENT DENSITIES AND INTENSITIES BEYOND WHAT THE BOARD FINDS ACCEPTABLE, EXCEPT IN CURRITUCK STATION WHERE PUBLIC SERVICES AND INFRASTRUCTURE AND PLANNED FOR THAT LEVEL OF DEVELOPMENT. THE TEXT AMENDMENT IS FORTHCOMING.</li> <li>• WITHOUT AN UPDATED TIA APPROVED BY NCDOT INCLUDING MOYOCK FARMS TRAFFIC AS NOTED ABOVE, IT IS NOT POSSIBLE TO DETERMINE THE ADEQUACY OF TRANSPORTATION FACILITIES PROVIDING ACCESS TO THIS SITE AT THIS TIME. WILL THE ADDITIONAL ESTIMATED 300 TRIPS PER DAY GENERATED BY MOYOCK FARMS TRIGGER ADDITIONAL TRANSPORTATION IMPROVEMENTS?</li> <li>• THE BOC MUST DETERMINE IF LESSENING THE LEVEL OF SERVICE ALONG CARATOKE HIGHWAY DURING PEAK TRAFFIC TIMES WITHOUT INCLUSION OF THE SCHOOL IS ADEQUATE AND ACCEPTABLE.</li> <li>• SINCE THE SCHOOL SITE IS NOT INCLUDED IN THE TIA, IT IS NOT POSSIBLE TO DETERMINE THE ADEQUACY AND SAFETY OF TRAVELLING PUBLIC WITHIN AND SURROUNDING THIS SITE AT THIS TIME.</li> </ul>
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POLICY TR2	<p>TRANSPORTATION PLANNING SHALL BE EMPLOYED TO PROMOTE A HIERARCHICAL FUNCTIONAL TRANSPORTATION SYSTEM AND TO PROMOTE THE PROPER ARRANGEMENT OF LAND PATTERNS BY CONTROLLING THE LOCATION AND APPROPRIATE USE OF STREETS, HIGHWAYS, TRAILS, AND OTHER MODES OF TRANSPORTATION. GENERALLY, THE DESIGN OF MAJOR ROADS SHOULD GIVE FIRST PRIORITY TO MOVING TRAFFIC, WHILE SMALLER ROADS MAY GIVE GREATER EMPHASIS TO SERVING ADJOINING LAND USES.</p> <p><u>COMMENTS:</u></p> <ul style="list-style-type: none"> <li>• WITHOUT THE SCHOOL BEING A PART OF THE TIA, IT IS NOT POSSIBLE TO DETERMINE IF STREETS ARE BEING APPROPRIATELY DESIGNED AND CONTROLLED.</li> <li>• CURRITUCK COUNTY SCHOOLS HAS EXPRESSED A CONCERN OVER STREET WIDTHS FOR SCHOOL BUS MANEUVERABILITY AND PARKING CONCERNS FOR HOMES LOCATED SO CLOSE TO FRONT PROPERTY LINE WHICH HAS BEEN RESULTING IN INSUFFICIENT OFF-STREET PARKING CAUSING CARS TO PARK ON-STREET MAKING SCHOOL BUS MANEUVERABILITY VERY DIFFICULT. <b>NOTE: THE DEVELOPER HAS INCREASED FROM SETBACKS FROM 20' TO 35' ADDRESSING PART OF THE SCHOOL'S CONCERN.</b></li> <li>• A REVISED TIA INCLUDING MOYOCK FARMS TRAFFIC, APPROVED BY NCDOT, IS NECESSARY TO DETERMINE THE APPROPRIATE IMPROVEMENTS AND TIMING OF IMPROVEMENTS.</li> </ul>
POLICY SF3	<p>SITE PLANNING FOR TRAFFIC MANAGEMENT AND SAFETY IN THE VICINITY OF PUBLIC SCHOOLS SHALL BE A PRIORITY.</p> <p><u>COMMENTS:</u></p> <ul style="list-style-type: none"> <li>• WITHOUT THE SCHOOL BEING A PART OF THE TIA, STAFF HAS CONCERNS THAT TRAFFIC IS NOT (VEHICLE, BICYCLE, PEDESTRIAN) BEING APPROPRIATELY MANAGED WITH A PRIORITY ON THE SAFETY OF THE TRAVELLING PUBLIC INCLUDING SCHOOL CHILDREN, SCHOOL BUSES, ETC.</li> <li>• Currituck County Schools has expressed a concern over street widths for school bus maneuverability.</li> </ul>
POLICY SF4	<p>CURRITUCK COUNTY SHALL CONTINUE TO SUPPORT A SERVICE LEVEL POLICY FOR SCHOOLS THAT CALLS FOR THE CONSTRUCTION AND MAINTENANCE OF CLASSROOM SPACE SUFFICIENT TO AVOID THE USE OF MOBILE CLASSROOM UNITS.</p> <p><u>COMMENTS:</u></p> <ul style="list-style-type: none"> <li>• APPROXIMATELY 286 DWELLING UNITS ARE PROPOSED IN THE MOYOCK ELEMENTARY SCHOOL DISTRICT WHERE NO SCHOOL CAPACITY EXISTS UNTIL OFFICIAL ACTION IS TAKEN BY THE THE CURRITUCK COUNTY BOARD OF EDUCATION.</li> </ul>



POLICY PP2	<p>CURRITUCK COUNTY SHALL CONTINUE TO IMPLEMENT A POLICY OF ADEQUATE PUBLIC FACILITIES, SUFFICIENT TO SUPPORT ASSOCIATED GROWTH AND DEVELOPMENT. SUCH FACILITIES MAY INCLUDE BUT NOT LIMITED TO WATER SUPPLY, SCHOOL CAPACITY, PARK AND OPEN SPACE NEEDS, FIREFIGHTING CAPABILITY, AND LAW ENFORCEMENT.</p> <p><u>COMMENTS:</u></p> <ul style="list-style-type: none"> <li>• APPROXIMATELY 286 DWELLING UNITS ARE PROPOSED IN THE MOYOCK ELEMENTARY SCHOOL DISTRICT WHERE NO SCHOOL CAPACITY EXISTS UNTIL OFFICIAL ACTION IS TAKEN BY THE CURRITUCK COUNTY BOARD OF EDUCATION.</li> <li>• UNTIL OFFICIAL ACTION IS TAKEN BY THE CURRITUCK COUNTY BOARD OF EDUCATION, THE ADDITIONAL STUDENTS (71) THIS DEVELOPMENT IS PROJECTED TO GENERATE THAT WILL ATTEND THE MOYOCK ELEMENTARY SCHOOL DISTRICT WILL INCREASE THE OVER CAPACITY ISSUE. APPROVING A PD-R REZONING TO INCREASE DENSITY MAY ALSO BURDEN THE MIDDLE SCHOOLS AND HIGH SCHOOLS THAT ARE NEAR ACTUAL CAPACITY AND NEAR OR OVER COMMITTED CAPACITY. (SEE TABLE ABOVE.)</li> </ul>
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### MOYOCK SMALL AREA PLAN

THE MOYOCK SMALL AREA PLAN CLASSIFIES THIS SITE AS FULL SERVICE AND LIMITED SERVICE. THE POLICY EMPHASIS FOR FULL SERVICE IN MOYOCK IS TO PROVIDE FOCAL POINTS IN THE COMMUNITY WHERE HIGH AMOUNTS OF ACTIVITY OCCUR. BOTH RESIDENTIAL AND COMMERCIAL COMPONENTS WILL BE PRESENT IN FULL SERVICE AREAS. CLUSTER OR PLANNED COMMERCIAL AND RESIDENTIAL AREAS WITH DIVERSITY IN HOUSING TYPES IS PREFERRED. THE POLICY EMPHASIS FOR LIMITED SERVICE DESIGNATIONS ARE LESS INTENSELY DEVELOPED THAN FULL SERVICE. EMPHASIS IS MORE ON RESIDENTIAL DEVELOPMENT AND DENSITIES. LIMITED SERVICE DESIGNATION HAS REDUCED PUBLIC SERVICES SUCH AS FIRE PROTECTION, EMERGENCY SERVICE, RECREATION, AND PUBLIC WATER. WHILE THE PROPOSAL IS CONSISTENT WITH SOME POLICIES IN THE MOYOCK SMALL AREA PLAN (SEE ATTACHED LIST FROM DEVELOPER FOR MORE DETAIL), IT IS INCONSISTENT WITH OTHER POLICIES OF THE PLAN, SOME OF WHICH ARE:

POLICY TR1	<p>DESIGN FUTURE TRANSPORTATION IMPROVEMENTS THAT ARE CONSISTENT WITH COMPLETE STREETS POLICY. COMPLETE STREETS POLICY ENCOURAGES DESIGN OF TRANSPORTATION NETWORKS AND FACILITIES THAT SAFELY ACCOMMODATE PEDESTRIANS, BICYCLISTS, RAIL, AND VEHICLES.</p> <p><u>COMMENTS:</u></p> <ul style="list-style-type: none"> <li>• A REVISED TIA INCLUDING MOYOCK FARMS TRAFFIC, APPROVED BY NCDOT, IS NECESSARY TO DETERMINE THE APPROPRIATE IMPROVEMENTS AND TIMING OF IMPROVEMENTS.</li> <li>• WITHOUT THE SCHOOL BEING A PART OF THE TIA, IT IS NOT POSSIBLE TO DETERMINE IF STREETS SAFELY ACCOMMODATE PEDESTRIANS, BICYCLISTS, AND VEHICLES.</li> <li>• CURRITUCK COUNTY SCHOOLS HAS EXPRESSED A CONCERN OVER STREET WIDTHS FOR SCHOOL BUS MANEUVERABILITY.</li> </ul>
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POLICY FLU 1	<p>PROMOTE COMPATIBILITY BETWEEN NEW DEVELOPMENT AND EXISTING DEVELOPMENT TO AVOID ADVERSE IMPACTS TO THE EXISTING COMMUNITY. THIS IS ACHIEVED THROUGH DESIGN AND INCLUDES LARGER SETBACKS, LANDSCAPED OR FORESTED STRIPS, TRANSITION ZONES, FENCING, SCREENING, DENSITY AND OR BULK STEP DOWNS OR OTHER ARCHITECTURAL AND SITE PLANNING MEASURES THAT ENCOURAGE HARMONY.</p> <p>COMMENTS:</p> <ul style="list-style-type: none"> <li>• THE AREA OF THE PROJECT NEIGHBORING RANCHLAND HAS SINGLE FAMILY DWELLING LOTS THAT TYPICALLY AVERAGE 15,000 SQ FT. THE RANCHLAND LOTS RANGE FROM 1.5 -5 ACRE LOTS.</li> <li>• THE AREA OF THE PROJECT NEIGHBORING EAGLE CREEK HAS SINGLE FAMILY DWELLING LOTS THAT TYPICALLY AVERAGE 15,000 SQ FT. THE EAGLE CREEK LOTS RANGE FROM 0.69 -1.11 ACRE LOTS</li> <li>• THE 25' BUFFER MAY NOT BE SUFFICIENT TRANSITION BETWEEN LOT SIZES.</li> </ul>
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#### TECHNICAL REVIEW COMMITTEE

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS DENIAL OF THIS REQUEST BASED UPON THE FOLLOWING:

#### PLANNING

1. Traffic Impact Analysis (TIA):
  - a. While the TIA includes Fost as a background development, it does not include Moyock Farms which is proposing 100% access through Fost.
  - b. Staff has concerns that the TIA does not include the school site and may not accurately reflect the proposed conditions. Since the school site is a part of this PD-R request, it must be included in the TIA.
    - i. In looking at Table ES-1 Summary Level of Service Table, even without the inclusion of elementary school traffic, it appears that the LOS will drop from an A to a D at east bound Caratoke Highway and Survey Road at peak travel times. There are other drops in LOS for Caratoke Highway (reference table), a major arterial street, at peak travel times. Is NCDOT agreeable to the drop in LOS for Caratoke Highway? Is the Board of Commissioners agreeable to the drop in the level of service? The LOS and drops in the LOS do not include traffic from the school, which will significantly impact LOS. Are there other traffic improvements that may be required to maintain an equal LOS?
2. On June 9, 2020 the Superintendent attended the Planning Board meeting and shared a letter (attached) that stated the school site shown on the plan has officially been selected for school construction and on June 11, 2020 he provided a new capacity number for Moyock Elementary School based on the addition of four mobile classroom units. As of the writing of this staff report, the Board of Education has not officially acted on the new capacity number. Without Board of Education approval of the new capacity at Moyock Elementary School based on mobile classrooms, there is not school capacity available now or planned to be in place within two years of the development approval for the elementary school children in the Moyock District that this development will generate. Section 3.7.2.E of the UDO requires that the PD zoning district designation, the master plan, and the terms and conditions document be consistent with the 2006 Land Use Plan and any applicable functional plans and small area plans adopted by the county. According to Land Use Plan Policy PP2 (see below), it is necessary to consider adequate public facilities when considering a Planned Development rezoning because of the intensity and residential density of this type of development. Per Superintendent on 1/15/2020, a portion of the development is districted to Moyock Elementary School and at the time of the writing of this comment, the BOE has not made a

- change to the district boundary. It is necessary to consider adequate public facilities when considering a Planned Development because of the intensity of development. For a legislative decision like a rezoning, all impacts to the community can and should be considered. The developer is proposing a phasing schedule that claims no dwelling units will be built until school capacity is available. The important thing to note is that according to Currituck County Schools, school capacity is not available now nor voted by the Board of Education to be programmed to be in place in two years for the portion of the development districted to Moyock Elementary School. The developer is asking for zoning approval of lots in the Moyock Elementary School district now that according to Currituck County School System, there is not adequate facilities to service. If the elementary school capacity is addressed, there is no guarantee that all other public facilities will be adequate (i.e. law enforcement, emergency medical services, firefighting services, county water).
3. The timing of the phasing scheduled must include the school since it is a part of the development. (UDO Section 3.7.2.G)
  4. Since the school site is a part of the PD-R, the developer must address how the school will open if it is finished before the PD-R's WWTP is operational to service it.
  5. Terms and Conditions document:
    - a. It does not appear that the county can regulate or enforce the workforce housing condition. This condition may need to be removed from the document.
    - b. The school must be included in the phasing schedule since it is a part of the master plan. (UDO Section 3.7.2.G)
- Currituck County School Facilities, Maintenance, and Transportation Director
6. There is a concern over street widths for school bus.

**A PLANNED DEVELOPMENT REZONING IS A LEGISLATIVE DECISION OF THE BOARD OF COMMISSIONERS. IN DETERMINING WHETHER TO APPROVE OR DENY A REZONING THE BOARD OF COMMISSIONERS SHALL ADOPT A WRITTEN STATEMENT OF CONSISTENCY AND REASONABLENESS.**

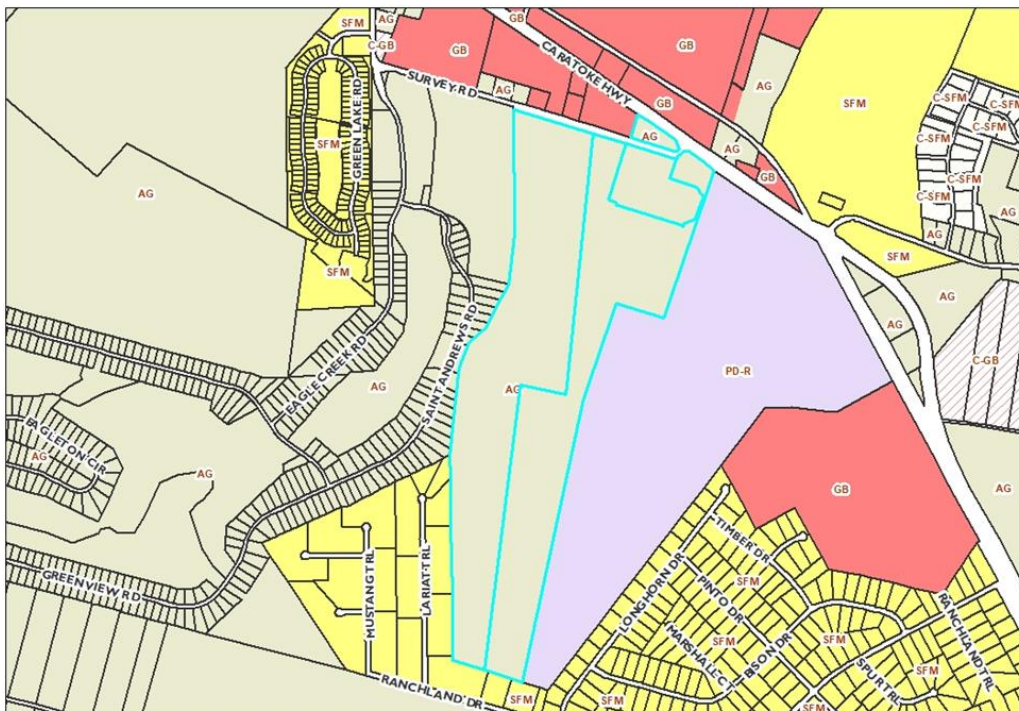
This planned development rezoning request is inconsistent with the below applicable review standards from 2.4.3.C:

1. It is not consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purpose of the UDO.
  - See above where the development is determined to inconsistent with LUP Policies HN1, TR2, SF3, SF4, PP2, and Moyock Small Area Plan TR1.
    - One of the purposes of the UDO is to facilitate the adequate provision of transportation, utilities, parks, recreation, emergency services, and other public facilities. This proposal is insufficient in determining the safety of the transportation service and offers dwelling units in a school district where zero school capacity exists.

It is not reasonable and not in the public interest because of the inconsistencies with the Land Use Plan, Moyock Small Area Plan, and the purpose of the UDO. There are not adequate public facilities (schools) to service this development now or programed to be in place within two years as required by the Adequate Public Facilities Standards in the UDO. The UDO requires that the conditional zoning (legislative) be consistent with the Land Use Plan. As stated above, the Land Use Plan requires adequate public facilities be in place at time of approval – See Policy PP2 above.

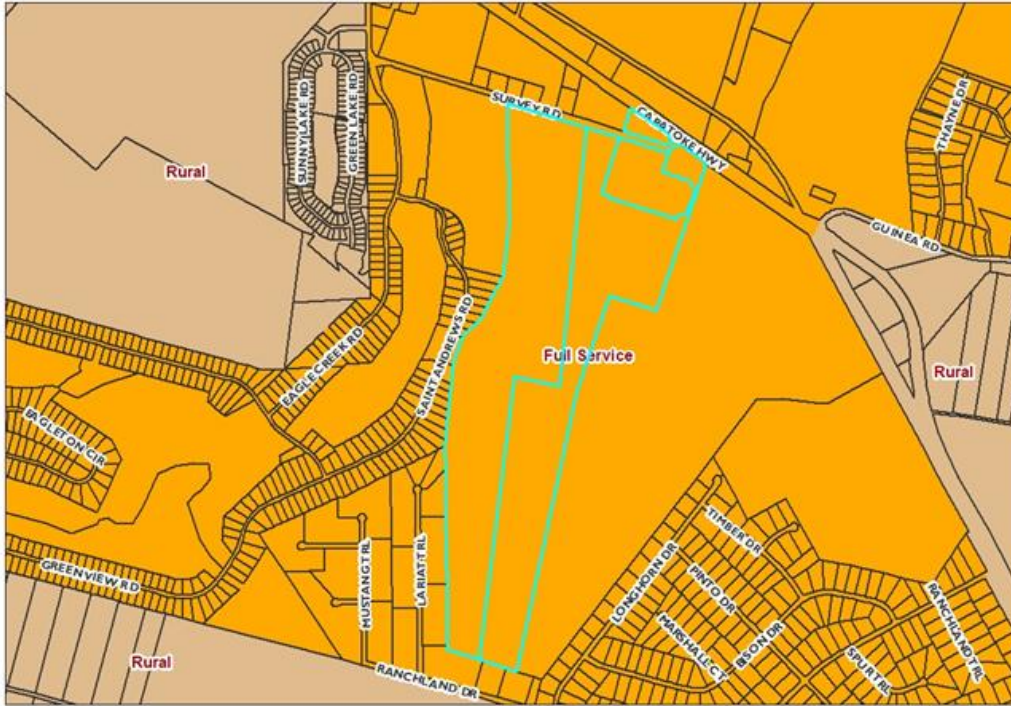


**PB 19-20 Flora Farm  
Aerial Photography (2016)**

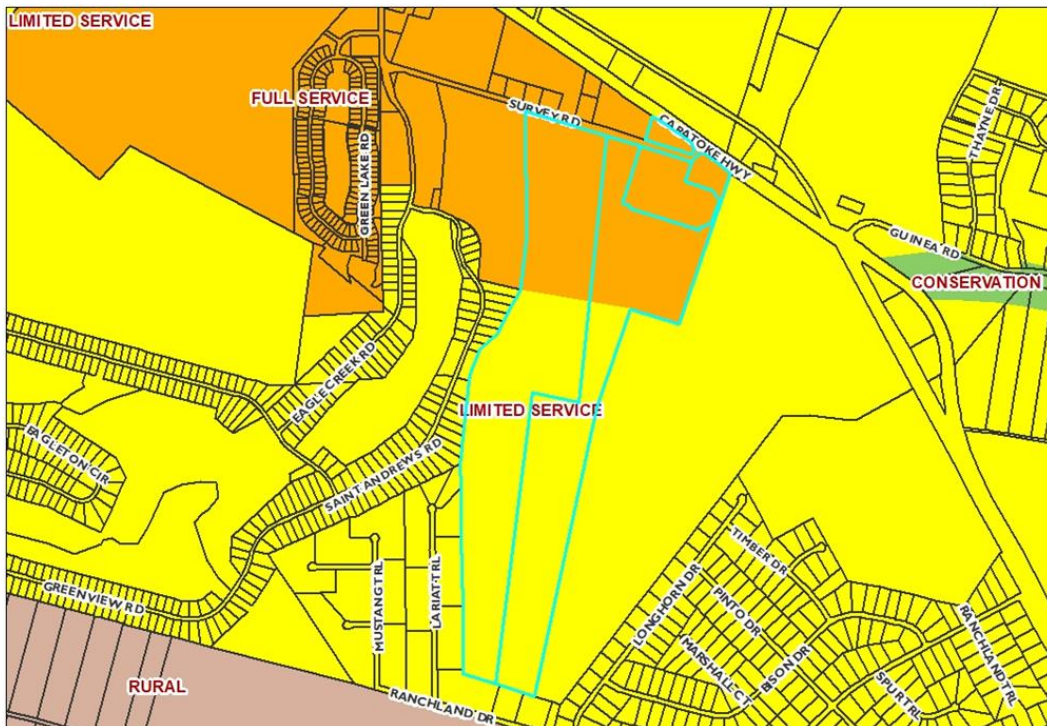


**PB 19-20 Flora Farm  
Zoning Base Districts**





**PB 19-20 Flora Farm  
2006 Land Use Plan Classifications**



**PB 19-20 Flora Farm  
Moyock Small Area Plan Classifications**

Chairman White called for a recess at 10 PM. The meeting was reconvened at 10:06 PM to consider the rezoning request for PB 19-20: Flora Farm.

Laurie LoCicero, Planning and Community Development Director, presented a summary review of the request for Commissioners. The overhead was used to denote the location, zoning and land use at the site and surrounding parcels. Ms. LoCicero reviewed the site plan containing residential, commercial, and a 22 acre school site. Alternate zoning density comparisons for the site were reviewed as were interior roadways and connectivity. She noted the traffic impact analysis performed did not include the school site but the applicant would provide additional analysis with the school. Traffic impacts and control suggestions noted in the study, which included both Flora Farm and the neighboring Fost Tract, were discussed. Information related to utilities and stormwater features were presented. Both current student generation numbers and capacities and those with mobile unit classrooms included in calculations were reported.

Staff presented concerns related to the wastewater system, some aspects of the traffic impact analysis, school capacities and phasing plan, commercial areas, growth management and density. Staff and the Technical Review Committee recommended denial of the request. The Planning Board recommended approval, and when asked why, Ms. LoCicero reported it was due to the proposed school site. Consistency statements and Land Use Plan policies supporting denial were reviewed.

Board of Education Chair, Karen Etheridge, Transportation and Maintenance Director, Matt Mullens, and Dr. Matt Lutz, Interim Superintendent, responded to questions posed by Commissioners related to the use of mobile units, state required reductions in class sizes, the school site and future school needs.

Engineer for the applicant, Mark Bissell, distributed a packet of supplemental information for Commissioners and reviewed key elements of the master plan and gave an overview of proposed phasing for residential and commercial areas. He said school impacts were anticipated and children would attend Shawboro Elementary in the initial phases. Zoning commitments were reviewed and included continued drainage improvements and maintenance. He noted the Traffic Impact Analysis was reviewed and signed off on by the North Carolina Department of Transportation.

Lyle Overcash of VHP in Raleigh, North Carolina, performed the Traffic Impact Analysis and reviewed the report for the Board. With the exception of a short window of time in the morning and afternoon, he did not believe the school would have a significant impact on traffic due to its connection with the existing middle school. He addressed stacking distances needed for the school.

Chairman White called a recess at 11:51 PM and reconvened at 11:57 PM.

Attorney for the Applicant, Jamie Schwedler, spoke in support of approval of the rezoning request. She highlighted supporting statements included in the Planning Board motion and consistency policies included in the 2006 Land Use Plan and Moyock Small Area Plan. Ms. Schwedler said the adequate public facilities ordinance should not be addressed at the rezoning stage. Cost savings and efficiency with the planned school site were noted as were tools the school board could use to address capacities. Policies supporting approval of the request and construction phasing schedules were presented.

County Attorney, Ike McRee, told the Board there is more flexibility at rezoning and said school capacities need to be addressed at that time. Ben Stikeleather, County Manager, reported the earliest completion date would be August, 2024, if a bond referendum passes in 2022. Commissioners discussed the Use Permit and whether conditions could be placed on phasing as needed for schools. Ms. Schwedler and the developer, Justin Old, responded to questions related to schools, student capacities and student generation from the project development. Ms. Schwedler summarized the applicant presentation and reviewed reasonableness statements. Ms. Schwedler said they would strike the reserved housing from the terms and conditions.

Chairman White opened the Public Hearing.

Denise Hall of Old Jury Road, Moyock, asked if the site area was included in the Moyock Small Area Plan. Ms. LoCicero confirmed it was.

John Flora, Moyock, offered a history of ownership of the farm and asked the Board to vote to approve the rezoning as they had with the neighboring Fost Tract.

There were no other speakers and the Public Hearing was closed.

Ms. Schwedler returned to notify the Board that the applicant would agree to delay filing for phases if adequate public facilities were not available.

Mr. McRee expressed his concern with approving the rezoning because the Board would be required to approve the Use Permit if supporting evidence and testimony is provided.

Commissioners discussed concerns related to the inconsistencies with determining school capacity numbers, the traffic analysis, and the growth in the area. Commissioner J. Owen Etheridge said he was not comfortable voting at this time and suggested waiting until the school board makes a determination on school capacities at a meeting later in the week. Following discussion, Commissioner McCord moved to table the item until the July 20, 2021, Commissioners meeting to receive feedback from the schools. Commissioner J. Owen Etheridge seconded the motion. The motion carried on a member vote of 5-2 with Commissioner Mary Etheridge and Commissioner Jarvis opposed.

<b>RESULT:</b>	<b>TABLED [5 TO 2]</b>	<b>Next: 7/20/2020 6:00 PM</b>
<b>MOVER:</b>	Kevin E. McCord, Commissioner	
<b>SECONDER:</b>	J. Owen Etheridge, Commissioner	
<b>AYES:</b>	Bob White, Chairman, Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Kevin E. McCord, Commissioner	
<b>NAYS:</b>	Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner	

## ADJOURN

### Motion to Adjourn Meeting

There was no further business and Commissioner Beaumont moved to adjourn. Commissioner Jarvis seconded the motion. The motion carried and the Special Meeting of the Board of Commissioners was adjourned.

**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Paul M. Beaumont, Commissioner  
**SECONDER:** Selina S. Jarvis, Commissioner  
**AYES:** Bob White, Chairman, Michael H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3140)

**Agenda Item Title:** Tourism Development Authority-Public Hearing and Possible Action on Annual Budget for the Fiscal Year Ending June 30, 2022.

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:** Ben Stikeleather

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Is this item regulated by plan, regulation or statute?** Yes

**Manager Recommendation:**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3149)

**Agenda Item Title:** TDA Budget Amendments

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Budget Amendments for Occ Tax line item transfers.**

**Potential Budget Affect:** Please see budget amendments for net affects

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**

Number

TDA2021024

## BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 7th of June 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-511010	Data Transmission	\$ 600	
15442-503500	Temporary Services		\$ 600
15447-511000	Telephone & Postage	\$ 100	
15447-506000	Insurance Expense		\$ 100
15448-532160	Maintenance Supplies	\$ 3,000	
15448-503500	Temporary Services		\$ 3,000
		<u>\$ 3,700</u>	<u>\$ 3,000</u>

**Explanation:** Occupancy Tax - Promotion (15442); Tourism Related (15447); Whalehead (15448) - Transfer budgeted funds operations for the remainder of this fiscal year.

**Net Budget Effect:** Occupancy Tax Fund (15) - No change.

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\_\_\_\_\_  
Clerk to the Board

Attachment: BAs\_Jun 7\_TDA (TDA Budget Amendments)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3141)

**Agenda Item Title:** Ocean Sands Water & Sewer District-Public Hearing and Possible Action on Annual Budget for the Fiscal Year Ending June 30, 2022.

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:** Ben Stikeleather

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Is this item regulated by plan, regulation or statute?** Yes

**Manager Recommendation:**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3150)

**Agenda Item Title:** OSWSD Budget Amendments

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Budget amendments for consideration by Ocean Sands Water and Sewer District Board.**

**Potential Budget Affect:** Please see individual amendments for line item detail and budget affects.

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**

Number OS2021006

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners sitting as the Ocean Sands Water and Sewer Authority, at a meeting on the 7th day of June 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
60808-533801	Chemicals	\$ 25,000	
60808-545001	Contracted Services	\$ 10,000	
60808-532001	Supplies	\$ 4,812	
60808-516001	Repairs & Maint.	\$ 15,000	
60808-590001	Capital Outlay - Sewer		\$ 21,478
60808-590000	Capital Outlay - Water		\$ 33,334
		<u>\$ 54,812</u>	<u>\$ 54,812</u>

**Explanation:** Ocean Sands Water and Sewer (60808) - Transfer budgeted funds for sewer upgrades and chemicals for the remainder of this fiscal year.

**Net Budget Effect:** Ocean Sands Water and Sewer District Fund (60) - No change.

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Clerk to the Board